House Study Bill 126 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON BLOOMINGDALE)

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

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

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

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

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

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

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

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

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

Sec. 5. Section 7E.5, subsection 1, Code 2023, is amended to read as follows:

1. The principal central departments of the executive branch as established by law are listed in this section for central reference purposes as follows:

a. The department of management, created in section 8.4, which has primary responsibility for coordination of state policy planning, management of interagency programs, economic reports, and program development.

b. The department of administrative services, created in section 8A.102, which has primary responsibility for the management and coordination of the major resources of state government.

c. The department of revenue, created in section 421.2, which has primary responsibility for revenue collection and revenue law compliance.

d. The department of inspections and appeals, created in section 10A.102, which has primary responsibility for coordinating the conducting of various inspections, investigations, appeals, hearings, and audits.

e. The department of agriculture and land stewardship, created in section 159.2, which has primary responsibility for encouraging, promoting, and advancing the interests of agriculture and allied industries. The secretary of agriculture is the director of the department of agriculture and land stewardship.

f. The department of commerce, created in section 546.2, which has primary responsibility for business and professional regulatory, service, and licensing functions.

g. The economic development authority, created in section 15.105, which has responsibility for ensuring that the economic development policies of the state are effectively and efficiently carried out.

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.

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

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

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

~~*l.*~~ *j.* The department of cultural affairs, created in section 303.1, which has primary responsibility for managing the state's interests in the areas of the arts, history, the state archives and records program, and other cultural matters.

~~*m.*~~ *k.* The department of education, created in section 256.1, which has primary responsibility for supervising public education at the elementary and secondary levels and for supervising the community colleges.

~~*n.*~~ *l.* The department of corrections, created in section 904.102, which has primary responsibility for corrections administration, corrections institutions, prison industries, and the development, funding, and monitoring of community-based corrections programs.

~~*o.*~~ *m.* The department of public safety, created in section 80.1, which has primary responsibility for statewide law

enforcement and public safety programs that complement and supplement local law enforcement agencies and local inspection services.

~~p.~~ *n.* The department of public defense, created in section 29.1, which has primary responsibility for state military forces.

~~q.~~ *o.* The department of natural resources, created in section 455A.2, which has primary responsibility for state parks and forests, protecting the environment, and managing fish, wildlife, and land and water resources.

~~r.~~ *p.* The state department of transportation, created in section 307.2, which has primary responsibility for development and regulation of highway, railway, and air transportation throughout the state, including public transit.

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

~~t.~~ *q.* In the area of higher education, an agency headed by the state board of regents and including all the institutions administered by the state board of regents, which has primary responsibility for state involvement in higher education.

~~u.~~ *r.* The department for the blind, created in chapter 216B, which has primary responsibility for services relating to blind persons.

~~v.~~ *s.* The department of veterans affairs. However, the commission of veterans affairs created in section 35A.2 shall have primary responsibility for state veterans affairs.

~~w.~~ *t.* The department of homeland security and emergency management, created in section 29C.5, which has primary responsibility for the administration of emergency planning matters, including emergency resource planning in this state, homeland security activities, and coordination of available

services and resources in the event of a disaster to include those services and resources of the federal government and private entities.

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

2. If the appropriation of a department, institution, or agency is insufficient to properly meet the legitimate expenses of the department, institution, or agency, the director, with the approval of the governor, may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its needs, of sufficient funds to meet that deficiency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-tenth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made. An interdepartmental transfer to an appropriation which is not an entitlement appropriation is not authorized when the general assembly is in regular session and, in addition, the sum of interdepartmental transfers in a fiscal year to an appropriation which is not an entitlement appropriation shall not exceed fifty percent of the amount of the appropriation as enacted by the general assembly. For the purposes of this subsection, an entitlement appropriation is a line item appropriation to the state public defender for indigent defense or to the department of health and human services for foster care, state supplementary assistance, ~~or~~ medical assistance, or for the family investment program.

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

4. Contract, with the approval of the executive council, for the repair, remodeling, or, if the condition warrants, demolition of all buildings and grounds of the state at the

seat of government, at the state laboratories facility in Ankeny, and the institutions of the department of health and human services and the department of corrections for which no specific appropriation has been made, if the cost of repair, remodeling, or demolition will not exceed one hundred thousand dollars when completed. The cost of repair projects for which no specific appropriation has been made shall be paid as an expense authorized by the executive council as provided in section 7D.29.

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

8. All fuel used in state-assigned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of health and human services, or state motor pools throughout the state, unless the state-owned sources for the purchase of fuel are not reasonably accessible. If the director determines that state-owned sources for the purchase of fuel are not reasonably accessible, the director shall authorize the purchase of fuel from other sources. The director may prescribe a manner, other than the use of the revolving fund, in which the purchase of fuel from state-owned sources is charged to the state agency responsible for the use of the motor vehicle. The director shall prescribe the manner in which oil and other normal motor vehicle maintenance for state-owned motor vehicles may be purchased from private sources, if they cannot be reasonably obtained from a state motor pool. The director may advertise for bids and award contracts in accordance with competitive bidding procedures for items and services as provided in this subchapter for furnishing fuel, oil, grease, and vehicle replacement parts for all state-owned motor vehicles. The director and other state agencies, when advertising for bids for gasoline, shall also seek bids for ethanol blended gasoline.

Sec. 9. Section 8A.504, subsection 1, paragraph d,

subparagraph (1), Code 2023, is amended to read as follows:

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

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

The collection entity shall establish and maintain a procedure to set off against any claim owed to a person by a public agency any liability of that person owed to a public agency, a support debt being enforced by ~~the~~ child support ~~recovery unit~~ services pursuant to chapter 252B, or such other qualifying debt. The procedure shall only apply when at the discretion of the director it is feasible. The procedure shall meet the following conditions:

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

3. In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by ~~the~~ child support ~~recovery unit~~ services or ~~the~~ foster care ~~recovery unit~~ services, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the college student aid commission, next priority shall be given to claims filed by the investigations division of the department of inspections and appeals, and last priority shall be given to claims filed by other public agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the director.

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

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

Sec. 13. Section 10A.104, subsection 2, Code 2023, is amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, and members of the employment appeal board~~, and administrator of the child advocacy board created in section 237.16~~. All persons appointed and employed in the department are covered by the provisions of chapter 8A, subchapter IV, but persons not appointed by the director are exempt from the merit system provisions of chapter 8A, subchapter IV.

Sec. 14. Section 10A.108, Code 2023, is amended to read as follows:

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

1. *a.* If a person refuses or neglects to repay benefits or provider payments inappropriately obtained from the department of health and human services, the amount inappropriately obtained, including any interest, penalty, or costs attached to the amount, constitutes a debt and is a lien in favor of the state upon all property and any rights or title to or interest in property, whether real or personal, belonging to the person for the period established in subsection 2, with the exception of property which is exempt from execution pursuant to chapter 627.

b. A lien under this section shall not attach to any amount of inappropriately obtained benefits or provider payments, or portions of the benefits or provider payments, attributable to

errors by the department of health and human services. Liens shall only attach to the amounts of inappropriately obtained benefits or provider payments or portions of the benefits or provider payments which were obtained due to false, misleading, incomplete, or inaccurate information submitted by a person in connection with the application for or receipt of benefits or provider payments.

2. *a.* The lien attaches at the time the notice of the lien is filed under subsection 3, and continues for ten years from that date, unless released or otherwise discharged at an earlier time.

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

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

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

4. The county recorder of each county shall prepare and maintain in the recorder's office an index of liens of debts established based upon benefits or provider payments

1 inappropriately obtained from and owed the department of health
2 and human services, containing the applicable entries specified
3 in sections 558.49 and 558.52, and providing appropriate
4 columns for all of the following data, under the names of
5 debtors, arranged alphabetically:
6 *a.* The name of the debtor.
7 *b.* "State of Iowa, Department of Health and Human Services"
8 as claimant.
9 *c.* The time that the notice of the lien was filed for
10 recording.
11 *d.* The date of notice.
12 *e.* The amount of the lien currently due.
13 *f.* The date of the assessment.
14 *g.* The date of satisfaction of the debt.
15 *h.* Any extension of the time period for application of the
16 lien and the date that the notice for extension was filed.
17 5. The recorder shall endorse on each notice of lien the day
18 and time filed for recording and the document reference number,
19 and shall preserve the notice. The recorder shall index the
20 notice and shall record the lien in the manner provided for
21 recording real estate mortgages. The lien is effective from
22 the time of the indexing.
23 6. The department shall pay, from moneys appropriated to
24 the department for this purpose, recording fees as provided in
25 section 331.604, for the recording of the lien.
26 7. Upon payment of a debt for which the ~~director~~ department
27 has filed notice with a county recorder, the ~~director~~
28 department shall provide to the debtor a satisfaction of
29 the debt. The debtor shall be responsible for filing the
30 satisfaction of the debt with the recorder and the recorder
31 shall enter the satisfaction on the notice on file in the
32 recorder's office.
33 8. The department of inspections and appeals, as provided
34 in this chapter and chapter 626, shall proceed to collect all
35 debts owed the department of health and human services as soon

as practicable after the debt becomes delinquent. If service has not been made on a distress warrant by the officer to whom addressed within five days from the date the distress warrant was received by the officer, the authorized investigators of the department of inspections and appeals may serve and make return of the warrant to the clerk of the district court of the county named in the distress warrant, and all subsequent procedures shall be in compliance with chapter 626.

9. The distress warrant shall be in a form as prescribed by the director, shall be directed to the sheriff of the appropriate county, and shall identify the debtor, the type of debt, and the delinquent amount. The distress warrant shall direct the sheriff to distrain, seize, garnish, or levy upon, and sell, as provided by law, any real or personal property belonging to the debtor to satisfy the amount of the delinquency plus costs. The distress warrant shall also direct the sheriff to make due and prompt return to the department or to the district court under chapter 626 of all amounts collected.

10. The attorney general, upon the request of the director of inspections and appeals, shall bring an action, as the facts may justify, without bond, to enforce payment of any debts under this section, and in the action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

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

Sec. 15. Section 10A.402, subsections 4 and 5, Code 2023, are amended to read as follows:

4. Investigations and collections relative to the liquidation of overpayment debts owed to the department of <u>health and</u> human services. Collection methods include but are

not limited to small claims filings, debt setoff, distress warrants, and repayment agreements, and are subject to approval by the department of health and human services.

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

Sec. 16. Section 11.5B, Code 2023, is amended to read as follows:

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

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

1. Department of commerce.

2. Department of health and human services.

3. State department of transportation.

~~4. Iowa department of public health.~~

~~5.~~ 4. State board of regents.

~~6.~~ 5. Department of agriculture and land stewardship.

~~7.~~ 6. Iowa veterans home.

~~8.~~ 7. Department of education.

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

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

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

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

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

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

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

Sec. 17. Section 11.6, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The financial condition and transactions of community mental health centers organized under chapter 230A, substance ~~abuse~~ use disorder programs organized under chapter 125, and community action agencies organized under chapter 216A, shall be audited at least once each year.

Sec. 18. Section 12.10, Code 2023, is amended to read as follows:

12.10 Deposits by state officers.

Except as otherwise provided, all elective and appointive state officers, boards, commissions, and departments shall, within ten days succeeding the collection, deposit with the treasurer of state, or to the credit of the treasurer of state in any depository designated by the treasurer of state, ninety percent of all fees, commissions, and moneys collected or received. The balance actually collected in cash, remaining in the hands of any officer, board, or department shall not exceed the sum of five thousand dollars and money collected shall not be held more than thirty days. This section does not apply to the state fair board, the state board of regents, the utilities board of the department of commerce, the director of ~~the department of~~ health and human services, the Iowa finance authority, or to the funds received by the state racing and gaming commission under sections 99D.7 and 99D.14.

Sec. 19. Section 12E.3A, subsection 1, Code 2023, is amended to read as follows:

1. The general assembly reaffirms and reenacts the purposes stated for the use of moneys deposited in the healthy Iowans tobacco trust, as the purposes were enacted in 2000 Iowa Acts, ch. 1232, §12, and codified in section 12.65, Code 2007, as the purposes for the endowment for Iowa's health account. The purposes include those purposes related to health care, substance ~~abuse~~ use disorder treatment and enforcement, tobacco use prevention and control, and other purposes related to the

needs of children, adults, and families in the state.

Sec. 20. Section 13.6, Code 2023, is amended to read as follows:

13.6 Assistant for ~~human services~~ department of health and human services.

The attorney general may appoint one assistant attorney general to perform and supervise the legal work of ~~the division of child and family services of~~ the department of health and human services, and in such event the salary and necessary traveling expenses of such assistant attorney general shall be paid from the appropriation to ~~said division~~ the department, and upon request of the attorney general the director of ~~the department of~~ health and human services shall provide and equip a suitable office and the necessary secretarial assistance for such assistant attorney general.

Sec. 21. Section 15.102, subsection 12, paragraph b, subparagraph (1), subparagraph division (d), Code 2023, is amended to read as follows:

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

Sec. 22. Section 15H.1A, Code 2023, is amended to read as follows:

15H.1A Definitions.

For purposes of this chapter, unless the context otherwise requires:

~~1. *"Authority"* means the economic development authority created in section 15.105.~~

~~2.~~ 1. *"Commission"* means the Iowa commission on volunteer service created in section 15H.2.

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

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

Sec. 23. Section 15H.2, subsection 1, Code 2023, is amended to read as follows:

1. The Iowa commission on volunteer service is created within the ~~authority~~ department. The governor shall appoint the commission's members. The director may employ personnel as necessary to carry out the duties and responsibilities of the commission.

Sec. 24. Section 15H.2, subsection 3, paragraph i, Code 2023, is amended to read as follows:

i. Administer the retired and senior volunteer program.

Sec. 25. Section 15H.4, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 26. Section 15H.5, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. Funding for the Iowa summer youth corps program, the Iowa green corps program established pursuant to section 15H.6, the Iowa reading corps program established pursuant to section 15H.7, the RefugeeRISE AmeriCorps program established pursuant to section 15H.8, and the Iowa national service corps program established pursuant to section 15H.9 shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the ~~economic development authority~~ department under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs. The commission may establish an escrow account within the ~~authority~~ department and obligate moneys

within that escrow account for tuition or program payments to be made beyond the term of any fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the community programs account shall be credited to the account. Notwithstanding section 8.33, moneys in the community programs account or escrow account shall not revert to the general fund but shall remain available for expenditure in future fiscal years.

Sec. 27. Section 15H.8, Code 2023, is amended to read as follows:

15H.8 RefugeeRISE AmeriCorps program.

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

b. The commission, in collaboration with the department ~~of human services~~, may adopt rules pursuant to chapter 17A to implement and administer this section.

2. The commission may use moneys in and lawfully available to the community programs account created in section 15H.5 to fund the program.

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

Sec. 28. Section 15H.10, subsection 6, Code 2023, is amended to read as follows:

6. Notwithstanding section 8.33, moneys appropriated to the ~~economic development authority~~ department for allocation to the commission for purposes of this section that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available to be used for the purposes designated in this section until the close of the succeeding fiscal year.

Sec. 29. Section 16.2D, subsection 1, Code 2023, is amended

to read as follows:

1. A council on homelessness is created ~~consisting of twenty members, eleven of whom are voting members and nine of whom are nonvoting members~~. At all times, at least one voting member shall be a member of a minority group.

Sec. 30. Section 16.2D, subsection 2, paragraph b, Code 2023, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 31. Section 16.3, subsection 9, Code 2023, is amended to read as follows:

9. The interest costs paid by group homes of fifteen beds or less licensed as health care facilities or child foster care facilities for facility acquisition and indirectly reimbursed by the department of health and human services through payments for patients at those facilities who are recipients of medical assistance or state supplementary assistance are severe drains

on the state's budget. A reduction in these costs obtained through financing with tax-exempt revenue bonds would clearly be in the public interest.

Sec. 32. Section 16.47, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 33. Section 16.48, subsections 1 and 3, Code 2023, are amended to read as follows:

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

3. The authority shall annually allocate moneys available in the transitional housing revolving loan program fund for the development of affordable transitional housing for parents that are reuniting with the parents' children while completing or participating in substance ~~abuse~~ use disorder treatment. The authority shall develop a joint application process for the allocation of federal low-income housing tax credits and the

1 funds available under this section. Moneys allocated to such
2 projects may be in the form of loans, grants, or a combination
3 of loans and grants.
4 Sec. 34. Section 16.49, subsection 4, Code 2023, is amended
5 to read as follows:
6 4. *a.* A project shall demonstrate written approval of the
7 project by the department of health and human services to the
8 authority prior to application for funding under this section.
9 *b.* In order to be approved by the department of health and
10 human services for application for funding for development of
11 permanent supportive housing under this section, a project
12 shall include all of the following components:
13 (1) Provision of services to any of the following Medicaid
14 waiver-eligible individuals:
15 (a) Individuals who are currently underserved in community
16 placements, including individuals who are physically aggressive
17 or have behaviors that are difficult to manage or individuals
18 who meet the psychiatric medical institution for children level
19 of care.
20 (b) Individuals who are currently residing in out-of-state
21 facilities.
22 (c) Individuals who are currently receiving care in a
23 licensed health care facility.
24 (2) A plan to provide each individual with crisis
25 stabilization services to ensure that the individual's
26 behavioral issues are appropriately addressed by the provider.
27 (3) Policies and procedures that prohibit discharge of the
28 individual from the waiver services provided by the project
29 provider unless an alternative placement that is acceptable to
30 the client or the client's guardian is identified.
31 *c.* In order to be approved by the department of health and
32 human services for application for funding for development of
33 infrastructure in which to provide supportive services under
34 this section, a project shall include all of the following
35 components:

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

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

d. Housing provided through a project under this section is exempt from the requirements of chapter 135O.

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

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

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

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

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

62. Records maintained by the department ~~on aging~~ of health and human services or office of long-term care ombudsman that

disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department ~~on aging~~ of health and human services, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under section 231.42, subsection 12, paragraph *"a"*.

Sec. 36. Section 23A.2, subsection 10, paragraph 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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

Sec. 37. Section 23A.2, subsection 10, paragraph 1, subparagraph (1), Code 2023, is amended to read as follows:

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

Sec. 38. Section 28M.1, subsection 7, Code 2023, is amended to read as follows:

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

Sec. 39. Section 29C.20A, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The grant funds shall be administered by the department of health and human services. The department shall adopt rules

to create the Iowa disaster aid individual assistance grant program. The rules shall specify the eligibility of applicants and eligible items for grant funding. The executive council shall use grant funds to reimburse the department of health and human services for its actual expenses associated with the administration of the grants. The department of health and human services may implement an ongoing contract with a provider or providers of a statewide program with local offices throughout the state to serve as the local administrative entity for the grant program so that the program can be implemented with minimal delay when a disaster occurs in a local area. The rules adopted by the department of health and human services for the program shall include but are not limited to all of the following:

Sec. 40. Section 29C.20A, subsections 4 and 5, Code 2023, are amended to read as follows:

4. A recipient of grant funding shall receive reimbursement for expenses upon presenting a receipt for an eligible expense or shall receive a voucher through a voucher system developed by the department of health and human services and administered locally within the designated disaster area. A voucher system shall ensure sufficient data collection to discourage and prevent fraud. The department shall consult with long-term disaster recovery committees and disaster recovery case management committees in developing a voucher system.

5. The department of health and human services shall submit an annual report, by January 1 of each year, to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program in the previous fiscal year.

Sec. 41. Section 29C.20B, Code 2023, is amended to read as follows:

29C.20B Disaster case management grant fund and program.

1. *a.* A disaster case management grant fund is created in the state treasury for the use of the executive council.

1 Moneys in the fund shall be expended if grants are awarded
2 pursuant to section 29C.20A following the governor's
3 proclamation of a state of disaster emergency or the
4 declaration of a major disaster by the president of the United
5 States.
6 *b.* The executive council may make financial grants to meet
7 disaster-related case management needs of disaster-affected
8 individuals. The aggregate total of grants awarded shall
9 not be more than one million dollars during a fiscal year.
10 However, within the same fiscal year, additional funds may
11 be specifically authorized by the executive council to meet
12 additional needs. Upon request of the department of health and
13 human services, the executive council may make available up to
14 one hundred thousand dollars, or so much as is necessary, for
15 contract entity staff support and case management training.
16 *c.* The department of health and human services shall
17 work with the department of homeland security and emergency
18 management and, as selected by the department of health and
19 human services, a representative of nonprofit, voluntary,
20 and faith-based organizations active in disaster recovery
21 and response to establish a statewide system of disaster
22 case management to be activated following the governor's
23 proclamation of a disaster emergency or the declaration of
24 a major disaster by the president of the United States for
25 individual assistance purposes.
26 2. The department of health and human services shall
27 administer disaster case management grants. The department of
28 health and human services, in conjunction with the department
29 of homeland security and emergency management, shall establish
30 a disaster case management program and adopt rules pursuant to
31 chapter 17A necessary to administer the program. The executive
32 council shall use grant moneys to reimburse the department
33 of health and human services for actual expenses associated
34 with the administration of the grants. Under the program, the
35 department of health and human services shall coordinate case

1 management services locally through one or more contracted
2 entities. The department of health and human services shall
3 implement an ongoing contract with a provider of a statewide
4 program with local offices throughout the state to serve as
5 the local administrative entity for the grant program to allow
6 implementation of the program with minimal delay if grants are
7 awarded pursuant to section 29C.20A following a governor's
8 proclamation of a state of disaster emergency or a declaration
9 of a major disaster by the president of the United States.
10 3. The department of health and human services, in
11 conjunction with the department of homeland security and
12 emergency management and a representative of the Iowa voluntary
13 organizations active in disaster, shall adopt rules pursuant to
14 chapter 17A to create coordination mechanisms and standards for
15 the establishment and implementation of a statewide system of
16 disaster case management. The rules adopted by the department
17 of health and human services for the program shall include but
18 are not limited to all of the following:
19 *a.* If a local administrative entity is under contract with
20 the state to provide other services or is implementing a state
21 or federal program and the contract contains a sufficient
22 surety bond or other adequate financial responsibility
23 provisions, the department shall accept the existing surety
24 bond or financial responsibility provisions in lieu of applying
25 a new or additional surety bond or financial responsibility
26 requirement.
27 *b.* Authorization for the local administrative entity to draw
28 down grant funding to pay valid claims on at least a weekly
29 basis.
30 *c.* Disaster case management standards.
31 *d.* Disaster case management policies.
32 *e.* Reporting requirements.
33 *f.* Eligibility criteria.
34 *g.* Coordination mechanisms necessary to carry out the
35 services provided.

h. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case management services.

i. Establishment of nonduplication of benefits policies and mechanisms for the exchange of information between agencies to ensure compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996).

j. Referral to all known available services for individuals from multiple agencies in coordinated service locations.

4. By January 1 of each year, the department of health and human services shall submit an annual written report to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program during the previous fiscal year.

Sec. 42. Section 35A.5, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. Coordinate with United States department of veterans affairs hospitals, health care facilities, and clinics in this state and the department of ~~public~~ health and human services to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

Sec. 43. Section 35D.14A, Code 2023, is amended to read as follows:

35D.14A Volunteer record checks.

1. Persons who are potential volunteers or volunteers in the Iowa veterans home in a position having direct individual contact with patients or residents of the home shall be subject to criminal history and child and dependent adult abuse record checks in accordance with this section. The Iowa veterans home shall request that the department of public safety perform the criminal history check and the record check evaluation system

of the department of health and human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states.

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

b. In an evaluation, the ~~department of human services~~ record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved.

c. If the ~~department of human services~~ record check evaluation system performs an evaluation for the purposes of this section, the ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the person's participation as a volunteer is warranted. The ~~department of human services~~ record check evaluation system may permit a person who is evaluated to participate as a volunteer if the person complies with the ~~department's~~ record check evaluation system's conditions

relating to participation as a volunteer which may include completion of additional training.

Sec. 44. Section 47.7, subsection 2, paragraph a, Code 2023, is amended to read as follows:

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

Sec. 45. Section 48A.19, subsection 1, Code 2023, is amended to read as follows:

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

a. All state offices that have direct client contact and provide applications for public assistance, including but not limited to offices administering the following programs:

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

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

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

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

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

following:

(a) Department for the blind.

(b) Division of vocational rehabilitation services of the department of education.

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

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

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

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

Sec. 46. Section 48A.31, Code 2023, is amended to read as follows:

48A.31 Deceased persons record.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen years of age and older in the state whose deaths have been reported to the ~~bureau~~ state registrar of vital ~~records of the Iowa department of public health~~ statistics since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters and shall be transmitted to the state registrar of voters without charge for production or transmission. The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

Sec. 47. Section 68B.2, subsection 23, Code 2023, is amended

to read as follows:

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

Sec. 48. Section 80.9B, subsections 3 and 7, Code 2023, are amended to read as follows:

3. The provisions of chapter 141A also do not apply to the transmission of the same information from either or both information systems to employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the jurisdiction of the department of health and human services, and employees of city and county jails, if those employees have direct physical supervision over inmates of those facilities or institutions.

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

Sec. 49. Section 80.28, subsection 2, paragraph a, subparagraph (6), Code 2023, is amended to read as follows:

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

Sec. 50. Section 80B.11C, Code 2023, is amended to read as

follows:

80B.11C Public safety telecommunicator training standards.

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

Sec. 51. Section 80E.1, Code 2023, is amended to read as follows:

80E.1 Drug policy coordinator.

1. A drug policy coordinator shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall fill a vacancy in the office in the same manner as the original appointment was made. The coordinator shall be selected primarily for administrative ability. The coordinator shall not be selected on the basis of political affiliation and shall not engage in political activity while holding the office. The salary of the coordinator shall be fixed by the governor.

2. The coordinator shall:

a. Direct the governor's office of drug control policy,

and coordinate and monitor all statewide drug enforcement efforts, coordinate and monitor all state and federal substance use disorder treatment grants and programs, coordinate and monitor all statewide substance ~~abuse~~ use disorder prevention and education programs in communities and schools, and engage in such other related activities as required by law. The coordinator shall work in coordinating the efforts of the department of corrections, the department of education, ~~the Iowa department of public health,~~ the department of public safety, and the department of health and human services. The coordinator shall assist in the development and implementation of local and community strategies to fight substance ~~abuse~~ use disorder, including local law enforcement, education, and treatment activities.

b. Submit an annual report to the governor and general assembly by November 1 of each year concerning the activities and programs of the coordinator and other departments related to drug enforcement, substance use disorder treatment programs, and substance ~~abuse~~ use disorder prevention and education programs. The report shall include an assessment of needs with respect to programs related to substance use disorder treatment and drug enforcement.

c. Submit an advisory budget recommendation to the governor and general assembly concerning enforcement programs, treatment programs, and education programs related to drugs within the various departments. The coordinator shall work with these departments in developing the departmental budget requests to be submitted to the legislative services agency and the general assembly.

3. The governor's office of drug control policy shall be an independent office, located at the same location as the department of public safety. Administrative support services may be provided to the governor's office of drug control policy by the department of public safety.

Sec. 52. Section 80E.2, Code 2023, is amended to read as

1 follows:
2 **80E.2 Drug policy advisory council — membership — duties.**
3 1. An Iowa drug policy advisory council is established which
4 shall consist of the following ~~seventeen~~ members:
5 *a.* The drug policy coordinator, who shall serve as
6 chairperson of the council.
7 *b.* The director of the department of corrections, or the
8 director's designee.
9 *c.* The director of the department of education, or the
10 director's designee.
11 *d.* The director of ~~the department of public~~ health and human
12 services, or the director's designee.
13 *e.* The commissioner of public safety, or the commissioner's
14 designee.
15 ~~*f.* The director of the department of human services, or the~~
16 ~~director's designee.~~
17 ~~*g.* The director of the division of criminal and juvenile~~
18 ~~justice planning in the department of human rights, or the~~
19 ~~division director's designee.~~
20 ~~*h.*~~ *f.* The state public defender, or the state public
21 defender's designee.
22 ~~*i.*~~ *g.* A prosecuting attorney.
23 ~~*j.*~~ *h.* A certified alcohol and drug counselor.
24 ~~*k.*~~ *i.* A certified substance ~~abuse~~ use disorder prevention
25 specialist.
26 ~~*l.*~~ *j.* A substance use disorder treatment program director.
27 ~~*m.*~~ *k.* A justice of the Iowa supreme court, or judge, as
28 designated by the chief justice of the supreme court.
29 ~~*n.*~~ *l.* A member representing the Iowa peace officers
30 association.
31 ~~*o.*~~ *m.* A member representing the Iowa state police
32 association.
33 ~~*p.*~~ *n.* A member representing the Iowa state sheriffs' and
34 deputies' association.
35 ~~*q.*~~ *o.* A police chief.

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

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

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

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

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

Sec. 53. Section 80E.4, Code 2023, is amended to read as follows:

80E.4 ~~Drug abuse resistance~~ Substance use disorder education fund.

A ~~drug abuse resistance~~ substance use disorder education fund is created as a separate fund in the state treasury under the control of the governor's office of drug control policy

for use by the ~~drug abuse resistance~~ substance use disorder education program and other programs with a similar purpose. The fund shall consist of appropriations made to the fund and transfers of interest, moneys collected from the crime services surcharge established in section 911.1, and earnings. All moneys in the fund are appropriated to the governor's office of drug control policy. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this section.

Sec. 54. Section 84A.1A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

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

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

(2) One state representative appointed by the minority leader of the house of representatives, who shall serve for a term as provided in section 69.16B.

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

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

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

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

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

~~(8)~~ (7) One representative of the department of

corrections, appointed by the director.

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

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

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

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

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

Sec. 55. Section 84A.6, subsections 2 and 3, Code 2023, are amended to read as follows:

2. *a.* The director of the department of workforce development, in cooperation with the department of health and human services, shall provide job placement and training to persons referred by the department of health and human services under the promoting independence and self-sufficiency through employment job opportunities and basic skills program established pursuant to chapter 239B and the ~~food stamp~~ supplemental nutrition assistance program employment and training program.

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

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

Sec. 56. Section 84A.9, Code 2023, is amended to read as follows:

84A.9 Statewide mentoring program.

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

Sec. 57. Section 84A.11, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 58. Section 84B.1, Code 2023, is amended to read as follows:

84B.1 Workforce development system.

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

Sec. 59. Section 84B.2, unnumbered paragraph 1, Code 2023,

is amended to read as follows:

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

Sec. 60. Section 85.38, subsection 4, Code 2023, is amended to read as follows:

4. *Lien for hospital and medical services under chapter 249A.* In the event any hospital or medical services as provided in section 85.27 are paid by the ~~state~~ department of health and human services on behalf of an employee who is entitled to such benefits under the provisions of this chapter or chapter 85A or 85B, a lien shall exist as respects the right of such employee to benefits as described in section 85.27.

Sec. 61. Section 85.60, Code 2023, is amended to read as follows:

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

A person participating in a work-based learning opportunity referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of health and human services or the department of education, who sustains an injury arising out of and in the course of the work-based learning opportunity participation, employment training, or employment evaluation

is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 62. Section 85.61, subsection 3, paragraph b, Code 2023, is amended to read as follows:

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

Sec. 63. Section 85A.11, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 64. Section 85A.20, Code 2023, is amended to read as follows:

85A.20 Investigation.

The workers' compensation commissioner may designate the ~~industrial hygiene physician~~ medical director of the

~~Iowa~~ department of ~~public~~ health and human services and two physicians selected by the dean of the university of Iowa college of medicine, from the staff of the college, who shall be qualified to diagnose and report on occupational diseases. For the purpose of investigating occupational diseases, the physicians shall have the use, without charge, of all necessary laboratory and other facilities of the university of Iowa college of medicine and of the university hospital at the state university of Iowa, and of the ~~Iowa~~ department of ~~public~~ health and human services in performing the physicians' duties.

Sec. 65. Section 89.4, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. Hot water heating boilers used for heating pools or spas regulated by the department of ~~public~~ health and human services pursuant to chapter 135I.

Sec. 66. Section 89B.17, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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

Sec. 67. Section 91C.1, Code 2023, is amended to read as follows:

91C.1 Definition — exemption — combined registration and licensing process for plumbers and mechanical professionals.

1. As used in this chapter, unless the context otherwise requires, *"contractor"* means a person who engages in the business of construction, as the term *"construction"* is defined in the Iowa administrative code for purposes of the Iowa employment security law. However, a person who earns less than two thousand dollars annually or who performs work or has work performed on the person's own property is not a contractor for purposes of this chapter. The state, its boards, commissions, agencies, departments, and its political subdivisions including

school districts and other special purpose districts, are not contractors for purposes of this chapter.

2. If a contractor's registration application shows that the contractor is self-employed, does not pay more than two thousand dollars annually to employ other persons in the business, and does not work with or for other contractors in the same phases of construction, the contractor is exempt from the fee requirements under this chapter.

3. *a.* The labor services division of the department of workforce development and the ~~Iowa~~ department of ~~public~~ health and human services will work with stakeholders to develop a plan to combine the contractor registration and contractor licensing application process for contractors licensed under chapter 105~~, to be implemented in time for licensing renewals due July 1, 2017~~. ~~Effective July 1, 2017, a~~ A contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process. At no cost to the labor services division, the department of ~~public~~ health and human services shall collect both the registration and licensing applications as part of one combined application. The labor commissioner shall design the contractor registration application form to exclude from the division of labor services' contractor registration application process those contractors who are also covered by chapter 105. The labor commissioner ~~is authorized to~~ may adopt rules as needed to accomplish a merger of the application systems including transitional registration periods and fees.

b. ~~Effective July 1, 2017, excluding~~ Excluding registrations by contractors that are exempt from the registration fee pursuant to this section, the department of ~~public~~ health and human services shall collect and transfer to the labor services division a portion of each contractor license fee equal to three times the contractor registration fee for each three-year license or a prorated portion ~~thereof~~ of the registration fee using a one-sixth deduction for each six-month period of the

renewal cycle.

Sec. 68. Section 92.17, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 69. Section 96.3, subsections 9 and 11, Code 2023, are amended to read as follows:

9. *Child support intercept.*

a. An individual filing a claim for benefits under section 96.6, subsection 1, shall, at the time of filing, disclose whether the individual owes a child support obligation which is being enforced by ~~the~~ child support ~~recovery unit~~ services established in section 252B.2. If an individual discloses that such a child support obligation is owed and the individual is determined to be eligible for benefits under this chapter, the department shall notify ~~the~~ child support ~~recovery unit~~ services of the individual's disclosure and deduct and withhold from benefits payable to the individual the amount specified by the individual.

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

c. (1) However, if the department is notified of income withholding by ~~the~~ child support ~~recovery unit~~ services under chapter 252D or section 598.22 or 598.23 or if income is garnisheed by ~~the~~ child support ~~recovery unit~~ services under chapter 642 and an individual's benefits are condemned to the satisfaction of the child support obligation being enforced by ~~the~~ child support ~~recovery unit~~ services, the department shall

deduct and withhold from the individual's benefits that amount required through legal process.

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

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

d. An amount deducted and withheld under paragraph *"a"*, *"b"*, or *"c"* shall be paid by the department to ~~the~~ child support ~~recovery unit~~ services, and shall be treated as if it were paid to the individual as benefits under this chapter and as if it were paid by the individual to ~~the~~ child support ~~recovery unit~~ services in satisfaction of the individual's child support obligations.

e. If an agreement for reimbursement has been made, the department shall be reimbursed by ~~the~~ child support ~~recovery unit~~ services for the administrative costs incurred by the department under this section which are attributable to the enforcement of child support obligations by ~~the~~ child support ~~recovery unit~~ services.

11. *Overissuance of ~~food stamp~~ supplemental nutrition assistance program benefits.* The department shall collect any overissuance of ~~food stamp~~ supplemental nutrition assistance program benefits by offsetting the amount of the overissuance

from the benefits payable under this chapter to the individual. This subsection shall only apply if the department is reimbursed under an agreement with the department of health and human services for administrative costs incurred in recouping the overissuance. The provisions of section 96.15 do not apply to this subsection.

Sec. 70. Section 97B.49B, subsection 1, paragraph e, subparagraph (16), Code 2023, is amended to read as follows:

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

Sec. 71. Section 99D.7, subsections 22 and 23, Code 2023, are amended to read as follows:

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

23. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, and from the wagering area of a racetrack enclosure, from the gaming floor, and from the sports wagering area, as defined in section 99F.1, of all other licensed facilities under this chapter and chapter 99F as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a

1 secured interactive internet site maintained by the commission
2 and information regarding persons voluntarily excluded shall
3 be disseminated to all licensees under this chapter, chapter
4 99E, and chapter 99F. The names, social security numbers, and
5 information regarding persons voluntarily excluded shall be
6 kept confidential unless otherwise ordered by a court or by
7 another person duly authorized to release such information.
8 The process established shall also require a person requesting
9 to be voluntarily excluded be provided information compiled
10 by the ~~Iowa~~ department of ~~public~~ health and human services
11 on gambling treatment options. The state and any licensee
12 under this chapter, chapter 99E, or chapter 99F shall not be
13 liable to any person for any claim which may arise from this
14 process. In addition to any other penalty provided by law, any
15 money or thing of value that has been obtained by, or is owed
16 to, a voluntarily excluded person as a result of wagers made
17 by the person after the person has been voluntarily excluded
18 shall be forfeited by the person and shall be credited to the
19 general fund of the state. The commission shall not initiate
20 any administrative action or impose penalties on a licensee who
21 voluntarily reports to the commission activity described in
22 section 99D.24, subsection 4, paragraph *"c"*.
23 Sec. 72. Section 99D.9, subsection 6, paragraph b, Code
24 2023, is amended to read as follows:
25 *b.* A licensee shall not permit a financial institution,
26 vendor, or other person to dispense cash or credit through an
27 electronic or mechanical device including but not limited to a
28 satellite terminal as defined in section 527.2, that is located
29 in the wagering area. However, this paragraph shall not apply
30 to cashless wagering systems where a person accesses a cash
31 account through a mobile application used by the licensee
32 to conduct cashless wagering. The mobile application shall
33 include the statewide telephone number authorized by the ~~Iowa~~
34 department of ~~public~~ health and human services to provide
35 problem gambling information and extensive responsible gaming

features in addition to those described in section 99D.7, subsection 23.

Sec. 73. Section 99E.5, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. Include on the internet site or mobile application used by the licensee to conduct internet fantasy sports contests the statewide telephone number authorized by the ~~Iowa~~ department of ~~public~~ health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

Sec. 74. Section 99F.4, subsection 22, Code 2023, is amended to read as follows:

22. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, from the gaming floor and sports wagering area of an excursion gambling boat, from the wagering area, as defined in section 99D.2, and from the gaming floor and sports wagering area of all other licensed facilities under this chapter and chapter 99D as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter, chapter 99D, and chapter 99E. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information.

The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the ~~Iowa~~ department of ~~public~~ health and human services on gambling treatment options. The state and any licensee under this chapter, chapter 99D, or chapter 99E shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state. The commission shall not initiate any administrative action or impose penalties on a licensee who voluntarily reports to the commission activity described in section 99F.15, subsection 4, paragraph *"n"*.

Sec. 75. Section 99F.7, subsection 10, paragraph b, Code 2023, is amended to read as follows:

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

Sec. 76. Section 99F.7A, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Include on the internet site or mobile application used by the licensee to conduct advance deposit sports wagering as authorized in section 99F.9 the statewide telephone number

authorized by the ~~Iowa~~ department of ~~public~~ health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in section 99F.4, subsection 22.

Sec. 77. Section 99G.42, Code 2023, is amended to read as follows:

99G.42 Compulsive gamblers — treatment program information.

The authority shall cooperate with the gambling treatment program administered by the ~~Iowa~~ department of ~~public~~ health and human services to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the authority.

Sec. 78. Section 100C.1, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 79. Section 101C.3, subsection 1, Code 2023, is amended to read as follows:

1. The Iowa propane education and research council is established. The council shall consist of ten voting members, nine of whom represent retail propane marketers and one of whom shall be ~~the administrator of the division of~~ a representative of the department of health and human services responsible for community action agencies ~~of the department of human rights~~. Members of the council ~~other than the administrator~~ representing retail propane marketers shall be appointed by the fire marshal from a list of nominees submitted by qualified

propane industry organizations by December 15 of each year. A vacancy in the unfinished term of a council member shall be filled for the remainder of the term in the same manner as the original appointment was made. ~~Other than the administrator, council~~ Council members representing retail propane marketers shall be full-time employees or owners of a propane industry business or representatives of an agricultural cooperative actively engaged in the propane industry. An employee of a qualified propane industry organization shall not serve as a member of the council. An officer of the board of directors of a qualified propane industry organization or propane industry trade association shall not serve concurrently as a member of the council. The fire marshal or a designee may serve as an ex officio, nonvoting member of the council.

Sec. 80. Section 105.2, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 81. Section 105.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *"Director"* means the director of health and human services.

Sec. 82. Section 105.3, subsection 1, Code 2023, is amended to read as follows:

1. A plumbing and mechanical systems board is created within the ~~Iowa~~ department ~~of public health~~.

Sec. 83. Section 105.3, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The director ~~of public health~~ or the director's designee.

Sec. 84. Section 105.12, subsection 1, Code 2023, is amended to read as follows:

1. A contracting, plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the

director ~~of public health~~, and shall be issued in the name of the board. The license number shall be noted on the face of the license.

Sec. 85. Section 123.17, Code 2023, is amended to read as follows:

123.17 Beer and liquor control fund — allocations to substance ~~abuse~~ use disorder programs — use of civil penalties.

1. There shall be established within the office of the treasurer of state a fund to be known as the beer and liquor control fund. The fund shall consist of any moneys appropriated by the general assembly for deposit in the fund and moneys received from the sale of alcoholic liquors by the division, from the issuance of permits and licenses, and of moneys and receipts received by the division from any other source.

2. *a.* The director of the department of administrative services shall periodically transfer from the beer and liquor control fund to the general fund of the state those revenues of the division which are not necessary for the purchase of liquor for resale by the division, or for remittances to local authorities or other sources as required by this chapter, or for other obligations and expenses of the division which are paid from such fund.

b. All moneys received by the division from the issuance of vintner's certificates of compliance and wine permits shall be transferred by the director of the department of administrative services to the general fund of the state.

3. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection 5, paragraph *"e"*, the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general

fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 5 and 6. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

5. After any transfer provided for in subsection 3 is made, the department of commerce shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the ~~Iowa~~ department of ~~public~~ health and human services for use by the staff who administer the comprehensive substance ~~abuse~~ use disorder program under chapter 125 for substance ~~abuse~~ use disorder treatment and prevention programs. Any amounts received in excess of the

amounts appropriated to the ~~Iowa~~ department of ~~public~~ health and human services for use by the staff who administer the comprehensive substance ~~abuse~~ use disorder program under chapter 125 shall be considered part of the general fund balance.

6. After any transfers provided for in subsections 3 and 5, the department of commerce shall transfer to the division from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the division for collecting and properly disposing of the liquor containers.

7. After any transfers provided for in subsections 3, 5, and 6, and before any other transfer to the general fund, the department of commerce shall transfer to the economic development authority from the beer and liquor control fund two million dollars annually for statewide tourism marketing services and efforts pursuant to section 15.275.

8. After any transfers provided for in subsections 3, 5, 6, and 7, and before any other transfer to the general fund, the department of commerce shall transfer from the beer and liquor control fund one million dollars to the ~~Iowa~~ department of ~~public~~ health and human services for distribution pursuant to section 125.59.

9. Civil penalties imposed and collected by the division shall be credited to the general fund of the state. The moneys from the civil penalties shall be used by the division, subject to appropriation by the general assembly, for the purposes of providing educational programs, information and publications for alcoholic beverage licensees and permittees, local authorities, and law enforcement agencies regarding the laws and rules which govern the alcoholic beverages industry, and for promoting compliance with alcoholic beverage laws and rules.

Sec. 86. Section 123.47, subsection 4, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

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

Sec. 87. Section 124.409, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 88. Section 124.504, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 89. Section 124.551, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The program shall collect from pharmacies dispensing information for controlled substances identified pursuant to section 124.554, subsection 1, paragraph *"g"*, and from first responders as defined in section 147A.1, subsection 7, with the exception of emergency medical care providers as defined in section 147A.1, subsection 4, administration information for opioid antagonists. The department of ~~public~~ health and human services shall provide information for the administration of opioid antagonists to the board as prescribed by rule for emergency medical care providers as defined in section 147A.1, subsection 4. The board shall adopt rules requiring the following information to be provided regarding the administration of opioid antagonists:

Sec. 90. Section 124.556, Code 2023, is amended to read as follows:

124.556 Education and treatment.

The program shall include education initiatives and outreach to consumers, prescribing practitioners, and pharmacists, and shall also include assistance for identifying substance ~~abuse~~ use disorder treatment programs and providers. The program shall also include educational updates and information on general patient risk factors for prescribing practitioners. The board and advisory council shall adopt rules, as provided under section 124.554, to implement this section.

Sec. 91. Section 124E.2, subsections 3 and 8, Code 2023, are amended to read as follows:

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

8. *"Laboratory"* means the state hygienic laboratory ~~at the university of Iowa in Iowa City~~ or any other independent medical cannabidiol testing facility accredited to standard ISO/IEC 17025 by an international organization for standards-approved accrediting body, with a controlled substance registration certificate from the United States drug enforcement administration and a certificate of registration

from the board of pharmacy. For the purposes of this chapter, an independent laboratory is a laboratory operated by an entity that has no equity ownership in a medical cannabidiol manufacturer.

Sec. 92. Section 124E.6, subsection 4, Code 2023, is amended to read as follows:

4. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as provided in section 124E.7. The department shall require that the laboratory report testing results to the medical cannabidiol manufacturer and the department as determined by the department by rule. If a medical cannabidiol manufacturer contracts with a laboratory other than the state hygienic laboratory ~~at the university of Iowa in Iowa City~~, the department shall approve the laboratory to perform testing pursuant to this chapter.

Sec. 93. Section 124E.14, Code 2023, is amended to read as follows:

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

The department ~~of public health~~ shall utilize a request for proposals process to select and license by December 1, 2017, up to two out-of-state medical cannabidiol dispensaries from a bordering state to sell and dispense medical cannabidiol to a patient or primary caregiver in possession of a valid medical cannabidiol registration card issued under this chapter.

Sec. 94. Section 125.1, Code 2023, is amended to read as follows:

125.1 Declaration of policy.

It is the policy of this state:

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

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

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

Sec. 95. Section 125.2, Code 2023, is amended to read as follows:

125.2 Definitions.

For purposes of this chapter, unless the context clearly indicates otherwise:

~~1. "*Board*" means the state board of health created pursuant to chapter 136.~~

~~2.~~ 1. "*Chemical substance*" means alcohol, wine, spirits, and beer as defined in chapter 123 and controlled substances as defined in section 124.101.

~~3.~~ 2. "*Chief medical officer*" means the medical director in charge of a public or private hospital, or the director's physician-designee. This chapter does not negate the authority otherwise reposed by chapter 226 in the respective superintendents of the state mental health institutes to make decisions regarding the appropriateness of admissions or discharges of patients of those institutes, however, it is the intent of this chapter that a superintendent who is not a licensed physician shall be guided in these decisions by the chief medical officer of the institute.

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

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

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

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

7. "*Director*" means the director of ~~the Iowa department of~~

~~public~~ health and human services.

8. *"Facility"* means an institution, a detoxification center, or an installation providing care, maintenance and treatment for persons with ~~substance-related disorders~~ a substance use disorder licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.

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

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

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

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

13. *"Mental health professional"* means the same as defined in section 228.1.

14. *"Psychiatric advanced registered nurse practitioner"* means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner.

15. *"Respondent"* means a person against whom an application is filed under section 125.75.

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

Sec. 96. Section 125.3, Code 2023, is amended to read as follows:

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

The ~~Iowa~~ department ~~of public health~~ shall develop, implement, and administer a comprehensive substance ~~abuse~~ use disorder program pursuant to sections 125.1 and 125.2, this section, and sections 125.7, 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.

Sec. 97. Section 125.7, Code 2023, is amended to read as follows:

125.7 Duties of the ~~board~~ council.

The ~~board~~ council shall:

1. Approve the comprehensive substance ~~abuse~~ use disorder program, developed by the department pursuant to sections 125.1 through 125.3, this section, and sections 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43.

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

3. Advise or make recommendations to the governor and the general assembly relative to substance ~~abuse~~ use disorder treatment, intervention, education, and prevention programs in this state.

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

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

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

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

Sec. 98. Section 125.9, subsections 1, 2, 4, 5, and 6, Code 2023, are amended to read as follows:

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

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

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

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

6. Submit to the governor a written report of the pertinent facts at any time the director concludes that any agency of this state or of any of its political subdivisions is conducting any substance ~~abuse~~ use disorder prevention function, or program for the benefit of persons who are or have been involved in substance ~~abuse~~ use disorder in a manner not

consistent with or which impairs achievement of the objectives of the state plan to combat substance ~~abuse~~ use disorder, and has failed to effect appropriate changes in the function or program.

Sec. 99. Section 125.10, Code 2023, is amended to read as follows:

125.10 Duties of director.

The director shall:

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

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

3. Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in the prevention of substance ~~misuse~~ use disorder and the treatment of persons with ~~substance-related disorders~~ a substance use disorder. The director's actions to implement this subsection shall also address the treatment needs of persons who have a mental illness, an intellectual disability, brain injury, or other co-occurring condition in addition to a ~~substance-related~~ substance use disorder.

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

5. Cooperate with the department of education, boards of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals

in establishing programs for the prevention of substance ~~misuse~~ use disorder and the treatment of persons with ~~substance-related disorders~~ a substance use disorder, and in preparing relevant curriculum materials for use at all levels of school education.

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

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

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

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

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

11. Develop and implement, with the counsel and approval of the ~~board~~ council, the comprehensive plan for treatment of persons with ~~substance-related disorders~~ a substance use disorder in accordance with this chapter.

12. Assist in the development of, and cooperate with, substance ~~abuse~~ use disorder education and treatment programs

for employees of state and local governments and businesses and industries in the state.

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

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

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

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

17. Review all state health, welfare, education and treatment proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance ~~misuse~~ use disorder and persons with ~~substance-related disorders~~ a substance use disorder.

Sec. 100. Section 125.12, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The ~~board~~ council shall review the comprehensive substance ~~abuse~~ use disorder program implemented by the department for the treatment of persons with ~~substance-related disorders~~ a substance use disorder and concerned family members. Subject to the review of the ~~board~~ council, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for

the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations, and existing substance ~~abuse~~ use disorder treatment services.

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

Sec. 101. Section 125.13, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Except as provided in subsection 2, a person shall not maintain or conduct any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of persons with ~~substance-related disorders~~ a substance use disorder without having first obtained a written license for the program from the department.

Sec. 102. Section 125.13, subsection 2, paragraphs a, b, c, f, i, and j, Code 2023, are amended to read as follows:

a. A hospital providing care or treatment to persons with ~~substance-related disorders~~ a substance use disorder licensed under chapter 135B which is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the ~~board~~ council. All survey reports

1 from the accrediting or licensing body must be sent to the
2 department.
3 *b.* Any practitioner of medicine and surgery or osteopathic
4 medicine and surgery, in the practitioner's private practice.
5 However, a program shall not be exempted from licensing by the
6 ~~board~~ council by virtue of its utilization of the services of a
7 medical practitioner in its operation.
8 *c.* Private institutions conducted by and for persons who
9 adhere to the faith of any well recognized church or religious
10 denomination for the purpose of providing care, treatment,
11 counseling, or rehabilitation to persons with ~~substance-related~~
12 ~~disorders~~ a substance use disorder and who rely solely on
13 prayer or other spiritual means for healing in the practice of
14 religion of such church or denomination.
15 *f.* Individuals in private practice who are providing
16 substance ~~abuse~~ use disorder treatment services independent
17 from a program that is required to be licensed under subsection
18 1.
19 *i.* A substance ~~abuse~~ use disorder treatment program not
20 funded by the department which is accredited or licensed
21 by the joint commission on the accreditation of health
22 care organizations, the commission on the accreditation
23 of rehabilitation facilities, the American osteopathic
24 association, or another recognized organization approved by
25 the ~~board~~ council. All survey reports from the accrediting or
26 licensing body must be sent to the department.
27 *j.* A hospital substance ~~abuse~~ use disorder treatment program
28 that is accredited or licensed by the joint commission on the
29 accreditation of health care organizations, the commission on
30 the accreditation of rehabilitation facilities, the American
31 osteopathic association, or another recognized organization
32 approved by the ~~board~~ council. All survey reports for the
33 hospital substance ~~abuse~~ use disorder treatment program
34 from the accrediting or licensing body shall be sent to the
35 department.

Sec. 103. Section 125.14, Code 2023, is amended to read as follows:

125.14 Licenses — renewal — fees.

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

Sec. 104. Section 125.14A, Code 2023, is amended to read as follows:

125.14A Personnel of a licensed program admitting juveniles.

1. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a program admitting juveniles subject to licensure under this chapter, or if a person will reside in a facility utilized by such a program, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department ~~of human services~~ and the program~~,~~ for an employee of the program~~,~~ shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The ~~department of human services~~ record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the

department ~~of human services~~.

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

3. In an evaluation, the ~~department of human services~~ record check evaluation system and the program for an employee of the program shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The ~~department of human services~~ record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a program, if the person complies with the ~~department's~~ record check evaluation system's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this subsection.

4. If the ~~department of human services~~ record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants

prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter to operate a program admitting juveniles and shall not be employed by a program or reside in a facility admitting juveniles licensed under this chapter.

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

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

7. ~~On or after July 1, 1994, a~~ A program or facility shall include the following inquiry in an application for employment: Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

Sec. 105. Section 125.15, Code 2023, is amended to read as follows:

125.15 Inspections.

The department may inspect the facilities and review the procedures utilized by any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program that has as a primary purpose the treatment and rehabilitation of persons with ~~substance-related disorders~~ a substance use disorder, for the purpose of ensuring compliance with this chapter and the rules adopted pursuant to this chapter. The examination and review may include case record

audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 106. Section 125.15A, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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

Sec. 107. Section 125.15A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

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

Sec. 108. Section 125.16, Code 2023, is amended to read as follows:

125.16 Transfer of license or change of location prohibited.

A license issued under this chapter may not be transferred, and the location of the physical facilities occupied or utilized by any program licensed under this chapter shall not be changed without the prior written consent of the ~~board~~ council.

Sec. 109. Section 125.17, Code 2023, is amended to read as follows:

125.17 License suspension or revocation.

Violation of any of the requirements or restrictions of this chapter or of any of the rules adopted pursuant to this chapter is cause for suspension, revocation, or refusal to renew a license. The director shall at the earliest time feasible notify a licensee whose license the ~~board~~ council is considering suspending or revoking and shall inform the licensee what changes must be made in the licensee's operation to avoid such action. The licensee shall be given a reasonable time for compliance, as determined by the director, after receiving such notice or a notice that the ~~board~~ council does not intend to renew the license. When the licensee believes compliance has been achieved, or if the licensee considers

the proposed suspension, revocation, or refusal to renew unjustified, the licensee may submit pertinent information to the ~~board~~ council and the ~~board~~ council shall expeditiously make a decision in the matter and notify the licensee of the decision.

Sec. 110. Section 125.18, Code 2023, is amended to read as follows:

125.18 Hearing before ~~board~~ council.

If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation, or refusal to renew a license, a hearing before the ~~board~~ council shall be expeditiously arranged by the department of inspections and appeals whose decision is subject to review by the ~~board~~ council. The ~~board~~ council shall issue a written statement of the ~~board's~~ council's findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation, or refusal to renew a license. Action involving suspension, revocation, or refusal to renew a license shall not be taken by the ~~board~~ council unless a quorum is present at the meeting. A copy of the ~~board's~~ council's decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the ~~board~~ council in accordance with the terms of chapter 17A.

Sec. 111. Section 125.19, Code 2023, is amended to read as follows:

125.19 Reissuance or reinstatement.

After suspension, revocation, or refusal to renew a license pursuant to this chapter, the affected licensee shall not have the license reissued or reinstated within one year of the effective date of the suspension, revocation, or expiration upon refusal to renew, unless the ~~board~~ council orders otherwise. After that time, proof of compliance with the requirements and restrictions of this chapter and the rules adopted pursuant to this chapter must be presented to the ~~board~~

council prior to reinstatement or reissuance of a license.

Sec. 112. Section 125.20, Code 2023, is amended to read as follows:

125.20 Rules.

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

Sec. 113. Section 125.21, subsection 1, Code 2023, is amended to read as follows:

1. The ~~board~~ council has exclusive power in this state to approve and license chemical substitutes and antagonists programs, and to monitor chemical substitutes and antagonists programs to ensure that the programs are operating within the rules adopted pursuant to this chapter. The ~~board~~ council shall grant approval and license if the requirements of the rules are met and state funding is not requested. The chemical substitutes and antagonists programs conducted by persons exempt from the licensing requirements of this chapter pursuant to section 125.13, subsection 2, are subject to approval and licensure under this section.

Sec. 114. Section 125.25, subsection 1, Code 2023, is amended to read as follows:

1. Before making any allocation of funds to a local substance ~~abuse~~ use disorder program, the department shall

require a detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department for each program.

Sec. 115. Section 125.32, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of persons with ~~substance-related disorders~~ a substance use disorder and concerned family members. In establishing the rules the department shall be guided by the following standards:

Sec. 116. Section 125.32A, Code 2023, is amended to read as follows:

125.32A Discrimination prohibited.

Any substance ~~abuse~~ use disorder treatment program receiving state funding under this chapter or any other chapter of the Code shall not discriminate against a person seeking treatment solely because the person is pregnant, unless the program in each instance identifies and refers the person to an alternative and acceptable treatment program for the person.

Sec. 117. Section 125.33, Code 2023, is amended to read as follows:

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

1. A person with a ~~substance-related~~ substance use disorder may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon or to a mental health professional. If the proposed patient is a minor or an incompetent person, a parent, a legal guardian or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon,

mental health professional, or any employee or person acting under the direction or supervision of the physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation.

2. Subject to rules adopted by the department, the administrator or the administrator's designee in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator or the administrator's designee, subject to rules adopted by the department, shall refer the person to another facility for treatment if possible and appropriate.

3. A person with a ~~substance-related~~ substance use disorder seeking treatment or rehabilitation and who is either addicted to or dependent on a chemical substance may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon or a mental health professional who may prescribe, if authorized or licensed to do so, a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon or mental health professional may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility to

provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. A facility providing or engaging in treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in the treatment or rehabilitation; nor shall a person receiving or participating in treatment or rehabilitation report or disclose the name of any other person engaged in or receiving treatment or rehabilitation or that the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, a person engaged in or receiving treatment or rehabilitation may authorize the disclosure of the person's name and individual participation.

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

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

6. Any person who reports or discloses the name of a person receiving treatment or rehabilitation services to a

law enforcement officer or law enforcement agency or any person receiving treatment or rehabilitation services who discloses the name of any other person receiving treatment or rehabilitation services without the written consent of the person in violation of the provisions of this section shall upon conviction be guilty of a simple misdemeanor.

Sec. 118. Section 125.34, Code 2023, is amended to read as follows:

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

1. A person with a ~~substance-related~~ substance use disorder due to intoxication or substance-induced incapacitation may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by a substance in a public place and in need of help may be taken to a facility by a peace officer under section 125.91. If the person refuses the proffered help, the person may be arrested and charged with intoxication under section 123.46, if applicable.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer in detaining the person and in taking the person to a facility shall make every reasonable effort to protect the person's health and safety. In detaining the person the detaining officer may take reasonable steps for self-protection. Detaining a person under section 125.91 is not an arrest and no entry or other record shall be made to indicate that the person who is detained has been arrested or charged with a crime.

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional as soon as possible after the person arrives at the facility. The person may then be admitted as a

patient or referred to another health facility. The referring facility shall arrange for transportation.

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

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

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

7. A licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, facility administrator, or an employee or a person acting as or on behalf of the facility administrator, is not criminally or civilly liable for acts in conformity with this chapter, unless the acts constitute willful malice or abuse.

Sec. 119. Section 125.37, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 120. Section 125.39, Code 2023, is amended to read as follows:

125.39 Eligible entities.

A local governmental unit which is providing funds to a facility for treatment of substance ~~abuse~~ use disorder may request from the facility a treatment program plan prior to

authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program of the facility.

Sec. 121. Section 125.43, Code 2023, is amended to read as follows:

125.43 Funding at mental health institutes.

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

Sec. 122. Section 125.43A, Code 2023, is amended to read as follows:

125.43A Prescreening —— exception.

Except in cases of medical emergency or court-ordered admissions, a person shall be admitted to a state mental health institute for treatment of a ~~substance-related~~ substance use disorder only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for persons with ~~substance-related disorders~~ a substance use disorder licensed under chapter 135B and accredited by the joint commission on the accreditation of

health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the ~~board~~ council, or by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, which confirms that the admission is appropriate to the person's ~~substance-related~~ substance use disorder service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 123. Section 125.44, Code 2023, is amended to read as follows:

125.44 Agreements with facilities — liability for costs.

1. The director may, consistent with the comprehensive substance ~~abuse~~ use disorder program, enter into written agreements with a facility as defined in section 125.2 to pay for one hundred percent of the cost of the care, maintenance, and treatment of persons with ~~substance-related disorders~~ a substance use disorder, except when section 125.43A applies. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year.

2. The contract may be in the form and contain provisions as agreed upon by the parties. The contract shall provide that the facility shall admit and treat persons with ~~substance-related disorders~~ a substance use disorder regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable for the patient, the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the rate of payment for services negotiated between the department and the contracting facility. If a facility projects a temporary cash

flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section does not pertain to patients treated at the mental health institutes.

3. If the appropriation to the department is insufficient to meet the requirements of this section, the department shall request a transfer of funds and section 8.39 shall apply.

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

5. The department is liable for the cost of care, treatment, and maintenance of persons with ~~substance-related disorders~~ a substance use disorder admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section 321J.3 or 124.409 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the person with a ~~substance-related~~ substance use disorder is unable to pay the costs and there is no other person, firm, corporation, or insurance company bound to pay the costs.

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

Sec. 124. Section 125.46, Code 2023, is amended to read as follows:

125.46 County of residence determined.

The facility shall, when a person with a ~~substance-related~~

substance use disorder is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records the Iowa county of residence of the person with a ~~substance-related~~ substance use disorder, or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 125. Section 125.55, Code 2023, is amended to read as follows:

125.55 Audits.

All licensed substance ~~abuse~~ use disorder programs are subject to annual audit either by the auditor of state or in lieu of an audit by the auditor of state the substance ~~abuse~~ use disorder program may contract with or employ certified public accountants to conduct the audit, in accordance with sections 11.6, 11.14, and 11.19. The audit format shall be as prescribed by the auditor of state. The certified public accountant shall submit a copy of the audit to the director. A licensed substance ~~abuse~~ use disorder program is also subject to special audits as the director requests. The licensed substance ~~abuse~~ use disorder program or the department shall pay all expenses incurred by the auditor of state in conducting an audit under this section.

Sec. 126. Section 125.58, Code 2023, is amended to read as follows:

125.58 Inspection — penalties.

1. If the department has probable cause to believe that an institution, place, building, or agency not licensed as a substance ~~abuse~~ use disorder treatment and rehabilitation facility is in fact a substance ~~abuse~~ use disorder treatment and rehabilitation facility as defined by this chapter, and is not exempt from licensing by section 125.13, subsection 2, the ~~board~~ council may order an inspection of the institution, place, building, or agency. If the inspector upon presenting proper identification is denied entry for the purpose of making the inspection, the inspector may, with the assistance of

the county attorney of the county in which the premises are located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been violations of this chapter. The investigation may include review of records, reports, and documents maintained by the facility and interviews with staff members consistent with the confidentiality safeguards of state and federal law.

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

3. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against a person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a substance ~~abuse~~ use disorder treatment and rehabilitation facility without a license.

Sec. 127. Section 125.59, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Of these funds, notwithstanding section 125.13, subsection 1, one-half of the transferred amount shall be used for grants to counties operating a substance ~~abuse~~ use disorder program involving only education, prevention, referral or posttreatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not

annually exceed ten thousand dollars to any one county, subject to the following conditions:

Sec. 128. Section 125.59, subsection 1, paragraph b, Code 2023, is amended to read as follows:

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

Sec. 129. Section 125.75, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 130. Section 125.75, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

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

Sec. 131. Section 125.80, subsections 3 and 4, Code 2023, are amended to read as follows:

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

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

Sec. 132. Section 125.81, subsection 1, Code 2023, is amended to read as follows:

1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a person with a ~~substance-related~~ substance use disorder who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection 2, paragraph *"a"*, if possible, and if not, then in accordance with subsection 2, paragraph *"b"*, or, only if neither of these alternatives is available in accordance with subsection 2, paragraph *"c"*.

Sec. 133. Section 125.81, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. In the nearest facility which is licensed to care for

1 persons with mental illness or substance ~~abuse~~ use disorder,
2 provided that detention in a jail or other facility intended
3 for confinement of those accused or convicted of a crime shall
4 not be ordered.
5 Sec. 134. Section 125.82, subsections 3 and 4, Code 2023,
6 are amended to read as follows:
7 3. The person who filed the application and a licensed
8 physician and surgeon or osteopathic physician and surgeon,
9 mental health professional, or certified alcohol and drug
10 counselor certified by the nongovernmental Iowa board of
11 ~~substance abuse~~ certification who has examined the respondent
12 in connection with the commitment hearing shall be present
13 at the hearing, unless the court for good cause finds that
14 their presence or testimony is not necessary. The applicant,
15 respondent, and the respondent's attorney may waive the
16 presence or telephonic appearance of the licensed physician
17 and surgeon or osteopathic physician and surgeon, mental
18 health professional, or certified alcohol and drug counselor
19 who examined the respondent and agree to submit as evidence
20 the written report of the licensed physician and surgeon or
21 osteopathic physician and surgeon, mental health professional,
22 or certified alcohol and drug counselor. The respondent's
23 attorney shall inform the court if the respondent's attorney
24 reasonably believes that the respondent, due to diminished
25 capacity, cannot make an adequately considered waiver decision.
26 *"Good cause"* for finding that the testimony of the licensed
27 physician and surgeon or osteopathic physician and surgeon,
28 mental health professional, or certified alcohol and drug
29 counselor who examined the respondent is not necessary may
30 include, but is not limited to, such a waiver. If the court
31 determines that the testimony of the licensed physician and
32 surgeon or osteopathic physician and surgeon, mental health
33 professional, or certified alcohol and drug counselor is
34 necessary, the court may allow the licensed physician and
35 surgeon or osteopathic physician and surgeon, mental health

professional, or certified alcohol and drug counselor to testify by telephone. The respondent shall be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing that the attorney has conversed with the respondent, and that in the attorney's judgment the respondent cannot make a meaningful contribution to the hearing, or that the respondent has waived the right to be present, and the basis for the attorney's conclusions. A stipulation to the respondent's absence shall be reviewed by the court before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by the respondent's absence.

4. The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. The hearing may be held by video conference at the discretion of the court. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a person with a ~~substance-related~~ substance use disorder has not been sustained by clear and convincing evidence, the court shall deny the application and terminate the proceeding.

Sec. 135. Section 125.83, Code 2023, is amended to read as follows:

125.83 Placement for evaluation.

If upon completion of the commitment hearing, the court finds that the contention that the respondent is a person with a ~~substance-related~~ substance use disorder has been sustained by clear and convincing evidence, the court shall order the respondent placed at a facility or under the care of a suitable

1 facility on an outpatient basis as expeditiously as possible
2 for a complete evaluation and appropriate treatment. The
3 court shall furnish to the facility at the time of admission
4 or outpatient placement, a written statement of facts setting
5 forth the evidence on which the finding is based. The
6 administrator of the facility shall report to the court no
7 more than fifteen days after the individual is admitted to or
8 placed under the care of the facility, which shall include the
9 chief medical officer's recommendation concerning treatment
10 of a ~~substance-related~~ substance use disorder. An extension
11 of time may be granted for a period not to exceed seven days
12 upon a showing of good cause. A copy of the report shall be
13 sent to the respondent's attorney who may contest the need
14 for an extension of time if one is requested. If the request
15 is contested, the court shall make an inquiry as it deems
16 appropriate and may either order the respondent released from
17 the facility or grant extension of time for further evaluation.
18 If the administrator fails to report to the court within
19 fifteen days after the individual is admitted to the facility,
20 and no extension of time has been requested, the administrator
21 is guilty of contempt and shall be punished under chapter
22 665. The court shall order a rehearing on the application to
23 determine whether the respondent should continue to be held at
24 the facility.
25 Sec. 136. Section 125.83A, subsection 1, Code 2023, is
26 amended to read as follows:
27 1. If upon completion of the commitment hearing, the court
28 finds that the contention that the respondent is a person with
29 a ~~substance-related~~ substance use disorder has been sustained
30 by clear and convincing evidence, and the court is furnished
31 evidence that the respondent is eligible for care and treatment
32 in a facility operated by the United States department of
33 veterans affairs or another agency of the United States
34 government and that the facility is willing to receive the
35 respondent, the court may so order. The respondent, when so

placed in a facility operated by the United States department of veterans affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans affairs or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave, or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody.

Sec. 137. Section 125.84, Code 2023, is amended to read as follows:

125.84 Evaluation report.

The facility administrator's report to the court of the chief medical officer's substance ~~abuse~~ use disorder evaluation of the respondent shall be made no later than the expiration of the time specified in section 125.83. At least two copies of the report shall be filed with the clerk, who shall distribute the copies in the manner described by section 125.80, subsection 2. The report shall state one of the four following alternative findings:

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

2. That the respondent is a person with a ~~substance-related~~ substance use disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment. If the report so states, the

1 court shall enter an order which may require the respondent's
2 continued placement and commitment to a facility for
3 appropriate treatment.
4 3. That the respondent is a person with a ~~substance-related~~
5 substance use disorder who is in need of treatment, but does
6 not require full-time placement in a facility. If the report
7 so states, the report shall include the chief medical officer's
8 recommendation for treatment of the respondent on an outpatient
9 or other appropriate basis, and the court shall enter an order
10 which may direct the respondent to submit to the recommended
11 treatment. The order shall provide that if the respondent
12 fails or refuses to submit to treatment, as directed by the
13 court's order, the court may order that the respondent be
14 taken into immediate custody as provided by section 125.81
15 and, following notice and hearing held in accordance with
16 the procedures of sections 125.77 and 125.82, may order the
17 respondent treated as a patient requiring full-time custody,
18 care, and treatment as provided in subsection 2, and may order
19 the respondent involuntarily committed to a facility.
20 4. That the respondent is a person with a ~~substance-related~~
21 substance use disorder who is in need of treatment, but in
22 the opinion of the chief medical officer is not responding to
23 the treatment provided. If the report so states, the report
24 shall include the facility administrator's recommendation for
25 alternative placement, and the court shall enter an order
26 which may direct the respondent's transfer to the recommended
27 placement or to another placement after consultation with
28 respondent's attorney and the facility administrator who made
29 the report under this subsection.
30 Sec. 138. Section 125.85, subsection 1, Code 2023, is
31 amended to read as follows:
32 1. A respondent committed under section 125.84, subsection
33 2, shall remain in the custody of a facility for treatment
34 for a period of thirty days, unless sooner discharged. The
35 department is not required to pay the cost of any medication or

procedure provided to the respondent during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of substance ~~abuse~~ use disorder. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility, before expiration of the period, obtains a court order for the respondent's recommitment pursuant to an application under section 125.75, for a further period not to exceed ninety days.

Sec. 139. Section 125.91, Code 2023, is amended to read as follows:

125.91 Emergency detention.

1. The procedure prescribed by this section shall only be used for a person with a ~~substance-related~~ substance use disorder due to intoxication or substance-induced incapacitation who has threatened, attempted, or inflicted physical self-harm or harm on another, and is likely to inflict physical self-harm or harm on another unless immediately detained, or who is incapacitated by a substance, if an application has not been filed naming the person as the respondent pursuant to section 125.75 and the person cannot be ordered into immediate custody and detained pursuant to section 125.81.

2. *a.* A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph *"b"* or *"c"*. Such a person with a ~~substance-related~~ substance use disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the attending physician and surgeon or osteopathic physician and surgeon may

order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the attending physician and surgeon or osteopathic physician and surgeon. If the person is a peace officer, the peace officer may do so either in person or by written report.

b. If the attending physician and surgeon or osteopathic physician and surgeon has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the facility shall have the authority to detain the person for a period of no longer than twelve hours. Within twelve hours of detaining a person pursuant to this section, the attending physician shall communicate with the nearest available magistrate.

c. Once contacted pursuant to paragraph *"b"*, the magistrate shall, based upon the circumstances described by the attending physician and surgeon or osteopathic physician and surgeon, give the attending physician and surgeon or osteopathic physician and surgeon oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

d. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a ~~substance-related~~ substance use disorder likely to result in physical injury to the person

or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician and surgeon or osteopathic physician and surgeon at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

3. The attending physician and surgeon or osteopathic physician and surgeon shall examine and may detain the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the attending physician and surgeon or osteopathic physician and surgeon or mental health professional, but shall not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section, shall not render the peace officer, attending physician and surgeon or osteopathic physician and surgeon, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility had reasonable grounds to believe that the circumstances described

in subsection 1 were applicable.

4. The cost of detention in a facility under the procedure prescribed in this section shall be paid in the same way as if the person had been committed to the facility pursuant to an application filed under section 125.75.

Sec. 140. Section 125.93, Code 2023, is amended to read as follows:

125.93 Commitment records — confidentiality.

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

Sec. 141. Section 135.1, Code 2023, is amended to read as follows:

135.1 Definitions.

For the purposes of chapter 155 and Title IV, subtitle 2, excluding chapter 146, unless otherwise defined:

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

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

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

4. *"Physician"* means a person licensed to practice

medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, or optometry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", a person licensed as a chiropractor shall be designated as a "chiropractor", a person licensed as a podiatrist shall be designated as a "podiatric physician", and a person licensed as an optometrist shall be designated as an "optometrist". A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees.

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

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

Sec. 142. Section 135.11, Code 2023, is amended to read as follows:

135.11 ~~Duties~~ Public health duties of department.

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

1. Exercise general supervision over the public health, promote public hygiene and sanitation, prevent substance ~~abuse~~ use disorder and unless otherwise provided, enforce the laws relating to the same.

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

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

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

1 ~~university of Iowa~~.
2 5. Establish stations throughout the state for the
3 distribution of antitoxins and vaccines to physicians,
4 ~~druggists~~ pharmacists, and other persons, at cost. All
5 antitoxin and vaccine thus distributed shall be labeled "Iowa
6 Department of ~~Public~~ Health and Human Services".
7 6. Exercise general supervision over the administration and
8 enforcement of the sexually transmitted diseases and infections
9 law, chapter 139A, subchapter II.
10 7. Exercise sole jurisdiction over the disposal and
11 transportation of the dead bodies of human beings and prescribe
12 the methods to be used in preparing such bodies for disposal
13 and transportation. However, the department may approve
14 a request for an exception to the application of specific
15 embalming and disposition rules adopted pursuant to this
16 subsection if such rules would otherwise conflict with tenets
17 and practices of a recognized religious denomination to which
18 the deceased individual adhered or of which denomination the
19 deceased individual was a member. The department shall inform
20 the board of mortuary science of any such approved exception
21 which may affect services provided by a funeral director
22 licensed pursuant to chapter 156.
23 8. Establish, publish, and enforce rules which require
24 companies, corporations, and other entities to obtain a permit
25 from the department prior to scattering cremated human remains.
26 9. Exercise general supervision over the administration and
27 enforcement of the vital statistics law, chapter 144.
28 10. Enforce the law relative to chapter 146 and
29 "Health-related Professions", Title IV, subtitle 3, excluding
30 chapter 155.
31 ~~11. Establish and maintain divisions as are necessary~~
32 ~~for the proper enforcement of the laws administered by the~~
33 ~~department.~~
34 ~~12.~~ 11. Establish, publish, and enforce rules not
35 inconsistent with law for the enforcement of the provisions

of chapters 125 and 155, and Title IV, subtitle 2, excluding chapter 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

~~13.~~ 12. Administer healthy aging and essential public health services by approving grants of state funds to the local boards of health for the purposes of promoting healthy aging throughout the lifespan and enhancing health promotion and disease prevention services, and by providing guidelines for the approval of the grants and allocation of the state funds. Guidelines, evaluation requirements and formula allocation procedures for the services shall be established by the department by rule.

~~14.~~ 13. Administer chapters 125, 136A, 136C, 139A, 142, 142A, 144, and 147A.

~~15. Issue an annual report to the governor as provided in section 7E.3, subsection 4.~~

~~16.~~ 14. Consult with the office of statewide clinical education programs at the university of Iowa college of medicine and annually submit a report to the general assembly by January 15 verifying the number of physicians in active practice in Iowa by county who are engaged in providing obstetrical care. To the extent data are readily available, the report shall include information concerning the number of deliveries per year by specialty and county, the age of physicians performing deliveries, and the number of current year graduates of the university of Iowa college of medicine and the Des Moines university — osteopathic medical center entering into residency programs in obstetrics, gynecology, and family practice. The report may include additional data relating to access to obstetrical services that may be available.

~~17.~~ 15. Administer the statewide maternal and child health program and the program for children with disabilities by conducting mobile and regional child health specialty clinics

and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential conditions which may cause disabilities and children with chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act. The department shall provide technical assistance to encourage the coordination and collaboration of state agencies in developing outreach centers which provide publicly supported services for pregnant women, infants, and children. The department shall also, through cooperation and collaborative agreements with the ~~department of human services and the~~ mobile and regional child health specialty clinics, establish common intake proceedings for maternal and child health services. The department shall work in cooperation with the legislative services agency in monitoring the effectiveness of the maternal and child health centers, including the provision of transportation for patient appointments and the keeping of scheduled appointments.

~~18.~~ 16. Establish, publish, and enforce rules requiring prompt reporting of methemoglobinemia, pesticide poisoning, and the reportable poisonings and illnesses established pursuant to section 139A.21.

~~19.~~ 17. Collect and maintain reports of pesticide poisonings and other poisonings, illnesses, or injuries caused by selected chemical or physical agents, including methemoglobinemia and pesticide and fertilizer hypersensitivity; and compile and publish, annually, a statewide and county-by-county profile based on the reports.

~~20.~~ 18. Adopt rules which require personnel of a licensed hospice, of a homemaker-home health aide provider agency which receives state homemaker-home health aide funds, or of an agency which provides respite care services and receives funds to complete training concerning blood-borne pathogens, including human immunodeficiency virus and viral hepatitis, consistent with standards from the federal occupational safety

and health administration.

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

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

~~23.~~ 21. Establish ad hoc and advisory committees to the director in areas where technical expertise is not otherwise readily available. Members may be compensated for their actual and necessary expenses incurred in the performance of their duties. To encourage health consumer participation, public members may also receive a per diem as specified in section 7E.6 if funds are available and the per diem is determined to be appropriate by the director. Expense moneys paid to the members shall be paid from funds appropriated to the department. A majority of the members of such a committee constitutes a quorum.

~~24.~~ 22. Administer annual grants to county boards of health for the purpose of conducting programs for the testing of private water supply wells, the closing of abandoned private water supply wells, and the renovation or rehabilitation of private water supply wells. Grants shall be funded through moneys transferred to the department from the agriculture management account of the groundwater protection fund pursuant to section 455E.11, subsection 2, paragraph *"b"*, subparagraph (2), subparagraph division (b). The department shall adopt rules relating to the awarding of the grants.

~~25.~~ 23. Establish and administer, if sufficient funds are available to the department, a program to assess and

forecast health workforce supply and demand in the state for the purpose of identifying current and projected workforce needs. The program may collect, analyze, and report data that furthers the purpose of the program. The program shall not release information that permits identification of individual respondents of program surveys.

~~26.~~ 24. In consultation with the advisory committee for perinatal guidelines, develop and maintain the statewide perinatal program based on the recommendations of the American academy of pediatrics and the American college of obstetricians and gynecologists contained in the most recent edition of the guidelines for perinatal care, and shall adopt rules in accordance with chapter 17A to implement those recommendations. Hospitals within the state shall determine whether to participate in the statewide perinatal program, and select the hospital's level of participation in the program. A hospital having determined to participate in the program shall comply with the guidelines appropriate to the level of participation selected by the hospital. Perinatal program surveys and reports are privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the affected hospital, and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving verification of the participating hospital under this subsection.

~~27.~~ 25. In consultation with the department of corrections, the antibiotic resistance task force, and the American federation of state, county and municipal employees, develop educational programs to increase awareness and utilization of infection control practices in institutions listed in section 904.102.

~~28.~~ 26. Administer the Iowa youth survey, in collaboration with other state agencies, as appropriate, every two years to students in grades six, eight, and eleven in Iowa's public and nonpublic schools. Survey data shall be evaluated and

reported, with aggregate data available online at the Iowa youth survey internet site.

Sec. 143. Section 135.11A, Code 2023, is amended to read as follows:

135.11A Professional licensure ~~division~~ — other licensing boards — expenses — fees.

1. ~~There shall be a professional licensure division within the department of public health.~~ Each board under chapter 147 or under the administrative authority of the department, except the board of nursing, board of medicine, dental board, and board of pharmacy, shall receive administrative and clerical support from the ~~division~~ department and may not employ its own support staff for administrative and clerical duties. The executive director of the board of nursing, board of medicine, dental board, and board of pharmacy shall be appointed pursuant to section 135.11B.

2. The ~~professional licensure division~~ department and the licensing boards may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of actual examination and exceed funds budgeted for examinations. Before the ~~division~~ department or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the ~~division~~ department or board and the ~~division~~ department or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management, the ~~division~~ department or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2.

Sec. 144. Section 135.14, Code 2023, is amended to read as follows:

135.14 State public health dental ~~director — duties~~ program.

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

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

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

~~*b.*~~ 2. Develop comprehensive dental initiatives for prevention activities.

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

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

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

Sec. 145. Section 135.15, Code 2023, is amended to read as follows:

135.15 Oral and health delivery systems ~~bureau established — responsibilities~~.

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

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

2. Performing infrastructure building and enabling services through the administration of state and federal grant programs targeting access improvement, prevention, and local oral health programs utilizing maternal and child health programs,

Medicaid, and other new or existing programs.

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

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

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

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

Sec. 146. Section 135.16A, subsection 2, Code 2023, is amended to read as follows:

2. *a.* The department of inspections and appeals shall assist the ~~Iowa~~ department ~~of public health~~ in adopting rules necessary to implement and administer this section.

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

Sec. 147. Section 135.22A, subsection 2, Code 2023, is amended to read as follows:

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

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

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

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

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

~~*e.*~~ *d.* The administrator of the division of vocational rehabilitation services of the department of education.

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

Sec. 148. Section 135.22B, subsections 1, 2, 6, and 7, Code 2023, are amended to read as follows:

1. *Definitions.* For the purposes of this section~~:~~,

~~*a. "Brain injury services waiver"*~~ *"brain injury services waiver"* means the state's medical assistance home and community-based services waiver for persons with brain injury implemented under chapter 249A.

~~*b. "Program administrator"* means the division of the department designated to administer the brain injury services program in accordance with subsection 2.~~

2. *Program created.*

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

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

c. The ~~division~~ department shall consult with the advisory council on brain injuries, established pursuant to section 135.22A, regarding the program and shall report to the council

concerning the program at least quarterly. The council shall make recommendations to the department concerning the program's operation.

6. *Cost-share requirements.*

a. The cost-share component's financial eligibility requirements shall be established in administrative rule. In establishing the requirements, the department shall consider the eligibility and cost-share requirements used for the ~~hawk-i~~ Hawki program under chapter 514I.

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

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

7. *Application process.*

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

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

assessment.

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

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

Sec. 149. Section 135.24, subsection 2, Code 2023, is amended to read as follows:

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

a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care and polysomnography, and the ~~Iowa~~ department ~~of public health~~, as applicable.

b. Procedures for registration of free clinics, field dental clinics, and specialty health care provider offices.

c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through the volunteer health care provider program. A free clinic, a field dental clinic, a specialty health care provider office, a health care facility,

a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.

d. Identification of the services to be provided under the program. The services provided may include but shall not be limited to obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, 154F, or 155A.

Sec. 150. Section 135.24A, Code 2023, is amended to read as follows:

135.24A Free clinics — volunteer record check.

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

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

3. A free clinic subject to this section shall establish an evaluation process to determine whether a crime of founded child or dependent adult abuse warrants prohibition of the person's participation as a volunteer in the free clinic. The evaluation process shall not be less stringent than the evaluation process performed by the ~~department of human~~

1 ~~services~~ record check evaluation system and shall be approved
2 by the department ~~of human services~~.
3 Sec. 151. Section 135.25, Code 2023, is amended to read as
4 follows:
5 **135.25 Emergency medical services fund.**
6 An emergency medical services fund is created in the state
7 treasury under the control of the department. The fund
8 includes, but is not limited to, amounts appropriated by the
9 general assembly, amounts transferred pursuant to section
10 602.8108, subsection 4, and other moneys available from
11 federal or private sources which are to be used for purposes
12 of this section. Funds remaining in the fund at the end of
13 each fiscal year shall not revert to the general fund of the
14 state but shall remain in the emergency medical services fund,
15 notwithstanding section 8.33. The fund is established to
16 assist counties by matching, on a dollar-for-dollar basis,
17 moneys spent by a county for the acquisition of equipment for
18 the provision of emergency medical services and by providing
19 grants to counties for education and training in the delivery
20 of emergency medical services, as provided in this section and
21 section 422D.6. A county seeking matching funds under this
22 section shall apply to the ~~emergency medical services division~~
23 ~~of the~~ department. The department shall adopt rules concerning
24 the application and awarding process for the matching funds and
25 the criteria for the allocation of moneys in the fund if the
26 moneys are insufficient to meet the emergency medical services
27 needs of the counties. Moneys allocated by the department to a
28 county for emergency medical services purposes may be used for
29 equipment or training and education as determined by the board
30 of supervisors pursuant to section 422D.6.
31 Sec. 152. Section 135.31, Code 2023, is amended to read as
32 follows:
33 **135.31 Location of boards — rulemaking.**
34 The offices for the board of medicine, the board of pharmacy,
35 the board of nursing, and the dental board shall be located

within the department ~~of public health~~. The individual boards shall have policymaking and rulemaking authority.

Sec. 153. Section 135.36, Code 2023, is amended to read as follows:

135.36 Interference with ~~health~~ department officer — penalties.

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

Sec. 154. Section 135.37, subsections 1, 4, 5, and 6, Code 2023, are amended to read as follows:

1. A person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or engage in the practice of tattooing without first applying for and receiving a permit from the ~~Iowa~~ department ~~of public health~~.

4. The ~~Iowa~~ department ~~of public health~~ shall:

a. Adopt rules pursuant to chapter 17A and establish and collect all fees necessary to administer this section. The provisions of chapter 17A, including licensing provisions, judicial review, and appeal, shall apply to this ~~chapter~~ section.

b. Establish minimum safety and sanitation criteria for the operation of tattooing establishments.

5. If the ~~Iowa~~ department ~~of public health~~ determines that a provision of this section has been or is being violated, the department may order that a tattooing establishment not be operated until the necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may request that the county attorney or the attorney general make an application in the name of the state to the district court of the county in which the violations have occurred for an order to enjoin the violations. This remedy is in addition to any other legal remedy available to the department.

6. As necessary to avoid duplication and promote coordination of ~~public health~~ inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under this section.

Sec. 155. Section 135.39, Code 2023, is amended to read as follows:

135.39 Federal aid.

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

Sec. 156. Section 135.39B, subsection 3, Code 2023, is amended to read as follows:

3. The prohibition under this section shall not apply to early childhood immunizations for influenza or in times of emergency or epidemic as determined by the director ~~of public health~~. If an emergency or epidemic is determined to exist by the director ~~of public health~~ under this subsection, the director ~~of public health~~ shall notify the ~~state board of~~ council on health and human services, the governor, and the legislative council, and shall notify the public upon request.

Sec. 157. Section 135.39E, Code 2023, is amended to read as follows:

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

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

2. In order to provide notice to its customers, the owner or

operator of the public water supply system shall place a notice on each customer's water bill or provide notice in a way that is reasonably calculated so that all customers will receive the notice.

3. Section 135.38 does not apply to violations of this section.

Sec. 158. Section 135.43, Code 2023, is amended to read as follows:

135.43 Iowa child death review team established — duties.

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

2. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the ~~state medical examiner~~ director. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the ~~state medical examiner~~ director or as determined by the review team. The review team shall include the following:

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

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

c. A pediatrician who is knowledgeable concerning deaths of children.

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

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

1 *f.* One social worker who is knowledgeable concerning deaths
2 of children.
3 *g.* A certified or licensed professional who is knowledgeable
4 concerning domestic violence.
5 *h.* A professional who is knowledgeable concerning substance
6 ~~abuse~~ use disorder.
7 *i.* A local law enforcement official.
8 *j.* A county attorney.
9 *k.* An emergency room nurse who is knowledgeable concerning
10 the deaths of children.
11 *l.* A perinatal expert.
12 *m.* A representative of the health insurance industry.
13 *n.* One other member who is appointed at large.
14 3. The review team shall perform the following duties:
15 *a.* Collect, review, and analyze child death certificates and
16 child death data, including patient records or other pertinent
17 confidential information concerning the deaths of children
18 under age eighteen, and other information as the review team
19 deems appropriate for use in preparing an annual report to the
20 governor and the general assembly concerning the causes and
21 manner of child deaths. The report shall include analysis of
22 factual information obtained through review and recommendations
23 regarding prevention of child deaths.
24 *b.* Recommend to the governor and the general assembly
25 interventions to prevent deaths of children based on an
26 analysis of the cause and manner of such deaths.
27 *c.* Recommend to the agencies represented on the review team
28 changes which may prevent child deaths.
29 *d.* Except as authorized by this section, maintain the
30 confidentiality of any patient records or other confidential
31 information reviewed.
32 *e.* Recommend to the department ~~of human services~~,
33 appropriate law enforcement agencies, and any other person
34 involved with child protection, interventions that may prevent
35 harm to a child who is related to or is living in the same home

as a child whose case is reviewed by the team.

f. If the sharing of information is necessary to assist in or initiate a child death investigation or criminal prosecution and the office or agency receiving the information does not otherwise have access to the information, share information possessed by the review team with the office of the attorney general, a county attorney's office, or an appropriate law enforcement agency. The office or agency receiving the information shall maintain the confidentiality of the information in accordance with this section. Unauthorized release or disclosure of the information received is subject to penalty as provided in this section.

g. In order to assist ~~a division of~~ the department in performing the ~~division's~~ department's duties, if the ~~division~~ department does not otherwise have access to the information, share information possessed by the review team. The ~~division receiving~~ recipient of the information shall maintain the confidentiality of the information in accordance with this section. Unauthorized release or disclosure of the information received is subject to penalty as provided in this section.

4. The ~~review team~~ department shall develop protocols for a child fatality review committee, to be appointed by the ~~state medical examiner~~ director on an ad hoc basis, to immediately review the child abuse assessments which involve the fatality of a child under age eighteen. The ~~state medical examiner~~ director shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee.

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

the child fatality under review.

b. The committee shall have access to patient records and other pertinent confidential information and, subject to the restrictions in this subsection, may redisseminate the confidential information in the committee's report.

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

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

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

(3) Confirmation of receipt by the department ~~of human services~~ of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with section 232.71B, the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case.

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

e. Following the completion of the trial of any alleged

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

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

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

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

(1) The director of ~~public~~ health and human services.

~~(2) The director of human services.~~

~~(3)~~ (2) The commissioner of public safety.

~~(4)~~ (3) The attorney general.

~~(5)~~ (4) The director of transportation.

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

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

6. The review team may establish subcommittees to which the team may delegate some or all of the team's responsibilities under subsection 3.

7. *a.* The ~~state medical examiner, the Iowa department of public health, and the~~ department ~~of human services~~ shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child

death and child abuse review responsibilities.

b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the ~~office of the state medical examiner~~ department upon the request of the ~~office~~ department, to be used only in the administration and for the duties of the Iowa child death review team. Except as provided for a report on a child fatality by an ad hoc child fatality review committee under subsection 4, information and records produced under this section which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department ~~or the office of the state medical examiner~~ as required under and in compliance with this section.

8. Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The ~~state medical examiner~~ department shall adopt rules pursuant to chapter 17A to administer this subsection. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers under this section.

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

Sec. 159. Section 135.61, subsections 5, 7, and 12, Code 2023, are amended to read as follows:

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

7. *"Director"* means the director of ~~public~~ health and human services, or the director's designee.

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

Sec. 160. Section 135.63, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~A copy of the application shall be sent to the department of human services at the time the application is submitted to the Iowa department of public health.~~ The department shall not process applications for and the council shall not consider a new or changed institutional health service for an intermediate care facility for persons with an intellectual disability unless both of the following conditions are met:

Sec. 161. Section 135.100, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 162. Section 135.101, Code 2023, is amended to read as follows:

135.101 Childhood lead poisoning prevention program.

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

Sec. 163. Section 135.106, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~Iowa~~ department ~~of public health~~ shall establish a healthy opportunities for parents to experience success (HOPES) — healthy families Iowa (HFI) program to provide services to families and children during the prenatal through preschool

years. The program shall be designed to do all of the following:

Sec. 164. Section 135.106, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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

Sec. 165. Section 135.106, subsection 3, Code 2023, is amended to read as follows:

3. It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The ~~Iowa~~ department ~~of public health, department of human services~~, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to the ~~Iowa~~ department ~~of public health, department of human services,~~ and the department of education, and are subject to the approval of the early childhood Iowa state board in consultation with the departments, based on the practices

utilized with early childhood Iowa areas under chapter 256I.

Sec. 166. Section 135.107, Code 2023, is amended to read as follows:

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

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

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

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

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

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

(1) Examination of the prevalence of rural occupational

1 health injuries in the state.
2 (2) Assessment of training and continuing education
3 available through local hospitals and others relating to
4 diagnosis and treatment of diseases associated with rural
5 occupational health hazards.
6 (3) Determination of continuing education support necessary
7 for rural health practitioners to diagnose and treat illnesses
8 caused by exposure to rural occupational health hazards.
9 (4) Determination of the types of actions that can help
10 prevent agricultural accidents.
11 (5) Surveillance and reporting of disabilities suffered
12 by persons engaged in agriculture resulting from diseases
13 or injuries, including identifying the amount and severity
14 of agricultural-related injuries and diseases in the state,
15 identifying causal factors associated with agricultural-related
16 injuries and diseases, and indicating the effectiveness of
17 intervention programs designed to reduce injuries and diseases.
18 *d.* Cooperate with the center for agricultural safety and
19 health established under section 262.78, the center for health
20 effects of environmental contamination established under
21 section 263.17, and the department of agriculture and land
22 stewardship. The agencies shall coordinate programs to the
23 extent practicable.
24 *e.* Administer grants for farm safety education efforts
25 directed to rural families for the purpose of preventing
26 farm-related injuries to children.
27 ~~3.~~ 2. The ~~center for rural health and primary care~~
28 department shall establish a primary care provider recruitment
29 and retention endeavor, to be known as PRIMECARRE. The
30 endeavor shall include a health care workforce and community
31 support grant program and a primary care provider loan
32 repayment program. The endeavor shall be developed and
33 implemented in a manner to promote and accommodate local
34 creativity in efforts to recruit and retain health care
35 professionals to provide services in the locality. The

1 focus of the endeavor shall be to promote and assist local
2 efforts in developing health care provider recruitment and
3 retention programs. The ~~center for rural health and primary~~
4 ~~care~~ department may enter into an agreement with the college
5 student aid commission for the administration of the ~~center's~~
6 department's grant and loan repayment programs.
7 *a. Health care workforce and community support grant program.*
8 (1) The ~~center for rural health and primary care~~ department
9 shall adopt rules establishing flexible application processes
10 based upon the department's strategic plan to be used by the
11 ~~center~~ department to establish a grant assistance program as
12 provided in this paragraph *"a"*, and establishing the criteria
13 to be used in evaluating the applications. Selection criteria
14 shall include a method for prioritizing grant applications
15 based on illustrated efforts to meet the health care provider
16 needs of the locality and surrounding area. Such assistance
17 may be in the form of a forgivable loan, grant, or other
18 nonfinancial assistance as deemed appropriate by the ~~center~~
19 department. An application submitted may contain a commitment
20 of matching funds for the grant assistance. Application may
21 be made for assistance by a single community or group of
22 communities or in response to programs recommended in the
23 strategic plan to address health workforce shortages.
24 (2) Grants awarded under the program shall be awarded
25 to rural, underserved areas or special populations as
26 identified by the department's strategic plan or evidence-based
27 documentation.
28 *b. Primary care provider loan repayment program.*
29 (1) A primary care provider loan repayment program is
30 established to increase the number of health professionals
31 practicing primary care in federally designated health
32 professional shortage areas of the state. Under the program,
33 loan repayment may be made to a recipient for educational
34 expenses incurred while completing an accredited health
35 education program directly related to obtaining credentials

1 necessary to practice the recipient's health profession.
2 (2) The ~~center for rural health and primary care~~
3 department shall adopt rules relating to the establishment and
4 administration of the primary care provider loan repayment
5 program. Rules adopted pursuant to this paragraph shall
6 provide, at a minimum, for all of the following:
7 (a) Determination of eligibility requirements and
8 qualifications of an applicant to receive loan repayment under
9 the program, including but not limited to years of obligated
10 service, clinical practice requirements, and residency
11 requirements. One year of obligated service shall be provided
12 by the applicant in exchange for each year of loan repayment,
13 unless federal requirements otherwise require. Loan repayment
14 under the program shall not be approved for a health provider
15 whose license or certification is restricted by a medical
16 regulatory authority of any jurisdiction of the United States,
17 other nations, or territories.
18 (b) Identification of federally designated health
19 professional shortage areas of the state and prioritization of
20 such areas according to need.
21 (c) Determination of the amount and duration of the loan
22 repayment an applicant may receive, giving consideration to the
23 availability of funds under the program, and the applicant's
24 outstanding educational loans and professional credentials.
25 (d) Determination of the conditions of loan repayment
26 applicable to an applicant.
27 (e) Enforcement of the state's rights under a loan repayment
28 program contract, including the commencement of any court
29 action.
30 (f) Cancellation of a loan repayment program contract for
31 reasonable cause unless federal requirements otherwise require.
32 (g) Participation in federal programs supporting repayment
33 of loans of health care providers and acceptance of gifts,
34 grants, and other aid or amounts from any person, association,
35 foundation, trust, corporation, governmental agency, or other

entity for the purposes of the program.

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

(i) Other rules as necessary.

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

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

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

d. The ~~center for rural health and primary care~~ department may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include but are not limited to the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.

Sec. 167. Section 135.108, subsections 1 and 2, Code 2023, are amended to read as follows:

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

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

Sec. 168. Section 135.109, Code 2023, is amended to read as follows:

135.109 Iowa domestic abuse death review team membership.

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

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

3. The team shall include the following members:

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

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

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

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

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

f. A law enforcement official who is knowledgeable concerning domestic abuse.

g. A law enforcement investigator experienced in domestic abuse investigation.

h. An attorney experienced in prosecuting domestic abuse cases.

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

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

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

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

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

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

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

a. The attorney general.

b. The director of the Iowa department of corrections.

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

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

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

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

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

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

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

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

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

b. A membership vacancy shall be filled in the same manner as the original appointment.

c. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance.

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

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

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

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

Sec. 169. Section 135.118, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 170. Section 135.118, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. As necessary to address serious cases of child abuse such as those involving sexual abuse, serious physical abuse, and

substance ~~abuse~~ use disorder, a grantee must be able to involve or consult with persons from various professional disciplines who have training and expertise in addressing special types of child abuse. These persons may include but are not limited to physicians and other health care professionals, mental health professionals, social workers, child protection workers, attorneys, juvenile court officers, public health workers, child development experts, child educators, and child advocates.

Sec. 171. Section 135.118, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 172. Section 135.140, Code 2023, is amended to read as follows:

135.140 Definitions.

As used in this subchapter, unless the context otherwise requires:

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

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

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

4. *"Disaster"* means disaster as defined in section 29C.2.

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

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

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

(1) Bioterrorism or other act of terrorism.

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

(3) A chemical attack or accidental release.

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

(5) A nuclear or radiological attack or accident.

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

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

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

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

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

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

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

~~7.~~ 6. *"Public health response team"* means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or

emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster assistance in the event of a disaster or threatened disaster.

Sec. 173. Section 135.141, Code 2023, is amended to read as follows:

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

1. ~~A division of acute disease prevention and emergency response is established within the department.~~ The ~~division~~ department shall coordinate the administration of this subchapter with ~~other administrative divisions of the department and with~~ federal, state, and local agencies and officials.

2. The department shall do all of the following:

a. Coordinate with the department of homeland security and emergency management the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive emergency plan and emergency management program pursuant to section 29C.8.

b. Coordinate with federal, state, and local agencies and officials, and private agencies, organizations, companies, and persons, the administration of emergency planning, response, and recovery matters that involve the public health.

c. If a public health disaster exists, or if there is reasonable cause to believe that a public health disaster is imminent, conduct a risk assessment of any present or potential danger to the public health from chemical, radiological, or other potentially dangerous agents.

d. For the purpose of paragraph *"c"*, an employee or agent of the department may enter into and examine any premises containing potentially dangerous agents with the consent of the owner or person in charge of the premises or, if the owner or

1 person in charge of the premises refuses admittance, with an
2 administrative search warrant obtained under section 808.14.
3 Based on findings of the risk assessment and examination of the
4 premises, the director may order reasonable safeguards or take
5 any other action reasonably necessary to protect the public
6 health pursuant to rules adopted to administer this subsection.
7 *e.* Coordinate the location, procurement, storage,
8 transportation, maintenance, and distribution of medical
9 supplies, drugs, antidotes, and vaccines to prepare for or in
10 response to a public health disaster, including receiving,
11 distributing, and administering items from the strategic
12 national stockpile program of the centers for disease control
13 and prevention of the United States department of health and
14 human services.
15 *f.* Conduct or coordinate public information activities
16 regarding emergency and disaster planning, response, and
17 recovery matters that involve the public health.
18 *g.* Apply for and accept grants, gifts, or other funds to be
19 used for programs authorized by this subchapter.
20 *h.* Establish and coordinate other programs or activities
21 as necessary for the prevention, detection, management, and
22 containment of public health disasters, and for the recovery
23 from such disasters.
24 *i.* Adopt rules pursuant to chapter 17A for the
25 administration of this subchapter including rules adopted in
26 cooperation with the Iowa pharmacy association and the Iowa
27 hospital association for the development of a surveillance
28 system to monitor supplies of drugs, antidotes, and vaccines to
29 assist in detecting a potential public health disaster. Prior
30 to adoption, the rules shall be approved by the ~~state board of~~
31 ~~health~~ council on health and human services and the director of
32 the department of homeland security and emergency management.
33 Sec. 174. Section 135.166, subsection 1, paragraph a, Code
34 2023, is amended to read as follows:
35 *a.* The department ~~of public health~~ shall enter into a

memorandum of understanding with the contractor selected through a request for proposals process to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory data, as initially authorized in 1996 Iowa Acts, ch. 1212, §5, subsection 1, paragraph *"a"*, subparagraph (4), and 641 IAC 177.3.

Sec. 175. Section 135.173A, Code 2023, is amended to read as follows:

135.173A Child care advisory committee.

1. The early childhood stakeholders alliance shall establish a state child care advisory committee as part of the stakeholders alliance. The advisory committee shall advise and make recommendations to the governor, general assembly, department ~~of human services~~, and other state agencies concerning child care.

2. The membership of the advisory committee shall consist of a broad spectrum of parents and other persons from across the state with an interest in or involvement with child care.

3. Except as otherwise provided, the voting members of the advisory committee shall be appointed by the stakeholders alliance from a list of names submitted by a nominating committee to consist of one member of the advisory committee, one member of the ~~department of human services'~~ department's child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. The voting members shall be appointed for terms of three years.

4. The voting membership of the advisory committee shall be appointed in a manner so as to provide equitable representation of persons with an interest in child care and shall include all of the following:

a. Two parents of children served by a registered child development home.

b. Two parents of children served by a licensed center.

c. Two not-for-profit child care providers.

d. Two for-profit child care providers.

e. One child care home provider.

f. Three child development home providers.

g. One child care resource and referral service grantee.

h. One nongovernmental child advocacy group representative.

i. One designee of the department ~~of human services~~.

~~*j.* One designee of the Iowa department of public health.~~

~~*k.*~~ *j.* One designee of the department of education.

~~*l.*~~ *k.* One head start program provider.

~~*m.*~~ *l.* One person who is a business owner or executive officer from nominees submitted by the Iowa chamber of commerce executives.

~~*n.* One designee of the early childhood Iowa office of the department of management.~~

~~*o.*~~ *m.* One person who is a member of the Iowa afterschool alliance.

~~*p.*~~ *n.* One person who is part of a local program implementing the statewide preschool program for four-year-old children under chapter 256C.

~~*q.*~~ *o.* One person who represents the early childhood stakeholders alliance.

5. In addition to the voting members of the advisory committee, the membership shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

6. In fulfilling the advisory committee's role, the committee shall do all of the following:

a. Consult with the department ~~of human services~~ and make recommendations concerning policy issues relating to child care.

b. Advise the department ~~of human services~~ concerning

services relating to child care, including but not limited to any of the following:

(1) Resource and referral services.

(2) Provider training.

(3) Quality improvement.

(4) Public-private partnerships.

(5) Standards review and development.

(6) The federal child care and development block grant, state funding, grants, and other funding sources for child care.

c. Assist the department ~~of human services~~ in developing an implementation plan to provide seamless service to recipients of public assistance, which includes child care services. For the purposes of this subsection, *"seamless service"* means coordination, where possible, of the federal and state requirements which apply to child care.

d. Advise and provide technical services to the director of the department of education or the director's designee relating to prekindergarten, kindergarten, and before and after school programming and facilities.

e. Make recommendations concerning child care expansion programs that meet the needs of children attending a core education program by providing child care before and after the core program hours and during times when the core program does not operate.

f. Make recommendations for improving collaborations between the child care programs involving the department ~~of human services~~ and programs supporting the education and development of young children including but not limited to the federal head start program; the statewide preschool program for four-year-old children; and the early childhood, at-risk, and other early education programs administered by the department of education.

g. Make recommendations for eliminating duplication and otherwise improving the eligibility determination processes

used for the state child care assistance program and other programs supporting low-income families, including but not limited to the federal head start, early head start, and even start programs; the early childhood, at-risk, and preschool programs administered by the department of education; the family and self-sufficiency grant program; and the family investment program.

h. Make recommendations as to the most effective and efficient means of managing the state and federal funding available for the state child care assistance program.

i. Review program data from the department ~~of human services~~ and other departments concerning child care as deemed to be necessary by the advisory committee, although a department shall not provide personally identifiable data or information.

j. Advise and assist the early childhood stakeholders alliance in developing the strategic plan required pursuant to section 256I.4, subsection 4.

7. The department ~~of human services~~ shall provide information to the advisory committee semiannually on all of the following:

a. Federal, state, local, and private revenues and expenditures for child care including but not limited to updates on the current and future status of the revenues and expenditures.

b. Financial information and data relating to regulation of child care by the department ~~of human services~~ and the usage of the state child care assistance program.

c. Utilization and availability data relating to child care regulation, quantity, and quality from consumer and provider perspectives.

d. Statistical and demographic data regarding child care providers and the families utilizing child care.

e. Statistical data regarding the processing time for issuing notices of decision to state child care assistance applicants and for issuing payments to child care providers.

8. The advisory committee shall coordinate with the early childhood stakeholders alliance its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly's standing committees on health and human ~~resources~~ services by a representative of the advisory committee.

Sec. 176. Section 135.175, subsection 6, paragraphs b and c, Code 2023, are amended to read as follows:

b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the ~~oral and health delivery systems bureau~~ dental program of the department, the primary care office and shortage designation program, and the state office of rural health~~, administered through the oral and health delivery systems bureau~~ of the department ~~of public health~~; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with the strategic plan developed by the department of public health in accordance with section 135.163.

c. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, the funds shall be used in accordance with the strategic plan developed by the department ~~of public health~~ in accordance with section 135.163, or to address workforce shortages as otherwise designated by the department ~~of public health~~. Other sources

of funding shall be deposited in the fund or account and used as specified by the source of the funding.

Sec. 177. Section 135.185, subsection 6, Code 2023, is amended to read as follows:

6. The department ~~of public health~~, the board of medicine, the board of nursing, and the board of pharmacy shall adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine.

Sec. 178. Section 135.190, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. "Person in a position to assist" means a family member, friend, caregiver, health care provider, employee of a substance ~~abuse~~ use disorder treatment facility, school employee, or other person who may be in a place to render aid to a person at risk of experiencing an opioid-related overdose.

Sec. 179. Section 135.190A, subsection 6, Code 2023, is amended to read as follows:

6. The department shall submit a report to the ~~co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative services agency~~ general assembly on or before December 31 of each year which shall contain a list of deposits and expenditures from the fund for the prior fiscal year and the amount of carryover funds, if any, to be distributed in the next fiscal year.

Sec. 180. Section 135A.2, subsections 2 and 4, Code 2023, are amended to read as follows:

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

4. *"Governmental public health system"* means local boards of health, the ~~state board of~~ council on health and human

services, designated local public health agencies, the state hygienic laboratory, and the department.

Sec. 181. Section 135A.8, subsection 4, Code 2023, is amended to read as follows:

4. A local board of health seeking matching funds or grants under this section shall apply to the department. The ~~state board of~~ council on health and human services shall adopt rules concerning the application and award process for the allocation of moneys in the fund and shall establish the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the needs of local boards of health.

Sec. 182. Section 135A.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state board of~~ council on health and human services shall adopt rules pursuant to chapter 17A to implement this chapter which shall include but are not limited to the following:

Sec. 183. Section 135B.7, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department, with the approval of the ~~state board of~~ council on health and human services, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

Sec. 184. Section 135B.9, subsection 2, Code 2023, is amended to read as follows:

2. In the state resource centers and state mental health institutes operated by the department of health and human services, the designated protection and advocacy agency as provided in section 135C.2, subsection 4, shall have the authority to investigate all complaints of abuse and neglect of persons with developmental disabilities or mental illnesses if the complaints are reported to the protection and advocacy agency or if there is probable cause to believe that the abuse has occurred. Such authority shall include the examination of all records pertaining to the care provided to the residents

and contact or interview with any resident, employee, or any other person who might have knowledge about the operation of the institution.

Sec. 185. Section 135B.33, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to availability of funds, the ~~Iowa~~ department of ~~public~~ health and human services shall provide technical planning assistance to local boards of health and hospital governing boards to ensure access to hospital services in rural areas. The department shall encourage the local boards of health and hospital governing boards to adopt a long-term community health services and developmental plan including the following:

Sec. 186. Section 135B.34, Code 2023, is amended to read as follows:

135B.34 Hospital employees — criminal history and abuse record checks — penalty.

1. *a.* Prior to employment of a person in a hospital, the hospital shall do one of the following:

(1) Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state.

(2) Access the single contact repository to perform the required record checks.

b. (1) If a hospital accesses the single contact repository to perform the required record checks pursuant to paragraph *"a"*, the hospital may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the hospital has requested an evaluation in accordance with subsection 2, paragraph *"a"*, to determine whether the crime warrants prohibition of the person's employment in the hospital.

(2) The provisional employment under this paragraph *"b"* may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

c. A hospital shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A hospital shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

2. *a.* If it is determined that a person being considered for employment in a hospital has committed a crime, the department of public safety shall notify the hospital that upon the request of the hospital the ~~department of human services~~ record check evaluation system will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the hospital.

b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the hospital has requested an evaluation in accordance with paragraph *"a"* to determine whether the crime warrants prohibition of the person's employment, the hospital may employ the person for not more than sixty calendar days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

c. If a ~~department of human services~~ record check evaluation system child or dependent adult abuse record check shows that the person has a record of founded child or dependent adult abuse, the ~~department of human services~~ record check evaluation system shall notify the hospital that upon the request of the hospital the ~~department of human services~~ record check evaluation system will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of the person's employment in the hospital.

d. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of health and human services.

e. (1) If a person owns or operates more than one hospital, and an employee of one of such hospitals is transferred to another such hospital without a lapse in employment, the hospital is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

(2) If the ownership of a hospital is transferred, at the time of transfer the record checks required by this section shall be performed for each employee for whom there is no documentation that such record checks have been performed. The hospital may continue to employ such employee pending the

performance of the record checks and any related evaluation.

3. In an evaluation, the ~~department of human services~~ record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the ~~department of human services~~ record check evaluation system performs an evaluation for the purposes of this section, the ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the person's employment is warranted.

4. *a.* Except as provided in subsection 1, paragraph *"b"*, subsection 2, and paragraph *"b"* of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a hospital licensed under this chapter unless an evaluation has been performed by the ~~department of human services~~ record check evaluation system.

b. A person with a criminal or abuse record who is or was employed by a hospital licensed under this chapter and is hired by another hospital shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the ~~department of human services~~ record check evaluation system concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence

employment with the other hospital in accordance with the ~~department of human services'~~ record check evaluation system's evaluation and an exemption from the requirements in paragraph *"a"* for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph *"a"* remain applicable to the person's employment. Authorization of an exemption under this paragraph *"b"* from requirements for reevaluation of the latest record checks by the ~~department of human services~~ record check evaluation system is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the ~~department of human services~~ record check evaluation system shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this lettered paragraph *"b"* may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

5. *a.* If a person employed by a hospital that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the hospital of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The hospital

shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person's employment is continued. The hospital may continue to employ the person pending the performance of an evaluation by the ~~department of human services~~ record check evaluation system to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

b. If a hospital receives credible information, as determined by the hospital, that a person employed by the hospital has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the hospital of such information within the period required under paragraph *"a"*, the hospital shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person's employment is continued.

c. The hospital may notify the county attorney for the county where the hospital is located of any violation or failure by an employee to notify the hospital of a criminal conviction or entry of an abuse record within the period required under paragraph *"a"*.

6. A hospital licensed in this state may access the single contact repository established by the department pursuant to section 135C.33 as necessary for the hospital to perform record checks of persons employed or being considered for employment

by the hospital.

7. For the purposes of this section, *"comprehensive preliminary background check"* ~~means~~ and *"record check evaluation system"* mean the same as defined in section 135C.1.

Sec. 187. Section 135C.1, subsection 20, Code 2023, is amended to read as follows:

20. *"Residential care facility"* means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis or who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis if home and community-based services, other than nursing care, as defined by this chapter and departmental rule, are provided. For the purposes of this definition, the home and community-based services to be provided are limited to the type included under the medical assistance program provided pursuant to chapter 249A, are subject to cost limitations established by the department of health and human services under the medical assistance program, and except as otherwise provided by the department of inspections and appeals with the concurrence of the department of health and human services, are limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003.

Sec. 188. Section 135C.1, Code 2023, is amended by adding the following new subsection:

1 NEW SUBSECTION. 18A. *"Record check evaluation system"* means
2 the record check evaluation system of the department of health
3 and human services used to perform child and dependent adult
4 abuse record checks and to evaluate criminal history and abuse
5 records.
6 Sec. 189. Section 135C.4, subsection 3, Code 2023, is
7 amended to read as follows:
8 3. For the purposes of this section, the home and
9 community-based services to be provided shall be limited
10 to the type included under the medical assistance program
11 provided pursuant to chapter 249A, shall be subject to cost
12 limitations established by the department of health and human
13 services under the medical assistance program, and except
14 as otherwise provided by the department of inspections and
15 appeals with the concurrence of the department of health and
16 human services, shall be limited in capacity to the number of
17 licensed residential care facilities and the number of licensed
18 residential care facility beds in the state as of December 1,
19 2003.
20 Sec. 190. Section 135C.6, subsections 8 and 9, Code 2023,
21 are amended to read as follows:
22 8. The following residential programs to which the
23 department of health and human services applies accreditation,
24 certification, or standards of review shall not be required to
25 be licensed as a health care facility under this chapter:
26 *a.* Residential programs providing care to not more than four
27 individuals and receiving moneys appropriated to the department
28 of health and human services under provisions of a federally
29 approved home and community-based services waiver for persons
30 with an intellectual disability or other medical assistance
31 program under chapter 249A. In approving a residential
32 program under this paragraph, the department of health and
33 human services shall consider the geographic location of the
34 program so as to avoid an overconcentration of such programs
35 in an area. In order to be approved under this paragraph,

a residential program shall not be required to involve the conversion of a licensed residential care facility for persons with an intellectual disability.

b. Not more than forty residential care facilities for persons with an intellectual disability that are licensed to serve not more than five individuals may be authorized by the department of health and human services to convert to operation as a residential program under the provisions of a medical assistance home and community-based services waiver for persons with an intellectual disability. A converted residential program operating under this paragraph is subject to the conditions stated in paragraph *"a"* except that the program shall not serve more than five individuals.

c. A residential program approved by the department of health and human services pursuant to this paragraph *"c"* to receive moneys appropriated to the department of health and human services under provisions of a federally approved home and community-based services habilitation or waiver program may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions:

(1) Approval of the program will not result in an overconcentration of such programs in an area.

(2) The county in which the residential program is located submits to the department of health and human services a letter of support for approval of the program.

(3) The county in which the residential program is located provides to the department of health and human services verification in writing that the program is needed to address one or more of the following:

(a) The quantity of services currently available in the county is insufficient to meet the need.

(b) The quantity of affordable rental housing in the county is insufficient.

(c) Implementation of the program will cause a reduction in

the size or quantity of larger congregate programs.

9. Contingent upon the department of health and human services receiving federal approval, a residential program which serves not more than eight individuals and is licensed as an intermediate care facility for persons with an intellectual disability may surrender the facility license and continue to operate under a federally approved medical assistance home and community-based services waiver for persons with an intellectual disability, if the department of health and human services has approved a plan submitted by the residential program.

Sec. 191. Section 135C.14, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department shall, in accordance with chapter 17A and with the approval of the ~~state board of~~ council on health and human services, adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the ~~state board of~~ council on health and human services, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of health and human services or the director's designee, with the state fire marshal, and with affected industry, professional, and consumer groups, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:

Sec. 192. Section 135C.16, subsection 3, Code 2023, is amended to read as follows:

3. An authorized representative of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An authorized representative of the department may contact or interview any resident, employee, or

any other person who might have knowledge about the operation of a health care facility. An authorized representative of the department of health and human services shall have the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense, and an authorized representative of the designated protection and advocacy agency shall have the same right with respect to any facility where one or more residents have developmental disabilities or mental illnesses, and the state fire marshal or a deputy appointed pursuant to section 135C.9, subsection 1, paragraph *"b"*, shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility, and an authorized representative of the office of long-term care ombudsman shall have the same right with respect to any nursing facility or residential care facility. If any such authorized representative has probable cause to believe that any institution, building, or agency not licensed as a health care facility is in fact a health care facility as defined by this chapter, and upon producing identification that the individual is an authorized representative is denied entry ~~thereto~~ to the facility for the purpose of making an inspection, the authorized representative may, with the assistance of the county attorney of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Sec. 193. Section 135C.17, Code 2023, is amended to read as follows:

135C.17 Duties of other departments.

It shall be the duty of the department of health and human services, state fire marshal, office of long-term care ombudsman, and the officers and agents of other state and local governmental units, and the designated protection and advocacy

agency to assist the department in carrying out the provisions of this chapter, insofar as the functions of these respective offices and departments are concerned with the health, welfare, and safety of any resident of any health care facility. It shall be the duty of the department to cooperate with the protection and advocacy agency and the office of long-term care ombudsman by responding to all reasonable requests for assistance and information as required by federal law and this chapter.

Sec. 194. Section 135C.19, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. A copy of each citation required to be posted by this subsection shall be sent by the department to the department of health and human services, to the designated protection and advocacy agency if the facility has one or more residents with developmental disabilities or mental illness, and to the office of long-term care ombudsman if the facility is a nursing facility or residential care facility.

Sec. 195. Section 135C.19, subsection 3, Code 2023, is amended to read as follows:

3. If the facility cited subsequently advises the department of health and human services that the violation has been corrected to the satisfaction of the department of inspections and appeals, the department of health and human services shall maintain this advisory in the same file with the copy of the citation. The department of health and human services shall not disseminate to the public any information regarding citations issued by the department of inspections and appeals, but shall forward or refer inquiries to the department of inspections and appeals.

Sec. 196. Section 135C.20A, subsection 2, Code 2023, is amended to read as follows:

2. The report card form shall be developed by the department in cooperation with representatives of the department ~~on aging~~ of health and human services, the state long-term care

ombudsman, representatives of certified volunteer long-term care ombudsmen, representatives of protection and advocacy entities, consumers, and other interested persons.

Sec. 197. Section 135C.22, Code 2023, is amended to read as follows:

135C.22 Applicable to governmental units.

The provisions of this chapter shall be applicable to institutions operated by or under the control of the department of health and human services, the state board of regents, or any other governmental unit.

Sec. 198. Section 135C.31A, Code 2023, is amended to read as follows:

135C.31A Assessment of residents — program eligibility — prescription drug coverage.

1. A health care facility shall assist the Iowa department of veterans affairs in identifying, upon admission of a resident, the resident's eligibility for benefits through the United States department of veterans affairs. The department of inspections and appeals, in cooperation with the department of health and human services, shall adopt rules to administer this section, including a provision that ensures that if a resident is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the health care facility is the medical assistance program. The rules shall also require the health care facility to request information from a resident or resident's personal representative regarding the resident's veteran status and to report to the Iowa department of veterans affairs only the names of residents identified as potential veterans along with the names of their spouses and any dependents. Information reported by the health care facility shall be verified by the Iowa department of veterans affairs. This section shall not apply to the admission of an individual to a state mental health institute for acute psychiatric care or to the admission of an individual

1 to the Iowa veterans home.
2 2. *a.* If a resident is identified, upon admission to a
3 health care facility, as eligible for benefits through the
4 United States department of veterans affairs pursuant to
5 subsection 1 or through other means, the health care facility
6 shall allow the resident to access any prescription drug
7 benefit included in such benefits for which the resident is
8 also eligible. The health care facility shall also assist the
9 Iowa department of veterans affairs in identifying individuals
10 residing in such health care facilities on July 1, 2009, who
11 are eligible for the prescription drug benefit.
12 *b.* The department of inspections and appeals, the department
13 of veterans affairs, and the department of health and human
14 services shall identify any barriers to residents in accessing
15 such prescription drug benefits and shall assist health
16 care facilities in adjusting their procedures for medication
17 administration to comply with this subsection.
18 Sec. 199. Section 135C.33, Code 2023, is amended to read as
19 follows:
20 **135C.33 Employees and certified nurse aide trainees — child**
21 **or dependent adult abuse information and criminal record check**
22 **options — evaluations — application to other providers —**
23 **penalty.**
24 1. *a.* For the purposes of this section, the term *"crime"*
25 does not include offenses under chapter 321 classified as a
26 simple misdemeanor or equivalent simple misdemeanor offenses
27 from another jurisdiction.
28 *b.* Prior to employment of a person in a facility or with a
29 provider as specified in subsection 5, the facility or provider
30 shall do one of the following:
31 (1) Request that the department of public safety perform a
32 criminal history check and the record check evaluation system
33 of the department of health and human services perform child
34 and dependent adult abuse record checks of the person in this
35 state.

(2) Access the single contact repository to perform the required record checks.

c. (1) If a facility or a provider as specified in subsection 5 accesses the single contact repository to perform the required record checks pursuant to paragraph *"b"*, the facility or provider may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the facility or provider has requested an evaluation in accordance with subsection 2, paragraph *"a"*, to determine whether the crime warrants prohibition of the person's employment in the facility or with the provider.

(2) The provisional employment under this paragraph *"c"* may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

d. A facility or provider shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of

the receipt of the information. A facility or provider shall include the following inquiry in an application for employment: Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under chapter 321 or equivalent provisions, in this state or any other state?

2. *a.* If it is determined that a person being considered for employment in a facility or with a provider has been convicted of a crime under a law of any state, the department of public safety shall notify the facility or provider that upon the request of the facility or provider the ~~department of human services~~ record check evaluation system will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility or with the provider.

b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the facility or provider has requested an evaluation in accordance with paragraph "*a*" to determine whether the crime warrants prohibition of the person's employment, the facility or provider may employ the person for not more than sixty calendar days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

c. If a ~~department of human services~~ record check evaluation system child or dependent adult abuse record check shows that such person has a record of founded child or dependent adult abuse, the ~~department of human services~~ record check evaluation system shall notify the facility or provider that upon the request of the facility or provider the ~~department of~~

1 ~~human services~~ record check evaluation system will perform an
2 evaluation to determine whether the founded child or dependent
3 adult abuse warrants prohibition of employment in the facility
4 or with the provider.
5 *d.* An evaluation performed under this subsection shall
6 be performed in accordance with procedures adopted for this
7 purpose by the department of health and human services.
8 *e.* (1) If a person owns or operates more than one facility
9 or a provider owns or operates more than one location, and
10 an employee of one of such facilities or provider locations
11 is transferred to another such facility or provider location
12 without a lapse in employment, the facility or provider is not
13 required to request additional criminal and child and dependent
14 adult abuse record checks of that employee.
15 (2) If the ownership of a facility or provider is
16 transferred, at the time of transfer the record checks required
17 by this section shall be performed for each employee for whom
18 there is no documentation that such record checks have been
19 performed. The facility or provider may continue to employ
20 such employee pending the performance of the record checks and
21 any related evaluation.
22 3. In an evaluation, the ~~department of human services~~
23 record check evaluation system shall consider the nature and
24 seriousness of the crime or founded child or dependent adult
25 abuse in relation to the position sought or held, the time
26 elapsed since the commission of the crime or founded child
27 or dependent adult abuse, the circumstances under which the
28 crime or founded child or dependent adult abuse was committed,
29 the degree of rehabilitation, the likelihood that the person
30 will commit the crime or founded child or dependent adult
31 abuse again, and the number of crimes or founded child or
32 dependent adult abuses committed by the person involved. If
33 the ~~department of human services~~ record check evaluation system
34 performs an evaluation for the purposes of this section, the
35 ~~department of human services~~ record check evaluation system

has final authority in determining whether prohibition of the person's employment is warranted.

4. *a.* Except as provided in subsection 1, paragraph *"c"*, subsection 2, and paragraph *"b"* of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a facility or with a provider unless an evaluation has been performed by the ~~department of human services~~ record check evaluation system.

b. A person with a criminal or abuse record who is or was employed by a facility or provider and is hired by another facility or provider shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the ~~department of human services~~ record check evaluation system concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other facility or provider in accordance with the ~~department of human services'~~ record check evaluation system's evaluation and an exemption from the requirements in paragraph *"a"* for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph *"a"* remain applicable to the person's employment. Authorization of an exemption under this paragraph *"b"* from requirements for reevaluation of the latest record checks by the ~~department of human services~~ record check evaluation system is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the ~~department of human services~~ record check evaluation system shall remain applicable in the

1 person's subsequent employment.
2 (3) The person subject to the record checks has maintained a
3 copy of the previous evaluation and provides the evaluation to
4 the subsequent employer or the previous employer provides the
5 previous evaluation from the person's personnel file pursuant
6 to the person's authorization. If a physical copy of the
7 previous evaluation is not provided to the subsequent employer,
8 the record checks shall be reevaluated.
9 (4) Although an exemption under this paragraph *"b"* may
10 be authorized, the subsequent employer may instead request a
11 reevaluation of the record checks and may employ the person
12 while the reevaluation is being performed.
13 5. *a.* This section shall also apply to prospective
14 employees of all of the following, if the provider is regulated
15 by the state or receives any state or federal funding:
16 (1) An employee of a homemaker-home health aide, home care
17 aide, adult day services, or other provider of in-home services
18 if the employee provides direct services to consumers.
19 (2) An employee of a hospice, if the employee provides
20 direct services to consumers.
21 (3) An employee who provides direct services to consumers
22 under a federal home and community-based services waiver.
23 (4) An employee of an elder group home certified under
24 chapter 231B, if the employee provides direct services to
25 consumers.
26 (5) An employee of an assisted living program certified
27 under chapter 231C, if the employee provides direct services
28 to consumers.
29 *b.* In substantial conformance with the provisions of this
30 section, including the provision authorizing provisional
31 employment following completion of a comprehensive preliminary
32 background check, prior to the employment of such an employee,
33 the provider shall request the performance of the criminal
34 and child and dependent adult abuse record checks. The
35 provider shall inform the prospective employee and obtain the

prospective employee's signed acknowledgment. The ~~department of human services~~ record check evaluation system shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a provider shall not be employed by the provider.

6. *a.* This section shall also apply to an employee of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by this section if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of this section, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, prior to the employment of such an employee, the temporary staffing agency shall request the performance of the criminal and child and dependent adult abuse record checks. The temporary staffing agency shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The ~~department of human services~~ record check evaluation system shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a temporary staffing agency shall not be employed by the assisted living program as defined in section 231C.2, the Medicare certified home health agency, or the facility, service, program, or other provider regulated by this section.

c. If a person employed by a temporary staffing agency that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the temporary staffing agency within forty-eight hours and the temporary staffing agency shall inform the facility, service, program, or other provider within two hours.

d. If a temporary staffing agency fails to comply with the

1 requirements of this section, the temporary staffing agency
2 shall be liable to the facility, service, program, or other
3 provider for any actual damages, including civil penalties, and
4 reasonable attorney fees.
5 *e.* This section shall not apply to employees employed by a
6 temporary staffing agency for a position that does not provide
7 direct services to consumers.
8 7. *a.* The department of inspections and appeals, in
9 conjunction with other departments and agencies of state
10 government involved with criminal history and abuse registry
11 information, shall establish a single contact repository for
12 facilities and other providers to have electronic access to
13 data to perform background checks for purposes of employment,
14 as required of the facilities and other providers under this
15 section.
16 *b.* The department may access the single contact repository
17 for any of the following purposes:
18 (1) To verify data transferred from the department's nurse
19 aide registry to the repository.
20 (2) To conduct record checks of applicants for employment
21 with the department.
22 8. *a.* If a person employed by a facility, service, or
23 program employer that is subject to this section is convicted
24 of a crime or has a record of founded child or dependent
25 adult abuse entered in the abuse registry after the person's
26 employment application date, the person shall inform the
27 employer of such information within forty-eight hours of the
28 criminal conviction or entry of the record of founded child or
29 dependent adult abuse. The employer shall act to verify the
30 information within seven calendar days of notification. If
31 the information is verified, the requirements of subsections
32 2, 3, and 4 regarding employability and evaluations shall
33 be applied by the employer to determine whether or not the
34 person's employment is continued. The employer may continue to
35 employ the person pending the performance of an evaluation by

1 the ~~department of human services~~ record check evaluation system
2 to determine whether prohibition of the person's employment
3 is warranted. A person who is required by this subsection to
4 inform the person's employer of a conviction or entry of an
5 abuse record and fails to do so within the required period
6 commits a serious misdemeanor.
7 *b.* If a facility, service, or program employer receives
8 credible information, as determined by the employer, that a
9 person employed by the employer has been convicted of a crime
10 or a record of founded child or dependent adult abuse has been
11 entered in the abuse registry after employment from a person
12 other than the employee and the employee has not informed
13 the employer of such information within the period required
14 under paragraph *"a"*, the employer shall act to verify the
15 credible information within seven calendar days of receipt of
16 the credible information. If the information is verified, the
17 requirements of subsections 2, 3, and 4 regarding employability
18 and evaluations shall be applied to determine whether or not
19 the person's employment is continued.
20 *c.* The employer may notify the county attorney for the
21 county where the employer is located of any violation or
22 failure by an employee to notify the employer of a criminal
23 conviction or entry of an abuse record within the period
24 required under paragraph *"a"*.
25 9. *a.* For the purposes of this subsection, unless the
26 context otherwise requires:
27 (1) *"Certified nurse aide training program"* means a program
28 approved in accordance with the rules for such programs adopted
29 by the department of health and human services for the training
30 of persons seeking to be a certified nurse aide for employment
31 in any of the facilities or programs this section applies to or
32 in a hospital, as defined in section 135B.1.
33 (2) *"Student"* means a person applying for, enrolled in, or
34 returning to a certified nurse aide training program.
35 *b.* (1) Prior to a student beginning or returning to a

certified nurse aide training program, the program shall do one of the following:

(a) Request that the department of public safety perform a criminal history check and the ~~department of human services~~ record check evaluation system perform child and dependent adult abuse record checks, in this state, of the student.

(b) Access the single contact repository to perform the required record checks.

(2) If a program accesses the single contact repository to perform the required record checks pursuant to subparagraph (1), the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a person to provisionally participate in the clinical component of the certified nurse aide training program pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for provisional participation has been convicted of a crime but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(b) If the comprehensive preliminary background check determines the person being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the program has requested an evaluation in accordance with subsection 2, paragraph *"a"*, to determine whether the crime warrants prohibition of the person's provisional participation.

(d) The provisional participation under this subparagraph (2) may continue until such time as the required record checks

through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

c. If a student has a criminal record or a record of founded child or dependent adult abuse, the student shall not be involved in a clinical education component of the certified nurse aide training program involving children or dependent adults unless an evaluation has been performed by the ~~department of human services~~ record check evaluation system. Upon request of the certified nurse aide training program, the ~~department of human services~~ record check evaluation system shall perform an evaluation to determine whether the record warrants prohibition of the student's involvement in a clinical education component of the certified nurse aide training program involving children or dependent adults. The evaluation shall be performed in accordance with the criteria specified in subsection 3, and the ~~department of human services~~ record check evaluation system shall report the results of the evaluation to the certified nurse aide training program. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the student's involvement in the clinical education component is warranted.

d. (1) If a student's clinical education component of the training program involves children or dependent adults but does not involve operation of a motor vehicle, and the student has been convicted of a crime listed in subparagraph (2), but does not have a record of founded child or dependent adult abuse, and the training program has requested an evaluation in accordance with paragraph *"c"* to determine whether the crime warrants prohibition of the student's involvement in such clinical education component, the training program may allow the student's participation in the component for not more than sixty days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime

that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

e. (1) If a student is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the record checks and any evaluation have been performed, the student shall inform the certified nurse aide training program of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The program shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of paragraph *"c"* shall be applied by the program to determine whether or not the student's involvement in a clinical education component may continue. The program may allow the student involvement to continue pending the performance of an evaluation by the ~~department of human services~~ record check evaluation system. A student who is required by this subparagraph to inform the program of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

(2) If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student and the student has not informed the program of such information within the period required under subparagraph (1), the program shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of paragraph *"c"* shall be applied to determine whether or not the student's involvement in a clinical education component may continue.

(3) The program may notify the county attorney for the county where the program is located of any violation or failure

by a student to notify the program of a criminal conviction or entry of an abuse record within the period required under subparagraph (1).

f. If a certified nurse aide training program is conducted by a health care facility and a student of that program subsequently accepts and begins employment with the facility within thirty days of completing the program, the criminal history and abuse registry checks of the student performed pursuant to this subsection shall be deemed to fulfill the requirements for such checks prior to employment pursuant to subsection 1.

Sec. 200. Section 135D.2, subsections 3 and 13, Code 2023, are amended to read as follows:

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

13. *"~~Iowa~~ Medicaid ~~enterprise~~ program"* means the ~~centralized~~ medical assistance program ~~infrastructure, based on a business enterprise model, and designed to foster collaboration among all program stakeholders by focusing on quality, integrity, and consistency~~ as defined in section 249A.2.

Sec. 201. Section 135D.6, subsection 2, Code 2023, is amended to read as follows:

2. A single industry shall not be disproportionately represented as voting members of the board. The board shall include at least one member who is a consumer of health services and a majority of the voting members of the board shall be representative of participants in the Iowa health information network. The director of ~~public~~ health and human services or the director's designee and the director of the ~~Iowa~~ Medicaid ~~enterprise~~ program or the director's designee shall act as voting members of the board. The commissioner of insurance shall act as an ex officio, nonvoting member of the board. Individuals serving in an ex officio, nonvoting capacity shall not be included in the total number of individuals authorized as members of the board.

Sec. 202. Section 135D.6, subsection 3, paragraph f, Code 2023, is amended to read as follows:

f. Provide an annual budget and fiscal report for the Iowa health information network to the governor, the department of ~~public~~ health and human services, the department of management, the chairs and ranking members of the legislative government oversight standing committees, and the legislative services agency. The report shall also include information about the services provided through the network and information on the participant usage of the network.

Sec. 203. Section 135G.10, Code 2023, is amended to read as follows:

135G.10 Rules.

1. The department of inspections and appeals and the department of health and human services shall collaborate in establishing standards for licensing of subacute care facilities to achieve all of the following objectives:

a. Subacute mental health services are provided based on sound, proven clinical practice.

b. Subacute mental health services are established in a manner that allows the services to be included in the federal medical assistance state plan.

2. It is the intent of the general assembly that subacute mental health services be included in the Medicaid state plan adopted for the implementation of the federal Patient Protection and Affordable Care Act, benchmark plan.

3. The department of inspections and appeals, in consultation with the department of health and human services and affected professional groups, shall adopt and enforce rules setting out the standards for a subacute care facility and the rights of the residents admitted to a subacute care facility. The department of inspections and appeals and the department of health and human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of

the licensee.

Sec. 204. Section 135G.11, subsection 2, Code 2023, is amended to read as follows:

2. Upon receipt of a complaint made in accordance with subsection 1, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a subacute care facility or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the subacute care facility which is the subject of the complaint. The department of inspections and appeals may refer to the department of health and human services any complaint received by the department of inspections and appeals if the complaint applies to rules adopted by the department of health and human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with a developmental disability or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter.

Sec. 205. Section 135H.4, Code 2023, is amended to read as follows:

135H.4 Licensure.

A person shall not establish, operate, or maintain a psychiatric medical institution for children unless the person obtains a license for the institution under this chapter and either holds a license under section 237.3, subsection 2, paragraph *"a"*, as a comprehensive residential facility for children or holds a license under section 125.13, if the facility provides substance ~~abuse~~ use disorder treatment.

Sec. 206. Section 135H.6, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. The department of health and human services has submitted

1 written approval of the application based on the department
2 of health and human services' determination of need. The
3 department of health and human services shall identify the
4 location and number of children in the state who require the
5 services of a psychiatric medical institution for children.
6 Approval of an application shall be based upon the location
7 of the proposed psychiatric institution relative to the need
8 for services identified by the department of health and human
9 services and an analysis of the applicant's ability to provide
10 services and support consistent with requirements under chapter
11 232, particularly regarding community-based treatment. If
12 the proposed psychiatric institution is not freestanding from
13 a facility licensed under chapter 135B or 135C, approval
14 under this paragraph shall not be given unless the department
15 of health and human services certifies that the proposed
16 psychiatric institution is capable of providing a resident with
17 a living environment similar to the living environment provided
18 by a licensee which is freestanding from a facility licensed
19 under chapter 135B or 135C.
20 Sec. 207. Section 135H.6, subsections 2, 3, 4, and 5, Code
21 2023, are amended to read as follows:
22 2. The department of health and human services shall
23 not give approval to an application which would cause the
24 total number of beds licensed under this chapter for services
25 reimbursed by the medical assistance program under chapter 249A
26 to exceed four hundred thirty beds.
27 3. In addition to the beds authorized under subsection
28 2, the department of health and human services may establish
29 not more than thirty beds licensed under this chapter at the
30 state mental health institute at Independence. The beds shall
31 be exempt from the certificate of need requirement under
32 subsection 1, paragraph *"d"*.
33 4. The department of health and human services may give
34 approval to conversion of beds approved under subsection 2,
35 to beds which are specialized to provide substance ~~abuse~~

use disorder treatment. However, the total number of beds approved under subsection 2 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section.

5. A psychiatric institution licensed prior to July 1, 1999, may exceed the number of beds authorized under subsection 2 if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsection 1, paragraphs *"d"* and *"e"*, and subsection 2, the provision of services using those excess beds does not require a certificate of need or a review by the department of health and human services.

Sec. 208. Section 135H.7, Code 2023, is amended to read as follows:

135H.7 Personnel.

1. A person shall not be allowed to provide services in a psychiatric institution if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. *a.* If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a licensed psychiatric institution, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the ~~department of human services~~ record check evaluation

1 system and the licensee~~,~~ for an employee of the licensee~~,~~ shall
2 perform an evaluation to determine whether the crime or founded
3 child abuse warrants prohibition of licensure, employment, or
4 residence in the facility. The record check evaluation system
5 of the department of health and human services shall conduct
6 criminal and child abuse record checks in this state and may
7 conduct these checks in other states. The evaluation shall
8 be performed in accordance with procedures adopted for this
9 purpose by the department of health and human services.
10 *b.* If the ~~department of human services~~ record check
11 evaluation system determines that a person has committed a
12 crime or has a record of founded child abuse and is licensed,
13 employed by a psychiatric institution licensed under this
14 chapter, or resides in a licensed facility, the ~~department~~
15 record check evaluation system shall notify the program
16 that an evaluation will be conducted to determine whether
17 prohibition of the person's licensure, employment, or residence
18 is warranted.
19 *c.* In an evaluation, the ~~department of human services~~
20 record check evaluation system and the licensee for an employee
21 of the licensee shall consider the nature and seriousness of
22 the crime or founded child abuse in relation to the position
23 sought or held, the time elapsed since the commission of the
24 crime or founded child abuse, the circumstances under which
25 the crime or founded child abuse was committed, the degree of
26 rehabilitation, the likelihood that the person will commit the
27 crime or founded child abuse again, and the number of crimes
28 or founded child abuses committed by the person involved.
29 The ~~department~~ record check evaluation system may permit a
30 person who is evaluated to be licensed, employed, or to reside,
31 or to continue to be licensed, employed, or to reside in a
32 licensed facility, if the person complies with the ~~department's~~
33 record check evaluation system's conditions relating to the
34 person's licensure, employment, or residence, which may include
35 completion of additional training. For an employee of a

licensee, these conditional requirements shall be developed with the licensee. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

3. If the ~~department of human services~~ record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter to operate a psychiatric institution and shall not be employed by a psychiatric institution or reside in a facility licensed under this chapter.

4. In addition to the record checks required under subsection 2, the ~~department of human services~~ record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of subsections 2 and 3, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random dependent adult abuse record check conducted under this subsection.

5. ~~Beginning July 1, 1994, a~~ A licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

6. ~~On or after July 1, 1994, a~~ A licensee shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

Sec. 209. Section 135H.10, Code 2023, is amended to read as follows:

135H.10 Rules.

1 1. The department of inspections and appeals, in
2 consultation with the department of health and human services
3 and affected professional groups, shall adopt and enforce rules
4 setting out the standards for a psychiatric medical institution
5 for children and the rights of the residents admitted to
6 a psychiatric institution. The department of inspections
7 and appeals and the department of health and human services
8 shall coordinate the adoption of rules and the enforcement of
9 the rules in order to prevent duplication of effort by the
10 departments and of requirements of the licensee.
11 2. This chapter shall not be construed as prohibiting the
12 use of funds appropriated for foster care to provide payment
13 to a psychiatric medical institution for children for the
14 financial participation required of a child whose foster care
15 placement is in a psychiatric medical institution for children.
16 In accordance with established policies and procedures for
17 foster care, the department of health and human services shall
18 act to recover any such payment for financial participation,
19 apply to be named payee for the child's unearned income, and
20 recommend parental liability for the costs of a court-ordered
21 foster care placement in a psychiatric medical institution.
22 Sec. 210. Section 135H.12, subsection 1, Code 2023, is
23 amended to read as follows:
24 1. Upon receipt of a complaint made in accordance with
25 section 135H.11, the department shall make a preliminary review
26 of the complaint. Unless the department concludes that the
27 complaint is intended to harass a psychiatric institution or
28 a licensee or is without reasonable basis, it shall within
29 twenty working days of receipt of the complaint make or cause
30 to be made an on-site inspection of the psychiatric institution
31 which is the subject of the complaint. The department of
32 inspections and appeals may refer to the department of health
33 and human services any complaint received by the department
34 if the complaint applies to rules adopted by the department
35 of health and human services. The complainant shall also

be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter.

Sec. 211. Section 135I.1, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 212. Section 135J.7, Code 2023, is amended to read as follows:

135J.7 Rules.

Except as otherwise provided in this chapter, the department shall adopt rules pursuant to chapter 17A necessary to implement this chapter, subject to approval of the ~~state board of~~ council on health and human services. Formulation of the rules shall include consultation with Iowa hospice organization representatives and other persons affected by this chapter.

Sec. 213. Section 135K.1, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 214. Section 135L.1, subsection 3, Code 2023, is amended to read as follows:

3. *"Child-placing agency"* means any agency, public, semipublic, or private, which represents itself as placing children, receiving children for placement, or actually engaging in placement of children and includes the department of health and human services.

Sec. 215. Section 135L.2, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor in

parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of ~~the~~ child support ~~recovery unit~~ services in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each.

Sec. 216. Section 135L.2, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The video shall be available through the state and local offices of the ~~Iowa department of public health, the~~ department of health and human services~~,~~ and the judicial branch and through the office of each licensed physician who performs abortions.

Sec. 217. Section 135L.3, subsection 3, paragraph m, subparagraph (4), Code 2023, is amended to read as follows:

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, subchapter III, part 2, or a parent of the child is named in a report of founded child abuse. The department of health and human services

shall maintain confidentiality under chapter 232 and shall not release any information in response to a request for public records, discovery procedures, subpoena, or any other means, unless the release of information is expressly authorized by the pregnant minor regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained. A person who knowingly violates the confidentiality provisions of this subparagraph is guilty of a serious misdemeanor.

Sec. 218. Section 135L.8, Code 2023, is amended to read as follows:

135L.8 Adoption of rules — implementation and documents.

The ~~Iowa~~ department of ~~public~~ health and human services shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent or grandparent of a pregnant minor who is designated to receive notification under this chapter.

Sec. 219. Section 135M.2, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 220. Section 135O.1, subsection 1, Code 2023, is amended to read as follows:

1. *"Boarding home"* means a premises used by its owner or lessee for the purpose of letting rooms for rental to three or more persons not related within the third degree of consanguinity to the owner or lessee where supervision or assistance with activities of daily living is provided to such persons. A boarding home does not include a facility, home, or program otherwise subject to licensure or regulation by the department of health and human services~~,~~ or the department of inspections and appeals~~, or department of public health~~.

Sec. 221. Section 135O.2, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections and appeals shall adopt

rules to administer this chapter in consultation with the departments of health and human services and public safety.

Sec. 222. Section 135O.3, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The interagency approach may involve a multidisciplinary team consisting of employees of the department of inspections and appeals, the department of health and human services, the state fire marshal, and the division of criminal investigation of the department of public safety, or other local, state, and federal agencies.

Sec. 223. Section 135O.3, subsection 4, Code 2023, is amended to read as follows:

4. If the department or a multidisciplinary team has probable cause to believe that a boarding home is in violation of this chapter or licensing or other regulatory requirements of the department of health and human services~~,~~ or the department of inspections and appeals, ~~or department of public health,~~ or that dependent adult abuse of any individual living in a boarding home has occurred, and upon producing proper identification, is denied entry to the boarding home or access to any individual living in the boarding home for the purpose of making an inspection or conducting an investigation, the department or multidisciplinary team may, with the assistance of the county attorney of the county in which the boarding home is located, apply to the district court for an order requiring the owner or lessee to permit entry to the boarding home and access to the individuals living in the boarding home.

Sec. 224. Section 136A.1, Code 2023, is amended to read as follows:

136A.1 Purpose.

To reduce and avoid adverse health conditions of inhabitants of the state, the ~~Iowa~~ department ~~of public health~~ shall initiate, conduct, and supervise screening and health care programs in order to detect and predict congenital or inherited disorders. The department shall assist in the translation and

integration of genetic and genomic advances into public health services to improve health outcomes throughout the life span of the inhabitants of the state.

Sec. 225. Section 136A.2, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 226. Section 136A.3, Code 2023, is amended to read as follows:

136A.3 ~~Establishment of center for congenital~~ Congenital and inherited disorders — department duties.

~~A center for congenital and inherited disorders is established within the department.~~ The ~~center~~ department shall do all of the following:

1. Initiate, conduct, and supervise statewide screening programs for congenital and inherited disorders amenable to population screening.

2. Initiate, conduct, and supervise statewide health care programs to aid in the early detection, treatment, prevention, education, and provision of supportive care related to congenital and inherited disorders.

3. Develop specifications for and designate a central laboratory in which tests conducted pursuant to the screening programs provided for in subsection 1 will be performed.

4. Gather, evaluate, and maintain information related to causes, severity, prevention, and methods of treatment for congenital and inherited disorders in conjunction with a central registry, screening programs, genetic health care programs, and ongoing scientific investigations and surveys.

5. Perform surveillance and monitoring of congenital and inherited disorders to determine the occurrence and trends of the disorders, to conduct thorough and complete epidemiological surveys, to assist in the planning for and provision of services to children with congenital and inherited disorders and their families, and to identify environmental and genetic

risk factors for congenital and inherited disorders.

6. Provide information related to severity, causes, prevention, and methods of treatment for congenital and inherited disorders to the public, medical and scientific communities, and health science disciplines.

7. Implement public education programs, continuing education programs for health practitioners, and education programs for trainees of the health science disciplines related to genetics, congenital disorders, and inheritable disorders.

8. Participate in policy development to assure the appropriate use and confidentiality of genetic information and technologies to improve health and prevent disease.

9. Collaborate with state and local health agencies and other public and private organizations to provide education, intervention, and treatment for congenital and inherited disorders and to integrate genetics and genomics advances into public health activities and policies.

Sec. 227. Section 136A.3A, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A congenital and inherited disorders advisory committee is established to assist the ~~center for congenital and inherited disorders and the~~ department in the development of programs that ensure the availability and access to quality genetic and genomic health care services for all Iowans.

3. The advisory committee shall assist the ~~center for congenital and inherited disorders and the~~ department in designating the conditions to be included in the newborn screening and in regularly evaluating the effectiveness and appropriateness of the newborn screening.

Sec. 228. Section 136A.4, Code 2023, is amended to read as follows:

136A.4 Genetic health services.

The ~~center~~ department may initiate, conduct, and supervise genetic health services for the inhabitants of the state, including the provision of regional genetic consultation

clinics, comprehensive neuromuscular health care outreach clinics, and other outreach services and clinics as established by rule.

Sec. 229. Section 136A.5B, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In accordance with the duties prescribed in section 136A.3, the ~~center for congenital and inherited disorders~~ department shall collaborate with state and local health agencies and other public and private organizations to develop and publish or approve and publish informational materials to educate and raise awareness of cytomegalovirus and congenital cytomegalovirus among women who may become pregnant, expectant parents, parents of infants, attending health care providers, and others, as appropriate. The materials shall include information regarding all of the following:

Sec. 230. Section 136A.5B, subsection 2, Code 2023, is amended to read as follows:

2. An attending health care provider shall provide to a pregnant woman during the first trimester of the pregnancy the informational materials published under this section. The ~~center for congenital and inherited disorders~~ department shall make the informational materials available to attending health care providers upon request.

Sec. 231. Section 136A.6, Code 2023, is amended to read as follows:

136A.6 Central registry.

The ~~center for congenital and inherited disorders~~ department shall maintain a central registry, or shall establish an agreement with a designated contractor to maintain a central registry, to compile, evaluate, retain, and disseminate information on the occurrence, prevalence, causes, treatment, and prevention of congenital disorders. Congenital disorders shall be considered reportable conditions in accordance with rules adopted by the department and shall be abstracted and maintained by the registry.

Sec. 232. Section 136A.7, Code 2023, is amended to read as follows:

136A.7 Confidentiality.

The ~~center for congenital and inherited disorders and the~~ department shall maintain the confidentiality of any identifying information collected, used, or maintained pursuant to this chapter in accordance with section 22.7, subsection 2.

Sec. 233. Section 136A.8, Code 2023, is amended to read as follows:

136A.8 Rules.

The ~~center for congenital and inherited disorders, with assistance provided by the Iowa~~ department ~~of public health,~~ shall adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 234. Section 136B.1, subsection 1, Code 2023, is amended to read as follows:

1. As used in this chapter, unless the context otherwise requires, *"department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 235. Section 136C.1, subsections 2 and 3, Code 2023, are amended to read as follows:

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

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

Sec. 236. Section 136C.3, subsection 2, Code 2023, is amended to read as follows:

2. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathic medicine, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the dental board in dental radiography, or by

the board of podiatry in podiatric radiography, or enrollment in a program or course of study approved by the ~~Iowa~~ department ~~of public health~~ which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 237. Section 136D.2, subsections 1 and 2, Code 2023, are amended to read as follows:

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

2. *"Director"* means the director of ~~public~~ health and human services, or the director's designee.

Sec. 238. Section 137.102, Code 2023, is amended to read as follows:

137.102 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"City board"* means a city board of health in existence prior to July 1, 2010.

2. *"City health department"* refers to the personnel and property under the jurisdiction of a city board in existence prior to July 1, 2010.

3. *"Council"* means ~~a city~~ the council on health and human services.

4. *"County board"* means a county board of health.

5. *"County health department"* refers to the personnel and property under the jurisdiction of a county board.

6. *"Director"* means the director of ~~public~~ health and human services.

7. *"District"* means any two or more geographically contiguous counties.

8. *"District board"* means a board of health representing at least two geographically contiguous counties formed with approval of the state department in accordance with this chapter, or any district board of health in existence prior to July 1, 2010.

9. *"District health department"* refers to the personnel and property under the jurisdiction of a district board.

10. *"Local board of health"* means a city, county, or district board of health.

11. *"Officers"* means a local board of health chairperson, vice chairperson, and secretary, and other officers which may be named at the discretion of the local board of health.

~~12. *"State board"* means the state board of health.~~

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

Sec. 239. Section 137.104, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the ~~state board~~ council as may be necessary for the protection and improvement of the public health.

Sec. 240. Section 137.104, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Rules of a city board shall become effective upon approval by the city council and publication in a newspaper having general circulation in the city.

Sec. 241. Section 137.104, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. By written agreement with the city council of any city within its jurisdiction, enforce appropriate ordinances of the city relating to public health.

Sec. 242. Section 137.105, subsection 1, paragraphs a and f, Code 2023, are amended to read as follows:

a. All members of a city board shall be appointed by the city council.

f. A local board of health member shall serve without compensation, but may be reimbursed for necessary expenses in accordance with rules established by the ~~state board~~ council or the applicable jurisdiction.

Sec. 243. Section 137.107, Code 2023, is amended to read as follows:

137.107 Request reviewed by state department.

The state department shall review requests submitted pursuant to section 137.106. The state department, upon finding that all required elements are present, shall present findings to the ~~state board~~ council. The ~~state board~~ council may approve the formation of a district board and if the formation is approved, shall notify the county boards from whom the request was received.

Sec. 244. Section 137.114, Code 2023, is amended to read as follows:

137.114 Withdrawal from district.

A county may withdraw from an existing district board upon submission of a request for withdrawal to and approval by the state department. The request shall include a plan to reform its county board or join a different district board, information specified in section 137.106, and approval of the request by the district board and, at the recommendation of the state department, the ~~state board~~ council. Any county choosing to withdraw from the district board shall commit to the continuity of services in its county by reestablishing its county board or joining a different district board. The remaining counties in the district shall submit an application including the information specified in section 137.106 to the state department for review as provided in section 137.107.

Sec. 245. Section 137.119, Code 2023, is amended to read as follows:

137.119 Adoption of rules.

The ~~state board of health~~ council shall adopt rules to implement this chapter. The department is vested with discretionary authority to interpret the provisions of this chapter.

Sec. 246. Section 137F.1, subsection 9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

1 *"Food establishment"* means an operation that stores,
2 prepares, packages, serves, vends, or otherwise provides
3 food for human consumption and includes a food service
4 operation in a salvage or distressed food operation, school,
5 summer camp, residential service substance abuse treatment
6 facility, halfway house substance ~~abuse~~ use disorder treatment
7 facility, correctional facility operated by the department of
8 corrections, or the state training school. *"Food establishment"*
9 does not include the following:
10 Sec. 247. Section 138.1, subsections 4 and 5, Code 2023, are
11 amended to read as follows:
12 4. *"Department"* means the ~~Iowa~~ department of ~~public~~ health
13 and human services.
14 5. *"Director"* means the director of ~~public~~ health and human
15 services or the director's designee.
16 Sec. 248. Section 139A.2, Code 2023, is amended to read as
17 follows:
18 **139A.2 Definitions.**
19 For purposes of this chapter, unless the context otherwise
20 requires:
21 1. *"Area quarantine"* means prohibiting ingress and egress
22 to and from a building or buildings, structure or structures,
23 or other definable physical location, or portion thereof, to
24 prevent or contain the spread of a suspected or confirmed
25 quarantinable disease or to prevent or contain exposure to a
26 suspected or known chemical, biological, radioactive, or other
27 hazardous or toxic agent.
28 2. *"Business"* means and includes every trade, occupation,
29 or profession.
30 3. *"Care provider"* means an individual who is trained
31 and authorized by federal or state law to provide health
32 care services or services of any kind in the course of the
33 individual's official duties, for compensation or in a
34 voluntary capacity, who is a health care provider, emergency
35 medical care provider as defined in section 147A.1, fire

fighter, or peace officer. *"Care provider"* also means an individual who renders emergency care or assistance in an emergency or due to an accident as described in section 613.17.

4. *"Communicable disease"* means any disease spread from person to person or animal to person.

5. *"Contagious or infectious disease"* means hepatitis in any form, meningococcal disease, AIDS or HIV as defined in section 141A.1, tuberculosis, and any other disease determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

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

7. *"Designated officer"* means a person who is designated by a department, agency, division, or service organization to act as an infection control liaison officer.

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

~~8.~~ 9. *"Exposure"* means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids.

~~9.~~ 10. *"Exposure-prone procedure"* means a procedure performed by a health care provider which presents a recognized risk of percutaneous injury to the health care provider and if such an injury occurs, the health care provider's blood is likely to contact a patient's body cavity, subcutaneous tissues, or mucous membranes, or an exposure-prone procedure as defined by the centers for disease control and prevention of the United States department of health and human services.

~~10.~~ 11. *"HBV"* means hepatitis B virus.

~~11.~~ 12. *"Health care facility"* means a health care facility as defined in section 135C.1, an ambulatory surgical center,

or a clinic.

~~12.~~ 13. *"Health care provider"* means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, nursing, dentistry, optometry, or as a physician assistant, dental hygienist, or acupuncturist.

~~13.~~ 14. *"HIV"* means HIV as defined in section 141A.1.

~~14.~~ 15. *"Hospital"* means hospital as defined in section 135B.1.

~~15.~~ 16. *"Isolation"* means the separation of persons or animals presumably or actually infected with a communicable disease or who are disease carriers for the usual period of communicability of that disease in such places, marked by placards if necessary, and under such conditions as will prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible persons.

~~16.~~ 17. *"Local board"* means the local board of health.

~~17.~~ 18. *"Local department"* means the local health department.

~~18.~~ 19. *"Placard"* means a warning sign to be erected and displayed on the periphery of a quarantine area, forbidding entry to or exit from the area.

~~19.~~ 20. *"Public health disaster"* means public health disaster as defined in section 135.140.

~~20.~~ 21. *"Quarantinable disease"* means any communicable disease designated by rule adopted by the department as requiring quarantine or isolation to prevent its spread.

~~21.~~ 22. *"Quarantine"* means the limitation of freedom of movement of persons or animals that have been exposed to a quarantinable disease within specified limits marked by placards for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent the spread of a quarantinable disease which affects people.

~~22.~~ 23. *"Reportable disease"* means any disease designated by rule adopted by the department requiring its occurrence to

be reported to an appropriate authority.

~~23.~~ 24. *"Sexually transmitted disease or infection"* means a disease or infection as identified by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

~~24.~~ 25. *"Significant exposure"* means a situation in which there is a risk of contracting disease through exposure to a person's infectious bodily fluids in a manner capable of transmitting an infectious agent as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

~~25.~~ 26. *"Terminal cleaning"* means cleaning procedures defined in the isolation guidelines issued by the centers for disease control and prevention of the United States department of health and human services.

Sec. 249. Section 139A.3, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. Notwithstanding paragraph *"b"*, information contained in the report may be reported in public health records in a manner which prevents the identification of any person or business named in the report. If information contained in the report concerns a business, information disclosing the identity of the business may be released to the public when the state epidemiologist or the director ~~of public health~~ determines such a release of information necessary for the protection of the health of the public.

Sec. 250. Section 139A.8, subsection 3, Code 2023, is amended to read as follows:

3. Subject to the provision of subsection 4, the ~~state board of~~ council on health and human services may modify or delete any of the immunizations in subsection 2.

Sec. 251. Section 139A.8, subsection 4, paragraph b, Code

2023, is amended to read as follows:

b. The exemptions under this subsection do not apply in times of emergency or epidemic as determined by the ~~state board of~~ council on health and human services and as declared by the director of ~~public~~ health and human services.

Sec. 252. Section 139A.9, Code 2023, is amended to read as follows:

139A.9 Forcible removal — isolation — quarantine.

The forcible removal and isolation or quarantine of any infected person shall be accomplished according to the rules and regulations of the local board or the rules of the ~~state board of~~ council on health and human services.

Sec. 253. Section 141A.1, subsection 6, Code 2023, is amended to read as follows:

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

Sec. 254. Section 141A.2, subsection 6, Code 2023, is amended to read as follows:

6. The department, with the approval of the ~~state board of~~ council on health and human services, may conduct epidemiological blinded and nonblinded studies to determine the incidence and prevalence of HIV infection. Initiation of any new epidemiological studies shall be contingent upon the receipt of funding sufficient to cover all the costs associated with the studies. The informed consent, reporting, and counseling requirements of this chapter shall not apply to blinded studies.

Sec. 255. Section 141A.4, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. All persons having a history of injecting drug ~~abuse~~ use disorder.

Sec. 256. Section 141A.9, subsection 2, paragraph j, Code 2023, is amended to read as follows:

j. To employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees

of secure facilities for juveniles subject to the department of health and human services, and employees of city and county jails, if the employees have direct supervision over inmates of those facilities or institutions in the exercise of the duties prescribed pursuant to section 80.9B.

Sec. 257. Section 142.1, Code 2023, is amended to read as follows:

142.1 Delivery of bodies.

The body of every person dying in a public asylum, hospital, county care facility, penitentiary, or reformatory in this state, or found dead within the state, or which is to be buried at public expense in this state, except those buried under the provisions of chapter 144C or 249, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathic medicine or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during the person's last illness that the person's body should be buried or cremated, nor if such is the desire of the person's relatives. Such bodies shall be equitably distributed among said colleges and schools according to their needs for teaching anatomy in accordance with such rules as may be adopted by the ~~Iowa~~ department of ~~public~~ health and human services. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same. If the deceased person has not expressed a desire during the person's last illness that the person's body should be buried or cremated and no person authorized to control the deceased person's remains under section 144C.5 requests the person's body for burial or cremation, and if a friend objects to the use of the deceased person's body for scientific purposes, said deceased person's body shall be forthwith delivered to such friend for burial or cremation at

no expense to the state or county. Unless such friend provides for burial and burial expenses within five days, the body shall be used for scientific purposes under this chapter.

Sec. 258. Section 142.2, Code 2023, is amended to read as follows:

142.2 Furnished to physicians.

When there are more dead bodies available for use under section 142.1 than are desired by said colleges or schools, the same may be delivered to physicians in the state for scientific study under such rules as may be adopted by the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 259. Section 142.3, Code 2023, is amended to read as follows:

142.3 Notification of department.

Every county medical examiner, funeral director or embalmer, and the managing officer of every public asylum, hospital, county care facility, penitentiary, or reformatory, as soon as any dead body shall come into the person's custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the ~~Iowa~~ department of ~~public~~ health and human services, and hold such body unburied for forty-eight hours. Upon receipt of notification, the department shall issue verbal or written instructions relative to the disposition to be made of said body. Complete jurisdiction over said bodies is vested exclusively in the ~~Iowa~~ department of ~~public~~ health and human services. No autopsy or post mortem, except as are legally ordered by county medical examiners, shall be performed on any of said bodies prior to their delivery to the medical schools.

Sec. 260. Section 142.9, Code 2023, is amended to read as follows:

142.9 Failure to deliver dead body.

Any person having the custody of the dead body of any human being which is required to be delivered for scientific purposes

by this chapter, who shall fail to notify the ~~Iowa~~ department of ~~public~~ health and human services of the existence of such body, or fail to deliver the same in accordance with the instructions of the department, shall be guilty of a simple misdemeanor.

Sec. 261. Section 142A.2, Code 2023, is amended to read as follows:

142A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the division of tobacco use prevention and control.~~

~~2.~~ 1. *"Commission"* means the commission on tobacco use prevention and control established in this chapter.

~~3.~~ 2. *"Community partnership"* means a public agency or nonprofit organization implementing the tobacco use prevention and control initiative in a local area in accordance with this chapter.

~~4.~~ 3. *"Department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

~~5.~~ 4. *"Director"* means the director of ~~public~~ health and human services.

~~6. *"Division"* means the division of tobacco use prevention and control of the Iowa department of public health, established pursuant to this chapter.~~

~~7.~~ 5. *"Initiative"* means the comprehensive tobacco use prevention and control initiative established in this chapter.

~~8.~~ 6. *"Manufacturer"* means manufacturer as defined in section 453A.1.

~~9.~~ 7. *"Pregnant woman"* means a female of any age who is pregnant.

~~10.~~ 8. *"School-age youth"* means a person attending school in kindergarten through grade twelve.

~~11.~~ 9. *"Tobacco"* means both cigarettes and tobacco products as defined in section 453A.1.

1 ~~12.~~ 10. *"Youth"* means a person who is five through
2 twenty-four years of age.
3 Sec. 262. Section 142A.3, Code 2023, is amended to read as
4 follows:
5 **142A.3 Tobacco use prevention and control ~~— division~~ —**
6 **commission — created.**
7 1. The department ~~shall establish, as a separate and~~
8 ~~distinct division within the department, a division of tobacco~~
9 ~~use prevention and control. The division~~ shall develop,
10 implement, and administer the initiative established in this
11 chapter and shall perform other duties as directed by this
12 chapter or as assigned by the director ~~of public health~~.
13 2. A commission on tobacco use prevention and control
14 is established to develop policy, provide direction for
15 the initiative, and perform all other duties related to
16 the initiative and other tobacco use prevention and control
17 activities as directed by this chapter or referred to the
18 commission by the director ~~of public health~~.
19 3. The membership of the commission shall include the
20 following voting members who shall serve three-year, staggered
21 terms:
22 *a.* Members, at least one of whom is a member of a racial
23 minority, to be appointed by the governor, subject to
24 confirmation by the senate pursuant to sections 2.32 and 69.19,
25 and consisting of the following:
26 (1) Three members who are active with nonprofit health
27 organizations that emphasize tobacco use prevention or who are
28 active as health services providers, at the local level.
29 (2) Three members who are active with health promotion
30 activities at the local level in youth education, nonprofit
31 services, or other activities relating to tobacco use
32 prevention and control.
33 *b.* Three voting members, to be selected by the participants
34 in the annual statewide youth summit of the initiative's youth
35 program, who shall not be subject to section 69.16 or 69.16A.

However, the selection process shall provide for diversity among the members and at least one of the youth members shall be a female.

4. The commission shall also include the following ex officio, nonvoting members:

a. Four members of the general assembly, with not more than one member from each chamber being from the same political party. The majority leader of the senate and the minority leader of the senate shall each appoint one of the senate members. The majority leader of the house of representatives and the minority leader of the house of representatives shall each appoint one of the house members.

b. The presiding officer of the statewide youth executive body, selected by the delegates to the statewide youth summit.

5. In addition to the members of the commission, the following agencies, organizations, and persons shall each assign a single liaison to the commission to provide assistance to the commission in the discharge of the commission's duties:

a. The department of education.

b. The drug policy coordinator.

c. The department of justice, office of the attorney general.

~~*d.* The department of human services.~~

6. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6. Legislative members are eligible for per diem and expenses as provided in section 2.10.

7. A member of the commission who is convicted of a crime relating to tobacco, alcohol, or controlled substances is subject to removal from the commission.

8. A vacancy on the commission other than for the youth members shall be filled in the same manner as the original appointment for the balance of the unexpired term. A youth member vacancy shall be filled by the presiding officer of the

statewide executive body as selected by the delegates to the statewide youth summit.

9. The commission shall elect a chairperson from among its voting members and may select other officers from among its voting members, as determined necessary by the commission. The commission shall meet regularly as determined by the commission, upon the call of the chairperson, or upon the call of a majority of the voting members.

10. The commission may designate an advisory council. The commission shall determine the membership and representation of the advisory council and members of the council shall serve at the pleasure of the commission. The advisory council may include representatives of health care provider groups, parent groups, antitobacco advocacy programs and organizations, research and evaluation experts, and youth organizers.

Sec. 263. Section 142A.4, Code 2023, is amended to read as follows:

142A.4 Commission duties.

The commission shall do all of the following:

1. Develop and implement the comprehensive tobacco use prevention and control initiative as provided in this chapter.

2. Provide a forum for the discussion, development, and recommendation of public policy alternatives in the field of tobacco use prevention and control.

3. Develop an educational component of the initiative. Educational efforts provided through the school system shall be developed in conjunction with the department of education.

4. Develop a plan for implementation of the initiative in accordance with the purpose and intent specified in section 142A.1.

5. Provide for technical assistance, training, and other support under the initiative.

6. Take actions to develop and implement a statewide system for the initiative programs that are delivered through community partnerships.

7. Manage and coordinate the provision of funding and other moneys available to the initiative by combining all or portions of appropriations or other revenues as authorized by law.

8. Assist with the linkage of the initiative with child welfare and juvenile justice decategorization projects, education programming, early childhood Iowa areas, and other programs and services directed to youth at the state and community level.

9. *a.* Coordinate and respond to any requests from a community partnership relating to any of the following:

(1) Removal of barriers to community partnership efforts.

(2) Pooling and redirecting of existing federal, state, or other public or private funds available for purposes that are consistent with the initiative.

(3) Seeking of federal waivers to assist community partnership efforts.

b. In coordinating and responding to the requests, the commission shall work with state agencies, the governor, and the general assembly as necessary to address requests deemed appropriate by the commission.

10. Adopt rules pursuant to chapter 17A as necessary for the designation, governance, and oversight of the initiative and the implementation of this chapter. The commission shall provide for community partnership and youth program input in the rules adoption process. The rules shall include but are not limited to all of the following:

a. Performance indicators for initiative programs, community partnerships, and the services provided under the auspices of community partnerships. The performance indicators shall be developed with input from communities.

b. Minimum standards to further the provision of equal access to services.

11. Monitor and evaluate the effectiveness of performance measures utilized under the initiative.

12. Submit a report to the governor and the general assembly

~~on a periodic basis, during the initial year of operation, and~~ on an annual basis ~~thereafter,~~ regarding the initiative, including demonstrated progress based on performance indicators. The commission shall report more frequently if requested by the joint appropriations subcommittee that makes recommendations concerning the commission's budget. ~~Beginning July 1, 2005, the commission shall also perform a comprehensive review of the initiative and shall submit a report of its findings to the governor and the general assembly on or before December 15, 2005.~~

13. Represented by the chairperson of the commission, annually appear before the joint appropriations subcommittee that makes recommendations concerning the commission's budget to report on budget expenditures and ~~division~~ department operations relative to the prior fiscal year and the current fiscal year.

~~14. Advise the director in evaluating potential candidates for the position of administrator, consult with the director in the hiring of the administrator, and review and advise the director on the performance of the administrator in the discharge of the administrator's duties.~~

~~15.~~ 14. Prioritize funding needs and the allocation of moneys appropriated and other resources available for the programs and activities of the initiative.

~~16.~~ 15. Review fiscal needs of the initiative and make recommendations to the director in the development of budget requests.

~~17.~~ 16. Solicit and accept any gift of money or property, including any grant of money, services, or property from the federal government, the state, a political subdivision, or a private source that is consistent with the goals of the initiative. The commission shall adopt rules prohibiting the acceptance of gifts from a manufacturer of tobacco products.

~~18.~~ 17. Advise and make recommendations to the governor, the general assembly, and the director~~, and the administrator~~,

relative to tobacco use, treatment, intervention, prevention, control, and education programs in the state.

~~19.~~ 18. Evaluate the work of the ~~division and the~~ department relating to the initiative. For this purpose, the commission shall have access to any relevant department records and documents, and other information reasonably obtainable by the department.

~~20.~~ 19. Develop the structure for the statewide youth summit to be held annually.

~~21.~~ 20. Approve the content of any materials distributed by the youth program pursuant to section 142A.9, prior to distribution of the materials.

Sec. 264. Section 142A.5, Code 2023, is amended to read as follows:

142A.5 ~~Director and administrator~~ Department duties.

~~1.~~ The ~~director~~ department shall do all of the following:

~~*a.* Establish and maintain the division of tobacco use prevention and control.~~

~~*b.* Employ a separate division administrator, in accordance with the requirements of section 142A.4, subsection 14, in a full-time equivalent position whose sole responsibility and duty shall be the administration and oversight of the division. The division administrator shall report to and shall serve at the pleasure of the director. The administrator shall be exempt from the merit system provisions of chapter 8A, subchapter IV.~~

~~*c.*~~ 1. Coordinate all tobacco use prevention and control programs and activities under the purview of the department.

~~*d.*~~ 2. Receive and review budget recommendations from the commission. The director shall consider these recommendations in developing the budget request for the department.

~~2. The administrator shall do all of the following:~~

~~*a.*~~ 3. Implement the initiative, coordinate the activities of the commission and the initiative, and coordinate other tobacco use prevention and control activities ~~as assigned by~~

~~the director~~.

~~b.~~ 4. Monitor and evaluate the effectiveness of performance measures.

~~c.~~ 5. Provide staff and administrative support to the commission.

~~d.~~ 6. Administer contracts entered into under this chapter.

~~e.~~ 7. Coordinate and cooperate with other tobacco use prevention and control programs within and outside of the state.

~~f.~~ 8. Provide necessary information to the commission to assist the commission in making its annual report to the joint appropriations subcommittee pursuant to section 142A.4, ~~subsection 13,~~ and in fulfilling other commission duties pursuant to section 142A.4.

Sec. 265. Section 142A.6, subsections 1 and 4, Code 2023, are amended to read as follows:

1. A comprehensive tobacco use prevention and control initiative is established. The ~~division~~ department shall implement the initiative as provided in this chapter.

4. The ~~division~~ department shall implement the initiative in a manner that ensures that youth are extensively involved in the decision making for the programs implemented under the initiative. The initiative shall also involve parents, schools, and community members in activities to achieve the results desired for the initiative. The ~~division~~ department shall encourage collaboration at the state and local levels to maximize available resources and to provide flexibility to support community efforts.

Sec. 266. Section 142C.15, subsections 1 and 2, Code 2023, are amended to read as follows:

1. An anatomical gift public awareness and transplantation fund is created as a separate fund in the state treasury under the control of the ~~Iowa~~ department of ~~public~~ health and human services. The fund shall consist of moneys remitted by the county treasurer of a county or by the department of

transportation which were collected through the payment of a contribution made by an applicant for registration of a motor vehicle pursuant to section 321.44A and any other contributions to the fund.

2. The moneys collected under this section and deposited in the fund are appropriated to the ~~Iowa~~ department of ~~public~~ health and human services for the purposes specified in this section. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose.

Sec. 267. Section 142C.15, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~Iowa~~ department of ~~public~~ health and human services may use not more than five percent of the moneys in the fund for administrative costs. The remaining moneys in the fund may be expended through grants to any of the following persons, subject to the following conditions:

Sec. 268. Section 142C.17, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~Iowa~~ department of ~~public~~ health and human services, in conjunction with any statewide organ procurement organization in Iowa, shall prepare and submit a report to the general assembly on or before January 1 each year regarding organ donation rates and voluntary compliance efforts with hospital organ and tissue donation protocols by physicians, hospitals, and other health systems organizations. The report shall contain the following:

Sec. 269. Section 142C.18, subsection 1, Code 2023, is amended to read as follows:

1. The ~~director~~ department of ~~public~~ health and human services shall contract with and recognize the Iowa donor registry for the purpose of indicating on the donor registry all relevant information regarding a donor's making or amending of an anatomical gift.

Sec. 270. Section 142D.2, Code 2023, is amended by adding the following new subsection:

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

Sec. 271. Section 142D.6, subsection 3, Code 2023, is amended to read as follows:

3. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall clearly and conspicuously post in and at every entrance to the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area, "no smoking" signs or the international "no smoking" symbol. Additionally, a "no smoking" sign or the international "no smoking" symbol shall be placed in every vehicle that constitutes a public place, place of employment, or area declared a nonsmoking place pursuant to section 142D.5 under this chapter, visible from the exterior of the vehicle. All signs shall contain the telephone number for reporting complaints and the internet site of the department ~~of public health~~. The owner, operator, manager, or other person having custody or control of the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area may use the sample signs provided on the ~~department of public health's~~ department's internet site, or may use another sign if the contents of the sign comply with the requirements of this subsection.

Sec. 272. Section 142D.8, Code 2023, is amended to read as follows:

142D.8 Enforcement.

1. This chapter shall be enforced by the department ~~of public health~~ or the department's designee. The department ~~of public health~~ shall adopt rules to administer this chapter, including rules regarding enforcement. The department ~~of public health~~ shall provide information regarding the provisions of this chapter and related compliance issues to

employers, owners, operators, managers, and other persons having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited, and the general public via the department's internet site. The internet site shall include sample signage and the telephone number for reporting complaints. Judicial magistrates shall hear and determine violations of this chapter.

2. If a public place is subject to any state or political subdivision inspection process or is under contract with the state or a political subdivision, the person performing the inspection shall assess compliance with the requirements of this chapter and shall report any violations to the department ~~of public health~~ or the department's designee.

3. An owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter shall inform persons violating this chapter of the provisions of this chapter.

4. An employee or private citizen may bring a legal action to enforce this chapter. Any person may register a complaint under this chapter by filing a complaint with the department ~~of public health~~ or the department's designee.

5. In addition to the remedies provided in this section, the department ~~of public health~~ or the department's designee or any other person aggrieved by the failure of the owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated by this chapter to comply with this chapter may seek injunctive relief to enforce this chapter.

Sec. 273. Section 142D.9, subsection 5, Code 2023, is amended to read as follows:

5. Violation of this chapter constitutes a public nuisance which may be abated by the department ~~of public health~~ or the

department's designee by restraining order, preliminary or permanent injunction, or other means provided by law, and the entity abating the public nuisance may take action to recover the costs of such abatement.

Sec. 274. Section 144.1, Code 2023, is amended to read as follows:

144.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Board"* means the state board of health.~~

~~2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.~~

~~3.~~ 1. *"Court of competent jurisdiction"* when used to refer to inspection of an original certificate of birth based upon an adoption means the court where the adoption was ordered.

~~4.~~ 2. *"Cremated remains"* means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions, and may include the residue of any foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.

~~5.~~ 3. *"Cremation"* means the technical process, using heat and flame, that reduces human remains to bone fragments, with the reduction taking place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

~~6.~~ 4. *"Dead body"* means a lifeless human body or parts or bones of a body, if, from the state of the body, parts, or bones, it may reasonably be concluded that death recently occurred.

~~7.~~ 5. *"Department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

~~8. *"Division"* means a division, within the department, for records and statistics.~~

~~9.~~ 6. *"Fetal death"* means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. Death is indicated by the fact that after expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. In determining a fetal death, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.

~~10.~~ 7. *"Filing"* means the presentation of a certificate, report, or other record, provided for in this chapter, of a birth, death, fetal death, adoption, marriage, dissolution, or annulment for registration by the ~~division~~ department.

~~11.~~ 8. *"Final disposition"* means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.

~~12.~~ 9. *"Institution"* means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more unrelated individuals, or to which persons are committed by law.

~~13.~~ 10. *"Live birth"* means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. In determining a live birth, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.

11. *"Record"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

~~14.~~ 12. *"Registration"* means the process by which vital statistic records are completed, filed, and incorporated by the ~~division~~ department in the ~~division's~~ department's official records.

~~15.~~ 13. *"State registrar"* means the state registrar of vital statistics.

~~16.~~ 14. *"System of vital statistics"* includes the registration, collection, preservation, amendment, and certification of vital statistics records, and activities and records related ~~thereto~~ to the records including the data processing, analysis, and publication of statistical data derived from such records.

~~17.~~ 15. *"Vital statistics"* means records of births, deaths, fetal deaths, adoptions, marriages, dissolutions, annulments, and data related ~~thereto~~ to the records.

Sec. 275. Section 144.2, Code 2023, is amended to read as follows:

144.2 ~~Division of records~~ Records and statistics.

~~There is established in the~~ The department ~~a division for records and statistics which~~ shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of births, deaths, fetal deaths, adoptions, marriages, dissolutions, and annulments, shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the ~~division~~ department by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 276. Section 144.4, Code 2023, is amended to read as follows:

144.4 ~~Registrar~~ State registrar.

The director ~~of public health~~ or the director's designee shall be the state registrar of vital statistics and shall carry out the provisions of this chapter.

Sec. 277. Section 144.5, Code 2023, is amended to read as follows:

144.5 Duties of state registrar.

The state registrar shall do all of the following:

1. Administer and enforce this chapter and the rules issued under this chapter, and issue instructions for the efficient administration of the statewide system of vital statistics ~~and the division for records and statistics~~.

2. Direct and supervise the statewide system of vital statistics and ~~the division for records and statistics and~~ be custodian of its records.

3. Direct, supervise, and control the activities of clerks of the district court and county recorders related to the operation of the vital statistics system and provide registrars with necessary postage.

4. Prescribe, print, and distribute the forms required by this chapter and prescribe any other means for transmission of data, as necessary to accomplish complete, accurate reporting.

5. Prepare and publish annual reports of vital statistics of this state and other reports as may be required.

6. Delegate functions and duties vested in the state registrar to officers, to employees of the department, to the clerks of the district court, and to the county registrars as the state registrar deems necessary or expedient.

7. Provide, by rules, for appropriate morbidity reporting.

Sec. 278. Section 144.12A, subsection 4, Code 2023, is amended to read as follows:

4. The department shall, upon request, provide the name, address, social security number, and any other identifying information of a registrant to the biological mother of the child; a court; ~~the department of human services;~~ the

attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action; or to ~~the~~ child support ~~recovery unit~~ services for an action to establish paternity or support; or any other subunit of the department subject to prior approval by the state registrar. The information shall not be divulged to any other person and shall be considered a confidential record as to any other person, except upon order of the court for good cause shown. If the registry has not received a declaration of paternity, the department shall provide a written statement to that effect to the person making the inquiry.

Sec. 279. Section 144.13, subsection 4, Code 2023, is amended to read as follows:

4. The ~~division~~ state registrar shall make all of the following available to ~~the~~ child support ~~recovery unit~~ services, upon request:

a. A copy of a child's birth certificate.

b. The social security numbers of the mother and the father.

c. A copy of the affidavit of paternity if filed pursuant to section 252A.3A and any subsequent rescission form which rescinds the affidavit.

d. Information, other than information for medical and health use only, identified on a child's birth certificate or on an affidavit of paternity filed pursuant to section 252A.3A. The information may be provided as mutually agreed upon by the ~~division~~ state registrar and ~~the~~ child support ~~recovery unit~~ services, including by automated exchange.

Sec. 280. Section 144.13A, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. Ten dollars of each registration fee is appropriated and shall be used for primary and secondary child abuse prevention programs pursuant to section 235A.1, and ten dollars of each registration fee is appropriated and shall be used for the ~~center for~~ congenital and inherited disorders central registry established pursuant to section 136A.6. Notwithstanding

section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this paragraph.

Sec. 281. Section 144.26, Code 2023, is amended to read as follows:

144.26 Death certificate.

1. *a.* A death certificate for each death which occurs in this state shall be filed as directed by the state registrar within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's, physician assistant's, or advanced registered nurse practitioner's name shall be typewritten.

b. A physician assistant or an advanced registered nurse practitioner authorized to sign a death certificate shall be licensed in this state and shall have been in charge of the deceased patient's care.

2. All information included on a death certificate may be provided as mutually agreed upon by the ~~division~~ state registrar and ~~the~~ child support ~~recovery unit~~ services, including by automated exchange.

3. *a.* The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, the county in which the dead body is first removed from the conveyance is the county of death.

b. If a decedent died outside of the county of the decedent's residence, the state registrar shall send a copy of the decedent's death certificate and any amendments to the

county registrar of the county of the decedent's residence. The county registrar shall record a death certificate received pursuant to this paragraph in the same records in which the death certificate of a decedent who died within the county is recorded. The state registrar may provide the county registrars with electronic access to vital records in lieu of the requirements of this paragraph.

4. *a.* The department shall establish by rule procedures for making a finding of presumption of death when no body can be found. The department shall also provide by rule the responsibility for completing and signing the medical certification of cause of death in such circumstances. The presumptive death certificate shall be in a form prescribed by the state registrar and filed in the county where the death was presumed to occur.

b. The ~~division~~ department shall provide for the correction, substitution, or removal of a presumptive death certificate when the body of the person is later found, additional facts are discovered, or the person is discovered to be alive.

5. Upon the activation of an electronic death record system, each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director, and a county recorder.

Sec. 282. Section 144.29A, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. The maternal health services region of the ~~Iowa~~ department of ~~public~~ health and human services, as designated as of July 1, 1997, in which the patient resides.

Sec. 283. Section 144.36, subsection 1, Code 2023, is amended to read as follows:

1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The

county registrar shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The county registrar in each county shall keep a record ~~book for marriages~~ of marriage certificates as required by the state registrar. ~~The form of marriage record books shall be uniform throughout the state. A properly indexed permanent record of marriage certificates upon microfilm, electronic computer, or data processing equipment may be kept in lieu of marriage record books.~~

Sec. 284. Section 144.37, Code 2023, is amended to read as follows:

144.37 Dissolution and annulment records.

1. For each dissolution or annulment of marriage granted by any court in this state, a record shall be prepared by the clerk of court or by the petitioner or the petitioner's legal representative if directed by the clerk and filed by the clerk of court with the state registrar. The information necessary to prepare the ~~report~~ record shall be furnished with the petition, to the clerk of court by the petitioner or the petitioner's legal representative, on forms supplied by the state registrar.

2. The clerk of the district court in each county shall ~~keep a record book for~~ maintain the records of dissolutions and annulments of marriage as required by the state registrar. ~~The form of dissolution record books shall be uniform throughout the state. A properly indexed record of dissolutions upon microfilm, electronic computer, or data processing equipment may be kept in lieu of dissolution record books.~~

3. On or before the tenth day of each calendar month, the clerk of court shall forward to the state registrar the record of each dissolution and annulment granted during the preceding calendar month and related reports required by regulations issued under this chapter.

Sec. 285. Section 144.43, subsection 3, paragraph b, Code

2023, is amended to read as follows:

b. The following vital statistics records in the custody of the state archivist may be inspected and copied as of right under chapter 22:

(1) A record of birth ~~that~~ if the record is at least seventy-five years old or upon proof of entitlement to the record.

(2) A record of marriage ~~that~~ if the record is at least seventy-five years old or upon proof of entitlement to the record.

(3) A record of divorce, dissolution of marriage, or annulment of marriage ~~that~~ if the record is at least seventy-five years old or upon proof of entitlement to the record.

(4) A record of death or fetal death, ~~either of which~~ if the record is at least fifty years old or upon proof of entitlement to the record.

Sec. 286. Section 144A.2, subsection 5, Code 2023, is amended to read as follows:

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

Sec. 287. Section 144D.1, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 288. Section 146A.1, subsection 1, paragraph d, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

That the woman has been provided information regarding all of the following, based upon the materials developed by the department of ~~public~~ health and human services pursuant to subparagraph (2):

Sec. 289. Section 146A.1, subsection 1, paragraph d, subparagraph (2), unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of ~~public~~ health and human services shall make available to physicians, upon request, all of the following information:

Sec. 290. Section 146B.1, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 291. Section 147.1, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 292. Section 147.77, Code 2023, is amended to read as follows:

147.77 Powers, privileges, rights, or duties provided by rule — applicability to physician assistants.

1. The following agencies that adopt rules pursuant to chapter 17A providing a power, privilege, right, or duty to a physician licensed under chapter 148 or other profession licensed under this subtitle relating to the following subjects shall, consistent with the scope of practice of physician assistants licensed under chapter 148C, and unless otherwise inconsistent with state or federal law, provide the same power, privilege, right, or duty by rule to a physician assistant licensed under chapter 148C:

a. The department of administrative services, with respect to rules relating to the following:

(1) Retroactive conversion of vacation time to sick leave for vacation time spent under the care of a physician.

(2) Certification of a catastrophic illness by a physician for purposes of donation of leave and second medical opinions and updates sought from a physician relating to such certifications.

~~*b.* The department on aging, with respect to rules relating to a written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such~~

1 ~~orders.~~
2 ~~c.~~ *b.* The department of corrections, with respect to rules
3 relating to the following:
4 (1) That a parolee shall not use, purchase, possess, or
5 transfer any drugs unless prescribed by a physician.
6 (2) That a serious medical need is one that has been
7 diagnosed by a physician as requiring treatment or is one so
8 obvious that a lay person would easily recognize the necessity
9 for a physician's attention.
10 (3) That each jail shall have a designated licensed
11 physician, licensed osteopathic physician, or medical resource
12 designated for the medical supervision, care, and treatment of
13 prisoners as deemed necessary and appropriate.
14 (4) That prescription medication, as ordered by a licensed
15 physician, licensed osteopathic physician, or licensed dentist
16 shall be provided in accordance with the directions of the
17 prescribing physician or dentist. Prisoners with medication
18 from a personal physician, osteopathic physician, or dentist
19 may be evaluated by a physician, osteopathic physician, or
20 dentist selected by the jail administrator to determine if the
21 present medication is appropriate.
22 (5) That expired drugs or drugs not in unit dose packaging,
23 whose administration had been discontinued by the attending
24 physician, shall be destroyed by the jail administrator or
25 designee in the presence of a witness.
26 (6) That special diets in jails prescribed by a physician
27 shall be followed and documented, that the physician who
28 prescribes the special diet shall specify a date on which the
29 diet will be reviewed for renewal or discontinuation, and that
30 unless specified by the prescribing physician, a certified
31 dietitian shall develop the menu.
32 (7) That special diets prescribed by a physician for the
33 care and treatment of juveniles in nonsecure hold shall be
34 followed and documented.
35 (8) For medical services in temporary holding facilities,

that a serious medical need is one that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a physician's attention.

(9) For medical resources in temporary holding facilities, that each facility shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of detainees as deemed necessary and appropriate.

(10) Medication procedures in temporary holding facilities, that prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the facility administrator to determine if the present medication is appropriate.

(11) For medication storage in temporary holding facilities, that expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness.

(12) For medical diets in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

(13) For medical care and treatment for juveniles in nonsecure holds in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

~~d.~~ *c.* The economic development authority, with respect to rules relating to the certification of a person with a disability for the purpose of the targeted small business program, that in order to be considered a person with a disability for the purpose of the targeted small business

1 program, the person must qualify and receive certification
2 as having a disability from a licensed medical physician or
3 must have been found eligible for vocational rehabilitation
4 services by the department of education, division of vocational
5 rehabilitation services, or by the department for the blind.
6 ~~e.~~ *d.* The department of education, with respect to rules
7 relating to the following:
8 (1) For statements relating to medication administration
9 policies, that a statement that persons administering
10 medication shall include authorized practitioners, such as
11 licensed registered nurses and physicians, and persons to whom
12 authorized practitioners have delegated the administration
13 of prescription and nonprescription drugs. Individuals
14 shall self-administer asthma or other airway constricting
15 disease medication or possess and have use of an epinephrine
16 auto-injector with parent and physician consent on file,
17 without the necessity of demonstrating competency to
18 self-administer these medications.
19 (2) For medication administration courses relating
20 to medication administration policies, that a medication
21 administration course be conducted by a registered nurse
22 or licensed pharmacist and include an annual medication
23 administration procedural skills check completed with a
24 registered nurse or pharmacist.
25 (3) For school-based youth services programs, that
26 preventive and primary health care services shall be delivered
27 by specifically credentialed providers as specified.
28 ~~f.~~ *e.* The department of health and human services, with
29 respect to rules relating to the following:
30 (1) That an incident for purposes of accreditation
31 of providers of services to persons with mental illness,
32 intellectual disabilities, or developmental disabilities
33 includes but is not limited to an occurrence involving the
34 individual using the service that results in a physical injury
35 to or by the individual that requires a physician's treatment

1 or admission to a hospital.
2 (2) That a mental health professional, for purposes
3 of accreditation of providers of services to persons with
4 mental illness, intellectual disabilities, or developmental
5 disabilities, includes a medical professional licensed in this
6 state, provided that the professional otherwise meets all of
7 the conditions to qualify as a mental health professional.
8 (3) That home health aide services for purposes of
9 disability services management and regional services may
10 include medications specifically ordered by a physician.
11 (4) That payment relating to the state supplementary
12 assistance program for residential care shall only be made when
13 there is on file an order written by a physician certifying
14 that the applicant or recipient being admitted requires
15 residential care but does not require nursing services.
16 (5) That a case folder for a facility participating in
17 the state supplementary assistance program must include a
18 physician's statement certifying that a resident does not
19 require nursing services.
20 (6) That personnel providing psychological evaluations
21 and counseling or psychotherapy services for area education
22 agencies under the medical assistance program include specified
23 professions endorsed, licensed, or registered in this state,
24 provided that the professional otherwise meets all of the
25 conditions to qualify as a mental health professional.
26 (7) That personnel providing psychological evaluations and
27 counseling or psychotherapy services for providers of infant
28 and toddler program services under the medical assistance
29 program include specified professions endorsed, licensed,
30 or registered in this state, provided that the professional
31 otherwise meets all of the conditions to qualify as a mental
32 health professional.
33 (8) That personnel providing other services for providers
34 of infant and toddler program services under the medical
35 assistance program include specified professions recognized,

1 endorsed, or licensed in this state, provided that the
2 professional otherwise meets all of the conditions to qualify
3 as a mental health professional.
4 (9) That personnel providing psychological evaluations
5 and counseling or psychotherapy services for providers of
6 local education agency services under the medical assistance
7 program include specified professions endorsed, licensed,
8 or registered in this state, provided that the professional
9 otherwise meets all of the conditions to qualify as a mental
10 health professional.
11 (10) That personnel providing other services for providers
12 of local education agency services under the medical assistance
13 program include specified professions recognized, endorsed,
14 or licensed in this state, provided that the professional
15 otherwise meets all of the conditions to qualify as a mental
16 health professional.
17 (11) For payment for medically necessary home health agency
18 services under the medical assistance program, that payment
19 shall be approved for medically necessary home health agency
20 services prescribed by a physician in a plan of home health
21 care provided by a Medicare-certified home health agency.
22 (12) For authorization for medically necessary home health
23 agency services under the medical assistance program, that
24 services shall be authorized by a physician, evidenced by the
25 physician's signature and date on a plan of treatment.
26 (13) For treatment plans of home health agencies under the
27 medical assistance program, that a member's medical condition
28 shall be reflected by the date last seen by a physician, if
29 available.
30 (14) For items included in treatment plans of home health
31 agencies under the medical assistance program, that a plan of
32 care shall include a physician's signature and date and that
33 the plan of care must be signed and dated by the physician
34 before the claim for service is submitted for reimbursement.
35 (15) For skilled nursing services provided by a home health

1 agency under the medical assistance program, that medical
2 documentation shall be submitted justifying the need for
3 continued visits, including the physician's estimate of the
4 length of time that additional visits will be necessary, and
5 that daily skilled nursing visits or multiple daily visits for
6 wound care or insulin injections shall be covered when ordered
7 by a physician and included in the plan of care.
8 (16) For physical therapy services provided by a home health
9 agency under the medical assistance program, that payment shall
10 be made for physical therapy services when the services follow
11 a treatment plan established by the physician after any needed
12 consultation with the qualified physical therapist.
13 (17) For occupational therapy services provided by a
14 home health agency under the medical assistance program,
15 that payment shall be made for occupational therapy services
16 when the services follow a treatment plan established by the
17 physician.
18 (18) For speech therapy services provided by a home health
19 agency under the medical assistance program, that payment shall
20 be made for speech therapy services when the services follow a
21 treatment plan established by the physician.
22 (19) For home health aide services provided by a home health
23 agency under the medical assistance program, that the service
24 as well as the frequency and duration are stated in a written
25 plan of treatment established by a physician.
26 (20) For home health aide services provided by a home health
27 agency under the medical assistance program, that services
28 provided for specified durations when ordered by a physician
29 and included in a plan of care shall be allowed as intermittent
30 services.
31 (21) For home health aide services provided by a home health
32 agency under the medical assistance program, that personal
33 care services include helping the member take medications
34 specifically ordered by a physician.
35 (22) For private duty nursing or personal care services for

1 persons aged twenty and under, under the medical assistance
2 program, that private duty nursing services are those services
3 which are provided by a registered nurse or a licensed
4 practical nurse under the direction of the member's physician
5 to a member in the member's place of residence or outside the
6 member's residence, when normal life activities take the member
7 outside the place of residence.
8 (23) For private duty nursing or personal care services for
9 persons aged twenty and under, under the medical assistance
10 program, that services shall be provided according to a written
11 plan of care authorized by a licensed physician.
12 (24) For private duty nursing or personal care services for
13 persons aged twenty and under, under the medical assistance
14 program, that personal care services are those services
15 provided by a home health aide or certified nurse's aide and
16 which are delegated and supervised by a registered nurse under
17 the direction of the member's physician to a member in the
18 member's place of residence or outside the member's residence,
19 when normal life activities take the member outside the place
20 of residence, and that these services shall be in accordance
21 with the member's plan of care and authorized by a physician.
22 (25) For requirements for private duty nursing or personal
23 care services for persons aged twenty and under, under the
24 medical assistance program, that private duty nursing or
25 personal care services shall be ordered in writing by a
26 physician as evidenced by the physician's signature on the plan
27 of care.
28 (26) For obtaining prescription medications for children in
29 juvenile detention and shelter care homes, that prescription
30 medication provided to residents shall be dispensed only from a
31 licensed pharmacy in this state in accordance with state law,
32 from a licensed pharmacy in another state according to the laws
33 of that state, or by a licensed physician.
34 (27) For health and dental programs provided by agencies
35 providing foster care services, that a child's physical

examination shall be performed by a licensed physician or licensed nurse practitioner.

(28) For health and dental programs provided by agencies providing foster care services, that if documentation of prior immunization is unavailable, immunizations required by the department ~~of public health~~ shall begin within thirty days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record, and that a statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

(29) For the dispensing, storage, authorization, and recording of medications in child care centers, that all medications shall be stored in their original containers, with accompanying physician or pharmacist's directions and label intact and stored so they are inaccessible to children and the public.

(30) For an infants' area in a child care center, that upon the recommendation of a child's physician or the area education agency serving the child, a child who is two years of age or older with a disability that results in significant developmental delays in physical and cognitive functioning who does not pose a threat to the safety of the infants may, if appropriate and for a limited time approved by the department, remain in the infant area.

(31) For facility requirements for a child development home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone.

(32) For medications and hazardous materials in a child development home, that medications shall be given only with the parent's or doctor's written authorization, and that each prescribed medication shall be accompanied by a physician's or pharmacist's direction.

(33) For medical reports regarding the health of a family

in a family life home, that a medical report shall provide significant findings of a physician, such as the presence or absence of any communicable disease.

(34) For medical reexaminations of a family in a family life home, that medical reexaminations may be required at the discretion of a physician.

(35) For medical examinations of a client in a family life home, that a physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family life home.

(36) For the records of a client in a family life home, that the family shall have available at all times, the name, address, and telephone number of the client´s physician.

(37) For the facility requirements for a child care home, that the telephone number for each child´s physician shall be written on paper and readily accessible by the telephone.

(38) For the administration of medications at a child care home, that medications shall be given only with the parent´s or doctor´s written authorization and each prescribed medication shall be accompanied by a physician´s or pharmacist´s direction.

(39) For payments for foster care, that an intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as an intellectual disabilities professional.

(40) For payments for foster care, that a mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional.

(41) For the subsidized adoption program, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional.

(42) For the subsidized adoption program, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional.

(43) For the information provided to a foster care provider by a department worker at the time of placement, that the information shall include the names, addresses, and telephone numbers of the child's physician and dentist.

(44) A written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such orders.

(45) That *"impaired glucose tolerance"*, for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control.

(46) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes.

(47) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility, and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule.

(48) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed

1 only if the drugs or supplies are prescribed by a health
2 care practitioner for use by an eligible individual and
3 are dispensed by a licensed pharmacist, physician, or nurse
4 practitioner.
5 ~~g.~~ *f.* The department of inspections and appeals, with
6 respect to rules relating to the following:
7 (1) For the qualifications of an attending physician at a
8 hospice, that the person shall have an active Iowa license to
9 practice medicine.
10 (2) For residential care facilities for persons with
11 intellectual disabilities, that a qualified intellectual
12 disability professional includes specified professions,
13 provided that the professional otherwise meets all of the
14 conditions to qualify as a qualified intellectual disability
15 professional.
16 (3) For nursing facilities, that a qualified intellectual
17 disabilities professional includes specified professions,
18 provided that the professional otherwise meets all of the
19 conditions to qualify as a qualified intellectual disabilities
20 professional.
21 (4) For intermediate care facilities for persons with
22 mental illness, that a qualified mental health professional
23 includes specified professions, provided that the professional
24 otherwise meets all of the conditions to qualify as a qualified
25 mental health professional.
26 (5) For notifications submitted to the department from
27 a subacute mental health care facility in the event of an
28 accident causing a major injury, including as a major injury an
29 injury which requires consultation with the attending physician
30 or designee of the physician or advanced registered nurse
31 practitioner who determines that an injury is a major injury.
32 ~~h.~~ *g.* The racing and gaming commission, with respect to
33 rules relating to the following:
34 (1) For the grounds for denial, suspension, or revocation
35 of an occupational or vendor license, that a license shall be

denied if the applicant has a history of mental illness without demonstrating successful treatment by a licensed medical physician.

(2) For the qualifications for jockeys, that a jockey shall pass a physical examination by a licensed physician affirming fitness to participate as a jockey.

(3) For the regulation of licensees in restricted areas of a racing facility, that licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems any controlled substance as listed in schedules I to V of U.S.C. Tit. 21 (Food and Drug Section 812), chapter 124, or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice.

~~i.~~ *h.* The Iowa law enforcement academy, with respect to rules relating to the following:

(1) For the minimum standards for law enforcement officers, that an officer is examined by a licensed physician or surgeon.

(2) For hiring standards must be reverified if an individual is not hired by an Iowa law enforcement agency during a specified period of time following completion of the course of study, that the individual must be examined by a licensed physician or surgeon.

(3) For the selection or appointment of reserve peace officers, that the person shall be examined by a licensed physician or surgeon.

~~j.~~ *i.* The natural resource commission, with respect to rules relating to the following:

(1) That the grounds for revoking or suspending an instructor license include participation in a course while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.

(2) For applications for use of a crossbow for deer and turkey hunting by handicapped individuals, that an application

must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow.

(3) For authorization for the use of a crossbow for deer and turkey hunting by handicapped individuals, that if a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department of natural resources may, upon the officer's request, require the person to obtain in writing a current physician's statement.

(4) For licenses for nonresidents to participate in a special deer hunting season for severely disabled persons, that a nonresident applying for the license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa department of natural resources form signed by a physician that verifies their disability.

~~*k.* The Iowa department of public health, with respect to rules relating to the following:~~

~~(1) That *"impaired glucose tolerance"*, for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control.~~

~~(2) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes.~~

~~(3) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility,~~

~~and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule.~~

~~(4) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, or nurse practitioner.~~

~~*i.*~~ *j.* The department of public safety, with respect to rules relating to permits to carry weapons, that a person who is an unlawful user of or addicted to any controlled substance includes any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

~~*m.*~~ *k.* The department of transportation, with respect to rules relating to exemptions from motor vehicle window transparency requirements, that a motor vehicle fitted with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance before July 4, 2012, may continue to be maintained and operated with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance on or after July 4, 2012, so long as the vehicle continues to be used for the transport of a passenger or operator who documented in the manner specified by the department a medical need for such reduced transparency, which document was signed by the person's physician before July 4, 2012.

~~*n.*~~ *l.* The Iowa department of veterans affairs, with respect to rules relating to expenses relating to the purchase of durable equipment or services, that individuals requesting reimbursement who need durable equipment as a medical necessity

1 should provide information from a physician.
2 ~~o.~~ *m.* The department of workforce development, with respect
3 to rules relating to the following:
4 (1) That a voluntary quit shall be presumed to be without
5 good cause attributable to the employer for purposes of
6 unemployment compensation if a claimant left employment because
7 of illness or injury which was not caused or aggravated by the
8 employment or pregnancy and failed to obtain the advice of a
9 licensed and practicing physician, obtain certification of
10 release for work from a licensed and practicing physician, or
11 return to the employer and offer services upon recovery and
12 certification for work by a licensed and practicing physician.
13 (2) That for purposes of unemployment compensation, it is
14 a reason for a claimant leaving employment with good cause
15 attributable to the employer if the claimant left employment
16 because of illness, injury, or pregnancy upon the advice of
17 a licensed and practicing physician, and upon recovery, when
18 recovery was certified by a licensed and practicing physician,
19 the claimant returned and offered to perform services to the
20 employer, but no suitable, comparable work was available.
21 (3) That for purposes of unemployment compensation it is
22 a reason for a claimant leaving employment with good cause
23 attributable to the employer if the claimant left employment
24 upon the advice of a licensed and practicing physician for the
25 sole purpose of taking a family member to a place having a
26 different climate and subsequently returned to the claimant's
27 regular employer and offered to perform services, but the
28 claimant's regular or comparable work was not available.
29 ~~p.~~ *n.* The labor services division of the department of
30 workforce development, with respect to rules relating to the
31 following:
32 (1) For the disclosure of a trade secret relating to a
33 hazardous chemical during a medical emergency, that where a
34 treating physician or nurse determines that a medical emergency
35 exists and the specific chemical identity of a hazardous

chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement.

(2) For the disclosure of a trade secret relating to a hazardous chemical in a nonemergency situation, that in nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld by rule, to a specified health professional providing medical or other occupational health services to exposed employees or designated representatives in specified circumstances.

(3) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit the respiratory protection and physician's certification forms.

(4) For documentation held by persons licensed for asbestos abatement in an area that is subject to a disaster emergency proclamation, that the labor commissioner deems an individual contractor, supervisor, or worker to be licensed and authorized for asbestos abatement if the individual, in addition to other specified conditions, makes immediately available on the work site a copy of a physician's statement indicating that, consistent with federal law, a licensed physician has examined the individual within the past twelve months and approved the individual to work while wearing a respirator.

(5) That the contents of an application for an event license for a covered athletic event other than a professional wrestling event shall contain, along with other requirements, a copy of the medical license of the ringside physician and the date, time, and location of the ringside physician's examination of the contestants.

(6) For the responsibilities of the promoter of an athletic

event, that the promoter submit test results to the ringside physician no later than at the time of the physical showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event, and that the contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if specified circumstances occur.

(7) For injuries during a professional boxing match, that if a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician to make an examination. If the physician decides that the contestant has been injured as the result of a foul, the physician shall advise the referee of the injury. If the physician is of the opinion that the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. It shall be the duty of the promoter to have an approved physician in attendance during the entire duration of all bouts.

(8) For persons allowed in a ring during a professional boxing match, that no person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician if asked by the referee to examine an injury to a contestant.

(9) For the weighing of contestants in a professional boxing match, that contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician at a time and place to be determined by the commissioner.

(10) For attending ring physicians during a professional boxing match, that when a boxer has been injured seriously, knocked out, or technically knocked out, the referee shall immediately summon the attending ring physician to aid the stricken boxer, and that managers, handlers, and seconds shall

not attend to the stricken boxer, except at the request of the physician.

(11) For the keeping of time during a professional boxing match, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(12) For the suspension of contestants during a professional boxing match that is an elimination tournament, that a contestant who for specified reasons is not permitted to box in the state for a period of time shall be examined by a physician approved by the commissioner before being permitted to fight again.

(13) For the designation of officials for professional kickboxing, that the designation of physicians is subject to the approval of the commissioner or designee.

(14) For officials for a mixed martial arts event, that officials shall include a physician.

(15) For the keeping of time for a mixed martial arts event, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician.

(16) For persons allowed in the cage during a mixed martial arts event, that a physician may enter the cage to examine a contestant upon the request of the referee.

(17) For the decorum of persons involved in a mixed martial arts event, that a contestant is exempt from prohibitions on specified conduct while interacting with the contestant's opponent during a round, but if the round is stopped by the physician or referee for a time out, the prohibitions shall apply to the contestant.

(18) For the examination of contestants in a mixed martial arts event, that on the day of the event, at a time and place to be approved by the commissioner, the ringside physician shall conduct a rigorous physical examination to determine the contestant's fitness to participate in a mixed martial arts

match, and that a contestant deemed not fit by the physician shall not participate in the event.

(19) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician.

2. This section shall not be construed to expand, diminish, or otherwise modify the scope of practice of any profession licensed under this subtitle.

3. The rulemaking requirements provided in this section shall not be construed to prohibit the agencies listed in subsection 1 from engaging in further rulemaking not in conflict with this section or state or federal law relating to the subject matter of this section or to otherwise diminish the authority to engage in rulemaking provided to those agencies by any other statute.

Sec. 293. Section 147.82, Code 2023, is amended to read as follows:

147.82 Fee retention.

All fees collected by a board listed in section 147.13 or by the department ~~for the bureau of professional licensure~~, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be retained by each board or by the department ~~for the bureau of professional licensure~~. The moneys retained by a board shall be used for any of the board's duties, including but not limited to the

addition of full-time equivalent positions for program services and investigations. Revenues retained by a board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by a board pursuant to this section are not subject to reversion to the general fund of the state.

Sec. 294. Section 147A.1, subsections 1 and 2, Code 2023, are amended to read as follows:

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

2. *"Director"* means the director of ~~the Iowa department of public~~ health and human services.

Sec. 295. Section 147A.21, subsections 2 and 3, Code 2023, are amended to read as follows:

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

3. *"Director"* means the director of ~~public~~ health and human services.

Sec. 296. Section 147A.24, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Department of ~~public~~ health and human services.

Sec. 297. Section 147C.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. *"Alternative program"* means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes but is not limited to substance ~~abuse~~ use disorder issues.

Sec. 298. Section 147D.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. *"Alternative program"* means a voluntary, nondisciplinary substance ~~abuse~~ use disorder recovery program approved by a state emergency medical services authority.

Sec. 299. Section 147E.1, subsection 2, paragraph k, Code 2023, is amended to read as follows:

k. *"Impaired practitioner"* means individuals whose

professional practice is adversely affected by substance ~~abuse~~ use disorder, addiction, or other health-related conditions.

Sec. 300. Section 147F.1, subsection 2, paragraph n, Code 2023, is amended to read as follows:

n. "Impaired practitioner" means an individual whose professional practice is adversely affected by substance ~~abuse~~ use disorder, addiction, or other health-related conditions.

Sec. 301. Section 148C.1, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the department of ~~public~~ health and human services.

Sec. 302. Section 152.5A, Code 2023, is amended to read as follows:

152.5A Student record checks.

1. For the purposes of this section:

a. "Comprehensive preliminary background check" means the same as defined in section 135C.1.

b. "Nursing program" means a nursing program that is approved by the board pursuant to section 152.5.

c. "Record check evaluation system" means the same as defined in section 135C.1.

~~*c.*~~ *d. "Student"* means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

2. Prior to a student beginning or returning to a nursing program, the nursing program shall do one of the following in substantial conformance with the provisions of section 135C.33:

a. Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the student in this state.

b. Access the single contact repository to perform the required record checks.

3. *a.* If a program accesses the single contact repository

to perform the required record checks pursuant to subsection 2, the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a student to provisionally participate in the clinical education component of the nursing program pending completion of the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, subject to all of the following:

(1) If the comprehensive preliminary background check determines that the student being considered for provisional participation has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28.

(2) If the comprehensive preliminary background check determines the student being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse, or if an exception pursuant to section 135C.33, subsection 4, is applicable to the student.

(3) If the program has requested an evaluation in accordance with section 135C.33, subsection 2, paragraph *"a"*, to determine whether the crime warrants prohibition of the student's provisional participation.

b. The provisional participation under this subsection 3 may continue until such time as the required record checks through the single contact repository and the evaluation by the ~~department of human services~~ record check evaluation system, as applicable, are completed.

4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the ~~department of human services~~ record check evaluation system shall perform an evaluation to determine whether the record warrants prohibition of the student's

involvement in a clinical education component of a nursing program involving children or dependent adults. The ~~department of human services~~ record check evaluation system shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The ~~department of human services~~ record check evaluation system has final authority in determining whether prohibition of the student's involvement in a clinical education component is warranted.

Sec. 303. Section 152B.1, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 304. Section 154A.1, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 305. Section 154B.8, Code 2023, is amended to read as follows:

154B.8 Voluntary surrender of license.

The ~~director of public health~~ board may accept the voluntary surrender of license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation.

Sec. 306. Section 154B.13, subsection 2, Code 2023, is amended to read as follows:

2. The board shall appoint a prescribing psychologist rules subcommittee comprised of a psychologist appointed by the board, a physician appointed by the board of medicine, and a member of the public appointed by the director of ~~public~~ health and human services to develop rules for consideration by the board pursuant to this section.

Sec. 307. Section 154D.4, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The provision of children, family, or mental health

services through the department of health and human services or juvenile court, or agencies contracting with the department of health and human services or juvenile court, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.

Sec. 308. Section 154E.1, subsection 3, Code 2023, is amended to read as follows:

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

Sec. 309. Section 155A.13, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. An applicant seeking a special or limited-use pharmacy license for a proposed telepharmacy site that does not meet the mileage requirement established in paragraph *"c"* and is not statutorily exempt from the mileage requirement may apply to the board for a waiver of the mileage requirement. A waiver request shall only be granted if the applicant can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and can establish the existence of compelling circumstances that justify waiving the mileage requirement. The board's decision to grant or deny a waiver request shall be a proposed decision subject to mandatory review by the director of ~~public~~ health and human services. The director shall review a proposed decision and shall have the power to approve, modify, or veto a proposed decision. The director's decision on a waiver request shall be considered final agency action subject to judicial review under chapter 17A.

Sec. 310. Section 155A.46, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of ~~public~~ health and human services and consistent with subsection 2, order and administer the following to patients ages eighteen

years and older:

Sec. 311. Section 155A.46, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of ~~public~~ health and human services and consistent with subsection 2, order and administer the following to patients ages six months and older:

Sec. 312. Section 155A.46, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of ~~public~~ health and human services and consistent with subsection 2, order and administer the final two doses in a course of vaccinations for HPV to patients ages eleven years and older.

Sec. 313. Section 155A.46, subsection 1, paragraph e, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of ~~public~~ health and human services and consistent with subsection 2, order and administer the following to patients ages six years and older:

Sec. 314. Section 156.1A, Code 2023, is amended to read as follows:

156.1A Provision of services.

Nothing contained in this chapter shall be construed as prohibiting the operation of any funeral home, funeral establishment, or cremation establishment by any person, heir, fiduciary, firm, cooperative burial association, or corporation. However, each such person, firm, cooperative burial association, or corporation shall ensure that all mortuary science services are provided by a funeral director, and shall keep the ~~Iowa~~ department of ~~public~~ health and human

services advised of the name of the funeral director.

Sec. 315. Section 156.10, Code 2023, is amended to read as follows:

156.10 Inspection.

1. The ~~director~~ department of ~~public~~ health and human services may inspect all places where dead human bodies are prepared or held for burial, entombment, or cremation, and may adopt and enforce such rules and regulations in connection with the inspection as may be necessary for the preservation of the public health.

2. The ~~Iowa~~ department of ~~public~~ health and human services may assess an inspection fee for an inspection of a place where dead human bodies are prepared for burial or cremation. The fee may be determined by the department by rule.

Sec. 316. Section 157.1, subsection 7, Code 2023, is amended to read as follows:

7. *"Department"* means the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 317. Section 157.7, subsection 2, Code 2023, is amended to read as follows:

2. The ~~Iowa~~ department ~~of public health~~ may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department ~~of public health~~.

Sec. 318. Section 158.1, subsection 6, Code 2023, is amended to read as follows:

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

Sec. 319. Section 158.2, subsection 8, Code 2023, is amended to read as follows:

8. Persons committed pursuant to chapter 229A to the custody of the director of the department ~~of human services~~ in the unit for sexually violent predators who cut the hair or trim or shave the beard of any other person within the unit, without

receiving direct compensation from the person receiving the service.

Sec. 320. Section 158.3, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Presents a certificate, or satisfactory evidence, to the department that the applicant has successfully completed tenth grade, or the equivalent. The provisions of this subsection shall not apply to students enrolled in a barber school maintained at an institution under the control of ~~a director of a division of~~ the department ~~of human services~~.

Sec. 321. Section 158.6, subsection 2, Code 2023, is amended to read as follows:

2. The ~~Iowa~~ department ~~of public health~~ may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department ~~of public health~~.

Sec. 322. Section 163.3A, subsection 2, Code 2023, is amended to read as follows:

2. The services shall be performed under the direction of the department and may be part of measures authorized by the governor under a declaration or proclamation issued pursuant to chapter 29C. In such case, the department shall cooperate with the ~~Iowa~~ department of ~~public~~ health and human services under chapter 135, ~~and~~ the department of homeland security and emergency management, and local emergency management agencies as provided in chapter 29C.

Sec. 323. Section 190B.102, subsection 3, Code 2023, is amended to read as follows:

3. The department of agriculture and land stewardship, ~~the department of public health,~~ the department of health and human services, and the department of inspections and appeals shall cooperate with the department of revenue to administer this subchapter.

Sec. 324. Section 204.7, subsection 8, paragraph a,

subparagraph (3), Code 2023, is amended to read as follows:

(3) The consumable hemp product complies with packaging and labeling requirements, which shall be established by the department of ~~inspections~~ health and ~~appeals~~ human services by rule.

Sec. 325. Section 204.7, subsection 8, paragraphs b and c, Code 2023, are amended to read as follows:

b. A person manufacturing a consumable hemp product in this state shall register with the department of ~~inspections~~ health and ~~appeals~~ human services on a form prescribed by the department of ~~inspections~~ health and ~~appeals~~ human services by rule. The department of ~~inspections~~ health and ~~appeals~~ human services may impose a fee, established by the department of ~~inspections~~ health and ~~appeals~~ human services by rule, on a registrant not to exceed the cost of processing the registration. The department of ~~inspections~~ health and ~~appeals~~ human services shall adopt rules for the revocation of a registration issued to a manufacturer who manufactures a consumable hemp product not in compliance with this chapter.

c. A person selling a consumable hemp product in this state shall register with the department of ~~inspections~~ health and ~~appeals~~ human services on a form prescribed by the department of ~~inspections~~ health and ~~appeals~~ human services by rule and shall keep on the premises of the person's business a copy of the certificate of analysis issued pursuant to section 204.8 for the hemp contained in the consumable hemp products sold by the person. The department of ~~inspections~~ health and ~~appeals~~ human services may impose a fee, established by the department of ~~inspections~~ health and ~~appeals~~ human services by rule, on a registrant not to exceed the cost of processing the registration. The department of ~~inspections~~ health and ~~appeals~~ human services shall adopt rules for the revocation of a registration issued to a person who sells a consumable hemp product not in compliance with this section.

Sec. 326. Section 206.2, subsection 17, paragraph c, Code

2023, is amended to read as follows:

c. To which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, nonmisleading reference is made to current official publications of the United States department of agriculture or interior, the United States public health service, the state agricultural experiment stations, the Iowa state university, the ~~Iowa~~ department of ~~public~~ health and human services, the department of natural resources, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of pesticides.

Sec. 327. Section 216.6, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of ~~public~~ health and human services declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

Sec. 328. Section 216A.1, Code 2023, is amended to read as follows:

216A.1 Department of health and human services — human rights — purpose.

1. ~~A~~ The department of health and human ~~rights is created, with the following divisions and offices~~ services shall be responsible for all of the following:

a. ~~Division of community~~ Community advocacy and services, with the following offices:

(1) Office of Latino affairs.

(2) Office on the status of women.

(3) Office of persons with disabilities.

(4) Office of deaf services.

(5) Office on the status of African Americans.

(6) Office of Asian and Pacific Islander affairs.

(7) Office of Native American affairs.

b. ~~Division of community~~ Community action agencies.

c. ~~Division of criminal~~ Criminal and juvenile justice planning.

2. The purpose of the department under this chapter and as otherwise provided by law is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers.

3. The department shall implement the comprehensive strategic plan approved by the board under section 216A.3 and shall issue an annual report to the governor and the general assembly no later than November 1 of each year concerning the operations of the department relating to responsibilities for human rights.

Sec. 329. Section 216A.3, Code 2023, is amended to read as follows:

216A.3 Human rights board.

1. A human rights board is created within the department ~~of human rights~~.

2. The board shall consist of sixteen members, including

eleven voting members and five nonvoting members and determined as follows:

a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members, appointed by the governor. For purposes of this paragraph *"a"*, *"permanent commissions"* means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, justice advisory board, commission on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term of office for voting members is four years.

b. The nonvoting members shall consist of the department director, two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board. The board shall meet not less than four times a year.

4. The board shall ~~have the following duties:~~

~~*a.* Develop~~ develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.

~~*b.* Approve, disapprove, amend, or modify the budget recommended by the department director for the operation of the department, subject to the budget requirements pursuant to chapter 8.~~

~~*c.* Adopt administrative rules pursuant to chapter 17A, upon the recommendation of the department director, for the operation of the department.~~

~~*d.* By November 1 of each year, approve the department report to the general assembly and the governor that covers activities during the preceding fiscal year.~~

Sec. 330. Section 216A.4, subsections 2 and 3, Code 2023, are amended to read as follows:

2. *"Department"* means the department of health and human ~~rights~~ services.

3. ~~*"Department director"*~~ *"Director"* means the director of ~~the department of~~ health and human ~~rights~~ services.

Sec. 331. Section 216A.6, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. Department~~, or division,~~ or office evaluations of information about a person seeking or receiving advocacy services.

Sec. 332. Section 216A.7, Code 2023, is amended to read as follows:

216A.7 Access to information.

Upon request of the director, or an office, a commission, or a council~~, or administrator of a division of the department~~ created under this chapter, all boards, agencies, departments, and offices of the state shall make available nonconfidential information, records, data, and statistics which are relevant to the populations or groups served by the offices, councils, and commissions ~~of the department~~.

Sec. 333. Section 216A.11, subsection 2, Code 2023, is amended to read as follows:

2. *"Office"* means the office of Latino affairs of the department ~~of human rights~~.

Sec. 334. Section 216A.13, subsection 2, Code 2023, is amended to read as follows:

2. Serve as liaison between the department ~~of human rights~~ and the public, sharing information and gathering constituency

input.

Sec. 335. Section 216A.15, subsection 4, Code 2023, is amended to read as follows:

4. Recommend to the ~~department~~ director policies and programs for the office.

Sec. 336. Section 216A.51, subsection 2, Code 2023, is amended to read as follows:

2. *"Office"* means the office on the status of women of the department ~~of human rights~~.

Sec. 337. Section 216A.71, subsection 2, Code 2023, is amended to read as follows:

2. *"Office"* means the office of persons with disabilities of the department ~~of human rights~~.

Sec. 338. Section 216A.91, Code 2023, is amended to read as follows:

216A.91 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the division of community action agencies of the department of human rights.~~

~~2.~~ 1. *"Commission"* means the commission on community action agencies.

~~3.~~ 2. *"Community action agency"* means a public agency or a private nonprofit agency which is authorized under its charter or bylaws to receive funds to administer community action programs and is designated by the governor to receive and administer the funds.

~~4.~~ 3. *"Community action program"* means a program conducted by a community action agency which includes projects to provide a range of services to improve the conditions of poverty in the area served by the community action agency.

~~5. *"Delegate agency"* means a subgrantee or contractor selected by the community action agency.~~

~~6. *"Division"* means the division of community action agencies of the department of human rights.~~

Sec. 339. Section 216A.92, Code 2023, is amended to read as follows:

216A.92 ~~Division of community~~ Community action agencies.

1. ~~The division of community action agencies is established. The purpose of the division of community action agencies is to~~ The department shall strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

2. The ~~division~~ department shall do all of the following:

a. Provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant and subject to the funding made available for the program.

b. Administer the community services block grant, the low-income energy assistance block grants, department of energy funds for weatherization, and other possible funding sources. If a political subdivision is the community action agency, the financial assistance shall be allocated to the political subdivision.

c. Implement accountability measures for its programs and require regular reporting on the measures by the community action agencies.

d. Issue an annual report to the governor and general assembly by July 1 of each year.

Sec. 340. Section 216A.92B, subsections 1 and 3, Code 2023, are amended to read as follows:

1. Recommend to the board the adoption of rules pursuant to chapter 17A as it deems necessary for the commission and ~~division~~ department.

3. Serve as liaisons between the ~~division~~ department and the public, sharing information and gathering constituency input.

Sec. 341. Section 216A.93, Code 2023, is amended to read as follows:

216A.93 Establishment of community action agencies.

The ~~division~~ department shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include but not be limited to outreach, community services block grant, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If any geographic area of the state ceases to be served by a designated community action agency, the ~~division~~ department may solicit applications and assist the governor in designating a community action agency for that area in accordance with current community services block grant requirements.

Sec. 342. Section 216A.98, Code 2023, is amended to read as follows:

216A.98 Audit.

Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the ~~division~~ department in a manner prescribed by the ~~division~~ department.

Sec. 343. Section 216A.99, subsection 1, Code 2023, is amended to read as follows:

1. The ~~administrator~~ department shall provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant, administer the low-income energy assistance block grants, department of energy funds for weatherization received

in Iowa, and other possible funding sources.

Sec. 344. Section 216A.102, subsection 3, Code 2023, is amended to read as follows:

3. Under rules ~~developed~~ adopted by the ~~division of community action agencies of the~~ department ~~of human rights and adopted by the board~~, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

Sec. 345. Section 216A.104, subsection 1, Code 2023, is amended to read as follows:

1. The general assembly finds that provision of assistance to prevent utility disconnections will also prevent the development of public health risks due to such disconnections. The ~~division~~ department shall establish an energy utility assessment and resolution program administered by each community action agency for persons with low incomes who have or need a deferred payment agreement or are in need of an emergency fuel delivery to address home energy utility costs.

Sec. 346. Section 216A.104, subsection 2, paragraphs b and f, Code 2023, are amended to read as follows:

b. The person is a residential customer of an energy utility approved for the program by the ~~division~~ department.

f. The person complies with other eligibility requirements adopted in rules by the ~~division~~ department.

Sec. 347. Section 216A.107, subsection 1, Code 2023, is amended to read as follows:

1. A family development and self-sufficiency council is established within the department ~~of human rights~~. The council shall consist of the following persons:

a. The director of the department ~~of human services~~ or the director's designee.

~~*b.* The director of the department of public health or the director's designee.~~

~~*c.* The administrator of the division of community action agencies of the department of human rights or the~~

1 ~~administrator's designee.~~
2 ~~d.~~ *b.* The director of the school of social work at the
3 university of Iowa or the director's designee.
4 ~~e.~~ *c.* The dean of the college of human sciences at Iowa
5 state university or the dean's designee.
6 ~~f.~~ *d.* Two recipients or former recipients of the family
7 investment program, selected by the other members of the
8 council.
9 ~~g.~~ *e.* One recipient or former recipient of the family
10 investment program who is a member of a racial or ethnic
11 minority, selected by the other members of the council.
12 ~~h.~~ *f.* One member representing providers of services to
13 victims of domestic violence, selected by the other members of
14 the council.
15 ~~i.~~ *g.* The head of the department of design, textiles,
16 gerontology, and family studies at the university of northern
17 Iowa or that person's designee.
18 ~~j.~~ *h.* The director of the department of education or the
19 director's designee.
20 ~~k.~~ *i.* The director of the department of workforce
21 development or the director's designee.
22 ~~l.~~ *j.* Two persons representing the business community,
23 selected by the other members of the council.
24 ~~m.~~ *k.* Two members from each chamber of the general
25 assembly serving as ex officio, nonvoting members. The two
26 members of the senate shall be appointed one each by the
27 majority leader and the minority leader of the senate. The two
28 members of the house of representatives shall be appointed one
29 each by the speaker and the minority leader of the house of
30 representatives.
31 Sec. 348. Section 216A.107, subsection 3, paragraph c,
32 subparagraphs (1) and (3), Code 2023, are amended to read as
33 follows:
34 (1) Designation of families to be served that meet one or
35 more criteria for being at risk of dependency on the family

investment program or of family instability, and agreement to serve clients that are referred by the department ~~of human services~~ from the family investment program which meet the criteria. The criteria may include but are not limited to factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.

(3) Designation of the manner in which other needs of the families will be provided for, including but not limited to child care assistance, transportation, substance ~~abuse~~ use disorder treatment, support group counseling, food, clothing, and housing.

Sec. 349. Section 216A.107, subsection 4, Code 2023, is amended to read as follows:

4. *a.* The ~~division~~ department shall administer the family development and self-sufficiency grant program. ~~The department of human services shall disclose to the division confidential information pertaining to individuals receiving services under the grant program, as authorized under section 217.30. The division and the department of human services shall share information and data necessary for tracking performance measures of the family development and self-sufficiency grant program, for referring families participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program under section 239B.17 and related activities and programs to the grant program, and for meeting federal reporting requirements. The division and the department of human services may by mutual agreement, as specified in the memorandum of agreement entered into in accordance with paragraph "b", add to or delete from the initial shared information items listed in this lettered~~

~~paragraph. The initial shared information shall include but is not limited to all of the following:~~

~~(1) Family enrollments and exits to and from each of the programs.~~

~~(2) Monthly reports of individual participant activity in PROMISE JOBS components that are countable work activities according to federal guidelines applicable to those components.~~

~~(3) Aggregate grant program participant activity in all PROMISE JOBS program components.~~

~~(4) Work participation rates for grant program participants who were active family investment program participants.~~

~~(5) The average hourly wage of grant program participants who left the family investment program.~~

~~(6) The percentage of grant program participants who exited from the grant program at or after the time family investment program participation ended and did not reenroll in the family investment program for at least one year.~~

~~*b.* The division shall develop a memorandum of agreement with the department of human services to share outcome data and coordinate referrals and delivery of services to participants in the family investment program under chapter 239B and the grant program and other shared clients and shall provide the department of human services with information necessary for compliance with federal temporary assistance for needy families block grant state plan and reporting requirements, including but not limited to financial and data reports.~~

~~*c.*~~ *b.* To the extent that the family development and self-sufficiency grant program is funded by the federal temporary assistance for needy families block grant and by the state maintenance of efforts funds appropriated in connection with the block grant, the ~~division~~ department shall comply with all federal requirements for the block grant. The ~~division~~ department is responsible for payment of any federal penalty imposed that is attributable to the grant program and shall receive any federal bonus payment attributable to the grant

program.

~~*d.*~~ *c.* The ~~division~~ department shall ensure that expenditures of moneys appropriated to the department ~~of human services~~ from the general fund of the state for the family development and self-sufficiency grant program are eligible to be considered as state maintenance of effort expenditures under federal temporary assistance for needy families block grant requirements.

~~*e.*~~ *d.* The ~~commission~~ department shall consider the recommendations of the council in adopting rules pertaining to the grant program.

~~*f.*~~ *e.* The ~~division~~ department shall submit to the governor and general assembly on or before November 30 following the end of each state fiscal year, a report detailing performance measure and outcome data evaluating the family development and self-sufficiency grant program for the fiscal year that just ended.

Sec. 350. Section 216A.111, subsection 2, Code 2023, is amended to read as follows:

2. *"Office"* means the office of deaf services of the department ~~of human rights~~.

Sec. 351. Section 216A.131, Code 2023, is amended to read as follows:

216A.131 Definitions.

For the purpose of this subchapter, unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the division of criminal and juvenile justice planning.~~

~~2.~~ 1. *"Board"* means the justice advisory board.

~~3.~~ 2. *"Department"* means the department of health and human ~~rights~~ services.

~~4. *"Division"* means the division of criminal and juvenile justice planning.~~

Sec. 352. Section 216A.131A, Code 2023, is amended to read as follows:

216A.131A ~~Division of criminal~~ Criminal and juvenile justice planning.

The ~~division of criminal and juvenile justice planning is established to~~ department shall fulfill the responsibilities of this subchapter, including the duties specified in sections 216A.135, 216A.136, 216A.137, 216A.138, and 216A.140.

Sec. 353. Section 216A.132, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Additional voting members of the board, each serving a four-year term, shall include one representative from each of the following:

(1) The Iowa coalition against sexual assault.

(2) The American civil liberties union of Iowa.

(3) The Iowa county attorneys association.

(4) The department of health and human services.

(5) The department of corrections.

(6) A judicial district department of correctional services.

(7) The department of public safety.

~~(8) The office on the status of African Americans.~~

~~(9) The department of public health.~~

~~(10)~~ (8) The board of parole.

~~(11)~~ (9) The department of justice.

~~(12)~~ (10) The state public defender.

~~(13)~~ (11) The governor's office of drug control policy.

Sec. 354. Section 216A.132, subsection 3, Code 2023, is amended to read as follows:

3. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties and may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to nonlegislative members shall be paid from funds appropriated to the ~~division~~ department. Legislative members shall receive compensation as provided in sections 2.10 and 2.12.

Sec. 355. Section 216A.133, subsection 2, Code 2023, is amended to read as follows:

2. The board shall advise the ~~division~~ department on its administration of state and federal grants and appropriations and shall carry out other functions consistent with this subchapter.

Sec. 356. Section 216A.133, subsection 3, paragraphs i, j, k, l, and r, Code 2023, are amended to read as follows:

i. Providing input to the ~~department~~ director in the development of budget recommendations for the ~~division~~ department.

j. ~~Coordinating with the administrator to develop and make~~ Developing and making recommendations to the ~~department~~ director ~~pursuant to section 216A.2~~.

k. Serving as a liaison between the ~~division~~ department and the public, sharing information and gathering constituency input.

l. Recommending to the department the adoption of rules pursuant to chapter 17A as it deems necessary for the board and ~~division~~ department.

r. Reviewing data supplied by the ~~division~~ department, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

Sec. 357. Section 216A.136, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division~~ department shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the ~~division~~ department shall be granted access, for purposes of research and evaluation, to criminal

history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, department of workforce development, district departments of correctional services, ~~department of human services,~~ judicial branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or information obtained by the ~~division~~ department under this section and the ~~division~~ department itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the ~~division~~ department and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

Sec. 358. Section 216A.137, Code 2023, is amended to read as follows:

216A.137 Correctional policy project.

1. The ~~division~~ department shall maintain an Iowa correctional policy project for the purpose of conducting analyses of major correctional issues affecting the criminal and juvenile justice system. The board shall identify and prioritize the issues and studies to be addressed by the ~~division~~ department through this project and shall report project plans and findings annually along with the report required in section 216A.135. Issues and studies to be considered by the board shall include but are not limited to a review of the information systems available to assess corrections trends and program effectiveness, the development of an evaluation plan for assessing the impact of corrections expenditures, and a study of the desirability and feasibility of changing the state's sentencing practices, which includes a prison population forecast.

2. The ~~division~~ department may form subcommittees for the

purpose of addressing major correctional issues affecting the criminal and juvenile justice system. The ~~division~~ department shall establish a subcommittee to address issues specifically affecting the juvenile justice system.

Sec. 359. Section 216A.138, subsections 1, 2, 4, and 7, Code 2023, are amended to read as follows:

1. The ~~division~~ department shall coordinate the development of a multiagency database to track the progress of juveniles through various state and local agencies and programs. The ~~division~~ department shall develop a plan which utilizes existing databases, including the Iowa court information system, the federally mandated national adoption and foster care information system, and the other state and local databases pertaining to juveniles, to the extent possible.

2. The department of ~~human services, department of~~ corrections, judicial branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the ~~division~~ department in the development of the plan.

4. The ~~division~~ department shall develop the plan within the context of existing federal privacy and confidentiality requirements. The plan shall build upon existing resources and facilities to the extent possible.

7. If the ~~division~~ department has insufficient funds and resources to implement this section, the ~~division~~ department shall determine what, if any, portion of this section may be implemented, and the remainder of this section shall not apply.

Sec. 360. Section 216A.140, subsection 5, Code 2023, is amended to read as follows:

5. *Membership.* The youth development council membership shall be determined by the council itself and shall include the directors or chief administrators, or their designees, from the following state agencies and programs:

a. Child advocacy board.

~~*b.* Iowa commission on volunteer service in the office of~~

~~the governor.~~

~~*c.*~~ *b.* Department of education.

~~*d.* Department of human rights.~~

~~*e.* Department of human services.~~

~~*f.*~~ *c.* Department of ~~public~~ health and human services.

~~*g.*~~ *d.* Department of workforce development.

~~*h.*~~ *e.* Governor's office of drug control policy.

~~*i.*~~ *f.* Iowa cooperative extension service in agriculture and home economics.

~~*j.* Early childhood Iowa office in the department of management.~~

Sec. 361. Section 216A.140, subsection 8, paragraphs b and c, Code 2023, are amended to read as follows:

b. The youth advisory council shall consist of no more than twenty-one youth ages fourteen through twenty years who reside in Iowa. Membership shall be for two-year staggered terms. The ~~department~~ director~~,~~ or the director's designee~~,~~ shall select council members using an application process. The ~~department~~ director or the director's designee shall strive to maintain a diverse council membership and shall take into consideration race, ethnicity, disabilities, gender, and geographic location of residence of the applicants.

c. Except as otherwise provided by law, the youth advisory council shall determine its own rules of procedure and operating policies, subject to approval by the ~~department~~ director or the director's designee.

Sec. 362. Section 216A.141, subsection 2, Code 2023, is amended to read as follows:

2. *"Office"* means the office on the status of African Americans of the department ~~of human rights~~.

Sec. 363. Section 216A.151, subsection 3, Code 2023, is amended to read as follows:

3. *"Office"* means the office of Asian and Pacific Islander affairs of the department ~~of human rights~~.

Sec. 364. Section 216A.161, subsection 2, Code 2023, is

amended to read as follows:

2. *"Office"* means the office of Native American affairs of the department ~~of human rights~~.

Sec. 365. Section 216D.2, subsection 2, Code 2023, is amended to read as follows:

2. *"Public office building"* means the state capitol, all county courthouses, all city halls, and all buildings used primarily for governmental offices of the state or any county or city. It does not include public schools or buildings at institutions of the state board of regents or the ~~state~~ department of health and human services.

Sec. 366. NEW SECTION. **217.01 Definitions.**

As used in this chapter, unless the context otherwise requires:

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

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

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

Sec. 367. Section 217.1, Code 2023, is amended to read as follows:

217.1 Programs of department.

There is established a department of health and human services to administer programs designed to protect and improve the health, well-being, and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance including costs of medical care, rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of juvenile offenders, care and treatment of persons with mental illness or an intellectual disability, public health, and other related programs as provided by law.

Sec. 368. Section 217.2, Code 2023, is amended to read as

follows:

217.2 Council on health and human services.

1. *a.* There is created within the department ~~of human services~~ a council on health and human services which shall act in a policymaking and advisory capacity on matters within the jurisdiction of the department. The council shall consist of ~~seven~~ nine voting members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of health and human services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. The voting members of the council shall serve for six-year staggered terms.

b. Each term of a voting member shall commence and end as provided by section 69.19.

c. All voting members of the council shall be electors of the state of Iowa. No more than ~~four~~ five members shall belong to the same political party and no more than ~~two~~ three members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. At least one member of the council shall be a physician licensed to practice medicine in Iowa. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

2. In addition to the voting members described in subsection 1, the membership of the council shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B.

Sec. 369. Section 217.3, Code 2023, is amended to read as follows:

217.3 Duties of council.

The council ~~on human services~~ shall:

1. Organize annually and select a chairperson and vice chairperson.

2. Adopt and establish policy for the operation and conduct of the department ~~of human services~~, subject to any guidelines which may be adopted by the general assembly, and the implementation of all services and programs ~~thereunder~~ administered by the department.

3. Report immediately to the governor any failure by the ~~director or any administrator of the~~ department ~~of human services~~ to carry out any of the policy decisions or directives of the council.

4. Approve the budget of the department ~~of human services~~ prior to submission to the governor. Prior to approval of the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include a review of options for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council created in section 249A.4B, and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.

5. Insure that all programs administered or services rendered by the department directly to any citizen or through a local agency to any citizen are coordinated and integrated so that any citizen does not receive a duplication of services

from various departments or local agencies that could be rendered by one department or local agency. If the council finds that such is not the case, it shall hear and determine which department or local agency shall provide the needed service or services and enter an order of their determination by resolution of the council which must be concurred in by at least a majority of the members. Thereafter such order or resolution of the council shall be obeyed by all state departments and local agencies to which it is directed.

6. Adopt all necessary rules recommended by the ~~director or administrators of divisions hereinafter established~~ department prior to their promulgation pursuant to chapter 17A.

~~7. Approve the establishment of any new division or reorganization, consolidation or abolition of any established division prior to the same becoming effective.~~

~~8.~~ 7. Recommend to the governor the names of individuals qualified for the position of director ~~of human services~~ when a vacancy exists in the office.

Sec. 370. Section 217.3A, Code 2023, is amended to read as follows:

217.3A Advisory committees.

~~1. *General.*~~ The council ~~on human services shall establish and utilize the advisory committee identified in this section and~~ may establish and utilize other ad hoc advisory committees as determined necessary to advise the council. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

~~2. *Child abuse prevention.* The council shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:~~

~~*a.* Advise the director of human services and the administrator of the division of the department of human~~

~~services responsible for child and family programs regarding expenditures of funds received for the child abuse prevention program.~~

~~*b.* Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.~~

~~*c.* Recommend changes in legislation and administrative rules to the general assembly and the appropriate administrative officials.~~

~~*d.* Require reports from state agencies and other entities as necessary to perform its duties.~~

~~*e.* Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.~~

~~*f.* Approve grant proposals.~~

Sec. 371. Section 217.4, Code 2023, is amended to read as follows:

217.4 Meetings of council.

The council shall meet at least monthly. Additional meetings shall be called by the chairperson or upon written request of any three council members ~~thereof~~ as necessary to carry out the duties of the council. The chairperson shall preside at all meetings or in the absence of the chairperson the vice chairperson shall preside. The members of the council shall be paid a per diem as specified in section 7E.6 and their reasonable and necessary expenses.

Sec. 372. Section 217.5, Code 2023, is amended to read as follows:

217.5 Director of health and human services.

The chief administrative officer for the department ~~of human services~~ is the director ~~of human services~~. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be

selected primarily for administrative ability. The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

Sec. 373. NEW SECTION. **217.5A Attorneys — legal counsel and advice.**

Notwithstanding section 13.7, the department may employ or retain attorneys to provide legal counsel and advice. However, section 13.7 shall govern the employment or retention of attorneys by the department to represent the department in any action or proceeding brought in any court or tribunal.

Sec. 374. Section 217.6, Code 2023, is amended to read as follows:

217.6 Rules and regulations — organization of department.

1. The director ~~is hereby authorized to~~ may recommend to the council for adoption ~~such~~ rules and regulations ~~as are~~ necessary to ~~carry into practice~~ administer the duties, functions, and programs of the ~~various divisions and to establish such divisions and to assign or reassign duties, powers, and responsibilities within the~~ department~~, all with the approval of the council on human services, within the department as the director deems necessary and appropriate for the proper administration of the duties, functions and programs with which the department is charged~~. Any action taken, decision made, or administrative rule adopted ~~by any administrator of a division~~ may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule.

2. The rules and regulations adopted for the public benefits and programs administered by the department ~~of human services~~ shall apply the residency eligibility restrictions required by federal and state law.

3. The director shall organize the department ~~of human services~~ into ~~divisions~~ subunits as necessary to most efficiently carry out ~~in an efficient manner~~ the intent

of this chapter and any other chapter the department is responsible for administering. ~~The department of human services may be initially divided into the following divisions of responsibility:~~

~~*a.* The division of child and family services.~~

~~*b.* The division of mental health and disability services.~~

~~*c.* The division of administration.~~

~~*d.* The division of planning, research, and statistics.~~

4. If the department ~~of human services~~ requires or requests a service consumer, service provider, or other person to maintain required documentation in electronic form, the department shall accept such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

Sec. 375. Section 217.13, Code 2023, is amended to read as follows:

217.13 Department to provide certain volunteer services —— volunteer liability.

1. The department ~~of human services~~ shall establish volunteer programs designed to enhance the services provided by the department. Roles for volunteers may include but shall not be limited to parent aides, friendly visitors, commodity distributors, clerical assistants, medical transporters, and other functions to complement and supplement the department's work with clients. Roles for volunteers shall include conservators and guardians. The department shall adopt rules for programs which are established.

2. *a.* The director shall appoint a coordinator of volunteer services to oversee the provision of services of volunteer conservators and guardians on a volunteer basis to individuals in this state requiring such services. The coordinator, after consulting with personnel assigned to the district of the department, shall recommend to the director how best to serve the needs of individuals in need of the services of a guardian or conservator. Where possible, the coordinator shall

recommend that the services be provided on a multicounty basis.

b. The coordinator shall cooperate with the ~~administrators of the divisions of the~~ department in providing these services and shall seek out alternative sources for providing the services required under this section.

3. All volunteers registered with the department and in compliance with departmental rules are considered state employees for purposes of chapter 669. However, this section does not except a conservator or guardian from an action brought under section 658.1A or 658.3. This section does not relieve a guardian or conservator from duties under chapter 633.

Sec. 376. Section 217.18, Code 2023, is amended to read as follows:

217.18 Official seal.

The department shall have an official seal with the words "Iowa Department of Health and Human Services" and such other design as the department prescribes engraved ~~thereon~~ on the seal. Every commission, order, or other paper of an official nature executed by the department may be attested with ~~such~~ the seal.

Sec. 377. Section 217.19, Code 2023, is amended to read as follows:

217.19 Expenses.

1. The director ~~of said department,~~ and the director's staff, assistants, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the performance of official business.

2. The department of administrative services shall work with the department ~~of human services~~ to develop and implement an expense policy applicable to the members of a board, commission, committee, or other body under the auspices of the department ~~of human services~~ who meet the income requirements for payment of per diem in accordance with section 7E.6,

subsection 2. The policy shall allow for the payment of the member's expenses to be addressed through use of direct billings, travel purchase card, prepaid expenses, or other alternative means of addressing the expenses in lieu of reimbursement of the member.

Sec. 378. Section 217.21, Code 2023, is amended to read as follows:

217.21 Annual report.

The department shall, annually, at the time provided by law make a report to the governor and general assembly, and cover ~~therein~~ in the report the annual period ending with June 30 preceding, which report shall ~~embrace~~ include:

1. An itemized statement of ~~its~~ the department's expenditures concerning each program under ~~its~~ the department's administration.

2. Adequate and complete statistical reports for the state as a whole concerning all payments made under ~~its~~ the department's administration.

3. Such recommendations as to changes in laws under ~~its~~ the department's administration as the director may deem necessary.

4. The observations and recommendations of the director and the council ~~on human services~~ relative to the programs of the department.

5. Such other information as the director or council ~~on human services may deem~~ deems advisable, or which may be requested by the governor or by the general assembly.

Sec. 379. Section 217.23, Code 2023, is amended to read as follows:

217.23 Personnel — merit system — reimbursement for damaged property.

1. The director ~~of human services~~ or the director's designee, shall employ ~~such~~ personnel as ~~are~~ necessary for the performance of the duties and responsibilities assigned to the department. All employees shall be selected on a basis of fitness for the work to be performed with due regard to

training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

2. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed three hundred dollars for each item. The department shall establish rules in accordance with chapter 17A to carry out the purpose of this section.

Sec. 380. Section 217.24, Code 2023, is amended to read as follows:

217.24 Payment by electronic funds transfer.

The department ~~of human services~~ shall continue expanding the practice of making payments to program participants and vendors by means of electronic funds transfer. The department shall seek the capacity for making payment by such means for all programs administered by the department.

Sec. 381. Section 217.32, Code 2023, is amended to read as follows:

217.32 Office space in county.

~~Where~~ When the department ~~of human services~~ assigns personnel to an office located in a county for the purpose of performing in that county designated eligibility for economic and medical assistance programs and protective services duties and responsibilities assigned by law to the department, it shall be the responsibility of the county to provide and maintain the necessary office space and office supplies and equipment for the personnel so assigned in the same manner as if they were employees of the county. The department shall at least annually, or more frequently if the department ~~so~~ elects, reimburse the county for a portion, designated by law, of the cost of maintaining office space and providing supplies and equipment as required by this section, and also for a similar portion of the cost of providing the necessary office space if

in order to do so it is necessary for the county to lease office space outside the courthouse or any other building owned by the county. The portion of the ~~foregoing~~ costs reimbursed to the county under this section shall be equivalent to the proportion of those costs which the federal government authorizes to be paid from available federal funds, unless the general assembly directs otherwise when appropriating funds for support of the department.

Sec. 382. Section 217.33, Code 2023, is amended to read as follows:

217.33 Legal services.

The director ~~of human services~~ pursuant to a state plan funded in part by the federal government may provide services for eligible persons by contract with nonprofit legal aid organizations.

Sec. 383. Section 217.34, Code 2023, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections and appeals and the department ~~of human services~~ shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph *"a"*, subparagraph (1), subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department ~~of human services~~. The department of inspections and appeals, with approval of the department ~~of human services~~, shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504 in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department ~~of human services~~ shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of

the setoff under section 8A.504, in regard to collections by ~~the~~ child support ~~recovery unit~~ services and ~~the~~ foster care ~~recovery unit~~ services.

Sec. 384. Section 217.35, Code 2023, is amended to read as follows:

217.35 Fraud and recoupment activities.

Notwithstanding the requirement for deposit of recovered moneys under section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department ~~of human services~~ to be used for additional fraud and recoupment activities performed by the department ~~of human services~~ or the department of inspections and appeals. The department ~~of human services~~ may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

1. The director ~~of human services~~ determines that the investment can reasonably be expected to increase recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the previous fiscal year.

2. The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

Sec. 385. Section 217.36, Code 2023, is amended to read as follows:

217.36 Distribution of earned income tax credit information.

1. The department shall ensure that educational materials relating to the federal and state earned income tax credits are provided in accordance with this section to each household receiving assistance or benefits under:

a. The ~~hawk-i~~ Hawki program under chapter 514I.

b. The family investment program under chapter 239B.

c. The medical assistance ~~Act~~ program under chapter 249A.

d. The food programs defined in section 234.1 which are administered by the department.

e. Any other appropriate programs administered by, or under the oversight of, the department ~~of human services~~.

2. The department shall, by mail or through the internet, provide a household described in subsection 1 with access to:

a. Internal revenue service publications relating to the federal earned income tax credit.

b. Department of revenue publications relating to the state earned income tax credit.

c. Information prepared by tax preparers who provide volunteer or free federal or state income tax preparation services to low-income and other eligible persons and who are located in close geographic proximity to the person.

3. In January of each year, the department or a representative of the department shall mail to each household described in subsection 1 information about the federal and state earned income tax credit that provides the household with referrals to the resources described in subsection 2.

4. The mailings required by the department under this section do not have to be made as a separate mailing but may be included in existing mailings being made to the appropriate households.

Sec. 386. Section 217.40, Code 2023, is amended to read as follows:

217.40 Training for guardians and conservators.

The department ~~of human services~~, or a person designated by the director, shall establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the ward, and how to best serve the ward and the ward's interests.

Sec. 387. Section 217.41, Code 2023, is amended to read as follows:

217.41 Refugee services foundation.

1. The department ~~of human services~~ shall cause a refugee services foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa and who are not citizens of the United States. The foundation may establish an endowment fund to assist in the financing of its activities. The foundation shall be incorporated under chapter 504.

2. The foundation shall be created in a manner so that donations and bequests to the foundation qualify as tax deductible under federal and state income tax laws. The foundation is not a state agency and shall not exercise sovereign power of the state. The state is not liable for any debts of the foundation.

3. The refugee services foundation shall have a board of directors of five members. One member shall be appointed by the governor and four members shall be appointed by the director ~~of human services~~. Members of the board shall serve three-year terms beginning on July 1, and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two members appointed by the director ~~of human services~~ shall be of the same gender or of the same political party.

4. The refugee services foundation may accept and administer trusts deemed by the board to be beneficial. Notwithstanding section 633.63, the foundation may act as trustee of such a trust.

Sec. 388. Section 217.41B, subsection 1, Code 2023, is amended to read as follows:

1. The department ~~of human services~~ shall discontinue the Medicaid family planning network waiver effective July 1, 2017, and shall instead establish a state family planning services program. The state program shall replicate the eligibility requirements and other provisions included in the Medicaid family planning network waiver as approved by the centers for

Medicare and Medicaid services of the United States department of health and human services in effect on June 30, 2017.

Sec. 389. Section 217.41B, subsection 3, paragraph a, subparagraph (2), Code 2023, is amended to read as follows:

(2) The department ~~of human services~~ shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system shall enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location.

Sec. 390. Section 217.41C, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department ~~of human services~~ shall create the more options for maternal support program, a statewide program to promote healthy pregnancies and childbirth through nonprofit organizations that provide pregnancy support services.

Sec. 391. Section 217.41C, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department ~~of human services~~ shall issue a request for proposals to select a program administrator for the program. A program administrator shall meet all of the following requirements:

Sec. 392. Section 217.41C, subsections 5 and 6, Code 2023, are amended to read as follows:

5. The department ~~of human services~~ shall publish the program administrator and subcontractor criteria on the department's internet site.

6. The department ~~of human services~~ shall adopt rules pursuant to chapter 17A to administer the program, and shall provide technical assistance to the program administrator, monitor the program administrator for adherence to state and federal requirements, and collect and maintain program data.

Sec. 393. Section 217.41C, subsection 7, unnumbered

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

Beginning October 1, 2023, and on or before October 1 annually thereafter, the department ~~of human services~~ shall submit to the general assembly the following program information relative to the prior fiscal year:

Sec. 394. Section 217.42, Code 2023, is amended to read as follows:

217.42 ~~Service areas —~~ County offices.

~~1. The organizational structure to deliver the department's field services shall be based upon service areas designated by the department. The service areas shall serve as a basis for providing field services to persons residing in the counties comprising the service area.~~

~~2.~~ 1. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county, the department shall provide staff based on its caseweight system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

~~3.~~ 2. A county or group of counties may voluntarily enter into a chapter 28E agreement with the department to provide funding or staff persons to deliver field services in county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

Sec. 395. Section 217.43, Code 2023, is amended to read as follows:

217.43 ~~Service area~~ County advisory boards — location of county offices.

1. *a.* The department shall establish ~~a service area~~ one or more advisory ~~board in each service area~~ boards. Each of the county boards of supervisors ~~of the counties comprising the service area~~ shall appoint two ~~service area~~ advisory board

members. All of the following requirements apply to the appointments made by a county board of supervisors:

(1) The membership shall be appointed in accordance with section 69.16, relating to political affiliation, and section 69.16A, relating to gender balance.

(2) Not more than one of the members shall be a member of the board of supervisors.

(3) Appointments shall be made on the basis of interest in maintaining and improving service delivery.

b. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the ~~service area manager~~ department. A vacancy on the board shall be filled in the same manner as the original appointment.

c. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery ~~in the counties and communities comprising the service areas~~.

3. The department shall determine the community in which each county office will be located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

Sec. 396. Section 217.44, Code 2023, is amended to read as follows:

217.44 ~~Service areas~~ Department offices — employee and volunteer record checks.

1. The record check evaluation system of the department

shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in ~~service area~~ department offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the ~~department~~ record check evaluation system may conduct these checks in other states. If the ~~department~~ record check evaluation system determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the ~~department~~ record check evaluation system shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the ~~department~~ record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The ~~department~~ record check evaluation system may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the ~~department's~~ record check evaluation system's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the ~~department~~ record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer

in a department ~~service area~~ office in a position having direct contact with the department's clients.

Sec. 397. Section 217.45, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A background investigation may be conducted by the department ~~of human services~~ on all of the following individuals:

Sec. 398. Section 218.1, Code 2023, is amended to read as follows:

218.1 Institutions controlled.

The director ~~of human services~~ shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion assign the powers and authorities given the director by statute to ~~any one of the deputy directors, division administrators, or officers or employees of the divisions of the department of human services~~ a superintendent:

1. Glenwood state resource center.
2. Woodward state resource center.
3. Mental health institute, Cherokee, Iowa.
4. Mental health institute, Independence, Iowa.
5. State training school.
6. Iowa juvenile home.
7. Other facilities not attached to the campus of the main institution as program developments require.

Sec. 399. Section 218.2, Code 2023, is amended to read as follows:

218.2 Powers of governor — report of abuses.

1. Nothing contained in section 218.1 shall limit the general supervisory or examining powers vested in the governor by the laws or Constitution of the State of Iowa, or legally vested by the governor in any committee appointed by the governor.

2. The ~~administrator~~ superintendent to whom primary

1 responsibility for a particular institution has been assigned
2 shall make reports to the director ~~of human services~~ as ~~are~~
3 requested by the director and the director shall report, in
4 writing, to the governor any abuses found to exist in any of
5 the institutions.
6 Sec. 400. Section 218.3, Code 2023, is amended to read as
7 follows:
8 **218.3 Definitions.**
9 For the purposes of this chapter, unless the context
10 otherwise requires:
11 1. ~~*"Administrator"* means the person to whom the director~~
12 ~~of human services has assigned power and authority over an~~
13 ~~institution in accordance with section 218.1.~~ *"Council"* means
14 the council on health and human services.
15 2. *"Department"* means the department of health and human
16 services.
17 3. *"Director"* means the director of health and human
18 services.
19 ~~2.~~ 4. *"Institution"* means an institution listed in section
20 218.1.
21 5. *"Resident"* means a person committed or admitted to an
22 institution and is synonymous with patient, as appropriate to
23 the institution.
24 6. *"Superintendent"* means the person to whom primary
25 responsibility for a particular institution has been assigned.
26 Sec. 401. Section 218.4, Code 2023, is amended to read as
27 follows:
28 **218.4 Recommendation for rules.**
29 1. The ~~administrators of particular institutions~~ department
30 shall recommend to the council ~~on human services~~ for adoption
31 ~~such~~ rules not inconsistent with law as ~~they may deem~~ necessary
32 for ~~the discharge of their duties,~~ the management of ~~each~~
33 ~~of such~~ the institutions~~,~~ and the admission, ~~of residents~~
34 ~~thereto and the~~ treatment, care, custody, education and
35 discharge of residents. It is ~~made~~ the duty of the ~~particular~~

~~administrators~~ department to establish rules by which danger to life and property from fire will be minimized. ~~In the discharge of their duties and in the enforcement of their rules, they~~ The department may require any ~~of their~~ appointees to perform duties in addition to those required by statute.

2. Rules adopted by the council pursuant to chapter 17A shall be uniform and shall apply to all institutions under the ~~particular administrator and to all other institutions under the administrator's~~ department's jurisdiction. The primary rules for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to ~~patients~~ such persons by competent physicians. Annually, signed copies of the rules shall be sent to the superintendent of each institution ~~or hospital under the control or supervision of a particular administrator~~. Copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

3. The state fire marshal shall cause to be made an annual inspection of all the institutions ~~listed in section 218.1~~ and shall ~~make~~ provide a written report ~~thereof~~ of each inspection to the ~~particular administrator of the state~~ department ~~of human services in control of such institution~~.

Sec. 402. Section 218.5, Code 2023, is amended to read as follows:

218.5 Fire protection contracts.

The ~~administrators shall have power to~~ department may enter into contracts with the governing body of any city or

other municipal corporation for the protection from fire of any property under the ~~administrators'~~ department's primary control, located in any municipal corporation or in territory contiguous to the municipal corporation, upon terms as may be agreed upon.

Sec. 403. Section 218.6, Code 2023, is amended to read as follows:

218.6 Transfer of appropriations made to institutions.

1. Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director ~~of human services~~ may transfer funds between the appropriations made for the institutions, listed as follows:

a. The state resource centers.

b. The state mental health institutes.

c. The state training school.

d. The civil commitment unit for sexual offenders.

2. The department shall report any transfer made pursuant to subsection 1 during a fiscal quarter to the legislative services agency within thirty days of the beginning of the subsequent fiscal quarter.

Sec. 404. Section 218.9, Code 2023, is amended to read as follows:

218.9 Appointment of superintendents.

1. The ~~administrator in charge of an institution, subject to the approval of the~~ director ~~of human services,~~ shall appoint the superintendent of the institution. The tenure of office of a superintendent shall be at the pleasure of the ~~administrator~~ director. The ~~administrator~~ director may transfer a superintendent ~~or warden~~ from one institution to another.

2. The superintendent ~~or warden~~ shall have immediate custody and control, subject to the orders and policies of the ~~administrator in charge of the institution~~ director, of all property used in connection with the institution except as provided in this chapter.

Sec. 405. Section 218.10, Code 2023, is amended to read as follows:

218.10 Subordinate officers and employees.

The ~~administrator in charge of a particular institution, with the consent and approval of the~~ director ~~of human services,~~ shall determine the number of subordinate officers and employees for the institution. Subject to this chapter, the officers and employees shall be appointed and discharged by the superintendent or ~~business manager~~ the superintendent's designee pursuant to chapter 8A, subchapter IV. The superintendent shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons for discharge.

Sec. 406. Section 218.12, Code 2023, is amended to read as follows:

218.12 Bonds.

~~The administrator in charge of any particular institution shall require each~~ Each officer and ~~any~~ employee ~~of such administrator and~~ of ~~every~~ an institution ~~under the administrator's control who may be~~ charged with the custody or control of any money or property belonging to the state ~~to give~~ shall provide an official bond, properly conditioned, and signed by sufficient sureties in a sum to be fixed by the ~~administrator~~ director, which bond shall be approved by the ~~administrator~~ director, and filed in the office of the secretary of state.

Sec. 407. Section 218.13, Code 2023, is amended to read as follows:

218.13 Record checks.

~~1. For the purposes of this section, unless the context otherwise requires:~~

~~*a. "Department"* means the department of human services.~~

~~*b. "Institution"* means an institution controlled by the department as described in section 218.1.~~

~~*c. "Resident"* means a person committed or admitted to an~~

~~institution.~~

~~2.~~ 1. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment or residence in the facility. The ~~department~~ record check evaluation system shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

~~3.~~ 2. If the ~~department~~ record check evaluation system determines that a person, who is employed by an institution or resides in a facility utilized by an institution, has been convicted of a crime or has a record of founded child or dependent adult abuse, the ~~department~~ record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

~~4.~~ 3. In an evaluation, the ~~department~~ record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The ~~department~~ record check evaluation system may permit

a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the ~~department's~~ record check evaluation system's conditions relating to employment or residence which may include completion of additional training.

~~5.~~ 4. If the ~~department~~ record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

Sec. 408. Section 218.14, Code 2023, is amended to read as follows:

218.14 Dwelling of superintendent or other employee.

1. The ~~administrator having control over an institution may, with consent of the~~ director ~~of human services,~~ may furnish the superintendent of the institution, in addition to salary, with a dwelling or with appropriate quarters in lieu of the dwelling, or ~~the administrator~~ may compensate the superintendent of the institution in lieu of furnishing a dwelling or quarters. If the superintendent of the institution is furnished with a dwelling or quarters, either of which is owned by the state, the superintendent may also be furnished with water, heat, and electricity.

2. The ~~administrator having control over an institution~~ director may furnish assistant superintendents or other employees, or both, with a dwelling or with appropriate quarters, owned by the state. The assistant superintendent or employee, who is so furnished, shall pay rent for the dwelling or quarters in an amount to be determined by the ~~superintendent of the institution~~ director, which shall be the fair market rental value of the dwelling or quarters. If an assistant superintendent or employee is furnished with a dwelling or quarters, either of which is owned by the state, the assistant superintendent or employee may also be furnished with water,

heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the dwelling or quarters.

Sec. 409. Section 218.15, Code 2023, is amended to read as follows:

218.15 Salaries — how paid.

The salaries and wages shall be included in the semimonthly payrolls and paid in the same manner as other expenses of the ~~several~~ institutions.

Sec. 410. Section 218.17, Code 2023, is amended to read as follows:

218.17 Authorized leave.

Vacations and sick leave with pay as authorized in section 70A.1 shall only be taken at such times as the superintendent or the ~~business manager~~ superintendent's designee in charge of an officer or employee, as the case may be, may direct, and only after written authorization by the superintendent or ~~business manager~~ the superintendent's designee, and for the number of days specified in the authorization. A copy of the authorization shall be attached to the institution's copy of the payroll of the institution, for audit purposes, for the period during which the vacation was taken, and the semimonthly payroll shall show the number of days the person was absent under the authorization.

Sec. 411. Section 218.21, Code 2023, is amended to read as follows:

218.21 Record of residents.

The ~~administrator of the department of human services in control of a state institution~~ director shall, as to every person committed to any of the institutions, keep the following record:

1. Name.
2. Residence.
3. Sex.
4. Age.

5. Nativity.
6. Occupation.
7. Civil condition.
8. Date of entrance or commitment.
9. Date of discharge.
10. Whether a discharge was final.
11. Condition of the person when discharged.
12. The name of the institutions from which and to which such person has been transferred.
13. If ~~dead~~ deceased, the date and cause of the person's death.

Sec. 412. Section 218.22, Code 2023, is amended to read as follows:

218.22 Record privileged.

Except with the consent of the ~~administrator in charge of an institution~~ director, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the ~~administrator of the division of the department of human services in control of such institution, the~~ director ~~of the department of human services~~ and to assistants and proper clerks authorized by ~~such administrator or the administrator's~~ the director. The ~~administrator of the division of such institution is authorized to~~ director may permit the division of library services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 413. Section 218.23, Code 2023, is amended to read as follows:

218.23 Reports to ~~administrator~~ director.

The superintendent of an institution shall, within ten days after the commitment or entrance of a person to the

institution, cause a true copy of the person's entrance record to be made and forwarded to the ~~administrator in control of the institution~~ director or the director's designee. When a ~~patient or~~ resident leaves, or is discharged~~,~~ or transferred from, or dies in an institution, the superintendent or person in charge shall within ten days after that date send the information to the ~~office of the institution's administrator~~ director or the director's designee on forms which the ~~administrator~~ director prescribes.

Sec. 414. Section 218.24, Code 2023, is amended to read as follows:

218.24 Questionable commitment.

The superintendent ~~is required to~~ shall immediately notify the ~~administrator in control of the superintendent's particular institution~~ director if there is any question as to the propriety of the commitment or detention of any person received at ~~such~~ an institution, and ~~said administrator~~ the director, upon ~~such~~ notification, shall inquire into the matter presented, and take ~~such~~ proper action ~~as may be deemed proper in the premises~~.

Sec. 415. Section 218.26, Code 2023, is amended to read as follows:

218.26 Religious worship.

Any ~~such~~ resident, during the time of the resident's detention, shall be allowed, for at least one hour ~~on each Sunday~~ weekly and in times of extreme sickness, and at such other suitable and reasonable times ~~as is~~ consistent with the resident's religious belief and proper discipline in ~~said~~ the institution, to receive spiritual advice, instruction, and ministration from any recognized member of the clergy of the church or denomination which represents the resident's religious belief.

Sec. 416. Section 218.27, Code 2023, is amended to read as follows:

218.27 Religious belief of minors.

~~In case such~~ If a resident is a minor and has formed no choice, the minor´s preference may, at any time, be expressed by the minor with the approval of parents or guardian, if the minor has ~~any such~~ a parent or guardian.

Sec. 417. Section 218.28, Code 2023, is amended to read as follows:

218.28 Investigation.

The ~~administrator of the department of human services in control of a particular institution or the administrator´s authorized officer or employee~~ director or the director´s designee shall visit, and minutely examine, at least once in six months, and more often if necessary or required by law, the institutions ~~under such administrator´s control,~~ and the financial condition and management ~~thereof~~ of the institutions.

Sec. 418. Section 218.29, Code 2023, is amended to read as follows:

218.29 Scope of investigation.

The ~~administrator of the department of human services in control of a particular institution or the administrator´s authorized officer or employee~~ director or the director´s designee shall, during such investigation and as far as possible, see every resident of each institution, especially those admitted since the director´s or the director´s designee´s preceding visit, and shall give such residents ~~as may require it,~~ suitable opportunity to converse with ~~such administrator or authorized officer or employee~~ the director or the director´s designee apart from the officers and attendants.

Sec. 419. Section 218.30, Code 2023, is amended to read as follows:

218.30 Investigation of other ~~institutions~~ facilities.

The ~~administrators to whom control of institutions has been assigned, or their authorized officers or employees,~~ director may investigate or cause the investigation of charges of abuse, neglect, or mismanagement on the part of an officer or employee of a private ~~institution~~ facility which is subject to the

~~administrator's particular~~ director's supervision or control. The ~~administrator who has been assigned to have authority over the state mental health institutes, or the administrator's authorized officer or employee,~~ director shall also investigate or cause the investigation of charges concerning county care facilities in which persons with mental illness are served.

Sec. 420. Section 218.31, Code 2023, is amended to read as follows:

218.31 Witnesses.

In aid of any investigation the ~~administrator shall have the power to~~ department may summon and compel the attendance of witnesses; ~~to~~ examine the witnesses under oath, which the ~~administrator shall have power to~~ director or the director's designee may administer; ~~to~~ have access to all books, papers, and property material to such investigation; and ~~to~~ order the production of any other books or papers material to the investigation. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

Sec. 421. Section 218.32, Code 2023, is amended to read as follows:

218.32 Contempt.

Any person failing or refusing to obey the orders of the ~~administrator~~ department issued under section 218.31, or to give or produce evidence when required, shall be reported by the ~~administrator~~ department to the district court in the county where the offense occurs, and shall be dealt with by the court as for contempt of court.

Sec. 422. Section 218.33, Code 2023, is amended to read as follows:

218.33 Transcript of testimony.

The ~~particular administrator involved~~ department shall cause the testimony taken at such investigation to be transcribed and filed ~~in the administrator's office at the seat of government~~ with the department within ten days after the ~~same~~ testimony

is taken, or as soon thereafter as practicable, and when ~~so~~ filed the ~~same~~ testimony shall be open for the inspection of any person.

Sec. 423. Section 218.41, Code 2023, is amended to read as follows:

218.41 Custody.

When a resident of an institution is ~~so~~ working outside the institution proper, the resident ~~shall be deemed~~ is at all times in the actual custody of the ~~head~~ superintendent of the institution.

Sec. 424. Section 218.42, Code 2023, is amended to read as follows:

218.42 Wages of residents.

If a resident performs services for the state at an institution ~~listed in section 218.1~~, the ~~administrator in control of the institution~~ department shall pay the resident a wage in accordance with federal wage and hour requirements. However, the wage amount shall not exceed the amount of the prevailing wage paid in the state for a like service or its equivalent.

Sec. 425. Section 218.43, Code 2023, is amended to read as follows:

218.43 Deduction to pay court costs.

If wages are paid to a resident pursuant to section 218.42, the ~~administrator in control of an institution listed in section 218.1~~ department may deduct from the wages an amount sufficient to pay all or a part of the costs taxed to the resident by reason of the resident's commitment to the institution. In such case the amount ~~so~~ deducted shall be forwarded to the clerk of the district court or proper official.

Sec. 426. Section 218.44, Code 2023, is amended to read as follows:

218.44 Wages paid to dependent — deposits.

If wages are paid to a resident pursuant to section 218.42,

the ~~administrator in control of an institution listed in section 218.1~~ department may pay all or any part of the wages directly to any dependent of the resident. The ~~administrator~~ department may also deposit the wages to the account of the resident, or may ~~so~~ deposit part of the wages and allow the resident a portion for the resident's own personal use, or may pay to the county of commitment all or any part of the resident's care, treatment, or subsistence while at ~~said~~ the institution from any credit balance accruing to the account of the resident.

Sec. 427. Section 218.45, Code 2023, is amended to read as follows:

218.45 Conferences.

Quarterly conferences of the superintendents of the institutions shall be held with the ~~administrator in control of the institutions~~ director at Des Moines or at institutions under the ~~administrator's~~ director's jurisdiction, for the consideration of all matters relative to the management of the institutions. Full minutes of the conferences shall be preserved in the records of the ~~administrator~~ department. The ~~administrator in control~~ director may cause papers on appropriate subjects to be prepared and ~~read~~ presented at the conferences.

Sec. 428. Section 218.46, Code 2023, is amended to read as follows:

218.46 Scientific investigation.

1. The ~~administrator who is in charge of an institution~~ director shall encourage the scientific investigation, on the part of the superintendent and medical staff of the institution, as to the most successful methods of institutional management and ~~treating~~ treatment of the persons committed to the institution. In addition, the ~~administrator~~ department shall procure and furnish to the superintendent and medical staff information relative to such management and treatment and~~, from time to time,~~ publish bulletins and reports of

scientific and clinical work done in that type of institution.

2. The ~~administrators of such state institutions are authorized to~~ department may provide services and facilities for the scientific observation, rechecking, and treatment of persons with mental illness within the state. Application by, or on behalf of, any person for such services and facilities shall be made to the ~~administrator in charge of the particular institution involved and shall be made~~ director on forms furnished by ~~such administrator~~ the department. The time and place of admission of any person to outpatient or clinical services and facilities for scientific observation, rechecking, and treatment and the use of such services and facilities for the benefit of persons who have already been hospitalized for psychiatric evaluation and appropriate treatment or involuntarily hospitalized as seriously mentally ill shall be in accordance with rules and regulations adopted by the ~~administrator in control of the particular institution involved~~ department.

Sec. 429. Section 218.47, Code 2023, is amended to read as follows:

218.47 Monthly report.

The superintendent ~~or business manager~~ of each institution or the superintendent's designee shall, on the first day of each month, account to the ~~administrator in control of the particular institution~~ director or the director's designee for all state funds received during the preceding month, and~~,~~ at the same time~~,~~ remit the accounting to the treasurer of state.

Sec. 430. Section 218.48, Code 2023, is amended to read as follows:

218.48 Annual reports.

The superintendent ~~or business manager~~ of each institution or the superintendent's designee shall make an annual report to the ~~administrator in control of the particular institution~~ director and include in the report a detailed and accurate inventory of the stock and supplies on hand, and their amount

and value, under the following headings:

1. Livestock.
2. Farm produce on hand.
3. Vehicles.
4. Agricultural implements.
5. Machinery.
6. Mechanical fixtures.
7. Real estate.
8. Furniture.
9. Bedding in residents´ department.
10. State property in superintendent´s department.
11. Clothing.
12. Dry goods.
13. Provisions and groceries.
14. Drugs and medicine.
15. Fuel.
16. Library.
17. All other state property under appropriate headings to be determined by the ~~particular administrator involved~~ director.

Sec. 431. Section 218.49, Code 2023, is amended to read as follows:

218.49 Contingent fund.

The ~~administrator in control of an institution~~ director may permit the superintendent ~~or the business manager~~ of each institution or the superintendent´s designee to retain a stated amount of funds under the superintendent´s or ~~business manager´s~~ superintendent´s designee´s supervision as a contingent fund for the payment of freight, postage, commodities purchased on authority of the particular superintendent ~~or business manager~~ involved on a cash basis, salaries, and bills granting discount for cash.

Sec. 432. Section 218.50, Code 2023, is amended to read as follows:

218.50 Requisition for contingent fund.

If necessary, the director ~~of the department of human services~~ shall make proper requisition upon the director of the department of administrative services for a warrant on the state treasurer to secure the ~~said~~ contingent fund for each institution.

Sec. 433. Section 218.51, Code 2023, is amended to read as follows:

218.51 Monthly reports of contingent fund.

A monthly report of the status of ~~such~~ the contingent fund shall be submitted by the ~~proper officer of said~~ superintendent of each institution or the superintendent's designee to the ~~administrator in control of the institution involved and such~~ director or the director's designee in accordance with applicable rules ~~as such administrator may establish~~ established by the director.

Sec. 434. Section 218.52, Code 2023, is amended to read as follows:

218.52 Supplies — competition.

The ~~administrator in control of a state institution~~ department shall, in the purchase of supplies, afford all reasonable opportunity for competition, and shall give preference to local dealers and Iowa producers when such can be done without loss to the state.

Sec. 435. Section 218.55, Code 2023, is amended to read as follows:

218.55 Purchase from an institution.

~~An administrator~~ The department may purchase supplies of any institution ~~under the administrator's control,~~ for use in any other institution ~~under the administrator's control~~, and reasonable payment for the supplies shall be made as in the case of other purchases.

Sec. 436. Section 218.56, Code 2023, is amended to read as follows:

218.56 Purchase of supplies — vendor warrants.

1. The ~~administrators~~ department shall~~, from time to time,~~

adopt and make of record rules and regulations governing the purchase of all articles and supplies needed at the various institutions ~~under their control~~ and the form and verification of vouchers for such purchases.

2. The department ~~of human services~~ shall mail vendor warrants for the department of corrections.

Sec. 437. Section 218.57, Code 2023, is amended to read as follows:

218.57 Combining appropriations.

The director of the department of administrative services may combine the balances carried in all specific appropriations into a special account for each institution ~~under the control of a particular administrator~~, except that the support fund for each institution shall be carried as a separate account.

Sec. 438. Section 218.58, Code 2023, is amended to read as follows:

218.58 Construction, repair, and improvement projects —— emergencies.

The department shall work with the department of administrative services to accomplish the following responsibilities:

1. The department shall prepare and submit to the director of the department of management, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the institutions ~~listed in section 218.1~~.

2. The ~~director~~ department shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects costing over the competitive bid threshold in section 26.3, or as established in section 314.1B. An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the

project, prepared under the supervision of a licensed architect or licensed professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

3. The department of administrative services shall comply with the competitive bid procedures in chapter 26 to let all contracts under chapter 8A, subchapter III, for authorized construction, repair, or improvement of departmental buildings, grounds, or equipment.

4. If the director ~~of the department of human services~~ and the director of the department of administrative services determine that emergency repairs or improvements estimated to cost more than the competitive bid threshold in section 26.3, or as established in section 314.1B are necessary to assure the continued operation of a departmental institution, the requirements of subsections 2 and 3 for preparation of plans and specifications and competitive procurement procedures are waived. A determination of necessity for waiver by the director ~~of the department of human services~~ and the director of the department of administrative services shall be in writing and shall be entered in the project record for emergency repairs or improvements. Emergency repairs or improvements shall be accomplished using plans and specifications and competitive quotation or bid procedures, as applicable, to the greatest extent possible, considering the necessity for rapid completion of the project. A waiver of the requirements of subsections 2 and 3 does not authorize an expenditure in excess of an amount otherwise authorized for the repair or improvement.

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section 8A.514, certified by the claimant and the architect or engineer in charge, and audited and approved by the department of administrative services. Upon approval by the department of

administrative services, the director of the department of administrative services shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

6. Subject to the prior approval of the ~~administrator in control of a departmental institution~~ director or the director's designee, minor projects costing five thousand dollars or less may be authorized and completed by the ~~executive head~~ superintendent of the institution through the use of day labor. ~~A contract is not required if a minor project is to be completed with the use of resident labor.~~

Sec. 439. Section 218.64, Code 2023, is amended to read as follows:

218.64 Investigation of death.

~~1. For the purposes of this section, unless the context otherwise requires, "*institution*" and "*resident*" mean the same as defined in section 218.13.~~

~~2.~~ Upon the death of a resident of an institution, the county medical examiner shall conduct a preliminary investigation of the death as provided in section 331.802. The cost of the preliminary investigation shall be paid by the department ~~of human services~~.

Sec. 440. Section 218.65, Code 2023, is amended to read as follows:

218.65 Property of deceased resident.

The ~~superintendent or business manager of each institution~~ department shall, upon the death of any resident ~~or patient~~, immediately take possession of all property of the deceased left at the institution, and deliver the property to the duly appointed and qualified representative of the deceased.

Sec. 441. Section 218.66, Code 2023, is amended to read as follows:

218.66 Property of small value.

If administration ~~be~~ is not granted within one year from the date of the death of the decedent, and the value of the estate of the decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs of the decedent.

Sec. 442. Section 218.69, Code 2023, is amended to read as follows:

218.69 Permanent record.

A complete permanent record of the money transmitted to the treasurer of state under section 218.68, showing by whom and with whom ~~it~~ the money was left, ~~its~~ the amount, the date of the death of the owner, the owner's reputed place of residence before the owner became a resident of the institution, the date on which ~~it~~ the money was transmitted to the state treasurer, and any other facts which may tend to identify the intestate and explain the case, shall be kept by the ~~superintendent of the institution or business manager, as the case may be~~ department, and a transcript of the record shall be sent to~~,~~ and kept by~~,~~ the treasurer of state.

Sec. 443. Section 218.70, Code 2023, is amended to read as follows:

218.70 Payment to party entitled.

Moneys transmitted to the treasurer of state under section 218.68 shall be paid, at any time within ten years from the death of the intestate, to any person who is shown to be entitled ~~thereto~~ to the moneys. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

Sec. 444. Section 218.72, Code 2023, is amended to read as follows:

218.72 Temporary quarters in emergency.

In case the buildings at any institution ~~under the control of an administrator~~ are destroyed or rendered unfit for habitation

by reason of fire, storms, or other like causes, to such an extent that the residents cannot be housed and cared for, the ~~administrator~~ director shall make temporary provision for the housing and care of the residents at some other place in the state. Like provision may be made in case any pestilence breaks out among the residents. The reasonable cost of the change, including transfer of residents, shall be paid from any moneys in the state treasury not otherwise appropriated.

Sec. 445. Section 218.78, Code 2023, is amended to read as follows:

218.78 Institutional receipts deposited.

1. All institutional receipts of the department ~~of human services~~, including funds received from client participation at the state resource centers under section 222.78 and at the state mental health institutes under section 230.20, shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, for receipts deposited in the revolving farm fund under section 904.706, for deposits into the medical assistance fund under section 249A.11, and for rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions.

2. If approved by the director ~~of human services~~, the department may use appropriated funds for the granting of educational leave.

Sec. 446. Section 218.83, Code 2023, is amended to read as follows:

218.83 Administrative improvement.

The director ~~of human services and the administrators assigned to have authority over the institutions~~ shall cooperate with any department or agency of ~~the~~ state government in any manner, including the exchange of employees, calculated to improve administration of the ~~affairs of the~~ institutions.

Sec. 447. Section 218.84, Code 2023, is amended to read as follows:

218.84 Abstracting claims and keeping accounts.

The director ~~of the department of human services~~ or the director's designee shall have sole charge of abstracting and certifying claims for payment and the keeping of a central system of accounts in institutions under the director's control.

Sec. 448. Section 218.85, Code 2023, is amended to read as follows:

218.85 Uniform system of accounts.

The ~~director of human services through the administrators in control of the institutions~~ department shall install in all the institutions the most modern, complete, and uniform system of accounts, records, and reports possible. The system shall be prescribed by the director of the department of administrative services as authorized in section 8A.502, subsection 13, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

Sec. 449. Section 218.86, Code 2023, is amended to read as follows:

218.86 Abstract of claims.

Vouchers for expenditures other than salaries shall be submitted to the director of the department of administrative services, who shall prepare in triplicate an abstract of claims submitted showing the name of the claimant and the institutions and institutional fund on account of which the payment is made. The claims and abstracts of claims shall be returned to the ~~director of the~~ department ~~of human services~~ where the correctness of the abstracts shall be certified ~~by the director~~. The original abstract shall be delivered to the director of the department of administrative services, the duplicate to be retained in the office of the director, ~~of the department of human services~~ and the triplicate forwarded to the proper institution to be retained as a record of claims paid.

Sec. 450. Section 218.87, Code 2023, is amended to read as

follows:

218.87 Warrants issued by director of the department of administrative services.

Upon such certificate the director of the department of administrative services shall, if the institution named has sufficient funds, issue the director's warrants upon the state treasurer, for the amounts and to the claimants indicated ~~thereon~~ on the warrants. The director of the department of administrative services shall deliver the warrants ~~thus~~ issued to the ~~director of human services~~ department, who will cause ~~same~~ the warrants to be transmitted to the payees ~~thereof~~ of the warrants.

Sec. 451. Section 218.88, Code 2023, is amended to read as follows:

218.88 Institutional payrolls.

At the close of each pay period, the superintendent ~~or business manager~~ of each institution shall prepare and forward to the director ~~of human services~~ or the director's designee a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. A substitute shall not be permitted to receive compensation in the name of the employee for whom the substitute is acting.

Sec. 452. Section 218.92, Code 2023, is amended to read as follows:

218.92 ~~Patients~~ Residents with dangerous mental disturbances.

When a ~~patient in a state resource center for persons with an intellectual disability, a state mental health institute, or another~~ resident of an institution ~~under the administration of the department of human services~~ has become so mentally disturbed as to constitute a danger to self, to other ~~patients~~ residents or staff of the institution, or to the public, and the institution cannot provide adequate security, the ~~administrator in charge of the institution~~ director or the director's designee, with the consent of the director of the

Iowa department of corrections, may order the ~~patient~~ resident to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the ~~patient~~ resident is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the ~~patient~~ resident, other ~~patients~~ residents, or the public. If the ~~patient~~ resident transferred was hospitalized pursuant to sections 229.6 through 229.15, the transfer shall be promptly reported to the court that ordered the hospitalization of the ~~patient~~ resident, as required by section 229.15, subsection 5. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the ~~patient~~ resident as the institution from which the ~~patient~~ resident was transferred had while ~~the patient was~~ hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 453. Section 218.93, Code 2023, is amended to read as follows:

218.93 Consultants for ~~director or administrators~~ department.

The ~~director of human services or the administrators in control of the institutions are authorized to~~ department may secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director ~~or the administrators~~, ~~their~~ department employees, ~~or employees of institutions under their jurisdiction~~ or to provide in-service training and instruction for the employees. The ~~director and administrators are authorized to~~ department may pay the consultants at a rate to be determined by ~~them~~ the department from funds under ~~their~~ the department's control or from any institutional funding under ~~their~~ the director's jurisdiction ~~as the director or administrator may determine~~.

Sec. 454. Section 218.94, Code 2023, is amended to read as follows:

218.94 Director may buy and sell real estate — options.

1 1. The director ~~of the department of human services~~
2 ~~shall have full power to~~ may secure options to purchase real
3 estate, to acquire and sell real estate, and to grant utility
4 easements, for the proper uses of ~~said~~ the institutions.
5 Real estate shall be acquired and sold and utility easements
6 granted, upon such terms and conditions as the director may
7 determine. Upon sale of the real estate, the proceeds shall
8 be deposited with the treasurer of state and credited to the
9 general fund of the state. There is ~~hereby~~ appropriated from
10 the general fund of the state a sum equal to the proceeds ~~so~~
11 deposited and credited to the general fund of the state to the
12 department ~~of human services~~, which may be used to purchase
13 other real estate or for capital improvements upon property
14 under the director's control.
15 2. The costs incident to securing of options, acquisition
16 and sale of real estate and granting of utility easements,
17 including but not limited to appraisals, invitations for
18 offers, abstracts, and other necessary costs, may be paid
19 from moneys appropriated for support and maintenance to the
20 institution at which ~~such~~ the real estate is located. Such
21 ~~fund~~ costs shall be reimbursed from the proceeds of the sale.
22 Sec. 455. Section 218.95, Code 2023, is amended to read as
23 follows:
24 **218.95 Synonymous terms.**
25 1. For purposes of construing the provisions of this and
26 the following subtitles of this title and chapters 904, 913,
27 and 914 relating to persons with mental illness and reconciling
28 these provisions with other former and present provisions of
29 statute, the following terms shall be considered synonymous:
30 *a. "Mentally ill"* and *"insane"*, except that the
31 hospitalization or detention of any person for treatment
32 of mental illness shall not constitute a finding or create
33 a presumption that the individual is legally insane in the
34 absence of a finding of incompetence made pursuant to section
35 229.27.

b. "Parole" and *"convalescent leave"*.

c. "Resident" and *"patient"*.

d. "Escape" and *"depart without proper authorization"*.

e. "Warrant" and *"order of admission"*.

f. "Escapee" and *"patient"*.

g. "Sane" and *"in good mental health"*.

h. "Commitment" and *"admission"*.

2. It is ~~hereby declared to be~~ the policy of the general assembly that words which have come to have a degrading meaning shall not be employed in institutional records having reference to persons with various mental conditions and that in all records pertaining to persons with various mental conditions the less discriminatory of the foregoing synonyms shall be employed.

Sec. 456. Section 218.96, Code 2023, is amended to read as follows:

218.96 Gifts, grants, ~~and~~ devises, and bequests.

The director ~~of the department of human services is authorized to~~ may accept gifts, grants, devises, or bequests of real or personal property from the federal government or any source. The director may exercise such powers with reference to the property ~~so~~ accepted as ~~may be~~ deemed essential to ~~its~~ the property's preservation and the purposes for which given, granted, devised, or bequeathed.

Sec. 457. Section 218.98, Code 2023, is amended to read as follows:

218.98 Canteen maintained.

~~The administrators in control of the institutions may maintain a~~ A canteen may be maintained at any institution ~~under their jurisdiction and control~~ for ~~the~~ sale to persons residing in the institution of items including but not limited to toilet articles, candy, tobacco products, notions, and other sundries, and ~~may provide~~ the necessary facilities, equipment, personnel, and merchandise for such sale may be provided. The ~~administrators~~ department shall specify what commodities will

be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 458. Section 218.99, Code 2023, is amended to read as follows:

218.99 Counties to be notified of ~~patients'~~ personal accounts.

The ~~administrator in control of a state institution shall direct the business manager~~ superintendent of each ~~institution under the administrator's jurisdiction which is mentioned~~ facility specified in section 331.424, subsection 1, paragraph *"a"*, subparagraphs (1) and (2), and for which services are paid by the county of residence or a mental health and disability services region, ~~to~~ shall quarterly inform the county of residence of any ~~patient or resident~~ person committed or admitted to the facility who has an amount in excess of two hundred dollars on account in the ~~patients'~~ person's personal deposit fund and the amount on deposit. The ~~administrators shall direct the business manager to~~ superintendent shall further notify the county of residence at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the ~~patient or resident~~ person. If the ~~patient or resident~~ person has no residency in this state or the person's residency is unknown, notice shall be made to the ~~director of human services and the administrator in control of the institution involved~~ department.

Sec. 459. Section 218.100, Code 2023, is amended to read as follows:

218.100 Central warehouse and supply depot.

The department ~~of human services~~ shall establish a fund for maintaining and operating a central warehouse as a supply depot and distribution facility for surplus government products, carload canned goods, paper products, other staples, and such other items as determined by the department. The fund shall be

permanent and shall be composed of the receipts from the sales of merchandise, recovery of handling, operating and delivery charges of such merchandise, and from the funds contributed by the institutions ~~now~~ in a contingent fund being used for this purpose. All claims for purchases of merchandise, operating, and salary expenses shall be subject to the provisions of sections 218.86, 218.87, and 218.88.

Sec. 460. Section 221.2, Code 2023, is amended to read as follows:

221.2 ~~Administrator~~ Compact administrator.

~~Pursuant to the compact, the administrator of the division of mental health and disability services~~ The director of the department of health and human services shall ~~be the~~ designate a compact administrator. The compact administrator may cooperate with all departments, agencies, and officers of this state and its subdivisions in facilitating the proper administration of the compact and of any supplementary agreement entered into by this state under the compact.

Sec. 461. Section 221.4, Code 2023, is amended to read as follows:

221.4 Payments.

The compact administrator~~, subject to the approval of the director of the department of human services,~~ may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into ~~thereunder~~ under the compact.

Sec. 462. Section 222.1, subsection 2, Code 2023, is amended to read as follows:

2. The Glenwood state resource center and the Woodward state resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with an intellectual disability or other disabilities in this state, and providing facilities, services,

and other support to the communities located in the region being served by a state resource center. In addition, the state resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A resource center may request the approval of the council ~~on human services~~ to change the name of the resource center for use in communication with the public, in signage, and in other forms of communication.

Sec. 463. Section 222.2, Code 2023, is amended to read as follows:

222.2 Definitions.

When used in this chapter, unless the context otherwise requires:

~~1. *"Administrator"* means the person assigned by the director of human services, in accordance with section 218.1, to control the state resource centers.~~

~~2.~~ 1. *"Auditor"* means the county auditor or the auditor's designee.

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

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

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

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

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

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

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

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

~~9.~~ 10. *"Superintendents"* means the superintendents of the state resource centers.

Sec. 464. Section 222.3, Code 2023, is amended to read as follows:

222.3 Superintendents.

The ~~administrator~~ director shall appoint a qualified superintendent for each of the resource centers who shall receive such salary as the ~~administrator~~ director shall determine.

Sec. 465. Section 222.4, Code 2023, is amended to read as follows:

222.4 Duties of superintendents.

The superintendents shall:

1. Perform all duties required by law and by the ~~administrator~~ director not inconsistent with law.

2. Oversee and insure individual treatment and professional care of each patient in the resource centers.

3. Maintain a full and complete record of the condition of each patient in the resource centers.

4. Have custody, control, and management of all patients in such manner as deemed best subject to the regulations of the ~~administrator~~ department.

Sec. 466. Section 222.5, Code 2023, is amended to read as follows:

222.5 Preadmission diagnostic evaluation.

~~No~~ A person shall not be eligible for admission to a resource center or a special unit until a preadmission diagnostic evaluation has been made by a resource center or a special unit which confirms or establishes the need for admission.

Sec. 467. Section 222.7, Code 2023, is amended to read as follows:

222.7 Transfers.

The ~~administrator~~ department may transfer patients from one state resource center to the other and may at any time transfer patients from the resource centers to the hospitals for persons with mental illness, or transfer patients in the resource centers to a special unit or vice versa. The ~~administrator~~ department may also transfer patients from a hospital for persons with mental illness to a resource center if consent is given or obtained as follows:

1. In the case of a patient who entered the hospital for persons with mental illness voluntarily, consent is given in advance by the patient or, if the patient is a minor or is incompetent, the person responsible for the patient.

2. In the case of a patient hospitalized pursuant to sections 229.6 through 229.15, the consent of the court which hospitalized the patient is obtained in advance, rather than afterward as otherwise permitted by section 229.15, subsection 4.

Sec. 468. Section 222.8, Code 2023, is amended to read as follows:

222.8 Communications by patients.

Persons admitted to the resource centers or a special unit shall have all reasonable opportunity and facility for communication with their friends. Such persons shall be permitted to write and send letters, provided the letters contain nothing of an offensive character. Letters written by any patient to the ~~administrator~~ director or to any state or county official shall be forwarded unopened.

Sec. 469. Section 222.10, Code 2023, is amended to read as follows:

222.10 Duty of peace officer.

When any person with an intellectual disability departs without proper authority from ~~an institution~~ a facility in another state and is found in this state, any peace officer in any county in which such patient is found may take and detain the patient without warrant or order and shall report such

detention to the ~~administrator~~ department. The ~~administrator~~ department shall provide for the return of the patient to the authorities in the state from which the unauthorized departure was made. Pending return, such patient may be detained temporarily at one of the institutions of this state governed by the ~~administrator or by the administrator of the division of child and family services of the department of human services~~ department. The provisions of this section relating to the ~~administrator~~ department shall also apply to the return of other nonresident persons with an intellectual disability having legal residency outside the state of Iowa.

Sec. 470. Section 222.11, Code 2023, is amended to read as follows:

222.11 Expense.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and transportation of such patients to the resource centers shall be paid on itemized vouchers, sworn to by the claimants, and approved by the superintendent and the ~~administrator~~ director from any moneys in the state treasury not otherwise appropriated.

Sec. 471. Section 222.13, subsection 2, Code 2023, is amended to read as follows:

2. If the resource center does not have an appropriate program for the treatment of an adult or minor person with an intellectual disability applying under this section or section 222.13A, the regional administrator for the person's county of residence or the department, as applicable, shall arrange for the placement of the person in any public or private facility within or without the state, approved by the director ~~of human services~~, which offers appropriate services for the person. If the expenses of the placement are payable in whole or in part by a county, the placement shall be made by the regional administrator for the county.

Sec. 472. Section 222.13A, subsection 1, Code 2023, is amended to read as follows:

1. If a minor is believed to be a person with an intellectual disability, the minor's parent, guardian, or custodian may apply to the department for admission of the minor as a voluntary patient in a state resource center. If the resource center does not have appropriate services for the minor's treatment, the department may arrange for the admission of the minor in a public or private facility within or without the state, approved by the director ~~of human services~~, which offers appropriate services for the minor's treatment.

Sec. 473. Section 222.60, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

All necessary and legal expenses for the cost of admission or for the treatment, training, instruction, care, habilitation, support, and transportation of persons with an intellectual disability, as provided for in the applicable regional service system management plan implemented pursuant to section 331.393 in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director ~~of human services~~, shall be paid by either:

Sec. 474. Section 222.64, Code 2023, is amended to read as follows:

222.64 Foreign state or country or unknown residency.

If the residency of the person is determined by a regional administrator on behalf of a county or by the state to be in a foreign state or country or is determined to be unknown, the regional administrator or the state shall certify the determination. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the regional administrator or the state. Application for admission may be made pending investigation by the ~~administrator~~ department.

Sec. 475. Section 222.65, Code 2023, is amended to read as follows:

222.65 Investigation.

If an application is made for placement of a person in

a state resource center or special unit, the ~~department's administrator~~ department shall immediately investigate the residency of the person and proceed as follows:

1. If the ~~administrator~~ department concurs with a certified determination as to residency of the person in another state or in a foreign country, or the person's residence is unknown under section 222.60, the ~~administrator~~ department shall cause the person either to be transferred to a resource center or a special unit or to be transferred to the place of foreign residency.

2. If the ~~administrator~~ department disputes a certified determination of residency, the ~~administrator~~ department shall order the person transferred to a state resource center or a special unit until the dispute is resolved.

3. If the ~~administrator~~ department disputes a certified determination of residency, the ~~administrator~~ department shall utilize the procedure provided in section 331.394 to resolve the dispute. A determination of the person's residency status made pursuant to section 331.394 is conclusive.

Sec. 476. Section 222.66, Code 2023, is amended to read as follows:

222.66 Transfers — no residency in state or residency unknown — expenses.

The transfer to a resource center or a special unit or to the place of residency of a person with an intellectual disability who has no residence in this state or whose residency is unknown, shall be made in accordance with such directions as shall be prescribed by the ~~administrator~~ director and when practicable by employees of the state resource center or the special unit. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the ~~administrator~~ director and the approved amount is appropriated to the department from any funds in the state treasury not otherwise appropriated.

Sec. 477. Section 222.67, Code 2023, is amended to read as follows:

222.67 Charge on finding of residency.

If a person has been received into a resource center or a special unit as a patient whose residency is unknown and the ~~administrator~~ director determines that the residency of the patient was at the time of admission in a county of this state, the ~~administrator~~ director shall certify the determination and charge all legal costs and expenses pertaining to the admission and support of the patient to the county of residence. The certification shall be sent to the county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged to the county in accordance with that determination. The costs and expenses shall be collected as provided by law in other cases.

Sec. 478. Section 222.69, Code 2023, is amended to read as follows:

222.69 Payment by state.

The amount necessary to pay the necessary and legal expenses of admission of a person to a resource center or a special unit when the person's residence is outside this state or is unknown is appropriated to the department from any moneys in the state treasury not otherwise appropriated. Such payments shall be made by the department on itemized vouchers executed by the auditor of the county from which the expenses have been paid and approved by the ~~administrator~~ director or the director's designee.

Sec. 479. Section 222.73, subsection 5, Code 2023, is amended to read as follows:

5. A superintendent of a resource center or special unit may request that the director ~~of human services~~ enter into a contract with a person for the resource center or special unit to provide consultation or treatment services or for fulfilling

other purposes which are consistent with the purposes stated in section 222.1. The contract provisions shall include charges which reflect the actual cost of providing the services. Any income from a contract authorized under this subsection may be retained by the resource center or special unit to defray the costs of providing the services or fulfilling the other purposes. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 4.

Sec. 480. Section 222.78, Code 2023, is amended to read as follows:

222.78 Parents and others liable for support.

1. The father and mother of any patient admitted to a resource center or to a special unit, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the county or state, as applicable, for all sums advanced in accordance with the provisions of sections 222.60 and 222.77.

2. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a ~~normally intelligent~~ minor without ~~a~~ an intellectual disability of the same age and sex as the minor patient. The ~~administrator~~ department shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established ~~by the state division~~ under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source, commensurate with that upon which they

would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the ~~administrator~~ department for caring for the patient with an intellectual disability.

Sec. 481. Section 222.84, Code 2023, is amended to read as follows:

222.84 Patients' personal deposit fund.

There is ~~hereby~~ established at each resource center and special unit a ~~fund which shall be known as the "~~patients' personal deposit fund~~"; provided that in~~. In the case of a special unit, the director may direct that the patients' personal deposit fund be maintained and administered as a part of the fund established, pursuant to sections 226.43 through 226.46, by the state mental health institute where the special unit is located.

Sec. 482. Section 222.86, Code 2023, is amended to read as follows:

222.86 Payment for care from fund.

If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the ~~business manager of the resource center or special unit~~ department may apply any amount of the excess to reimburse the county of residence or the state for liability incurred by the county or the state for the payment of care, support, and maintenance of the patient, when billed by the county or state, as applicable.

Sec. 483. Section 222.87, Code 2023, is amended to read as follows:

222.87 Deposit in bank.

The ~~business manager~~ department shall deposit the patients' personal deposit fund in a commercial account of a bank of

reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the ~~business manager~~ department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid ~~thereon~~ on the account may be used for recreational purposes for the patients at the resource center or special unit.

Sec. 484. Section 222.88, Code 2023, is amended to read as follows:

222.88 Special intellectual disability unit.

The director ~~of human services~~ may organize and establish a special intellectual disability unit at an existing institution which may provide:

1. Psychiatric and related services to children with an intellectual disability and adults ~~who are also emotionally disturbed~~ with an emotional disturbance or ~~otherwise mentally ill~~ a mental illness.

2. Specific programs to meet the needs of such other special categories of persons with an intellectual disability as may be designated by the director.

3. Appropriate diagnostic evaluation services.

Sec. 485. Section 225.1, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c. "Respondent"* means the same as defined in section 229.1.

Sec. 486. Section 225.5, Code 2023, is amended to read as follows:

225.5 Cooperation of hospitals.

The medical director of the state psychiatric hospital shall seek to bring about systematic cooperation between the ~~several~~ state ~~hospitals for persons with~~ mental ~~illness~~ health institutes and the state psychiatric hospital.

Sec. 487. Section 225.26, Code 2023, is amended to read as follows:

225.26 Private patients — disposition of funds.

All moneys collected from private patients shall be used for the support of the ~~said~~ state psychiatric hospital.

Sec. 488. Section 225.28, Code 2023, is amended to read as follows:

225.28 Appropriation.

The state shall pay to the state psychiatric hospital, out of any moneys in the state treasury not otherwise appropriated, all expenses for the administration of the hospital, and for the care, treatment, and maintenance of committed and voluntary public patients ~~therein~~ in the state psychiatric hospital, including ~~their~~ clothing and all other expenses of the hospital for the public patients. The bills for the expenses shall be rendered monthly in accordance with rules agreed upon by the director of the department of administrative services and the state board of regents.

Sec. 489. Section 225.33, Code 2023, is amended to read as follows:

225.33 Death of patient — disposal of body.

~~In the event that a~~ When a committed public patient or a voluntary public patient or a committed private patient ~~should die~~ dies while at the state psychiatric hospital or at the university hospital, the state psychiatric hospital shall have the body prepared for shipment in accordance with the rules prescribed by the ~~state board of health~~ council on health and human services for shipping such bodies~~; and it shall be~~. It is the duty of the state board of regents to make arrangements for the embalming and such other preparation as ~~may be~~ necessary to comply with the rules and for the purchase of suitable caskets.

Sec. 490. Section 225.35, Code 2023, is amended to read as follows:

225.35 Expense collected.

~~In the event that the said~~ When a person is a committed private patient, it ~~shall be~~ is the duty of the county auditor of the proper county to proceed to collect all of such

expenses, in accordance with the provisions of sections 225.23 and 225.24.

Sec. 491. Section 225C.2, Code 2023, is amended to read as follows:

225C.2 Definitions.

As used in this chapter:

~~1. *"Administrator"* means the administrator of the division.~~

~~2.~~ 1. *"Child"* or *"children"* means a person or persons under eighteen years of age.

~~3.~~ 2. *"Children's behavioral health services"* means services for children with a serious emotional disturbance.

~~4.~~ 3. *"Children's behavioral health system"* or *"children's system"* means the behavioral health service system for children implemented pursuant to this subchapter.

~~5.~~ 4. *"Commission"* means the mental health and disability services commission.

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

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

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

8. *"Disability services"* means services and other support available to a person with mental illness, an intellectual disability or other developmental disability, or brain injury.

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

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

~~11.~~ 10. *"Mental health and disability services regional service system"* means the mental health and disability service system for a mental health and disability services region.

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

~~13.~~ 12. *"Serious emotional disturbance"* means a diagnosable

mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. *"Serious emotional disturbance"* does not include substance use or developmental disorders unless those disorders co-occur with such a diagnosable mental, behavioral, or emotional disorder.

~~14.~~ 13. *"State board"* means the children's behavioral health system state board created in section 225C.51.

Sec. 492. Section 225C.3, Code 2023, is amended to read as follows:

225C.3 ~~Division of mental health and disability services~~ Department — state mental health authority.

1. The ~~division~~ department is designated the state mental health authority as defined in 42 U.S.C. §201(m) (1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. §201 et seq. This designation does not preclude the state board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention, and research activities in the areas of mental health and intellectual disability. The ~~division~~ department may contract with the state board of regents or any institution under the board's jurisdiction to perform any of these functions.

2. The ~~division~~ department is designated the state developmental disabilities agency for the purpose of directing the benefits of the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §15001 et seq.

~~3. The division is administered by the administrator. The administrator of the division shall be qualified in the general field of mental health, intellectual disability, or other disability services, and preferably in more than one field. The administrator shall have at least five years of experience as an administrator in one or more of these fields.~~

Sec. 493. Section 225C.4, Code 2023, is amended to read as follows:

225C.4 ~~Administrator's~~ Department duties.

1. To the extent funding is available, the ~~administrator~~ department shall perform the following duties:

a. Prepare and administer the comprehensive mental health and disability services plan as provided in section 225C.6B, including state mental health and intellectual disability plans for the provision of disability services within the state and the state developmental disabilities plan. The ~~administrator~~ department shall take into account any related planning activities implemented by the ~~Iowa department of public health, the~~ state board of regents or a body designated by the board for that purpose, the department of management or a body designated by the director of the department for that purpose, the department of education, the department of workforce development and any other appropriate governmental body, in order to facilitate coordination of disability services provided in this state. The state mental health and intellectual disability plans shall be consistent with the state health plan, and shall take into account mental health and disability services regional service system management plans.

b. Assist mental health and disability services region governing boards and regional administrators in planning for community-based disability services.

c. Assist the state board in planning for community-based children's behavioral health services.

d. Emphasize the provision of evidence-based outpatient and community support services by community mental health centers and local intellectual disability providers as a preferable alternative to acute inpatient services and services provided in large institutional settings.

e. Encourage and facilitate coordination of mental health and disability services with the objective of developing

and maintaining in the state a mental health and disability service delivery system to provide services to all persons in this state who need the services, regardless of the place of residence or economic circumstances of those persons. The ~~administrator~~ department shall work with the commission and other state agencies, including but not limited to the departments of corrections~~,~~ and education, and ~~public health and~~ the state board of regents, to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

f. Encourage and facilitate applied research and preventive educational activities related to causes and appropriate treatment for disabilities. The ~~administrator~~ department may designate, or enter into agreements with, private or public agencies to carry out this function.

g. Coordinate community-based services with those of the state mental health institutes and state resource centers.

h. Administer state programs regarding the care, treatment, and supervision of persons with mental illness or an intellectual disability, except the programs administered by the state board of regents.

i. Administer and distribute state appropriations in connection with the mental health and disability services regional service fund established by section 225C.7A.

j. Act as compact administrator with power to effectuate the purposes of interstate compacts on mental health.

k. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the persons utilizing the services. The ~~administrator~~ department shall annually submit to the commission information collected by the department indicating the changes and trends

in the mental health and disability services system. The ~~administrator~~ department shall make the outcome data available to the public.

l. Encourage and facilitate coordination of children's behavioral health services with the objective of developing and maintaining in the state a children's behavioral health system to provide behavioral health services to all children in this state who need the services, regardless of the place of residence or economic circumstances of those children. The ~~administrator~~ department shall work with the state board and other state agencies including but not limited to the department of education ~~and the department of public health~~ to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

m. Establish and maintain a data collection and management information system oriented to the needs of children utilizing the children's behavioral health system, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the children utilizing the services. The ~~administrator~~ department shall annually submit to the state board information collected by the department indicating the changes and trends in the children's behavioral health system. The ~~administrator~~ department shall make the outcome data available to the public.

n. Prepare a ~~division~~ budget and reports of the ~~division's~~ department's activities.

o. Establish suitable agreements with other state agencies to encourage appropriate care and to facilitate the coordination of disability services.

p. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial branch and the certified volunteer long-term care ombudsmen certified pursuant to

1 section 231.45.
2 *q.* Provide technical assistance to agencies and
3 organizations, to aid them in meeting standards which are
4 established, or with which compliance is required, under
5 statutes administered by the ~~administrator~~ department,
6 including but not limited to chapters 227 and 230A.
7 *r.* Recommend to the commission minimum accreditation
8 standards for the maintenance and operation of community mental
9 health centers, services, and programs under section 230A.110.
10 The ~~administrator's~~ department's review and evaluation of the
11 centers, services, and programs for compliance with the adopted
12 standards shall be as provided in section 230A.111.
13 *s.* Recommend to the commission minimum standards for
14 supported community living services. The ~~administrator~~
15 department shall review and evaluate the services for
16 compliance with the adopted standards.
17 *t.* In cooperation with the department of inspections and
18 appeals, recommend minimum standards under section 227.4 for
19 the care of and services to persons with mental illness or an
20 intellectual disability residing in county care facilities.
21 The ~~administrator~~ department shall also cooperate with the
22 department of inspections and appeals in recommending minimum
23 standards for care of and services provided to persons with
24 mental illness or an intellectual disability living in a
25 residential care facility regulated under chapter 135C.
26 *u.* ~~In cooperation with the Iowa department of public health,~~
27 ~~recommend~~ Recommend minimum standards for the maintenance and
28 operation of public or private facilities offering disability
29 services, which are not subject to licensure by the department
30 or the department of inspections and appeals.
31 *v.* Provide technical assistance concerning disability
32 services and funding to mental health and disability services
33 region governing boards and regional administrators.
34 *w.* Coordinate with the mental health planning and advisory
35 council created pursuant to 42 U.S.C. §300x-3 to ensure the

council membership includes representation by a military veteran who is knowledgeable concerning the behavioral and mental health issues of veterans.

x. Enter into performance-based contracts with regional administrators as described in section 331.390. A performance-based contract shall require a regional administrator to fulfill the statutory and regulatory requirements of the regional service system under this chapter and chapter 331. A failure to fulfill the requirements may be addressed by remedies specified in the contract, including but not limited to suspension of contract payments or cancellation of the contract. The contract provisions may include but are not limited to requirements for the regional service system to attain outcomes within a specified range of acceptable performance in any of the following categories:

(1) Access standards for the required core services.

(2) Penetration rates for serving the number of persons expected to be served.

(3) Utilization rates for inpatient and residential treatment.

(4) Readmission rates for inpatient and residential treatment.

(5) Employment of the persons receiving services.

(6) Administrative costs.

(7) Data reporting.

(8) Timely and accurate claims processing.

(9) School attendance.

y. Provide information through the internet concerning waiting lists for services implemented by mental health and disability services regions.

2. The ~~administrator~~ department may:

a. Apply for, receive, and administer federal aids, grants, and gifts for purposes relating to disability services or programs.

b. Establish and supervise suitable standards of care,

treatment, and supervision for persons with disabilities in all institutions under the control of the director ~~of human services~~.

c. Appoint professional consultants to furnish advice on any matters pertaining to disability services. The consultants shall be paid as provided by an appropriation of the general assembly.

d. Administer a public housing unit ~~within a bureau of the division~~ program to apply for, receive, and administer federal assistance, grants, and other public or private funds for purposes related to providing housing in accordance with section 225C.45.

Sec. 494. Section 225C.5, subsection 1, paragraph j, Code 2023, is amended to read as follows:

j. One member shall be an active board member of an agency serving persons with a substance ~~abuse problem~~ use disorder selected from nominees submitted by the Iowa behavioral health association.

Sec. 495. Section 225C.6, Code 2023, is amended to read as follows:

225C.6 Duties of commission.

1. To the extent funding is available, the commission shall perform the following duties:

a. Advise the ~~administrator~~ department on the administration of the overall state disability services system.

b. Pursuant to recommendations made for this purpose by the ~~administrator~~ director, adopt necessary rules pursuant to chapter 17A which relate to disability programs and services, including but not limited to definitions of each disability included within the term *"disability services"* as necessary for purposes of state, county, and regional planning, programs, and services.

c. Adopt standards for community mental health centers, services, and programs as recommended under section 230A.110. The ~~administrator~~ department shall determine whether to grant,

deny, or revoke the accreditation of the centers, services, and programs.

d. Adopt standards for the provision under the medical assistance program of individual case management services.

e. Unless another governmental body sets standards for a service available to persons with disabilities, adopt state standards for that service. The commission shall review the licensing standards used by the department ~~of human services~~ or department of inspections and appeals for those facilities providing disability services.

f. Assure that proper reconsideration and appeal procedures are available to persons aggrieved by decisions, actions, or circumstances relating to accreditation.

g. Adopt necessary rules for awarding grants from the state and federal government as well as other moneys that become available to the ~~division~~ department for grant purposes.

h. Annually submit to the governor and the general assembly:

(1) A report concerning the activities of the commission.

(2) Recommendations formulated by the commission for changes in law.

i. By January 1 of each odd-numbered year, submit to the governor and the general assembly an evaluation of:

(1) The extent to which services to persons with disabilities are actually available to persons in each county and mental health and disability services region in the state and the quality of those services.

(2) The effectiveness of the services being provided by disability service providers in this state and by each of the state mental health institutes established under chapter 226 and by each of the state resource centers established under chapter 222.

j. Advise the ~~administrator~~ director, the council ~~on human services~~, the governor, and the general assembly on budgets and appropriations concerning disability services.

k. Coordinate activities with the Iowa developmental

disabilities council and the mental health planning council, created pursuant to federal law. The commission shall work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

l. Pursuant to a recommendation made by the ~~administrator~~ department, identify basic financial eligibility standards for the disability services provided by a mental health and disability services region. The initial standards shall be as specified in chapter 331.

m. Identify disability services outcomes and indicators to support the ability of eligible persons with a disability to live, learn, work, and recreate in communities of the persons' choice. The identification duty includes but is not limited to responsibility for identifying, collecting, and analyzing data as necessary to issue reports on outcomes and indicators at the county, region, and state levels.

2. Notwithstanding section 217.3~~, subsection 6~~, the commission may adopt the rules authorized by subsection 1, pursuant to chapter 17A, without prior review and approval of those rules by the council ~~on human services~~.

3. If the executive branch creates a committee, task force, council, or other advisory body to consider disability services policy or program options involving children or adult consumers, the commission is designated to receive and consider any report, findings, recommendations, or other work product issued by such body. The commission may address the report, findings, recommendations, or other work product in fulfilling the commission's functions and to advise the department, council ~~on human services~~, governor, and general assembly concerning disability services.

4. *a.* The department shall coordinate with the department of inspections and appeals in the establishment of facility-based and community-based, subacute mental health services.

1 *b.* A person shall not provide community-based, subacute
2 mental health services unless the person has been accredited
3 to provide the services. The commission shall adopt standards
4 for subacute mental health services and for accreditation of
5 providers of community-based, subacute mental health services.
6 *c.* As used in this subsection, *"subacute mental health*
7 *services"* means all of the following:
8 (1) A comprehensive set of wraparound services for persons
9 who have had or are at imminent risk of having acute or
10 crisis mental health symptoms that do not permit the persons
11 to remain in or threatens removal of the persons from their
12 home and community, but who have been determined by a mental
13 health professional and a licensed health care professional,
14 subject to the professional's scope of practice, not to need
15 inpatient acute hospital services. For the purposes of this
16 subparagraph, *"mental health professional"* means the same as
17 defined in section 228.1 and *"licensed health care professional"*
18 means a person licensed under chapter 148 to practice medicine
19 and surgery or osteopathic medicine and surgery, an advanced
20 registered nurse practitioner licensed under chapter 152 or
21 152E, or a physician assistant licensed to practice under the
22 supervision of a physician as authorized in chapters 147 and
23 148C.
24 (2) Intensive, recovery-oriented treatment and monitoring
25 of the person with direct or remote access to a psychiatrist or
26 advanced registered nurse practitioner.
27 (3) An outcome-focused, interdisciplinary approach designed
28 to return the person to living successfully in the community.
29 (4) Services that may be provided in a wide array of
30 settings ranging from the person's home to a facility providing
31 subacute mental health services.
32 (5) Services that are time limited to not more than ten
33 days or another time period determined in accordance with rules
34 adopted for this purpose.
35 *d.* Subacute mental health services and the standards for

the services shall be established in a manner that allows for accessing federal Medicaid funding.

Sec. 496. Section 225C.6B, Code 2023, is amended to read as follows:

225C.6B Mental health and disability services system — legislative intent — comprehensive plan — state and regional service systems.

1. *Intent.*

a. The general assembly intends for the state to implement a comprehensive, continuous, and integrated state mental health and disability services plan in accordance with the requirements of sections 225C.4 and 225C.6 and other provisions of this chapter, by increasing the department's responsibilities in the development, funding, oversight, and ongoing leadership of mental health and disability services in this state.

b. In order to further the purposes listed in section 225C.1 and in other provisions of this chapter, the general assembly intends that efforts focus on the goal of making available a comprehensive array of high-quality, evidence-based consumer and family-centered mental health and disability services and other support in the least restrictive, community-based setting appropriate for a consumer.

c. In addition, it is the intent of the general assembly to promote policies and practices that achieve for consumers the earliest possible detection of mental health problems and the need for disability services and for early intervention; to stress that all health care programs address mental health disorders with the same urgency as physical health disorders; to promote the policies of all public programs that serve adults and children with mental disorders or with a need for disability services, including but not limited to child welfare, Medicaid, education, housing, criminal and juvenile justice, substance ~~abuse~~ use disorder treatment, and employment services; to consider the special mental health and disability

services needs of adults and children; and to promote recovery and resiliency as expected outcomes for all consumers.

2. *Comprehensive plan.* The ~~division~~ department shall develop a comprehensive written five-year state mental health and disability services plan with annual updates and readopt the plan every five years. The plan shall describe the key components of the state's mental health and disability services system, including the services that are community-based, state institution-based, or regional or state-based. The five-year plan and each update shall be submitted annually to the commission on or before October 30 for review and approval.

3. *State and regional disability service systems.* The publicly financed disability services for persons with mental illness, intellectual disability or other developmental disability, or brain injury in this state shall be provided by the department and the counties operating together as regions. The financial and administrative responsibility for such services is as follows:

a. Disability services for children and adults that are covered under the medical assistance program pursuant to chapter 249A are the responsibility of the state.

b. Adult mental health and intellectual disability services that are not covered under the medical assistance program are the responsibility of the county-based regional service system.

c. Children's behavioral health services provided to eligible children that are not covered under the medical assistance program or other third-party payor are the responsibility of the county-based regional service system.

Sec. 497. Section 225C.6C, Code 2023, is amended to read as follows:

225C.6C Regional service system —— regulatory requirements.

1. The ~~departments~~ department and the department of inspections and appeals~~, human services, and public health~~ shall comply with the requirements of this section in their efforts to improve the regulatory requirements applied to the

mental health and disability services regional service system administration and service providers.

2. The ~~three~~ departments shall work together to establish a process to streamline accreditation, certification, and licensing standards applied to the regional service system administration and service providers.

3. The departments ~~of human services and inspections and appeals~~ shall jointly review the standards and inspection process applicable to residential care facilities.

4. The ~~three~~ departments shall do all of the following in developing regulatory requirements applicable to the regional service system administration and service providers:

a. Consider the costs to regional administrators and providers in the development of quality monitoring efforts.

b. Implement the use of uniform, streamlined, and statewide cost reporting standards and tools by the regional service system and the department ~~of human services~~.

c. Make quality monitoring information, including services, quality, and location information, easily available and understandable to all citizens.

d. Establish standards that are clearly understood and are accompanied by interpretive guidelines to support understanding by those responsible for applying the standards.

e. Develop a partnership with providers in order to improve the quality of services and develop mechanisms for the provision of technical assistance.

f. Develop consistent data collection efforts based on statewide standards and make information available to all providers. The efforts under this paragraph shall be made with representatives of the Iowa state association of counties.

g. Evaluate existing provider qualification and monitoring efforts to identify duplication and gaps, and align the efforts with valued outcomes.

h. Streamline and enhance existing standards.

i. Consider allowing providers to seek accreditation from

a national accrediting body in lieu of state accreditation or certification.

Sec. 498. Section 225C.7A, subsection 7, Code 2023, is amended to read as follows:

7. *a.* For the fiscal year beginning July 1, 2021, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph *"b"*, exceeds forty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph *"b"*, exceeds forty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department ~~of human services~~ any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

b. For the fiscal year beginning July 1, 2022, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph *"b"*, exceeds twenty percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph *"b"*, exceeds twenty percent of the actual expenditures of the region

for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department ~~of human services~~ any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

c. For the fiscal year beginning July 1, 2023, and each succeeding fiscal year, each mental health and disability services region for which the amount certified during the fiscal year under section 331.391, subsection 4, paragraph *"b"*, exceeds five percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, the remaining quarterly payments of the region's regional service payment shall be reduced by an amount equal to the amount by which the region's amount certified under section 331.391, subsection 4, paragraph *"b"*, exceeds five percent of the actual expenditures of the region for the fiscal year preceding the fiscal year in progress, but the amount of the reduction shall not exceed the total amount of the region's regional service payment for the fiscal year. If the region's remaining quarterly payments are insufficient to effectuate the required reductions under this paragraph, the region is required to pay to the department ~~of human services~~ any amount for which the reduction in quarterly payments could not be made. The amount of reductions to quarterly payments and amounts paid to the department under this paragraph shall be transferred and credited to the region incentive fund under subsection 8.

Sec. 499. Section 225C.13, Code 2023, is amended to read as follows:

225C.13 Authority to establish and lease facilities.

1. The ~~administrator assigned, in accordance with section 218.1, to control the state mental health institutes and the state resource centers~~ department may enter into agreements under which a facility or portion of a facility administered by the ~~administrator~~ department under section 218.1 is leased to a department or a division of state government, a county or group of counties, a mental health and disability services region, or a private nonprofit corporation organized under chapter 504. A lease executed under this section shall require that the lessee use the leased premises to deliver either disability services or other services normally delivered by the lessee.

2. The ~~division administrator~~ director may work with the ~~appropriate administrator of the~~ department's institutions to establish mental health and intellectual disability services for all institutions under the control of the director ~~of human services~~ and to establish an autism unit, following mutual planning and consultation with the medical director of the state psychiatric hospital, at an institution or a facility administered by the department to provide psychiatric and related services and other specific programs to meet the needs of ~~autistic~~ persons with autism, and to furnish appropriate diagnostic evaluation services.

Sec. 500. Section 225C.19, Code 2023, is amended to read as follows:

225C.19 Emergency mental health crisis services system.

1. For the purposes of this section:

a. "Emergency mental health crisis services provider" means a provider accredited or approved by the department to provide emergency mental health crisis services.

b. "Emergency mental health crisis services system" or *"services system"* means a coordinated array of crisis services for providing a response to assist an individual adult or child who is experiencing a mental health crisis or who is in a situation that is reasonably likely to cause the individual to have a mental health crisis unless assistance is provided.

2. *a.* The ~~division~~ department shall implement an emergency mental health crisis services system in consultation with counties, and community mental health centers and other mental health and social service providers, in accordance with this section.

b. The purpose of the services system is to provide a statewide array of time-limited intervention services to reduce escalation of crisis situations, relieve the immediate distress of individuals experiencing a crisis situation, reduce the risk of individuals in a crisis situation doing harm to themselves or others, and promote timely access to appropriate services for those who require ongoing mental health services.

c. The services system shall be available twenty-four hours per day, seven days per week to any individual who is in or is determined by others to be in a crisis situation, regardless of whether the individual has been diagnosed with a mental illness or a co-occurring mental illness and substance ~~abuse~~ use disorder. The system shall address all ages, income levels, and health coverage statuses.

d. The goals of an intervention offered by a provider under the services system shall include but are not limited to symptom reduction, stabilization of the individual receiving the intervention, and restoration of the individual to a previous level of functioning.

e. The elements of the services system shall be specified in administrative rules adopted by the commission.

3. The services system elements shall include but are not limited to all of the following:

a. Standards for accrediting or approving emergency mental health crisis services providers. Such providers may include but are not limited to a community mental health center designated under chapter 230A, a unit of the department or other state agency, a county, a mental health and disability services region, or any other public or private provider who meets the accreditation or approval standards for an emergency

mental health crisis services provider.

b. Identification by the ~~division~~ department of geographic regions, groupings of mental health and disability services regions, ~~service areas,~~ or other means of distributing and organizing the emergency mental health crisis services system to ensure statewide availability of the services.

c. Coordination of emergency mental health crisis services with all of the following:

(1) The district and juvenile courts.

(2) Law enforcement.

(3) Judicial district departments of correctional services.

(4) Mental health and disability services regions.

(5) Other mental health, substance ~~abuse~~ use disorder, and co-occurring mental illness and substance ~~abuse~~ use disorder services available through the state and counties to serve both children and adults.

d. Identification of basic services to be provided through each accredited or approved emergency mental health crisis services provider which may include but are not limited to face-to-face crisis intervention, stabilization, support, counseling, preadmission screening for individuals who may require psychiatric hospitalization, transportation, and follow-up services.

e. Identification of operational requirements for emergency mental health crisis services provider accreditation or approval which may include providing a telephone hotline, mobile crisis staff, collaboration protocols, follow-up with community services, information systems, and competency-based training.

4. The ~~division~~ department shall initially implement the program through a competitive block grant process. The implementation shall be limited to the extent of the appropriations provided for the program.

Sec. 501. Section 225C.19A, Code 2023, is amended to read as follows:

225C.19A Crisis stabilization programs.

The department shall accredit, certify, or apply standards of review to authorize the operation of crisis stabilization programs, including crisis stabilization programs operating in a psychiatric medical institution for children pursuant to chapter 135H that provide children with mental health, substance ~~abuse~~ use disorder, and co-occurring mental health and substance ~~abuse~~ use disorder services. In authorizing the operation of a crisis stabilization program, the department shall apply the relevant requirements for an emergency mental health crisis services provider and system under section 225C.19. A program authorized to operate under this section is not required to be licensed under chapter 135B, 135C, 135G, or 135H, or certified under chapter 231C. The commission shall adopt rules to implement this section. The department shall accept accreditation of a crisis stabilization program by a national accrediting organization in lieu of applying the rules adopted in accordance with this section to the program.

Sec. 502. Section 225C.20, Code 2023, is amended to read as follows:

225C.20 Responsibilities of mental health and disability services regions for individual case management services.

Individual case management services funded under the medical assistance program shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A regional administrator may contract for one or more counties of the region to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The regional administrator may subcontract for the provision of case management services so long as the subcontract meets the same standards. A regional administrator may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the

regional administrator shall provide written notification of a change at least ninety days before the date the change will take effect.

Sec. 503. Section 225C.21, Code 2023, is amended to read as follows:

225C.21 Supported community living services.

1. As used in this section, *"supported community living services"* means services provided in a noninstitutional setting to adult persons with mental illness, an intellectual disability, or developmental disabilities to meet the persons' daily living needs.

2. The commission shall adopt rules pursuant to chapter 17A establishing minimum standards for supported community living services. The ~~administrator~~ department shall determine whether to grant, deny, or revoke approval for any supported community living service.

3. Approved supported community living services may receive funding from the state, federal and state social services block grant funds, and other appropriate funding sources, consistent with state legislation and federal regulations. The funding may be provided on a per diem, per hour, or grant basis, as appropriate.

Sec. 504. Section 225C.23, Code 2023, is amended to read as follows:

225C.23 Brain injury recognized as disability.

1. The department ~~of human services, the Iowa department of public health~~, the department of education and its divisions of special education and vocational rehabilitation services, ~~the department of human rights and its division for persons with disabilities,~~ the department for the blind, and all other state agencies which serve persons with brain injuries, shall recognize brain injury as a distinct disability and shall identify those persons with brain injuries among the persons served by the state agency.

2. For the purposes of this section, *"brain injury"* means

the same as defined in section 135.22.

Sec. 505. Section 225C.29, Code 2023, is amended to read as follows:

225C.29 Compliance.

Except for a violation of section 225C.28B, subsection 2, the sole remedy for violation of a rule adopted by the commission to implement sections 225C.25, 225C.26, 225C.28A, and 225C.28B shall be by a proceeding for compliance initiated by request to the ~~division~~ department pursuant to chapter 17A. Any decision of the ~~division~~ department shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the ~~division~~ department or a party in interest may apply to the Iowa district court for an order to enforce the decision of the ~~division~~ department. Any rules adopted by the commission to implement sections 225C.25, 225C.26, 225C.28A, and 225C.28B do not create any right, entitlement, property, or liberty right or interest, or private cause of action for damages against the state or a political subdivision of the state or for which the state or a political subdivision of the state would be responsible. Any violation of section 225C.28B, subsection 2, shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 3, paragraph *"g"*.

Sec. 506. Section 225C.35, Code 2023, is amended to read as follows:

225C.35 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

~~1. *"Department"* means the department of human services.~~

~~2.~~ 1. *"Family"* means a family member and the parent or legal guardian of the family member.

~~3.~~ 2. *"Family member"* means a person less than eighteen years of age who by educational determination has a moderate,

severe, or profound educational disability or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, as codified in 42 U.S.C. §15002. The department shall adopt rules establishing procedures for determining whether a child has a developmental disability.

~~4.~~ 3. *"Legal guardian"* means a person appointed by a court to exercise powers over a family member.

~~5.~~ 4. *"Medical assistance"* means ~~payment of all or part of the care authorized to be provided pursuant to chapter 249A~~ the same as defined in section 249A.2.

~~6.~~ 5. *"Parent"* means a biological or adoptive parent.

~~7.~~ 6. *"Supplemental security income"* means financial assistance provided to individuals pursuant to Tit. XVI of the federal Social Security Act, 42 U.S.C. §1381 — 1383c.

Sec. 507. Section 225C.37, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. A statement that if the child receives medical assistance, then the family support subsidy shall only be used for the cost of a service which is not covered by medical assistance. The family may receive ~~welfare~~ public assistance for which the family is eligible.

Sec. 508. Section 225C.45, Code 2023, is amended to read as follows:

225C.45 Public housing ~~unit~~ program.

1. The ~~administrator~~ department may establish a public housing ~~unit within a bureau of the division~~ program to apply for, receive, and administer federal assistance, grants, and other public or private funds for purposes related to providing housing.

2. In implementing the public housing ~~unit~~ program, the ~~division~~ department may do all of the following:

a. Prepare, implement, and operate housing projects and provide for the construction, improvement, extension,

alteration, or repair of a housing project under the ~~division's~~ department's jurisdiction.

b. Develop and implement studies, conduct analyses, and engage in research concerning housing and housing needs. The information obtained from these activities shall be made available to the public and to the building, housing, and supply industries.

c. Cooperate with the Iowa finance authority, ~~and~~ participate in any of the authority's programs~~. Use~~, and use any funds obtained pursuant to subsection 1 to participate in the authority's programs. The ~~division~~ department shall comply with rules adopted by the authority as the rules apply to the housing activities of the ~~division~~ department.

3. In accepting contributions, grants, or other financial assistance from the federal government relating to a housing activity of the ~~division~~ department, including construction, operation, or maintenance, or in managing a housing project or undertaking constructed or owned by the federal government, the ~~division~~ department may do any of the following:

a. Comply with federally required conditions or enter into contracts or agreements as ~~may be~~ necessary, convenient, or desirable.

b. Take any other action necessary or desirable in order to secure the financial aid or cooperation of the federal government.

c. Include in a contract with the federal government for financial assistance any provision which the federal government may require as a condition of the assistance that is consistent with the provisions of this section.

4. The ~~division~~ department shall not proceed with a housing project pursuant to this section, unless both of the following conditions are met:

a. A study for a report which includes recommendations concerning the housing available within a community is publicly issued by the ~~division~~ department. The study shall be included

in the ~~division's~~ department's recommendations for a housing project.

b. The ~~division's~~ department's recommendations are approved by a majority of the city council or board of supervisors with jurisdiction over the geographic area affected by the recommendations.

5. Property acquired or held pursuant to this section is public property used for essential public purposes and is declared to be exempt from any tax or special assessment of the state or any state public body as defined in section 403A.2. In lieu of taxes on the property, the ~~division~~ department may agree to make payments to the state or a state public body, including but not limited to the ~~division~~ department, as the ~~division~~ department finds necessary to maintain the purpose of providing low-cost housing in accordance with this section.

6. Any property owned or held by the ~~division~~ department pursuant to this section is exempt from levy and sale by execution. An execution or other judicial process shall not be issued against the property and a judgment against the ~~division~~ department shall not be a lien or charge against the property. However, the provisions of this subsection shall not apply to or limit the right of the federal government to pursue any remedies available under this section. The provisions of this subsection shall also not apply to or limit the right of an obligee to take either of the following actions:

a. Foreclose or otherwise enforce a mortgage or other security executed or issued pursuant to this section.

b. Pursue remedies for the enforcement of a pledge or lien on rents, fees, or revenues.

7. In any contract with the federal government to provide annual payments to the ~~division~~ department, the ~~division~~ department may obligate itself to convey to the federal government possession of or title to the housing project in the event of a substantial default as defined in the contract and with respect to the covenant or conditions to

which the ~~division~~ department is subject. The obligation shall be specifically enforceable and shall not constitute a mortgage. The contract may also provide that in the event of a conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the housing project and funds in accordance with the terms of the contract. However, the contract shall require that, as soon as is practicable after the federal government is satisfied that all defaults with respect to the housing project are cured and the housing project will be operated in accordance with the terms of the contract, the federal government shall reconvey the housing project to the ~~division~~ department.

8. The ~~division~~ department shall not undertake a housing project pursuant to this section until a public hearing has been held. At the hearing, the ~~division~~ department shall notify the public of the proposed project's name, location, number of living units proposed, and approximate cost. Notice of the public hearing shall be published at least once in a newspaper of general circulation at least fifteen days prior to the date set for the hearing.

Sec. 509. Section 225C.47, subsection 2, Code 2023, is amended to read as follows:

2. A comprehensive family support program is created in the department ~~of human services~~ to provide a statewide system of services and support to eligible families. The program shall be implemented in a manner which enables a family member of an individual with a disability to identify the services and support needed to enable the individual to reside with the individual's family, to function more independently, and to increase the individual's integration into the community.

Sec. 510. Section 225C.49, Code 2023, is amended to read as follows:

225C.49 Departmental duties concerning services to individuals with a disability.

1. The department shall provide coordination of the

1 programs administered by the department which serve individuals
2 with a disability and the individuals' families, including but
3 not limited to the following juvenile justice and child welfare
4 services: family-centered services described under section
5 232.102, decategorization of child welfare funding provided
6 for under section 232.188, and foster care services paid under
7 section 234.35, subsection 3. The department shall regularly
8 review administrative rules associated with such programs
9 and make recommendations to the council ~~on human services~~,
10 governor, and general assembly for revisions to remove barriers
11 to the programs for individuals with a disability and the
12 individuals' families including the following:
13 *a.* Eligibility prerequisites which require declaring the
14 individual at risk of abuse, neglect, or out-of-home placement.
15 *b.* Time limits on services which restrict addressing ongoing
16 needs of individuals with a disability and their families.
17 2. The department shall coordinate the department's
18 programs and funding utilized by individuals with a disability
19 and their families with other state and local programs and
20 funding directed to individuals with a disability and their
21 families.
22 3. In implementing the provisions of this section, the
23 department shall do all of the following:
24 *a.* Compile information concerning services and other support
25 available to individuals with a disability and their families.
26 Make the information available to individuals with a disability
27 and their families and department staff.
28 *b.* Utilize internal training resources or contract for
29 additional training of staff concerning the information
30 under paragraph "*a*" and training of families and individuals
31 as necessary to implement the family support subsidy and
32 comprehensive family support programs under this chapter.
33 4. The department shall designate one individual whose sole
34 duties are to provide central coordination of the programs
35 under sections 225C.36 and 225C.47 and to oversee development

and implementation of the programs.

Sec. 511. Section 225C.51, Code 2023, is amended to read as follows:

225C.51 Children's behavioral health system state board.

1. A children's behavioral health system state board is created as the state body to provide guidance on the implementation and management of a children's behavioral health system for the provision of services to children with a serious emotional disturbance. State board members shall be appointed on the basis of interest and experience in the fields of children's behavioral health to ensure adequate representation from persons with life experiences and from persons knowledgeable about children's behavioral health services. The department shall provide support to the state board, and the board may utilize staff support and other assistance provided to the state board by other persons. The state board shall meet at least four times per year. The membership of the state board shall consist of the following persons:

a. The director of the department of health and human services or the director's designee.

b. The director of the department of education or the director's designee.

~~*c.* The director of the department of public health or the director's designee.~~

~~*d.*~~ *c.* The director of workforce development or the director's designee.

~~*e.*~~ *d.* A member of the mental health and disability services commission.

~~*f.*~~ *e.* Members appointed by the governor who are active members of each of the indicated groups:

(1) One member shall be selected from nominees submitted by the state court administrator.

(2) One member shall be selected from nominees submitted by the early childhood Iowa ~~office~~ program in the department ~~of management~~.

(3) One member shall be a board member or an employee of a provider of mental health services to children.

(4) One member shall be a board member or an employee of a provider of child welfare services.

(5) One member shall be an administrator of an area education agency.

(6) One member shall be an educator, counselor, or administrator of a school district.

(7) One member shall be a representative of an established advocacy organization whose mission or purpose it is, in part, to further goals related to children's mental health.

(8) One member shall be a parent or guardian of a child currently utilizing or who has utilized behavioral health services.

(9) One member shall be a sheriff.

(10) One member shall be a pediatrician.

(11) One member shall be a representative from a health care system.

(12) One member shall be a chief executive officer of a mental health and disability services region.

~~g.~~ *f.* In addition to the voting members, the membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in a nonvoting, ex officio capacity and is not eligible for per diem and expenses as provided in section 2.10.

2. Members appointed by the governor shall serve four-year staggered terms and are subject to confirmation by the senate. The four-year terms shall begin and end as provided in section 69.19. Vacancies on the state board shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive four-year terms.

3. The director ~~of the department of human services~~ and the director of the department of education, or their designees, shall serve as co-chairpersons of the state board. Board members shall not be entitled to a per diem as specified in section 7E.6 and shall not be entitled to actual and necessary expenses incurred while engaged in their official duties.

Sec. 512. Section 225C.52, subsection 1, Code 2023, is amended to read as follows:

1. Advise the ~~administrator~~ director on the administration of the children's behavioral health system.

Sec. 513. Section 225D.1, subsection 6, Code 2023, is amended to read as follows:

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

Sec. 514. Section 226.1, Code 2023, is amended to read as follows:

226.1 Official designation — definitions.

1. The state hospitals for persons with mental illness shall be designated as follows:

a. Mental Health Institute, Independence, Iowa.

b. Mental Health Institute, Cherokee, Iowa.

2. *a.* The purpose of the mental health institutes is to operate as regional resource centers providing one or more of the following:

(1) Treatment, training, care, habilitation, and support of persons with mental illness or a substance ~~abuse problem~~ use disorder.

(2) Facilities, services, and other support to the communities located in the region being served by a mental health institute so as to maximize the usefulness of the mental health institutes while minimizing overall costs.

(3) A unit for the civil commitment of sexually violent predators committed to the custody of the director ~~of human services~~ pursuant to chapter 229A.

b. In addition, the mental health institutes are encouraged

to act as a training resource for community-based program staff, medical students, and other participants in professional education programs.

3. A mental health institute may request the approval of the council ~~on human services~~ to change the name of the institution for use in communication with the public, in signage, and in other forms of communication.

4. For the purposes of this chapter, unless the context otherwise requires:

a. ~~*"Administrator"* means the person assigned by the director of human services to control the state mental health institutes.~~ *"Council"* means the council on health and human services.

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

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

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

e. *"Mental health institute"* or *"state mental health institute"* means a state hospital for persons with mental illness as designated in this chapter.

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

Sec. 515. Section 226.4, Code 2023, is amended to read as follows:

226.4 Salary of superintendent.

The salary of the superintendent of each ~~hospital~~ mental health institute shall be determined by the ~~administrator~~ director.

Sec. 516. Section 226.5, Code 2023, is amended to read as follows:

226.5 Superintendent as witness.

The superintendents and assistant physicians of ~~said hospitals~~ the mental health institutes, when called as witnesses in any court, shall be paid the same mileage which other witnesses are paid and in addition ~~thereto~~ shall be paid a fee of twenty-five dollars per day, ~~said~~ the fee to revert to the support fund of the ~~hospital~~ mental health institute the superintendent or assistant physician serves.

Sec. 517. Section 226.6, Code 2023, is amended to read as follows:

226.6 Duties of superintendent.

The superintendent shall:

1. Have the control of the medical, mental, moral, and dietetic treatment of the patients in the superintendent's custody subject to the approval of the ~~administrator~~ director.

2. Require all subordinate officers and employees to perform their respective duties.

3. Have an official seal with the name of the ~~hospital~~ mental health institute and the word "Iowa" ~~thereon and~~ on the seal. The superintendent may affix the ~~same~~ seal to all notices, orders of discharge, or other papers required to be given by the superintendent.

4. Keep proper books in which shall be entered all moneys and supplies received on account of any patient and a detailed account of the disposition of ~~the same~~ all moneys and supplies.

Sec. 518. Section 226.7, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Preference in the reception of patients into ~~said hospitals~~ the mental health institutes shall be exercised in the following order:

Sec. 519. Section 226.8, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If determined appropriate for the person at the sole discretion of the director ~~of human services, the administrator,~~ or the director's ~~or administrator's~~ designee.

Sec. 520. Section 226.9, Code 2023, is amended to read as follows:

226.9 Custody of patient.

The superintendent, upon the receipt of a duly executed order of admission of a patient into ~~the hospital for persons with mental illness~~ a state mental health institute, pursuant to section 229.13, shall take ~~such~~ the patient into custody and restrain the patient as provided by law and the rules of the ~~administrator~~ department, without liability on the part of such superintendent and all other officers of the ~~hospital~~ mental health institute to prosecution of any kind ~~on account thereof~~, but no person shall be detained in the ~~hospital~~ mental health institute who is found by the superintendent to be in good mental health.

Sec. 521. Section 226.10, Code 2023, is amended to read as follows:

226.10 Equal treatment.

The patients of the state mental health institutes, according to their different conditions of mind and body, and their respective needs, shall be provided for and treated with equal care. If in addition to mental illness a patient has a co-occurring intellectual disability, brain injury, or substance ~~abuse~~ use disorder, the care provided shall also address the co-occurring needs.

Sec. 522. Section 226.11, Code 2023, is amended to read as follows:

226.11 Special care permitted.

Patients may have such special care as ~~may be~~ agreed upon with the superintendent, if the friends or relatives of the patient will pay the expense ~~thereof~~ of the special care. Charges for such special care and attendance shall be paid quarterly in advance.

Sec. 523. Section 226.12, Code 2023, is amended to read as follows:

226.12 Monthly reports.

The ~~administrator~~ director shall assure that the superintendent of each institute provides monthly reports concerning the programmatic, environmental, and fiscal condition of the mental health institute. The ~~administrator~~ director or the ~~administrator's~~ director's designee shall periodically visit each institute to validate the information.

Sec. 524. Section 226.13, Code 2023, is amended to read as follows:

226.13 Patients allowed to write.

The name and address of the ~~administrator~~ director shall be ~~kept~~ posted in every ward in each ~~hospital~~ mental health institute. Every patient shall be allowed to write once a week what the patient pleases to ~~said administrator~~ the director and to any other person. The superintendent may send letters addressed to other parties to the ~~administrator~~ director for inspection before forwarding them to the individual addressed.

Sec. 525. Section 226.14, Code 2023, is amended to read as follows:

226.14 Writing material.

Every patient shall be furnished by the superintendent or party having charge of ~~such person~~ the patient, at least once ~~in~~ each week, with suitable materials for writing, enclosing, sealing, and mailing letters, if the patient requests and uses the ~~same~~ materials.

Sec. 526. Section 226.15, Code 2023, is amended to read as follows:

226.15 Letters to ~~administrator~~ director.

The superintendent or other officer in charge of a patient shall, without reading the ~~same~~ letters, receive all letters addressed to the ~~administrator~~ director, if so requested, and shall properly mail the ~~same~~ letters, and deliver to such patient all letters or other writings addressed to the patient. Letters written to the ~~person so confined~~ patient may be examined by the superintendent, and if, in the superintendent's opinion, the delivery of such letters would be injurious to the

~~person so confined~~ patient, the superintendent shall return the letters to the writer with the superintendent's reasons for not delivering ~~them~~ the letters.

Sec. 527. Section 226.16, Code 2023, is amended to read as follows:

226.16 Unauthorized departure and retaking.

~~It shall be the duty of the~~ The superintendent and ~~of~~ all other officers and employees of any ~~of said hospitals~~ mental health institute, in case of the unauthorized departure of any involuntarily hospitalized patient, ~~to~~ shall exercise all due diligence to take into protective custody and return ~~said~~ the patient to the ~~hospital~~ mental health institute. A notification by the superintendent of such unauthorized departure to any peace officer of the state or to any private person shall be sufficient authority to such officer or person to take and return ~~such~~ the patient to the ~~hospital~~ mental health institute.

Sec. 528. Section 226.17, Code 2023, is amended to read as follows:

226.17 Expense attending retaking.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and return to the ~~hospital~~ mental health institute of the patient shall be paid on itemized vouchers, sworn to by the claimants and approved by the ~~business manager and the administrator~~ director or the director's designee, from any moneys in the state treasury not otherwise appropriated.

Sec. 529. Section 226.18, Code 2023, is amended to read as follows:

226.18 Investigation as to mental health.

The ~~administrator~~ director may investigate the mental condition of any patient and shall discharge any person, if, in the ~~administrator's~~ director's opinion, ~~such~~ the person is not mentally ill, or can be cared for after ~~such~~ discharge without danger to others, and with benefit to the patient~~; but in~~. In

determining whether ~~such~~ the patient shall be discharged, the recommendation of the superintendent shall be secured. If the ~~administrator~~ director orders the discharge of an involuntarily hospitalized patient, the discharge shall be by the procedure prescribed in section 229.16. The power to investigate the mental condition of a patient is merely permissive, and does not repeal or alter any statute respecting the discharge or commitment of patients of the ~~state hospitals~~ mental health institutes.

Sec. 530. Section 226.22, Code 2023, is amended to read as follows:

226.22 Clothing furnished.

Upon ~~such~~ discharge, the ~~business manager~~ department shall furnish ~~such~~ the person discharged, unless otherwise supplied, with suitable clothing and a sum of money not exceeding twenty dollars, which shall be charged with the other expenses of ~~such~~ the patient in the ~~hospital~~ mental health institute.

Sec. 531. Section 226.23, Code 2023, is amended to read as follows:

226.23 Convalescent leave of patients.

Upon the recommendation of the superintendent and in accordance with section 229.15, subsection 5, in the case of an involuntary patient, the ~~administrator~~ director may place the patient on convalescent leave ~~said patient~~ for a period not to exceed one year, under ~~such~~ conditions ~~as are~~ prescribed by ~~said administrator~~ the director.

Sec. 532. Section 226.26, Code 2023, is amended to read as follows:

226.26 Dangerous patients.

The ~~administrator~~ director, on the recommendation of the superintendent, and on the application of the relatives or friends of a patient who is not cured and who cannot be safely allowed to go at liberty, may release the patient when fully satisfied that the relatives or friends will provide and maintain all necessary supervision, care, and restraint over

the patient. If the patient being released was involuntarily hospitalized, the consent of the district court which ordered the patient's hospitalization placement shall be obtained in advance in substantially the manner prescribed by section 229.14.

Sec. 533. Section 226.27, Code 2023, is amended to read as follows:

226.27 Patient accused or acquitted of crime or awaiting judgment.

If a patient was committed to a ~~state hospital~~ mental health institute for evaluation or treatment under chapter 812 or the rules of criminal procedure, further proceedings shall be had under chapter 812 or the applicable rule when the evaluation has been completed or the patient has regained mental capacity, as the case may be.

Sec. 534. Section 226.30, Code 2023, is amended to read as follows:

226.30 Transfer of dangerous patients.

When a patient of any ~~hospital for persons with~~ mental ~~illness~~ health institute becomes incorrigible and unmanageable to such an extent that the patient is dangerous to the safety of others in the ~~hospital~~ institute, the ~~administrator~~ director, with the consent of the director of the Iowa department of corrections, may apply in writing to the district court or to any judge ~~thereof~~ of the district court, of the county in which the ~~hospital~~ institute is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be ~~so~~ transferred. The county attorney of the county shall appear in support of the application on behalf of the ~~administrator~~ director.

Sec. 535. Section 226.32, Code 2023, is amended to read as follows:

226.32 Overcrowded conditions.

The ~~administrator~~ director shall order the discharge or

removal from the ~~hospital~~ mental health institute of incurable and harmless patients whenever it is necessary to make room for recent cases. If a patient who is to be ~~so~~ discharged entered the ~~hospital~~ mental health institute voluntarily, the ~~administrator~~ director shall notify the regional administrator for the county interested at least ten days in advance of the day of actual discharge.

Sec. 536. Section 226.33, Code 2023, is amended to read as follows:

226.33 Notice to court.

When a patient who was hospitalized involuntarily and who has not fully recovered is discharged from the ~~hospital~~ mental health institute by the ~~administrator~~ director under section 226.32, notice of the order shall at once be sent to the court which ordered the patient's hospitalization, in the manner prescribed by section 229.14.

Sec. 537. Section 226.40, Code 2023, is amended to read as follows:

226.40 Emergency patients.

In case of emergency disaster, with the infliction of numerous casualties among the civilian population, the mental health institutes ~~are authorized to~~ may accept sick and wounded persons without commitment or any other formalities.

Sec. 538. Section 226.41, Code 2023, is amended to read as follows:

226.41 Charge permitted.

The ~~hospital is authorized to make a~~ mental health institute may charge for patients admitted under section 226.40, in the manner provided by law and subject to the changes provided in section 226.42.

Sec. 539. Section 226.42, Code 2023, is amended to read as follows:

226.42 Emergency powers of superintendents.

In case the mental health institutes lose contact with the ~~statehouse~~ seat of government, due to enemy action or

otherwise, the superintendents of the institutes ~~are hereby delegated the following powers and duties~~ may do any of the following:

1. ~~May collect~~ Collect moneys due the state treasury from the counties and from responsible persons or other relatives, these funds to be collected monthly, instead of quarterly, and to be deposited for use in operating the institutes.

2. ~~The superintendent shall have the power to requisition~~ Requisition supplies, such as food, fuel, drugs and medical equipment, from any source available, in the name of the state, ~~with the power to~~ and enter into contracts binding the state for payment at an indefinite future time.

3. ~~The superintendent shall be authorized to employ~~ Employ personnel in all categories and for whatever remuneration the superintendent deems necessary, without regard to existing laws, rules, or regulations, in order to permit the institute to continue its ~~old~~ existing functions~~, as well as~~ and meet its additional responsibilities.

Sec. 540. Section 226.43, Code 2023, is amended to read as follows:

226.43 Fund created.

There is ~~hereby~~ established at each ~~hospital~~ mental health institute a fund known as the "patients' personal deposit fund".

Sec. 541. Section 226.44, Code 2023, is amended to read as follows:

226.44 Deposits.

Any funds, including social security benefits, coming into the possession of the superintendent or any employee of the ~~hospital~~ mental health institute belonging to any patient in that ~~hospital~~ mental health institute, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the property of that patient has been appointed, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited

in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires and comforts for the patient.

Sec. 542. Section 226.45, Code 2023, is amended to read as follows:

226.45 Reimbursement to county or state.

If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the ~~business manager of the hospital~~ mental health institute may apply any of the excess to reimburse the county of residence or the state when the patient is a resident in another state or in a foreign country, or when the patient's residence is unknown, for liability incurred by the county or the state for the payment of care, support, and maintenance of the patient, when billed by the county of residence or by the ~~administrator when the patient is a resident in another state or in a foreign country, or when the patient's residence is unknown~~ department.

Sec. 543. Section 226.46, Code 2023, is amended to read as follows:

226.46 Deposit of fund.

The ~~business manager~~ department shall deposit the patients' personal deposit fund in a commercial account of a bank of reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the ~~business manager~~ department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid ~~thereon~~ on the account may be used for recreational purposes at the ~~hospital~~ mental health institute.

Sec. 544. Section 227.1, Code 2023, is amended to read as follows:

227.1 Definitions — supervision.

1. For the purposes of this chapter, unless the context otherwise requires:

a. ~~*"Administrator"* means the person assigned by the director of human services in the appropriate division of the department to administer mental health and disability services.~~ *"County care facility"* means a county care facility operated under chapter 347B.

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

c. *"Director"* means the director of health and humans services.

d. *"Facility"* includes a county care facility and a private or county facility, including a hospital, for persons with mental illness or an intellectual disability.

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

f. *"Patient"* means a person receiving care in a facility or a state mental health institute.

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

h. *"Resident"* means a person cared for in a county care facility.

2. The regulatory requirements for county and private ~~institutions~~ facilities where persons with mental illness or an intellectual disability are admitted, committed, or placed shall be administered by the ~~administrator~~ department.

Sec. 545. Section 227.2, Code 2023, is amended to read as follows:

227.2 Inspection.

1. The director of inspections and appeals shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the ~~administrator of the division~~ director or the director of the department of inspections and appeals, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or

cause to be made, a review of a county care facility or of any other private or county ~~institution~~ facility where persons with mental illness or an intellectual disability are admitted or reside. A licensure inspection or a review shall be made by a competent and disinterested person who is acquainted with and interested in the care of persons with mental illness and persons with an intellectual disability. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall consult with the regional administrator for the county in which the facility is located on plans and practices that will improve the care given ~~patients~~ residents. The person shall also make recommendations to the ~~administrator of the division and the~~ director ~~of public health~~ for coordinating and improving the relationships between the administrators of county care facilities, ~~the administrator of the division, the director of public health,~~ the superintendents of state mental health institutes and resource centers, community mental health centers, mental health and disability services regions, and other cooperating agencies, to cause improved and more satisfactory care of patients. A written report of each licensure inspection of a county care facility under this section shall be filed by the person with the ~~administrator of the division and the director of public health~~ department and shall include:

a. The capacity of the ~~institution~~ facility for the care of residents.

b. The number, sex, ages, and primary diagnoses of the residents.

c. The care of residents, their food, clothing, treatment plan, employment, and opportunity for recreational activities and for productive work intended primarily as therapeutic activity.

d. The number, job classification, sex, duties, and salaries

of all employees.

e. The cost to the state or county of maintaining residents in a county care facility.

f. The recommendations given to and received from the regional administrator on methods and practices that will improve the conditions under which the county care facility is operated.

g. Any failure to comply with standards adopted under section 227.4 for care of persons with mental illness and persons with an intellectual disability in county care facilities, which is not covered in information submitted pursuant to paragraphs *"a"* through *"f"*, and any other matters which the director ~~of public health, in consultation with the administrator of the division,~~ may require.

2. A copy of the written report prescribed by subsection 1 shall be furnished to the county board of supervisors, to the regional administrator for the county, to the administrator of the county care facility inspected and to its certified volunteer long-term care ombudsman, and to the department ~~on aging~~.

3. The department of inspections and appeals shall inform the ~~administrator of the division~~ department of an action by the department of inspections and appeals to suspend, revoke, or deny renewal of a license issued by the department of inspections and appeals to a county care facility, and the reasons for the action.

4. In addition to the licensure inspections required or authorized by this section, the ~~administrator of the division~~ department shall cause to be made an evaluation of each person cared for in a county care facility at least once each year by one or more qualified mental health, intellectual disability, or medical professionals, whichever is appropriate.

a. It is the responsibility of the state to secure the annual evaluation for each person who is on convalescent leave or who has not been discharged from a state mental health

institute. It is the responsibility of the county to secure the annual evaluation for all other persons with mental illness in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each person who is on leave and has not been discharged from a state resource center. It is the responsibility of the county to secure the annual evaluation for all other persons with an intellectual disability in the county care facility.

c. It is the responsibility of the county to secure an annual evaluation of each resident of a county care facility to whom neither paragraph *"a"* nor paragraph *"b"* is applicable.

5. The evaluations required by subsection 4 shall include an examination of each person which shall reveal the person's condition of mental and physical health and the likelihood of improvement or discharge and other recommendations concerning the care of those persons as the evaluator deems pertinent. One copy of the evaluation shall be filed with the ~~administrator of the division~~ department and one copy shall be filed with the administrator of the county care facility.

Sec. 546. Section 227.3, Code 2023, is amended to read as follows:

227.3 ~~Residents to have hearing~~ Resident and patient input.

The inspector conducting any licensure inspection or review under section 227.2 shall give each resident or patient an opportunity to converse with the inspector out of the hearing of any officer or employee of the ~~institution~~ facility, and shall fully investigate all complaints and report the result in writing to the ~~administrator of the division~~ department. The ~~administrator~~ department before acting on the report adversely to the ~~institution~~ facility, shall give the persons in charge a copy of the report and an opportunity to be heard.

Sec. 547. Section 227.4, Code 2023, is amended to read as follows:

227.4 Standards for care of persons with mental illness or an

intellectual disability in county care facilities.

The ~~administrator~~ department, in cooperation with the department of inspections and appeals, shall recommend and the mental health and disability services commission created in section 225C.5 shall adopt, or amend and adopt, standards for the care of and services to persons with mental illness or an intellectual disability residing in county care facilities. The standards shall be enforced by the department of inspections and appeals as a part of the licensure inspection conducted pursuant to chapter 135C. The objective of the standards is to ensure that persons with mental illness or an intellectual disability who are residents of county care facilities are not only adequately fed, clothed, and housed, but are also offered reasonable opportunities for productive work and recreational activities suited to their physical and mental abilities and offering both a constructive outlet for their energies and, if possible, therapeutic benefit. When recommending standards under this section, the ~~administrator~~ department shall designate an advisory committee representing administrators of county care facilities, regional administrators, mental health and disability services region governing boards, and county care facility certified volunteer long-term care ombudsmen to assist in the establishment of standards.

Sec. 548. Section 227.6, Code 2023, is amended to read as follows:

227.6 Removal of residents or patients.

If a county care facility fails to comply with rules and standards adopted under this chapter, the ~~administrator~~ department may remove all persons with mental illness and all persons with an intellectual disability cared for in the county care facility at public expense, to the proper state mental health institute or resource center, or to some private or county ~~institution or hospital~~ facility for the care of persons with mental illness or an intellectual

disability that has complied with the rules prescribed by the ~~administrator~~ department. Residents being transferred to a state mental health institute or resource center shall be accompanied by an attendant or attendants sent from the institute or resource center. If a resident is transferred under this section, at least one attendant shall be of the same sex. If the ~~administrator~~ department finds that the needs of ~~residents~~ patients with mental illness and ~~residents~~ patients with an intellectual disability of any other county or private ~~institution~~ facility are not being adequately met, those ~~residents~~ patients may be removed from that ~~institution~~ facility upon order of the ~~administrator~~ department.

Sec. 549. Section 227.7, Code 2023, is amended to read as follows:

227.7 Cost — collection from county.

The cost of such removal, including all expenses of ~~said~~ the attendant, shall be certified by the superintendent of the ~~hospital~~ facility receiving the patient, to the director of the department of administrative services, who shall draw a warrant upon the treasurer of state for ~~said sum~~ the amount, which shall be credited to the support fund of ~~said hospital~~ the facility and charged against the general revenues of the state and collected by the director of the department of administrative services from the county which sent ~~said~~ the patient to ~~said institution~~ the facility.

Sec. 550. Section 227.8, Code 2023, is amended to read as follows:

227.8 Notification to guardians.

The ~~administrator~~ department shall notify the guardian, or one or more of the relatives, of patients kept at private expense, of all violations of ~~said~~ the rules by ~~said~~ the private or county ~~institutions~~ facilities, and of the action of the ~~administrator~~ department as to all other patients.

Sec. 551. Section 227.9, Code 2023, is amended to read as follows:

227.9 Investigating mental health.

~~Should~~ When the ~~administrator believe~~ department determines that any person in any such county or private ~~institution~~ facility is in good mental health, or illegally restrained of liberty, the ~~administrator~~ department shall institute and prosecute proceedings in the name of the state, before the proper officer, board, or court, for the discharge of ~~such~~ the person.

Sec. 552. Section 227.10, Code 2023, is amended to read as follows:

227.10 Transfers from county or private ~~institutions~~ facilities.

Patients who have been admitted at public expense to any ~~institution~~ facility to which this chapter is applicable may be involuntarily transferred to the proper state ~~hospital for persons with~~ mental ~~illness~~ health institute in the manner prescribed by sections 229.6 through 229.13. The application required by section 229.6 may be filed by the ~~administrator of the division~~ director or the ~~administrator's~~ director's designee, or by the administrator of the ~~institution~~ facility where the patient is ~~then~~ being maintained or treated. If the patient was admitted to that ~~institution~~ facility involuntarily, the ~~administrator of the division~~ department may arrange and complete the transfer, and shall report it as required of a chief medical officer under section 229.15, subsection 5. The transfer shall be made at the mental health and disability services region's expense, and the expense recovered, as provided in section 227.7. However, transfer under this section of a patient whose expenses are payable in whole or in part by the mental health and disability services region is subject to an authorization for the transfer through the regional administrator for the patient's county of residence.

Sec. 553. Section 227.11, Code 2023, is amended to read as follows:

227.11 Transfers from state ~~hospitals~~ mental health institutes.

A regional administrator for the county chargeable with the expense of a patient in a state ~~hospital for persons with~~ mental ~~illness~~ health institute shall transfer the patient to a county or private ~~institution~~ facility for persons with mental illness that is in compliance with the applicable rules when the ~~administrator of the division~~ director or the ~~administrator's~~ director's designee orders the transfer on a finding that the patient is suffering from a serious mental illness and will receive equal benefit by being ~~so~~ transferred. A mental health and disability services region shall transfer to a county care facility any patient in a state ~~hospital for persons with~~ mental ~~illness~~ health institute upon request of the superintendent of the state ~~hospital~~ mental health institute in which the patient is confined pursuant to the superintendent's authority under section 229.15, subsection 5, and approval by the regional administrator for the county of the patient's residence. In no case shall a patient be ~~thus~~ transferred except upon compliance with section 229.14A or without the written consent of a relative, friend, or guardian if such relative, friend, or guardian pays the expense of the care of such patient in a state ~~hospital~~ mental health institute. Patients transferred to a public or private facility under this section may subsequently be placed on convalescent or limited leave or transferred to a different facility for continued full-time custody, care, and treatment when, in the opinion of the attending physician or the chief medical officer of the ~~hospital~~ facility from which the patient was ~~so~~ transferred, the best interest of the patient would be served by ~~such~~ the leave or transfer. For any patient who is involuntarily committed, any transfer made under this section is subject to the placement hearing requirements of section 229.14A.

Sec. 554. Section 227.12, Code 2023, is amended to read as

follows:

227.12 Difference of opinion.

When a difference of opinion exists between the ~~administrator of the division~~ director and the authorities in charge of any private or county ~~hospital~~ facility in regard to the transfer of a patient as provided in sections 227.10 and 227.11, the matter shall be submitted to the district court of the county in which ~~such hospital~~ the facility is situated and shall be summarily tried as an equitable action, and the judgment of the district court shall be final.

Sec. 555. Section 227.13, Code 2023, is amended to read as follows:

227.13 Discharge of transferred patient.

Patients transferred from a state ~~hospital~~ mental health institute to ~~such~~ county or private ~~institutions~~ facilities shall not be discharged, when not cured, without the consent of the ~~administrator of the division~~ director.

Sec. 556. Section 227.14, Code 2023, is amended to read as follows:

227.14 Caring for persons with mental illness from other counties.

The regional administrator for a county that does not have proper facilities for caring for persons with mental illness may, with the consent of the ~~administrator of the division~~ department, provide for such care at the expense of the mental health and disability services region in any convenient and proper county or private ~~institution~~ facility for persons with mental illness which is willing to receive the persons.

Sec. 557. Section 227.15, Code 2023, is amended to read as follows:

227.15 Authority to involuntarily confine ~~in hospital~~.

~~No~~ A person shall not be involuntarily confined and restrained in any private ~~institution or hospital~~ or county ~~hospital~~ facility or other general hospital with a psychiatric ward for the care or treatment of persons with mental illness,

except by the procedure prescribed in sections 229.6 through 229.15.

Sec. 558. Section 229.1, Code 2023, is amended to read as follows:

229.1 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

~~1. *"Administrator"* means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.~~

~~2.~~ 1. *"Advocate"* means a mental health advocate.

~~3.~~ 2. *"Auditor"* means the county auditor or the auditor's designee.

~~4.~~ 3. *"Chemotherapy"* means treatment of an individual by use of a drug or substance which cannot legally be delivered or administered to the ultimate user without a physician's prescription or medical order.

~~5.~~ 4. *"Chief medical officer"* means the medical director in charge of a public or private hospital, or that individual's physician-designee. This chapter does not negate the authority otherwise reposed by law in the respective superintendents of each of the state ~~hospitals for persons with~~ mental ~~illness~~ health institutes, established by chapter 226, to make decisions regarding the appropriateness of admissions or discharges of patients of that ~~hospital,~~ state mental health institute; however, it is the intent of this chapter that if the superintendent is not a licensed physician the decisions by the superintendent shall be corroborated by the chief medical officer of the ~~hospital~~ mental health institute.

~~6.~~ 5. *"Clerk"* means the clerk of the district court.

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

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

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

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

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

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

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

~~12.~~ 13. *"Mental illness"* means every type of mental disease or mental disorder, except that it does not refer to an intellectual disability as defined in section 4.1, or to insanity, diminished responsibility, or mental incompetency as the terms are defined and used in the Iowa criminal code or in the rules of criminal procedure, Iowa court rules.

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

~~14.~~ 15. *"Private hospital"* means any hospital or ~~institution~~ facility not directly supported by public funds, or ~~a~~ part ~~thereof~~ of such hospital or facility, which is equipped and staffed to provide inpatient care to persons with mental illness.

~~15.~~ 16. *"Psychiatric advanced registered nurse practitioner"* means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner.

~~16.~~ 17. *"Public hospital"* means any of the following:

a. A state mental health institute established by chapter 226~~; or~~.

b. The state psychiatric hospital established by chapter

225~~; or~~.

c. Any other publicly supported hospital or ~~institution~~ facility, or part of such hospital or ~~institution~~ facility, which is equipped and staffed to provide inpatient care to persons with mental illness, except the Iowa medical and classification center established by chapter 904.

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

~~18.~~ 19. *"Regional administrator"* means the ~~regional administrator of a mental health and disability services region,~~ same as defined in section 331.388.

~~19.~~ 20. *"Respondent"* means any person against whom an application has been filed under section 229.6, but who has not been finally ordered committed for full-time custody, care, and treatment in a hospital.

~~20.~~ 21. *"Serious emotional injury"* is an injury which does not necessarily exhibit any physical characteristics, but which can be recognized and diagnosed by a licensed physician or other mental health professional and which can be causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

~~21.~~ 22. *"Seriously mentally impaired"* or *"serious mental impairment"* describes the condition of a person with mental illness and because of that illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment, and who because of that illness meets any of the following criteria:

a. Is likely to physically injure the person's self or others if allowed to remain at liberty without treatment.

b. Is likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the person with mental illness if the person with mental illness is allowed to remain at liberty without treatment.

c. Is unable to satisfy the person's needs for nourishment,

clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.

d. Has a history of lack of compliance with treatment and any of the following ~~apply~~ applies:

(1) Lack of compliance has been a significant factor in the need for emergency hospitalization.

(2) Lack of compliance has resulted in one or more acts causing serious physical injury to the person's self or others or an attempt to physically injure the person's self or others.

Sec. 559. Section 229.2, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2023, are amended to read as follows:

(1) Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian, or custodian and the minor to assess the family environment and the appropriateness of the application for admission.

(2) During the interview and consultation the chief medical officer shall inform the minor orally and in writing that the minor has a right to object to the admission. If the chief medical officer of the hospital to which application is made determines that the admission is appropriate but the minor objects to the admission, the parent, guardian, or custodian must petition the juvenile court for approval of the admission before the minor is actually admitted.

Sec. 560. Section 229.4, Code 2023, is amended to read as follows:

229.4 Right to release on application.

A voluntary patient who requests release or whose release is requested, in writing, by the patient's legal guardian, parent, spouse, or adult next of kin shall be released from the hospital ~~forthwith, except that~~ in accordance with all of the following, as applicable:

1. If the patient was admitted on the patient's own application and the request for release is made by some other person, release may be conditioned upon the agreement of the patient.

2. If the patient is a minor who was admitted on the application of the patient's parent, guardian, or custodian pursuant to section 229.2, subsection 1, the patient's release prior to becoming eighteen years of age may be conditioned upon the consent of the parent, guardian, or custodian, or upon the approval of the juvenile court if the admission was approved by the juvenile court~~; and~~.

3. If the chief medical officer of the hospital, not later than the end of the next secular day on which the office of the clerk of the district court for the county in which the hospital is located is open and which follows the submission of the written request for release of the patient, files with that clerk a certification that in the chief medical officer's opinion the patient is seriously mentally impaired, the release may be postponed for the period of time the court determines is necessary to permit commencement of judicial procedure for involuntary hospitalization. That period of time may not exceed five days, exclusive of days on which the clerk's office is not open unless the period of time is extended by order of a district court judge for good cause shown. Until disposition of the application for involuntary hospitalization of the patient is determined, if ~~one~~ an application is timely filed, the chief medical officer may detain the patient in the hospital and may provide treatment which is necessary to preserve the patient's life, or to appropriately control behavior by the patient which is likely to result in physical injury to the patient or to others if allowed to continue, but may not otherwise provide treatment to the patient without the patient's consent.

Sec. 561. Section 229.6, subsection 1, Code 2023, is amended to read as follows:

1. Proceedings for the involuntary hospitalization of an individual pursuant to this chapter or for the involuntary commitment or treatment of a person with a ~~substance-related~~ substance use disorder to a facility pursuant to chapter 125 may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence. The clerk, or the clerk's designee, shall assist the applicant in completing the application.

Sec. 562. Section 229.6, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

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

Sec. 563. Section 229.8, Code 2023, is amended to read as follows:

229.8 Procedure after application is filed.

As soon as practicable after the filing of an application pursuant to section 229.6, the court shall do all of the following:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to the respondent, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated by the mental health and disability services region at an hourly rate to be established by the regional administrator for the county in which the proceeding is held in substantially the same manner as provided in section 815.7.

2. Cause copies of the application and supporting documentation to be sent to the county attorney or the county

attorney's attorney-designate for review.

3. Issue a written order which shall provide for all of the following:

a. If not previously done, set a time and place for a hospitalization hearing, which shall be at the earliest practicable time not less than forty-eight hours after notice to the respondent, unless the respondent waives such minimum prior notice requirement~~; and~~.

b. Order an examination of the respondent, prior to the hearing, by one or more licensed physicians or mental health professionals who shall submit a written report on the examination to the court as required by section 229.10.

Sec. 564. Section 229.11, subsection 1, Code 2023, is amended to read as follows:

1. If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a mental health and disability services region, for a placement in accordance with paragraph *"a"*, the judge shall give notice of the placement to the regional administrator for the county in which the court is located, and for a placement in accordance with paragraph *"b"* or *"c"*, the judge shall order the placement in a hospital or facility designated through the regional administrator. The judge may order the respondent detained for

the period of time until the hearing is held, and no longer, in accordance with paragraph *"a"*, if possible, and if not then in accordance with paragraph *"b"*, or, only if neither of these alternatives is available, in accordance with paragraph *"c"*. Detention may be in any of the following:

a. In the custody of a relative, friend, or other suitable person who is willing to accept responsibility for supervision of the respondent, and the respondent may be placed under such reasonable restrictions as the judge may order including but not limited to restrictions on or a prohibition of any expenditure, encumbrance, or disposition of the respondent's funds or property~~; or~~.

b. In a suitable hospital the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered and may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which is likely to result in physical injury to the respondent or to others if allowed to continue, but may not otherwise provide treatment to the respondent without the respondent's consent~~; or~~.

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

Sec. 565. Section 229.13, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The court shall order any other respondent placed under the care of an appropriate hospital or facility licensed to care for persons with mental illness or substance ~~abuse~~ use disorder on an inpatient or outpatient basis.

Sec. 566. Section 229.15, subsections 4 and 5, Code 2023, are amended to read as follows:

4. When a patient has been placed in an alternative facility other than a hospital pursuant to a report issued under section

229.14, subsection 1, paragraph *"d"*, a report on the patient's condition and prognosis shall be made to the court which placed the patient, at least once every six months, unless the court authorizes annual reports. If an evaluation of the patient is performed pursuant to section 227.2, subsection 4, a copy of the evaluation report shall be submitted to the court within fifteen days of the evaluation's completion. The court may in its discretion waive the requirement of an additional report between the annual evaluations. If the ~~administrator~~ department exercises the authority to remove residents or patients from a county care facility or other county or private ~~institution~~ facility under section 227.6, the ~~administrator~~ department shall promptly notify each court which placed in that facility any resident ~~so~~ or patient removed.

5. *a.* When in the opinion of the chief medical officer the best interest of a patient would be served by a convalescent or limited leave, the chief medical officer may authorize the leave and, if authorized, shall promptly report the leave to the court. When in the opinion of the chief medical officer the best interest of a patient would be served by a transfer to a different hospital for continued full-time custody, care, and treatment, the chief medical officer shall promptly send a report to the court. The court shall act upon the report in accordance with section 229.14A.

b. This subsection shall not be construed to add to or restrict the authority otherwise provided by law for transfer of patients or residents among various state institutions administered by the department ~~of human services~~. If a patient is transferred under this subsection, the treatment provider to whom the patient is transferred shall be provided with copies of relevant court orders by the former treatment provider.

Sec. 567. Section 229.19, subsection 1, paragraphs a and e, Code 2023, are amended to read as follows:

a. In each county the board of supervisors shall appoint an individual who has demonstrated by prior activities an

informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department ~~of human services~~, an officer or employee of a region, an officer or employee of a county performing duties for a region, or an officer or employee of any agency or facility providing care or treatment to persons with mental illness, to act as an advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15.

e. An advocate may also be assigned pursuant to this section for an individual who has been diagnosed with a co-occurring mental illness and ~~substance-related~~ substance use disorder.

Sec. 568. Section 229.21, Code 2023, is amended to read as follows:

229.21 Judicial hospitalization referee — appeals to district court.

1. The chief judge of each judicial district may appoint at least one judicial hospitalization referee for each county within the district. The judicial hospitalization referee shall be an attorney, licensed to practice law in this state, who shall be chosen with consideration to any training, experience, interest, or combination of those factors, which are pertinent to the duties of the office. The referee shall hold office at the pleasure of the chief judge of the judicial district and receive compensation at a rate fixed by the supreme court. If the referee expects to be absent for any significant length of time, the referee shall inform the chief judge who may appoint a temporary substitute judicial hospitalization referee having the qualifications set forth in this subsection.

2. When an application for involuntary hospitalization under section 229.6 or for involuntary commitment or treatment of persons with ~~substance-related disorders~~ a substance use disorder under section 125.75 is filed with the clerk

of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 through 229.19, this section, and section 229.22 or sections 125.75 through 125.94 in the proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C shall be in accordance with section 135C.23.

3. *a.* Any respondent with respect to whom the magistrate or judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a person with a ~~substance-related~~ substance use disorder sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from the magistrate's or referee's finding to a judge of the district court by giving the clerk notice in writing, within ten days after the magistrate's or referee's finding is made, that an appeal is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney.

b. An order of a magistrate or judicial hospitalization referee with a finding that the respondent is seriously mentally impaired or a person with a ~~substance-related~~ substance use disorder shall include the following notice, located conspicuously on the face of the order:

NOTE: The respondent may appeal from this order to a judge of the district court by giving written notice of the appeal to the clerk of the district court within ten days after the date of this order. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney. For a

more complete description of the respondent's appeal rights, consult section 229.21 of the Code of Iowa or an attorney.

c. When appealed, the matter shall stand for trial de novo. Upon appeal, the court shall schedule a hospitalization or commitment hearing before a district judge at the earliest practicable time.

d. Any respondent with respect to whom the magistrate or judicial hospitalization referee has held a placement hearing and has entered a placement order may appeal the order to a judge of the district court. The request for appeal must be given to the clerk in writing within ten days of the entry of the magistrate's or referee's order. The request for appeal shall be signed by the respondent, or the respondent's next friend, guardian, or attorney.

4. If the appellant is in custody under the jurisdiction of the district court at the time of service of the notice of appeal, the appellant shall be discharged from custody unless an order that the appellant be taken into immediate custody has previously been issued under section 229.11 or section 125.81, in which case the appellant shall be detained as provided in that section until the hospitalization or commitment hearing before the district judge. If the appellant is in the custody of a hospital or facility at the time of service of the notice of appeal, the appellant shall be discharged from custody pending disposition of the appeal unless the chief medical officer, not later than the end of the next secular day on which the office of the clerk is open and which follows service of the notice of appeal, files with the clerk a certification that in the chief medical officer's opinion the appellant is seriously mentally ill or a person with a ~~substance-related~~ substance use disorder. In that case, the appellant shall remain in custody of the hospital or facility until the hospitalization or commitment hearing before the district court.

5. The hospitalization or commitment hearing before the

district judge shall be held, and the judge's finding shall be made and an appropriate order entered, as prescribed by sections 229.12 and 229.13 or sections 125.82 and 125.83. If the judge orders the appellant hospitalized or committed for a complete psychiatric or substance ~~abuse~~ use disorder evaluation, jurisdiction of the matter shall revert to the judicial hospitalization referee.

Sec. 569. Section 229.23, subsection 3, Code 2023, is amended to read as follows:

3. In addition to protection of the person's constitutional rights, enjoyment of other legal, medical, religious, social, political, personal and working rights and privileges which the person would enjoy if the person were not so hospitalized or detained, so far as is possible consistent with effective treatment of that person and of the other patients of the hospital. If the patient's rights are restricted, the physician's or mental health professional's direction to that effect shall be noted on the patient's record. The department ~~of human services~~ shall, in accordance with chapter 17A establish rules setting forth the specific rights and privileges to which persons ~~so~~ hospitalized or detained are entitled under this section, and the exceptions provided by section 17A.2, subsection 11, paragraphs *"a"* and *"k"*, shall not be applicable to the rules ~~so~~ established. The patient or the patient's next of kin or friend shall be advised of these rules and be provided a written copy upon the patient's admission to or arrival at the hospital.

Sec. 570. Section 229.24, subsection 1, Code 2023, is amended to read as follows:

1. All papers and records pertaining to any involuntary hospitalization or application pursuant to section 229.6 of any person under this chapter, whether part of the permanent record of the court or of a file in the department ~~of human services~~, are subject to inspection only upon an order of the court for good cause shown.

Sec. 571. Section 229.26, Code 2023, is amended to read as follows:

229.26 Exclusive procedure for involuntary hospitalization.

Sections 229.6 through 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 904.503 relating to transfer of prisoners with mental illness to state ~~hospitals for persons with~~ mental ~~illness~~ health institutes and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, or negate the provisions of section 232.51 relating to disposition of children with mental illness.

Sec. 572. Section 229.27, subsection 3, Code 2023, is amended to read as follows:

3. A hearing limited to the question of the person's competence and conducted in substantially the manner prescribed in sections 633.552, 633.556, 633.558, and 633.560 shall be held when any of the following circumstances applies:

a. The court is petitioned or proposes upon its own motion to find incompetent by reason of mental illness a person whose involuntary hospitalization has been ordered under section 229.13 or 229.14, and who contends that the person is not incompetent~~; or~~.

b. A person previously found incompetent by reason of mental illness under subsection 2 petitions the court for a finding that the person is no longer incompetent and, after notice to the applicant who initiated the petition for hospitalization of the person and to any other party as directed by the court, an objection is filed with the court. The court may order a hearing on its own motion before acting on a petition filed under this paragraph. A petition by a person for a finding that the person is no longer incompetent may be filed at any time without regard to whether the person is at that time hospitalized for treatment of mental illness.

Sec. 573. Section 229.41, Code 2023, is amended to read as follows:

229.41 Voluntary admission — state mental health institute.

Persons making application pursuant to section 229.2 on their own behalf or on behalf of another person who is under eighteen years of age, if the person whose admission is sought is received for observation and treatment on the application, shall be required to pay the costs of hospitalization at rates established by the ~~administrator~~ department. The costs may be collected weekly in advance and shall be payable ~~at~~ to the ~~business office of the hospital~~ state mental health institute. The collections shall be remitted to the department ~~of human services~~ monthly to be credited to the general fund of the state.

Sec. 574. Section 229.42, Code 2023, is amended to read as follows:

229.42 Costs paid by county — state mental health institute.

1. If a person wishing to make application for voluntary admission to a state mental ~~hospital established by chapter 226~~ health institute is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made through a regional administrator before application for admission is made to the ~~hospital~~ state mental health institute. The person's county of residence shall be determined through the regional administrator and if the admission is approved through the regional administrator, the person's admission to a state mental health ~~hospital~~ institute shall be authorized as a voluntary case. The authorization shall be issued on forms provided by the department ~~of human services' administrator~~. The costs of the hospitalization shall be paid by the county of residence through the regional administrator to the department ~~of human services~~ and credited to the general fund of the state, provided that the state mental health ~~hospital~~ institute rendering the services has

certified to the county auditor of the county of residence and the regional administrator the amount chargeable to the mental health and disability services region and has sent a duplicate statement of the charges to the department ~~of human services~~. A mental health and disability services region shall not be billed for the cost of a patient unless the patient's admission is authorized through the regional administrator. The state mental health institute and the regional administrator shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.

2. All the provisions of chapter 230 shall apply to ~~such~~ the voluntary patients ~~so far as is~~ to the extent applicable.

3. The provisions of this section and of section 229.41 shall apply to all voluntary inpatients or outpatients receiving mental health services either away from or at the ~~institution~~ state mental health institute.

4. If a county fails to pay the billed charges within forty-five days from the date the county auditor received the certification statement from the superintendent, the department ~~of human services~~ shall charge the delinquent county the penalty of one percent per month on and after forty-five days from the date the county received the certification statement until paid. The penalties received shall be credited to the general fund of the state.

Sec. 575. Section 229.43, Code 2023, is amended to read as follows:

229.43 Nonresident patients — state mental health institutes.

The ~~administrator~~ department may place patients of state mental health institutes who are nonresidents on convalescent leave to a private sponsor or in a health care facility licensed under chapter 135C, when in the opinion of the ~~administrator~~ director the placement is in the best interests of the patient and the state of Iowa. If the patient was

involuntarily hospitalized, the district court which ordered hospitalization of the patient ~~must~~ shall be informed when the patient is placed on convalescent leave, as required by section 229.15, subsection 5.

Sec. 576. Section 229.45, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department ~~of human services~~, in consultation with the office of attorney general, shall develop a summary of the procedures involved in an involuntary commitment and information concerning the participation of an applicant in the proceedings. The summary shall be provided by the department, at the department's expense, to the clerks of the district court who shall make the summary available to all applicants prior to the filing of a verified application, or to any other person upon request, and who shall attach a copy of the summary to the notice of hearing which is served upon the respondent under section 125.77 or 229.7. The summary may include, but is not limited to, the following:

Sec. 577. Section 229A.2, Code 2023, is amended to read as follows:

229A.2 Definitions.

As used in this chapter:

1. *"Agency with jurisdiction"* means an agency which has custody of or releases a person serving a sentence or term of confinement or is otherwise in confinement based upon a lawful order or authority, and includes but is not limited to the department of corrections, the department of health and human services, a judicial district department of correctional services, and the Iowa board of parole.

2. *"Appropriate secure facility"* means a state facility that is designed to confine but not necessarily to treat a sexually violent predator.

3. *"Convicted"* means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another

jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, whether or not the juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. *"Convicted"* includes the conviction of a juvenile prosecuted as an adult. *"Convicted"* also includes a conviction for an attempt or conspiracy to commit an offense. *"Convicted"* does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

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

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

~~4.~~ 6. *"Discharge"* means an unconditional discharge from the sexually violent predator program. A person released from a secure facility into a transitional release program or released with supervision is not considered to be discharged.

~~5.~~ 7. *"Likely to engage in predatory acts of sexual violence"* means that the person more likely than not will engage in acts of a sexually violent nature. If a person is not confined at the time that a petition is filed, a person is *"likely to engage in predatory acts of sexual violence"* only if the person commits a recent overt act.

~~6.~~ 8. *"Mental abnormality"* means a congenital or acquired condition affecting the emotional or volitional capacity of a person and predisposing that person to commit sexually violent offenses to a degree which would constitute a menace to the health and safety of others.

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

~~8.~~ 10. *"Presently confined"* means incarceration or detention in a correctional facility, a rehabilitation camp,

a residential facility, a county jail, a halfway house, or any other comparable facility, including but not limited to placement at such a facility as a condition of probation, parole, or special sentence following conviction for a sexually violent offense.

~~9.~~ 11. *"Recent overt act"* means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

~~10.~~ 12. *"Safekeeper"* means a person who is confined in an appropriate secure facility pursuant to this chapter but who is not subject to an order of commitment pursuant to this chapter.

~~11.~~ 13. *"Sexually motivated"* means that one of the purposes for commission of a crime is the purpose of sexual gratification of the perpetrator of the crime.

~~12.~~ 14. *"Sexually violent offense"* means:

a. A violation of any provision of chapter 709.

b. A violation of any of the following if the offense involves sexual abuse, attempted sexual abuse, or intent to commit sexual abuse:

(1) Murder as defined in section 707.1.

(2) Kidnapping as defined in section 710.1.

(3) Burglary as defined in section 713.1.

(4) Child endangerment under section 726.6, subsection 1, paragraph *"e"*.

c. Sexual exploitation of a minor in violation of section 728.12.

d. Pandering involving a minor in violation of section 725.3, subsection 2.

e. An offense involving an attempt or conspiracy to commit any offense referred to in this subsection.

f. An offense under prior law of this state or an offense committed in another jurisdiction which would constitute an equivalent offense under paragraphs *"a"* through *"e"*.

g. Any act which, either at the time of sentencing for the offense or subsequently during civil commitment proceedings

pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated.

~~13.~~ 15. *"Sexually violent predator"* means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality which makes the person likely to engage in predatory acts constituting sexually violent offenses, if not confined in a secure facility.

~~14.~~ 16. *"Transitional release"* means a conditional release from a secure facility operated by the department ~~of human services~~ with the conditions of such release set by the court or the department ~~of human services~~.

Sec. 578. Section 229A.5C, subsections 3 and 4, Code 2023, are amended to read as follows:

3. A person who is subject to an order of civil commitment under this chapter shall not be released from jail or paroled or released to a facility or program located outside the county jail or correctional institution other than to a secure facility operated by the department ~~of human services~~.

4. A person who committed a public offense while in a transitional release program or on release with supervision may be returned to a secure facility operated by the department ~~of human services~~ upon completion of any term of confinement that resulted from the commission of the public offense.

Sec. 579. Section 229A.6A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. To a medical facility for medical treatment, if necessary medical treatment is not available at the facility where the person is confined. A transport order is not required to transport the person for medical treatment. However, the person is not entitled to choose the medical facility where treatment is to be obtained or the medical personnel to provide the treatment. Transportation of a committed person shall be provided by the sheriff of the county in which the person is confined if requested by the department ~~of human services~~.

Sec. 580. Section 229A.7, subsection 5, paragraph b, Code

2023, is amended to read as follows:

b. If the court or jury determines that the respondent is a sexually violent predator, the respondent shall be committed to the custody of the director ~~of the department of human services~~ for control, care, and treatment until such time as the person's mental abnormality has so changed that the person is safe to be placed in a transitional release program or discharged. The determination may be appealed.

Sec. 581. Section 229A.7, subsection 7, Code 2023, is amended to read as follows:

7. The control, care, and treatment of a person determined to be a sexually violent predator shall be provided at a facility operated by the department ~~of human services~~. At all times prior to placement in a transitional release program or release with supervision, persons committed for control, care, and treatment by the department ~~of human services~~ pursuant to this chapter shall be kept in a secure facility and those patients shall be segregated at all times from any other patient under the supervision of the department ~~of human services~~. A person committed pursuant to this chapter to the custody of the department ~~of human services~~ may be kept in a facility or building separate from any other patient under the supervision of the department ~~of human services~~. The department ~~of human services~~ may enter into a chapter 28E agreement with the department of corrections or other appropriate agency in this state or another state for the confinement of patients who have been determined to be sexually violent predators. Patients who are in the custody of the director of the department of corrections pursuant to a chapter 28E agreement and who have not been placed in a transitional release program or released with supervision shall be housed and managed separately from criminal offenders in the custody of the director of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from those offenders.

Sec. 582. Section 229A.8, subsection 4, Code 2023, is amended to read as follows:

4. Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge or placement in a transitional release program at the annual review. The ~~director of human services~~ department shall provide the committed person with an annual written notice of the person's right to petition the court for discharge or placement in a transitional release program without authorization from the director. The notice shall contain a waiver of rights. The ~~director~~ department shall forward the notice and waiver form to the court with the annual report.

Sec. 583. Section 229A.8, subsection 5, paragraphs f and g, Code 2023, are amended to read as follows:

f. If at the time for the annual review the committed person has filed a petition for discharge or placement in a transitional release program with authorization from the director ~~of human services~~, the court shall set a final hearing within ninety days of the authorization by the director, and no annual review shall be held.

g. If the committed person has not filed a petition, or has filed a petition for discharge or for placement in a transitional release program without authorization from the director ~~of human services~~, the court shall first conduct the annual review as provided in this subsection.

Sec. 584. Section 229A.8, subsection 6, paragraph e, Code 2023, is amended to read as follows:

e. If the director ~~of human services~~ has authorized the committed person to petition for discharge or for placement in a transitional release program and the case is before a jury, testimony by a victim of a prior sexually violent offense committed by the person is not admissible. If the director has not authorized the petition or the case is before the court, testimony by a victim of a sexually violent offense committed by the person may be admitted.

Sec. 585. Section 229A.8A, subsections 1, 6, and 7, Code 2023, are amended to read as follows:

1. The department ~~of human services is authorized to~~ may establish a transitional release program and provide control, care, and treatment, and supervision of committed persons placed in such a program.

6. The department ~~of human services~~ shall be responsible for establishing and implementing the rules and directives regarding the location of the transitional release program, staffing needs, restrictions on confinement and the movement of committed persons, and for assessing the progress of committed persons in the program. The court may also impose conditions on a committed person placed in the program.

7. The department ~~of human services~~ may contract with other government or private agencies, including the department of corrections, to implement and administer the transitional release program.

Sec. 586. Section 229A.8B, subsections 2 and 3, Code 2023, are amended to read as follows:

2. If a committed person absconds from a transitional release program in violation of the rules or directives, a presumption arises that the person poses a risk to public safety. The department ~~of human services~~, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the person is in transitional release from the sexually violent predator program, and any other information important to public safety.

3. Upon the return of the committed person to a secure facility, the director ~~of human services~~ or the director's designee shall notify the court that issued the ex parte order that the absconder has been returned to a secure facility, and the court shall set a hearing to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district

court with jurisdiction to set a hearing to determine whether a violation of the rules or directives occurred. The court shall schedule a hearing after receiving notice that the committed person has been returned from the transitional release program to a secure facility.

Sec. 587. Section 229A.9A, subsections 2, 3, and 8, Code 2023, are amended to read as follows:

2. If release with supervision is ordered, the department ~~of human services~~ shall prepare within sixty days of the order of the court a release plan addressing the person's needs for counseling, medication, community support services, residential services, vocational services, ~~alcohol or other drug abuse~~ substance use disorder treatment, sex offender treatment, or any other treatment or supervision necessary.

3. The court shall set a hearing on the release plan prepared by the department ~~of human services~~ before the committed person is released from a secure facility or a transitional release program.

8. The court shall retain jurisdiction over the committed person who has been released with supervision until the person is discharged from the program. The department ~~of human services~~ or a judicial district department of correctional services shall not be held liable for any acts committed by a committed person who has been ordered released with supervision.

Sec. 588. Section 229A.9B, subsections 2, 3, and 5, Code 2023, are amended to read as follows:

2. If a committed person has absconded in violation of the conditions of the person's release plan, a presumption arises that the person poses a risk to public safety. The department ~~of human services~~ or contracting agency, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the committed person is on release with supervision from the sexually violent

1 predator program, and any other information pertinent to public
2 safety.
3 3. Upon the return of the committed person to a secure
4 facility, the director ~~of human services~~ or the director's
5 designee shall notify the court that issued the ex parte
6 order that the committed person has been returned to a secure
7 facility, and the court shall set hearing to determine if a
8 violation occurred. If a court order was not issued, the
9 director or the director's designee shall contact the nearest
10 district court with jurisdiction to set a hearing to determine
11 whether a violation of the conditions of the release plan
12 occurred. The court shall schedule a hearing after receiving
13 notice that the committed person has been returned to a secure
14 facility.
15 5. If the court determines a violation occurred, the court
16 shall receive release recommendations from the department ~~of~~
17 ~~human services~~ and either order that the committed person
18 be returned to release with supervision or placed in a
19 transitional release program, or be confined in a secure
20 facility. The court may impose further conditions upon the
21 committed person if returned to release with supervision or
22 placed in the transitional release program. If the court
23 determines no violation occurred, the committed person shall be
24 returned to release with supervision.
25 Sec. 589. Section 229A.10, subsection 1, Code 2023, is
26 amended to read as follows:
27 1. If the director ~~of human services~~ determines that the
28 person's mental abnormality has so changed that the person is
29 not likely to engage in predatory acts that constitute sexually
30 violent offenses if discharged, the director shall authorize
31 the person to petition the court for discharge. The petition
32 shall be served upon the court and the attorney general. The
33 court, upon receipt of the petition for discharge, shall order
34 a hearing within thirty days. The attorney general shall
35 represent the state, and shall have the right to have the

1 petitioner examined by an expert or professional person of
2 the attorney general's choice. The hearing shall be before
3 a jury if demanded by either the petitioner or the attorney
4 general. If the attorney general objects to the petition for
5 discharge, the burden of proof shall be upon the attorney
6 general to show beyond a reasonable doubt that the petitioner's
7 mental abnormality or personality disorder remains such that
8 the petitioner is likely to engage in predatory acts that
9 constitute sexually violent offenses if discharged.
10 Sec. 590. Section 229A.11, Code 2023, is amended to read as
11 follows:
12 **229A.11 Subsequent discharge or transitional release**
13 **petitions —— limitations.**
14 Nothing in this chapter shall prohibit a person from filing
15 a petition for discharge or placement in a transitional release
16 program, pursuant to this chapter. However, if a person has
17 previously filed a petition for discharge or for placement
18 in a transitional release program without the authorization
19 of the director ~~of human services~~, and the court determines
20 either upon review of the petition or following a hearing that
21 the petition was frivolous or that the petitioner's condition
22 had not so changed that the person was not likely to engage
23 in predatory acts constituting sexually violent offenses
24 if discharged, or was not suitable for placement in the
25 transitional release program, then the court shall summarily
26 deny the subsequent petition unless the petition contains facts
27 upon which a court could find the condition of the petitioner
28 had so changed that a hearing was warranted. Upon receipt of a
29 first or subsequent petition from a committed person without
30 the director's authorization, the court shall endeavor whenever
31 possible to review the petition and determine if the petition
32 is based upon frivolous grounds. If the court determines that
33 a petition is frivolous, the court shall dismiss the petition
34 without a hearing.
35 Sec. 591. Section 229A.12, Code 2023, is amended to read as

follows:

229A.12 Director ~~of human services~~ — responsibility for costs — reimbursement.

The director ~~of human services~~ shall be responsible for all costs relating to the evaluation, treatment, and services provided to a person that are incurred after the person is committed to the director's custody after the court or jury determines that the respondent is a sexually violent predator and pursuant to commitment under any provision of this chapter. If placement in a transitional release program or supervision is ordered, the director shall also be responsible for all costs related to the transitional release program or to the supervision and treatment of any person. Reimbursement may be obtained by the director from the patient and any person legally liable or bound by contract for the support of the patient for the cost of confinement or of care and treatment provided. To the extent allowed by the United States social security administration, any benefit payments received by the person pursuant to the federal Social Security Act shall be used for the costs incurred. As used in this section, *"any person legally liable"* does not include a political subdivision.

Sec. 592. Section 229A.15B, Code 2023, is amended to read as follows:

229A.15B Rulemaking authority.

The department ~~of human services~~ shall adopt rules pursuant to chapter 17A necessary to administer this chapter.

Sec. 593. Section 230.1, Code 2023, is amended to read as follows:

230.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.~~

~~2.~~ 1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

~~3.~~ 2. *"Department"* means the department of health and human services.

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

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

5. *"Regional administrator"* means the same as defined in section 331.388.

6. *"State mental health institute"* or *"mental health institute"* means a mental health institute designated in section 226.1.

Sec. 594. Section 230.1A, Code 2023, is amended to read as follows:

230.1A Liability of county and state.

1. The necessary and legal costs and expenses ~~attending~~ for the taking into custody, care, investigation, admission, commitment, and support of a person with mental illness admitted or committed to a state ~~hospital~~ mental health institute shall be paid by the regional administrator on behalf of the person's county of residence or by the state as follows:

a. If the person is eighteen years of age or older, as follows:

(1) The costs attributed to mental illness shall be paid by the regional administrator on behalf of the person's county of residence.

(2) The costs attributed to a ~~substance-related~~ substance use disorder shall be paid by the person's county of residence.

(3) The costs attributable to a dual diagnosis of mental illness and a ~~substance-related~~ substance use disorder may be ~~split~~ divided as provided in section 226.9C.

b. By the state if such person has no residence in this

state, if the person's residence is unknown, or if the person is under eighteen years of age.

2. The county of residence of any person with mental illness who is a patient of any state ~~institution~~ mental health institute shall be the person's county of residence existing at the time of admission to the ~~institution~~ institute.

3. A region or county of residence is not liable for costs and expenses associated with a person with mental illness unless the costs and expenses are for services and other support authorized for the person through the regional administrator for the county.

Sec. 595. Section 230.5, Code 2023, is amended to read as follows:

230.5 Nonresidents.

If a person's residence is determined in accordance with section 230.2 or 230.3 to be in a foreign state or country, or is unknown, the court or the regional administrator of the person's county of residence shall immediately certify the determination to the ~~department's administrator~~ department. The certification shall be accompanied by a copy of the evidence supporting the determination. A court order issued pursuant to section 229.13 shall direct that the patient be hospitalized at the appropriate state ~~hospital for persons with~~ mental ~~illness~~ health institute.

Sec. 596. Section 230.6, Code 2023, is amended to read as follows:

230.6 Investigation by ~~administrator~~ department.

The ~~administrator~~ department shall immediately investigate the residency of a patient and proceed as follows:

1. If the ~~administrator~~ department concurs with a certified determination of residency concerning the patient, the ~~administrator~~ department shall cause the patient either to be transferred to a state ~~hospital for persons with~~ mental ~~illness~~ health institute at the expense of the state, or to be transferred, with approval of the court as required by chapter

229, to the place of foreign residence.

2. If the ~~administrator~~ department disputes a certified legal residency determination, the ~~administrator~~ department shall order the patient to be maintained at a state ~~hospital for persons with~~ mental ~~illness~~ health institute at the expense of the state until the dispute is resolved.

3. If the ~~administrator~~ department disputes a residency determination, the ~~administrator~~ department shall utilize the procedure provided in section 331.394 to resolve the dispute. A determination of the person's residency status made pursuant to section 331.394 is conclusive.

Sec. 597. Section 230.7, Code 2023, is amended to read as follows:

230.7 Transfer of nonresidents.

Upon determining that a patient in a state ~~hospital~~ mental health institute who has been involuntarily hospitalized under chapter 229 or admitted voluntarily at public expense was not a resident of this state at the time of the involuntary hospitalization or admission, the ~~administrator~~ director or director's designee may cause ~~that~~ the patient to be conveyed to the patient's place of residence. However, a transfer under this section may be made only if the patient's condition ~~so~~ permits and other reasons do not render the transfer inadvisable. If the patient was involuntarily hospitalized, prior approval of the transfer ~~must~~ shall be obtained from the court which ordered the patient hospitalized.

Sec. 598. Section 230.8, Code 2023, is amended to read as follows:

230.8 Transfers of persons with mental illness — expenses.

The transfer to any state ~~hospitals~~ mental health institute or to the places of their residence of persons with mental illness who have no residence in this state or whose residence is unknown, shall be made according to the directions of the ~~administrator~~ department, and when practicable by employees of the state ~~hospitals~~ mental health institutes. The actual

and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the ~~administrator~~ director.

Sec. 599. Section 230.9, Code 2023, is amended to read as follows:

230.9 Subsequent discovery of residence.

If, after a person has been received by a state ~~hospital for persons with~~ mental ~~illness~~ health institute whose residence is supposed to be outside this state, the ~~administrator~~ department determines that the residence of the person was, at the time of admission or commitment, in a county of this state, the ~~administrator~~ department shall certify the determination and charge all legal costs and expenses pertaining to the admission or commitment and support of the person to the regional administrator of the person's county of residence. The certification shall be sent to the regional administrator of the person's county of residence. The certification shall be accompanied by a copy of the evidence supporting the determination. The costs and expenses shall be collected as provided by law in other cases. If the person's residency status has been determined in accordance with section 331.394, the legal costs and expenses shall be charged in accordance with that determination.

Sec. 600. Section 230.10, Code 2023, is amended to read as follows:

230.10 Payment of costs.

All legal costs and expenses ~~attending~~ for the taking into custody, care, investigation, and admission or commitment of a person to a state ~~hospital for persons with~~ mental ~~illness~~ health institute under a finding that the person has residency in another county of this state shall be charged against the regional administrator of the person's county of residence.

Sec. 601. Section 230.11, Code 2023, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses ~~attending~~ for the taking into custody, care, and investigation of a person who has been admitted or committed to a state ~~hospital~~ mental health institute, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as approved by the ~~administrator~~ department. The amount of the costs and expenses approved by the ~~administrator~~ department is appropriated to the department from any moneys in the state treasury not otherwise appropriated. Payment shall be made by the department on itemized vouchers executed by the regional administrator of the person's county which has paid them, and approved by the ~~administrator~~ department.

Sec. 602. Section 230.12, Code 2023, is amended to read as follows:

230.12 Residency disputes.

If a dispute arises between different counties or between the ~~administrator~~ department and a regional administrator for a county as to the residence of a person admitted or committed to a state ~~hospital for persons with~~ mental ~~illness~~ health institute, the dispute shall be resolved as provided in section 331.394.

Sec. 603. Section 230.15, Code 2023, is amended to read as follows:

230.15 Personal liability.

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person, and any person bound by contract for support of the person. The regional administrator of the person's county of residence, subject to the direction of the region's governing board, shall enforce the obligation created in this section as to all sums advanced

by the regional administrator. The liability to the regional administrator incurred by a person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the regional administrator for the care and treatment of the person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may ~~from time to time~~ be revised by the department ~~of human services~~. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of a person with mental illness.

2. A person with a ~~substance-related~~ substance use disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the person with a ~~substance-related~~ substance use disorder while a voluntary or committed patient. When a portion of the cost is paid by a county, the person with a ~~substance-related~~ substance use disorder is legally liable to the county for the amount paid. The person with a ~~substance-related~~ substance use disorder shall assign any claim for reimbursement under any

contract of indemnity, by insurance or otherwise, providing for the person's care, maintenance, and treatment in a state ~~hospital~~ mental health institute to the state. Any payments received by the state from or on behalf of a person with a ~~substance-related~~ substance use disorder shall be in part credited to the county in proportion to the share of the costs paid by the county.

3. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness or a ~~substance-related~~ substance use disorder as established by the department ~~of human services~~.

Sec. 604. Section 230.18, Code 2023, is amended to read as follows:

230.18 Expense in county or private ~~hospitals~~ facility.

The estates of persons with mental illness who may be treated or confined in any county ~~hospital or home,~~ or ~~in any~~ private ~~hospital or sanatorium~~ facility, and the estates of persons legally bound for their support, shall be liable to the regional administrator of the person's county of residence for the reasonable cost of such support.

Sec. 605. Section 230.19, Code 2023, is amended to read as follows:

230.19 Nonresidents liable to state — presumption.

The estates of all nonresident patients provided for and treated in state ~~hospitals for persons with~~ mental ~~illness~~ health institutes in this state, and all persons legally bound for the support of such patients, shall be liable to the state for the reasonable value of the care, maintenance, and treatment of such patients while in such ~~hospitals~~ institutes. The certificate of the superintendent of the state ~~hospital~~ mental health institute in which any nonresident is or has been a patient, showing the amounts drawn from the state treasury or due ~~therefrom~~ as provided by law on account of such nonresident patient, shall be presumptive evidence of the reasonable value

of the care, maintenance, and treatment furnished such patient.

Sec. 606. Section 230.20, subsection 1, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The costs of food, lodging, and other maintenance provided to persons not patients of the ~~hospital~~ state mental health institute.

Sec. 607. Section 230.20, subsection 7, Code 2023, is amended to read as follows:

7. A superintendent of a mental health institute may request that the director ~~of human services~~ enter into a contract with a person for the mental health institute to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in section 226.1. The contract provisions shall include charges which reflect the actual cost of providing the services or fulfilling the other purposes. Any income from a contract authorized under this subsection may be retained by the mental health institute to defray the costs of providing the services. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 6.

Sec. 608. Section 230.26, Code 2023, is amended to read as follows:

230.26 Regional administrator to keep record.

The regional administrator shall keep an accurate account of the cost of the maintenance of any patient kept in any ~~institution~~ facility as provided for in this chapter and keep an index of the names of the persons admitted or committed from each county in the region. The name of the spouse of the person admitted or committed shall also be indexed in the same manner as the names of the persons admitted or committed are indexed. The book shall be designated as an account book or index, and shall have no reference in any place to a lien.

Sec. 609. Section 230.31, Code 2023, is amended to read as follows:

230.31 Departers from other states.

If a person with mental illness departs without proper authority from ~~an institution~~ a facility in another state and is found in this state, a peace officer in the county in which the patient is found may take and detain the patient without order and shall report the detention to the ~~administrator~~ department who shall provide for the return of the patient to the authorities of the state where the unauthorized leave was made. Pending such return, the patient may be detained temporarily at one of the institutions of this state under the control of the ~~administrator or any other administrator of the~~ department ~~of human services~~. Expenses incurred under this section shall be paid in the same manner as is provided for transfers in section 230.8.

Sec. 610. Section 230.32, Code 2023, is amended to read as follows:

230.32 Support of nonresident patients on leave.

The cost of support of patients without residence in this state, who are placed on convalescent leave or removed from a state mental health institute to any health care facility licensed under chapter 135C for rehabilitation purposes, shall be paid from the ~~hospital~~ state mental health institute support fund and shall be charged on abstract in the same manner as state inpatients, until such time as the patient becomes self-supporting or qualifies for support under existing statutes.

Sec. 611. Section 230.33, Code 2023, is amended to read as follows:

230.33 Reciprocal agreements.

1. The ~~administrator~~ department may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with an intellectual disability to the contracting

states, and to effect the reciprocal supervision of persons on convalescent leave.

2. However, in the case of a proposed transfer of a person with mental illness or an intellectual disability from this state, final action shall not be taken without the approval of the district court of the county of admission or commitment.

Sec. 612. Section 230A.101, Code 2023, is amended to read as follows:

230A.101 Services system roles.

1. The role of the department ~~of human services, through the division of the department designated~~ as the state mental health authority with responsibility for state policy concerning mental health and disability services, is to develop and maintain policies for the mental health and disability services system. The policies shall address the service needs of individuals of all ages with disabilities in this state, regardless of the individuals' places of residence or economic circumstances, and shall be consistent with the requirements of chapter 225C and other applicable law.

2. The role of community mental health centers in the mental health and disability services system is to provide an organized set of services in order to adequately meet the mental health needs of this state's citizens based on organized catchment areas.

Sec. 613. Section 230A.102, Code 2023, is amended to read as follows:

230A.102 Definitions.

As used in this chapter, unless the context otherwise requires:

1. ~~*"Administrator", "commission"*~~ *"Commission"*, *"department"*, *"director"*, and *"disability services"*~~, and *"division"*~~ mean the same as defined in section 225C.2.

2. *"Catchment area"* means a community mental health center catchment area identified in accordance with this chapter.

3. *"Community mental health center"* or *"center"* means a

1 community mental health center designated in accordance with
2 this chapter.
3 Sec. 614. Section 230A.103, Code 2023, is amended to read
4 as follows:
5 **230A.103 Designation of community mental health centers.**
6 1. The ~~division~~ department, subject to agreement by any
7 community mental health center that would provide services
8 for the catchment area and approval by the commission,
9 shall designate at least one community mental health center
10 under this chapter for addressing the mental health needs of
11 the county or counties comprising the catchment area. The
12 designation process shall provide for the input of potential
13 service providers regarding designation of the initial
14 catchment area or a change in the designation.
15 2. The ~~division~~ department shall utilize objective criteria
16 for designating a community mental health center to serve a
17 catchment area and for withdrawing such designation. The
18 commission shall adopt rules outlining the criteria. The
19 criteria shall include but are not limited to provisions for
20 meeting all of the following requirements:
21 *a.* An appropriate means shall be used for determining which
22 prospective designee is best able to serve all ages of the
23 targeted population within the catchment area with minimal or
24 no service denials.
25 *b.* An effective means shall be used for determining the
26 relative ability of a prospective designee to appropriately
27 provide mental health services and other support to consumers
28 residing within a catchment area as well as consumers residing
29 outside the catchment area. The criteria shall address the
30 duty for a prospective designee to arrange placements outside
31 the catchment area when such placements best meet consumer
32 needs and to provide services within the catchment area to
33 consumers who reside outside the catchment area when the
34 services are necessary and appropriate.
35 3. The board of directors for a designated community mental

health center shall enter into an agreement with the ~~division~~ department. The terms of the agreement shall include but are not limited to all of the following:

a. The period of time the agreement will be in force.

b. The services and other support the center will offer or provide for the residents of the catchment area.

c. The standards to be followed by the center in determining whether and to what extent the persons seeking services from the center shall be considered to be able to pay the costs of the services.

d. The policies regarding availability of the services offered by the center to the residents of the catchment area as well as consumers residing outside the catchment area.

e. The requirements for preparation and submission to the ~~division~~ department of annual audits, cost reports, program reports, performance measures, and other financial and service accountability information.

4. This section does not limit the authority of the board or the boards of supervisors of any county or group of counties to continue to expend money to support operation of a center.

Sec. 615. Section 230A.104, Code 2023, is amended to read as follows:

230A.104 Catchment areas.

1. The ~~division~~ department shall collaborate with affected counties in identifying community mental health center catchment areas in accordance with this section.

2. *a.* Unless the ~~division~~ department has determined that exceptional circumstances exist, a catchment area shall be served by one community mental health center. The purpose of this general limitation is to clearly designate the center responsible and accountable for providing core mental health services to the target population in the catchment area and to protect the financial viability of the centers comprising the mental health services system in the state.

b. A formal review process shall be used in determining

whether exceptional circumstances exist that justify designating more than one center to serve a catchment area. The criteria for the review process shall include but are not limited to a means of determining whether the catchment area can support more than one center.

c. Criteria shall be provided that would allow the designation of more than one center for all or a portion of a catchment area if designation or approval for more than one center was provided by the ~~division~~ department as of October 1, 2010. The criteria shall require a determination that all such centers would be financially viable if designation is provided for all.

Sec. 616. Section 230A.105, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Individuals described in paragraph *"a"*, *"b"*, *"c"*, or *"d"* who have a co-occurring disorder, including but not limited to substance ~~abuse~~ use disorder, intellectual disability, a developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

Sec. 617. Section 230A.108, Code 2023, is amended to read as follows:

230A.108 Administrative, diagnostic, and demographic information.

Release of administrative and diagnostic information, as defined in section 228.1, and demographic information necessary for aggregated reporting to meet the data requirements established by the ~~division~~ department, relating to an individual who receives services from a community mental health center, may be made a condition of support of that center by the ~~division~~ department.

Sec. 618. Section 230A.110, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~division~~ department shall recommend and the commission shall adopt standards for designated community mental health centers and comprehensive community mental health

1 programs, with the overall objective of ensuring that each
2 center and each affiliate providing services under contract
3 with a center furnishes high-quality mental health services
4 within a framework of accountability to the community it
5 serves. The standards adopted shall conform with federal
6 standards applicable to community mental health centers
7 and shall be in substantial conformity with the applicable
8 behavioral health standards adopted by the joint commission,
9 formerly known as the joint commission on accreditation
10 of health care organizations, or other recognized national
11 standards for evaluation of psychiatric facilities unless in
12 the judgment of the ~~division~~ department, with approval of the
13 commission, there are sound reasons for departing from the
14 standards.
15 2. When recommending standards under this section, the
16 ~~division~~ department shall designate an advisory committee
17 representing boards of directors and professional staff
18 of designated community mental health centers to assist in
19 the formulation or revision of standards. The membership
20 of the advisory committee shall include representatives of
21 professional and nonprofessional staff and other appropriate
22 individuals.
23 Sec. 619. Section 230A.110, subsection 3, paragraph c, Code
24 2023, is amended to read as follows:
25 *c.* Arrange for the financial condition and transactions
26 of the community mental health center to be audited once
27 each year by the auditor of state. However, in lieu of an
28 audit by the auditor of state, the local governing body of a
29 community mental health center organized under this chapter
30 may contract with or employ certified public accountants
31 to conduct the audit, pursuant to the applicable terms and
32 conditions prescribed by sections 11.6 and 11.19 and audit
33 format prescribed by the auditor of state. Copies of each
34 audit shall be furnished by the auditor or accountant to the
35 ~~administrator of the division of mental health and disability~~

~~services~~ department.

Sec. 620. Section 230A.111, Code 2023, is amended to read as follows:

230A.111 Review and evaluation.

1. The review and evaluation of designated centers shall be performed through a formal accreditation review process as recommended by the ~~division~~ department and approved by the commission. The accreditation process shall include all of the following:

a. Specific time intervals for full accreditation reviews based upon levels of accreditation.

b. Use of random or complaint-specific, on-site limited accreditation reviews in the interim between full accreditation reviews, as a quality review approach. The results of such reviews shall be presented to the commission.

c. Use of center accreditation self-assessment tools to gather data regarding quality of care and outcomes, whether used during full or limited reviews or at other times.

2. The accreditation process shall include but is not limited to addressing all of the following:

a. Measures to address centers that do not meet standards, including authority to revoke accreditation.

b. Measures to address noncompliant centers that do not develop a corrective action plan or fail to implement steps included in a corrective action plan accepted by the ~~division~~ department.

c. Measures to appropriately recognize centers that successfully complete a corrective action plan.

d. Criteria to determine when a center's accreditation should be denied, revoked, suspended, or made provisional.

Sec. 621. Section 231.4, subsection 1, paragraphs e and f, Code 2023, are amended to read as follows:

e. *"Department"* means the department ~~on aging~~ of health and human services.

f. *"Director"* means the director of ~~the department on aging~~

health and human services.

Sec. 622. Section 231.21, Code 2023, is amended to read as follows:

231.21 ~~Department on aging~~ Administration of chapter — department of health and human services.

~~An Iowa~~ The department ~~on aging is established which~~ of health and human services shall administer this chapter under the policy direction of the commission on aging. ~~The department on aging shall be administered by a director.~~

Sec. 623. Section 231.23, Code 2023, is amended to read as follows:

231.23 Department ~~on aging~~ — duties and authority.

The department ~~on aging director~~ shall:

1. Develop and administer a state plan on aging.

2. Assist the commission in the review and approval of area plans.

3. Pursuant to commission policy, coordinate state activities related to the purposes of this chapter and all other chapters under the department's jurisdiction.

4. Advocate for older individuals by reviewing and commenting upon all state plans, budgets, laws, rules, regulations, and policies which affect older individuals and by providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals.

5. Assist the commission in dividing the state into distinct planning and service areas.

6. Assist the commission in designating for each area a public or private nonprofit agency or organization as the area agency on aging for that area.

7. Pursuant to commission policy, take into account the views of older Iowans.

8. Assist the commission in adopting a method for the distribution of funds available from the federal Act and state appropriations and allocations.

9. Assist the commission in assuring that preference will be given to providing services to older individuals with the greatest economic or social needs, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

10. Assist the commission in developing, adopting, and enforcing administrative rules, by issuing necessary forms and procedures.

11. Apply for, receive, and administer grants, devises, donations, gifts, or bequests of real or personal property from any source to conduct projects consistent with the purposes of the department. Notwithstanding section 8.33, moneys received by the department pursuant to this section are not subject to reversion to the general fund of the state.

12. Administer state authorized programs.

13. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors.

Sec. 624. Section 231.23A, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department ~~on aging~~ shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

Sec. 625. Section 231.31, Code 2023, is amended to read as follows:

231.31 State plan on aging.

The department ~~on aging~~ shall develop, and submit to the commission on aging for approval, a multiyear state plan on aging. The state plan on aging shall meet all applicable federal requirements.

Sec. 626. Section 231.32, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. Any public or nonprofit private agency in a planning

and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department ~~on aging~~ and which can and will engage only in the planning or provision of a broad range of long-term living and community support services or nutrition services within the planning and service area.

Sec. 627. Section 231.42, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections and appeals, the department of health and human services, ~~the department on aging,~~ or the appropriate law enforcement agency, as applicable.

Sec. 628. Section 231.58, Code 2023, is amended to read as follows:

231.58 Long-term living coordination.

The director may convene meetings, as necessary, of the director and the ~~directors of human services, public health, and~~ director of inspections and appeals, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans in the state. The group may consult with individuals, institutions and entities with expertise in the area of the long-term living system and older Iowans, as necessary, to facilitate the group's efforts.

Sec. 629. Section 231C.5, subsection 2, paragraph b, subparagraph (2), subparagraph division (c), Code 2023, is amended to read as follows:

(c) Contact information for the department of health and human services and the senior health insurance information program to assist tenants in accessing third-party payment sources.

Sec. 630. Section 231C.5A, Code 2023, is amended to read as

follows:

231C.5A Assessment of tenants — program eligibility.

An assisted living program receiving reimbursement through the medical assistance program under chapter 249A shall assist the department of veterans affairs in identifying, upon admission of a tenant, the tenant's eligibility for benefits through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections and appeals, in cooperation with the department of health and human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

Sec. 631. Section 231E.3, subsections 5 and 6, Code 2023, are amended to read as follows:

5. *"Department"* means the department ~~on aging established in section 231.21~~ of health and human services.

6. *"Director"* means the director of ~~the department on aging~~ health and human services.

Sec. 632. Section 231E.4, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Work with the ~~department of human services, the Iowa department of public health, the~~ Iowa developmental disabilities council~~,~~ and other agencies to establish

a referral system for the provision of guardianship, conservatorship, and representative payee services.

Sec. 633. Section 232.2, subsections 14 and 18, Code 2023, are amended to read as follows:

14. *"Department"* means the department of health and human services and includes the local~~,~~ and county~~, and service area~~ officers of the department.

18. *"Director"* means the director of ~~the department of~~ health and human services or ~~that person's~~ the director's designee.

Sec. 634. Section 232.11, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. If the child is not represented by counsel as required under subsection 1, counsel shall be provided as follows:

a. If the court determines, after giving the child's parent, guardian, or custodian an opportunity to be heard, that such person has the ability in whole or in part to pay for the employment of counsel, it shall either order that person to retain an attorney to represent the child or shall appoint counsel for the child and order the parent, guardian, or custodian to pay for that counsel as provided in subsection 5.

b. If the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel to represent the child, it shall appoint counsel, who shall be reimbursed according to section 232.141, subsection 2, paragraph *"b"*.

c. The court may appoint counsel to represent the child and reserve the determination of payment until the parent, guardian, or custodian has an opportunity to be heard.

4. If the child is represented by counsel and the court determines that there is a conflict of interest between the child and the child's parent, guardian, or custodian and that the retained counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child and order the parent, guardian, or

custodian to pay for such counsel as provided in subsection 5.

5. If the court determines, after an inquiry which includes notice and reasonable opportunity to be heard that the parent, guardian, or custodian has the ability to pay in whole or in part for the attorney appointed for the child, the court may order that person to pay such sums as the court finds appropriate in the manner and to whom the court directs. If the person so ordered fails to comply with the order without good reason, the court shall enter judgment against the person.

Sec. 635. Section 232.21, subsection 2, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) An institution or other facility operated by the department ~~of human services~~, or one which is licensed or otherwise authorized by law to receive and provide care for the child.

Sec. 636. Section 232.22, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department ~~of human services~~.

Sec. 637. Section 232.28, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. In the course of a preliminary inquiry, the intake officer may:

a. Interview the complainant, victim, or witnesses of the alleged delinquent act.

b. Check existing records of the court, law enforcement agencies, public records of other agencies, and child abuse records as provided in section 235A.15, subsection 2, paragraph *"e"*.

c. Hold conferences with the child and the child's parent or parents, guardian, or custodian for the purpose of interviewing them and discussing the disposition of the complaint in accordance with the requirements set forth in subsection 8.

d. Examine any physical evidence pertinent to the complaint.

e. Interview such persons as are necessary to determine whether the filing of a petition would be in the best interests of the child and the community as provided in section 232.35, subsections 2 and 3.

4. Any additional inquiries may be made only with the consent of the child and the child's parent or parents, guardian, or custodian.

5. Participation of the child and the child's parent or parents, guardian, or custodian in a conference with an intake officer shall be voluntary, and they shall have the right to refuse to participate in such conference. At such conference the child shall have the right to the assistance of counsel in accordance with section 232.11 and the right to remain silent when questioned by the intake officer.

Sec. 638. Section 232.29, subsection 1, paragraphs b, d, and g, Code 2023, are amended to read as follows:

b. The intake officer shall advise the child and the child's parent, guardian, or custodian that they have the right to refuse an informal adjustment of the complaint and demand the filing of a petition and a formal adjudication.

d. The terms of such agreement shall be clearly stated in writing and signed by all parties to the agreement and a copy of this agreement shall be given to the child; the counsel for the child; the parent, guardian, or custodian; and the intake officer, who shall retain the copy in the case file.

g. The child and the child's parent, guardian, or custodian shall have the right to terminate such agreement at any time and to request the filing of a petition and a formal adjudication.

Sec. 639. Section 232.38, Code 2023, is amended to read as follows:

232.38 Presence of parents at hearings.

1. Any hearings or proceedings under this subchapter subsequent to the filing of a petition shall not take place without the presence of one or both of the child's parents,

guardian, or custodian except that a hearing or proceeding may take place without such presence if the parent, guardian, or custodian fails to appear after reasonable notification, or if the court finds that a reasonably diligent effort has been made to notify the child's parent, guardian, or custodian, and the effort was unavailing.

2. In any such hearings or proceedings the court may temporarily excuse the presence of the parent, guardian, or custodian when the court deems it in the best interests of the child. Counsel for the parent, guardian, or custodian shall have the right to participate in a hearing or proceeding during the absence of the parent, guardian, or custodian.

Sec. 640. Section 232.43, subsection 2, Code 2023, is amended to read as follows:

2. The county attorney and the child's counsel may mutually consider a plea agreement which contemplates entry of a plea admitting the allegations of the petition in the expectation that other charges will be dismissed or not filed or that a specific disposition will be recommended by the county attorney and granted by the court. Any plea discussion shall be open to the child and the child's parent, guardian, or custodian.

Sec. 641. Section 232.44, subsection 5, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Place the child in the custody of a parent, guardian, or custodian under that person's supervision, or under the supervision of an organization which agrees to supervise the child.

Sec. 642. Section 232.44, subsection 7, Code 2023, is amended to read as follows:

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the

child's guardian ad litem, and the child's parent, guardian, or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this subsection may be held by telephone conference call.

Sec. 643. Section 232.46, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. A child's need for shelter placement or for inpatient mental health or substance ~~abuse~~ use disorder treatment does not preclude entry or continued execution of a consent decree.

Sec. 644. Section 232.46, subsection 3, Code 2023, is amended to read as follows:

3. A consent decree shall not be entered unless the child and the child's parent, guardian, or custodian is informed of the consequences of the decree by the court and the court determines that the child has voluntarily and intelligently agreed to the terms and conditions of the decree. If the county attorney objects to the entry of a consent decree, the court shall proceed to determine the appropriateness of entering a consent decree after consideration of any objections or reasons for entering such a decree.

Sec. 645. Section 232.52, subsection 2, paragraph d, subparagraph (3), Code 2023, is amended to read as follows:

(3) The department ~~of human services~~ for purposes of foster care and prescribing the type of placement which will serve the best interests of the child and the means by which the placement shall be monitored by the court. The court shall consider ordering placement in family foster care as an alternative to group foster care.

Sec. 646. Section 232.52, subsection 2, paragraph e, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An order transferring the custody of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director ~~of the department~~

~~of human services~~ for purposes of placement in the state training school or other facility, provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or a felony violation of section 124.401 or chapter 707, or the court finds any three of the following conditions exist:

Sec. 647. Section 232.52, subsections 6, 8, and 9, Code 2023, are amended to read as follows:

6. If the court orders the transfer of custody of the child to the department ~~of human services~~ or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

8. If the court orders the transfer of the custody of the child to the department ~~of human services~~ or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

9. If a child has previously been adjudicated as a child in need of assistance, and a social worker or other caseworker from the department ~~of human services~~ has been assigned to work on the child's case, the court may order the department ~~of human services~~ to assign the same social worker or caseworker to work on any matters related to the child arising under this subchapter.

Sec. 648. Section 232.52, subsection 10, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as

follows:

Upon receipt of an application from the director ~~of the department of human services~~, the court shall enter an order to temporarily transfer a child who has been placed in the state training school pursuant to subsection 2, paragraph *"e"*, to a facility which has been designated to be an alternative placement site for the state training school, provided the court finds that all of the following conditions exist:

Sec. 649. Section 232.68, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the ~~state~~ department of health and human services and includes the local~~,~~ and county~~, and service area~~ offices of the department.

Sec. 650. Section 232.69, subsection 1, paragraph b, subparagraphs (6) and (7), Code 2023, are amended to read as follows:

(6) An employee or operator of a substance ~~abuse~~ use disorder program or facility licensed under chapter 125.

(7) An employee of a department ~~of human services~~ institution listed in section 218.1.

Sec. 651. Section 232.70, subsections 3, 5, and 6, Code 2023, are amended to read as follows:

3. The oral report shall be made by telephone or otherwise to the department ~~of human services~~. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.

5. The oral and written reports shall contain the following information, or as much ~~thereof~~ of the following information as the person making the report is able to furnish:

a. The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care~~;~~.

b. The child's present whereabouts if not the same as the parent's or other person's home address~~;~~.

c. The child's age~~;~~.

d. The nature and extent of the child's injuries, including any evidence of previous injuries~~;~~.

e. The name, age and condition of other children in the same home~~;~~.

f. Any other information which the person making the report believes might be helpful in establishing the cause of the injury to the child, the identity of the person or persons responsible for the injury, or in providing assistance to the child~~; and~~.

g. The name and address of the person making the report.

6. A report made by a permissive reporter, as defined in section 232.69, subsection 2, shall be regarded as a report pursuant to this chapter whether or not the report contains all of the information required by this section and may be made to the department ~~of human services~~, county attorney, or law enforcement agency. If the report is made to any agency other than the department ~~of human services~~, such agency shall promptly refer the report to the department ~~of human services~~.

Sec. 652. Section 232.72, subsections 1 and 2, Code 2023, are amended to read as follows:

1. For the purposes of this subchapter, the terms *"department of health and human services"*, *"department"*, or *"county attorney"* ordinarily refer to the ~~service area or~~ local office of the department ~~of human services~~ or of the county attorney's office serving the county in which the child's home is located.

2. If the person making a report of child abuse pursuant to this chapter does not know where the child's home is located, ~~or if the child's home is not located in the service area where the health practitioner examines, attends, or treats the child,~~ the report may be made to the department or to the local office serving the county where the person making the report resides or the county where the health practitioner examines, attends, or treats the child. These agencies shall promptly proceed as

provided in section 232.71B, unless the matter is transferred as provided in this section.

Sec. 653. Section 232.75, subsection 3, Code 2023, is amended to read as follows:

3. A person who reports or causes to be reported to the department ~~of human services~~ false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

Sec. 654. Section 232.78, subsection 4, Code 2023, is amended to read as follows:

4. The juvenile court may enter an order authorizing a physician or physician assistant or hospital to provide emergency medical or surgical procedures before the filing of a petition under this chapter provided all of the following conditions are met:

a. Such procedures are necessary to safeguard the life and health of the child~~; and~~.

b. There is not enough time to file a petition under this chapter and hold a hearing as provided in section 232.95.

Sec. 655. Section 232.79, subsection 4, paragraphs a and b, Code 2023, are amended to read as follows:

a. When the court is informed that there has been an emergency removal or keeping of a child without a court order, the court shall direct the department ~~of human services~~ or the juvenile probation department to make every reasonable effort to communicate immediately with the child's parent or parents or other person legally responsible for the child's care. Upon locating the child's parent or parents or other person legally responsible for the child's care, the department ~~of human services~~ or the juvenile probation department shall, in accordance with court-established procedures, immediately orally inform the court. After orally informing the court, the department ~~of human services~~ or the juvenile probation department shall provide to the court written documentation of

the oral information.

b. The court shall authorize the department ~~of human services~~ or the juvenile probation department to cause a child thus removed or kept to be returned if it concludes there is not an imminent risk to the child's life and health in so doing. If the department ~~of human services~~ or the juvenile probation department receives information which could affect the court's decision regarding the child's return, the department ~~of human services~~ or the juvenile probation department, in accordance with court established procedures, shall immediately orally provide the information to the court. After orally providing the information to the court, the department ~~of human services~~ or the juvenile probation department shall provide to the court written documentation of the oral information. If the child is not returned, the department ~~of human services~~ or the juvenile probation department shall ~~forthwith~~ cause a petition to be filed within three days after the removal.

Sec. 656. Section 232.81, subsection 2, Code 2023, is amended to read as follows:

2. Upon receipt of a complaint, the court may request the department ~~of human services~~, juvenile probation office, or other authorized agency or individual to conduct a preliminary investigation of the complaint to determine if further action should be taken.

Sec. 657. Section 232.82, subsection 2, Code 2023, is amended to read as follows:

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department ~~of human services~~, or a juvenile court officer within three days of the entering of the order.

Sec. 658. Section 232.87, subsection 2, Code 2023, is amended to read as follows:

2. A petition may be filed by the department ~~of human~~

~~services~~, juvenile court officer, or county attorney.

Sec. 659. Section 232.89, subsection 3, Code 2023, is amended to read as follows:

3. The court shall determine, after giving the parent, guardian, or custodian an opportunity to be heard, whether the person has the ability to pay in whole or in part for counsel appointed for the child. If the court determines that the person possesses sufficient financial ability, the court shall then consult with the department ~~of human services~~, the juvenile probation office, or other authorized agency or individual regarding the likelihood of impairment of the relationship between the child and the child's parent, guardian, or custodian as a result of ordering the parent, guardian, or custodian to pay for the child's counsel. If impairment is deemed unlikely, the court shall order that person to pay an amount the court finds appropriate in the manner and to whom the court directs. If the person fails to comply with the order without good reason, the court shall enter judgment against the person. If impairment is deemed likely or if the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel appointed to represent the child, counsel shall be reimbursed pursuant to section 232.141, subsection 2, paragraph *"b"*.

Sec. 660. Section 232.96, subsections 4 and 6, Code 2023, are amended to read as follows:

4. A report made to the department ~~of human services~~ pursuant to chapter 235A shall be admissible in evidence, but such a report shall not alone be sufficient to support a finding that the child is a child in need of assistance unless the attorneys for the child and the parents consent to such a finding.

6. A report, study, record, or other writing or an audiotape or videotape recording made by the department ~~of human services~~, a juvenile court officer, a peace officer, a child protection center, or a hospital relating to a child in a

proceeding under this subchapter is admissible notwithstanding any objection to hearsay statements contained in it provided it is relevant and material and provided its probative value substantially outweighs the danger of unfair prejudice to the child's parent, guardian, or custodian. The circumstances of the making of the report, study, record or other writing or an audiotape or videotape recording, including the maker's lack of personal knowledge, may be proved to affect its weight.

Sec. 661. Section 232.97, subsection 1, Code 2023, is amended to read as follows:

1. The court shall not make a disposition of the petition until five working days after a social report has been submitted to the court and counsel for the child and has been considered by the court. The court may waive the five-day requirement upon agreement by all the parties. The court may direct either the juvenile court officer or the department ~~of human services~~ or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care for the child. A report prepared shall include any founded reports of child abuse.

Sec. 662. Section 232.98, subsection 2, Code 2023, is amended to read as follows:

2. Following an adjudication that a child is a child in need of assistance, the court may after a hearing order the physical or mental examination of the parent, guardian, or custodian if that person's ability to care for the child is at issue.

Sec. 663. Section 232.100, Code 2023, is amended to read as follows:

232.100 Suspended judgment.

After the dispositional hearing the court may enter an order suspending judgment and continuing the proceedings subject to terms and conditions imposed to assure the proper care and protection of the child. Such terms and conditions may include the supervision of the child and of the parent,

guardian, or custodian by the department ~~of human services~~, juvenile court office, or other appropriate agency designated by the court. The maximum duration of any term or condition of a suspended judgment shall be twelve months unless the court finds at a hearing held during the last month of that period that exceptional circumstances require an extension of the term or condition for an additional six months.

Sec. 664. Section 232.101, subsection 1, Code 2023, is amended to read as follows:

1. After the dispositional hearing, the court may enter an order permitting the child's parent, guardian, or custodian at the time of the filing of the petition to retain custody of the child subject to terms and conditions which the court prescribes to assure the proper care and protection of the child. Such terms and conditions may include supervision of the child and the parent, guardian, or custodian by the department ~~of human services~~, juvenile court office, or other appropriate agency which the court designates. Such terms and conditions may also include the provision or acceptance by the parent, guardian, or custodian of special treatment or care which the child needs for the child's physical or mental health. If the parent, guardian, or custodian fails to provide the treatment or care, the court may order the department ~~of human services~~ or some other appropriate state agency to provide such care or treatment.

Sec. 665. Section 232.102, subsections 4 and 6, Code 2023, are amended to read as follows:

4. *a.* Whenever possible the court should permit the child to remain at home with the child's parent, guardian, or custodian. Custody of the child should not be transferred unless the court finds there is clear and convincing evidence ~~that~~ of any of the following:

(1) The child cannot be protected from physical abuse without transfer of custody~~; or~~.

(2) The child cannot be protected from some harm which would

justify the adjudication of the child as a child in need of assistance and an adequate placement is available.

b. In order to transfer custody of the child under this subsection, the court must make a determination that continuation of the child in the child's home would be contrary to the welfare of the child, and shall identify the reasonable efforts that have been made. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for removal of the child. If the court transfers custody of the child, unless the court waives the requirement for making reasonable efforts or otherwise makes a determination that reasonable efforts are not required, reasonable efforts shall be made to make it possible for the child to safely return to the family's home.

6. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department ~~of human services~~ or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interests of the

child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a parent who does not have physical care of the child, other relative, or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian, or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department ~~of human services~~ or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 666. Section 232.103A, subsections 3 and 5, Code 2023, are amended to read as follows:

3. The juvenile court shall designate the petitioner and respondent for the purposes of the bridge order. A bridge order shall only address matters of custody, physical care, and visitation. All other matters, including child support, shall be filed by separate petition or by action of ~~the~~ child support ~~recovery unit~~ services, and shall be subject to existing applicable statutory provisions.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to ~~the~~ child support ~~recovery unit~~ services without a court order.

Sec. 667. Section 232.111, subsection 1, Code 2023, is amended to read as follows:

1. A child's guardian, guardian ad litem, or custodian, the department ~~of human services~~, a juvenile court officer, or the county attorney may file a petition for termination of the parent-child relationship and parental rights with respect to a child.

Sec. 668. Section 232.116, subsection 1, paragraph 1, Code 2023, is amended to read as follows:

1. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe ~~substance-related~~ substance use disorder as described by either of the following:

(a) The severe ~~substance-related~~ substance use disorder meets the definition for that term as defined in the most current edition of the diagnostic and statistical manual prepared by the American psychiatric association, and the parent presents a danger to self or others as evidenced by prior acts.

(b) The disorder is evidenced by continued and repeated use through the case, the parent's refusal to obtain a substance ~~abuse~~ use disorder evaluation or treatment after given the opportunity to do so, and the parent presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

Sec. 669. Section 232.142, Code 2023, is amended to read as follows:

232.142 Maintenance and cost of juvenile homes — fund.

1. County boards of supervisors which singly or in conjunction with one or more other counties provide and maintain juvenile detention and juvenile shelter care homes are subject to this section.

2. For the purpose of providing and maintaining a county or multicounty home, the board of supervisors of any county may issue general county purpose bonds in accordance with sections 331.441 through 331.449. Expenses for providing and maintaining a multicounty home shall be paid by the counties participating in a manner to be determined by the boards of supervisors.

3. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director~~, the director of the department of human rights, or a designee of the director of the department of human rights~~. Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home. ~~This subsection is repealed July 1, 2023.~~

4. The director~~, the director of the department of human rights, or a designee of the director of the department of human rights~~ shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes. ~~This subsection is repealed July 1, 2023.~~

5. The director~~, the director of the department of human~~

~~rights, or a designee of the director of the department of human rights~~ shall approve annually all such homes established and maintained under the provisions of this chapter. A home shall not be approved unless it complies with minimal rules and standards adopted by the director and has been inspected by the department of inspections and appeals. The statewide number of beds in the homes approved by the director shall not exceed two hundred seventy-two beds beginning July 1, 2017. ~~This subsection is repealed July 1, 2023.~~

6. A juvenile detention home fund is created in the state treasury under the authority of the department ~~or the department of human rights as the department and the department of human rights agree~~. The fund shall consist of moneys deposited in the fund pursuant to section 602.8108. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes. ~~This subsection is repealed July 1, 2023.~~

Sec. 670. Section 232.147, subsection 2, paragraphs c, e, and j, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department ~~of human services~~, juvenile officer, or intake officer.

j. The department ~~of human services~~.

Sec. 671. Section 232.147, subsection 3, paragraphs c, e, and h, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department ~~of human services~~, juvenile court officer, or intake officer.

h. The department ~~of human services~~.

Sec. 672. Section 232.147, subsection 4, paragraphs c, f, and j, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

f. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department ~~of human services~~, juvenile court officer, or intake officer.

j. The department ~~of human services~~.

Sec. 673. Section 232.147, subsection 7, Code 2023, is amended to read as follows:

7. Official juvenile court records enumerated in section 232.2, subsection 43, paragraph *"e"*, relating to paternity, support, or the termination of parental rights, shall be disclosed, upon request, to ~~the~~ child support ~~recovery unit~~ services without court order.

Sec. 674. Section 232.149, subsection 5, paragraph h, Code 2023, is amended to read as follows:

h. The department ~~of human services~~.

Sec. 675. Section 232.149A, subsection 3, paragraphs c and e, Code 2023, are amended to read as follows:

c. The child's parent, guardian, or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

e. An agency, association, facility, or institution which has custody of the child, or is legally responsible for the care, treatment, or supervision of the child, including but not limited to the department ~~of human services~~.

Sec. 676. Section 232.158A, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Notwithstanding any provision of the interstate compact on the placement of children under section 232.158 to the contrary, the department ~~of human services~~ shall permit the legal risk placement of a child under the interstate compact on the placement of children if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following:

Sec. 677. Section 232.158A, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. That the prospective adoptive parent assumes full legal, financial, and other risks associated with the legal risk placement and that the prospective adoptive parent agrees to hold the department ~~of human services~~ harmless for any disruption or failure of the placement.

Sec. 678. Section 232.160, Code 2023, is amended to read as follows:

232.160 Department of health and human services as public authority.

The *"appropriate public authorities"* as used in article III of the interstate compact on the placement of children under

section 232.158 shall, with reference to this state, mean the state department of health and human services and ~~said~~ the department shall receive and act with reference to notices required by article III of that interstate compact.

Sec. 679. Section 232.161, Code 2023, is amended to read as follows:

232.161 Department as authority in receiving state.

As used in paragraph *"a"* of article V of the interstate compact on the placement of children under section 232.158, the phrase *"appropriate authority in the receiving state"* with reference to this state ~~shall mean~~ means the state department of health and human services.

Sec. 680. Section 232.162, Code 2023, is amended to read as follows:

232.162 Authority to enter agreements.

The officers and agencies of this state and its subdivisions having authority to place children may enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph *"b"* of article V of the interstate compact on the placement of children under section 232.158. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or a subdivision or agency of this state shall not be binding unless it has the approval in writing of the ~~administrator of child and family services~~ director or the director's designee in the case of the state and the county general assistance director in the case of a subdivision of the state.

Sec. 681. Section 232.168, Code 2023, is amended to read as follows:

232.168 Attorney general to enforce.

The attorney general may, on the attorney general's own initiative, institute any criminal and civil actions and proceedings under this subchapter, at whatever stage of placement necessary, to enforce the interstate compact on the placement of children, including, but not limited to,

seeking enforcement of the provisions of the compact through the courts of a party state. The department ~~of human services~~ shall cooperate with the attorney general and shall refer any placement or proposed placement to the attorney general which may require enforcement measures.

Sec. 682. Section 232.171, subsection 4, Code 2023, is amended to read as follows:

4. *Article IV — Return of runaways.*

a. (1) That the parent, guardian, or person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, or person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for the juvenile's return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of the juvenile's running away, the juvenile's location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering the juvenile's own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel the juvenile's return to

the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, or person or agency entitled to the juvenile's legal custody, and that it is in the best interest and for the protection of such juvenile that the juvenile be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, or person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing the officer or person to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding the juvenile shall have appointed to receive the juvenile, unless the juvenile shall first be taken forthwith before a judge of a court in the state, who shall inform the juvenile of the demand made for the juvenile's return, and who may appoint counsel or guardian

ad litem for the juvenile. If the judge of such court shall find that the requisition is in order, the judge shall deliver such juvenile over to the officer whom the court demanding the juvenile shall have appointed to receive the juvenile. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

(2) Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, or person or agency entitled to the juvenile's legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for the person's own protection and welfare, for such a time not exceeding ninety days as will enable the person's return to another state party to this compact pursuant to a requisition for the person's return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein the juvenile is found any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon the juvenile's return to the state from which the juvenile ran away, the juvenile shall be subject to such further

proceedings as may be appropriate under the laws of that state.

b. That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

c. That *"juvenile"* as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, or person or agency entitled to the legal custody of such minor.

Sec. 683. Section 232.171, subsection 7, paragraph a, Code 2023, is amended to read as follows:

a. That the duly constituted judicial and administrative authorities of a state party to this compact, herein called *"sending state"*, may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact, herein called *"receiving state"*, while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

Sec. 684. Section 232.171, subsection 10, paragraph f, Code 2023, is amended to read as follows:

f. Provide that the consent of the parent, guardian, or

1 person or agency entitled to the legal custody of ~~said~~ the
2 delinquent juvenile shall be secured prior to the juvenile
3 being sent to another state; and
4 Sec. 685. Section 232.188, Code 2023, is amended to read as
5 follows:
6 **232.188 Decategorization of child welfare and juvenile**
7 **justice funding initiative.**
8 1. *Definitions.* For the purposes of this section, unless
9 the context otherwise requires:
10 *a. "Decategorization governance board"* or *"governance*
11 *board"* means the group that enters into and implements a
12 decategorization project agreement.
13 *b. "Decategorization project"* means the county or counties
14 that have entered into a decategorization agreement to
15 implement the decategorization initiative in the county or
16 multicounty area covered by the agreement.
17 *c. "Decategorization services funding pool"* or *"funding pool"*
18 means the funding designated for a decategorization project
19 from all sources.
20 2. *Purpose.* The decategorization of the child welfare and
21 juvenile justice funding initiative is intended to establish
22 a system of delivering human services based upon client needs
23 to replace a system based upon a multitude of categorical
24 programs and funding sources, each with different service
25 definitions and eligibility requirements. The purposes of
26 the decategorization initiative include but are not limited
27 to redirecting child welfare and juvenile justice funding
28 to services which are more preventive, family-centered,
29 and community-based in order to reduce use of restrictive
30 approaches which rely upon institutional, out-of-home, and
31 out-of-community services.
32 3. *Implementation.*
33 *a.* Implementation of the initiative shall be through
34 creation of decategorization projects. A project shall consist
35 of either a single county or a group of counties interested

in jointly implementing the initiative. Representatives of the department, juvenile court services, and county government shall develop a project agreement to implement the initiative within a project.

b. The initiative shall include community planning activities in the area covered by a project. As part of the community planning activities, the department shall partner with other community stakeholders to develop service alternatives that provide less restrictive levels of care for children and families receiving services from the child welfare and juvenile justice systems within the project area.

c. The decategorization initiative shall not be implemented in a manner that limits the legal rights of children and families to receive services.

4. *Governance board.*

a. In partnership with an interested county or group of counties which has demonstrated the commitment and involvement of the affected county department, or departments, of human services, the juvenile justice system within the project area, and board, or boards, of supervisors in order to form a decategorization project, the department shall develop a process for combining specific state and state-federal funding categories into a decategorization services funding pool for that project. A decategorization project shall be implemented by a decategorization governance board. The decategorization governance board shall develop specific, quantifiable short-term and long-term plans for enhancing the family-centered and community-based services and reducing reliance upon out-of-community care in the project area.

b. The department shall work with the decategorization governance boards to best coordinate planning activities and most effectively target funding resources. ~~A departmental service area manager~~ The department shall work with the decategorization governance boards ~~in that service area~~ to support board planning and service development activities and

to promote the most effective alignment of resources.

c. A decategorization governance board shall coordinate the project's planning and budgeting activities with the ~~departmental service area manager~~ department's designee for the county or counties comprising the project area and the early childhood Iowa area board or boards for the early childhood Iowa area or areas within which the decategorization project is located.

5. *Funding pool.*

a. The governance board for a decategorization project has authority over the project's decategorization services funding pool and shall manage the pool to provide more flexible, individualized, family-centered, preventive, community-based, comprehensive, and coordinated service systems for children and families served in that project area. A funding pool shall also be used for child welfare and juvenile justice systems enhancements.

b. Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project for the next three succeeding fiscal years. Such moneys shall be known as *"carryover funding"*. Moneys may be made available to a funding pool from one or more of the following sources:

(1) Funds designated for the initiative in a state appropriation.

(2) Child welfare and juvenile justice services funds designated for the initiative by ~~a departmental service area manager~~ the department.

(3) Juvenile justice program funds designated for the initiative by a chief juvenile court officer.

(4) Carryover funding.

(5) Any other source designating moneys for the funding pool.

c. The services and activities funded from a project's funding pool may vary depending upon the strategies selected by the project's governance board and shall be detailed in an annual child welfare and juvenile justice decategorization services plan developed by the governance board. A decategorization governance board shall involve community representatives and county organizations in the development of the plan for that project's funding pool. In addition, the governance board shall coordinate efforts through communication with the ~~appropriate departmental service area manager~~ department regarding budget planning and decategorization service decisions.

d. A decategorization governance board is responsible for ensuring that decategorization services expenditures from that project's funding pool do not exceed the amount of funding available. If necessary, the governance board shall reduce expenditures or discontinue specific services as necessary to manage within the funding pool resources available for a fiscal year.

e. The annual child welfare and juvenile justice decategorization services plan developed for use of the funding pool by a decategorization governance board shall be submitted to the department ~~administrator of child welfare services~~ and the early childhood Iowa state board. In addition, the decategorization governance board shall submit an annual progress report to the department ~~administrator~~ and the early childhood Iowa state board which summarizes the progress made toward attaining the objectives contained in the plan. The progress report shall serve as an opportunity for information sharing and feedback.

6. *Departmental role.* ~~A~~ The departmental ~~service area's~~ share of the child welfare appropriation that is not allocated by law for the decategorization initiative shall be managed

by and is under the authority of the ~~service area manager~~ department. ~~A service area manager~~ The department is responsible for meeting the child welfare service needs ~~in the counties comprising the service area~~ with the available funding resources.

Sec. 686. Section 232.189, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Based upon a model reasonable efforts family court initiative, the director ~~of human services~~ and the chief justice of the supreme court or their designees shall jointly establish and implement a statewide protocol for reasonable efforts, as defined in section 232.102. In addition, the director and the chief justice shall design and implement a system for judicial and departmental reasonable efforts education for deployment throughout the state. The system for reasonable efforts education shall be developed in a manner which addresses the particular needs of rural areas and shall include but is not limited to all of the following topics:

Sec. 687. Section 232B.3, Code 2023, is amended by adding the following new subsections:

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

NEW SUBSECTION. 3B. *"Director"* means the director of health and human services.

Sec. 688. Section 232B.9, subsections 8 and 9, Code 2023, are amended to read as follows:

8. A record of each foster care placement, emergency removal, preadoptive placement, or adoptive placement of an Indian child, under the laws of this state, shall be maintained in perpetuity by the department ~~of human services~~ in accordance with section 232B.13. The record shall document the active efforts to comply with the applicable order of preference specified in this section.

9. The state of Iowa recognizes the authority of Indian tribes to license foster homes and to license agencies to

1 receive children for control, care, and maintenance outside
2 of the children's own homes, or to place, receive, arrange
3 the placement of, or assist in the placement of children for
4 foster care or adoption. The department ~~of human services~~ and
5 child-placing agencies licensed under chapter 238 may place
6 children in foster homes and facilities licensed by an Indian
7 tribe.
8 Sec. 689. Section 232B.11, subsections 1 and 2, Code 2023,
9 are amended to read as follows:
10 1. The director ~~of human services~~ or the director's designee
11 shall make a good faith effort to enter into agreements
12 with Indian tribes regarding jurisdiction over child custody
13 proceedings and the care and custody of Indian children whose
14 tribes have land within Iowa, including but not limited to
15 the Sac and Fox tribe, the Omaha tribe, the Ponca tribe, and
16 the Winnebago tribe, and whose tribes have an Indian child
17 who resides in the state of Iowa. An agreement shall seek to
18 promote the continued existence and integrity of the Indian
19 tribe as a political entity and the vital interest of Indian
20 children in securing and maintaining a political, cultural,
21 and social relationship with their tribes. An agreement
22 shall assure that tribal services and Indian organizations
23 or agencies are used to the greatest extent practicable in
24 planning and implementing any action pursuant to the agreement
25 concerning the care and custody of Indian children. If tribal
26 services are not available, an agreement shall assure that
27 community services and resources developed specifically for
28 Indian families will be used.
29 2. If an agreement entered into between the tribe and the
30 department ~~of human services~~ pertaining to the funding of
31 foster care placements for Indian children conflicts with any
32 federal or state law, the state in a timely, good faith manner
33 shall agree to amend the agreement in a way that prevents any
34 interruption of services to eligible Indian children.
35 Sec. 690. Section 232B.12, Code 2023, is amended to read as

follows:

232B.12 Payment of foster care expenses.

1. If the department ~~of human services~~ has legal custody of an Indian child and that child is placed in foster care according to the placement preferences under section 232B.9 the state shall pay, subject to any applicable federal funding limitations and requirements, the cost of the foster care in the manner and to the same extent the state pays for foster care of non-Indian children, including the administrative and training costs associated with the placement. In addition, the state shall pay the other costs related to the foster care placement of an Indian child as may be provided for in an agreement entered into between a tribe and the state.

2. The department ~~of human services~~ may, subject to any applicable federal funding limitations and requirements and within funds appropriated for foster care services, purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state court order; and the purchase of the care is subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Sec. 691. Section 232B.13, subsections 1, 3, 4, and 5, Code 2023, are amended to read as follows:

1. The department ~~of human services~~ shall establish an automated database where a permanent record shall be maintained of every involuntary or voluntary foster care, preadoptive placement, or adoptive placement of an Indian child that is ordered by a court of this state and in which the department was involved. The automated record shall document the active efforts made to comply with the order of placement preference specified in section 232B.9. An Indian child's placement record shall be maintained in perpetuity by the department ~~of human services~~ and shall include but is not limited to the name, birthdate, and gender of the Indian child, and the

location of the local department office that maintains the original file and documents containing the information listed in subsection 2.

3. If a court orders the foster care, preadoptive placement, or adoptive placement of an Indian child, the court and any state-licensed child-placing agency involved in the placement shall provide the department ~~of human services~~ with the records described in subsections 1 and 2.

4. A record maintained pursuant to this section by the department ~~of human services~~, a county department of human services, state-licensed child-placing agency, private attorney, or medical facility shall be made available within seven days of a request for the record by the Indian child's tribe or the secretary of the interior.

5. Upon the request of an Indian individual who is eighteen years of age or older, or upon the request of an Indian child's parent, Indian custodian, attorney, guardian ad litem, guardian, legal custodian, or caseworker of the Indian child, the department ~~of human services~~, a county department of human services, state-licensed child-placing agency, private attorney, or medical facility shall provide access to the records pertaining to the Indian individual or child maintained pursuant to this section. The records shall also be made available upon the request of the descendants of the Indian individual or child. A record shall be made available within seven days of a request for the record by any person authorized by this subsection to make the request.

Sec. 692. Section 232B.14, subsection 1, Code 2023, is amended to read as follows:

1. The department ~~of human services~~, in consultation with Indian tribes, shall establish standards and procedures for the department's review of cases subject to this chapter and methods for monitoring the department's compliance with provisions of the federal Indian Child Welfare Act and this chapter. These standards and procedures and the monitoring

methods shall be integrated into the department's structure and plan for the federal government's child and family service review process and any program improvement plan resulting from that process.

Sec. 693. Section 232C.2, subsection 1, Code 2023, is amended to read as follows:

1. Prior to an emancipation hearing held pursuant to section 232C.1, the court, on its own motion, may stay the proceedings, and refer the parties to mediation or request that the department of health and human services investigate any allegations of child abuse or neglect contained in the petition, and order that a written report be prepared and filed by the department.

Sec. 694. Section 232C.4, subsection 6, Code 2023, is amended to read as follows:

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify ~~the~~ child support ~~recovery unit~~ services of the department of health and human services of the emancipation.

Sec. 695. Section 232D.204, subsection 4, Code 2023, is amended to read as follows:

4. A proceeding under this section shall not create a new eligibility category for the department of health and human services protective services.

Sec. 696. Section 232D.307, subsection 3, Code 2023, is amended to read as follows:

3. The judicial branch in conjunction with the department of public safety, the department of health and human services, and the state chief information officer shall establish procedures for electronic access to the single contact repository necessary to conduct background checks requested under subsection 1.

Sec. 697. Section 233.2, subsection 2, paragraphs c and d, Code 2023, are amended to read as follows:

c. If the physical custody of the newborn infant is

relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of health and human services.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of ~~public~~ health and human services shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

Sec. 698. Section 233.2, subsection 3, Code 2023, is amended to read as follows:

3. As soon as possible after the individual on duty or first responder assumes physical custody of a newborn infant released under subsection 1, the individual or first responder shall notify the department of health and human services and the department shall take the actions necessary to assume the care, control, and custody of the newborn infant. The department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. Within twenty-four hours of taking custody of the newborn infant, the department shall

notify the juvenile court and the county attorney in writing of the department's action and the circumstances surrounding the action.

Sec. 699. Section 233.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of health and human services, in consultation with the ~~Iowa department of public health and the~~ department of justice, shall develop and distribute the following:

Sec. 700. Section 233A.1, Code 2023, is amended to read as follows:

233A.1 State training school — Eldora.

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at the state training school to provide court-committed male juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora shall be known as the *"state training school"*.

3. For the purposes of this chapter ~~*"director"*~~:

a. "Department" means the department of health and human services.

b. "Director" means the director of health and human services ~~and *"superintendent"*~~.

c. "State training school" means the diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora.

d. "Superintendent" means the administrator in charge of the ~~diagnosis and evaluation center for juvenile delinquents and other units at the~~ state training school.

~~3.~~ 4. The number of children present at any one time at

the state training school shall not exceed the population guidelines established under 1990 Iowa Acts, ch. 1239, §21, as adjusted for subsequent changes in the capacity at the training school.

Sec. 701. Section 233A.3, Code 2023, is amended to read as follows:

233A.3 Salary.

The salary of the superintendent of the state training school shall be determined by the ~~administrator~~ director.

Sec. 702. Section 233A.6, Code 2023, is amended to read as follows:

233A.6 Visits.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, magistrates, county attorneys, and persons ordained or designated as regular leaders of a religious community ~~are authorized to~~ may visit the state training school at reasonable times. No other person shall be granted admission except by permission of the superintendent.

Sec. 703. Section 233A.7, Code 2023, is amended to read as follows:

233A.7 Placing in families.

All children committed to and received in the state training school may be placed by the department under foster care arrangements, with any persons or in families of good standing and character where ~~they~~ the children will be properly cared for and educated. The cost of foster care provided under these arrangements shall be paid as provided in section 234.35.

Sec. 704. Section 233A.8, Code 2023, is amended to read as follows:

233A.8 Articles of agreement.

~~Such children shall be so~~ A child placed in foster care as provided in section 233A.7 shall be placed under articles of agreement, approved by the ~~administrator~~ director and signed

by the person or persons ~~taking them~~ providing foster care and by the superintendent. ~~Said~~ The articles of agreement shall provide for the custody, care, education, maintenance, and earnings of ~~said children~~ the child for a time ~~to be fixed~~ specified in ~~said~~ the articles, which shall not extend beyond the time ~~when the persons bound shall attain~~ the child attains ~~age of~~ eighteen years of age.

Sec. 705. Section 233A.9, Code 2023, is amended to read as follows:

233A.9 Resuming custody of child.

~~In case~~ If a child ~~so~~ placed ~~be~~ in foster care as provided in section 233A.7 is not given the care, education, treatment, and maintenance required by ~~such~~ the articles of agreement, the ~~administrator~~ director may ~~cause the child to be taken from the person with whom placed and returned~~ return the child to the ~~institution~~ state training school, ~~or may replace~~ place the child in a different foster care placement, or release~~,~~ or finally discharge the child ~~as may seem best~~.

Sec. 706. Section 233A.10, Code 2023, is amended to read as follows:

233A.10 Unlawful interference.

It shall be unlawful for any parent or other person not a party to ~~such~~ the placing of a child in foster care to interfere in any manner or assume or exercise any control over ~~such~~ the child or the child's earnings. ~~Said~~ The child's earnings shall be used, held, or otherwise applied for the exclusive benefit of ~~such~~ the child, in accordance with section 234.37.

Sec. 707. Section 233A.11, Code 2023, is amended to read as follows:

233A.11 County attorney to appear for child.

In case legal proceedings are necessary to enforce any right conferred on any child by sections 233A.7 through 233A.10, the county attorney of the county in which such proceedings should be instituted shall, on the request of the

superintendent, ~~approved by~~ subject to the approval of the ~~administrator~~ director, institute and carry ~~on, in the name of the superintendent,~~ out the proceedings ~~in~~ on behalf of the superintendent.

Sec. 708. Section 233A.12, Code 2023, is amended to read as follows:

233A.12 Discharge or parole.

The ~~administrator~~ director may at any time after one year's service order the discharge or parole of any inmate as a reward for good conduct, and may, in exceptional cases, discharge or parole inmates without regard to the length of their service or conduct, when satisfied that the reasons ~~therefor~~ for the discharge or parole are urgent and sufficient. If paroled upon satisfactory evidence of reformation, the order may remain in effect or terminate under ~~such~~ rules ~~as the administrator may prescribe~~ prescribed by the director.

Sec. 709. Section 233A.13, Code 2023, is amended to read as follows:

233A.13 ~~Binding out or discharge~~ Discharge.

The ~~binding out or the~~ discharge of an inmate as reformed~~,~~ or having arrived at ~~the age of~~ eighteen years of age, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school.

Sec. 710. Section 233A.14, Code 2023, is amended to read as follows:

233A.14 Transfers to other institutions.

The ~~administrator~~ director may transfer minor wards of the state to the state training school ~~minor wards of the state~~ from any institution under the ~~administrator's charge~~ director's control, but ~~no~~ a person shall not be ~~so~~ transferred who ~~is mentally ill or~~ has a mental illness or an intellectual disability. Any child in the state training school who ~~is mentally ill~~ has a mental illness or ~~has~~ an intellectual disability may be transferred by the ~~administrator~~ director to

the proper state institution.

Sec. 711. Section 233A.15, Code 2023, is amended to read as follows:

233A.15 Transfers to work in parks.

1. The ~~administrator~~ director may ~~detail~~ assign children~~,~~ ~~classed as~~ from the state training school deemed trustworthy, ~~from the state training school,~~ to perform services for the department of natural resources within the state parks, state game and forest areas, and other lands under the jurisdiction of the department of natural resources. The department of natural resources shall provide permanent housing and work guidance supervision, but the care and custody of the children ~~so detailed~~ assigned shall remain ~~under employees of the division of child and family services of~~ with the department ~~of human services~~. All ~~such~~ programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills, and habit patterns which will be conducive to the habilitation of the ~~youths~~ children involved.

2. The ~~administrator is hereby authorized to~~ director may use state-owned mobile housing equipment and facilities in performing services at temporary locations in the areas described in subsection 1.

Sec. 712. Section 234.1, Code 2023, is amended to read as follows:

234.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the division.~~

~~2.~~ 1. *"Child"* means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets all of the following conditions:

a. The person was placed by court order issued pursuant to chapter 232 in foster care or in an institution listed in section 218.1 and either of the following situations apply to the person:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or for placement in a supervised apartment living arrangement, in this state.

b. The person has demonstrated a willingness to participate in case planning and to complete the responsibilities prescribed in the person's case permanency plan.

c. The department has made an application for the person for adult services upon a determination that it is likely the person will need or be eligible for services or other support from the adult services system.

~~3. *"Division"* or *"state division"* means that division of the department of human services to which the director has assigned responsibility for income and service programs.~~

~~4. *"Food assistance program"* means the benefits provided through the United States department of agriculture program administered by the department of human services in accordance with 7 C.F.R. pts. 270 — 283.~~

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

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

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

5. *"Food programs"* means the ~~food stamp~~ supplemental nutrition assistance program and donated foods programs authorized by federal law under the United States department of agriculture.

6. *"Supplemental nutrition assistance program"* or *"SNAP"*

means benefits provided by the federal program administered through 7 C.F.R. pts. 270 — 280, as amended.

Sec. 713. Section 234.4, Code 2023, is amended to read as follows:

234.4 Education of children in departmental programs.

If the department ~~of human services~~ has custody or has other responsibility for a child based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child's school attendance. As part of fulfilling the responsibilities described in this section, if the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student's degree of success in adjusting to the different school.

Sec. 714. Section 234.6, Code 2023, is amended to read as follows:

234.6 Powers and duties of the ~~administrator~~ director.

1. The ~~administrator shall be vested with the authority to~~ director shall administer the family investment program, state supplementary assistance, food programs, child welfare, and emergency relief, family and adult service programs, and any other form of public ~~welfare~~ assistance and institutions that are placed under the ~~administrator's~~ director's administration. The ~~administrator~~ director shall perform duties, ~~shall~~ formulate and adopt rules as ~~may be~~ necessary, and ~~shall~~ outline policies, dictate procedure, and delegate ~~such~~ powers as ~~may be~~ necessary for competent and efficient administration. Subject to restrictions that may be imposed by the ~~director of human services and the~~ council ~~on human~~

1 ~~services~~, the ~~administrator~~ director may abolish, alter,
2 consolidate, or establish ~~subdivisions~~ subunits and ~~may~~ abolish
3 or change ~~offices previously created~~ existing subunits. The
4 ~~administrator~~ director may employ necessary personnel and
5 ~~fix~~ determine their compensation; may allocate or reallocate
6 functions and duties among ~~any subdivisions now existing or~~
7 ~~later established~~ subunits; and may adopt rules relating to the
8 employment of personnel and the allocation of their functions
9 and duties among the various ~~subdivisions~~ subunits as required
10 for competent and efficient administration ~~may require~~. The
11 ~~administrator~~ director shall do all of the following:
12 *a.* Cooperate with the social security administration created
13 by the Social Security Act and codified at 42 U.S.C. §901,
14 or other agency of the federal government for public ~~welfare~~
15 assistance, in such reasonable manner as may be necessary to
16 qualify for federal aid, including the making of such reports
17 in such form and containing such information as the social
18 security administration, from time to time, may require,
19 and to comply with such regulations as such social security
20 administration, from time to time, may find necessary to assure
21 the correctness and verification of such reports.
22 *b.* Furnish information to acquaint the public generally
23 with the operation of the federal Acts under the director's
24 jurisdiction ~~of the administrator~~.
25 *c.* With the approval of the ~~director of human services,~~
26 ~~the~~ governor, the director of the department of management,
27 and the director of the department of administrative services,
28 ~~set up~~ establish an administrative fund from the funds under
29 the ~~administrator's~~ director's control and management ~~an~~
30 ~~administrative fund~~ and from the administrative fund pay the
31 expenses of operating the ~~division~~ department's duties under
32 this chapter.
33 *d.* Notwithstanding any provisions to the contrary in chapter
34 239B relating to the consideration of income and resources
35 of claimants for assistance, ~~the administrator,~~ and with the

consent and approval of the ~~director of human services and the~~ council ~~on human services~~, ~~shall make such~~ adopt rules ~~as may be~~ necessary to qualify for federal aid in the assistance programs administered by the ~~administrator~~ director.

e. ~~Have authority to use~~ Use funds available to the department, subject to any limitations placed on the use ~~thereof~~ of the funds by the legislation appropriating the funds, to provide to or purchase, for eligible families and individuals ~~eligible therefor~~, services including but not limited to the following:

(1) Child care for children or adult day services, in facilities which are licensed or are approved as meeting standards for licensure.

(2) Foster care, including foster family care, group homes, and institutions.

(3) Family-centered services, as defined in section 232.102A, subsection 1, paragraph *"b"*.

(4) Family planning.

(5) Protective services.

(6) Services or support provided to a child with an intellectual disability or other developmental disability or to the child's family.

(7) Transportation services.

(8) Any services, not otherwise enumerated in this paragraph *"e"*, authorized by or pursuant to the United States Social Security Act of 1934, as amended.

f. Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs ~~to the director~~ for adoption pursuant to chapter 17A.

g. Provide consulting and technical services to the director of the department of education, or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

h. Recommend rules for their adoption by the council ~~on human services~~ for before and after school child care programs,

conducted within and by or contracted for by school districts, that are appropriate for the ages of the children who receive services under the programs.

2. The department ~~of human services shall have the power and authority to~~ may use the funds available ~~to it,~~ to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes, and institutional care.

3. In determining the reimbursement rate for services purchased by the department ~~of human services~~ from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

Sec. 715. Section 234.7, Code 2023, is amended to read as follows:

234.7 Department duties.

1. The department ~~of human services~~ shall comply with the provision associated with child foster care licensees under chapter 237 that requires that a child's foster parent be included in, and be provided timely notice of, planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

2. *a.* The department ~~of human services~~ shall submit a waiver request to the United States department of health and human services as necessary to provide coverage under the medical assistance program for children who are described by both of the following:

(1) The child needs behavioral health care services and qualifies for the care level provided by a psychiatric medical institution for children licensed under chapter 135H.

(2) The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage

as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others and whose parent, guardian, or custodian is unable to provide such treatment.

b. The waiver request shall provide for appropriately addressing the needs of children described in paragraph *"a"* by implementing any of the following options: using a wraparound services approach, renegotiating the medical assistance program contract provisions for behavioral health services, or applying another approach for appropriately meeting the children's needs.

c. If federal approval of the waiver request is not received, the department shall submit options to the governor and general assembly to meet the needs of such children through a state-funded program.

Sec. 716. Section 234.8, Code 2023, is amended to read as follows:

234.8 Fees for child welfare services.

The department ~~of human services~~ may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section 8A.504. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to

section 234.39.

Sec. 717. Section 234.12, Code 2023, is amended to read as follows:

234.12 Department to provide food programs.

1. The department ~~of human services is authorized to~~ may enter into ~~such~~ agreements with agencies of the federal government as ~~are~~ necessary ~~in order~~ to make available to the people of this state any federal food programs which may, under federal laws and regulations, be implemented in this state. Each ~~such~~ program shall be implemented in every county in the state, or in each county where implementation is permitted by federal laws and regulations.

2. The provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §115, shall not apply to an applicant for or recipient of ~~food stamp~~ supplemental nutrition assistance program benefits in this state. However, the department ~~of human services~~ may apply contingent eligibility requirements as provided under state law and allowed under federal law.

3. Upon request by the department ~~of human services~~, the department of inspections and appeals shall conduct investigations into possible fraudulent practices, as described in section 234.13, relating to food programs administered by the department ~~of human services~~.

Sec. 718. Section 234.12A, Code 2023, is amended to read as follows:

234.12A Electronic benefits transfer program.

1. The department ~~of human services~~ shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the ~~food~~ supplemental nutrition assistance program. The electronic benefits transfer program implemented under this section shall not require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

2. A point-of-sale terminal which is used only for purchases from a retailer by electronic benefits transfer utilizing electronic funds transfer systems is not a satellite terminal as defined in section 527.2.

3. For the purposes of this section, *"retailer"* means a business authorized by the United States department of agriculture to accept ~~food~~ supplemental nutrition assistance program benefits.

Sec. 719. Section 234.13, Code 2023, is amended to read as follows:

234.13 Fraudulent practices relating to food programs.

For the purposes of this section, unless the context otherwise requires, *"benefit transfer instrument"* means a ~~food stamp~~ supplemental nutrition assistance program coupon, authorization-to-purchase card, or electronic benefits transfer card. A person commits a fraudulent practice if that person does any of the following:

1. With intent to gain financial assistance to which that person is not entitled, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department ~~of human services~~ any change in income, resources or other circumstances affecting that person's entitlement to such financial assistance.

2. As a beneficiary of the food programs, transfers any ~~food stamp~~ supplemental nutrition assistance program benefit transfer instrument to any other individual with intent that the benefit transfer instrument be used for the benefit of someone other than persons within the beneficiary's ~~food stamp~~ supplemental nutrition assistance program household as certified by the department ~~of human services~~.

3. Knowingly acquires, uses or attempts to use any ~~food stamp~~ supplemental nutrition assistance program benefit transfer instrument which was not issued for the benefit of that person's ~~food stamp~~ supplemental nutrition assistance program household by the department ~~of human services~~, or by an

agency administering food programs in another state.

4. Acquires, alters, transfers, or redeems a ~~food stamp~~ supplemental nutrition assistance benefit transfer instrument or possesses a benefit transfer instrument, knowing that the benefit transfer instrument has been received, transferred, or used in violation of this section or the provisions of the federal ~~food stamp~~ supplemental nutrition assistance program under 7 U.S.C. ch. 51 or the federal regulations issued pursuant to that chapter.

Sec. 720. Section 234.14, Code 2023, is amended to read as follows:

234.14 Federal grants.

The state treasurer ~~is hereby authorized to~~ may receive ~~such~~ federal funds ~~as may be~~ made available for carrying out any of the activities and functions of the ~~state division~~ department under this chapter, and all such funds are ~~hereby~~ appropriated for expenditure upon authorization of the ~~administrator~~ director.

Sec. 721. Section 234.21, Code 2023, is amended to read as follows:

234.21 Services to be offered.

The ~~state division~~ department may offer, provide to, or purchase family planning and birth control services ~~to~~ for every ~~person who is an~~ eligible applicant or recipient of ~~service~~ services or any financial assistance from the department ~~of human services~~, or who is receiving federal supplementary security income as defined in section 249.1.

Sec. 722. Section 234.22, Code 2023, is amended to read as follows:

234.22 Extent of services.

~~Such~~ The family planning and birth control services may include ~~interview~~ interviews with trained personnel; distribution of literature; referral to a licensed physician or physician assistant for consultation, examination, tests, medical treatment, and ~~prescription~~ prescriptions; and, to

the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products.

Sec. 723. Section 234.23, Code 2023, is amended to read as follows:

234.23 Charge for services.

In making provision for and offering such services, the ~~state division~~ department may charge ~~those~~ persons to whom family planning and birth control services are rendered a fee sufficient to reimburse the ~~state division~~ department all or any portion of the costs of the services rendered.

Sec. 724. Section 234.35, Code 2023, is amended to read as follows:

234.35 When state to pay foster care costs.

1. The department ~~of human services~~ is responsible for paying the cost of foster care for a child, according to rates established pursuant to section 234.38, under any of the following circumstances:

a. When a court has committed the child to the director ~~of human services~~ or the director's designee.

b. When a court has transferred legal custody of the child to the department ~~of human services~~.

c. When the department has agreed to provide foster care services for the child for a period of not more than ninety days on the basis of a signed placement agreement between the department and the child's parent or guardian.

d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.

e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.46, section 232.52, subsection 2, paragraph *"d"*, or section 232.102, subsection 1. However, payment shall not be made for a group foster care placement unless the group foster care meets requirements as established by the department by

rule.

f. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.

g. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.

h. When the child is placed in shelter care pursuant to section 232.20, subsection 1, or section 232.21.

2. Except as provided under section 234.38 for direct payment of foster parents, payment for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. Family foster care or supervised apartment living arrangements.

b. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interest, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 725. Section 234.37, Code 2023, is amended to read as follows:

234.37 Department may establish accounts for certain children.

The department ~~of human services is authorized to~~ may establish an account in the name of any child committed to the director ~~of human services~~ or the director's designee, or whose legal custody has been transferred to the department, or who is voluntarily placed in foster care pursuant to section

234.35. Any money which the child receives from the United States government or any private source shall be placed in the child's account, unless a guardian of the child's property has been appointed and demands the money, in which case it shall be paid to the guardian. The account shall be maintained by the department as trustee for the child in an interest-bearing account at a reputable bank or savings association, except that if the child is residing at an institution administered by the department a limited amount of the child's funds may be maintained in a separate account, which need not be interest bearing, in the child's name at the institution. Any money held in an account in the child's name or in trust for the child under this section may be used, at the discretion of the department and subject to restrictions lawfully imposed by the United States government or other source from which the child receives the funds, for the purchase of personal incidentals, desires and comforts of the child. All of the money held for a child by the department under this section and not used in the child's behalf as authorized by law shall be promptly paid to the child or the child's parent or legal guardian upon termination of the commitment of the child to the director or the director's designee, or upon transfer or cessation of legal custody of the child by the department.

Sec. 726. Section 234.38, Code 2023, is amended to read as follows:

234.38 Foster care reimbursement rates.

The department ~~of human services~~ shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 1, paragraph *"e"*, subparagraph (2), or section 234.35. In any fiscal year, the reimbursement rate shall be based upon sixty-five percent of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the fiscal year. The department may pay an additional stipend for a child with special needs.

Sec. 727. Section 234.39, Code 2023, is amended to read as follows:

234.39 Responsibility for cost of services.

1. It is the intent of this chapter that an individual receiving foster care services and the individual's parents or guardians shall have primary responsibility for paying the cost of the care and services. The support obligation established and adopted under this section shall be consistent with the limitations on legal liability established under sections 222.78 and 230.15, and by any other statute limiting legal responsibility for support which may be imposed on a person for the cost of care and services provided by the department. The department shall notify an individual's parents or guardians, at the time of the placement of an individual in foster care, of the responsibility for paying the cost of care and services. Support obligations shall be established as follows:

a. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department. The amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing shall be established in accordance with the child support guidelines prescribed under section 598.21B. However, the court, or the department ~~of human services~~ in establishing support by administrative order, may deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines

amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care ~~recovery unit~~ services. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, ~~the~~ child support ~~recovery unit~~ services may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or ~~the~~ child support ~~recovery unit~~ services may enforce the judgment as allowed by law. An order entered under this paragraph may be modified only in accordance with the guidelines prescribed under section 598.21C, or under chapter 252H.

b. For an individual who is served by the department ~~of human services~~ under section 234.35, and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, the department shall determine the obligation of the individual's parent or guardian pursuant to chapter 252C and in accordance with the child support guidelines prescribed under section 598.21B. However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. An obligation determined under this paragraph may be modified only in accordance with conditions under section 598.21C, or under chapter 252H.

2. A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall

notify the clerk of the district court when a child entitled to support payments is receiving foster care services pursuant to chapter 234. Upon notification by the department that a child entitled to periodic support payments is receiving foster care services, the clerk of the district court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of assignment. The clerk of court shall furnish the department with copies of all orders and decrees awarding support when the child is receiving foster care services. At the time the child ceases to receive foster care services, the assignment of support shall be automatically terminated. Unpaid support accrued under the assignment of support rights during the time that the child was in foster care remains due to the department up to the amount of unreimbursed foster care funds expended. The department shall notify the clerk of court of the automatic termination of the assignment. Unless otherwise specified in the support order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

3. The support debt for the costs of services, for which a support obligation is established pursuant to this section, which accrues prior to the establishment of the support debt, shall be collected, at a maximum, in the amount which is the amount of accrued support debt for the three months preceding the earlier of the following:

a. The provision by ~~the~~ child support ~~recovery unit~~ services of the initial notice to the parent or guardian of the amount of the support obligation.

b. The date that the written request for a court hearing is received by ~~the~~ child support ~~recovery unit~~ services as provided in section 252C.3 or 252F.3.

4. If the department makes a subsidized guardianship payment for a child, the payment shall be considered a foster

care payment for purposes of child support ~~recovery~~ services. All provisions of this and other sections, and of rules and orders adopted or entered pursuant to those sections, including for the establishment of a paternity or support order, for the amount of a support obligation, for the modification or adjustment of a support obligation, for the assignment of support, and for enforcement shall apply as if the child were receiving foster care services, or were in foster care placement, or as if foster care funds were being expended for the child. This subsection shall apply regardless of the date of placement in foster care or subsidized guardianship or the date of entry of an order, and foster care and subsidized guardianship shall be considered the same for purposes of child support ~~recovery~~ services.

Sec. 728. Section 234.40, Code 2023, is amended to read as follows:

234.40 Corporal punishment.

The department ~~of human services~~ shall adopt rules prohibiting corporal punishment of foster children by foster parents licensed by the department. The rules shall allow foster parents to use reasonable physical force to restrain a foster child in order to prevent injury to the foster child, injury to others, the destruction of property, or extremely disruptive behavior. For the purposes of this section, *"corporal punishment"* means the intentional physical punishment of a foster child. A foster parent's physical contact with the body of a foster child shall not be considered corporal punishment if the contact is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the foster parent uses reasonable force, as defined under section 704.1.

Sec. 729. Section 234.41, Code 2023, is amended to read as follows:

234.41 Tort actions.

A foster parent licensed by the department ~~of human services~~

stands in the same relationship to the foster parent's minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a biological parent to the biological parent's minor child who resides at home. This section does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the foster child to a danger caused by violation of a statute or the rules of the department ~~of human services~~.

Sec. 730. Section 234.45, Code 2023, is amended to read as follows:

234.45 Iowa marriage initiative grant fund.

1. An Iowa marriage initiative grant fund is established in the state treasury under the authority of the department ~~of human services~~. The grant fund shall consist of moneys appropriated to the fund and notwithstanding section 8.33 such moneys shall not revert to the fund from which appropriated at the close of the fiscal year but shall remain in the Iowa marriage initiative grant fund. Moneys credited to the fund shall be used as directed in appropriations made by the general assembly for funding of services to support marriage and to encourage the formation and maintenance of two-parent families that are secure and nurturing.

2. It is the intent of the general assembly to credit to the Iowa marriage initiative grant fund, federal moneys provided to the state for the express purpose of supporting marriage or two-parent families.

Sec. 731. Section 234.46, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division~~ department shall establish a preparation for adult living program directed to young adults. The purpose of the program is to assist persons who are leaving foster care and other court-ordered services at age eighteen or older in making the transition to self-sufficiency. The department shall adopt rules necessary for administration of

the program, including but not limited to eligibility criteria for young adult participation and the services and other support available under the program. The rules shall provide for participation of each person who meets the definition of young adult on the same basis, regardless of whether federal financial participation is provided. The services and other support available under the program may include but are not limited to any of the following:

Sec. 732. Section 234.47, Code 2023, is amended to read as follows:

234.47 State child care assistance and adoption subsidy programs —— expenditure projections.

The department ~~of human services~~, the department of management, and the legislative services agency shall utilize a joint process to arrive at consensus projections for expenditures for the state child care assistance program under section 237A.13 and adoption subsidy and other assistance provided under section 600.17.

Sec. 733. Section 235.1, Code 2023, is amended to read as follows:

235.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Administrator"* means the same as defined in section 234.1.~~

~~2.~~ 1. *"Child"* means the same as defined in section 234.1.

~~3.~~ 2. *"Child welfare services"* means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or an intellectual disability or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in

the least restrictive setting available and in close proximity to the child's home.

~~4. *"State division"* means the same as defined in section 234.1.~~

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

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

Sec. 734. Section 235.2, Code 2023, is amended to read as follows:

235.2 Powers and duties of ~~state division~~ department.

The ~~state division~~ department, in addition to all other powers and duties given ~~it~~ the department by law, shall:

1. Administer and enforce the provisions of this chapter.

2. Join and cooperate with the government of the United States through its appropriate agency or instrumentality or with any other officer or agency of the federal government in planning, establishing, extending and strengthening public and private child welfare services within the state.

3. ~~Make such investigations~~ Investigate and ~~to~~ obtain ~~such~~ information ~~as will~~ to permit the ~~administrator~~ director to determine the need for public child welfare services within the state and within the ~~several~~ county departments ~~thereof~~.

4. Apply for and receive any funds which are or may be allotted to the state by the United States or any agency ~~thereof~~ of the United States for the purpose of developing child welfare services.

5. Make ~~such~~ reports and budget estimates to the governor and to the general assembly as ~~are~~ required by law or ~~such~~ as ~~are~~ necessary and proper to obtain the appropriation of state funds for child welfare services within the state and for all the purposes of this chapter.

6. Cooperate with the ~~several~~ county departments within the state, and all county boards of supervisors and other public or private agencies charged with the protection and care of

children, in the development of child welfare services.

7. Aid in the enforcement of all laws of the state for the protection and care of children.

8. Cooperate with the juvenile courts of the state and ~~with the other administrators and divisions of the~~ subunits within the department ~~of human services~~ regarding the management and control of state institutions and the inmates ~~thereof~~ of the institutions.

Sec. 735. Section 235.3, Code 2023, is amended to read as follows:

235.3 Powers and duties of ~~administrator~~ director.

The ~~administrator~~ director shall:

1. Plan and supervise all public child welfare services and activities within the state as provided by this chapter.

2. Make ~~such~~ reports and obtain and furnish ~~such~~ information ~~from time to time~~ as ~~may be~~ necessary to permit cooperation by the ~~state division~~ director with the United States children's bureau, the social security administration, or any other federal agency which is ~~now or may hereafter be~~ charged with any duty regarding child care or child welfare services.

3. Adopt rules as necessary or advisable for the supervision of the private child-caring agencies or their officers which the ~~administrator~~ department is empowered to license and supervise.

4. Supervise private institutions for the care of dependent, neglected, and delinquent children, and make reports regarding the institutions.

5. Designate and approve the private and county institutions within the state to which neglected, dependent, and delinquent children may be legally committed ~~and to have supervision of~~, supervise the care of children committed ~~thereto~~ to these institutions, and have the right ~~of visitation~~ to visit and ~~inspection of said~~ inspect these institutions at all times.

6. Receive and keep on file annual reports from all

institutions to which children subject to the jurisdiction of the juvenile court are committed, compile statistics regarding juvenile delinquency, make reports regarding juvenile delinquency, and study prevention and cure of juvenile delinquency.

7. Require and receive from the clerks of the courts of record within the state duplicates of the findings of the courts upon petitions for adoption, and keep records and compile statistics regarding adoptions.

8. License private child-placing agencies, make reports regarding ~~them~~ the agencies, and revoke ~~such~~ licenses.

9. Make ~~such~~ rules and regulations as ~~may be~~ necessary for the distribution and use of funds appropriated for child welfare services.

Sec. 736. Section 235.4, Code 2023, is amended to read as follows:

235.4 Licenses.

Licenses issued to private boarding homes for children and private child-placing agencies by the ~~administrator~~ department shall remain in effect for the period for which issued, unless sooner revoked according to law. Thereafter ~~each of such~~ the agencies shall apply to the ~~administrator~~ department for a new license, and shall submit to ~~such~~ rules regarding licensing as ~~the administrator prescribes~~ prescribed by the department.

Sec. 737. Section 235.7, Code 2023, is amended to read as follows:

235.7 Transition committees.

1. *Committees established.* The department ~~of human services~~ shall establish and maintain local transition committees to address the transition needs of ~~those~~ children receiving child welfare services who are age sixteen or older and have a case permanency plan as defined in section 232.2. The department shall adopt rules establishing criteria for transition committee membership, operating policies, and basic functions. The rules shall provide flexibility for a committee to adopt

protocols and other procedures appropriate for the geographic area addressed by the committee.

2. *Membership.* The department may authorize the governance boards of decategorization of child welfare and juvenile justice funding projects established under section 232.188 to appoint the transition committee membership and may utilize the boundaries of decategorization projects to establish the service areas for transition committees. The committee membership may include but is not limited to department ~~of human services~~ staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general assistance or emergency relief under chapter 251 or 252, or a regional administrator of the county mental health and disability services region, as defined in section 331.388, in the area, school district and area education agency staff involved with special education, and a child's court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

3. *Duties.* A transition committee shall review and approve the written plan of services required for the child's case permanency plan in accordance with section 232.2, subsection 4, paragraph *"g"*, which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. In addition, a transition committee shall identify and act to address any gaps existing in the services or other support available to meet the child and adult needs of individuals for whom service plans are approved.

Sec. 738. Section 235A.1, Code 2023, is amended to read as follows:

235A.1 Child abuse prevention program.

1. *a.* A program for the prevention of child abuse is established within the ~~state~~ department of health and human services. Any moneys appropriated by the general assembly for

child abuse prevention shall be used by the department ~~of human services~~ solely for the purposes of child abuse prevention and shall not be expended for treatment or other service delivery programs regularly maintained by the department. Moneys appropriated for child abuse prevention shall be used by the department through contract with an agency or organization which shall administer the funds with maximum use of voluntary administrative services for the following:

(1) Matching federal funds to purchase services relating to community-based programs for the prevention of child abuse and neglect.

(2) Funding the establishment or expansion of community-based prevention projects or educational programs for the prevention of child abuse and neglect.

(3) ~~To study and evaluate~~ Studying and evaluating community-based prevention projects and educational programs for the problems of families and children.

b. Funds for the programs or projects shall be applied for and received by a community-based volunteer coalition or council.

2. The director of health and human services may accept grants, gifts, and bequests from any source for the purposes designated in subsection 1. The director shall remit funds ~~so~~ received to the treasurer of state who shall deposit ~~them~~ the funds in the general fund of the state for the use of the child abuse prevention program.

Sec. 739. Section 235A.2, Code 2023, is amended to read as follows:

235A.2 Child abuse prevention program fund.

1. A child abuse prevention program fund is created in the state treasury under the control of the department of health and human services. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. The fund shall include moneys transferred to the fund pursuant to an income

tax checkoff provided in chapter 422, subchapter II, if applicable. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, for the purposes described in section 235A.1 of preventing child abuse and neglect.

Sec. 740. NEW SECTION. **235A.3 Child abuse prevention program advisory committee.**

The council on health and human services shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:

1. Advise the director of health and human services regarding expenditures of funds received for the child abuse prevention program.

2. Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.

3. Recommend changes in legislation and administrative rules to the general assembly and the appropriate department officials.

4. Require reports from state agencies and other entities as necessary to perform its duties.

5. Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.

6. Approve grant proposals.

Sec. 741. Section 235A.13, Code 2023, is amended to read as follows:

235A.13 Definitions.

The definitions in section 232.68 are applicable to this subchapter unless the context otherwise requires. As used

in chapter 232, subchapter III, part 2, and this subchapter, unless the context otherwise requires:

1. *"Assessment data"* means any of the following information pertaining to the department's evaluation of a family:

a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.

b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.

2. *"Child abuse information"* means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:

a. Report data.

b. Assessment data.

c. Disposition data.

3. *"Confidentiality"* means the withholding of information from any manner of communication, public or private.

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

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

6. *"Disposition data"* means information pertaining to an opinion or decision as to the occurrence of child abuse, including:

a. Any intermediate or ultimate opinion or decision reached by assessment personnel.

b. Any opinion or decision reached in the course of judicial proceedings.

c. The present status of any case.

~~6.~~ 7. *"Expungement"* means the process of destroying child abuse information.

~~7.~~ 8. *"Individually identified"* means any report, assessment, or disposition data which names the person or persons responsible or believed responsible for the child abuse.

1 ~~8.~~ 9. *"Multidisciplinary team"* means a group of individuals
2 who possess knowledge and skills related to the diagnosis,
3 assessment, and disposition of child abuse cases and who are
4 professionals practicing in the disciplines of medicine,
5 nursing, public health, substance ~~abuse~~ use disorder, domestic
6 violence, mental health, social work, child development,
7 education, law, juvenile probation, or law enforcement, or a
8 group established pursuant to section 235B.1, subsection 1.
9 ~~9.~~ 10. *"Near fatality"* means an injury to a child that,
10 as certified by a physician or physician assistant, placed the
11 child in serious or critical condition.
12 ~~10.~~ 11. *"Report data"* means any of the following
13 information pertaining to an assessment of an allegation of
14 child abuse in which the department has determined the alleged
15 child abuse meets the definition of child abuse:
16 *a.* The name and address of the child and the child's parents
17 or other persons responsible for the child's care.
18 *b.* The age of the child.
19 *c.* The nature and extent of the injury, including evidence
20 of any previous injury.
21 *d.* Additional information as to the nature, extent, and
22 cause of the injury, and the identity of the person or persons
23 alleged to be responsible for the injury.
24 *e.* The names and conditions of other children in the child's
25 home.
26 *f.* A recording made of an interview conducted under chapter
27 232 in association with a child abuse assessment.
28 *g.* Any other information believed to be helpful in
29 establishing the information in paragraph *"d"*.
30 ~~11.~~ 12. *"Sealing"* means the process of removing child abuse
31 information from authorized access as provided by this chapter.
32 Sec. 742. Section 235A.14, Code 2023, is amended to read as
33 follows:
34 **235A.14 Creation and maintenance of a central registry.**
35 1. There is created within the ~~state~~ department ~~of~~

1 ~~human services~~ a central registry for certain child abuse
2 information. The department shall organize and staff the
3 registry and adopt rules for its operation.
4 2. The registry shall collect, maintain and disseminate
5 child abuse information as provided for by this chapter.
6 3. The department shall maintain a toll-free telephone
7 line, which shall be available on a twenty-four hour a day,
8 seven-day a week basis and which the department ~~of human~~
9 ~~services~~ and all other persons may use to report cases of
10 suspected child abuse and that all persons authorized by this
11 chapter may use for obtaining child abuse information.
12 4. An oral report of suspected child abuse initially made to
13 the central registry shall be immediately transmitted by the
14 department to the appropriate county department of ~~social~~ human
15 services or law enforcement agency, or both.
16 5. The registry, upon receipt of a report of suspected
17 child abuse, shall search the records of the registry, and
18 if the records of the registry reveal any previous report of
19 child abuse involving the same child or any other child in
20 the same family, or if the records reveal any other pertinent
21 information with respect to the same child or any other child
22 in the same family, the appropriate office of the department ~~of~~
23 ~~human services~~ or law enforcement agency shall be immediately
24 notified of that fact.
25 6. The central registry shall include report data and
26 disposition data which is subject to placement in the central
27 registry under section 232.71D. The central registry shall not
28 include assessment data.
29 Sec. 743. Section 235A.15, subsection 2, paragraph b,
30 subparagraphs (2) and (4), Code 2023, are amended to read as
31 follows:
32 (2) To an employee or agent of the department ~~of human~~
33 ~~services~~ responsible for the assessment of a child abuse
34 report.
35 (4) To a multidisciplinary team, or to parties to an

interagency agreement entered into pursuant to section 280.25, if the department ~~of human services~~ approves the composition of the multidisciplinary team or the relevant provisions of the interagency agreement and determines that access to the team or to the parties to the interagency agreement is necessary to assist the department in the diagnosis, assessment, and disposition of a child abuse case.

Sec. 744. Section 235A.15, subsection 2, paragraph c, subparagraph (8), Code 2023, is amended to read as follows:

(8) To an administrator of an agency certified by the department ~~of human services~~ to provide services under a medical assistance home and community-based services waiver, if the data concerns a person employed by or being considered by the agency for employment.

Sec. 745. Section 235A.15, subsection 2, paragraph d, subparagraph (7), Code 2023, is amended to read as follows:

(7) Each licensing board specified under chapter 147 and the ~~Iowa~~ department ~~of public health~~ for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

Sec. 746. Section 235A.15, subsection 2, paragraph e, subparagraphs (6), (8), and (12), Code 2023, are amended to read as follows:

(6) To the attorney for the department ~~of human services~~ who is responsible for representing the department.

(8) To an employee or agent of the department ~~of human services~~ regarding a person who is providing child care if the person is not registered or licensed to operate a child care facility.

(12) To the department ~~of human services~~ for a record check relating to employment or residence pursuant to section 218.13.

Sec. 747. Section 235A.15, subsection 7, Code 2023, is amended to read as follows:

7. If the director ~~of human services~~ receives a written

1 request for information regarding a specific case of child
2 abuse involving a fatality or near fatality to a child from the
3 majority or minority leader of the senate or the speaker or the
4 minority leader of the house of representatives, the director
5 or the director's designee shall arrange for a confidential
6 meeting with the requestor or the requestor's designee. In the
7 confidential meeting the director or the director's designee
8 shall share all pertinent information concerning the case,
9 including but not limited to child abuse information. Any
10 written document distributed by the director or the director's
11 designee at the confidential meeting shall not be removed
12 from the meeting and a participant in the meeting shall be
13 subject to the restriction on redissemination of confidential
14 information applicable to a person under section 235A.17,
15 subsection 3, for confidential information disclosed to the
16 participant at the meeting. A participant in the meeting
17 may issue a report to the governor or make general public
18 statements concerning the department's handling of the case of
19 child abuse.
20 Sec. 748. Section 235A.15, subsection 9, unnumbered
21 paragraph 1, Code 2023, is amended to read as follows:
22 If, apart from a request made pursuant to subsection 7
23 or 8, the department receives from a member of the public a
24 request for information relating to a case of founded child
25 abuse involving a fatality or near fatality to a child, the
26 response to the request shall be made in accordance with this
27 subsection and subsections 10 and 11. If the request is
28 received before or during performance of an assessment of the
29 case in accordance with section 232.71B, the director ~~of human~~
30 ~~services~~ or the director's designee shall initially disclose
31 whether or not the assessment will be or is being performed.
32 Otherwise, within five business days of receiving the request
33 or completing the assessment, whichever is later, the director
34 ~~of human services~~ or the director's designee shall consult
35 with the county attorney responsible for prosecution of any

alleged perpetrator of the fatality or near fatality and shall disclose information, including but not limited to child abuse information, relating to the case, except for the following:

Sec. 749. Section 235A.15, subsection 10, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The information released by the director ~~of human services~~ or the director's designee pursuant to a request made under subsection 9 relating to a case of founded child abuse involving a fatality or near fatality to a child shall include all of the following, unless such information is excepted from disclosure under subsection 9:

Sec. 750. Section 235A.15, subsection 11, paragraph b, Code 2023, is amended to read as follows:

b. If release of social services information in addition to that released under subsection 10, paragraph *"c"*, is believed to be in the public's interest and right to know, the director ~~of human services~~ or the director's designee may apply to the court under section 235A.24 requesting a review of the information proposed for release and an order authorizing release of the information. A release of information that would otherwise be confidential under section 217.30 concerning social services provided to the child or the child's family shall not include information concerning financial or medical assistance provided to the child or the child's family.

Sec. 751. Section 235A.15, subsection 12, Code 2023, is amended to read as follows:

12. If an individual who is the subject of a child abuse report listed in subsection 2, paragraph *"a"*, or another party involved in an assessment under section 232.71B releases in a public forum or to the media information concerning a case of child abuse including but not limited to child abuse information which would otherwise be confidential, the director ~~of human services,~~ or the director's designee~~,~~ may respond with relevant information concerning the case of child abuse that was the subject of the release. Prior to releasing the

response, the director or the director's designee shall consult with the child's parent or guardian, or the child's guardian ad litem, and apply to the court under section 235A.24 requesting a review of the information proposed for release and an order authorizing release of the information.

Sec. 752. Section 235A.16, subsection 3, Code 2023, is amended to read as follows:

3. Subsections 1 and 2 do not apply to child abuse information that is disseminated to an employee of the department ~~of human services~~, to a juvenile court, or to the attorney representing the department as authorized by section 235A.15.

Sec. 753. Section 235A.17, subsection 2, Code 2023, is amended to read as follows:

2. The department ~~of human services~~ may notify orally the mandatory reporter in an individual child abuse case of the results of the case assessment and of the confidentiality provisions of sections 235A.15 and 235A.21. The department shall subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. If the report data and disposition data have been placed in the registry as founded child abuse pursuant to section 232.71D, a copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18. Otherwise, a copy of the written notice shall be retained by the department with the case file.

Sec. 754. Section 235A.17, subsection 3, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Department ~~of human services~~ information described in section 217.30, subsection 2.

Sec. 755. Section 235A.18, subsection 3, Code 2023, is amended to read as follows:

3. The department ~~of human services~~ shall adopt rules establishing the period of time child abuse information which is not maintained in the central registry is retained by the

department.

Sec. 756. Section 235A.22, Code 2023, is amended to read as follows:

235A.22 Education program.

The department ~~of human services~~ shall require an educational program for employees of the department with access to child abuse information on the proper use and control of child abuse information.

Sec. 757. Section 235A.23, subsection 1, Code 2023, is amended to read as follows:

1. The department ~~of human services~~ may compile statistics, conduct research, and issue reports on child abuse, provided identifying details of the subject of child abuse reports are deleted from any report issued.

Sec. 758. Section 235A.24, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. The director ~~of human services~~ or the director's designee may apply, if the conditions under section 235A.15, subsection 11 or 12, are met, to the court requesting a review of confidential information proposed for release and an order authorizing the release of information. A release of information that would otherwise be confidential under section 217.30 concerning social services provided to the child or the child's family shall not include information concerning financial or medical assistance provided to the child or the child's family.

Sec. 759. Section 235B.1, subsection 4, Code 2023, is amended to read as follows:

4. *a.* The establishment of a dependent adult protective advisory council. The advisory council shall do all of the following:

(1) Advise the director ~~of human services, the director of the department on aging~~, the director of inspections and appeals, and the director of ~~public health, the director of~~ the department of corrections~~, and the director of human rights~~

regarding dependent adult abuse.

(2) Evaluate state law and rules and make recommendations to the general assembly and to executive branch departments regarding laws and rules concerning dependent adults.

(3) Receive and review recommendations and complaints from the public, health care facilities, and health care programs concerning the dependent adult abuse services program.

b. (1) The advisory council shall consist of twelve members. Eight members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department ~~of human services, the department on aging, the Iowa department of public health,~~ and the department of inspections and appeals.

(2) The members of the advisory council shall be appointed to terms of four years beginning May 1. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled in the same manner as the original appointment.

(3) Members shall receive actual expenses incurred while serving in their official capacity.

(4) The advisory council shall select a chairperson, annually, from its membership.

Sec. 760. Section 235B.2, Code 2023, is amended to read as follows:

235B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1 1. *"Caretaker"* means a related or nonrelated person who
2 has the responsibility for the protection, care, or custody of
3 a dependent adult as a result of assuming the responsibility
4 voluntarily, by contract, through employment, or by order of
5 the court.
6 2. *"Court"* means the district court.
7 3. *"Department"* means the department of health and human
8 services.
9 4. *"Dependent adult"* means a person eighteen years of age or
10 older who is unable to protect the person's own interests or
11 unable to adequately perform or obtain services necessary to
12 meet essential human needs, as a result of a physical or mental
13 condition which requires assistance from another, or as defined
14 by departmental rule.
15 5. *a. "Dependent adult abuse"* means:
16 (1) Any of the following as a result of the willful or
17 negligent acts or omissions of a caretaker:
18 (a) Physical injury to, or injury which is at a variance
19 with the history given of the injury, or unreasonable
20 confinement, unreasonable punishment, or assault of a dependent
21 adult.
22 (b) The commission of a sexual offense under chapter 709 or
23 section 726.2 with or against a dependent adult.
24 (c) Exploitation of a dependent adult which means the act
25 or process of taking unfair advantage of a dependent adult
26 or the adult's physical or financial resources, without the
27 informed consent of the dependent adult, including theft, by
28 the use of undue influence, harassment, duress, deception,
29 false representation, or false pretenses.
30 (d) The deprivation of the minimum food, shelter, clothing,
31 supervision, physical or mental health care, or other care
32 necessary to maintain a dependent adult's life or health.
33 (2) The deprivation of the minimum food, shelter, clothing,
34 supervision, physical or mental health care, and other care
35 necessary to maintain a dependent adult's life or health as a

result of the acts or omissions of the dependent adult.

(3) (a) Sexual exploitation of a dependent adult by a caretaker.

(b) *"Sexual exploitation"* means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. *"Sexual exploitation"* includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.

(4) (a) Personal degradation of a dependent adult by a caretaker.

(b) (i) *"Personal degradation"* means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. *"Personal degradation"* includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker's actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.

(ii) *"Personal degradation"* does not include any of the following:

(A) The taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or any other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation.

(B) The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph *"a"*, subparagraph (3).

(C) A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult spouse.

b. "Dependent adult abuse" does not include any of the following:

(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at

the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

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

7. *"Emergency shelter services"* means and includes, but is not limited to, secure crisis shelters or housing for victims of dependent adult abuse.

~~7.~~ 8. *"Family or household member"* means a spouse, a person cohabiting with the dependent adult, a parent, or a person related to the dependent adult by consanguinity or affinity, but does not include children of the dependent adult who are less than eighteen years of age.

~~8.~~ 9. *"Immediate danger to health or safety"* means a situation in which death or severe bodily injury could reasonably be expected to occur without intervention.

~~9.~~ 10. *"Individual employed as an outreach person"* means a natural person who, in the course of employment, makes regular contacts with dependent adults regarding available community resources.

~~10.~~ 11. *"Legal holiday"* means a legal public holiday as defined in section 1C.1.

~~11.~~ 12. *"Person"* means person as defined in section 4.1.

~~12.~~ 13. *"Recklessly"* means that a person acts or fails to act with respect to a material element of a public offense, when the person is aware of and consciously disregards a substantial and unjustifiable risk that the material element exists or will result from the act or omission. The risk must be of such a nature and degree that disregard of the risk constitutes a gross deviation from the standard conduct that a reasonable person would observe in the situation.

~~13.~~ 14. *"Serious injury"* means the same as defined in section 702.18.

~~14.~~ 15. *"Support services"* includes but is not limited to community-based services including area agency on aging

assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day services, respite services, legal services, and advocacy services.

Sec. 761. Section 235B.3, Code 2023, is amended to read as follows:

235B.3 Dependent adult abuse reports.

1. *a.* (1) The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports by establishing a central registry for dependent adult abuse information. The department shall evaluate the reports expeditiously.

(2) However, the department of inspections and appeals is solely responsible for the evaluation and disposition of dependent adult abuse cases within facilities and programs pursuant to chapter 235E and shall inform the department ~~of human services~~ of such evaluations and dispositions pursuant to section 235E.2.

(3) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department ~~of human services~~ or the department of inspections and appeals determines the case involves wages, workplace safety, or other labor and employment matters under the jurisdiction of the division of labor services of the department of workforce development, the relevant portions of the case shall be referred to the division.

(4) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department ~~of human services~~ or the department of inspections and appeals determines that the case involves discrimination under the jurisdiction of the civil rights commission, the relevant portions of the case shall be referred to the commission.

b. Reports of dependent adult abuse which is the result of the acts or omissions of the dependent adult shall be collected and maintained in the files of the dependent adult

as assessments only and shall not be included in the central registry.

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph *"a"*, subparagraph (4), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. However, a subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph *"a"*, subparagraph (4), that occurs within the five-year period and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur shall not be considered minor, isolated, and unlikely to reoccur.

2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected dependent adult abuse to the department. Persons required to report include all of the following:

a. A member of the staff of a community mental health center.

b. A peace officer.

c. An in-home homemaker-home health aide.

d. An individual employed as an outreach person.

e. A health practitioner, as defined in section 232.68.

f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity

center.

g. A social worker.

h. A certified psychologist.

i. A massage therapist licensed pursuant to chapter 152C.

3. *a.* If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the department and shall also immediately notify the person in charge or the person's designated agent.

b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

4. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.

5. Any other person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department ~~of human services~~.

6. Following the reporting of suspected dependent adult abuse, the department ~~of human services~~ or an agency approved by the department shall complete an assessment of necessary services and shall make appropriate referrals for receipt of these services. The assessment shall include interviews with the dependent adult, and, if appropriate, with the alleged perpetrator of the dependent adult abuse and with any person believed to have knowledge of the circumstances of the case. The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services.

7. Upon a showing of probable cause that a dependent adult has been abused, a court may authorize a person, also authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult. Upon a showing of probable cause that a dependent adult has been

1 financially exploited, a court may authorize a person, also
2 authorized by the department, to make an evaluation, and to
3 gain access to the financial records of the dependent adult.
4 8. If the department determines that disclosure is
5 necessary for the protection of a dependent adult, the
6 department may disclose to a subject of a dependent adult abuse
7 report referred to in section 235B.6, subsection 2, paragraph
8 *"a"*, that an individual is listed in the child or dependent
9 adult abuse registry or is required to register with the sex
10 offender registry in accordance with chapter 692A.
11 9. If, in the course of assessment, evaluation, or
12 investigation of a report of dependent adult abuse, the
13 department determines that disclosure is necessary for the
14 protection of a dependent adult's resources, the department
15 may disclose the initiation and status of the dependent
16 adult abuse evaluation to the dependent adult's bank, savings
17 association, credit union, broker-dealer as defined in section
18 502.102, subsection 4, investment advisor as defined in section
19 502.102, subsection 15, financial advisor, or other financial
20 institution, or the administrator as defined in section
21 502.102, subsection 1.
22 10. The department shall inform the appropriate county
23 attorneys of any reports of dependent adult abuse. The
24 department may request information from any person believed
25 to have knowledge of a case of dependent adult abuse. The
26 person, including but not limited to a county attorney, a law
27 enforcement agency, a multidisciplinary team, a social services
28 agency in the state, or any person who is required pursuant
29 to subsection 2 to report dependent adult abuse, whether or
30 not the person made the specific dependent adult abuse report,
31 shall cooperate and assist in the evaluation upon the request
32 of the department. If the department's assessment reveals
33 that dependent adult abuse exists which might constitute a
34 criminal offense, a report shall be made to the appropriate
35 law enforcement agency. County attorneys and appropriate law

enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

a. If, upon completion of the evaluation or upon referral from the department of inspections and appeals, the department determines that the best interests of the dependent adult require court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

b. The department shall assist the court during all stages of court proceedings involving a suspected case of dependent adult abuse.

c. In every case involving abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult

or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

11. A person participating in good faith in reporting or cooperating with or assisting the department in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the same immunity with respect to participating in good faith in a judicial proceeding resulting from the report or cooperation or assistance or relating to the subject matter of the report, cooperation, or assistance.

12. It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse pursuant to subsection 2 or 5, or cooperating with, or assisting the department ~~of human services~~ in evaluating a case of dependent adult abuse, or participating in judicial proceedings relating to the reporting or cooperation or assistance based solely upon the person's reporting or assistance relative to the instance of dependent adult abuse. A person or employer found in violation of this subsection is guilty of a simple misdemeanor.

13. A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure.

14. The department of inspections and appeals shall adopt rules which require facilities or programs to separate an alleged dependent adult abuser from a victim following an

allegation of perpetration of abuse and prior to the completion of an investigation of the allegation.

Sec. 762. Section 235B.5, Code 2023, is amended to read as follows:

235B.5 Creation and maintenance of a central registry.

1. There is created within the department a central registry for dependent adult abuse information. The department shall organize and staff the registry and adopt rules for its operation.

2. The registry shall collect, maintain, and disseminate dependent adult abuse information as provided in this chapter.

3. The department shall maintain a toll-free telephone line, which shall be available on a twenty-four-hour-a-day, seven-day-a-week basis and which the department and all other persons may use to report cases of suspected dependent adult abuse and that all persons authorized by this chapter may use for obtaining dependent adult abuse information.

4. An oral report of suspected dependent adult abuse initially made to the central registry shall be immediately transmitted by the department to the appropriate county department of human services or law enforcement agency, or both.

5. An oral report of suspected dependent adult abuse initially made to the central registry regarding a facility or program as defined in section 235E.1 shall be transmitted by the department to the department of inspections and appeals on the first working day following the submitting of the report.

6. The registry, upon receipt of a report of suspected dependent adult abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of dependent adult abuse involving the same adult or if the records reveal any other pertinent information with respect to the same adult, the ~~appropriate office of the~~ department ~~of human services~~ or the appropriate law enforcement agency shall be immediately notified of that fact.

7. The central registry shall include but not be limited to report data, investigation data, and disposition data.

Sec. 763. Section 235B.6, Code 2023, is amended to read as follows:

235B.6 Authorized access.

1. Notwithstanding chapter 22, the confidentiality of all dependent adult abuse information shall be maintained, except as specifically provided by subsections 2 and 3.

2. Access to dependent adult abuse information other than unfounded dependent adult abuse information is authorized only to the following persons:

a. A subject of a report including all of the following:

(1) To an adult named in a report as a victim of abuse or to the adult's attorney or guardian ad litem.

(2) To a guardian or legal custodian, or that person's attorney, of an adult named in a report as a victim of abuse.

(3) To the person or the attorney for the person named in a report as having abused an adult.

b. A person involved in an investigation of dependent adult abuse including all of the following:

(1) A health practitioner or mental health professional who is examining, attending, or treating an adult whom such practitioner or professional believes or has reason to believe has been the victim of abuse or to a health practitioner or mental health professional whose consultation with respect to an adult believed to have been the victim of abuse is requested by the department.

(2) An employee or agent of the department responsible for the investigation of a dependent adult abuse report or for the purpose of performing record checks as required under section 135C.33.

(3) A representative of the department involved in the certification or accreditation of an agency or program providing care or services to a dependent adult believed to have been a victim of abuse.

(4) A law enforcement officer responsible for assisting in an investigation of a dependent adult abuse allegation.

(5) A multidisciplinary team, if the department ~~of human services~~ approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the investigation, diagnosis, assessment, and disposition of a case of dependent adult abuse.

(6) The mandatory reporter who reported the dependent adult abuse in an individual case.

(7) Each board specified under chapter 147 and the ~~Iowa~~ department ~~of public health~~ for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

c. A person providing care to an adult including all of the following:

(1) A licensing authority for a facility, including a facility or program defined in section 235E.1, providing care to an adult named in a report.

(2) A person authorized as responsible for the care or supervision of an adult named in a report as a victim of abuse or a person named in a report as having abused an adult if the court or registry deems access to dependent adult abuse information by such person to be necessary.

(3) An employee or agent of the department responsible for registering or licensing or approving the registration or licensing of a person, or to an individual providing care to an adult and regulated by the department.

(4) The legally authorized protection and advocacy agency recognized pursuant to section 135C.2 if a person identified in the information as a victim or a perpetrator of abuse resided in or receives services from a facility, including a facility or program defined in section 235E.1, or agency because the person is diagnosed as having a developmental disability or a mental illness.

(5) To an administrator of an agency certified by the department ~~of human services~~ to provide services under a medical assistance home and community-based services waiver, if the information concerns a person employed by or being considered by the agency for employment.

(6) To the administrator of an agency providing mental health, intellectual disability, or developmental disability services under a regional service system management plan implemented in accordance with section 331.393, if the information concerns a person employed by or being considered by the agency for employment.

(7) To an administrator of a hospital licensed under chapter 135B if the data concerns a person employed or being considered for employment by the hospital.

(8) An employee of an agency requested by the department to provide case management or other services to the dependent adult.

d. Relating to judicial and administrative proceedings, persons including all of the following:

(1) A court upon a finding that information is necessary for the resolution of an issue arising in any phase of a case involving dependent adult abuse.

(2) A court or agency hearing an appeal for correction of dependent adult abuse information as provided in section 235B.10.

(3) An expert witness or a witness who testifies at any stage of an appeal necessary for correction of dependent adult abuse information as provided in section 235B.10.

(4) A court or administrative agency making a determination regarding an unemployment compensation claim pursuant to section 96.6.

(5) To a juvenile court involved in an adjudication or disposition of a child that is the subject of a guardianship proceeding under chapter 232D.

(6) To a district court upon a finding that data is

1 necessary for the resolution of an issue arising in any phase
2 of a case involving proceedings for a child guardianship under
3 chapter 232D.
4 *e.* Other persons including all of the following:
5 (1) A person conducting bona fide research on dependent
6 adult abuse, but without information identifying individuals
7 named in a dependent adult abuse report, unless having that
8 information open to review is essential to the research or
9 evaluation and the authorized registry officials give prior
10 written approval and the adult, the adult's guardian or
11 guardian ad litem, and the person named in a report as having
12 abused an adult give permission to release the information.
13 (2) Registry or department personnel when necessary to the
14 performance of their official duties or a person or agency
15 under contract with the department to carry out official duties
16 and functions of the registry.
17 (3) The department of justice for the sole purpose of the
18 filing of a claim for reparation pursuant to sections 915.21
19 and 915.84.
20 (4) A legally constituted adult protection agency of
21 another state which is investigating or treating an adult named
22 in a report as having been abused.
23 (5) The office of the attorney general.
24 (6) A health care facility administrator or the
25 administrator's designee, following the appeals process, for
26 the purpose of hiring staff or continued employment of staff.
27 (7) To the administrator of an agency providing care to a
28 dependent adult in another state, for the purpose of performing
29 an employment background check.
30 (8) To the superintendent, or the superintendent's
31 designee, of a school district or to the authorities in charge
32 of an accredited nonpublic school for purposes of a volunteer
33 or employment record check.
34 (9) The department of inspections and appeals for purposes
35 of record checks of applicants for employment with the

department of inspections and appeals.

(10) The state or a local long-term care ombudsman if the victim resides in or the alleged perpetrator is an employee of a long-term care facility as defined in section 231.4.

(11) The state office or local office of public guardian as defined in section 231E.3, if the information relates to the provision of legal services for a client served by the state or local office of public guardian.

(12) A nursing program that is approved by the state board of nursing under section 152.5, if the information relates to a record check performed pursuant to section 152.5A.

(13) To the board of educational examiners created under chapter 272 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

(14) The department ~~on aging~~ for the purposes of conducting background checks of applicants for employment with the department ~~on aging~~.

(15) To the Iowa veterans home for purposes of record checks of potential volunteers and volunteers in the Iowa veterans home.

(16) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

(17) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

(18) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

(19) To a free clinic as defined in section 135.24A for purposes of record checks of potential volunteers and existing volunteers at the free clinic.

(20) To a bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4,

investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution as deemed necessary by the department to protect the dependent adult's resources.

(21) To the social security administration.

(22) To the administrator as defined in section 502.102, subsection 1.

f. To a person who submits written authorization from an individual allowing the person access to information on the determination only on whether or not the individual who authorized the access is named in a founded dependent adult abuse report as having abused a dependent adult.

3. Access to unfounded dependent adult abuse information is authorized only to those persons identified in subsection 2, paragraph *"a"*, paragraph *"b"*, subparagraphs (2), (5), and (6), and paragraph *"e"*, subparagraphs (2), (5), (10), (20), (21), and (22).

Sec. 764. Section 235B.16, Code 2023, is amended to read as follows:

235B.16 Information, education, and training requirements.

1. The department ~~on aging, in cooperation with the department,~~ shall conduct a public information and education program. The elements and goals of the program include but are not limited to:

a. Informing the public regarding the laws governing dependent adult abuse and the reporting requirements for dependent adult abuse.

b. Providing caretakers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the caretaker and dependent adult relationship.

c. Affecting public attitudes regarding the role of a dependent adult in society.

2. The department, in cooperation with the department ~~on aging and the department~~ of inspections and appeals, shall

1 institute a program of education and training for persons,
2 including members of provider groups and family members, who
3 may come in contact with dependent adult abuse. The program
4 shall include but is not limited to instruction regarding
5 recognition of dependent adult abuse and the procedure for the
6 reporting of suspected abuse.
7 3. The content of the continuing education required
8 pursuant to chapter 272C for a licensed professional providing
9 care or service to a dependent adult shall include, but is
10 not limited to, the responsibilities, obligations, powers,
11 and duties of a person regarding the reporting of suspected
12 dependent adult abuse, and training to aid the professional in
13 identifying instances of dependent adult abuse.
14 4. The department of inspections and appeals shall provide
15 training to investigators regarding the collection and
16 preservation of evidence in the case of suspected dependent
17 adult abuse.
18 5. *a.* For the purposes of this subsection, *"licensing*
19 *board"* means a board designated in section 147.13, the board of
20 educational examiners created in section 272.2, or a licensing
21 board as defined in section 272C.1.
22 *b.* A person required to report cases of dependent adult
23 abuse pursuant to sections 235B.3 and 235E.2, other than a
24 physician whose professional practice does not regularly
25 involve providing primary health care to adults, shall
26 complete two hours of training relating to the identification
27 and reporting of dependent adult abuse within six months of
28 initial employment or self-employment which involves the
29 examination, attending, counseling, or treatment of adults
30 on a regular basis. Within one month of initial employment
31 or self-employment, the person shall obtain a statement of
32 the abuse reporting requirements from the person's employer
33 or, if self-employed, from the department. The person shall
34 complete at least two hours of additional dependent adult abuse
35 identification and reporting training every three years. If

1 the person completes at least one hour of additional dependent
2 adult abuse identification and reporting training prior to the
3 three-year expiration period, the person shall be deemed in
4 compliance with the training requirements of this section for
5 an additional three years.
6 *c.* The core training curriculum relating to the
7 identification and reporting of dependent adult abuse, as
8 provided in paragraph *"b"*, shall be developed by the department
9 pursuant to subsection 2 and provided by the department.
10 *d.* An employer of a person required to report cases
11 of dependent adult abuse pursuant to sections 235B.3 and
12 235E.2 may provide supplemental training, specific to the
13 identification and reporting of dependent adult abuse as it
14 relates to the person's professional practice, in addition to
15 the core training provided by the department.
16 *e.* A licensing board with authority over the license of
17 a person required to report cases of dependent adult abuse
18 pursuant to sections 235B.3 and 235E.2 shall require as a
19 condition of licensure that the person is in compliance with
20 the requirements for abuse training under this subsection.
21 The licensing board shall require the person upon licensure
22 renewal to accurately document for the licensing board the
23 person's completion of the training requirements. However,
24 the licensing board may adopt rules providing for waiver or
25 suspension of the compliance requirements, if the waiver or
26 suspension is in the public interest, applicable to a person
27 who is engaged in active duty in the military service of this
28 state or of the United States, to a person for whom compliance
29 with the training requirements would impose a significant
30 hardship, or to a person who is practicing a licensed
31 profession outside this state or is otherwise subject to
32 circumstances that would preclude the person from encountering
33 dependent adult abuse in this state.
34 *f.* For persons required to report cases of dependent
35 adult abuse pursuant to sections 235B.3 and 235E.2, who are

not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of the renewal of the facility's or program's licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

h. For persons required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

6. The department shall require an educational program for employees of the registry on the proper use and control of dependent adult abuse information.

Sec. 765. Section 235B.16A, Code 2023, is amended to read as follows:

235B.16A Dependent adults — dependency assessments — interagency training.

1. The dependent adult protective advisory council established pursuant to section 235B.1 shall recommend a uniform assessment instrument and process for adoption and use by the department ~~of human services~~ and other agencies involved with assessing a dependent adult's degree of dependency and determining whether dependent adult abuse has occurred. However, this section shall not apply to dependent adult abuse assessments and determinations made under chapter 235E.

2. The instrument and process design under subsection 1 shall address but is not limited to all of the following:

a. Evaluation of conformity with applicable federal law and regulations on the part of the persons employing, housing, or providing services to the dependent adult.

b. Provision for the final step in the dependency assessment of a dependent adult to be a formal assessment of the existence of risk to the health or safety of the individual or of the degree of the individual's impairment in ability under the definition of dependent adult in section 235B.2.

c. If the assessment under paragraph "*b*" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, and the individual being assessed agrees, provision for a case manager to be assigned to assist in preparing and implementing a safety plan which includes protective services for the individual.

d. If the assessment under paragraph "*b*" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, the individual being assessed does not agree to the safety plan provisions under paragraph "*c*" or accept other services, and the options available under sections 235B.17, 235B.18, and 235B.19 are not utilized, provision for the department ~~of human services~~ to maintain periodic contact with the individual in accordance with rules adopted for this purpose. The purpose of the contact is to assess any increased risk or impairment and to monitor the individual's goals, feelings, and concerns so that the department can intervene when necessary or offer services and other support to maintain or sustain the individual's safety and independence when the individual is ready to agree to a safety plan or accept services.

3. The department ~~of human services~~ and other agencies involved with assessing a dependent adult's degree of dependency and whether dependent adult abuse has occurred shall adopt rules and take other steps necessary to implement the uniform assessment instrument and process addressed by this section on or before July 1, 2010.

4. The department ~~of human services~~ shall cooperate with the ~~department on aging, the~~ departments of inspections and appeals, ~~public health,~~ public safety, and workforce development, the civil rights commission, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 766. Section 235E.2, subsection 1, paragraphs a and c, Code 2023, are amended to read as follows:

a. The department shall receive and evaluate reports of dependent adult abuse in facilities and programs. The department shall inform the department of health and human services of such evaluations and dispositions and those individuals who should be placed on the central registry for dependent adult abuse pursuant to section 235E.7. If the department believes the situation involves an immediate danger to the public health, safety, or welfare requiring immediate agency action to seek emergency placement on the central registry, the department may utilize emergency adjudicative proceedings pursuant to section 17A.18A.

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph *"a"*, subparagraph (3), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department of health and human services as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. A subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph *"a"*,

subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph *"a"*, subparagraph (3), that occurs within the five-year period, and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur, may be considered minor, isolated, and unlikely to reoccur depending on the circumstances of the report.

Sec. 767. Section 235E.2, subsection 5, Code 2023, is amended to read as follows:

5. Any other person who believes that a dependent adult has suffered dependent adult abuse may report the suspected dependent adult abuse to the department of inspections and appeals. The department of inspections and appeals shall transfer any reports received of dependent adult abuse in the community to the department of health and human services. The department of health and human services shall transfer any reports received of dependent adult abuse in facilities or programs to the department of inspections and appeals.

Sec. 768. Section 235E.2, subsection 6, paragraph a, Code 2023, is amended to read as follows:

a. If, upon completion of an investigation, the department determines that the best interests of the dependent adult require court action, the department shall notify the department of health and human services of the potential need for a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department of health and human services in the preparation of the necessary papers to initiate the action and shall appear and represent the department of health and human services at all district court proceedings.

Sec. 769. Section 235F.6, subsection 4, Code 2023, is amended to read as follows:

4. The court may approve a consent agreement between the parties entered into to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

a. A provision that prohibits any party to the action from contacting or cooperating with any government agency including the department of health and human services, the department of inspections and appeals, ~~the department on aging,~~ the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer if the defendant's professional responsibilities include contact with vulnerable elders, dependent adults, or minors, if the party contacting or cooperating has a good-faith belief that the information is relevant to the duties or responsibilities of the entity.

b. A provision that prohibits any party to the action from filing a complaint with or reporting a violation of law to any government agency including the department of health and human services, the department of inspections and appeals, ~~the department on aging,~~ the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

c. A provision that requires any party to the action to withdraw a complaint filed with or a violation reported to any government agency including the department of health and human services, the department of inspections and appeals, ~~the department on aging,~~ the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any

license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

Sec. 770. Section 237.1, Code 2023, is amended to read as follows:

237.1 Definitions.

As used in this chapter:

~~1. *"Administrator"* means the administrator of that division of the department designated by the director of human services to administer this chapter or the administrator's designee.~~

~~2.~~ 1. *"Agency"* means a person, ~~as defined in section 4.1, subsection 20,~~ which provides child foster care and which does not meet the definition of an individual ~~in subsection 7~~ as defined under this section.

~~3.~~ 2. *"Child"* means child as defined in section 234.1~~, subsection 2~~.

~~4.~~ 3. *"Child foster care"* means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment, or other care, to a child on a full-time basis by a person, including a relative of the child if the relative is licensed under this chapter, but not including a guardian of the child. *"Child foster care"* does not include any of the following care situations:

a. Care furnished by an individual person who receives the child of a personal friend as an occasional and personal guest in the individual person's home, free of charge and not as a business.

b. Care furnished by an individual person with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Care furnished by a private boarding school subject to approval by the state board of education pursuant to section 256.11.

d. Child care furnished by a child care center, a child

development home, or a child care home as defined in section 237A.1.

e. Care furnished in a hospital licensed under chapter 135B or care furnished in a nursing facility licensed under chapter 135C.

f. Care furnished by a relative of a child or an individual person with a meaningful relationship with the child where the child is not under the placement, care, or supervision of the department.

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

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

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

7. *"Facility"* means the personnel, program, physical plant, and equipment of a licensee.

~~7.~~ 8. *"Individual"* means an individual person or a married couple who provides child foster care in a single-family home environment and which does not meet the definition of an agency ~~in subsection 2~~ under this section.

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

~~9.~~ 10. *"Reasonable and prudent parent standard"* means the standard characterized by careful and sensible parenting decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of a child, that a caregiver shall use when determining whether to allow a child in foster care under the placement, care, or supervision of the department to participate in extracurricular, enrichment, cultural, or social activities. For the purposes of this subsection, *"caregiver"* means an individual or an agency licensed under this chapter with which a child in foster care has been placed or a juvenile shelter care home approved under chapter 232 in which a child in foster care has been placed.

Sec. 771. Section 237.3, Code 2023, is amended to read as follows:

237.3 Rules.

1. Except as otherwise provided by subsections 3 and 4, the ~~administrator~~ department shall promulgate, after their adoption by the council ~~on human services~~, and enforce in accordance with chapter 17A, administrative rules necessary to implement this chapter. Formulation of the rules shall include consultation with representatives of child foster care providers~~,~~ and other persons affected by this chapter. The rules shall encourage the provision of child foster care in a single-family, home environment, exempting the single-family, home facility from inappropriate rules.

2. Rules applicable to licensees shall include but are not limited to:

a. Types of facilities which include but are not limited to group foster care facilities and family foster care homes.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical care policies for children receiving child foster care. The medical care policies shall include but are not limited to all of the following:

(1) Provision by the department to the foster care provider at or before the time of a child's placement of the child's health records and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health.

(2) If the health records supplied in accordance with the child's case permanency plan to the foster care provider

are incomplete or the provider requests specific health information, provision for obtaining additional health information from the child's parent or other source and supplying the additional information to the foster care provider.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary out-of-state travel with the child's foster family.

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

(a) Dietary services.

(b) Social services.

(c) Activity programs.

(d) Behavior management procedures.

(e) Educational programs, including special education as defined in section 256B.2, subsection 1, paragraph *"b"*, where appropriate, which are approved by the state board of education.

(2) The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph *"g"*.

h. Policies for involvement of biological parents.

i. Records a licensee is required to keep, and reports a licensee is required to make to the ~~administrator~~ department.

j. Prior to the licensing of an individual as a foster family home, a required, written social assessment of the quality of the living situation in the home of the individual, and a required compilation of personal references for the individual other than those references given by the individual.

k. Elements of a foster care placement agreement outlining rights and responsibilities associated with an individual providing family foster care. The rights and responsibilities shall include but are not limited to all of the following:

(1) Receiving information prior to the child's placement

regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A.

(2) Having regularly scheduled meetings with each case manager assigned to the child.

(3) Receiving access to any reports prepared by a service provider who is working with the child unless the access is prohibited by state or federal law.

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the state fire marshal pursuant to section 100.1, subsection 5, after consultation with the ~~administrator~~ director.

4. Rules governing sanitation, water and waste disposal standards for facilities shall be promulgated by the ~~Iowa~~ department ~~of public health~~ pursuant to section 135.11, ~~subsection 12,~~ after consultation with the ~~administrator~~ director.

5. In case of a conflict between rules promulgated pursuant to subsections 3 and 4 and local rules, the more stringent requirement applies.

6. Rules of the department shall not prohibit the licensing, as foster family homes, of individuals who are departmental employees not directly engaged in the administration of the child foster care program pursuant to this chapter.

7. If an agency is accredited by the joint commission on the accreditation of health care organizations under the commission's consolidated standards for residential settings or by the council on accreditation of services for families and children, the department shall modify facility licensure standards applied to the agency in order to avoid duplicating standards applied through accreditation.

8. The department, in consultation with the judicial branch, ~~the division of criminal and juvenile justice planning of the department of human rights,~~ residential treatment providers, the foster care provider association, and other

parties which may be affected, shall review the licensing rules pertaining to residential treatment facilities, and examine whether the rules allow the facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in those facilities.

9. The department shall adopt rules specifying the elements of a preadoptive care agreement outlining the rights and responsibilities associated with a person providing preadoptive care, as defined in section 232.2.

10. The department shall adopt rules to administer the exception to the definition of child care in section 237A.1, subsection 3, paragraph *"l"*, allowing a child care facility, for purposes of providing respite care to a foster family home, to provide care, supervision, or guidance of a child for a period of twenty-four hours or more who is placed with the licensed foster family home.

Sec. 772. Section 237.4, Code 2023, is amended to read as follows:

237.4 License required —— exceptions.

An individual or an agency, as defined in section 237.1, shall not provide child foster care unless the individual or agency obtains a license issued ~~by the administrator~~ under this chapter. However, a license is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.

2. A residential care facility licensed under chapter 135C which is approved for the care of children.

3. A hospital licensed under chapter 135B.

4. A health care facility licensed under chapter 135C.

5. A juvenile detention home or juvenile shelter care home approved under section 232.142.

6. An institution listed in section 218.1.

7. A facility licensed under chapter 125.

8. An individual providing child care as a babysitter at the request of a parent, guardian or relative having lawful custody

of the child.

Sec. 773. Section 237.5, Code 2023, is amended to read as follows:

237.5 License application and issuance —— denial, suspension, or revocation —— provisional licenses.

1. An individual or an agency shall apply for a license by completing an application to the ~~administrator~~ department upon forms furnished by the ~~administrator~~ department. The ~~administrator~~ department shall issue or reissue a license if the ~~administrator~~ department determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with this chapter. An initial license for an individual is valid for one year from the date of issuance. After the first two years of licensure, a license for an individual is valid for two years from the most recent date of issuance except that the ~~administrator~~ department, within the ~~administrator's~~ director's discretion and based upon the performance of the licensee, may require annual renewal of the license or may issue a provisional license pursuant to subsection 3. A license for an agency is valid for up to three years from the date of issuance for the period determined by the ~~administrator~~ department in accordance with administrative rules providing criteria for making the determination. The license shall state on its face the name of the licensee, the type of facility, the particular premises for which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.

2. The ~~administrator~~ department, after notice and opportunity for an evidentiary hearing, may deny an application for a license, and may suspend or revoke a license, if the applicant or licensee violates this chapter or the rules

promulgated pursuant to this chapter, or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application or in a report regarding operation of the facility submitted to the ~~administrator~~ department.

3. The ~~administrator~~ department may issue a provisional license for not more than one year to a licensee whose facility does not meet the requirements of this chapter, if written plans to bring the facility into compliance with the applicable requirements are submitted to and approved by the ~~administrator~~ department. The plans shall state a specific time when compliance will be achieved. Only one provisional license shall be issued for a facility by reason of the same deficiency.

Sec. 774. Section 237.6, Code 2023, is amended to read as follows:

237.6 Restricted use of facility.

A licensee shall not furnish child foster care in a building or on premises not designated in the license. A licensee shall not furnish child foster care to a greater number of children than is designated in the license, unless authorized by the ~~administrator so authorizes~~ department. Multiple licenses authorizing separate and distinct parts of a facility to provide different categories of child foster care may be issued.

Sec. 775. Section 237.7, Code 2023, is amended to read as follows:

237.7 Reports and inspections.

The ~~administrator~~ department may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections and appeals. The director of the department of inspections and appeals

may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this chapter.

Sec. 776. Section 237.8, Code 2023, is amended to read as follows:

237.8 Personnel.

1. A person shall not be allowed to provide services in a facility if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. *a.* (1) If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The ~~department~~ record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or

for an individual who will reside in a facility utilized by a licensee, have been completed and the individual either does not have a record of crime or founded child abuse or the ~~department's~~ record check evaluation system's evaluation of the record has determined that prohibition of the individual's licensure or employment is not warranted, the individual may be provisionally approved for licensure or employment pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(3) An individual being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or for an individual who will reside in a facility utilized by a licensee, shall not be granted a license or be employed and an evaluation shall not be performed under this subsection if the individual has been convicted of any of the following felony offenses:

(a) Within the five-year period preceding the application date, a drug-related offense.

(b) Child endangerment or neglect or abandonment of a dependent person.

(c) Domestic abuse.

(d) A crime against a child, including but not limited to sexual exploitation of a minor.

(e) A forcible felony.

(4) If an individual is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under this chapter, or if an individual will reside in a facility utilized by a licensee, or if an individual is subject to licensure under this chapter as a foster parent, in addition to the record checks conducted under subparagraph (1), the individual's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department

of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph is the responsibility of the department ~~of human services~~.

(5) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure as a foster parent have been completed and the individual either does not have a record of crime or founded abuse or the ~~department's~~ record check evaluation system's evaluation of the record has determined that prohibition of the individual's licensure is not warranted, the individual may be provisionally approved for licensure pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(6) An individual applying to be a foster parent licensee shall not be granted a license and an evaluation shall not be performed under this subsection if the individual has been convicted of any of the following felony offenses:

(a) Within the five-year period preceding the application date, a drug-related offense.

(b) Child endangerment or neglect or abandonment of a dependent person.

(c) Domestic abuse.

(d) A crime against a child, including but not limited to sexual exploitation of a minor.

(e) A forcible felony.

b. Except as otherwise provided in paragraph *"a"*, if the ~~department~~ record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a licensee, or resides in a licensed facility the ~~department~~ record check evaluation system shall notify the licensee that an evaluation will be conducted to determine whether prohibition of the person's licensure, employment, or residence is warranted.

c. In an evaluation, the ~~department~~ record check evaluation

system and the licensee for an employee of the licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The ~~department~~ record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the ~~department's~~ record check evaluation system's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The ~~department~~ record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the ~~department~~ record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter and shall not be employed by a licensee or reside in a licensed facility.

3. In addition to the record checks required under subsection 2, the ~~department of human services~~ record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of subsection 2, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under

this subsection.

4. ~~On or after July 1, 1994, a~~ A licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

5. ~~On or after July 1, 1994, a~~ A licensee shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

Sec. 777. Section 237.13, Code 2023, is amended to read as follows:

237.13 Foster home insurance fund.

1. For the purposes of this section, *"foster home"* means an individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a *"licensed foster home"*.

2. The foster home insurance fund shall be administered by the department ~~of human services~~. The fund shall consist of all moneys appropriated by the general assembly for deposit in the fund. The department shall use moneys in the fund to provide home and property coverage for foster parents to cover damages to property resulting from the actions of a foster child residing in a foster home or to reimburse foster parents for the cost of purchasing foster care liability insurance and to perform the administrative functions necessary to carry out this section. The department may establish limitations of liability for individual claims as deemed reasonable by the department.

3. The department ~~of human services~~ shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 778. Section 237.15, subsection 7, Code 2023, is amended to read as follows:

7. *"Person or court responsible for the child"* means the department, including but not limited to the department of health and human services, the agency, or the individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

Sec. 779. Section 237.16, Code 2023, is amended to read as follows:

237.16 Child advocacy board — staff.

1. The child advocacy board is created within the department ~~of inspections and appeals~~. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members may be entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties, subject to available funding. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The state board shall meet at least twice a year.

3. An employee of the department ~~or of the department of inspections and appeals~~, an employee of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the

judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with subsection 1 shall be eligible to serve on the state board.

4. The department ~~and the department of inspections and appeals~~ shall ~~jointly~~ develop written protocols detailing the responsibilities of ~~each~~ the department with regard to children under the purview of the state board. The protocols shall be reviewed by the ~~departments~~ department on an annual basis.

5. The director shall employ appropriate staff for the state board in accordance with available funding.

Sec. 780. Section 237.18, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 781. Section 237.21, subsection 5, Code 2023, is amended to read as follows:

5. Members of the state board and local boards, court appointed special advocates, and the employees of the department ~~and the department of inspections and appeals~~ are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A. Members of the state and local boards, court appointed special advocates, and employees of the department ~~and the department of inspections and appeals~~ who disclose information or records of the board or department, other than as provided in subsections 2, 3, and 4, section 232.126, and section 237.20, subsection 2, are guilty of a simple misdemeanor.

Sec. 782. Section 237A.1, Code 2023, is amended to read as follows:

237A.1 Definitions.

As used in this chapter unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the division of the department designated by the director to administer this chapter.~~

~~2.~~ 1. *"Child"* means either of the following:

1 *a.* A person twelve years of age or younger.
2 *b.* A person thirteen years of age or older but younger than
3 nineteen years of age who has a developmental disability as
4 defined under the federal Developmental Disabilities Assistance
5 and Bill of Rights Act of 2000, Pub. L. No. 106-402, as
6 codified in 42 U.S.C. §15002(8).
7 ~~3.~~ 2. *"Child care"* means the care, supervision, and
8 guidance of a child by a person other than the child's parent,
9 guardian, or custodian for periods of less than twenty-four
10 hours per day per child on a regular basis, but does not
11 include care, supervision, and guidance of a child by any of
12 the following:
13 *a.* An instructional program for children who are attending
14 prekindergarten as defined by the state board of education
15 under section 256.11 or a higher grade level and are at least
16 four years of age, or are at least three years of age and
17 eligible for special education under chapter 256B, administered
18 by any of the following:
19 (1) A public or nonpublic school system accredited by the
20 department of education or the state board of regents.
21 (2) A nonpublic school system which is not accredited by the
22 department of education or the state board of regents.
23 *b.* Any of the following church-related programs:
24 (1) An instructional program.
25 (2) A youth program other than a preschool, before or after
26 school child care program, or other child care program.
27 (3) A program providing care to children on church premises
28 while the children's parents are attending church-related or
29 church-sponsored activities on the church premises.
30 *c.* Short-term classes of less than two weeks' duration held
31 between school terms or during a break within a school term.
32 *d.* A child care center for sick children operated as part of
33 a pediatrics unit in a hospital licensed by the department of
34 inspections and appeals pursuant to chapter 135B.
35 *e.* A program operated not more than one day per week by

volunteers which meets all of the following conditions:

(1) Not more than eleven children are served per volunteer.

(2) The program operates for less than four hours during any twenty-four-hour period.

(3) The program is provided at no cost to the children's parent, guardian, or custodian.

f. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

g. An after school program continuously offered throughout the school year calendar to children who are at least five years of age and are enrolled in school, and attend the program intermittently or a summer-only program for such children. The program must be provided through a nominal membership fee or at no cost.

h. A special activity program which meets less than four hours per day for the sole purpose of the special activity. Special activity programs include but are not limited to music or dance classes, organized athletic or sports programs, recreational classes, scouting programs, and hobby or craft clubs or classes.

i. A nationally accredited camp.

j. A structured program for the purpose of providing therapeutic, rehabilitative, or supervisory services to children under any of the following:

(1) A purchase of service or managed care contract with the department.

(2) A contract approved by a governance board of a decategorization of child welfare and juvenile justice funding project created under section 232.188.

(3) An arrangement approved by a juvenile court order.

k. Care provided on-site to children of parents residing in an emergency, homeless, or domestic violence shelter.

l. A child care facility providing respite care to a

licensed foster family home for a period of twenty-four hours or more to a child who is placed with that licensed foster family home.

m. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

~~4.~~ 3. *"Child care center"* or *"center"* means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

~~5.~~ 4. *"Child care facility"* or *"facility"* means a child care center, preschool, or a registered child development home.

~~6.~~ 5. *"Child care home"* means a person or program providing child care to any of the following children at any one time that is not registered to provide child care under this chapter, as authorized under section 237A.3:

a. Five or fewer children.

b. Six or fewer children, if at least one of the children is school-aged.

~~7.~~ 6. *"Child development home"* means a person or program registered under section 237A.3A that may provide child care to seven or more children at any one time.

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

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

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

10. *"Infant"* means a child who is less than twenty-four months of age.

11. *"Involvement with child care"* means licensed or registered under this chapter, employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, or providing child care as a child care home provider, or residing in a child care home.

12. *"Licensed center"* means a center issued a full or provisional license by the department under the provisions of this chapter or a center for which a license is being processed.

13. *"Poverty level"* means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

14. *"Preschool"* means a child care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills, and motor skills, and to extend their interest and understanding of the world about them.

15. *"School"* means kindergarten or a higher grade level.

16. *"State child care advisory committee"* means the state child care advisory committee established pursuant to section 135.173A.

Sec. 783. Section 237A.2, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. An application for a license or a renewal has been filed with the ~~administrator~~ department on forms provided by the department.

Sec. 784. Section 237A.2, subsection 3, Code 2023, is amended to read as follows:

3. The ~~administrator~~ department may reduce a previously issued license to a provisional license or issue a provisional license for a period of time not to exceed one year if the center does not meet standards required under this section. A provisional license shall not be renewable in regard to the same standards for more than two consecutive years. A

provisional license shall be posted in a conspicuous place in the center as provided in this section. If written plans to bring the center up to standards, giving specific dates for completion of work, are submitted to and approved by the department, the provisional license shall be renewable as provided in this subsection.

Sec. 785. Section 237A.3A, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. Three categories of standards shall be applicable to child development homes. The initial designations of the categories, which may be revised by the department, shall be "A", "B", and "C", as ranked from less stringent standards and capacity to more stringent standards and capacity. The "C" registration category standards shall require the highest level of provider qualifications and allow the greatest capacity of the three categories. The department ~~of human services, in consultation with the Iowa department of public health,~~ shall adopt rules applying standards to each category specifying provider qualifications and training, health and safety requirements, capacity, amount of space available per child, and other minimum requirements. The capacity requirements shall take into consideration the provider's own children, children who have a mild illness, children receiving part-time child care, and children served as a sibling group in overnight care.

Sec. 786. Section 237A.5, Code 2023, is amended to read as follows:

237A.5 Personnel.

1. All personnel in licensed or registered facilities shall have good health as evidenced by a report following a preemployment physical examination taken within six months prior to beginning employment. The examination shall include communicable disease tests by a licensed physician as defined in section 135C.1 or a licensed physician assistant as defined in section 148C.1 and shall be repeated every three years after

initial employment. Controlled medical conditions which would not affect the performance of the employee in the capacity employed shall not prohibit employment.

2. *a.* For the purposes of this section, unless the context otherwise requires:

(1) *"Person subject to a record check"* means a person who is described by any of the following:

(a) The person is being considered for licensure or registration or is registered or licensed under this chapter.

(b) The person is being considered by a child care facility for employment involving direct responsibility for a child or with access to a child when the child is alone or is employed with such responsibilities.

(c) The person will reside or resides in a child care facility.

(d) The person has applied for or receives public funding for providing child care.

(e) The person will reside or resides in a child care home that is not registered under this chapter but that receives public funding for providing child care.

(2) *"Person subject to an evaluation"* means a person subject to a record check whose record indicates that the person has committed a transgression.

(3) *"Transgression"* means the existence of any of the following in a person's record:

(a) Conviction of a crime.

(b) A record of having committed founded child or dependent adult abuse.

(c) Listing in the sex offender registry under chapter 692A.

(d) A record of having committed a public or civil offense.

(e) The department has revoked a child care facility registration or license due to the person's continued or repeated failure to operate the child care facility in compliance with this chapter and rules adopted pursuant to this chapter.

b. If an individual person subject to a record check is being considered for employment by a child care facility or child care home provider, in lieu of requesting a record check in this state to be conducted by the ~~department~~ record check evaluation system under paragraph *"c"*, the child care facility or child care home may access the single contact repository established pursuant to section 135C.33 as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the ~~department~~ record check evaluation system. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the ~~department~~ record check evaluation system perform an evaluation as provided in this subsection. Otherwise, the individual shall not be employed by the child care facility or child care home.

c. Unless a record check has already been conducted in accordance with paragraph *"b"*, the ~~department~~ record check evaluation system shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the ~~department~~ record check evaluation system may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check.

d. (1) For a person subject to a record check, in addition to any other record check conducted pursuant to this subsection, the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The department may adopt rules specifying criteria in the public interest for requiring the national criminal history check of a person to be repeated.

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph *"c"* that are conducted in connection with a person's involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person's involvement with a child development home or child care home.

(3) If record checks under paragraph *"b"* or *"c"* have been conducted on a person subject to a record check and the results do not warrant prohibition of the person's involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the record check under subparagraph (1) has been completed.

(4) If a person subject to a record check refuses to consent to a record check or if the person makes what the person knows to be a false statement of material fact in connection with a record check, the person shall be prohibited from involvement with child care.

e. (1) If a record check performed pursuant to this subsection identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) Prior to performing an evaluation, the ~~department~~ record check evaluation system shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

f. If a record check performed in accordance with paragraph *"b"* or *"c"* identifies that an individual is a person subject to an evaluation, the ~~department~~ record check evaluation

1 system shall perform the evaluation in accordance with this
2 subsection, even if the application which made the person
3 subject to the record check is withdrawn or the circumstances
4 which made the person subject to the record check are no longer
5 applicable. If the ~~department's~~ record check evaluation
6 system's evaluation determines that prohibition of the person's
7 involvement with child care is warranted, the provisions of
8 this subsection regarding such a prohibition shall apply.
9 *g.* A person subject to a record check who is or was employed
10 by a child care facility or child care home provider and
11 is hired by another child care facility or child care home
12 provider shall be subject to a record check in accordance
13 with this subsection. However, if the person was subject
14 to an evaluation because of a transgression in the person's
15 record and the evaluation determined that the transgression
16 did not warrant prohibition of the person's involvement
17 with child care and the latest record checks do not indicate
18 there is a transgression that was committed subsequent to
19 that evaluation, the person may commence employment with the
20 other child care facility or provider in accordance with the
21 ~~department's~~ evaluation and an exemption from any requirements
22 for reevaluation of the latest record checks is authorized.
23 Authorization of an exemption under this paragraph "*g*" from
24 requirements for reevaluation of the latest record checks by
25 the ~~department~~ record check evaluation system is subject to all
26 of the following provisions:
27 (1) The position with the subsequent employer is
28 substantially the same or has the same job responsibilities as
29 the position for which the previous evaluation was performed.
30 (2) Any restrictions placed on the person's employment
31 in the previous evaluation by the ~~department~~ record check
32 evaluation system shall remain applicable in the person's
33 subsequent employment.
34 (3) The person subject to the record checks has maintained a
35 copy of the previous evaluation and provides the evaluation to

the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this paragraph "*g*" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

h. In an evaluation, the ~~department~~ record check evaluation system shall consider the nature and seriousness of the transgression in relation to the position sought or held, the time elapsed since the commission of the transgression, the circumstances under which the transgression was committed, the degree of rehabilitation, the likelihood that the person will commit the transgression again, and the number of transgressions committed by the person involved. In addition to record check information, the ~~department~~ record check evaluation system may utilize information from the ~~department's~~ record check evaluation system's case records in performing the evaluation. The ~~department~~ record check evaluation system may permit a person who is evaluated to maintain involvement with child care, if the person complies with the ~~department's~~ record check evaluation system's conditions and corrective action plan relating to the person's involvement with child care. The ~~department~~ record check evaluation system has final authority in determining whether prohibition of the person's involvement with child care is warranted and in developing any conditional requirements and corrective action plan under this paragraph.

i. (1) A person subject to an evaluation shall be prohibited from involvement with child care under any of the following circumstances:

(a) The person has a record of founded child abuse or dependent adult abuse that was determined to be sexual abuse.

(b) The person is listed or is required to be listed on

any state sex offender registry or the national sex offender registry.

(c) The person has committed any of the following felony-level offenses:

(i) Child endangerment or neglect or abandonment of a dependent person.

(ii) Domestic abuse.

(iii) A crime against a child including but not limited to sexual exploitation of a minor.

(iv) A forcible felony.

(v) Arson.

(d) The person has a record of a misdemeanor conviction against a child that constitutes one of the following offenses:

(i) Child abuse.

(ii) Child endangerment.

(iii) Sexual assault.

(iv) Child pornography.

(2) If, within five years prior to the date of application for registration or licensure under this chapter, for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under this chapter, or to receive public funding for providing child care, or may request an evaluation, and the ~~department~~ record check evaluation system shall perform an evaluation and, based upon the criteria in paragraph *"h"*, shall determine whether prohibition of the person's involvement with child care continues to be warranted.

j. If the ~~department~~ record check evaluation system determines, through an evaluation of a person's transgression,

that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The ~~department~~ record check evaluation system may identify a period of time after which the person may request that another record check and evaluation be performed. A person who continues involvement with child care in violation of this subsection is subject to penalty under section 237A.19 or injunction under section 237A.20.

k. If it has been determined that a child receiving child care from a child care facility or a child care home is the victim of founded child abuse committed by an employee, license or registration holder, child care home provider, or resident of the child care facility or child care home for which a report is placed in the central registry pursuant to section 232.71D, the ~~administrator~~ department shall provide notification at the time of the determination to the parents, guardians, and custodians of children receiving care from the child care facility or child care home. A notification made under this paragraph shall identify the type of abuse but shall not identify the victim or perpetrator or circumstances of the founded abuse.

3. ~~On or after July 1, 1994, a~~ A licensee or registrant shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

4. ~~On or after July 1, 1994, a~~ A licensee or registrant shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

5. A person who serves as an unpaid volunteer in a child care facility shall not be required to complete training as a mandatory reporter of child abuse under section 232.69 or under

any other requirement.

Sec. 787. Section 237A.6, Code 2023, is amended to read as follows:

237A.6 Consultative services.

The department shall~~, and the director of public health may~~ provide consultative services to a person applying for a license or registration, or licensed or registered ~~by the administrator~~ under this chapter.

Sec. 788. Section 237A.8, Code 2023, is amended to read as follows:

237A.8 Violations — actions against license or registration.

The ~~administrator~~ department, after notice and opportunity for an evidentiary hearing before the department of inspections and appeals, may suspend or revoke a license or certificate of registration issued under this chapter or may reduce a license to a provisional license if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child care facility to the ~~administrator or a designee of the administrator~~ department. The ~~administrator~~ department shall notify the parent, guardian, or legal custodian of each child for whom the person provides child care at the time of action to suspend or revoke a license or certificate of registration.

Sec. 789. Section 237A.12, subsections 3 and 4, Code 2023, are amended to read as follows:

3. Rules relating to fire safety for child care centers shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department ~~in consultation with the director of public health~~. All rules

shall be developed in consultation with the state child care advisory committee. The state fire marshal shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the state fire marshal for school buildings under chapter 100, the building is considered appropriate for use by a child care facility. The rules adopted by the ~~administrator~~ department under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

Sec. 790. Section 237A.14, subsection 4, Code 2023, is amended to read as follows:

4. The department ~~of human services~~ shall adopt rules pursuant to chapter 17A in accordance with this section.

Sec. 791. Section 237A.23, subsection 1, Code 2023, is amended to read as follows:

1. The ~~departments~~ department and the department of education~~, public health, and human services~~ shall jointly establish a leadership council for child care training and development in this state. In addition to representatives of the ~~three~~ departments, the leadership council shall include but is not limited to representatives of community colleges, institutions of higher learning under the state board of regents and private institutions of higher education, the Iowa cooperative extension service in agriculture and home economics, and child care resource and referral service agencies.

Sec. 792. Section 237A.25, subsection 1, Code 2023, is amended to read as follows:

1. The department shall develop consumer information material to assist parents in selecting a child care provider. In developing the material, the department shall consult with department ~~of human services~~ staff, department of education staff, the state child care advisory committee, the early

childhood Iowa state board, and child care resource and referral services. In addition, the department may consult with other entities at the local, state, and national level.

Sec. 793. Section 237A.29, subsection 2, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A child care provider that has been found by the department of inspections and appeals in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph *"a"*, shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department ~~of human services~~:

Sec. 794. Section 237A.30, subsection 1, Code 2023, is amended to read as follows:

1. The department shall work with the early childhood Iowa ~~office in the department of management~~ program established in section 256I.5 and the state child care advisory committee in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 795. Section 237C.1, Code 2023, is amended to read as follows:

237C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of that division of the department designated by the director of human services to administer this chapter or the administrator's designee.~~

1 ~~2.~~ 1. *"Child"* or *"children"* means an individual or
2 individuals under eighteen years of age.
3 ~~3.~~ 2. *"Children's residential facility"* means a private
4 facility designed to serve children who have been voluntarily
5 placed for reasons other than an exclusively recreational
6 activity outside of their home by a parent or legal guardian
7 and who are not under the custody or authority of the
8 department ~~of human services~~, juvenile court, or another
9 governmental agency, that provides twenty-four-hour care,
10 including food, lodging, supervision, education, or other care
11 on a full-time basis by a person other than a relative or
12 guardian of the child, but does not include an entity providing
13 any of the following:
14 *a.* Care furnished by an individual who receives the child of
15 a personal friend as an occasional and personal guest in the
16 individual's home, free of charge and not as a business.
17 *b.* Care furnished by an individual with whom a child has
18 been placed for lawful adoption, unless that adoption is not
19 completed within two years after placement.
20 *c.* Child care furnished by a child care facility as defined
21 in section 237A.1.
22 *d.* Care furnished in a hospital licensed under chapter
23 135B or care furnished in a health care facility as defined in
24 section 135C.1.
25 *e.* Care furnished by a juvenile detention home or juvenile
26 shelter care home approved under section 232.142.
27 *f.* Care furnished by a child foster care facility licensed
28 under chapter 237.
29 *g.* Care furnished by an institution listed in section 218.1.
30 *h.* Care furnished by a facility licensed under chapter 125.
31 *i.* Care furnished by a psychiatric medical institution for
32 children licensed under chapter 135H.
33 ~~4.~~ 3. *"Department"* means the department of health and human
34 services.
35 4. *"Director"* means the director of health and human

services.

Sec. 796. Section 237C.3, subsection 1, Code 2023, is amended to read as follows:

1. The department ~~of human services~~ shall consult with the department of education~~,~~ and the department of inspections and appeals, ~~the department of public health,~~ the state fire marshal, and other agencies as determined by the department ~~of human services~~ to establish certification standards for children's residential facilities in accordance with this chapter.

Sec. 797. Section 237C.4, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Before the ~~administrator~~ department issues or reissues a certificate of approval to a children's residential facility under section 237C.6, the facility shall comply with standards adopted by the state fire marshal under chapter 100.

3. Rules governing sanitation, water, and waste disposal standards for children's residential facilities shall be adopted by the department ~~of human services in consultation with the director of public health~~.

Sec. 798. Section 237C.4, subsection 7, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Prior to establishing, proposing, adopting, or modifying a standard or rule under section 237C.3, this section, or section 282.34, the department ~~of human services~~ or the department of education, as applicable, shall, at a minimum, do all of the following:

Sec. 799. Section 237C.5, Code 2023, is amended to read as follows:

237C.5 Certificate of approval — certification required.

A person shall not operate a children's residential facility without a certificate of approval to operate issued by the ~~administrator~~ department under this chapter.

Sec. 800. Section 237C.6, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A person shall apply for a certificate to operate a children's residential facility by completing and submitting to the ~~administrator~~ department an application in a form and format approved by the ~~administrator~~ department. The ~~administrator~~ department shall issue or reissue a certificate of approval if the ~~administrator~~ department determines that the applicant is or upon commencing operation will provide children's residential facility services in compliance with this chapter. A certificate of approval is valid for up to one year from the date of issuance for the period determined by the ~~administrator~~ department in accordance with administrative rules providing criteria for making the determination.

3. The ~~administrator~~ department may deny an application for issuance or reissuance of a certificate of approval or suspend or revoke a certificate of approval if the applicant or certificate holder, as applicable, fails to comply with this chapter or the rules adopted pursuant to this chapter or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the ~~administrator~~ department. All operations of a children's residential facility shall cease during a period of suspension or revocation. The ~~administrator~~ department shall suspend or revoke a certificate of approval of a children's residential facility that fails to comply with section 282.34.

Sec. 801. Section 237C.8, Code 2023, is amended to read as follows:

237C.8 Reports and inspections.

The ~~administrator~~ department may require submission of reports by a certificate of approval holder and shall cause at least one annual unannounced inspection of a children's residential facility to assess compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections and appeals in addition to

initial, renewal, and other inspections that result from complaints or self-reported incidents. The department of inspections and appeals and the department ~~of human services~~ may examine records of a children's residential facility and may inquire into matters concerning the children's residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children's residential facilities under this chapter.

Sec. 802. Section 238.1, Code 2023, is amended to read as follows:

238.1 Definitions.

For the purpose of this chapter unless the context otherwise requires:

~~1. "*Administrator*" means the administrator of the division of child and family services of the department of human services.~~

~~2.~~ 1. "*Child*" means the same as defined in section 234.1.

~~3.~~ 2. "*Child-placing agency*" or "*agency*" means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes. "*Agency*" includes individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department.

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

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

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

~~4. "*Person*" or "*agency*" shall include individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of any division or any administrator of the department~~

~~of human services.~~

~~5. *"State division"* means the same as defined in section 234.1.~~

Sec. 803. Section 238.3, Code 2023, is amended to read as follows:

238.3 Authority to license.

The ~~administrator~~ department may grant a license under this chapter for the period specified in section 238.9 for the ~~conduct~~ operation of ~~any~~ a child-placing agency in this state.

Sec. 804. Section 238.4, Code 2023, is amended to read as follows:

238.4 Granting of license conditional.

~~No such~~ A license shall not be issued under this chapter unless the ~~person applying shall have shown~~ applicant shows that the ~~person~~ applicant and the ~~person's~~ applicant's agents are properly equipped by training and experience to find and select suitable temporary or permanent homes for children and to supervise ~~such~~ the homes ~~when~~ in which the children are placed ~~in them,~~ to ~~the end that~~ safeguard the health, morality, and general well-being of the children ~~placed by them shall be properly safeguarded~~.

Sec. 805. Section 238.5, Code 2023, is amended to read as follows:

238.5 License required.

~~No~~ A person shall ~~conduct~~ not operate a child-placing agency or solicit or receive funds for ~~its~~ the support of a child-placing agency without an unrevoked license issued by the ~~administrator~~ department within the preceding twelve months ~~preceding to conduct such agency~~.

Sec. 806. Section 238.6, Code 2023, is amended to read as follows:

238.6 Form of license.

The license shall state the name of the licensee and the particular premises in which the ~~business~~ agency may be ~~carried on~~ operated.

Sec. 807. Section 238.7, Code 2023, is amended to read as follows:

238.7 Posting of license.

~~Such~~ A license shall be ~~kept~~ posted in a conspicuous place on the licensed premises.

Sec. 808. Section 238.8, Code 2023, is amended to read as follows:

238.8 Record of license.

A record of the licenses ~~so~~ issued by the department under this chapter shall be ~~kept~~ maintained by the ~~administrator~~ department.

Sec. 809. Section 238.10, Code 2023, is amended to read as follows:

238.10 Revocation of license.

The ~~administrator~~ department may, after due notice and hearing, revoke the license if any of the following applies:

1. ~~In case the person to whom the same is issued~~ The licensee violates any provision of this chapter.

2. When ~~in the opinion of the administrator such~~ the agency is maintained in such a way as to waste or misuse funds contributed by the public or without due regard to sanitation or hygiene or to the health, comfort, or well-being of the child cared for or placed by the agency.

3. ~~In case of violation by the~~ The licensee or the licensee's agents ~~of~~ violate any law of the state in a manner disclosing moral turpitude or unfitness to maintain ~~such~~ the agency.

4. ~~In case any such~~ The agency is ~~conducted~~ operated by a person of ill repute or bad moral character.

5. ~~In case said~~ The agency operates in persistent violation of the ~~reasonable~~ regulations ~~of the administrator~~ governing such agencies.

Sec. 810. Section 238.11, Code 2023, is amended to read as follows:

238.11 Written charges — findings — notice.

Written charges against the licensee shall be served upon the licensee at least ten days before a hearing ~~shall be had thereon~~ on the charges and a written copy of the findings and decisions of the ~~administrator upon~~ department following the hearing shall be served upon the licensee in the manner prescribed for the service of original notice in civil actions.

Sec. 811. Section 238.12, Code 2023, is amended to read as follows:

238.12 Appeal —— judicial review.

1. ~~Any~~ A licensee ~~feeling~~ aggrieved by ~~any~~ a decision of the ~~administrator~~ department revoking the licensee's license may appeal to the council ~~on human services~~ in the manner ~~of form~~ prescribed by ~~such~~ the council. The council shall, upon receipt of such an appeal, give the licensee reasonable notice and opportunity for a fair hearing before ~~such~~ the council or its duly authorized representative ~~or representatives~~. Following ~~such~~ the hearing the council ~~on human services~~ shall take ~~its~~ final action and notify the licensee in writing.

2. Judicial review of the actions of the council may be sought in accordance with the terms of ~~the Iowa administrative procedure Act,~~ chapter 17A.

Sec. 812. Section 238.16, Code 2023, is amended to read as follows:

238.16 Rules and regulations.

~~It shall be the duty of the administrator to provide such~~ The department shall prescribe general regulations and rules for the conduct of ~~all such~~ child-placing agencies as ~~shall be~~ necessary to effect the purposes of this chapter and of all other applicable laws of the state relating to children ~~so far as the same are applicable~~, and to safeguard the well-being of children placed or cared for by such agencies.

Sec. 813. Section 238.17, Code 2023, is amended to read as follows:

238.17 Forms for registration and record —— preservation and maintenance.

1. The ~~administrator~~ department shall prescribe forms for the registration and record of ~~persons~~ children cared for by any child-placing agency licensed under this chapter and for reports required by ~~said administrator~~ the department from the agencies.

2. If, for any reason, a child-placing agency ~~as defined by section 238.1 shall cease~~ ceases to exist, all records of registration and placement and all other records of any kind and character ~~kept~~ maintained by ~~such~~ the child-placing agency shall be turned over to the ~~administrator~~ department, ~~for preservation,~~ to be ~~kept~~ preserved and maintained by the ~~said administrator~~ department as a permanent record.

Sec. 814. Section 238.18, Code 2023, is amended to read as follows:

238.18 Duty of licensee.

1. A child-placing agency licensed under this chapter shall ~~keep~~ maintain a record and make reports in the form ~~to be~~ prescribed by the ~~administrator~~ department.

2. For a child being placed by the agency, the agency's duties shall include compliance with the requirements of section 232.108 relating to visitation or ongoing interaction between the child and the child's siblings.

Sec. 815. Section 238.19, Code 2023, is amended to read as follows:

238.19 Inspection generally.

Authorized employees of the department of inspections and appeals may inspect the premises and conditions of the agency at any time, ~~and~~ examine every part of the agency~~;~~, and ~~may~~ inquire into all matters concerning the agency and the children in the care of the agency.

Sec. 816. Section 238.22, Code 2023, is amended to read as follows:

238.22 Licensee to aid inspection.

~~The licensees~~ A licensee shall ~~give~~ provide all reasonable information to ~~such~~ inspectors authorized under this chapter

and afford ~~them~~ the inspectors every reasonable ~~facility~~ means for obtaining pertinent information.

Sec. 817. Section 238.24, Code 2023, is amended to read as follows:

238.24 Information confidential — exceptions.

1. Except as authorized by this section, a person who acquires under this chapter or from the records provided for in this chapter, information relative to any agency, ~~or relative to any~~ individual cared for by the agency, or ~~relative to any~~ relative of the individual, shall not directly or indirectly disclose the information.

2. Disclosure of information acquired under this chapter or from the records provided for in this chapter is authorized under any of the following circumstances:

a. Disclosure made upon inquiry before a court of law, or before some other tribunal, or for the information of the governor, general assembly, medical examiners, ~~administrator, Iowa department of public health~~ director, or ~~the~~ local board of health in the jurisdiction where the agency is located.

b. Disclosure ~~may be~~ made by the ~~administrator~~ director to proper persons ~~as may be~~ in the interest of a child cared for by the agency or in the interest of the child's parents or foster parents and not inimical to the child, or as ~~may be~~ necessary to protect the interests of the child's prospective foster parents. However, disclosure of termination and adoption records shall be governed by the provisions of sections 600.16 and 600.16A.

c. Disclosure for purposes of statistical analysis performed by duly authorized persons of data collected under this chapter or the publication of the results of such analysis in such manner as will not disclose confidential information.

Sec. 818. Section 238.31, Code 2023, is amended to read as follows:

238.31 Inspection of foster homes.

The ~~administrator~~ department shall ~~be satisfied~~ ensure that

each licensed child-placing agency ~~is maintaining~~ maintains proper standards ~~in its work~~, and ~~said administrator~~ may at any time cause the child and home in which the child has been placed to be visited by the ~~administrator's~~ director's agents for the purpose of ascertaining whether the home is ~~a~~ suitable ~~one~~ for the child, and may continue to visit and inspect the foster home and the conditions ~~therein~~ in the foster home as they affect ~~said~~ the child.

Sec. 819. Section 238.32, Code 2023, is amended to read as follows:

238.32 Authority to agencies.

~~Any institution incorporated under the laws of this state or maintained for the purpose of caring for, placing out for adoption, or otherwise improving the condition of unfortunate children may, under the conditions~~ An agency as specified in this chapter and when licensed in accordance with the provisions of this chapter may do any of the following:

1. Receive children in need of assistance~~,~~ or ~~delinquent~~ children who are under eighteen years of age~~, under commitment from~~ found to have committed a delinquent act by the juvenile court, and ~~control and dispose of them~~ provide for the disposition of the children subject to the provisions of chapter 232 and chapter 600A.

2. Receive~~, control, and dispose~~ and provide for the disposition of all minor children voluntarily surrendered to ~~such institutions~~ the agency.

Sec. 820. Section 238.42, Code 2023, is amended to read as follows:

238.42 Agreement in child placements.

~~Every~~ An agency placing a child in a foster home shall enter into a written agreement with the person taking the child~~, which~~. The agreement shall provide that the agency ~~placing the child~~ shall have access at all reasonable times to ~~such~~ the child and to the home in which the child is living, and ~~for the return of the child by the person taking~~ may remove the child

from the home whenever, in the opinion of the agency ~~placing such child,~~ or ~~in the opinion of~~ the ~~administrator~~ department, removal is in the best interests of the child ~~shall require it~~.

Sec. 821. Section 238.45, Code 2023, is amended to read as follows:

238.45 Penalty.

~~Every~~ A person who violates any ~~of the provisions~~ provision of this chapter or who intentionally ~~shall make~~ makes any false statements or reports to the ~~administrator with reference to the matters contained herein~~ department relative to a provision of this chapter, ~~shall be~~ is guilty of a fraudulent practice.

Sec. 822. Section 239A.2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of workforce development, in consultation with the director of health and human services, shall establish a procedure for assignment of persons referred under section 239A.1 to positions available in public works projects. The department of workforce development shall arrange with units of local government for establishment of such projects, which may include any type of work or endeavor that is within the scope of authority of the unit of local government involved so long as the project meets the following requirements:

Sec. 823. Section 239B.1, subsection 4, Code 2023, is amended to read as follows:

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

Sec. 824. Section 239B.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *"Director"* means the director of health and human services.

Sec. 825. Section 239B.2, subsection 6, Code 2023, is amended to read as follows:

6. *Cooperation with child support requirements.* The department shall provide for prompt notification of ~~the department's~~ child support ~~recovery unit~~ services if assistance

is provided to a child whose parent is absent from the home. An applicant or participant shall cooperate with ~~the~~ child support ~~recovery unit~~ services and the department as provided in 42 U.S.C. §608(a)(2) unless the applicant or participant qualifies for good cause or other exception as determined by the department in accordance with the best interest of the child, parent, or specified relative, and with standards prescribed by rule. The authorized good cause or other exceptions shall include participation in a family investment agreement safety plan option to address or prevent family or domestic violence and other consideration given to the presence of family or domestic violence. If a specified relative with whom a child is residing fails to comply with these cooperation requirements, a sanction shall be imposed as defined by rule in accordance with state and federal law.

Sec. 826. Section 239B.8, subsection 6, Code 2023, is amended to read as follows:

6. *Confidential information disclosure.* If approved by the director ~~of human services~~ or the director's designee pursuant to a written request, the department shall disclose confidential information described in section 217.30, subsection 2, to other state agencies or to any other entity which is not subject to the provisions of chapter 17A and is providing services to a participant family who is subject to a family investment agreement, if necessary in order for the participant family to receive the services. The department shall adopt rules establishing standards for disclosure of confidential information if disclosure is necessary in order for a participant to receive services.

Sec. 827. Section 239B.9, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If a participant responsible for signing and fulfilling the terms of a family investment agreement, as defined by the director ~~of human services~~ in accordance with section 239B.8, chooses not to sign or fulfill the terms of the agreement, the

1 participant's family, or the individual participant shall enter
2 into a limited benefit plan. Initial actions in a written
3 statement under section 239B.2, subsection 4, which were
4 committed to by a participant during the application period
5 and which commitment remains in effect, shall be considered to
6 be a term of the participant's family investment agreement.
7 A limited benefit plan shall apply for the period of time
8 specified in this section. The first month of the limited
9 benefit plan is the first month after the month in which timely
10 and adequate notice of the limited benefit plan is given to the
11 participant as defined by the director ~~of human services~~. The
12 elements of a limited benefit plan shall be specified in the
13 department's rules.
14 Sec. 828. Section 239B.9, subsection 3, paragraphs a and c,
15 Code 2023, are amended to read as follows:
16 *a.* A participant who does not establish an orientation
17 appointment with the JOBS program or who fails to keep or
18 reschedule an orientation appointment shall receive a reminder
19 letter which informs the participant that those who do not
20 attend orientation have elected to choose a limited benefit
21 plan. A participant who chooses not to respond to the reminder
22 letter within ten calendar days from the mailing date shall
23 receive notice establishing the effective date of the limited
24 benefit plan. If a participant is deemed to have chosen a
25 limited benefit plan, timely and adequate notice provisions, as
26 determined by the director ~~of human services~~, shall apply.
27 *c.* A participant who has signed a family investment
28 agreement but then chooses a limited benefit plan under
29 circumstances defined by the director ~~of human services~~.
30 Sec. 829. Section 239B.12, Code 2023, is amended to read as
31 follows:
32 **239B.12 Immunization.**
33 1. To the extent feasible, the department shall determine
34 the immunization status of children receiving assistance under
35 this chapter. The status shall be determined in accordance

with the immunization recommendations adopted ~~by the Iowa department of public health~~ under section 139A.8, including the exemption provisions in section 139A.8, subsection 4. If the department determines a child is not in compliance with the immunization recommendations, the department shall refer the child's parent or guardian to a local public health agency for immunization services for the child and other members of the child's family.

2. The department ~~of human services~~ shall ~~cooperate with the Iowa department of public health to establish an interagency agreement allowing the sharing of pertinent client data, as permitted under federal law and regulation, for the purposes of determining~~ determine immunization rates of participants, ~~evaluating~~ evaluate family investment program efforts to encourage immunizations, and ~~developing~~ develop strategies to further encourage immunization of participants.

Sec. 830. Section 239B.16, Code 2023, is amended to read as follows:

239B.16 Appeal —— judicial review.

If an applicant's application is not acted upon within a reasonable time, if it is denied in whole or in part, or if a participant's assistance or other benefits under this chapter are modified, suspended, or canceled under a provision of this chapter, the applicant or participant may appeal to the department ~~of human services~~ which shall request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department ~~of human services~~. Judicial review of the actions of the department ~~of human services~~ may be sought in accordance with chapter 17A. Upon receipt of a notice of the filing of a petition for judicial review, the department ~~of human services~~ shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the

department's decision.

Sec. 831. Section 239B.17, subsection 1, Code 2023, is amended to read as follows:

1. *Program established.* The promoting independence and self-sufficiency through employment job opportunities and basic skills program is established for applicants and participants of the family investment program. The requirements of the JOBS program shall vary as provided in the family investment agreement applicable to a family. The department of workforce development, economic development authority, department of education, and all other state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and cooperate in the JOBS program. The departments, agencies, and institutions shall make agreements and arrangements for maximum cooperation and use of all available resources in the program. The department ~~of human services~~ may contract with the department of workforce development, the economic development authority, or another appropriate entity to provide JOBS program services.

Sec. 832. Section 241.1, Code 2023, is amended to read as follows:

241.1 Definitions.

As used in this chapter, unless the context otherwise requires:

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

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

~~1.~~ 3. *"Displaced homemaker"* means an individual who meets all of the following criteria:

a. Has worked principally in the home providing unpaid household services for family members.

b. Is not gainfully employed.

c. Has had, or would apparently have, difficulty finding

appropriate paid employment.

d. Has been dependent on the income of another family member but is no longer supported by that income, is or has been dependent on government assistance, or is supported as the parent of a child who is sixteen or seventeen years of age.

~~2. *"Department"* means the department of human services.~~

~~3. *"Director"* means the director of the department of human services.~~

Sec. 833. Section 241.3, subsection 2, Code 2023, is amended to read as follows:

2. The department shall consult and cooperate with the department of workforce development, the United States commissioner of social security administration, the office on the status of women of the department ~~of human rights~~, the department of education, and other persons in the executive branch of the state government as the department considers appropriate to facilitate the coordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

Sec. 834. Section 249.1, Code 2023, is amended to read as follows:

249.1 Definitions.

As used in this chapter:

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

~~1.~~ 2. *"Department"* means the department of health and human services.

~~2.~~ 3. *"Director"* means the director of health and human services.

~~3.~~ 4. *"Federal supplemental security income"* means cash payments made to individuals by the United States government under Tit. XVI of the Social Security Act as amended by Pub. L. No. 92-603, or any other amendments thereto.

~~4.~~ 5. *"Previous categorical assistance programs"* means the aid to the blind program authorized by chapter 241, the aid to the disabled program authorized by chapter 241A and the old-age

assistance program authorized by chapter 249, Code 1973.

~~5.~~ 6. *"State supplementary assistance"* means cash payments made to individuals:

a. By the United States government on behalf of the state of Iowa pursuant to section 249.2.

b. By the state of Iowa directly pursuant to sections 249.3 through 249.5.

Sec. 835. Section 249.4, subsection 1, Code 2023, is amended to read as follows:

1. Applications for state supplementary assistance shall be made in the form and manner prescribed by the director or the director's designee, with the approval of the council ~~on human services~~, pursuant to chapter 17A. Each person who ~~so~~ applies and is found eligible under section 249.3 shall, so long as the person's eligibility continues, receive state supplementary assistance on a monthly basis, from funds appropriated to the department for the purpose.

Sec. 836. Section 249.5, Code 2023, is amended to read as follows:

249.5 Judicial review.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if an award of assistance is modified, suspended, or canceled under a provision of this chapter, the applicant or recipient may appeal to the department ~~of human services~~, which shall request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department ~~of human services~~. Judicial review of the actions of the department ~~of human services~~ may be sought in accordance with chapter 17A. Upon receipt of the petition for judicial review, the department ~~of human services~~ shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of

the department's decision.

Sec. 837. Section 249.8, Code 2023, is amended to read as follows:

249.8 Cancellation of warrants.

The director of the department of administrative services, as of January, April, July, and October 1 of each year, shall stop payment on and issue duplicates of all state supplementary assistance warrants which have been outstanding and unredeemed by the treasurer of state for six months or longer. ~~No~~ A bond of indemnity shall not be required for the issuance of ~~such~~ the duplicate warrants which shall be canceled immediately by the director of the department of administrative services. If the original warrants are subsequently presented for payment, warrants in lieu ~~thereof~~ of the original warrants shall be issued by the director of the department of administrative services at the discretion of and upon certification by the director ~~of human services~~ or the director's designee.

Sec. 838. Section 249.11, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections and appeals shall conduct investigations and audits as deemed necessary to ensure compliance with state supplementary assistance programs administered under this chapter. The department of inspections and appeals shall cooperate with the department ~~of human services~~ on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 839. Section 249.12, subsections 1 and 2, Code 2023, are amended to read as follows:

1. In order to assure that the necessary data is available to aid the general assembly to determine appropriate funding for the custodial care program, the department ~~of human services~~ shall develop a cost-related system for financial supplementation to individuals who need custodial care and who have insufficient resources to purchase the care needed.

2. All privately operated licensed custodial facilities in Iowa shall cooperate with the department ~~of human services~~ to develop the cost-related plan.

Sec. 840. Section 249A.2, subsections 1 and 2, Code 2023, are amended to read as follows:

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

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

Sec. 841. Section 249A.4, subsection 10, paragraph c, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

A nursing facility that utilizes the supplementation option and receives supplementation under this subsection during any calendar year shall report to the department ~~of human services~~ annually, by January 15, the following information for the preceding calendar year:

Sec. 842. Section 249A.4, subsection 11, Code 2023, is amended to read as follows:

11. Shall provide an opportunity for a fair hearing before the department of inspections and appeals to an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department ~~of human services~~. Judicial review of the decisions of the department ~~of human services~~ may be sought in accordance with chapter 17A. If a petition for judicial review is filed, the department ~~of human services~~ shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.

Sec. 843. Section 249A.4B, Code 2023, is amended to read as follows:

249A.4B Medical assistance advisory council.

1 1. A medical assistance advisory council is created to
2 comply with 42 C.F.R. §431.12 based on section 1902(a)(4) of
3 the federal Social Security Act and to advise the director
4 about health and medical care services under the medical
5 assistance program. The council shall meet no more than
6 quarterly. The ~~director of~~ director's designee responsible
7 for public health or their designee and a public member of the
8 council selected by the public members of the council shall
9 serve as co-chairpersons of the council.
10 2. *a.* The council shall consist of the following voting
11 members:
12 (1) Five professional or business entity members selected
13 by the entities specified pursuant to subsection 3, paragraph
14 *"a"*.
15 (2) Five public members appointed pursuant to subsection 3,
16 paragraph *"b"*. Of the five public members, at least one member
17 shall be a recipient of medical assistance.
18 *b.* The council shall include all of the following nonvoting
19 members:
20 (1) The ~~director of public health, or the~~ director's
21 designee responsible for public health or their designee.
22 ~~(2) The director of the department on aging, or the~~
23 ~~director's designee.~~
24 ~~(3)~~ (2) The long-term care ombudsman, or the long-term care
25 ombudsman's designee.
26 ~~(4)~~ (3) The dean of Des Moines university — osteopathic
27 medical center, or the dean's designee.
28 ~~(5)~~ (4) The dean of the university of Iowa college of
29 medicine, or the dean's designee.
30 ~~(6)~~ (5) A member of the ~~hawk-i~~ Hawki board created in
31 section 514I.5, selected by the members of the ~~hawk-i~~ Hawki
32 board.
33 ~~(7)~~ (6) The following members of the general assembly, each
34 for a term of two years as provided in section 69.16B:
35 (a) Two members of the house of representatives, one

appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives from their respective parties.

(b) Two members of the senate, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate.

3. The voting membership of the council shall be selected or appointed as follows:

a. The five professional or business entity members shall be selected by the entities specified under this paragraph *"a"*. The five professional or business entity members selected shall be the president, or the president's representative, of the professional or business entity, or a member of the professional or business entity, designated by the entity.

(1) The Iowa medical society.

(2) The Iowa osteopathic medical association.

(3) The Iowa academy of family physicians.

(4) The Iowa chapter of the American academy of pediatrics.

(5) The Iowa physical therapy association.

(6) The Iowa dental association.

(7) The Iowa nurses association.

(8) The Iowa pharmacy association.

(9) The Iowa podiatric medical society.

(10) The Iowa optometric association.

(11) The Iowa association of community providers.

(12) The Iowa psychological association.

(13) The Iowa psychiatric society.

(14) The Iowa chapter of the national association of social workers.

(15) The coalition for family and children's services in Iowa.

(16) The Iowa hospital association.

(17) The Iowa association of rural health clinics.

(18) The Iowa primary care association.

1 (19) Free clinics of Iowa.
2 (20) The opticians' association of Iowa, inc.
3 (21) The Iowa association of hearing health professionals.
4 (22) The Iowa speech and hearing association.
5 (23) The Iowa health care association.
6 (24) The Iowa association of area agencies on aging.
7 (25) AARP.
8 (26) The Iowa caregivers association.
9 (27) Leading age Iowa.
10 (28) The Iowa association for home care.
11 (29) The Iowa council of health care centers.
12 (30) The Iowa physician assistant society.
13 (31) The Iowa association of nurse practitioners.
14 (32) The Iowa nurse practitioner society.
15 (33) The Iowa occupational therapy association.
16 (34) The ARC of Iowa, formerly known as the association for
17 retarded citizens of Iowa.
18 (35) The national alliance on mental illness.
19 (36) The Iowa state association of counties.
20 (37) The Iowa developmental disabilities council.
21 (38) The Iowa chiropractic society.
22 (39) The Iowa academy of nutrition and dietetics.
23 (40) The Iowa behavioral health association.
24 (41) The midwest association for medical equipment services
25 or an affiliated Iowa organization.
26 *b.* The five public members shall be public representatives
27 which may include members of consumer groups, including
28 recipients of medical assistance or their families, consumer
29 organizations, and others, appointed by the governor for
30 staggered terms of two years each, none of whom shall be
31 members of, or practitioners of, or have a pecuniary interest
32 in any of the professional or business entities specifically
33 represented under paragraph *"a"*.
34 4. Based upon the deliberations of the council, the council
35 shall make recommendations to the director regarding the

budget, policy, and administration of the medical assistance program.

5. For each council meeting, other than those held during the time the general assembly is in session, each legislative member of the council shall be reimbursed for actual travel and other necessary expenses and shall receive a per diem as specified in section 7E.6 for each day in attendance, as shall the members of the council who are recipients or the family members of recipients of medical assistance, regardless of whether the general assembly is in session.

6. The department shall provide staff support and independent technical assistance to the council.

7. The director shall consider the recommendations offered by the council in the director's preparation of medical assistance budget recommendations to the council on health and human services pursuant to section 217.3 and in implementation of medical assistance program policies.

Sec. 844. Section 249A.11, Code 2023, is amended to read as follows:

249A.11 Payment for patient care segregated.

A state resource center or mental health institute, upon receipt of any payment made under this chapter for the care of any patient, shall segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department ~~of human services~~.

Sec. 845. Section 249A.12, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The department ~~of human services~~ shall seek federal approval to amend the home and community-based services waiver for persons with an intellectual disability to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

Sec. 846. Section 249A.15A, subsection 4, Code 2023, is

amended to read as follows:

4. The department shall adopt rules pursuant to chapter 17A entitling alcohol and drug counselors who are certified by the nongovernmental Iowa board of ~~substance abuse~~ certification to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

Sec. 847. Section 249A.21, subsection 9, Code 2023, is amended to read as follows:

9. The department ~~of human services~~ may procure a sole source contract to implement the provisions of this section.

Sec. 848. Section 249A.24, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In addition to any other duties prescribed, the commission shall make recommendations to the council on health and human services regarding strategies to reduce state expenditures for prescription drugs under the medical assistance program excluding provider reimbursement rates. ~~The commission shall make initial recommendations to the council by October 1, 2002.~~ Following approval of any recommendation by the council on health and human services, the department shall include the approved recommendation in a notice of intended action under chapter 17A and shall comply with chapter 17A in adopting any rules to implement the recommendation. The department shall seek any federal waiver necessary to implement any approved recommendation. The strategies to be considered for recommendation by the commission shall include at a minimum all of the following:

Sec. 849. Section 249A.26, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Except as provided for disallowed costs in section 249A.27, the state shall pay one hundred percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided

under the medical assistance program for persons with an intellectual disability, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or a ~~substance-related~~ substance use disorder shall not be considered to be persons with chronic mental illness.

Sec. 850. Section 249A.29, Code 2023, is amended to read as follows:

249A.29 Home and community-based services waiver providers — records checks.

1. For purposes of this section and section 249A.30 unless the context otherwise requires:

a. "Consumer" means an individual approved by the department to receive services under a waiver.

b. "Provider" means an agency certified by the department to provide services under a waiver.

c. "Waiver" means a home and community-based services waiver approved by the federal government and implemented under the medical assistance program.

2. If a person is being considered by a provider for employment involving direct responsibility for a consumer or with access to a consumer when the consumer is alone, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment by the provider. The ~~department~~ record check evaluation system shall conduct criminal and child and dependent adult abuse records checks of the person in this state and may conduct these checks in other states. The records checks and evaluations required by this section shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the ~~department~~ record check evaluation system determines that a person employed by a provider has committed

a crime or has a record of founded abuse, the ~~department~~ record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment is warranted.

4. In an evaluation, the ~~department~~ record check evaluation system shall consider the nature and seriousness of the crime or founded abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The ~~department~~ record check evaluation system may permit a person who is evaluated to be employed or to continue to be employed by the provider if the person complies with the ~~department's~~ record check evaluation system's conditions relating to the employment, which may include completion of additional training.

5. If the ~~department~~ record check evaluation system determines that the person has committed a crime or has a record of founded abuse which warrants prohibition of employment, the person shall not be employed by a provider.

Sec. 851. Section 249A.32B, Code 2023, is amended to read as follows:

249A.32B Early and periodic screening, diagnosis, and treatment funding.

The department ~~of human services~~, in consultation with the ~~Iowa department of public health and the~~ department of education, shall continue the program to utilize the early and periodic screening, diagnosis, and treatment program funding under the medical assistance program, to the extent possible, to implement the screening component of the early and periodic screening, diagnosis, and treatment program through the schools. The department may enter into contracts to utilize maternal and child health centers, the public health nursing

program, or school nurses in implementing this section.

Sec. 852. Section 249A.33, subsection 1, Code 2023, is amended to read as follows:

1. A pharmaceutical settlement account is created in the state treasury under the authority of the department ~~of human services~~. Moneys received from settlements relating to provision of pharmaceuticals under the medical assistance program shall be deposited in the account.

Sec. 853. Section 249A.37, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Provide, with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan, upon the request of the state, information to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan, in accordance with section 505.25, in a manner prescribed by the department ~~of human services~~ or as agreed upon by the department and the entity specified in this section.

Sec. 854. Section 249A.37, subsection 2, Code 2023, is amended to read as follows:

2. The department ~~of human services~~ may adopt rules pursuant to chapter 17A as necessary to implement this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 – 164.

Sec. 855. Section 249A.48, Code 2023, is amended to read as follows:

249A.48 Temporary moratoria.

1 1. The ~~Iowa~~ Medicaid ~~enterprise~~ program shall impose a
2 temporary moratorium on the enrollment of new providers or
3 provider types identified by the centers for Medicare and
4 Medicaid services of the United States department of health
5 and human services as posing an increased risk to the ~~medical~~
6 ~~assistance~~ Medicaid program.
7 *a.* This section shall not be interpreted to require the
8 ~~Iowa~~ Medicaid ~~enterprise~~ program to impose a moratorium if the
9 ~~Iowa~~ Medicaid ~~enterprise~~ program determines that imposition
10 of a temporary moratorium would adversely affect access of
11 recipients to medical assistance services.
12 *b.* If the ~~Iowa~~ Medicaid ~~enterprise~~ program makes a
13 determination as specified in paragraph *"a"*, the ~~Iowa~~ Medicaid
14 ~~enterprise~~ program shall notify the centers for Medicare and
15 Medicaid services of the United States department of health and
16 human services in writing.
17 2. The ~~Iowa~~ Medicaid ~~enterprise~~ program may impose a
18 temporary moratorium on the enrollment of new providers, or
19 impose numerical caps or other limits that the ~~Iowa~~ Medicaid
20 ~~enterprise~~ program and the centers for Medicare and Medicaid
21 services identify as having a significant potential for fraud,
22 waste, or abuse.
23 *a.* Before implementing the moratorium, caps, or other
24 limits, the ~~Iowa~~ Medicaid ~~enterprise~~ program shall determine
25 that its action would not adversely impact access by recipients
26 to ~~medical assistance~~ Medicaid services.
27 *b.* The ~~Iowa~~ Medicaid ~~enterprise~~ program shall notify, in
28 writing, the centers for Medicare and Medicaid services, if the
29 ~~Iowa~~ Medicaid ~~enterprise~~ program seeks to impose a moratorium
30 under this subsection, including all of the details of the
31 moratorium. The ~~Iowa~~ Medicaid ~~enterprise~~ program shall receive
32 approval from the centers for Medicare and Medicaid services
33 prior to imposing a moratorium under this subsection.
34 3. *a.* The ~~Iowa~~ Medicaid ~~enterprise~~ program shall impose any
35 moratorium for an initial period of six months.

b. If the ~~Iowa~~ Medicaid ~~enterprise~~ program determines that it is necessary, the ~~Iowa~~ Medicaid ~~enterprise~~ program may extend the moratorium in six-month increments. Each time a moratorium is extended, the ~~Iowa~~ Medicaid ~~enterprise~~ program shall document, in writing, the necessity for extending the moratorium.

Sec. 856. Section 249A.50, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections and appeals shall conduct investigations and audits as deemed necessary to ensure compliance with the medical assistance program administered under this chapter. The department of inspections and appeals shall cooperate with the department ~~of human services~~ on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 857. Section 249B.1, subsection 4, Code 2023, is amended to read as follows:

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

Sec. 858. Section 249F.1, Code 2023, is amended to read as follows:

249F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

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

~~1.~~ 2. *"Medical assistance"* means *"mandatory medical assistance"*, *"optional medical assistance"*, *"discretionary medical assistance"*, or *"Medicare cost sharing"* as each is defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

~~2.~~ 3. *a.* *"Transfer of assets"* means any transfer or assignment of a legal or equitable interest in property, as

1 defined in section 702.14, from a transferor to a transferee
2 for less than fair consideration, made while the transferor
3 is receiving medical assistance or within five years prior to
4 application for medical assistance by the transferor. Any
5 such transfer or assignment is presumed to be made with the
6 intent, on the part of the transferee; transferor; or another
7 person acting on behalf of a transferor who is an actual or
8 implied agent, guardian, attorney-in-fact, or person acting as
9 a fiduciary, of enabling the transferor to obtain or maintain
10 eligibility for medical assistance or of impacting the recovery
11 or payment of a medical assistance debt. This presumption
12 is rebuttable only by clear and convincing evidence that
13 the transferor's eligibility or potential eligibility for
14 medical assistance or the impact on the recovery or payment
15 of a medical assistance debt was no part of the reason of
16 the transferee; transferor; or other person acting on behalf
17 of a transferor who is an actual or implied agent, guardian,
18 attorney-in-fact, or person acting as a fiduciary for making
19 or accepting the transfer or assignment. A transfer of assets
20 includes a transfer of an interest in the transferor's home,
21 domicile, or land appertaining to such home or domicile
22 while the transferor is receiving medical assistance, unless
23 otherwise exempt under paragraph "*b*".
24 *b.* However, transfer of assets does not include the
25 following:
26 (1) Transfers to or for the sole benefit of the
27 transferor's spouse, including a transfer to a spouse by an
28 institutionalized spouse pursuant to section 1924(f)(1) of the
29 federal Social Security Act.
30 (2) Transfers to or for the sole benefit of the transferor's
31 child who is blind or has a disability as defined in section
32 1614 of the federal Social Security Act.
33 (3) Transfer of a dwelling, which serves as the transferor's
34 home as defined in 20 C.F.R. §416.1212, to a child of the
35 transferor under twenty-one years of age.

(4) Transfer of a dwelling, which serves as the transferor's home as defined in 20 C.F.R. §416.1212, after the transferor is institutionalized, to either of the following:

(a) A sibling of the transferor who has an equity interest in the dwelling and who was residing in the dwelling for a period of at least one year immediately prior to the date the transferor became institutionalized.

(b) A child of the transferor who was residing in the dwelling for a period of at least two years immediately prior to the date the transferor became institutionalized and who provided care to the transferor which permitted the transferor to reside at the dwelling rather than in an institution or facility.

(5) Transfers of less than two thousand dollars. However, all transfers by the same transferor during the five-year period prior to application for medical assistance by the transferor shall be aggregated. If a transferor transfers property to more than one transferee during the five-year period prior to application for medical assistance by the transferor, the two thousand dollar exemption shall be divided equally between the transferees.

(6) Transfers of assets that would, at the time of the transferor's application for medical assistance, have been exempt from consideration as a resource if retained by the transferor, pursuant to 42 U.S.C. §1382b(a), as implemented by regulations adopted by the secretary of the United States department of health and human services, excluding the home and land appertaining to the home.

(7) Transfers to a trust established solely for the benefit of the transferor's child who is blind or permanently and totally disabled as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. §1382c.

(8) Transfers to a trust established solely for the benefit of an individual under sixty-five years of age who is disabled, as defined in the federal Social Security Act, section 1614, as

codified in 42 U.S.C. §1382c.

~~3.~~ 4. *"Transferee"* means the person who receives a transfer of assets.

~~4.~~ 5. *"Transferor"* means the person who makes a transfer of assets.

Sec. 859. Section 249F.2, Code 2023, is amended to read as follows:

249F.2 Creation of debt.

A transfer of assets creates a debt due and owing to the department ~~of human services~~ from the transferee in an amount equal to medical assistance provided to or on behalf of the transferor, on or after the date of the transfer of assets, but not exceeding the fair market value of the assets at the time of the transfer.

Sec. 860. Section 249F.3, Code 2023, is amended to read as follows:

249F.3 Notice of debt — failure to respond — hearing — order.

1. The department ~~of human services~~ may issue a notice establishing and demanding payment of an accrued or accruing debt due and owing to the department ~~of human services~~ as provided in section 249F.2. The notice shall be sent by restricted certified mail as defined in section 618.15, to the transferee at the transferee's last known address. If service of the notice is unable to be completed by restricted certified mail, the notice shall be served upon the transferee in accordance with the rules of civil procedure. The notice shall include all of the following:

a. The amount of medical assistance provided to the transferor to date which creates the debt.

b. A computation of the debt due and owing.

c. A demand for immediate payment of the debt.

d. (1) A statement that if the transferee desires to discuss the notice, the transferee, within ten days after being served, may contact the department ~~of human services~~ and

request an informal conference.

(2) A statement that if a conference is requested, the transferee has until ten days after the date set for the conference or until twenty days after the date of service of the original notice, whichever is later, to send a request for a hearing to the department ~~of human services~~.

(3) A statement that after the holding of the conference, the department ~~of human services~~ may issue a new notice to be sent to the transferee by first-class mail addressed to the transferee at the transferee's last known address, or if applicable, to the transferee's attorney at the last known address of the transferee's attorney.

(4) A statement that if the department ~~of human services~~ issues a new notice, the transferee has until ten days after the date of mailing of the new notice or until twenty days after the date of service of the original notice, whichever is later, to send a request for a hearing to the department ~~of human services~~.

e. A statement that if the transferee objects to all or any part of the original notice and no conference is requested, the transferee has until twenty days after the date of service of the original notice to send a written response setting forth any objections and requesting a hearing to the department ~~of human services~~.

f. A statement that if a timely written request for a hearing is received by the department ~~of human services~~, the transferee has the right to a hearing to be held in district court as provided in section 249F.4; and that if no timely written request for hearing is received, the department ~~of human services~~ will enter an order in accordance with the latest notice.

g. A statement that as soon as the order is entered, the property of the transferee is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, or execution.

h. A statement that the transferee must notify the department ~~of human services~~ of any change of address or employment.

i. A statement that if the transferee has any questions concerning the transfer of assets, the transferee should contact the department ~~of human services~~ or consult an attorney.

j. Other information as the department ~~of human services~~ finds appropriate.

2. If a timely written request for hearing is received by the department ~~of human services~~, a hearing shall be held in district court.

3. If a timely written request for hearing is not received by the department ~~of human services~~, the department may enter an order in accordance with the latest notice, and the order shall specify all of the following:

a. The amount to be paid with directions as to the manner of payment.

b. The amount of the debt accrued and accruing in favor of the department ~~of human services~~.

c. Notice that the property of the transferee is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

4. The transferee shall be sent a copy of the order by first-class mail addressed to the transferee at the transferee's last known address, or if applicable, to the transferee's attorney at the last known address of the transferee's attorney. The order is final, and action by the department ~~of human services~~ to enforce and collect upon the order may be taken from the date of the issuance of the order.

Sec. 861. Section 249F.4, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If a timely written request for a hearing is received, the department ~~of human services~~ shall certify the matter to the district court in the county where the transferee resides.

3. The department ~~of human services~~ may also request a hearing on its own motion regarding the determination of a debt, at any time prior to entry of an administrative order.

Sec. 862. Section 249F.5, subsections 1 and 2, Code 2023, are amended to read as follows:

1. A true copy of an order entered by the department ~~of human services~~ pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the county in which the transferee resides or, if the transferee resides in another state, in the office of the district court in the county in which the transferor resides.

2. The department ~~of human services~~ order shall be presented, ex parte, to the district court for review and approval. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. The approved order shall have all force, effect, and attributes of a docketed order or decree of the district court.

Sec. 863. Section 249F.7, Code 2023, is amended to read as follows:

249F.7 Administration.

As provided in this chapter, the establishment of a debt for medical assistance due to transfer of assets shall be administered by the department ~~of human services~~. All administrative discretion in the administration of this chapter shall be exercised by the department ~~of human services~~, and any state administrative rules implementing or interpreting this chapter shall be adopted by the department ~~of human services~~.

Sec. 864. Section 249K.2, Code 2023, is amended to read as follows:

249K.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Complete replacement"* means completed construction on a new nursing facility to replace an existing licensed and

certified facility. The replacement facility shall be located in the same geographical service area as the facility that is replaced and shall have the same number or fewer licensed beds than the original facility.

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

~~3. *"Iowa Medicaid enterprise"* means Iowa Medicaid enterprise as defined in section 135D.2.~~

~~4.~~ 3. *"Major renovations"* means construction or facility improvements to a nursing facility in which the total amount expended exceeds seven hundred fifty thousand dollars.

~~5.~~ 4. *"Medical assistance"*, ~~or~~ *"medical assistance program"*, or *"Medicaid program"* means the medical assistance program created pursuant to chapter 249A.

~~6.~~ 5. *"New construction"* means the construction of a new nursing facility which does not replace an existing licensed and certified facility and requires the provider to obtain a certificate of need pursuant to chapter 135, subchapter VI.

~~7.~~ 6. *"Nondirect care component"* means the portion of the reimbursement rate under the medical assistance program attributable to administrative, environmental, property, and support care costs reported on the provider's financial and statistical report.

~~8.~~ 7. *"Nursing facility"* means a nursing facility as defined in section 135C.1.

~~9.~~ 8. *"Provider"* means a current or future owner or operator of a nursing facility that provides medical assistance program services.

~~10.~~ 9. *"Rate determination letter"* means the letter that is distributed quarterly by the ~~Iowa~~ Medicaid ~~enterprise~~ program to each nursing facility, which is based on previously submitted financial and statistical reports from each nursing facility.

Sec. 865. Section 249K.3, subsection 2, paragraphs a and e, Code 2023, are amended to read as follows:

1 *a.* The provider shall submit a written request for instant
2 relief to the ~~Iowa~~ Medicaid ~~enterprise~~ program explaining the
3 nature, timing, and goals of the project and the time period
4 during which the relief is requested. The written request
5 shall clearly state if the provider is also requesting the
6 nondirect care limit exception. The written request for
7 instant relief shall be submitted no earlier than thirty days
8 prior to the placement of the provider's assets in service.
9 The written request for relief shall provide adequate details
10 to calculate the estimated value of relief including but not
11 limited to the total cost of the project, the estimated annual
12 depreciation expenses using generally accepted accounting
13 principles, the estimated useful life based upon existing
14 medical assistance and Medicare provisions, and a copy of the
15 most current depreciation schedule. If interest expenses are
16 included, a copy of the general terms of the debt service and
17 the estimated annual amount of the interest expenses shall be
18 submitted with the written request for relief.
19 *e.* During the period in which instant relief is granted, the
20 ~~Iowa~~ Medicaid ~~enterprise~~ program shall recalculate the value of
21 the instant relief based on allowable costs and patient days
22 reported on the annual financial and statistical report. For
23 purposes of calculating the per diem relief, total patient
24 days shall be the greater of actual annual patient days or
25 eighty-five percent of the facility's licensed capacity. The
26 actual value of relief shall be added to the nondirect care
27 component for the relevant period, not to exceed one hundred
28 ten percent of the nondirect care median for the relevant
29 period or not to exceed one hundred twenty percent of the
30 nondirect care median for the relevant period if the nondirect
31 care limit exception is requested and granted. The provider's
32 quarterly rates for the relevant period shall be retroactively
33 adjusted to reflect the revised nondirect care rate. All
34 claims with dates of service from the date that instant relief
35 is granted to the date that the instant relief is terminated

shall be repriced to reflect the actual value of the instant relief per diem utilizing a mass adjustment.

Sec. 866. Section 249K.5, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The ~~Iowa~~ Medicaid ~~enterprise~~ program shall administer this chapter. The department ~~of human services~~ shall adopt rules, pursuant to chapter 17A, to administer this chapter.

3. In addition to any other factors to be considered in determining if a provider is eligible to participate under this chapter, the ~~Iowa~~ Medicaid ~~enterprise~~ program shall consider all of the following:

a. The history of the provider's regulatory compliance.

b. The historical access to nursing facility services for medical assistance program beneficiaries.

c. The provider's dedication to and participation in quality of care, considering all quality programs in which the provider has participated.

d. The provider's plans to facilitate person-directed care.

e. The provider's plans to facilitate dementia units and specialty post-acute services.

Sec. 867. Section 249L.2, subsection 1, Code 2023, is amended to read as follows:

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

Sec. 868. Section 249M.2, subsection 2, Code 2023, is amended to read as follows:

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

Sec. 869. Section 249M.4, subsection 5, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The projected expenditures for participating hospitals for the fiscal year beginning July 1, 2010, as determined by the ~~fiscal management division of the~~ department, plus the amount calculated under subparagraph (1).

Sec. 870. Section 249N.2, subsections 4, 5, and 14, Code

2023, are amended to read as follows:

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

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

14. *"Medical assistance program"*, *"Medicaid program"*, or *"Medicaid"* means the program paying all or part of the costs of care and services provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

Sec. 871. Section 249N.5, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. For members whose household income is at or below one hundred percent of the federal poverty level, the plan shall be administered by the ~~Iowa~~ Medicaid ~~enterprise~~ program consistent with program administration applicable to individuals under section 249A.3, subsection 1.

Sec. 872. Section 251.1, Code 2023, is amended to read as follows:

251.1 Definitions.

As used in this chapter:

~~1. *"Administrator"* means the administrator of the division of adult, children, and family services of the department of human services.~~

~~2.~~ 1. ~~*"Division"* or *"state division"*~~ *"Department"* means the ~~division of adult, children, and family services of the~~ department of health and human services.

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

Sec. 873. Section 251.2, Code 2023, is amended to read as follows:

251.2 Administration of emergency relief.

The ~~state division~~ department, in addition to all other powers and duties given ~~it~~ the department by law, ~~shall be~~ is charged with the supervision and administration of all funds ~~coming into the hands of~~ received by the state ~~now or hereafter~~

~~provided~~ for emergency relief.

Sec. 874. Section 251.3, Code 2023, is amended to read as follows:

251.3 Powers and duties.

The ~~administrator~~ director shall have the power to do all of the following:

1. Appoint ~~such~~ personnel as ~~may be~~ necessary for the efficient discharge of the duties imposed ~~upon~~ on the ~~administrator in the administration of emergency relief,~~ director and ~~to~~ make ~~such~~ rules and regulations ~~as the administrator deems~~ necessary or advisable ~~covering~~ relating to the ~~administrator's~~ director's activities and those of the ~~service area~~ advisory boards created under section 217.43, concerning emergency relief.

2. Join and cooperate with the government of the United States, or any of its appropriate agencies or instrumentalities, in any ~~proper~~ emergency relief activity.

3. Make ~~such~~ reports of budget estimates to the governor and ~~to~~ the general assembly as ~~are~~ required by law~~,~~ or ~~are~~ as necessary ~~and proper~~ to obtain appropriations of funds ~~necessary~~ for emergency relief ~~purposes~~ and for all the purposes of this chapter.

4. Determine the need for funds in the various counties of the state basing such determination upon the amount of money needed in the various counties to provide adequate emergency relief, and upon the counties' financial inability to provide such relief from county funds. The ~~administrator~~ director may administer ~~said~~ state funds ~~belonging to the state~~ within the various counties of the state to supplement local funds as needed.

5. Make ~~such~~ reports, obtain and furnish ~~such~~ information ~~from time to time~~ as ~~may be~~ required by the governor, ~~by~~ the general assembly, or ~~by~~ any other ~~proper~~ appropriate state or federal office or agency, ~~state or federal,~~ and make an annual report of ~~its~~ the department's emergency relief activities.

Sec. 875. Section 251.4, Code 2023, is amended to read as follows:

251.4 Grants from state funds to counties.

The ~~state division~~ department may require as a condition of making ~~available~~ state assistance available to counties for emergency relief purposes, that the county boards of supervisors ~~shall~~ establish budgets ~~as needed~~ in respect to the relief situation in the counties.

Sec. 876. Section 251.5, Code 2023, is amended to read as follows:

251.5 Duties of the ~~service area~~ advisory board.

~~A service area~~ The advisory board created in section 217.43 shall perform the following activities ~~for any county~~ in the ~~board's service area~~ counties represented on the board concerning emergency relief:

1. Cooperate with a county's board of supervisors in all matters pertaining to administration of relief.

2. At the request of a county's board of supervisors, prepare requests for grants of state funds.

3. At the request of a county's board of supervisors, administer county relief funds.

4. In a county receiving grants of state funds upon approval of the director of the department of administrative services and the county's board of supervisors, administer both state and county relief funds.

5. Perform other duties as may be prescribed by the ~~administrator~~ department and a county's board of supervisors.

Sec. 877. Section 251.6, Code 2023, is amended to read as follows:

251.6 County supervisors to determine emergency relief and work projects.

The county board of supervisors shall supervise administration of emergency relief, and shall determine the minimum amount of relief required for each person or family, which persons are employable, and whether and under what

conditions persons receiving emergency relief may be employed by the county.

Sec. 878. Section 251.7, Code 2023, is amended to read as follows:

251.7 County appointees to act as executive officers.

The county board of supervisors may appoint ~~an individual~~ a person to serve as the executive officer of the ~~service area~~ advisory board in all matters pertaining to relief for that county.

Sec. 879. Section 252.26, Code 2023, is amended to read as follows:

252.26 General assistance director.

The board of supervisors in each county shall appoint or designate a general assistance director for the county, who shall have the powers and duties conferred by this chapter. In counties of one hundred thousand or less population, the county board may designate as general assistance director an employee of the ~~state~~ department of health and human services who is assigned to work in that county and ~~is~~ directed by the director of health and human services, pursuant to an agreement with the county board, to exercise the functions and duties of general assistance director in that county. The general assistance director shall receive as compensation an amount to be determined by the county board.

Sec. 880. Section 252.33, Code 2023, is amended to read as follows:

252.33 Application for assistance.

A person may make application for assistance to a member of the board of supervisors, or to the general assistance director of the county where the person is. If application is made to the general assistance director and that officer is satisfied that the applicant is in a state of want which requires assistance at the public expense, the general assistance director may afford temporary assistance, subject to the approval of the board of supervisors, as the necessities

of the person require and shall immediately report the case to the board of supervisors, who may continue or deny assistance, as they find cause.

Sec. 881. Section 252.37, Code 2023, is amended to read as follows:

252.37 Appeal to supervisors.

If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the general assistance director to provide assistance, or who may direct specific assistance.

Sec. 882. Section 252A.2, subsections 7 and 8, Code 2023, are amended to read as follows:

7. *"Petitioner"* includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by ~~the~~ child support ~~recovery unit~~ services, the state is the petitioner.

8. *"Petitioner's representative"* includes counsel of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by ~~the~~ child support ~~recovery unit~~ services, *"petitioner's representative"* includes a county attorney, state's attorney and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state.

Sec. 883. Section 252A.3A, subsections 3, 4, 7, 10, 12, and 13, Code 2023, are amended to read as follows:

3. *a.* Prior to or at the time of completion of an affidavit of paternity, written and oral information about paternity establishment, developed by ~~the~~ child support ~~recovery unit~~ services created in section 252B.2, shall be provided to the mother and putative father. Video or audio equipment may be used to provide oral information.

b. The information provided shall include a description of parental rights and responsibilities, including the duty to provide financial support for the child, the benefits of establishing paternity, and the alternatives to and legal consequences of signing an affidavit of paternity, including the rights available if a parent is a minor.

c. Copies of the written information shall be made available by ~~the~~ child support ~~recovery unit~~ services or the ~~Iowa~~ department of ~~public~~ health and human services to those entities where an affidavit of paternity may be obtained as provided under subsection 4.

4. *a.* The affidavit of paternity form developed and used by the ~~Iowa~~ department of ~~public~~ health and human services is the only affidavit of paternity form recognized for the purpose of establishing paternity under this section. It shall include the minimum requirements specified by the secretary of the United States department of health and human services pursuant to 42 U.S.C. §652(a)(7). A properly completed affidavit of paternity form developed by the ~~Iowa~~ department of ~~public~~ health and human services and existing on or after July 1, 1993, but which is superseded by a later affidavit of paternity form developed by the ~~Iowa~~ department of ~~public~~ health and human services, shall have the same legal effect as a paternity affidavit form used by the ~~Iowa~~ department of ~~public~~ health and human services on or after July 1, 1997, regardless of the date of the filing and registration of the affidavit of paternity, unless otherwise required under federal law.

b. The form shall be available from the state registrar, each county registrar, ~~the~~ child support ~~recovery unit~~ services, and any institution in the state.

c. The ~~Iowa~~ department of ~~public~~ health and human services shall make copies of the form available to the entities identified in paragraph *"b"* for distribution.

7. The state registrar shall make copies of affidavits of paternity and identifying information from the affidavits

filed and registered pursuant to this section available to ~~the~~ child support ~~recovery unit~~ services created under section 252B.2 in accordance with section 144.13, subsection 4, and any subsequent rescission form which rescinds the affidavit.

10. *a.* An institution may be reimbursed by ~~the~~ child support ~~recovery unit~~ services created in section 252B.2 for providing the services described under subsection 9, or may provide the services at no cost.

b. An institution electing reimbursement shall enter into a written agreement with ~~the~~ child support ~~recovery unit~~ services for this purpose.

c. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and filing an affidavit of paternity.

d. Reimbursement shall be based only on the number of affidavits completed in compliance with this section and submitted to the state registrar during the duration of the written agreement with ~~the~~ child support ~~recovery unit~~ services.

e. The reimbursement rate is twenty dollars for each completed affidavit filed with the state registrar.

12. *a.* A completed affidavit of paternity may be rescinded by registration by the state registrar of a completed and notarized rescission form signed by either the mother or putative father who signed the affidavit of paternity that the putative father is not the father of the child. The completed and notarized rescission form shall be filed with the state registrar for the purpose of registration prior to the earlier of the following:

(1) Sixty days after the latest notarized signature of the mother or putative father on the affidavit of paternity.

(2) Entry of a court order pursuant to a proceeding in this state to which the signatory is a party relating to the child, including a proceeding to establish a support order under this chapter, chapter 252C, 252F, 598, or 600B or other law of this

state.

b. Unless the state registrar has received and registered an order as provided in section 252A.3, subsection 10, paragraph *"a"*, which legally establishes paternity, upon registration of a timely rescission form the state registrar shall remove the father's information from the certificate of birth, and shall send a written notice of the rescission to the last known address of the signatory of the affidavit of paternity who did not sign the rescission form.

c. The ~~Iowa~~ department of ~~public~~ health and human services shall develop a rescission form and an administrative process for rescission. The form shall be the only rescission form recognized for the purpose of rescinding a completed affidavit of paternity. A completed rescission form shall include the signature of a notary public attesting to the identity of the party signing the rescission form. The ~~Iowa~~ department of ~~public~~ health and human services shall adopt rules which establish a fee, based upon the average administrative cost, to be collected for the registration of a rescission.

d. If an affidavit of paternity has been rescinded under this subsection, the state registrar shall not register any subsequent affidavit of paternity signed by the same mother and putative father relating to the same child.

13. ~~The child~~ Child support ~~recovery unit~~ services may enter into a written agreement with an entity designated by the secretary of the United States department of health and human services to offer voluntary paternity establishment services.

a. The agreement shall comply with federal requirements pursuant to 42 U.S.C. §666(a)(5)(C) including those regarding notice, materials, training, and evaluations.

b. The agreement may provide for reimbursement of the entity by the state if reimbursement is permitted by federal law.

Sec. 884. Section 252A.5, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Whenever the state or a political subdivision ~~thereof~~ of

the state furnishes support to a dependent, ~~it~~ the political subdivision of the state has the same right through proceedings instituted by the petitioner's representative to invoke the provisions ~~hereof~~ of this section as the dependent to whom the support was furnished, for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support; the petition in such case may be verified by any official having knowledge of such expenditures without further verification of any person and consent of the dependent shall not be required in order to institute proceedings under this chapter. ~~The child~~ Child support ~~recovery unit~~ services may bring the action based upon a statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

3. If ~~the~~ child support ~~recovery unit~~ services is providing services, ~~the unit~~ child support services has the same right to invoke the provisions of this section as the dependent for which support is owed for the purpose of securing support. The petition in such case may be verified by any official having knowledge of the request for services by ~~the unit~~ child support services, without further verification by any other person, and consent of the dependent shall not be required in order to institute proceedings under this chapter. ~~The child~~ Child support ~~recovery unit~~ services may bring the action based upon the statement of a witness, regardless of age, with knowledge of the circumstances, including, but not limited to, statements by the mother of the dependent or a relative of the mother or the putative father.

Sec. 885. Section 252A.13, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in,

title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

3. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by ~~the~~ child support ~~recovery unit~~ services. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child, subject to the order or judgment, for purposes of an assignment under this section.

Sec. 886. Section 252A.18, Code 2023, is amended to read as follows:

252A.18 Registration of support order — notice.

Registration of a support order of another state or foreign country shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration, the clerk of the court shall, by restricted certified mail, or ~~the~~ child support ~~recovery unit~~ services shall, as provided in section 252B.26, send to the respondent notice of the registration with a copy of the registered support order or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action. The clerk shall maintain a registry of all support orders registered pursuant to this section. The filing is in equity.

Sec. 887. Section 252B.1, Code 2023, is amended to read as follows:

252B.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Absent parent"* means the parent who either cannot be located or who is located and is not residing with the child at the time the support collection or paternity determination services provided in sections 252B.5 and 252B.6 are requested or commenced.

2. *"Child"* includes but shall not be limited to a stepchild, foster child, or legally adopted child and means a child actually or apparently under eighteen years of age or a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. *"Child"* includes *"child"* as defined in section 239B.1.

3. *"Child support agency"* means child support agency as defined in section 252H.2.

4. *"Child support services"* means child support services created in section 252B.2.

~~4.~~ 5. *"Department"* means the department of health and human services.

~~5.~~ 6. *"Director"* means the director of health and human services.

~~6.~~ 7. *"Obligor"* means the person legally responsible for the support of a child as defined in section 252D.16 or 598.1 under a support order issued in this state or pursuant to the laws of another state or foreign country.

~~7.~~ 8. *"Resident parent"* means the parent with whom the child is residing at the time the support collection or paternity determination services provided in sections 252B.5 and 252B.6 are requested or commenced.

~~8. *"Unit"* means the child support recovery unit created in section 252B.2.~~

Sec. 888. Section 252B.2, Code 2023, is amended to read as follows:

252B.2 ~~Unit~~ Child support services established —

intervention.

There is created within the department ~~of human services a~~ child support ~~recovery unit~~ services for the purpose of providing the services required in sections 252B.3 through 252B.6. ~~The unit~~ Child support services is not required to intervene in actions to provide such services.

Sec. 889. Section 252B.3, Code 2023, is amended to read as follows:

252B.3 Duty of department to enforce child support —— cooperation —— rules.

1. Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child is eligible for public assistance and that provision of child support services is appropriate, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this state including but not limited to chapters 239B, 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation. The department shall also take appropriate action as required by federal law upon receiving a request from a child support agency for a child receiving public assistance in another state.

2. The department ~~of human services~~ may negotiate a partial payment of a support obligation with a parent or other person responsible for the support of the child, provided that the negotiation and partial payment are consistent with applicable federal law and regulation.

3. The department shall adopt rules pursuant to chapter 17A regarding cases in which, under federal law, it is a condition of eligibility for an individual who is an applicant for or recipient of public assistance to cooperate in good faith with the department in establishing the paternity of, or in establishing, modifying, or enforcing a support order by

identifying and locating the parent of the child or enforcing rights to support payments. The rules shall include all of the following provisions:

a. As required by ~~the unit~~ child support services, the individual shall provide the name of the noncustodial parent and additional necessary information, and shall appear at interviews, hearings, and legal proceedings.

b. If paternity is an issue, the individual and child shall submit to blood or genetic tests pursuant to a judicial or administrative order.

c. The individual may be requested to sign a voluntary affidavit of paternity, after notice of the rights and consequences of such an acknowledgment, but shall not be required to sign an affidavit or otherwise relinquish the right to blood or genetic tests.

d. ~~The unit~~ Child support services shall promptly notify the individual and the ~~appropriate division of the department administering the~~ department's public assistance ~~program~~ programs of each determination by ~~the unit~~ child support services of noncooperation of the individual and the reason for such determination.

e. A procedure under which the individual may claim that, and the department shall determine whether, the individual has sufficient good cause or other exception for not cooperating, taking into consideration the best interest of the child.

4. Without need for a court order and notwithstanding the requirements of section 598.22A, the support payment ordered pursuant to any chapter shall be satisfied as to the department, the child, and either parent for the period during which the parents are reconciled and are cohabiting, the child for whom support is ordered is living in the same residence as the parents, and the obligor receives public assistance on the obligor's own behalf for the benefit of the child. The department shall implement this subsection as follows:

a. ~~The unit~~ Child support services shall file a notice of

satisfaction with the clerk of court.

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of another state or foreign country.

c. ~~The unit~~ Child support services shall send notice by regular mail to the obligor when the provisions of this subsection no longer apply. A copy of the notice shall be filed with the clerk of court.

d. This section shall not limit the rights of the parents or the department to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

5. On or after July 1, 1999, the department shall implement a program for the satisfaction of accrued support debts, based upon timely payment by the obligor of both current support due and any payments due for accrued support debt under a periodic payment plan. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to establish the criteria and procedures for obtaining satisfaction under the program. The rules adopted under this subsection shall specify the cases and amounts to which the program is applicable, and may provide for the establishment of the program as a pilot program.

Sec. 890. Section 252B.4, Code 2023, is amended to read as follows:

252B.4 Nonassistance cases.

1. The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239B, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by ~~the unit~~ child support services to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services or upon referral as described in subsection 4. The application shall be filed with the

department.

2. The director may collect a fee to cover the costs incurred by the department for service of process, genetic testing and court costs if the entity providing the service charges a fee for the services.

3. Fees collected pursuant to this section shall be considered repayment receipts, as defined in section 8.2, and shall be used for the purposes of ~~the unit~~ child support services. The director or a designee shall keep an accurate record of the fees collected and expended.

4. ~~The unit~~ Child support services shall also provide child support and paternity determination services and shall respond as provided in federal law for an individual not otherwise eligible as a public assistance recipient if ~~the unit~~ child support services receives a request from any of the following:

a. A child support agency.

b. A foreign country as defined in chapter 252K.

Sec. 891. Section 252B.5, Code 2023, is amended to read as follows:

252B.5 ~~Services of unit~~ Child support services.

~~The child~~ Child support ~~recovery unit~~ services shall provide the following services:

1. Assistance in the location of an absent parent or any other person who has an obligation to support the child of the resident parent.

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252F, or 600B, or any other chapter providing for the establishment of paternity or support. In an action to establish support, the resident parent may be a proper party defendant for purposes of determining medical support as provided in section 252E.1A upon service of notice as provided in this chapter and without a court order as provided in the rules of civil procedure. ~~The unit's~~ Child support services' independent cause of action shall not bar a party from seeking

support in a subsequent proceeding.

3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any other chapter under which child or medical support is granted. The director may enter into a contract with a private collection agency to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form of collection is more cost-effective than departmental collection methods. The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency. A private collection agency with whom the department enters a contract under this subsection shall comply with state and federal confidentiality requirements and debt collection laws. The director may use a portion of the state share of funds collected through this means to pay the costs of any contract authorized under this subsection.

4. Assistance to set off against a debtor's income tax refund or rebate any support debt, which is assigned to the department ~~of human services~~ or which ~~the~~ child support ~~recovery unit~~ services is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support, or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21C apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor's federal income tax refund or other federal nontax payment. The department

1 ~~of human services~~ shall adopt rules pursuant to chapter
2 17A necessary to assist the department of administrative
3 services in the implementation of the child support setoff as
4 established under section 8A.504.
5 5. *a.* In order to maximize the amount of any tax refund
6 to which an obligor may be entitled and which may be applied
7 to child support and medical support obligations, cooperate
8 with any volunteer or free income tax assistance programs in
9 the state in informing obligors of the availability of the
10 programs.
11 *b.* ~~The child~~ Child support ~~recovery unit~~ services shall
12 publicize the services of the volunteer or free income tax
13 assistance programs by distributing printed materials regarding
14 the programs.
15 6. Determine periodically whether an individual receiving
16 unemployment compensation benefits under chapter 96 owes a
17 support obligation which is being enforced by ~~the unit~~ child
18 support services, and enforce the support obligation through
19 court or administrative proceedings to have specified amounts
20 withheld from the individual's unemployment compensation
21 benefits.
22 7. Assistance in obtaining medical support as defined in
23 chapter 252E.
24 8. *a.* At the request of either parent who is subject to
25 the order of support or upon its own initiation, review the
26 amount of the support award in accordance with the guidelines
27 established pursuant to section 598.21B, and Tit. IV-D of the
28 federal Social Security Act, as amended, and take action to
29 initiate modification proceedings if the criteria established
30 pursuant to this section are met. However, a review of a
31 support award is not required if ~~the~~ child support ~~recovery~~
32 ~~unit~~ services determines that such a review would not be in the
33 best interest of the child and neither parent has requested
34 such review.
35 *b.* The department shall adopt rules setting forth the

process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

9. *a.* Assistance, in consultation with the department of administrative services, in identifying and taking action against self-employed individuals as identified by the following conditions:

(1) The individual owes support pursuant to a court or administrative order being enforced by ~~the unit~~ child support services and is delinquent in an amount equal to or greater than the support obligation amount assessed for one month.

(2) The individual has filed a state income tax return in the preceding twelve months.

(3) The individual has no reported tax withholding amount on the most recent state income tax return.

(4) The individual has failed to enter into or comply with a formalized repayment plan with ~~the unit~~ child support services.

(5) The individual has failed to make either all current support payments in accordance with the court or administrative order or to make payments against any delinquency in each of the preceding twelve months.

b. ~~The unit~~ Child support services may forward information to the department of administrative services as necessary to implement this subsection, including but not limited to both of the following:

(1) The name and social security number of the individual.

(2) Support obligation information in the specific case, including the amount of the delinquency.

10. The review and adjustment, modification, or alteration of a support order pursuant to chapter 252H upon adoption of rules pursuant to chapter 17A and periodic notification, at a minimum of once every three years, to parents subject to a support order of their rights to these services.

11. ~~The unit~~ Child support services shall not establish orders for spousal support. ~~The unit~~ Child support services

shall enforce orders for spousal support only if the spouse is the custodial parent of a child for whom ~~the unit~~ child support services is also enforcing a child support or medical support order.

12. *a.* In compliance with federal procedures, periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by ~~the unit~~ child support services to owe delinquent support, under a support order as defined in section 252J.1, in excess of two thousand five hundred dollars. The certification of the delinquent amount owed may be based upon one or more support orders being enforced by ~~the unit~~ child support services if the delinquent support owed exceeds two thousand five hundred dollars. The certification shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by ~~the unit~~ child support services under this subsection:

(1) The obligor shall be sent a notice by regular mail in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full.

(2) The notice shall include all of the following:

(a) A statement regarding the amount of delinquent support owed by the obligor.

(b) A statement providing information that if the delinquency is in excess of two thousand five hundred dollars, the United States secretary of state may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. §652(k).

(c) Information regarding the procedures for challenging the certification by ~~the unit~~ child support services.

(3) (a) If the obligor chooses to challenge the

1 certification, the obligor shall notify ~~the unit~~ child support
2 services within the time period specified in the notice to the
3 obligor. The obligor shall include any relevant information
4 with the challenge.
5 (b) A challenge shall be based upon mistake of fact. For
6 the purposes of this subsection, *"mistake of fact"* means a
7 mistake in the identity of the obligor or a mistake in the
8 amount of the delinquent child support owed if the amount did
9 not exceed two thousand five hundred dollars on the date of ~~the~~
10 ~~unit's~~ child support services' decision on the challenge.
11 (4) Upon timely receipt of the challenge, ~~the unit~~ child
12 support services shall review the certification for a mistake
13 of fact, or refer the challenge for review to the child support
14 agency in the state chosen by the obligor as provided by
15 federal law.
16 (5) Following ~~the unit's~~ child support services' review of
17 the certification, ~~the unit~~ child support services shall send
18 a written decision to the obligor within ten days of timely
19 receipt of the challenge.
20 (a) If ~~the unit~~ child support services determines that
21 a mistake of fact exists, ~~the unit~~ child support services
22 shall send notification in accordance with federal procedures
23 withdrawing the certification for passport sanction.
24 (b) If ~~the unit~~ child support services determines that a
25 mistake of fact does not exist, the obligor may contest the
26 determination within ten days following the issuance of the
27 decision by submitting a written request for a contested case
28 proceeding pursuant to chapter 17A.
29 (6) Following issuance of a final decision under chapter
30 17A that no mistake of fact exists, the obligor may request a
31 hearing before the district court pursuant to chapter 17A. The
32 department shall transmit a copy of its record to the district
33 court pursuant to chapter 17A. The scope of the review by the
34 district court shall be limited to demonstration of a mistake
35 of fact. Issues related to visitation, custody, or other

provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

c. Following certification to the secretary, if ~~the unit~~ child support services determines that an obligor no longer owes delinquent support in excess of two thousand five hundred dollars, ~~the unit~~ child support services shall provide information and notice as the secretary requires to withdraw the certification for passport sanction.

13. *a.* Impose an annual fee, which shall be retained from support collected on behalf of the obligee, in accordance with 42 U.S.C. §654(6)(B)(ii). ~~The unit~~ Child support services shall send information regarding the requirements of this subsection by regular mail to the last known address of an affected obligee, or may include the information for an obligee in an application for services signed by the obligee. In addition, ~~the unit~~ child support services shall take steps necessary regarding the fee to qualify for federal funds in conformity with the provisions of Tit. IV-D of the federal Social Security Act, including receiving and accounting for fee payments, as appropriate, through the collection services center created in section 252B.13A.

b. Fees collected pursuant to this subsection shall be considered repayment receipts as defined in section 8.2, and shall be used for the purposes of ~~the unit~~ child support services. The director shall maintain an accurate record of the fees collected and expended under this subsection.

c. Until such time as a methodology to secure payment of the collections fee from the obligor is provided by law, an obligee may act pursuant to this paragraph to recover the collections fee from the obligor. If ~~the unit~~ child support services retains all or a portion of the collections fee imposed pursuant to paragraph *"a"* in a federal fiscal year, there is an automatic nonsupport judgment, in an amount equal to the amount retained, against the obligor payable to the obligee. This paragraph shall serve as constructive notice

that the fee amount, once retained, is an automatic nonsupport judgment against the obligor. The obligee may use any legal means, including the lien created by the nonsupport judgment, to collect the nonsupport judgment.

Sec. 892. Section 252B.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In addition to the services enumerated in section 252B.5, ~~the unit~~ child support services may provide the following services in the case of a dependent child for whom public assistance is being provided:

Sec. 893. Section 252B.6, subsection 3, Code 2023, is amended to read as follows:

3. Appear on behalf of the state for the purpose of facilitating the modification of support awards consistent with guidelines established pursuant to section 598.21B, and Tit. IV-D of the federal Social Security Act. ~~The unit~~ Child support services shall not otherwise participate in the proceeding.

Sec. 894. Section 252B.6A, Code 2023, is amended to read as follows:

252B.6A External services.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

a. ~~The unit~~ Child support services is providing services under this chapter.

b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to ~~the unit~~ child support services by the attorney under this section.

c. Support is assigned to the state based upon cash

assistance paid under chapter 239B, or its successor.

d. The attorney has provided written notice to ~~the central office of the unit~~ child support services and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.

e. The attorney has provided documentation to ~~the unit~~ child support services that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to ~~the unit~~ child support services. An attorney may provide subsequent notices to ~~the unit~~ child support services to extend the time for receipt of the collection by subsequent ninety-day periods.

2. *a.* If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless ~~the unit~~ child support services consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include, but are not limited to, exemption from application of this section to proceedings based upon, but not limited to, any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which ~~the unit~~ child support services has not received notice that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by ~~the unit~~ child support services.

3. ~~The unit~~ Child support services shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a *"judicial proceeding"* means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. *"Judicial proceedings"* include but are not limited to those pursuant to chapters 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. *"Judicial proceedings"* do not include enforcement actions which ~~the unit~~ child support services is required to implement under federal law including, but not limited to, income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the clerk of the

district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by ~~the unit~~ child support services is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. ~~The unit~~ Child support services may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of ~~the unit~~ child support services and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify ~~the unit~~ child support services when the judicial proceeding is completed.

7. *a.* An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no

right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. ~~The unit~~ Child support services shall comply with all state and federal laws regarding confidentiality. ~~The unit~~ Child support services may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

9. This section shall not be interpreted to prohibit ~~the unit~~ child support services from providing services or taking other actions to enforce support as provided under this chapter.

Sec. 895. Section 252B.7, Code 2023, is amended to read as follows:

252B.7 Legal services.

1. The attorney general may perform the legal services for ~~the~~ child support ~~recovery program~~ services and may enforce all laws for the recovery of child support from responsible relatives. The attorney general may file and prosecute:

a. Contempt of court proceedings to enforce any order of court pertaining to child support.

b. Cases under chapter 252A, the support of dependents law.

c. An information charging a violation of section 726.3, 726.5 or 726.6.

d. Any other lawful action which will secure collection of support for minor children.

2. For the purposes of subsection 1, the attorney general has the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This section does not relieve a county attorney from the county attorney's duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

3. ~~The unit~~ Child support services may contract with a county attorney, the attorney general, a clerk of the district court, or another person or agency to collect support obligations and to administer the child support ~~program established~~ services required pursuant to this chapter. Notwithstanding section 13.7, ~~the unit~~ child support services may contract with private attorneys for the prosecution of civil collection and recovery cases and may pay reasonable compensation and expenses to private attorneys for the prosecution services provided.

4. An attorney employed by or under contract with ~~the~~ child support ~~recovery unit~~ services represents and acts exclusively on behalf of the state when providing child support enforcement services. An attorney-client relationship does not exist between the attorney and an individual party, witness, or person other than the state, regardless of the name in which the action is brought.

Sec. 896. Section 252B.7A, Code 2023, is amended to read as follows:

252B.7A Determining parent's income.

1. ~~The unit~~ Child support services shall use any of the following in determining the amount of the net monthly income of a parent for purposes of establishing or modifying a support obligation:

a. Income as identified in a signed statement of the

parent pursuant to section 252B.9, subsection 1, paragraph *"b"*. If evidence suggests that the statement is incomplete or inaccurate, ~~the unit~~ child support services may present the evidence to the court in a judicial proceeding or to the ~~administrator~~ director in a proceeding under chapter 252C or a comparable chapter, and the court or ~~administrator~~ director shall weigh the evidence in setting the support obligation. Evidence includes but is not limited to income as established under paragraph *"c"*.

b. If a sworn statement is not provided by the parent, ~~the unit~~ child support services may determine income as established under paragraph *"c"* or *"d"*.

c. Income established by any of the following:

(1) Income verified by an employer or payor of income.

(2) Income reported to the department of workforce development.

(3) For a public assistance recipient, income as reported to the department case worker assigned to the public assistance case.

(4) Other written documentation which identifies income.

d. By July 1, 1999, the department shall adopt rules for imputing income, whenever possible, based on the earning capacity of a parent who does not provide income information or for whom income information is not available. Until such time as the department adopts rules establishing a different standard for determining the income of a parent who does not provide income information or for whom income information is not available, the estimated state median income for a one-person family as published annually in the federal register for use by the federal office of community services, office of energy assistance, for the subsequent federal fiscal year.

(1) This provision is effective beginning July 1, 1992, based upon the information published in the federal register dated March 8, 1991.

(2) ~~The unit~~ Child support services may revise the estimated

income each October 1. If the estimate is not available or has not been published, ~~the unit~~ child support services may revise the estimate when it becomes available.

e. When the income information obtained pursuant to this subsection does not include the information necessary to determine the net monthly income of the parent, ~~the unit~~ child support services may deduct twenty percent from the parent's gross monthly income to arrive at the net monthly income figure.

2. The amount of the income determined may be challenged any time prior to the entry of a new or modified order for support.

3. If ~~the~~ child support ~~recovery unit~~ services is providing services pursuant to this chapter, the court shall use the income figure determined pursuant to this section when applying the guidelines to determine the amount of support.

4. The department may develop rules as necessary to further implement disclosure of financial information of the parties.

Sec. 897. Section 252B.7B, Code 2023, is amended to read as follows:

252B.7B Informational materials provided by ~~the unit~~ child support services.

1. ~~The unit~~ Child support services shall prepare and make available to the public, informational materials which explain ~~the unit's~~ child support services' procedures including, but not limited to, procedures with regard to all of the following:

a. Accepting applications for services.

b. Locating individuals.

c. Establishing paternity.

d. Establishing support.

e. Enforcing support.

f. Modifying, suspending, or reinstating support.

g. Terminating services.

2. The informational materials shall include general information about and descriptions of the processes involved relating to the services provided by ~~the unit~~ child support

services including application for services, fees for services, the responsibilities of the recipient of services, resolution of disagreements with ~~the unit~~ child support services, rights to challenge the actions of ~~the unit~~ child support services, and obtaining additional information.

Sec. 898. Section 252B.8, Code 2023, is amended to read as follows:

252B.8 Central information center.

The department shall establish within ~~the unit~~ child support services an information and administration coordinating center which shall serve as a registry for the receipt of information and for answering interstate inquiries concerning absent parents and shall coordinate and supervise ~~unit~~ child support services' activities. The information and administration coordinating center shall promote cooperation between ~~the unit~~ child support services and law enforcement agencies to facilitate the effective operation of ~~the unit~~ child support services.

Sec. 899. Section 252B.9, Code 2023, is amended to read as follows:

252B.9 Information and assistance from others — availability of records.

1. *a.* The director may request from state, county, and local agencies information and assistance deemed necessary to carry out the provisions of this chapter. State, county, and local agencies, officers, and employees shall cooperate with ~~the unit~~ child support services and shall on request supply the department with available information relative to the absent parent, the custodial parent, and any other necessary party, notwithstanding any provisions of law making this information confidential. The cooperation and information required by this subsection shall also be provided when it is requested by a child support agency. Information required by this subsection includes, but is not limited to, information relative to location, income, property holdings, records of licenses as

defined in section 252J.1, and records concerning the ownership and control of corporations, partnerships, and other business entities. If the information is maintained in an automated database, ~~the unit~~ child support services shall be provided automated access.

b. Parents of a child on whose behalf support enforcement services are provided shall provide information regarding income, resources, financial circumstances, and property holdings to the department for the purpose of establishment, modification, or enforcement of a support obligation. The department may provide the information to parents of a child as needed to implement the requirements of section 598.21B, notwithstanding any provisions of law making this information confidential.

c. Notwithstanding any provisions of law making this information confidential, all persons, including for-profit, nonprofit, and governmental employers, shall, on request, promptly supply ~~the unit~~ child support services or a child support agency information on the employment, compensation, and benefits of any individual employed by such person as an employee or contractor with relation to whom ~~the unit~~ child support services or a child support agency is providing services.

d. Notwithstanding any provisions of law making this information confidential, ~~the unit~~ child support services may subpoena or a child support agency may use the administrative subpoena form promulgated by the secretary of the United States department of health and human services under 42 U.S.C. §652(a)(11)(C), to obtain any of the following:

(1) Books, papers, records, or information regarding any financial or other information relating to a paternity or support proceeding.

(2) Certain records held by public utilities, cable or other television companies, cellular telephone companies, and internet service providers with respect to individuals who

owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records, and including the cellular telephone numbers of such individuals appearing in the customer records of cellular telephone companies. If the records are maintained in automated databases, ~~the unit~~ child support services shall be provided with automated access.

e. ~~The unit~~ Child support services or a child support agency may subpoena information for one or more individuals.

f. If ~~the unit~~ child support services or a child support agency issues a request under paragraph *"c"*, or a subpoena under paragraph *"d"*, all of the following shall apply:

(1) ~~The unit~~ Child support services or a child support agency may issue a request or subpoena to a person by sending it by regular mail. Proof of service may be completed according to **rule of civil procedure 1.442**.

(2) A person who is not a parent or putative father in a paternity or support proceeding, who is issued a request or subpoena, shall be provided an opportunity to refuse to comply for good cause by filing a request for a conference with ~~the unit~~ child support services or a child support agency in the manner and within the time specified in rules adopted pursuant to subparagraph (7).

(3) Good cause shall be limited to mistake in the identity of the person, or prohibition under federal law to release such information.

(4) After the conference ~~the unit~~ child support services shall issue a notice finding that the person has good cause for refusing to comply, or a notice finding that the person does not have good cause for failing to comply. If the person refuses to comply after issuance of notice finding lack of good cause, or refuses to comply and does not request a conference, the person is subject to a penalty of one hundred dollars per

refusal.

(5) If the person fails to comply with the request or subpoena, fails to request a conference, and fails to pay a penalty imposed under subparagraph (4), ~~the unit~~ child support services may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the penalty, the person may seek judicial review by the district court.

(6) If a parent or putative father fails to comply with a subpoena or request for information, the provisions of chapter 252J shall apply.

(7) ~~The unit~~ Child support services may adopt rules pursuant to chapter 17A to implement this section.

g. Notwithstanding any provisions of law making this information confidential, ~~the unit~~ child support services or a child support agency shall have access to records and information held by financial institutions with respect to individuals who owe or are owed support, or with respect to whom a support obligation is sought including information on assets and liabilities. If the records are maintained in automated databases, ~~the unit~~ child support services shall be provided with automated access. For the purposes of this section, *"financial institution"* means financial institution as defined in section 252I.1.

h. Notwithstanding any law to the contrary, ~~the unit~~ child support services and a child support agency shall have access to any data maintained by the state of Iowa which contains information that would aid the agency in locating individuals. Such information shall include, but is not limited to, driver's license, motor vehicle, and criminal justice information. However, the information does not include criminal investigative reports or intelligence files maintained by law enforcement. ~~The unit~~ Child support services and a child support agency shall use or disclose the information obtained pursuant to this paragraph only in accordance with

subsection 3. Criminal history records maintained by the department of public safety shall be disclosed in accordance with chapter 692. ~~The unit~~ Child support services shall also have access to the protective order file maintained by the department of public safety.

i. Liability shall not arise under this subsection with respect to any disclosure by a person as required by this subsection, and no advance notice from ~~the unit~~ child support services or a child support agency is required prior to requesting information or assistance or issuing a subpoena under this subsection.

j. Notwithstanding any provision of law making this information confidential, data provided to the department by an insurance carrier under section 505.25 shall also be provided to ~~the unit~~ child support services. Provision of data to ~~the unit~~ child support services under this paragraph shall not require an agreement or modification of an agreement between the department and an insurance carrier, but the provisions of this section applicable to information received by ~~the unit~~ child support services shall apply to the data received pursuant to section 505.25 in lieu of any confidentiality, privacy, disclosure, use, or other provisions of an agreement between the department and an insurance carrier.

2. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A may be released, except when prohibited by federal law or regulation, only as follows:

a. Payment records of the collection services center may be released upon request for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, and as otherwise permitted under Tit.

IV-D of the federal Social Security Act, as amended. A payment record shall not include address or location information.

b. The department may release details related to payment records or provide alternative formats for release of the information for the administration of a plan or program under Tit. IV-D of the federal Social Security Act, as amended, including as follows:

(1) ~~The unit~~ Child support services or the collection services center may provide detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Tit. IV-D of the federal Social Security Act, as amended, or to the court.

(2) For support orders entered in Iowa which are being enforced by ~~the unit~~ child support services, ~~the unit~~ child support services may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by the name of the support obligor, the address, if known, of the support obligor, unless the information pertaining to the address of the support obligor is protected through confidentiality requirements established by law and has not otherwise been verified with ~~the unit~~ child support services, the support obligor's court order docket or case number, the county in which the obligor's support order is filed, the collection services center case numbers, and the range within which the balance of the support obligor's delinquency is established. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the

information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is required, but ~~the unit~~ child support services may send notice annually by mail to the current known address of any individual owing a support obligation which is being enforced by ~~the unit~~ child support services. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent ~~the unit~~ child support services from proceeding in implementing this subparagraph.

(3) The provisions of subparagraph (2) may be applied to support obligations entered in another state, at the request of a child support agency if the child support agency has demonstrated that the provisions of subparagraph (2) are not in conflict with the laws of the state where the support obligation is entered and ~~the unit~~ child support services is enforcing the support obligation.

(4) Records relating to the administration, collection, and enforcement of surcharges pursuant to section 252B.23 which are recorded by ~~the unit~~ child support services or a collection entity shall be confidential records except that information, as necessary for support collection and enforcement, may be provided to other governmental agencies, the obligor or the resident parent, or a collection entity under contract with ~~the unit~~ child support services unless otherwise prohibited by the federal law. A collection entity under contract with ~~the unit~~ child support services shall use information obtained for the sole purpose of fulfilling the duties required under the contract, and shall disclose any records obtained by the collection entity to ~~the unit~~ child support services for use in support establishment and enforcement.

3. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to the confidentiality of records

maintained by the department, information recorded by the department pursuant to this section or obtained by ~~the unit~~ child support services is confidential and, except when prohibited by federal law or regulation, may be used or disclosed as provided in subsection 1, paragraphs *"b"* and *"h"*, and subsection 2, and as follows:

a. The attorney general may utilize the information to secure, modify, or enforce a support obligation of an individual.

b. This subsection shall not permit or require the release of information, except to the extent provided in this section.

c. ~~The unit~~ Child support services may release or disclose information as necessary to provide services under section 252B.5, as provided by chapter 252G, as provided by Tit. IV-D of the federal Social Security Act, as amended, or as required by federal law.

d. ~~The unit~~ Child support services may release information under section 252B.9A to meet the requirements of Tit. IV-D of the federal Social Security Act for parent locator services.

e. Information may be released if directly connected with any of the following:

(1) The administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended.

(2) Any investigations, prosecutions, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

(3) Reporting to an appropriate agency or official of any such plan or program, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement action under circumstances which indicate that the child's health or welfare is threatened.

f. Information may be released to courts having jurisdiction

in support proceedings. If a court issues an order, which is not entered under section 252B.9A, directing ~~the unit~~ child support services to disclose confidential information, ~~the unit~~ child support services may file a motion to quash pursuant to this chapter, Tit. IV-D of the federal Social Security Act, or other applicable law.

g. ~~The child~~ Child support ~~recovery unit~~ services may release information for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, specified under subsection 2 or this subsection, to the extent the release of information does not interfere with ~~the unit~~ child support services meeting its own obligations under Tit. IV-D of the federal Social Security Act, as amended, and subject to requirements prescribed by the federal office of child support enforcement of the United States department of health and human services.

h. For purposes of this subsection, *"party"* means an absent parent, obligor, resident parent, or other necessary party.

i. If ~~the unit~~ child support services receives notification under this paragraph, ~~the unit~~ child support services shall notify the federal parent locator service as required by federal law that there is reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of information could be harmful to the party or the child. The notification to the federal parent locator service shall be known as notification of a disclosure risk indicator. For purposes of this paragraph, ~~the unit~~ child support services shall notify the federal parent locator service of a disclosure risk indicator only if at least one of the following applies:

(1) ~~The unit~~ Child support services receives notification that the department, or comparable agency of another state, has made a finding of good cause or other exception as provided in section 252B.3, or comparable law of another state.

(2) ~~The unit~~ Child support services receives and, through

automation, matches notification from the department of public safety or ~~the unit~~ child support services receives notification from a court of this or another state, that a court has issued a protective order or no-contact order against a party with respect to another party or child.

(3) ~~The unit~~ Child support services receives notification that a court has dismissed a petition for specified confidential information pursuant to section 252B.9A.

(4) ~~The unit~~ Child support services receives a copy, regular on its face, of a notarized affidavit or a pleading, which was signed by and made under oath by a party, under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, alleging the health, safety, or liberty of the party or child would be jeopardized by the disclosure of specific identifying information unless a tribunal under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, ordered the identifying information of a party or child be disclosed.

(5) ~~The unit~~ Child support services receives and, through automation, matches notification from ~~the division of child and family services of~~ the department, or ~~the unit~~ child support services receives notification from a comparable agency of another state, of a founded allegation of child abuse, or a comparable finding under the law of the other state.

(6) ~~The unit~~ Child support services receives notification that an individual has an exemption from cooperation with child support enforcement under a family investment program safety plan which addresses family or domestic violence.

(7) ~~The unit~~ Child support services receives notification that an individual is a certified program participant as provided in chapter 9E.

(8) ~~The unit~~ Child support services receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, affidavit, pleading, safety plan, certification, or founded allegation referred to in

subparagraphs (1) through (7) of this paragraph.

j. ~~The unit~~ Child support services may provide information regarding delinquent obligors as provided in 42 U.S.C. §666(a)(7) to a consumer reporting agency if all the following apply:

(1) The agency provides ~~the unit~~ child support services with satisfactory evidence that it is a consumer reporting agency as defined in 15 U.S.C. §1681a(f) and meets all the following requirements:

(a) Compiles and maintains files on consumers on a nationwide basis as provided in 15 U.S.C. §1681a(p).

(b) Participates jointly with other nationwide consumer reporting agencies in providing annual free credit reports to consumers upon request through a centralized source as required by the federal trade commission in 16 C.F.R. §610.2.

(2) The agency has entered into an agreement with ~~the unit~~ child support services regarding receipt and use of the information.

4. Nothing in this chapter, chapter 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other comparable chapter or law shall preclude ~~the unit~~ child support services from exchanging any information, notice, document, or certification with any government or private entity, if the exchange is not otherwise prohibited by law, through mutually agreed upon electronic data transfer rather than through other means.

Sec. 900. Section 252B.9A, Code 2023, is amended to read as follows:

252B.9A Disclosure of confidential information — authorized person — court.

1. A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. §653, may submit a written request to ~~the unit~~ child support services for disclosure of specified confidential information regarding a nonrequesting party. The

written request shall comply with federal law and regulations, including any attestation and any payment to the federal office of child support enforcement of the United States department of health and human services required by federal law or regulation, and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. §653, including that the requester would use the confidential information only for purposes permitted in that section.

2. Upon receipt of a request from an authorized person which meets all of the requirements under subsection 1, ~~the unit~~ child support services shall search available records as permitted by law or shall request the information from the federal parent locator service as provided in 42 U.S.C. §653.

a. If ~~the unit~~ child support services locates the specified confidential information, ~~the unit~~ child support services shall disclose the information to the extent permitted under federal law, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. §653(b)(2).

(2) ~~The unit~~ Child support services has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph *"i"*, and has not removed that notification.

(3) ~~The unit~~ Child support services receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph *"i"*, within twenty days of sending a notice of the request to the subject of the request by regular mail.

b. If ~~the unit~~ child support services locates the specified confidential information, but ~~the unit~~ child support services is prohibited from disclosing confidential information under paragraph *"a"*, ~~the unit~~ child support services shall deny the request and notify the requester of the denial in writing.

Upon receipt of a written notice from ~~the unit~~ child support services denying the request, the requester may file a petition in district court for an order directing ~~the unit~~ child support services to release the requested information to the court as provided in subsection 3.

3. A person may file a petition in district court for disclosure of specified confidential information. The petition shall request that the court direct ~~the unit~~ child support services to release specified confidential information to the court, that the court make a determination of harm if appropriate, and that the court release specified confidential information to the petitioner.

a. The petition shall include a sworn statement attesting to the intended use of the information by the petitioner as allowed by federal law. Such statement may specify any of the following intended uses:

(1) To establish parentage, or to establish, set the amount of, modify, or enforce a child support obligation.

(2) To make or enforce a child custody or visitation determination or order.

(3) To carry out the duty or authority of the petitioner to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

b. Upon the filing of a petition, the court shall enter an order directing ~~the unit~~ child support services to release to the court within thirty days specified confidential information which ~~the unit~~ child support services would be permitted to release under 42 U.S.C. §653 and 42 U.S.C. §663, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. §653(b)(2).

(2) ~~The unit~~ Child support services has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph *"i"*, and has

not removed that notification.

(3) ~~The unit~~ Child support services receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph *"i"*, within twenty days of sending notice of the order to the subject of the request by regular mail. ~~The unit~~ Child support services shall include in the notice to the subject of the request a copy of the court order issued under this paragraph.

c. Upon receipt of the order, ~~the unit~~ child support services shall comply as follows:

(1) If ~~the unit~~ child support services has the specified confidential information, and none of the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph *"b"* applies, ~~the unit~~ child support services shall file the confidential information with the court along with a statement that ~~the unit~~ child support services has not received any notice that the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph *"b"* apply. ~~The unit~~ Child support services shall be granted at least thirty days to respond to the order. The court may extend the time for ~~the unit~~ child support services to comply. Upon receipt by the court of the confidential information under this subparagraph, the court may order the release of the information to the petitioner.

(2) If ~~the unit~~ child support services has the specified confidential information, and the domestic violence, child abuse, or disclosure risk indicator provision of paragraph *"b"* applies, ~~the unit~~ child support services shall file with the court a statement that the domestic violence, child abuse, or disclosure risk indicator provision of paragraph *"b"* applies, along with any information ~~the unit~~ child support services has received related to the domestic violence, child abuse, or disclosure risk indicator. ~~The unit~~ Child support services shall be granted at least thirty days to respond to the order. The court may extend the time for ~~the unit~~ child

support services to comply. Upon receipt by the court of information from ~~the unit~~ child support services under this subparagraph, the court shall make a finding whether disclosure of confidential information to any other person could be harmful to the nonrequesting party or child. In making the finding, the court shall consider any relevant information provided by the parent or child, any information provided by ~~the unit~~ child support services or by a child support agency, any information provided by the petitioner, and any other relevant evidence. ~~The unit~~ Child support services or ~~unit's~~ a child support services' attorney does not represent any individual person in this proceeding.

(a) If the court finds that disclosure of confidential information to any other person could be harmful to the nonrequesting party or child, the court shall dismiss the petition for disclosure and notify ~~the unit~~ child support services to notify the federal parent locator service of a disclosure risk indicator.

(b) If the court does not find that disclosure of specified confidential information to any other person could be harmful to the nonrequesting party or child, the court shall notify ~~the unit~~ child support services to file the specified confidential information with the court. Upon receipt by the court of the specified confidential information, the court may release the information to the petitioner and inform ~~the unit~~ child support services to remove the disclosure risk indicator.

(3) If ~~the unit~~ child support services does not have the specified confidential information and cannot obtain the information from the federal parent locator service, ~~the unit~~ child support services shall comply with the order by notifying the court of the lack of information.

4. The confidential information which may be released by ~~the unit~~ child support services to a party under subsection 2, or by ~~the unit~~ child support services to the court under subsection 3, shall be limited by the federal Social Security

Act and other applicable federal law, and ~~the unit~~ child support services may use the sworn statement filed pursuant to subsection 1 or 3 in applying federal law. Any information filed with the court by ~~the unit~~ child support services, when certified over the signature of a designated employee, shall be considered to be satisfactorily identified and shall be admitted as evidence, without requiring third-party foundation testimony. Additional proof of the official character of the person certifying the document or the authenticity of the person's signature shall not be required.

5. When making a request for confidential information under this section, a party or petitioner shall indicate the specific information requested.

6. For purposes of this section, *"party"* means party as defined in section 252B.9, subsection 3.

7. ~~The unit~~ Child support services may adopt rules pursuant to chapter 17A to prescribe provisions in addition to or in lieu of the provisions of this section to comply with federal requirements for parent locator services or the safeguarding of information.

Sec. 901. Section 252B.11, Code 2023, is amended to read as follows:

252B.11 Recovery of costs of collection services.

~~The unit~~ Child support services may initiate necessary civil proceedings to recover ~~the unit's~~ child support services' costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. ~~The unit~~ Child support services may seek a lump sum recovery of ~~the unit's~~ child support services' costs or may seek to recover ~~the unit's~~ child support services' costs through periodic payments which are in addition to periodic support payments. If ~~the unit's~~ child support services' costs are recovered from an individual owing a support obligation, the costs shall not be

deducted from the amount of support money received from the individual. The costs collected pursuant to this section shall be retained by the department for use by ~~the unit~~ child support services. The director or a designee shall keep an accurate record of funds so retained.

Sec. 902. Section 252B.13A, Code 2023, is amended to read as follows:

252B.13A Collection services center.

1. The department shall establish within ~~the unit~~ child support services a collection services center for the receipt and disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.23.

2. *a.* The collection services center shall meet the requirements for a state disbursement unit pursuant to 42 U.S.C. §654b, section 252B.14, and this section by October 1, 1999.

b. Prior to October 1, 1999, the department and the judicial branch shall enter into a cooperative agreement for implementation of the state disbursement unit requirement. The agreement shall include, but is not limited to, provisions for all of the following:

(1) Coordination with the state case registry created in section 252B.24.

(2) The receipt and disbursement of income withholding payments for orders not receiving services from ~~the unit~~ child support services pursuant to section 252B.14, subsection 4.

(3) The transmission of information, orders, and documents, and access to information.

(4) Furnishing, upon request, timely information on the current status of support payments as provided in 42 U.S.C. §654b(b)(4), in a manner consistent with state law.

(5) The notification of payors of income to direct income withholding payments to the collection services center as provided in section 252B.14, subsection 4.

Sec. 903. Section 252B.14, subsections 2 and 5, Code 2023, are amended to read as follows:

2. For support orders being enforced by ~~the~~ child support ~~recovery unit~~ services, support payments made pursuant to the order shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but ~~the unit~~ child support services is not providing other services under Tit. IV-D of the federal Social Security Act, or if the order is not being enforced by ~~the unit~~ child support services, the parties to that order are not considered to be receiving services under this chapter.

Sec. 904. Section 252B.15, subsection 1, Code 2023, is amended to read as follows:

1. The collection services center shall notify the clerk of the district court of any order for which ~~the~~ child support ~~recovery unit~~ services is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

Sec. 905. Section 252B.16, Code 2023, is amended to read as follows:

252B.16 Transfer of support order processing responsibilities

— ongoing procedures.

1. For a support order being processed by the clerk of the district court, upon notification that ~~the unit~~ child support services is providing enforcement services related to the order, the clerk of the district court shall immediately transfer the responsibility for the disbursement of support payments received pursuant to the order to the collection services center.

2. The department shall adopt rules pursuant to chapter 17A to ensure that the affected parties are notified that the support payment disbursement responsibilities have been transferred to the collection services center from the clerk of the district court. The rules shall include a provision requiring that a notice shall be sent by regular mail to the last known addresses of the obligee and the obligor. The issuance of notice to the obligor is the equivalent of a court order requiring the obligor to direct payment to the collection services center for disbursement.

3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if ~~the~~ child support ~~recovery unit~~ services is no longer providing enforcement services, unless redirected by court order. However, the responsibility for receiving and disbursing income withholding payments shall not be redirected to a clerk of the district court.

4. As provided in sections 252K.307 and 252K.319, ~~the unit~~ child support services may issue and file with the clerk of the district court, a notice redirecting support payments to a comparable government entity responsible for the processing and disbursement of support payments in another state. ~~The unit~~ Child support services shall send a copy of the notice by regular mail to the last known addresses of the obligor and obligee and, where applicable, shall notify the payor of income

to make payments as specified in the notice. The issuance and filing of the notice is the equivalent of a court order redirecting support.

Sec. 906. Section 252B.17A, Code 2023, is amended to read as follows:

252B.17A Imaging or photographic copies — originals destroyed.

1. If ~~the unit~~ child support services, in the regular course of business or activity, has recorded or received any memorandum, writing, entry, print, document, representation, or combination thereof, of any act, transaction, occurrence, event, or communication from any source, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original, the original may be destroyed. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original recording, copy, or reproduction is in existence and available for inspection. The introduction of a reproduced record, enlargement, or facsimile, does not preclude admission of the original.

2. The electronically imaged, copied, or otherwise reproduced record or document maintained or received by ~~the unit~~ child support services, when certified over the signature of a designated employee of ~~the unit~~ child support services, shall be considered to be satisfactorily identified. Certified documents are deemed to have been imaged or copied or otherwise reproduced accurately and unaltered in the regular course of

business, and such documents are admissible in any judicial or administrative proceeding as evidence. Additional proof of the official character of the person certifying the record or authenticity of the person's signature shall not be required. Whenever ~~the unit~~ child support services or an employee of ~~the unit~~ child support services is served with a summons, subpoena, subpoena duces tecum, or order directing production of such records, ~~the unit~~ child support services or the employee may comply by transmitting a copy of the record certified as described above to the district court.

Sec. 907. Section 252B.20, Code 2023, is amended to read as follows:

252B.20 Suspension of support — request by mutual consent.

1. If ~~the unit~~ child support services is providing child support enforcement services pursuant to this chapter, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of ~~the unit~~ child support services in suspending the obligation for support if all of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

c. The parents have signed a notarized affidavit attesting

to the conditions under paragraphs *"a"* and *"b"*, have consented to suspension of the support order or obligation, and have submitted the affidavit to ~~the unit~~ child support services.

d. No prior request for suspension has been filed with ~~the unit~~ child support services under this section and no prior request for suspension has been served by ~~the unit~~ child support services under section 252B.20A during the two-year period preceding the request.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, ~~the unit~~ child support services shall review the application and affidavit to determine that the necessary criteria have been met. ~~The unit~~ Child support services shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, ~~the unit~~ child support services shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the

filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

5. During the six-month period ~~the unit~~ child support services may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to ~~the unit~~ child support services by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. If a condition under subsection 5 exists, ~~the unit~~ child support services may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, ~~the unit~~ child support services shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, ~~the unit~~ child support services

shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

7. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and ~~the unit~~ child support services.

8. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph *"a"*, the date the notices were served on both parents pursuant to subsection 7.

b. For reinstatements initiated under subsection 5, paragraph *"b"*, the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

9. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 4, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

10. This section shall not limit the rights of the parents or ~~the unit~~ child support services to proceed by other means to

suspend, terminate, modify, reinstate, or establish support.

11. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

12. Nothing in this section shall prohibit or limit ~~the unit~~ child support services or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review or for a cost-of-living alteration under chapter 252H, subchapter IV, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

14. As used in this section, unless the context otherwise requires, *"step change"* means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

15. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon agreement of the parents, ~~the unit~~ child support services may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested ~~the unit~~ child support services to provide services under this chapter. The parents and the caretaker shall sign a notarized affidavit attesting to the conditions under this

1 section, consent to the suspension of the support order or
2 obligation, and submit the affidavit to ~~the unit~~ child support
3 services. Upon the receipt of public assistance benefits
4 pursuant to chapter 239B, 249A, or a comparable law of another
5 state or foreign country, by the child on whose behalf support
6 is ordered, or upon application to ~~the unit~~ child support
7 services by either parent or the caretaker, ~~the unit~~ child
8 support services may, within the time periods specified in this
9 section, request the reinstatement of the accruing support
10 order or obligation pursuant to this section.
11 16. The department may adopt all necessary and proper rules
12 to administer and interpret this section.
13 Sec. 908. Section 252B.20A, Code 2023, is amended to read
14 as follows:
15 **252B.20A Suspension of support — request by one party.**
16 1. If ~~the unit~~ child support services is providing child
17 support enforcement services pursuant to this chapter, the
18 obligor who is ordered to pay support for the dependent child
19 pursuant to chapter 252A, 252C, or 252F, may request the
20 assistance of ~~the unit~~ child support services in suspending
21 the obligation for support if all of the following conditions
22 exist:
23 *a.* The child is currently residing with the obligor and has
24 been for more than sixty consecutive days. If the basis for
25 suspension under this paragraph applies to at least one but not
26 all of the children for whom support is ordered, the condition
27 of this paragraph is met only if the support order includes a
28 step change.
29 *b.* There is no order in effect regarding legal custody,
30 physical care, visitation, or other parenting time for the
31 child.
32 *c.* It is reasonably expected that the basis for suspension
33 under this section will continue for not less than six months.
34 *d.* The child for whom support is ordered is not receiving
35 public assistance pursuant to chapter 239B, 249A, or a

comparable law of another state or foreign country, unless the obligor is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

e. The obligor has signed a notarized affidavit, provided by ~~the unit~~ child support services, attesting to the existence of the conditions under paragraphs *"a"* through *"d"*, has requested suspension of the support order or obligation, and has submitted the affidavit to ~~the unit~~ child support services.

f. No prior request for suspension has been served under this section, and no prior request for suspension has been filed with ~~the unit~~ child support services pursuant to section 252B.20, during the two-year period preceding the request.

g. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, ~~the unit~~ child support services shall review the application and affidavit to determine that the criteria have been met. ~~The unit~~ Child support services shall then do one of the following:

a. If ~~the unit~~ child support services determines the criteria have not been met, deny the request and notify the obligor in writing that the application is being denied, providing reasons for the denial and notifying the obligor of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If ~~the unit~~ child support services determines the criteria have been met, serve a copy of the notice and supporting documents on the obligee by any means provided in section 252B.26. The notice to the obligee shall include all of the following:

(1) Information sufficient to identify the parties and the support order affected.

(2) An explanation of the procedure for suspension and reinstatement of support under this section.

(3) An explanation of the rights and responsibilities of the

obligee, including the applicable procedural time frames.

(4) A statement that within twenty days of service, the obligee must submit a signed and notarized response to ~~the unit~~ child support services objecting to at least one of the assertions in subsection 1, paragraphs *"a"* through *"d"*. The statement shall inform the obligee that if, within twenty days of service, the obligee fails to submit a response as specified in this subparagraph, notwithstanding **rules of civil procedure1.972(2)** and **1.972(3)**, ~~the unit~~ child support services will prepare and submit an order as provided in subsection 3, paragraph *"b"*.

3. No sooner than thirty days after service on the obligee under subsection 2, paragraph *"b"*, ~~the unit~~ child support services shall do one of the following:

a. If the obligee submits a signed and notarized objection to any assertion in subsection 1, paragraphs *"a"* through *"d"*, deny the request and notify the parties in writing that the application is denied, providing reasons for the denial, and notifying the parties of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the obligee does not timely submit a signed and notarized objection to ~~the unit~~ child support services, prepare an order which shall be submitted, along with supporting documents, to a judge of a district court for approval, suspending the accruing support obligation. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, ~~the unit~~ child support services shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

4. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

35 5. An order suspending an accruing support obligation
1 entered by the court pursuant to this section shall be
2 considered a temporary order for the period of six months from
3 the date of filing of the suspension order. However, the
4 six-month period shall not include any time during which an
5 application for reinstatement is pending before the court.
6 6. During the six-month period, ~~the unit~~ child support
7 services may request that the court reinstate the accruing
8 support order or obligation if any of the following conditions
9 exist:
10 *a.* Upon application to ~~the unit~~ child support services by
11 either party or other person who has physical custody of the
12 child.
13 *b.* Upon the receipt of public assistance benefits pursuant
14 to chapter 239B, 249A, or a comparable law of another state
15 or foreign country, by the person entitled to receive support
16 and the child on whose behalf support is paid, provided that
17 the person owing the support is not considered to be a member
18 of the same household as the child for the purposes of public
19 assistance eligibility.
20 7. If a condition under subsection 6 exists, ~~the unit~~
21 child support services may request that the court reinstate an
22 accruing support obligation as follows:
23 *a.* If the basis for the suspension no longer applies to any
24 of the children for whom an accruing support obligation was
25 suspended, ~~the unit~~ child support services shall request that
26 the court reinstate the accruing support obligations for all of
27 the children.
28 *b.* If the basis for the suspension continues to apply to
29 at least one but not all of the children for whom an accruing
30 support obligation was suspended and if the support order
31 includes a step change, ~~the unit~~ child support services
32 shall request that the court reinstate the accruing support
33 obligation for each child for whom the basis for the suspension
34 no longer applies.

35 8. Upon filing of an application for reinstatement, service
1 of the application shall be made either in person or by first
2 class mail upon the parties. Within ten days following the
3 date of service, a party may file a written objection with
4 the clerk of the district court to the entry of an order for
5 reinstatement.
6 *a.* If no objection is filed, the court may enter an order
7 reinstating the accruing support obligation without additional
8 notice.
9 *b.* If an objection is filed, the clerk of court shall set
10 the matter for hearing and send notice of the hearing to the
11 parties and ~~the unit~~ child support services.
12 9. *a.* The reinstatement is effective as follows:
13 (1) For reinstatements initiated under subsection 6,
14 paragraph *"a"*, the date the notices were served on the parties
15 pursuant to subsection 8.
16 (2) For reinstatements initiated under subsection 6,
17 paragraph *"b"*, the date the child began receiving public
18 assistance benefits during the suspension of the obligation.
19 *b.* Support which became due during the period of suspension
20 but prior to the reinstatement is waived and not due and owing
21 unless the suspension was made under false pretenses.
22 10. If the order suspending a support obligation has been
23 on file with the court for a period exceeding six months as
24 computed pursuant to subsection 5, the order becomes final by
25 operation of law and terminates the support obligation, and
26 thereafter, a party seeking to establish a support obligation
27 against either party shall bring a new action for support as
28 provided by law.
29 11. Legal representation of ~~the unit~~ child support services
30 shall be provided pursuant to section 252B.7, subsection 4.
31 12. This section shall not limit the rights of a party or
32 ~~the unit~~ child support services to proceed by other means to
33 suspend, terminate, modify, reinstate, or establish support.
34 13. This section does not provide for the suspension or

35 retroactive modification of support obligations which accrued
1 prior to the entry of an order suspending enforcement and
2 collection of support pursuant to this section.
3 14. Nothing in this section shall prohibit or limit ~~the~~
4 ~~unit~~ child support services or a party entitled to receive
5 support from enforcing and collecting any unpaid or unsatisfied
6 support that accrued prior to the suspension of the accruing
7 obligation.
8 15. For the purposes of chapter 252H regarding the criteria
9 for a review under subchapter II of that chapter or for a
10 cost-of-living alteration under subchapter IV of that chapter,
11 if a support obligation is terminated or reinstated under
12 this section, such termination or reinstatement shall not be
13 considered a modification of the support order.
14 16. As used in this section, unless the context otherwise
15 requires, *"step change"* means a change designated in a support
16 order specifying the amount of the child support obligation
17 as the number of children entitled to support under the order
18 changes.
19 17. As specified in this section, if the child for whom
20 support is ordered is not receiving public assistance pursuant
21 to chapter 239B, 249A, or a comparable law of another state
22 or foreign country, upon request by the obligor, ~~the unit~~
23 child support services may facilitate the suspension of the
24 child support order or obligation if the child is residing
25 with a caretaker, who is a natural person, and who has not
26 requested ~~the unit~~ child support services to provide services
27 under this chapter. The obligor and the caretaker shall sign
28 a notarized affidavit attesting to the conditions under this
29 section, consent to the suspension of the support order or
30 obligation, and submit the affidavit to ~~the unit~~ child support
31 services. Upon the receipt of public assistance benefits
32 pursuant to chapter 239B, 249A, or a comparable law of another
33 state or foreign country, by the child on whose behalf support
34 is ordered, or upon application to ~~the unit~~ child support

35 services by either party or the caretaker, ~~the unit~~ child
1 support services may, within the time periods specified in this
2 section, request the reinstatement of the accruing support
3 order or obligation pursuant to this section.
4 18. The department may adopt all necessary and proper rules
5 to administer and interpret this section.
6 Sec. 909. Section 252B.21, Code 2023, is amended to read as
7 follows:
8 **252B.21 Administrative seek employment orders.**
9 1. For any support order being enforced by ~~the unit~~ child
10 support services, ~~the unit~~ child support services may enter
11 an ex parte order requiring the obligor to seek employment
12 if employment of the obligor cannot be verified and if the
13 obligor has failed to make support payments. Advance notice is
14 not required prior to entering the ex parte order. The order
15 shall be served upon the obligor by regular mail, with proof of
16 service completed as provided in **rule of civil procedure 1.442**.
17 ~~The unit~~ Child support services shall file a copy of the order
18 with the clerk of the district court.
19 2. The order to seek employment shall contain directives,
20 including all of the following:
21 *a.* That the obligor seek employment within a determinate
22 amount of time.
23 *b.* That the obligor file with ~~the unit~~ child support
24 services on a weekly basis a report of at least five new
25 attempts to find employment or of having found employment. The
26 report shall include the names, addresses, and the telephone
27 numbers of any employers or businesses with whom the obligor
28 attempted to seek employment and the name of the individual
29 contact to whom the obligor made application for employment or
30 to whom an inquiry was directed.
31 *c.* That failure to comply with the notice is evidence of a
32 willful failure to pay support under section 598.23A.
33 *d.* That the obligor shall provide ~~the~~ child support ~~recovery~~
34 ~~unit~~ services with verification of any reason for noncompliance

with the order.

e. The duration of the order, not to exceed three months.

3. The department may establish additional criteria or requirements relating to seek employment orders by rule as necessary to implement this section.

Sec. 910. Section 252B.22, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The child~~ Child support ~~recovery unit~~ services created in this chapter shall establish a task force to assist in the development and implementation of all of the following:

Sec. 911. Section 252B.23, Code 2023, is amended to read as follows:

252B.23 Surcharge.

1. A surcharge shall be due and payable by the obligor on a support arrearage identified as difficult to collect and referred by ~~the unit~~ child support services on or after January 1, 1998, to a collection entity under contract with ~~the unit~~ child support services or other state entity. The amount of the surcharge shall be a percent of the amount of the support arrearage referred to the collection entity and shall be specified in the contract with the collection entity. For the purpose of this chapter, a *"collection entity"* includes but is not limited to a state agency, including the central collection unit of the department of revenue, or a private collection agency. Use of a collection entity is in addition to any other legal means by which support payments may be collected. ~~The unit~~ Child support services shall continue to use other enforcement actions, as appropriate.

2. *a.* Notice that a surcharge may be assessed on a support arrearage referred to a collection entity pursuant to this section shall be provided to an obligor in accordance with one of the following as applicable:

(1) In the order establishing or modifying the support obligation. ~~The unit~~ Child support services or the district court shall include notice in any new or modified support order

35 issued on or after July 1, 1997.
1 (2) Through notice sent by ~~the unit~~ child support services
2 by regular mail to the last known address of the support
3 obligor.
4 *b.* The notice shall also advise that any appropriate
5 information may be provided to a collection entity for purposes
6 of administering and enforcing the surcharge.
7 3. Arrearages submitted for referral and surcharge pursuant
8 to this section shall meet all of the following criteria:
9 *a.* The arrearages owed shall be based on a court or
10 administrative order which establishes the support obligation.
11 *b.* The arrearage is due for a case in which ~~the unit~~
12 child support services is providing services pursuant to this
13 chapter and one for which the arrearage has been identified as
14 difficult to collect by ~~the unit~~ child support services.
15 *c.* The obligor was provided notice pursuant to subsection 2
16 at least fifteen days prior to sending the notice of referral
17 pursuant to subsection 4.
18 4. ~~The unit~~ Child support services shall send notice of
19 referral to the obligor by regular mail to the obligor's last
20 known address, with proof of service completed according to
rule of civil procedure 1.442, at least thirty days prior to
22 the date the arrearage is referred to the collection entity.
23 The notice shall inform the obligor of all of the following:
24 *a.* The arrearage will be referred to a collection entity.
25 *b.* Upon referral, a surcharge is due and payable by the
26 obligor.
27 *c.* The amount of the surcharge.
28 *d.* That the obligor may avoid referral by paying the amount
29 of the arrearage to the collection services center within
30 twenty days of the date of notice of referral.
31 *e.* That the obligor may contest the referral by submitting a
32 written request for review of ~~the unit~~ child support services.
33 The request shall be received by ~~the unit~~ child support
34 services within twenty days of the date of the notice of

35 referral.

1 *f.* The right to contest the referral is limited to a mistake
2 of fact, which includes a mistake in the identity of the
3 obligor, a mistake as to fulfillment of the requirements for
4 referral under this subsection, or a mistake in the amount of
5 the arrearages.

6 *g.* ~~The unit~~ Child support services shall issue a written
7 decision following a requested review.

8 *h.* Following the issuance of a written decision by ~~the unit~~
9 child support services denying that a mistake of fact exists,
10 the obligor may request a hearing to challenge the surcharge
11 by sending a written request for a hearing to ~~the office of~~
12 ~~the unit which issued the decision~~ child support services.
13 The request shall be received by ~~the office of the unit which~~
14 ~~issued the decision~~ child support services within ten days of
15 ~~the unit's~~ child support services' written decision. The only
16 grounds for a hearing shall be mistake of fact. Following
17 receipt of the written request, ~~the unit which receives the~~
18 ~~request~~ child support services shall certify the matter for
19 hearing in the district court in the county in which the
20 underlying support order is filed.

21 *i.* The address of the collection services center for payment
22 of the arrearages.

23 5. If the obligor pays the amount of arrearage within twenty
24 days of the date of the notice of referral, referral of the
25 arrearage to a collection entity shall not be made.

26 6. If the obligor requests a review or court hearing
27 pursuant to this section, referral of the arrearages shall be
28 stayed pending the decision of ~~the unit~~ child support services
29 or the court.

30 7. Actions of ~~the unit~~ child support services under this
31 section shall not be subject to contested case proceedings or
32 further review pursuant to chapter 17A and any resulting court
33 hearing shall be an original hearing before the district court.
34 However, the department shall establish, by rule pursuant to

35 chapter 17A, an internal process to provide an additional
1 review by the ~~administrator of the child support recovery unit~~
2 director or the ~~administrator's~~ director's designee.
3 8. If an obligor does not pay the amount of the arrearage,
4 does not contest the referral, or if following ~~the unit's~~
5 child support services' review and any court hearing ~~the unit~~
6 child support services or the court does not find a mistake
7 of fact, the arrearages shall be referred to a collection
8 entity. Following the review or hearing, if ~~the unit~~ child
9 support services or the court finds a mistake in the amount
10 of the arrearage, the arrearages shall be referred to the
11 collection entity in the appropriate arrearage amount. For
12 arrearages referred to a collection entity, the obligor shall
13 pay a surcharge equal to a percent of the amount of the support
14 arrearage due as of the date of the referral. The surcharge
15 is in addition to the arrearages and any other fees or charges
16 owed, and shall be enforced by the collection entity as
17 provided under section 252B.5. Upon referral to the collection
18 entity, the surcharge is an automatic judgment against the
19 obligor.
20 9. The director or the director's designee may file a notice
21 of the surcharge with the clerk of the district court in the
22 county in which the underlying support order is filed. Upon
23 filing, the clerk shall enter the amount of the surcharge on
24 the lien index and judgment docket.
25 10. Following referral of a support arrearage to a
26 collection entity, the surcharge shall be due and owing and
27 enforceable by a collection entity or ~~the unit~~ child support
28 services notwithstanding satisfaction of the support obligation
29 or whether the collection entity is enforcing a support
30 arrearage. However, ~~the unit~~ child support services may waive
31 payment of all or a portion of the surcharge if waiver will
32 facilitate the collection of the support arrearage.
33 11. All surcharge payments shall be received and disbursed
34 by the collection services center. The surcharge payments

35 received by the collection services center shall be considered
1 repayment receipts as defined in section 8.2 and shall be used
2 to pay the costs of any contracts with a collection entity.
3 12. *a.* A payment received by the collection services center
4 which meets all the following conditions shall be allocated as
5 specified in paragraph *"b"*:
6 (1) The payment is for a case in which arrearages have been
7 referred to a collection entity.
8 (2) A surcharge is assessed on the arrearages.
9 (3) The payment is collected under the provisions of the
10 contract with the collection entity.
11 *b.* A payment meeting all of the conditions in paragraph *"a"*
12 shall be allocated between support and costs and fees, and the
13 surcharge according to the following formula:
14 (1) The payment shall be divided by the sum of one hundred
15 percent plus the percent specified in the contract.
16 (2) The quotient shall be the amount allocated to the
17 support arrearage and other fees and costs.
18 (3) The difference between the dividend and the quotient
19 shall be the amount allocated to the surcharge.
20 13. Any computer or software programs developed and any
21 records used in relation to a contract with a collection entity
22 remain the property of the department.
23 Sec. 912. Section 252B.24, Code 2023, is amended to read as
24 follows:
25 **252B.24 State case registry.**
26 1. ~~Beginning October 1, 1998, the unit~~ Child support
27 services shall operate a state case registry to the extent
28 determined by applicable time frames and other provisions of
29 42 U.S.C. §654a(e) and this section. ~~The unit~~ Child support
30 services and the judicial branch shall enter into a cooperative
31 agreement for the establishment and operation of the registry
32 by ~~the unit~~ child support services. The state case registry
33 shall include records with respect to all of the following:
34 *a.* Unless prohibited by federal law, each case for which

35 services are provided under this chapter.
1 *b.* Each order for support, as defined in section 252D.16 or
2 598.1, which meets at least one of the following criteria:
3 (1) The support order is established or modified in this
4 state on or after October 1, 1998.
5 (2) The income of the obligor is subject to income
6 withholding under chapter 252D, including any support order for
7 which the district court enters an ex parte order under chapter
8 252D on or after October 1, 1998.
9 2. The clerk of the district court shall provide ~~the~~
10 ~~unit~~ child support services with any information, orders,
11 or documents requested by ~~the unit~~ child support services
12 to establish or operate the state case registry, which are
13 specified in the agreement described in subsection 1, within
14 the time frames specified in that agreement. The agreement
15 shall include but is not limited to provisions to provide for
16 all of the following:
17 *a.* Provision to ~~the unit~~ child support services of
18 information, orders, and documents necessary for ~~the unit~~ child
19 support services to meet requirements described in 42 U.S.C.
20 §654a(e) and this section.
21 *b.* Provision to ~~the unit~~ child support services of
22 information filed with the clerk of the district court by a
23 party under section 598.22B, and the social security number
24 of a child filed with the clerk of the district court under
25 section 602.6111.
26 *c.* Use of automation, as appropriate, to meet the
27 requirements described in 42 U.S.C. §654a(e) and this section.
28 3. The records of the state case registry are confidential
29 records pursuant to chapter 22 and may only be disclosed or
30 used as provided in section 252B.9.
31 Sec. 913. Section 252B.25, Code 2023, is amended to read as
32 follows:
33 **252B.25 Contempt — combining actions.**
34 Notwithstanding any provision of law to the contrary, if

35 an obligor has been ordered to provide support in more than
1 one order, ~~the unit~~ child support services may bring a single
2 action for contempt to enforce the multiple orders. However,
3 if the obligor objects to the consolidation of the actions
4 regarding multiple orders into a single action for contempt,
5 and the court determines that severance of the single action
6 into multiple actions is in the interest of justice, ~~the~~
7 ~~unit~~ child support services shall bring multiple actions for
8 contempt to enforce the multiple orders. If the single action
9 is brought and the obligor does not object, ~~the unit~~ child
10 support services shall file the action in the district court of
11 a county where the obligor resides, or if the obligor does not
12 reside in the state, in the district court of the county where
13 at least one of the support orders was entered or registered.
14 For the purposes of this section, the district court where
15 ~~the unit~~ child support services files the action shall have
16 jurisdiction and authority over all other support orders for
17 the obligor entered or registered by a court of this state and
18 affected under this section. In such case, ~~the unit~~ child
19 support services shall also file a document with the clerk of
20 court in each county affected specifying the county where the
21 action under this section was filed and the disposition of the
22 action.
23 Sec. 914. Section 252B.26, Code 2023, is amended to read as
24 follows:
25 **252B.26 Service of process.**
26 Notwithstanding any provision of law to the contrary, ~~the~~
27 ~~unit~~ child support services may serve a petition, notice, or
28 rule to show cause under this chapter or chapter 252A, 252C,
29 252F, 252H, 252K, 598, or 665 as specified in each chapter, or
30 as follows:
31 1. ~~The unit~~ Child support services may serve a petition,
32 notice, or rule to show cause by certified mail. Return
33 acknowledgment is required to prove service by certified mail,
rules of civil procedure 1.303(5) and **1.308(5)** shall not apply,

35 and the return acknowledgment shall be filed with the clerk of
1 court.
2 2. ~~The unit~~ Child support services may serve a notice
3 of intent under chapter 252H, or a notice of decision under
4 section 252H.14A, upon any party or parent who is receiving
5 family investment program assistance for the parent or child by
6 sending the notice by regular mail to the address maintained by
7 the department. **Rules of civil procedure 1.303(5)** and **1.308(5)**
8 shall not apply and ~~the unit~~ child support services shall file
9 proof of service as provided in chapter 252H. If the notice is
10 determined to be undeliverable, ~~the unit~~ child support services
11 shall serve the notice as otherwise provided in this section
12 or by personal service.
13 Sec. 915. Section 252B.27, Code 2023, is amended to read as
14 follows:
15 **252B.27 Use of funding for additional positions.**
16 1. The director, within the limitations of the amount
17 appropriated for ~~the unit~~ child support services, or moneys
18 transferred for this purpose from the family investment program
19 account created in section 239B.11, may establish new positions
20 and add employees to ~~the unit~~ child support services if the
21 director determines that both the current and additional
22 employees together can reasonably be expected to maintain or
23 increase net state revenue at or beyond the budgeted level for
24 the fiscal year.
25 2. *a.* The director may establish new positions and add
26 state employees to ~~the unit~~ child support services or contract
27 for delivery of services if the director determines the
28 employees are necessary to replace county-funded positions
29 eliminated due to termination, reduction, or nonrenewal of
30 a chapter 28E contract. However, the director must also
31 determine that the resulting increase in the state share of
32 child support ~~recovery~~ services incentives exceeds the cost
33 of the positions or contract, the positions or contract are
34 necessary to ensure continued federal funding of ~~the unit~~

35 child support services, or the new positions or contract can
1 reasonably be expected to recover at least twice the amount of
2 money necessary to pay the salaries and support for the new
3 positions or the contract will generate at least two hundred
4 percent of the cost of the contract.
5 *b.* Employees in full-time positions that transition
6 from county government to state government employment under
7 this subsection are exempt from testing, selection, and
8 appointment provisions of chapter 8A, subchapter IV, and from
9 the provisions of collective bargaining agreements relating to
10 the filling of vacant positions.
11 Sec. 916. Section 252C.1, Code 2023, is amended to read as
12 follows:
13 **252C.1 Definitions.**
14 As used in this chapter, unless the context otherwise
15 requires:
16 ~~1. *"Administrator"* means the administrator of the child~~
17 ~~support recovery unit of the department of human services, or~~
18 ~~the administrator's designee.~~
19 ~~2.~~ 1. *"Caretaker"* means a parent, relative, guardian,
20 or another person who is responsible for paying foster care
21 costs pursuant to chapter 234 or whose needs are included in an
22 assistance payment made pursuant to chapter 239B.
23 2. *"Child support services"* means child support services
24 created in section 252B.2.
25 3. *"Court order"* means a judgment or order requiring the
26 payment of a set or determinable amount of monetary support.
27 For orders entered on or after July 1, 1990, unless the court
28 specifically orders otherwise, medical support, as defined
29 in section 252E.1, is not included in the amount of monetary
30 support.
31 4. *"Department"* means the department of health and human
32 services.
33 5. *"Dependent child"* means a person who meets the
34 eligibility criteria established in chapter 234 or 239B and

35 whose support is required by chapter 234, 239B, 252A, 252F,
1 598, or 600B.
2 6. *"Director"* means the director of health and human
3 services.
4 ~~6.~~ 7. *"Medical support"* means medical support as defined
5 in section 252E.1.
6 ~~7.~~ 8. *"Public assistance"* means foster care costs paid by
7 the department pursuant to chapter 234 or assistance provided
8 pursuant to chapter 239B.
9 ~~8.~~ 9. *"Responsible person"* means a parent, relative,
10 guardian, or another person legally liable for the support of a
11 child or a child's caretaker.
12 Sec. 917. Section 252C.2, Code 2023, is amended to read as
13 follows:
14 **252C.2 Assignment — creation of support debt — subrogation.**
15 1. If public assistance is provided by the department
16 to or on behalf of a dependent child or a dependent child's
17 caretaker, there is an assignment by operation of law to the
18 department of any and all right in, title to, and interest in
19 any support obligation, payment, and arrearages owed to or for
20 the child or caretaker up to the amount of public assistance
21 paid for or on behalf of the child or caretaker. Unless
22 otherwise specified in the order, an equal and proportionate
23 share of any child support awarded is presumed to be payable
24 on behalf of each child subject to the order or judgment for
25 purposes of an assignment under this section. For family
26 investment program assistance, section 239B.6 shall apply.
27 2. The payment of public assistance to or for the benefit of
28 a dependent child or a dependent child's caretaker creates a
29 support debt due and owing to the department by the responsible
30 person in an amount equal to the public assistance payment,
31 except that the support debt is limited to the amount of
32 a support obligation established by court order or by the
33 ~~administrator~~ department. The ~~administrator~~ department may
34 establish a support debt as to amounts accrued and accruing

35 pursuant to section 598.21B. However, when establishing a
1 support obligation against a responsible person, no debt shall
2 be created for the period during which the responsible person
3 is a recipient on the person's own behalf of public assistance
4 for the benefit of the dependent child or the dependent child's
5 caretaker, if any of the following conditions exist:
6 *a.* The parents have reconciled and are cohabiting, and the
7 child for whom support would otherwise be sought is living in
8 the same residence as the parents.
9 *b.* The child is living with the parent from whom support
10 would otherwise be sought.
11 3. The provision of child support collection or paternity
12 determination services under chapter 252B to an individual,
13 even though the individual is ineligible for public assistance,
14 creates a support debt due and owing to the individual or the
15 individual's child or ward by the responsible person in the
16 amount of a support obligation established by court order or
17 by the ~~administrator~~ department. The ~~administrator~~ department
18 may establish a support debt in favor of the individual or the
19 individual's child or ward and against the responsible person,
20 both as to amounts accrued and accruing, pursuant to section
21 598.21B.
22 4. The payment of medical assistance pursuant to chapter
23 249A for the benefit of a dependent child or a dependent
24 child's caretaker creates a support debt due and owing to the
25 department. The ~~administrator~~ department may establish an
26 order for medical support.
27 5. The department is subrogated to the rights of a dependent
28 child or a dependent child's caretaker to bring a court action
29 or to execute an administrative remedy for the collection
30 of support. The ~~administrator~~ department may petition an
31 appropriate court for modification of a court order on the same
32 grounds as a party to the court order can petition the court
33 for modification.
34 Sec. 918. Section 252C.3, Code 2023, is amended to read as

35 follows:

1 **252C.3 Notice of support debt — failure to respond —**
2 **hearing — order.**

3 1. The ~~administrator~~ department may issue a notice stating
4 the intent to secure an order for either medical support as
5 provided in chapter 252E or payment of an accrued or accruing
6 support debt due and owed to the department or an individual
7 under section 252C.2, or both. The notice shall be served upon
8 the responsible person in accordance with the rules of civil
9 procedure. The notice shall include all of the following:

10 *a.* A statement that the support obligation will be set
11 pursuant to the child support guidelines established pursuant
12 to section 598.21B, and the criteria established pursuant to
13 section 252B.7A, and that the responsible person is required to
14 provide medical support in accordance with chapter 252E.

15 *b.* The name of a public assistance recipient and the name of
16 the dependent child or caretaker for whom the public assistance
17 is paid.

18 *c.* (1) A statement that if the responsible person desires
19 to discuss the amount of support that a responsible person
20 should be required to pay, the responsible person may, within
21 ten days after being served, contact ~~the office of the~~ child
22 support ~~recovery unit which sent the notice~~ services and
23 request a negotiation conference.

24 (2) A statement that if a negotiation conference is
25 requested, then the responsible person shall have ten days from
26 the date set for the negotiation conference or thirty days from
27 the date of service of the original notice, whichever is later,
28 to send a request for a hearing to ~~the office of the~~ child
29 support ~~recovery unit which issued the notice~~ services.

30 (3) A statement that after the holding of the negotiation
31 conference, the ~~administrator~~ department may issue a new notice
32 and finding of financial responsibility for child support or
33 medical support, or both, to be sent to the responsible person
34 by regular mail addressed to the responsible person's last

35 known address, or if applicable, to the last known address of
1 the responsible person's attorney.
2 (4) A statement that if the ~~administrator~~ department issues
3 a new notice and finding of financial responsibility for child
4 support or medical support, or both, then the responsible
5 person shall have thirty days from the date of issuance of the
6 new notice to send a request for a hearing to ~~the office of the~~
7 child support ~~recovery unit which issued the notice~~ services.
8 If the ~~administrator~~ department does not issue a new notice
9 and finding of financial responsibility for child support or
10 medical support, or both, the responsible party shall have ten
11 days from the date of issuance of the conference report to send
12 a request for a hearing to ~~the office of the~~ child support
13 ~~recovery unit which issued the conference report~~ services.
14 *d.* A statement that if the responsible person objects
15 to all or any part of the notice or finding of financial
16 responsibility for child support or medical support, or both,
17 and a negotiation conference is not requested, the responsible
18 person shall, within thirty days of the date of service send to
19 ~~the office of the~~ child support ~~recovery unit which issued the~~
20 ~~notice~~ services a written response setting forth any objections
21 and requesting a hearing.
22 *e.* A statement that if a timely written request for a
23 hearing is received by ~~the office of the~~ child support ~~recovery~~
24 ~~unit which issued the notice~~ services, the responsible person
25 shall have the right to a hearing to be held in district
26 court; and that if no timely written response is received, the
27 ~~administrator~~ department may enter an order in accordance with
28 the notice and finding of financial responsibility for child
29 support or medical support, or both.
30 *f.* A statement that, as soon as the order is entered, the
31 property of the responsible person is subject to collection
32 action, including but not limited to wage withholding,
33 garnishment, attachment of a lien, and execution.
34 *g.* A statement that the responsible person shall notify the

35 ~~administrator~~ department of any change of address, employment,
1 or medical coverage as required by chapter 252E.
2 *h.* A statement that if the responsible person has any
3 questions, the responsible person should telephone or visit ~~an~~
4 ~~office of the~~ child support ~~recovery unit~~ services or consult
5 an attorney.
6 *i.* Such other information as the ~~administrator~~ department
7 finds appropriate.
8 2. The time limitations for requesting a hearing in
9 subsection 1 may be extended by the ~~administrator~~ department.
10 3. If a timely written response setting forth objections and
11 requesting a hearing is received by ~~the appropriate office of~~
12 ~~the~~ child support ~~recovery unit~~ services, a hearing shall be
13 held in district court.
14 4. If timely written response and request for hearing is
15 not received by ~~the appropriate office of the~~ child support
16 ~~recovery unit~~ services, the ~~administrator~~ department may enter
17 an order in accordance with the notice, and shall specify all
18 of the following:
19 *a.* The amount of monthly support to be paid, with directions
20 as to the manner of payment.
21 *b.* The amount of the support debt accrued and accruing in
22 favor of the department.
23 *c.* The name of the custodial parent or agency having custody
24 of the dependent child and the name and birth date of the
25 dependent child for whom support is to be paid.
26 *d.* 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 execution.
29 *e.* The medical support required pursuant to chapter 598 and
30 rules adopted pursuant to chapter 252E.
31 5. The responsible person shall be sent a copy of the order
32 by regular mail addressed to the responsible person's last
33 known address, or if applicable, to the last known address of
34 the responsible person's attorney. The order is final, and

35 action by the ~~administrator~~ department to enforce and collect
1 upon the order, including arrearages and medical support, or
2 both, may be taken from the date of approval of the order by the
3 court pursuant to section 252C.5.
4 Sec. 919. Section 252C.4, Code 2023, is amended to read as
5 follows:
6 **252C.4 Certification to court — hearing — default.**
7 1. A responsible person or ~~the~~ child support ~~recovery~~
8 ~~unit~~ services may request a hearing regarding a determination
9 of support. If a timely written request for a hearing is
10 received, the ~~administrator~~ department shall certify the matter
11 to the district court as follows:
12 *a.* If the child or children reside in Iowa, and ~~the unit~~
13 child support services is seeking an accruing obligation, in
14 the county in which the dependent child or children reside.
15 *b.* If the child or children received public assistance in
16 Iowa, and ~~the unit~~ child support services is seeking only an
17 accrued obligation, in the county in which the dependent child
18 or children last received public assistance.
19 *c.* If the action is the result of a request from another
20 state or foreign country to establish support by a responsible
21 person located in Iowa, in the county in which the responsible
22 person resides.
23 2. The certification shall include true copies of the
24 notice and finding of financial responsibility or notice of the
25 support debt accrued and accruing, the return of service, the
26 written objections and request for hearing, and true copies of
27 any administrative orders previously entered.
28 3. The court shall set the matter for hearing and notify the
29 parties of the time and place of hearing.
30 4. The court shall establish the monthly child support
31 payment and the amount of the support debt accrued and accruing
32 pursuant to section 598.21B, or medical support pursuant to
33 chapter 252E, or both.
34 5. If a party fails to appear at the hearing, upon a showing

35 of proper notice to that party, the court shall find that party
1 in default and enter an appropriate order.
2 6. Actions initiated by the ~~administrator~~ department under
3 this chapter are not subject to chapter 17A and resulting court
4 hearings following certification shall be an original hearing
5 before the district court.
6 7. If a responsible person contests an action initiated
7 under this chapter by denying paternity, the following shall
8 apply, as necessary:
9 *a.* (1) If the prior determination of paternity is based on
10 an affidavit of paternity filed pursuant to section 252A.3A, or
11 an administrative order entered pursuant to chapter 252F, or an
12 order by the courts of this state, or by operation of law when
13 the mother and established father are or were married to each
14 other, the provisions of section 600B.41A are applicable.
15 (2) If the court determines that the prior determination of
16 paternity should not be overcome pursuant to section 600B.41A,
17 and that the responsible person has a duty to provide support,
18 the court shall enter an order establishing the monthly child
19 support payment and the amount of the support debt accrued
20 and accruing pursuant to section 598.21B, or medical support
21 pursuant to chapter 252E, or both.
22 *b.* If the prior determination of paternity is based on an
23 administrative or court order or other means, pursuant to the
24 laws of another state or foreign country, an action to overcome
25 the prior determination of paternity shall be filed in that
26 jurisdiction. Unless the responsible person requests and is
27 granted a stay of an action initiated under this chapter to
28 establish child or medical support, the action shall proceed as
29 otherwise provided by this chapter.
30 Sec. 920. Section 252C.5, Code 2023, is amended to read as
31 follows:
32 **252C.5 Filing and docketing of financial responsibility order**
33 **— order effective as district court decree.**
34 1. A true copy of any order entered by the ~~administrator~~

35 department pursuant to this chapter, along with a true copy
1 of the return of service, if applicable, may be filed in
2 the office of the clerk of the district court in the manner
3 established pursuant to section 252C.4, subsection 1.
4 2. The ~~administrator's~~ department's 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 the force, effect, and
9 attributes of a docketed order or decree of the district court.
10 3. Upon filing, the clerk shall enter the order in the
11 judgment docket.
12 4. If the responsible party appeals the order approved
13 by the court under this section, and the court on appeal
14 establishes an amount of support which is less than the amount
15 of support established under the approved order, the court, in
16 the order issued on appeal, shall reconcile the amounts due
17 and shall provide that any amount which represents the unpaid
18 difference between the amount under the approved order and the
19 amount under the order of the court on appeal is satisfied.
20 Sec. 921. Section 252C.6, Code 2023, is amended to read as
21 follows:
22 **252C.6 Interest on support debts.**
23 Interest accrues on support debts at the rate provided
24 in section 535.3 for court judgments. The ~~administrator~~
25 department may collect the accrued interest but is not required
26 to maintain interest balance accounts. ~~The department~~ Child
27 support services may waive payment of the interest if the
28 waiver will facilitate the collection of the support debt.
29 Sec. 922. Section 252C.8, Code 2023, is amended to read as
30 follows:
31 **252C.8 Temporary restraining order or bond.**
32 If the ~~administrator~~ department reasonably believes that the
33 responsible person is not a resident of this state, is about to
34 move from this state, or is concealing the responsible person's

35 whereabouts, or that the responsible person has removed or
1 is about to remove, secrete, waste, or otherwise dispose of
2 property which could be made subject to collection procedures
3 to satisfy the support debt, the ~~administrator~~ department may
4 petition the district court for a temporary restraining order
5 barring the removal, secretion, waste, or disposal. However,
6 if the responsible person furnishes a bond satisfactory to the
7 court, the temporary restraining order shall be vacated.
8 Sec. 923. Section 252C.12, Code 2023, is amended to read as
9 follows:
10 **252C.12 Waiver of time limitations by responsible person.**
11 1. A responsible person may waive the time limitations
12 established in section 252C.3.
13 2. Upon receipt of a signed statement from each responsible
14 person waiving the time limitations established in section
15 252C.3, the ~~administrator~~ department may proceed to enter an
16 order for support and the court may approve the order, whether
17 or not the time limitations have expired.
18 3. If a responsible person waives the time limitations
19 established in section 252C.3 and an order for support is
20 entered under this chapter, the signed statement of the
21 responsible person waiving the time limitations shall be filed
22 with the order for support.
23 Sec. 924. Section 252D.1, Code 2023, is amended to read as
24 follows:
25 **252D.1 Delinquent support payments.**
26 If support payments ordered under this chapter or chapter
27 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other
28 applicable chapter, or under a comparable statute of another
29 state or foreign country, as certified to ~~the~~ child support
30 ~~recovery unit established in section 252B.2~~ services, are not
31 paid to the clerk of the district court or the collection
32 services center pursuant to section 598.22 or, as appropriate,
33 a comparable government entity in another state as provided
34 in chapter 252K, and become delinquent in an amount equal to

35 the payment for one month, ~~the~~ child support ~~recovery unit~~
1 services may enter an ex parte order or, upon application of a
2 person entitled to receive the support payments, the district
3 court may enter an ex parte order, notifying the person whose
4 income is to be withheld, of the delinquent amount, of the
5 amount of income to be withheld, and of the procedure to
6 file a motion to quash the order for income withholding, and
7 ordering the withholding of specified sums to be deducted
8 from the delinquent person's income as defined in section
9 252D.16 sufficient to pay the support obligation and, except as
10 provided in section 598.22, requiring the payment of such sums
11 to the clerk of the district court or the collection services
12 center or, as appropriate, a comparable government entity
13 in another state as provided in chapter 252K. All income
14 withholding payments shall be paid to the collection services
15 center or, as appropriate, a comparable government entity in
16 another state as provided in chapter 252K. Notification of
17 income withholding shall be provided to the obligor and to the
18 payor of income pursuant to section 252D.17.
19 Sec. 925. Section 252D.8, Code 2023, is amended to read as
20 follows:
21 **252D.8 Persons subject to immediate income withholding.**
22 1. In a support order issued or modified on or after
23 November 1, 1990, for which services are being provided by ~~the~~
24 child support ~~recovery unit~~ services, and in any support orders
25 issued or modified after January 1, 1994, for which services
26 are not provided by ~~the~~ child support ~~recovery unit~~ services,
27 the income of a support obligor is subject to withholding, on
28 the effective date of the order, regardless of whether support
29 payments by the obligor are in arrears. If services are being
30 provided pursuant to chapter 252B, ~~the~~ child support ~~recovery~~
31 ~~unit~~ services may enter an ex parte order for an immediate
32 withholding of income. The district court may enter an ex
33 parte order for immediate income withholding for cases in which
34 ~~the~~ child support ~~recovery unit~~ services is not providing

35 services. The income of the obligor is subject to immediate
1 withholding unless one of the following occurs:
2 *a.* One of the parties demonstrates and the court or child
3 support ~~recovery unit~~ services finds there is good cause not to
4 require immediate withholding. A finding of good cause shall
5 be based on, at a minimum, written findings and conclusions by
6 the court or administrative authority as to why implementing
7 immediate withholding would not be in the best interests of the
8 child. In cases involving modifications, the findings shall
9 also include proof of timely payment of previously ordered
10 support.
11 *b.* A written agreement is reached between both parties
12 which provides for an alternative arrangement. If the support
13 payments have been assigned to the department ~~of human services~~
14 pursuant to chapter 234 or 239B, or a comparable statute of
15 another jurisdiction, the department shall be considered a
16 party to the support order, and a written agreement pursuant
17 to this section to waive immediate withholding is void unless
18 approved by ~~the~~ child support ~~recovery unit~~ services. Any
19 agreement existing at the time an assignment of support is made
20 pursuant to chapter 234 or 239B or pursuant to a comparable
21 statute of another jurisdiction shall not prevent ~~the~~ child
22 support ~~recovery unit~~ services from implementing immediate
23 withholding.
24 2. For an order not requiring immediate withholding, income
25 of an obligor is subject to immediate withholding, without
26 regard to whether there is an arrearage, on the earliest of the
27 following:
28 *a.* The date the obligor requests that the withholding begin.
29 *b.* The date the custodial parent or party to the proceeding
30 requests that the withholding begin, if the request is approved
31 by the district court or, in cases in which services are
32 being provided pursuant to chapter 252B, if ~~the~~ child support
33 ~~recovery unit~~ services approves the request.
34 Sec. 926. Section 252D.16, Code 2023, is amended to read as

35 follows:
1 **252D.16 Definitions.**
2 As used in this chapter, unless the context otherwise
3 requires:
4 1. *"Child support services"* means the same as child
5 supported services created in section 252B.2.
6 2. *"Department"* means the department of health and human
7 services.
8 ~~1.~~ 3. *"Income"* means all of the following:
9 *a.* Any periodic form of payment due an individual,
10 regardless of source, including but not limited to wages,
11 salaries, commissions, bonuses, workers' compensation,
12 disability payments, payments pursuant to a pension or
13 retirement program, and interest.
14 *b.* A sole payment or lump sum as provided in section
15 252D.18C, including but not limited to payment from an estate
16 including inheritance, or payment for personal injury or
17 property damage.
18 *c.* Irregular income as defined in section 252D.18B.
19 ~~2.~~ 4. *"Payor of income"* or *"payor"* means and includes, but
20 is not limited to, an obligor's employer, trustee, the state
21 of Iowa and all governmental subdivisions and agencies and any
22 other person from whom an obligor receives income.
23 ~~3.~~ 5. *"Support"* or *"support payments"* means any amount
24 which the court or administrative agency may require a person
25 to pay for the benefit of a child under a temporary order or a
26 final judgment or decree entered under chapter 232, 234, 252A,
27 252C, 252F, 252H, 598, 600B, or any other comparable chapter,
28 and may include child support, maintenance, medical support as
29 defined in chapter 252E, spousal support, and any other term
30 used to describe these obligations. These obligations may
31 include support for a child of any age who is dependent on the
32 parties to the dissolution proceedings because of physical or
33 mental disability. The obligations may include support for
34 a child eighteen or more years of age with respect to whom a

35 child support order has been issued pursuant to the laws of
1 another state or foreign country. These obligations shall
2 not include amounts for a postsecondary education subsidy as
3 defined in section 598.1.
4 Sec. 927. Section 252D.16A, Code 2023, is amended to read
5 as follows:
6 **252D.16A Income withholding order — child support ~~recovery~~**
7 **~~unit~~ services.**
8 If support payments are ordered under this chapter, chapter
9 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other
10 applicable chapter, or under a comparable statute of another
11 state or foreign country, and if income withholding relative
12 to such support payments is allowed under this chapter, ~~the~~
13 child support ~~recovery unit~~ services may enter an ex parte
14 order notifying the person whose income is to be withheld
15 of the procedure to file a motion to quash the order for
16 income withholding, and ordering the withholding of sums to
17 be deducted from the delinquent person's income as defined in
18 section 252D.16 sufficient to pay the support obligation and
19 requiring the payment of such sums to the collection services
20 center or, as appropriate, a comparable government entity in
21 another state as provided in chapter 252K. ~~The child~~ Child
22 support ~~recovery unit~~ services shall include the amount of
23 any delinquency and the amount to be withheld in the notice
24 provided to the obligor pursuant to section 252D.17A. Notice
25 of income withholding shall be provided to the obligor and to
26 the payor of income pursuant to sections 252D.17 and 252D.17A.
27 Sec. 928. Section 252D.17, subsection 1, unnumbered
28 paragraph 1, Code 2023, is amended to read as follows:
29 The district court shall provide notice by sending a copy
30 of the order for income withholding or a notice of the order
31 for income withholding to the obligor and the obligor's payor
32 of income by regular mail, with proof of service completed
33 according to **rule of civil procedure 1.442**. ~~The child~~ Child
34 support ~~recovery unit~~ services shall provide notice of the

35 income withholding order by sending a notice of the order to
1 the obligor's payor of income by regular mail or by electronic
2 means. Proof of service may be completed according to **ruleof civil procedure 1.442**. ~~The child~~ Child support ~~recovery~~
4 ~~unit's~~ services' notice of the order may be sent to the payor
5 of income on the same date that the order is sent to the clerk
6 of court for filing. In all other instances, the income
7 withholding order shall be filed with the clerk of court prior
8 to sending the notice of the order to the payor of income. In
9 addition to the amount to be withheld for payment of support,
10 the order or the notice of the order shall be in a standard
11 format as prescribed by ~~the unit~~ child support services and
12 shall include all of the following information regarding the
13 duties of the payor in implementing the withholding order:
14 Sec. 929. Section 252D.17, subsection 1, paragraphs g and i,
15 Code 2023, are amended to read as follows:
16 *g.* The withholding is binding on the payor until further
17 notice by the court or ~~the~~ child support ~~recovery unit~~
18 services.
19 *i.* The payor shall promptly notify the court or ~~the~~ child
20 support ~~recovery unit~~ services when the obligor's employment or
21 other income terminates, and provide the obligor's last known
22 address and the name and address of the obligor's new employer,
23 if known.
24 Sec. 930. Section 252D.17A, Code 2023, is amended to read
25 as follows:
26 **252D.17A Notice to obligor of implementation of income**
27 **withholding order.**
28 ~~The child~~ Child support ~~recovery unit~~ services or the
29 district court shall send a notice of the income withholding
30 order to the obligor at the time the notice is sent to the payor
31 of income.
32 Sec. 931. Section 252D.18, Code 2023, is amended to read as
33 follows:
34 **252D.18 Modification or termination of withholding.**

35 1. The court or ~~the~~ child support ~~recovery unit~~ services
1 may, by ex parte order, modify a previously entered income
2 withholding order if the court or ~~the unit~~ child support
3 services determines any of the following:
4 *a.* There has been a change in the amount of the current
5 support obligation.
6 *b.* The amount required to be withheld under the income
7 withholding order is in error.
8 *c.* Any past due support debt has been paid in full. Should
9 a delinquency later accrue, the withholding order may be
10 modified to secure payment toward the delinquency.
11 *d.* There has been a change in the rules adopted by the
12 department pursuant to chapter 17A regarding the amount of
13 income to be withheld to pay a delinquency.
14 2. ~~The child~~ Child support ~~recovery unit~~ services may modify
15 an amount specified in an income withholding order or notice of
16 income withholding by providing notice to the payor of income
17 and the obligor pursuant to sections 252D.17 and 252D.17A.
18 3. The court or ~~the~~ child support ~~recovery unit~~ services
19 may, by ex parte order, terminate an income withholding order
20 when the current support obligation has terminated and when
21 the delinquent support obligation has been fully satisfied
22 as applicable to all of the children covered by the income
23 withholding order. ~~The unit~~ Child support services may, by
24 ex parte order, terminate an income withholding order when
25 ~~the unit~~ child support services will no longer be providing
26 services under chapter 252B, or when another state or foreign
27 country will be providing services under Tit. IV-D of the
28 federal Social Security Act or a comparable law in a foreign
29 country.
30 4. In no case shall payment of overdue support be the sole
31 basis for termination of withholding.
32 Sec. 932. Section 252D.18A, subsections 1 and 4, Code 2023,
33 are amended to read as follows:
34 1. The total of all amounts withheld shall not exceed the

35 amounts specified in 15 U.S.C. §1673(b). For orders or notices
1 issued by ~~the~~ child support ~~recovery unit~~ services, the limit
2 for the amount to be withheld shall be specified in the order
3 or notice.
4 4. The payor shall identify and report payments by the
5 obligor's name, account number, amount, and date withheld
6 pursuant to section 252D.17. If payments for multiple obligees
7 are combined, the portion of the payment attributable to each
8 obligee shall be specifically identified only if the payor is
9 directed to do so by ~~the~~ child support ~~recovery unit~~ services.
10 Sec. 933. Section 252D.18B, Code 2023, is amended to read
11 as follows:
12 **252D.18B Irregular income.**
13 When payment of income is irregular, and an order for
14 immediate or mandatory income withholding has been entered by
15 ~~the~~ child support ~~recovery unit~~ services or the district court,
16 the income payor shall withhold income equal to the total that
17 would have been withheld had there been regular monthly income.
18 The amounts withheld shall not exceed the amounts specified
19 in 15 U.S.C. §1673(b). For the purposes of this section, an
20 income source is irregular when there are periods in excess of
21 one month during which the income payor makes no payment to the
22 obligor and the periods are not the result of termination or
23 suspension of employment.
24 Sec. 934. Section 252D.18C, Code 2023, is amended to read
25 as follows:
26 **252D.18C Withholding from lump sum payments.**
27 ~~The child~~ Child support ~~recovery unit~~ services or the
28 district court may enter an ex parte order for income
29 withholding when the obligor is paid by a lump sum income
30 source. When a sole payment is made or payment occurs at
31 two-month or greater intervals, the withholding order may
32 include all current and delinquent support due through the
33 current month, but shall not exceed the amounts specified in
34 15 U.S.C. §1673(b).

35 Sec. 935. Section 252D.19A, subsection 2, Code 2023, is
1 amended to read as follows:
2 2. If ~~the unit~~ child support services takes an enforcement
3 action during a calendar year against an obligor and the
4 obligor is not delinquent or in arrears solely due to the
5 applicability of this section to the obligor, upon discovering
6 the circumstances, ~~the unit~~ child support services shall
7 promptly discontinue the enforcement action.
8 Sec. 936. Section 252D.20, Code 2023, is amended to read as
9 follows:
10 **252D.20 Administration of income withholding procedures.**
11 ~~The child~~ Child support ~~recovery unit~~ services is designated
12 as the entity of the state to administer income withholding in
13 accordance with the procedures specified for keeping adequate
14 records to document, track, and monitor support payments on
15 cases subject to Tit. IV-D of the federal Social Security
16 Act. The collection services center is designated as the
17 entity for administering income withholding for cases which are
18 not subject to Tit. IV-D. The collection services center's
19 responsibilities for administering income withholding in cases
20 not subject to Tit. IV-D are limited to the receipt, recording,
21 and disbursement of income withholding payments and to
22 responding to requests for information on the current status of
23 support payments pursuant to section 252B.13A. Notwithstanding
24 section 622.53, in cases where the court or ~~the~~ child support
25 ~~recovery unit~~ services is enforcing an order of another state
26 or foreign country through income withholding, a certified copy
27 of the underlying judgment is sufficient proof of authenticity.
28 Sec. 937. Section 252D.22, Code 2023, is amended to read as
29 follows:
30 **252D.22 Rules.**
31 The department shall adopt the administrative rules
32 necessary to implement the provisions of this chapter as they
33 pertain to the operations of ~~the~~ child support ~~recovery unit~~
34 services.

35 Sec. 938. Section 252D.23, Code 2023, is amended to read as
1 follows:
2 **252D.23 Filing of withholding order —— order effective as**
3 **district court order.**
4 An income withholding order entered by ~~the~~ child support
5 ~~recovery unit~~ services pursuant to this chapter shall be
6 filed with the clerk of the district court. In lieu of any
7 signature on the order which may otherwise be required by law
8 or rule, the order shall have affixed the name and address
9 of ~~the appropriate~~ child support ~~office~~ services. For the
10 purposes of demonstrating compliance by the payor of income,
11 the copy of the withholding order or the notice of the order
12 received, whether or not the copy of the order is file-stamped,
13 shall have all the force, effect, and attributes of a docketed
14 order of the district court including, but not limited to,
15 availability of contempt of court proceedings against a
16 payor of income for noncompliance. However, any information
17 contained in the income withholding order or the notice of the
18 order related to the amount of the accruing or accrued support
19 obligation which does not reflect the correct amount of support
20 due does not modify the underlying support judgment.
21 Sec. 939. Section 252E.1, Code 2023, is amended to read as
22 follows:
23 **252E.1 Definitions.**
24 As used in this chapter, unless the context otherwise
25 requires:
26 1. *"Accessible"* means any of the following, unless otherwise
27 provided in the support order:
28 *a.* The health benefit plan does not have service area
29 limitations or provides an option not subject to service area
30 limitations.
31 *b.* The health benefit plan has service area limitations and
32 the dependent lives within thirty miles or thirty minutes of a
33 network primary care provider.
34 2. *"Basic coverage"* means health care coverage that at a

35 minimum provides coverage for emergency care, inpatient and
1 outpatient hospital care, physician services whether provided
2 within or outside a hospital setting, and laboratory and x-ray
3 services.
4 3. *"Cash medical support"* means a monetary amount that
5 a parent is ordered to pay to the obligee in lieu of that
6 parent providing health care coverage, which amount is five
7 percent of the gross income of the parent ordered to pay the
8 monetary amount or, if the child support guidelines established
9 pursuant to section 598.21B specifically provide an alternative
10 income-based numeric standard for determining the amount,
11 the amount determined by the standard specified by the child
12 support guidelines. *"Cash medical support"* is an obligation
13 separate from any monetary amount a parent is ordered to pay
14 for uncovered medical expenses pursuant to the guidelines
15 established pursuant to section 598.21B.
16 4. *"Child"* means a person for whom child or medical support
17 may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F,
18 252H, 252K, 598, 600B, or any other chapter of the Code or
19 pursuant to a comparable statute of another state or foreign
20 country.
21 5. *"Child support services"* means child support services
22 created in section 252B.1.
23 ~~5.~~ 6. *"Department"* means the department of health and
24 human services, which includes but is not limited to ~~the~~ child
25 support ~~recovery unit~~ services, or any comparable support
26 enforcement agency of another state.
27 ~~6.~~ 7. *"Dependent"* means a child, or an obligee for whom
28 a court may order health care coverage pursuant to section
29 252E.3.
30 ~~7.~~ 8. *"Enroll"* means to be eligible for and covered by a
31 health benefit plan.
32 ~~8.~~ 9. *"Health benefit plan"* means any policy or contract
33 of insurance, indemnity, subscription, or membership issued
34 by an insurer, health service corporation, health maintenance

35 organization, or any similar corporation or organization, any
1 public coverage, or any self-insured employee benefit plan,
2 for the purpose of covering medical expenses. These expenses
3 may include but are not limited to hospital, surgical, major
4 medical insurance, dental, optical, prescription drugs, office
5 visits, or any combination of these or any other comparable
6 health care expenses.
7 ~~9.~~ 10. *"Health care coverage"* or *"coverage"* means providing
8 and paying for the medical needs of a dependent through a
9 health benefit plan.
10 ~~10.~~ 11. *"Insurer"* means any entity, including a health
11 service corporation, health maintenance organization, or any
12 similar corporation or organization, or an employer offering
13 self-insurance, that provides a health benefit plan, but does
14 not include an entity that provides public coverage.
15 ~~11.~~ 12. *"Medical support"* means either the provision of
16 health care coverage or the payment of cash medical support.
17 *"Medical support"* is not alimony.
18 ~~12.~~ 13. *"National medical support notice"* means a notice
19 as prescribed under 42 U.S.C. §666(a)(19) or a substantially
20 similar notice, that is issued and forwarded by the department
21 in accordance with section 252E.4 to enforce the health care
22 coverage provisions of a support order. The national medical
23 support notice is not applicable to a provider of public
24 coverage.
25 ~~13.~~ 14. *"Obligee"* means a parent or another natural person
26 legally entitled to receive a support payment on behalf of a
27 child.
28 ~~14.~~ 15. *"Obligor"* means a parent or another natural person
29 legally responsible for the support of a dependent.
30 ~~15.~~ 16. *"Order"* means a support order entered pursuant to
31 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any
32 other support chapter, or pursuant to a comparable statute of
33 another state or foreign country, or an ex parte order entered
34 pursuant to section 252E.4. *"Order"* also includes a notice of

35 such an order issued by the department.
1 ~~16.~~ 17. *"Plan administrator"* means the employer or sponsor
2 that offers the health benefit plan or the person to whom the
3 duty of plan administrator is delegated by the employer or
4 sponsor offering the health benefit plan, by written agreement
5 of the parties. *"Plan administrator"* does not include a
6 provider of public coverage.
7 ~~17.~~ 18. *"Primary care provider"* means a physician who
8 provides primary care who is a family or general practitioner,
9 a pediatrician, an internist, an obstetrician, or a
10 gynecologist; an advanced registered nurse practitioner; or a
11 physician assistant.
12 ~~18.~~ 19. *"Public coverage"* means health care benefits
13 provided by any form of federal or state medical assistance,
14 including but not limited to benefits provided under chapter
15 249A or 514I, or under comparable laws of another state,
16 foreign country, or Indian nation or tribe.
17 ~~19. *"Unit"* or *"child support recovery unit"* means unit as~~
18 ~~defined in section 252B.1.~~
19 Sec. 940. Section 252E.1A, subsection 1, Code 2023, is
20 amended to read as follows:
21 1. This section shall apply to all initial or modified
22 orders for support entered under chapter 234, 252A, 252C, 252F,
23 252H, 598, 600B, or any other applicable chapter. If an action
24 to establish or modify an order for support is initiated by ~~the~~
25 child support ~~recovery unit~~ services, section 252E.1B shall
26 also apply.
27 Sec. 941. Section 252E.1B, Code 2023, is amended to read as
28 follows:
29 **252E.1B Establishing and modifying orders for medical support**
30 **— actions initiated by child support ~~recovery unit~~ services.**
31 1. If ~~the~~ child support ~~recovery unit~~ services is initiating
32 an action to establish or modify support, this section shall
33 apply in addition to the provisions of section 252E.1A.
34 2. ~~The unit~~ Child support services shall apply the following

35 order of priority when ~~the unit~~ child support services enters
1 or seeks an order for medical support:
2 *a.* If the custodial parent is currently providing coverage
3 for the child under a health benefit plan other than public
4 coverage, and the plan is available as described in section
5 252E.1A, subsection 3, ~~the unit~~ child support services shall
6 enter or seek an order for the custodial parent to provide
7 coverage.
8 *b.* If the noncustodial parent is currently providing
9 coverage for the child under a health benefit plan other than
10 public coverage, and the plan is available as described in
11 section 252E.1A, subsection 3, ~~the unit~~ child support services
12 shall enter or seek an order for the noncustodial parent to
13 provide coverage.
14 *c.* If a health benefit plan other than public coverage is
15 available as described in section 252E.1A, subsection 3, to the
16 custodial parent, ~~the unit~~ child support services shall enter
17 or seek an order for the custodial parent to provide coverage.
18 *d.* If a health benefit plan other than public coverage is
19 available as described in section 252E.1A, subsection 3, to
20 the noncustodial parent, ~~the unit~~ child support services shall
21 enter or seek an order for the noncustodial parent to provide
22 coverage.
23 *e.* If a health benefit plan other than public coverage
24 is not available to either parent, and the custodial parent
25 has public coverage for the child, ~~the unit~~ child support
26 services shall enter or seek an order for the custodial parent
27 to provide health care coverage and shall enter or seek an
28 order for the noncustodial parent to pay cash medical support.
29 However, if any of the circumstances described in section
30 252E.1A, subsection 4, paragraph *"a"*, *"b"*, or *"c"* is met, ~~the~~
31 ~~unit~~ child support services shall enter or seek an order as
32 specified by the applicable paragraph.
33 3. Notwithstanding subsection 2, if there is an order for
34 joint physical care for the child and the parties subject to

35 the support order, ~~the unit~~ child support services shall apply
1 the following order of priority when ~~the unit~~ child support
2 services enters or seeks an order for medical support:
3 *a.* If only one parent is currently providing coverage
4 for the child under a health benefit plan other than public
5 coverage, and the plan is available as described in section
6 252E.1A, subsection 3, ~~the unit~~ child support services shall
7 enter or seek an order for that parent to provide coverage.
8 *b.* If both parents are currently providing coverage for the
9 child under a health benefit plan other than public coverage,
10 and both plans are available as described in section 252E.1A,
11 subsection 3, ~~the unit~~ child support services shall enter or
12 seek an order for both parents to provide coverage.
13 *c.* If neither parent is currently providing coverage
14 for the child under a health benefit plan other than public
15 coverage, and a health benefit plan other than public coverage
16 is available as described in section 252E.1A, subsection 3, to
17 one parent, ~~the unit~~ child support services shall enter or seek
18 an order for that parent to provide coverage.
19 *d.* If neither parent is currently providing coverage
20 for the child under a health benefit plan other than public
21 coverage, and a health benefit plan other than public coverage
22 is available as described in section 252E.1A, subsection 3, to
23 both parents, ~~the unit~~ child support services shall enter or
24 seek an order for both parents to provide coverage.
25 *e.* If a health benefit plan other than public coverage
26 is not available to either parent and one parent has public
27 coverage for the child, ~~the unit~~ child support services shall
28 enter or seek an order for that parent to provide health care
29 coverage.
30 4. ~~The child~~ Child support ~~recovery unit~~ services or the
31 court shall not order any modification to an existing medical
32 support order in a proceeding conducted solely pursuant to
33 chapter 252H, subchapter IV.
34 Sec. 942. Section 252E.2, subsection 2, paragraph a, Code

2023, is amended to read as follows:

a. The name and the last known mailing address of the participant and the name and mailing address of each child covered by the order except that, to the extent provided in the order, the name and mailing address of ~~an official of~~ the department may be substituted for the mailing address of the child.

Sec. 943. Section 252E.2A, Code 2023, is amended to read as follows:

252E.2A Satisfaction of medical support order.

This section shall apply if ~~the~~ child support ~~recovery unit~~ services is providing services under chapter 252B.

1. Notwithstanding any law to the contrary and without a court order, a medical support order for a child shall be deemed satisfied with regard to the department, the child, the obligor, and the obligee for the period during which all of the following conditions are met:

a. The order is issued under any applicable chapter of the Code.

b. ~~The unit~~ Child support services is notified that the conditions of paragraph *"c"* are met and the parent ordered to provide medical support submits a written statement to ~~the unit~~ child support services that the requirements of paragraph *"c"* are met.

c. The parent ordered to provide medical support meets at least one of the following conditions:

(1) The parent is an inmate of an institution under the control of the department of corrections or a comparable institution in another state.

(2) The parent's monthly child support obligation under the guidelines established pursuant to section 598.21B is the minimum obligation amount.

(3) The parent is a recipient of assistance under chapter 239B or 249A, or under comparable laws of another state.

(4) The parent is residing with any child for whom the

35 parent is legally responsible and that child is a recipient
1 of assistance under chapter 239B, 249A, or 514I, or under
2 comparable laws of another state. For purposes of this
3 subparagraph, *"legally responsible"* means the parent has a legal
4 obligation to the child as specified in **Iowa court rule 9.7** of
5 the child support guidelines.
6 *d.* ~~The unit~~ Child support services files a notice of
7 satisfaction with the clerk of the district court. The
8 effective date of the satisfaction shall be stated in the
9 notice and the effective date shall be no later than forty-five
10 days after ~~the unit~~ child support services issues the notice of
11 satisfaction.
12 2. If a medical support order is satisfied under subsection
13 1, the satisfaction shall continue until all of the following
14 apply:
15 *a.* ~~The unit~~ Child support services is notified that none of
16 the conditions specified in subsection 1, paragraph *"c"*, still
17 applies.
18 *b.* ~~The unit~~ Child support services files a satisfaction
19 termination notice that the requirements for a satisfaction
20 under this section no longer apply. The effective date shall
21 be stated in the satisfaction termination notice and the
22 effective date shall be no later than forty-five days after ~~the~~
23 ~~unit~~ child support services issues the satisfaction termination
24 notice.
25 3. ~~The unit~~ Child support services shall mail a copy of the
26 notice of satisfaction and the satisfaction termination notice
27 to the last known address of the obligor and obligee.
28 4. The department ~~of human services~~ may match data for
29 enrollees of the ~~hawk-i~~ Hawki program created pursuant to
30 chapter 514I with data of ~~the unit~~ child support services to
31 assist ~~the unit~~ child support services in implementing this
32 section.
33 5. An order, decree, or judgment entered or pending on or
34 before July 1, 2009, that provides for the support of a child

35 may be satisfied as provided in this section.
1 Sec. 944. Section 252E.4, subsection 1, Code 2023, is
2 amended to read as follows:
3 1. When a support order requires an obligor to provide
4 coverage under a health benefit plan other than public
5 coverage, the district court or the department may enter an
6 ex parte order directing an employer to take all actions
7 necessary to enroll an obligor's dependent for coverage under
8 a health benefit plan or may include the provisions in an ex
9 parte income withholding order or notice of income withholding
10 pursuant to chapter 252D. ~~The child~~ Child support ~~recovery~~
11 ~~unit~~ services, where appropriate, shall issue a national
12 medical support notice to an employer within two business days
13 after the date information regarding a newly hired employee is
14 entered into the centralized employee registry and matched with
15 a noncustodial parent in the case being enforced by ~~the unit~~
16 child support services, or upon receipt of other employment
17 information for such parent. The department may amend the
18 information in the ex parte order or may amend or terminate
19 the national medical support notice regarding health insurance
20 provisions if necessary to comply with health insurance
21 requirements including but not limited to the provisions of
22 section 252E.2, subsection 2, or to correct a mistake of fact.
23 Sec. 945. Section 252E.5, subsection 8, paragraph g,
24 subparagraph (3), Code 2023, is amended to read as follows:
25 (3) If the obligor is not enrolled in a health benefit
26 plan or is not enrolled in a health benefit plan that offers
27 dependent coverage, if more than one plan with dependent
28 coverage is offered by the employer, and if the notice is
29 issued by ~~the~~ child support ~~recovery unit~~ services, all of the
30 following shall apply:
31 (a) If only one of the plans is accessible to the dependent,
32 that plan shall be selected. If none of the plans with
33 dependent coverage is accessible to the dependent, ~~the unit~~
34 child support services shall amend or terminate the notice.

(b) If more than one of the plans is accessible to the dependent, the plan selected shall be the plan that provides basic coverage for which the employee's share of the premium is lowest.

(c) If more than one of the plans is accessible to the dependent but none of the accessible plans provides basic coverage, the plan selected shall be a plan that is accessible and for which the employee's share of the premium is lowest.

(d) If the employee's share of the premiums is the same under all plans described in subparagraph (b) or (c), ~~the unit~~ child support services shall attempt to consult with the obligee when selecting the plan. If the obligee does not respond within ten days of ~~the unit's~~ child support services' attempt, ~~the unit~~ child support services shall select a plan which shall be the plan's default option, if any, or the plan with the lowest deductibles and copayment requirements.

Sec. 946. Section 252E.5, subsection 8, paragraph h, subparagraph (2), Code 2023, is amended to read as follows:

(2) If the dependent is or is to be enrolled, notify the obligor, the obligee, and the child and furnish the obligee with necessary information. Provide ~~the~~ child support ~~recovery unit~~ services with the type of health benefit plan under which the dependent has been enrolled, including whether dental, optical, office visits, and prescription drugs are covered services.

Sec. 947. Section 252E.6A, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An obligor may move to quash the order to the employer under section 252E.4 by following the same procedures and alleging a mistake of a fact as provided in section 252D.31 or as provided in subsection 2. If ~~the unit~~ child support services is enforcing an income withholding order and a medical support order simultaneously, any challenge to the income withholding order and medical support enforcement shall be filed and heard simultaneously.

3. The employer shall comply with the requirements of this chapter until the employer receives notice that a motion to quash has been granted, or that ~~the unit~~ child support services has amended or terminated the national medical support notice.

Sec. 948. Section 252F.1, Code 2023, is amended to read as follows:

252F.1 Definitions.

As used in this chapter unless the context otherwise requires:

~~1. *"Administrator"* means the administrator of the child support recovery unit of the department of human services or the administrator's designee.~~

~~2.~~ 1. *"Child"* means a person who is less than age eighteen or a person who is age eighteen but less than age nineteen and is engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching age nineteen.

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

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

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

~~3.~~ 5. *"Mother"* means a mother of the child for whom paternity is being established.

~~4.~~ 6. *"Party"* means a putative father or a mother, as named in an action.

~~5.~~ 7. *"Paternity is at issue"* means any of the following conditions:

a. A child was not born or conceived within marriage.

b. A child was born or conceived within marriage but a court has declared that the child is not the issue of the marriage.

~~6.~~ 8. *"Paternity test"* means and includes any form of blood, tissue, or genetic testing administered to determine the

35 biological father of a child.
1 ~~7.~~ 9. *"Putative father"* means a person alleged to be the
2 biological father of a child.
3 ~~8. *"Unit"* means the child support recovery unit created in~~
4 ~~section 252B.2.~~
5 Sec. 949. Section 252F.2, Code 2023, is amended to read as
6 follows:
7 **252F.2 Jurisdiction.**
8 1. In any case in which ~~the unit~~ child support services
9 is providing services pursuant to chapter 252B and paternity
10 is at issue, proceedings may be initiated by ~~the unit~~ child
11 support services pursuant to this chapter for the sole purpose
12 of establishing paternity and any accrued or accruing child
13 support or medical support obligations. Proceedings under
14 this chapter are in addition to other means of establishing
15 paternity or support. Issues in addition to establishment of
16 paternity or support obligations shall not be addressed in
17 proceedings initiated under this chapter.
18 2. An action to establish paternity and support under this
19 chapter may be brought within the time limitations set forth
20 in section 614.8.
21 Sec. 950. Section 252F.3, Code 2023, is amended to read as
22 follows:
23 **252F.3 Notice of alleged paternity and support debt —**
24 **conference — request for hearing.**
25 1. ~~The unit~~ Child support services may prepare a notice
26 of alleged paternity and support debt to be served on a
27 party if the mother of the child or a government official
28 with knowledge of the circumstances of possible paternity
29 relying on government records provides a written statement
30 to the department ~~of human services~~ certifying in accordance
31 with section 622.1 that the putative father is or may be the
32 biological father of the child or children involved. The
33 notice shall be accompanied by a copy of the statement and
34 served on the putative father in accordance

with rule of civilprocedure 1.305. Service upon the mother shall not constitute
1 valid service upon the putative father. The notice shall
2 include or be accompanied by all of the following:
3 *a.* The name of the recipient of services under chapter 252B
4 and the name and birth date of the child or children involved.
5 *b.* A statement that the putative father has been named as
6 the biological father of the child or children named.
7 *c.* A statement that if paternity is established, the
8 amount of the putative father's monthly support obligation
9 and the amount of the support debt accrued and accruing will
10 be established in accordance with the guidelines established
11 in section 598.21B, and the criteria established pursuant to
12 section 252B.7A.
13 *d.* A statement that if paternity is established, a party has
14 a duty to provide accrued and accruing medical support to the
15 child or children in accordance with chapter 252E.
16 *e.* A written explanation of the procedures for determining
17 the child support obligation and a request for financial or
18 income information as necessary for application of the child
19 support guidelines established pursuant to section 598.21B.
20 *f.* (1) The right of a party to request a conference
21 with ~~the unit~~ child support services to discuss paternity
22 establishment and the amount of support that a party may be
23 required to provide, within ten days of the date of service of
24 the original notice or, if paternity is contested and paternity
25 testing is conducted, within ten days of the date the paternity
26 test results are issued or mailed to a party by ~~the unit~~ child
27 support services.
28 (2) A statement that if a conference is requested, a party
29 shall have one of the following time frames, whichever is the
30 latest, to send a written request for a court hearing on the
31 issue of support to ~~the unit~~ child support services:
32 (a) Ten days from the date set for the conference.
33 (b) Twenty days from the date of service of the original

34 notice.
35 (c) If paternity was contested and paternity testing
1 was conducted, and a party does not deny paternity after the
2 testing or challenge the paternity test results, twenty days
3 from the date paternity test results are issued or mailed by
4 ~~the unit~~ child support services to the party.
5 (3) A statement that after the holding of the conference,
6 ~~the unit~~ child support services shall issue a new notice of
7 alleged paternity and finding of financial responsibility for
8 child support or medical support, or both, to be provided in
9 person to each party or sent to each party by regular mail
10 addressed to the party's last known address or, if applicable,
11 to the last known address of the party's attorney.
12 (4) A statement that if ~~the unit~~ child support services
13 issues a new notice of alleged paternity and finding of
14 financial responsibility for child support or medical support,
15 or both, a party shall have one of the following time frames,
16 whichever is the latest, to send a written request for a court
17 hearing on the issue of support to ~~the unit~~ child support
18 services:
19 (a) Ten days from the date of issuance of the new notice.
20 (b) Twenty days from the date of service of the original
21 notice.
22 (c) If paternity was contested and paternity testing
23 conducted, and a party does not deny paternity after the
24 testing or challenge the paternity test results, twenty days
25 from the date the paternity test results are issued or mailed
26 to the party by ~~the unit~~ child support services.
27 *g.* A statement that if a conference is not requested, and
28 a party does not deny paternity or challenge the results of
29 any paternity testing conducted but objects to the finding
30 of financial responsibility or the amount of child support
31 or medical support, or both, the party shall send a written
32 request for a court hearing on the issue of support to ~~the~~
33 ~~unit~~ child support services within twenty days of the date of

service of the original notice, or, if paternity was contested and paternity testing conducted, and a party does not deny paternity after the testing or challenge the paternity test results, within twenty days from the date the paternity test results are issued or mailed to the party by ~~the unit~~ child support services, whichever is later.

h. A statement that if a timely written request for a hearing on the issue of support is received by ~~the unit~~ child support services, the party shall have the right to a hearing to be held in district court and that if no timely written request is received and paternity is not contested, the ~~administrator~~ department shall enter an order establishing the putative father as the father of the child or children and establishing child support or medical support, or both, in accordance with the notice of alleged paternity and support debt.

i. A written explanation of the rights and responsibilities associated with the establishment of paternity.

j. A written explanation of a party's right to deny paternity, the procedures for denying paternity, and the consequences of the denial.

k. A statement that if a party contests paternity, the party shall have twenty days from the date of service of the original notice to submit a written denial of paternity to ~~the unit~~ child support services.

l. A statement that if paternity is contested, ~~the unit~~ child support services shall, at the request of the party contesting paternity or on its own initiative, enter an administrative order requiring the putative father, mother, and child or children involved, to submit to paternity testing.

m. A statement that if paternity tests are conducted, ~~the unit~~ child support services shall provide a copy of the test results to each party in person or send a copy to each party by regular mail, addressed to the party's last known address, or, if applicable, to the last known address of the party's

34 attorney.
35 *n.* A statement setting forth the time frames for contesting
1 paternity after paternity tests are conducted.
2 *o.* Other information as ~~the unit~~ child support services
3 finds appropriate.
4 2. The time limitations established for the notice
5 provisions under subsection 1 are binding unless otherwise
6 specified in this chapter or waived pursuant to section 252F.8.
7 3. *a.* If notice is served on a party, ~~the unit~~ child
8 support services shall file a true copy of the notice and the
9 original return of service with the appropriate clerk of the
10 district court as follows:
11 (1) In the county in which the child or children reside if
12 the action is for purposes of establishing paternity and future
13 child or medical support, or both.
14 (2) In the county in which the child or children involved
15 last received public assistance benefits in the state, if
16 the action is for purposes of establishing paternity and
17 child or medical support, or both, only for prior periods of
18 time when the child or children received public assistance,
19 and no ongoing child or medical support obligation is to be
20 established by this action.
21 (3) If the action is the result of a request from another
22 state or foreign country to establish paternity of a putative
23 father located in Iowa, in the county in which the putative
24 father resides.
25 *b.* All subsequent documents filed or court hearings held
26 related to the action shall be in the district court in the
27 county in which notice was filed pursuant to this subsection.
28 The clerk shall file and docket the action.
29 4. A party or ~~the~~ child support ~~recovery unit~~ services may
30 request a court hearing regarding establishment of paternity or
31 a determination of support, or both.
32 *a.* Upon receipt of a timely written response requesting
33 a hearing or on its own initiative, ~~the unit~~ child support

34 services shall certify the matter for hearing in the district
35 court in the county where the original notice of alleged
1 paternity and support debt is filed, in accordance with section
2 252F.5.
3 *b.* If paternity establishment was contested and paternity
4 tests conducted, a court hearing on the issue of paternity
5 shall be held no earlier than thirty days from the date
6 paternity test results are issued to all parties by ~~the unit~~
7 child support services, unless the parties mutually agree to
8 waive the time frame pursuant to section 252F.8.
9 *c.* Any objection to the results of paternity tests shall be
10 filed no later than twenty days after the date paternity test
11 results are issued or mailed to each party by ~~the unit~~ child
12 support services. Any objection to paternity test results
13 filed by a party more than twenty days after the date paternity
14 tests are issued or mailed to the party by ~~the unit~~ child
15 support services shall not be accepted or considered by the
16 court.
17 5. If a timely written response and request for a court
18 hearing is not received by ~~the unit~~ child support services and
19 a party does not deny paternity, the ~~administrator~~ department
20 shall enter an order in accordance with section 252F.4.
21 6. *a.* If a party contests the establishment of paternity,
22 the party shall submit, within twenty days of service of the
23 notice on the party under subsection 1, a written statement
24 contesting paternity establishment to ~~the unit~~ child support
25 services. Upon receipt of a written challenge of paternity
26 establishment, or upon initiation by ~~the unit~~ child support
27 services, the ~~administrator~~ department shall enter ex parte
28 administrative orders requiring the mother, child or children
29 involved, and the putative father to submit to paternity
30 testing, except that if the mother and child or children
31 previously submitted blood or genetic specimens in a prior
32 action to establish paternity against a different putative
33 father, the previously submitted specimens and prior results,

34 if available, may be utilized for testing in this action.
35 Either the mother or putative father may contest paternity
1 under this chapter.
2 *b.* The orders shall be filed with the clerk of the district
3 court in the county where the notice was filed and have the
4 same force and effect as a court order for paternity testing.
5 *c.* ~~The unit~~ Child support services shall issue copies of the
6 respective administrative orders for paternity testing to the
7 mother and putative father in person, or by regular mail to the
8 last known address of each, or if applicable, to the last known
9 address of the attorney for each.
10 *d.* If a paternity test is ordered under this section,
11 the ~~administrator~~ department shall direct that inherited
12 characteristics be analyzed and interpreted, and shall appoint
13 an expert qualified as an examiner of genetic markers to
14 analyze and interpret the results. The test shall be of a type
15 generally acknowledged as reliable by accreditation entities
16 designated by the secretary of the United States department
17 of health and human services and shall be performed by a
18 laboratory approved by an accreditation entity.
19 *e.* The party contesting paternity shall be provided one
20 opportunity to reschedule the paternity testing appointment if
21 the testing is rescheduled prior to the date of the originally
22 scheduled appointment.
23 *f.* An original copy of the test results shall be filed with
24 the clerk of the district court in the county where the notice
25 was filed. ~~The child~~ Child support ~~recovery unit~~ services
26 shall issue a copy of the filed test results to each party in
27 person, or by regular mail to the last known address of each,
28 or if applicable, to the last known address of the attorney
29 for each. However, if the action is the result of a request
30 from another state or foreign country, ~~the unit~~ child support
31 services shall issue a copy of the results to the initiating
32 agency in that jurisdiction.
33 *g.* Verified documentation of the chain of custody of the

34 blood or genetic specimens is competent evidence to establish
35 the chain of custody. The testimony of the appointed expert is
1 not required. A verified expert's report of test results which
2 indicate a statistical probability of paternity is sufficient
3 authenticity of the expert's conclusion.
4 *h.* A verified expert's report shall be admitted as evidence
5 to establish administrative paternity, and, if a court hearing
6 is scheduled to resolve the issue of paternity, shall be
7 admitted as evidence and is admissible at trial.
8 *i.* If the verified expert concludes that the test results
9 show that the putative father is not excluded and that the
10 probability of the putative father's paternity is ninety-five
11 percent or higher, there shall be a rebuttable presumption that
12 the putative father is the biological father, and the evidence
13 shall be sufficient as a basis for administrative establishment
14 of paternity.
15 (1) In order to challenge the presumption of paternity, a
16 party shall file a written notice of the challenge with the
17 district court within twenty days from the date the paternity
18 test results are issued or mailed to all parties by ~~the unit~~
19 child support services. Any challenge to a presumption of
20 paternity resulting from paternity tests, or to paternity test
21 results filed after the lapse of the twenty-day time frame
22 shall not be accepted or admissible by ~~the unit~~ child support
23 services or the court.
24 (2) A copy of the notice challenging the presumption of
25 paternity shall be provided to any other party in person, or
26 by mailing the notice to the last known address of each party,
27 or if applicable, to the last known address of each party's
28 attorney.
29 (3) The party challenging the presumption of paternity
30 has the burden of proving that the putative father is not the
31 father of the child.
32 (4) The presumption of paternity may be rebutted only by
33 clear and convincing evidence.

34 *j.* If the verified expert concludes that the test results
35 indicate that the putative father is not excluded and that
1 the probability of the putative father's paternity is less
2 than ninety-five percent, the ~~administrator~~ department shall
3 order a subsequent administrative paternity test or certify the
4 case to the district court for resolution in accordance with
5 the procedures and time frames specified in paragraph *"i"* and
6 section 252F.5.
7 *k.* If the results of the test or the verified expert's
8 analysis are timely challenged as provided in this subsection,
9 the ~~administrator~~ department, upon the request of a party
10 and advance payment by the contestant or upon the ~~unit's own~~
11 initiative of child support services, shall order that an
12 additional test be performed by the same laboratory or an
13 independent laboratory. If the party requesting additional
14 testing does not advance payment, the ~~administrator~~ department
15 shall certify the case to the district court in accordance with
16 paragraph *"i"* and section 252F.5.
17 *l.* When a subsequent paternity test is conducted, the time
18 frames in this chapter associated with paternity tests shall
19 apply to the most recently completed test.
20 *m.* If the paternity test results exclude the putative father
21 as a potential biological father of the child or children,
22 and additional tests are not requested by either party or
23 conducted on the ~~unit's~~ initiative of child support services,
24 or if additional tests exclude the putative father as a
25 potential biological father, ~~the unit~~ child support services
26 shall withdraw its action against the putative father and
27 shall file a notice of the withdrawal with the clerk of the
28 district court, and shall provide a copy of the notice to each
29 party in person, or by regular mail sent to each party's last
30 known address, or if applicable, the last known address of the
31 party's attorney.
32 *n.* Except as provided in paragraph *"k"*, ~~the unit~~ child
33 support services shall advance the costs of genetic testing.

34 If paternity is established and paternity testing was
35 conducted, ~~the unit~~ child support services shall enter an order
1 or, if the action proceeded to a court hearing, request that
2 the court enter a judgment for the costs of the paternity tests
3 consistent with applicable federal law. In a proceeding under
4 this chapter, a copy of a bill for genetic testing shall be
5 admitted as evidence without requiring third-party foundation
6 testimony and shall constitute prima facie evidence of the
7 amount incurred for genetic testing.
8 Sec. 951. Section 252F.4, Code 2023, is amended to read as
9 follows:
10 **252F.4 Entry of order.**
11 1. If each party fails to respond to the initial notice
12 within twenty days after the date of service of the notice or
13 fails to appear at a conference pursuant to section 252F.3 on
14 the scheduled date of the conference, and paternity has not
15 been contested and each party fails to timely request a court
16 hearing on the issue of support, the ~~administrator~~ department
17 shall enter an order against the parties, declaring the
18 putative father to be the legal father of the child or children
19 involved and assessing any accrued and accruing child support
20 obligation pursuant to the guidelines established under section
21 598.21B, and medical support pursuant to chapter 252E.
22 2. If paternity is contested pursuant to section 252F.3,
23 subsection 6, and the party contesting paternity fails to
24 appear for a paternity test and fails to request a rescheduling
25 pursuant to section 252F.3, or fails to appear for both the
26 initial and the rescheduled paternity tests and each party
27 fails to timely request a court hearing on the issue of
28 support, the ~~administrator~~ department shall enter an order
29 against the parties declaring the putative father to be the
30 legal father of the child or children involved and assessing
31 any accrued and accruing child support obligation pursuant to
32 the guidelines established under section 598.21B, and medical
33 support pursuant to chapter 252E.

3. If a conference pursuant to section 252F.3 is held, and paternity is not contested, and each party fails to timely request a court hearing on the issue of support, the ~~administrator~~ department shall enter an order against the parties after the second notice has been sent declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, if the test results are not timely challenged, and if each party fails to timely request a court hearing on the issue of support, the ~~administrator~~ department shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

5. The ~~administrator~~ department shall establish a support obligation under this section based upon the best information available to ~~the unit~~ child support services and pursuant to section 252B.7A.

6. The order shall contain all of the following:

a. A declaration of paternity.

b. The amount of monthly support to be paid, with direction as to the manner of payment.

c. The amount of accrued support.

d. The name of the custodial parent or caretaker.

e. The name and birth date of the child or children to whom the order applies.

f. A statement that property of a party ordered to provide support is subject to income withholding, liens, garnishment,

34 tax offset, and other collection actions.
35 *g.* The medical support required pursuant to chapter 598 and
1 chapter 252E.
2 *h.* A statement that a party who is ordered to provide
3 support is required to inform ~~the~~ child support ~~recovery unit~~
4 services, on a continuing basis, of the name and address of
5 the party's current employer, whether the party has access to
6 health insurance coverage as required in the order, and if so,
7 the health insurance policy information.
8 *i.* If paternity was contested by the putative father, the
9 amount of any judgment assessed to the father for costs of
10 paternity tests conducted pursuant to this chapter.
11 *j.* Statements as required pursuant to section 598.22B.
12 7. If paternity is not contested but a party does wish
13 to challenge the issues of child or medical support, the
14 ~~administrator~~ department shall enter an order establishing
15 paternity and reserving the issues of child or medical support
16 for determination by the district court.
17 Sec. 952. Section 252F.5, Code 2023, is amended to read as
18 follows:
19 **252F.5 Certification to district court.**
20 1. Actions initiated under this chapter are not subject
21 to contested case proceedings or further review pursuant to
22 chapter 17A.
23 2. An action under this chapter may be certified to
24 the district court if a party timely contests paternity
25 establishment or paternity test results, or if a party requests
26 a court hearing on the issues of child or medical support, or
27 both, or upon the initiation of ~~the unit~~ child support services
28 as provided in this chapter. Review by the district court
29 shall be an original hearing before the court.
30 3. In any action brought under this chapter, the action
31 shall not be certified to the district court in a contested
32 paternity action unless all of the following have occurred:
33 *a.* Paternity testing has been completed.

34 *b.* The results of the paternity test have been issued to all
35 parties.
1 *c.* A timely written objection to paternity establishment
2 or paternity test results has been received from a party, or
3 a timely written request for a court hearing on the issue
4 of support has been received from a party by ~~the unit~~ child
5 support services, or ~~the unit~~ child support services has
6 requested a court hearing on ~~the unit's~~ child support services'
7 own initiative.
8 4. A matter shall be certified to the district court in
9 the county in which the notice was filed pursuant to section
10 252F.3, subsection 3.
11 5. The court shall set the matter for hearing and notify the
12 parties of the time of and place for hearing.
13 6. If the court determines that the putative father is
14 the legal father, the court shall establish the amount of the
15 accrued and accruing child support pursuant to the guidelines
16 established under section 598.21B, and shall establish medical
17 support pursuant to chapter 252E.
18 7. If the putative father or another party contesting
19 paternity fails to appear at the hearing, upon a showing
20 that proper notice has been provided to the party, the court
21 shall find the party in default and enter an appropriate order
22 establishing paternity and support.
23 Sec. 953. Section 252F.6, Code 2023, is amended to read as
24 follows:
25 **252F.6 Filing with the district court.**
26 Following issuance of an order by the ~~administrator~~
27 department, the order shall be presented to an appropriate
28 district court judge for review and approval. Unless a defect
29 appears on the face of the order, the district court shall
30 approve the order. Upon approval by the district court judge,
31 the order shall be filed in the district court in the county
32 in which the notice was filed pursuant to section 252F.3,
33 subsection 3. Upon filing, the order has the same force and

34 effect as a district court order.
35 Sec. 954. Section 252F.7, Code 2023, is amended to read as
1 follows:
2 **252F.7 Report to state registrar of vital ~~records~~ statistics.**
3 Upon the filing of an order with the district court pursuant
4 to this chapter, the clerk of the district court shall report
5 the information from the order to the ~~bureau of~~ state registrar
6 of vital ~~records~~ statistics in the manner provided in section
7 600B.36.
8 Sec. 955. Section 252F.8, Code 2023, is amended to read as
9 follows:
10 **252F.8 Waiver of time limitations.**
11 1. A putative father or other party may waive the time
12 limitations established in this chapter.
13 2. If a party does not contest paternity or wish to request
14 a conference or court hearing on the issue of support, upon
15 receipt of a signed statement from the putative father and
16 any other party that may contest establishment of paternity,
17 waiving the time limitations, the ~~administrator~~ department
18 shall enter an order establishing paternity and support and the
19 court may approve the order, notwithstanding the expiration of
20 the period of the time limitations if paternity is established.
21 3. If a putative father or other party waives the time
22 limitations and an order establishing paternity or determining
23 support, or both, is entered under this chapter, the signed
24 statement of the putative father and other party waiving the
25 time limitations shall be filed with the order.
26 Sec. 956. Section 252G.1, Code 2023, is amended to read as
27 follows:
28 **252G.1 Definitions.**
29 As used in this chapter, unless the context otherwise
30 requires:
31 1. *"Business day"* means a day on which state offices are
32 open for regular business.
33 2. *"Child support services"* means child support services

34 created in section 252B.2.
35 ~~2.~~ 3. *"Compensation"* means payment owed by the payor of
1 income for:
2 *a.* Labor or services rendered by an employee or contractor
3 to the payor of income.
4 *b.* Benefits including, but not limited to, vacation,
5 holiday, and sick leave, and severance payments which are due
6 an employee under an agreement with the employer or under a
7 policy of the employer.
8 ~~3.~~ 4. *"Contractor"* means a natural person who is eighteen
9 years of age or older, who performs labor in this state to
10 whom a payor of income makes payments which are not subject to
11 withholding and for whom the payor of income is required by the
12 internal revenue service to complete a 1099-MISC form.
13 ~~4.~~ 5. *"Date of hire"* means either of the following:
14 *a.* The first day for which an employee is owed compensation
15 by the payor of income.
16 *b.* The first day that a contractor performs labor or
17 services for the payor of income.
18 ~~5.~~ 6. *"Days"* means calendar days.
19 ~~6.~~ 7. *"Department"* means the department of health and human
20 services.
21 ~~7.~~ 8. *"Dependent"* includes a spouse or child or any other
22 person who is in need of and entitled to support from a person
23 who is declared to be legally liable for the support of that
24 dependent.
25 ~~8.~~ 9. *"Employee"* means a natural person who performs labor
26 in this state and is employed by an employer in this state for
27 compensation and for whom the employer withholds federal or
28 state tax liabilities from the employee's compensation.
29 ~~9.~~ 10. *"Employer"* means a person doing business in this
30 state who engages an employee for compensation and for whom the
31 employer withholds federal or state tax liabilities from the
32 employee's compensation. *"Employer"* includes any governmental
33 entity and any labor organization.

34 ~~10.~~ 11. *"Labor organization"* means any organization of
35 any kind, or any agency, or employee representation committee
1 or plan, in which employees participate and which exists for
2 the purpose, in whole or in part, of dealing with employers
3 concerning grievances, labor disputes, wages, rates of pay,
4 hours of employment, or conditions of work.
5 ~~11.~~ 12. *"Natural person"* means an individual and not a
6 corporation, government, business trust, estate, partnership,
7 proprietorship, or other legal entity, however organized.
8 ~~12.~~ 13. *"Payor of income"* includes both an employer and a
9 person engaged in a trade or business in this state who engages
10 a contractor for compensation.
11 ~~13.~~ 14. *"Registry"* means the central employee registry
12 created in section 252G.2.
13 ~~14.~~ 15. *"Rehire"* means the first day for which an employee
14 is owed compensation by the payor of income following a
15 termination of employment lasting a minimum of six consecutive
16 weeks. Termination of employment does not include temporary
17 separations from employment such as unpaid medical leave, an
18 unpaid leave of absence, or a temporary layoff.
19 ~~15. *"Unit"* means the child support recovery unit created in~~
20 ~~section 252B.2.~~
21 Sec. 957. Section 252G.2, Code 2023, is amended to read as
22 follows:
23 **252G.2 Establishment of central employee registry.**
24 ~~By January 1, 1994, the unit~~ Child support services shall
25 establish a centralized employee registry database for the
26 purpose of receiving and maintaining information on newly hired
27 or rehired employees from employers. ~~The unit~~ Child support
28 services shall establish the database and the department may
29 adopt rules in conjunction with the department of revenue and
30 the department of workforce development to identify appropriate
31 uses of the registry and to implement this chapter, including
32 implementation through the entering of agreements pursuant to
33 chapter 28E.

Sec. 958. Section 252G.3, subsection 3, paragraphs b and d, Code 2023, are amended to read as follows:

b. By submitting electronic media in a format approved by ~~the unit~~ child support services in advance.

d. By any other means authorized by ~~the unit~~ child support services in advance if the means will result in timely reporting.

Sec. 959. Section 252G.4, subsection 1, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~Beginning January 1, 1994, a~~ A payor of income to whom section 252G.3 is inapplicable, who enters into an agreement for the performance of services with a contractor, shall report the contractor to the registry. Payors of income shall report contractors performing labor under an agreement within fifteen days of the date on which all of the following conditions are met:

Sec. 960. Section 252G.4, subsection 3, Code 2023, is amended to read as follows:

3. A payor of income required to report under this section may report the information required under subsection 1 by any written means authorized by ~~the unit~~ child support services which results in timely reporting.

Sec. 961. Section 252G.5, subsection 1, Code 2023, is amended to read as follows:

1. ~~The unit~~ Child support services for program administration ~~of the child support enforcement program~~, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

Sec. 962. Section 252G.7, Code 2023, is amended to read as follows:

252G.7 Data entry and transmitting centralized employee registry records to the national new hire registry.

34 ~~The unit~~ Child support services shall enter new hire data
35 into the centralized employee directory database within five
1 business days of receipt from employers and shall transmit the
2 records of the centralized employee registry to the national
3 directory of new hires within three business days after the
4 date information regarding a newly hired employee is entered
5 into the centralized employee registry.
6 Sec. 963. Section 252G.8, Code 2023, is amended to read as
7 follows:
8 **252G.8 Income withholding requirements.**
9 Within two business days after the date information
10 regarding a newly hired employee is entered into the
11 centralized employee registry and matched with obligors in
12 cases being enforced by ~~the unit~~ child support services, ~~the~~
13 ~~unit~~ child support services shall transmit a notice to the
14 employer or payor of income of the employee directing the
15 employer or payor of income to withhold from the income of the
16 employee in accordance with chapter 252D.
17 Sec. 964. Section 252H.1, Code 2023, is amended to read as
18 follows:
19 **252H.1 Purpose and intent.**
20 This chapter is intended to provide a means for state
21 compliance with Tit. IV-D of the federal Social Security
22 Act, as amended, requiring states to provide procedures for
23 the review and adjustment of support orders being enforced
24 under Tit. IV-D of the federal Social Security Act, and also
25 to provide an expedited modification process when review
26 and adjustment procedures are not required, appropriate, or
27 applicable. Actions under this chapter shall be initiated only
28 by ~~the~~ child support ~~recovery unit~~ services.
29 Sec. 965. Section 252H.2, Code 2023, is amended to read as
30 follows:
31 **252H.2 Definitions.**
32 1. As used in this chapter, unless the context otherwise
33 requires, ~~*"administrator"*~~, *"caretaker"*, *"court order"*,

34 *"department"*, *"dependent child"*, *"medical support"*, and
35 *"responsible person"* mean the same as defined in section 252C.1.
1 2. As used in this chapter, unless the context otherwise
2 requires:
3 *a. "Act"* means the federal Social Security Act.
4 *b. "Adjustment"* applies only to the child support provisions
5 of a support order and means either of the following:
6 (1) A change in the amount of child support based upon
7 an application of the child support guidelines established
8 pursuant to section 598.21B.
9 (2) An addition of or change to provisions for medical
10 support as provided in chapter 252E.
11 *c. "Child"* means a child as defined in section 252B.1.
12 *d. "Child support agency"* means any state, county, or local
13 office or entity of another state that has the responsibility
14 for providing child support enforcement services under Tit.
15 IV-D of the Act.
16 *e. ~~"Child support recovery unit" or "unit"~~* *"Child support*
17 *services"* means ~~the~~ child support ~~recovery unit~~ services created
18 ~~pursuant to~~ in section 252B.2.
19 *f. "Cost-of-living alteration"* means a change in an existing
20 child support order which equals an amount which is the
21 amount of the support obligation following application of the
22 percentage change of the consumer price index for all urban
23 consumers, United States city average, as published in the
24 federal register by the federal department of labor, bureau of
25 labor statistics.
26 *g. "Determination of controlling order"* means the process
27 of identifying a child support order which must be recognized
28 pursuant to section 252K.207 and 28 U.S.C. §1738B, when
29 more than one state has issued a support order for the same
30 child and the same obligor, and may include a reconciliation
31 of arrearages with information related to the calculation.
32 Registration of an order of another state or foreign country is
33 not necessary for a court or ~~the unit~~ child support services to

34 make a determination of controlling order.
35 *h. "Modification"* means either of the following:
1 (1) A change, correction, or termination of an existing
2 support order.
3 (2) The establishment of a child or medical support
4 obligation in a previously established order entered
5 pursuant to chapter 234, 252A, 252C, 598, 600B, or any other
6 support proceeding, in which such support was not previously
7 established, or in which support was previously established
8 and subsequently terminated prior to the emancipation of the
9 children affected.
10 *i. "Parent"* means, for the purposes of requesting a review
11 of a support order and for being entitled to notice under this
12 chapter:
13 (1) The individual ordered to pay support pursuant to the
14 order.
15 (2) An individual or entity entitled to receive current or
16 future support payments pursuant to the order, or pursuant to a
17 current assignment of support including but not limited to an
18 agency of this or any other state that is currently providing
19 public assistance benefits to the child for whom support is
20 ordered and any child support agency. Service of notice of
21 an action initiated under this chapter on an agency is not
22 required, but the agency may be advised of the action by other
23 means.
24 *j. "Public assistance"* means benefits received in this state
25 or any other state, under Tit. IV-A (temporary assistance to
26 needy families), IV-E (foster care), or XIX (Medicaid) of the
27 Act.
28 *k. "Review"* means an objective evaluation conducted through
29 a proceeding before a court, administrative body, or an agency,
30 of information necessary for the application of a state's
31 mandatory child support guidelines to determine:
32 (1) The appropriate monetary amount of support.
33 (2) Provisions for medical support.

34 *l.* *"State"* means *"state"* as defined in chapter 252K.
35 *m.* *"Support order"* means an order for support issued
1 pursuant to this chapter, chapter 232, 234, 252A, 252C, 252E,
2 252F, 598, 600B, or any other applicable chapter, or under
3 a comparable statute of another state or foreign country as
4 registered with the clerk of court or certified to ~~the~~ child
5 support ~~recovery unit~~ services.
6 Sec. 966. Section 252H.3, subsections 2 and 3, Code 2023,
7 are amended to read as follows:
8 2. Nonsupport issues shall not be considered by ~~the unit~~
9 child support services or the court in any action resulting
10 under this chapter.
11 3. Actions initiated by ~~the unit~~ child support services
12 under this chapter shall not be subject to contested case
13 proceedings or further review pursuant to chapter 17A and
14 resulting court hearings following certification shall be an
15 original hearing before the district court.
16 Sec. 967. Section 252H.4, Code 2023, is amended to read as
17 follows:
18 **252H.4 Role of ~~the~~ child support ~~recovery unit~~ services.**
19 1. ~~The unit~~ Child support services may administratively
20 adjust or modify or may provide for an administrative
21 cost-of-living alteration of a support order entered under
22 chapter 234, 252A, 252C, 598, or 600B, or any other support
23 chapter if ~~the unit~~ child support services is providing
24 enforcement services pursuant to chapter 252B. ~~The unit~~
25 Child support services is not required to intervene to
26 administratively adjust or modify or provide for an
27 administrative cost-of-living alteration of a support order
28 under this chapter.
29 2. ~~The unit~~ Child support services is a party to an action
30 initiated pursuant to this chapter.
31 3. ~~The unit~~ Child support services shall conduct a review
32 to determine whether an adjustment is appropriate or, upon
33 the request of a parent or upon ~~the unit's~~ child support

34 services' own initiative, determine whether a modification is
35 appropriate.
1 4. ~~The unit~~ Child support services shall adopt rules
2 pursuant to chapter 17A to establish the process for the review
3 of requests for adjustment, the criteria and procedures for
4 conducting a review and determining when an adjustment is
5 appropriate, the procedure and criteria for a cost-of-living
6 alteration, the criteria and procedure for a request for review
7 pursuant to section 252H.18A, and other rules necessary to
8 implement this chapter.
9 5. Legal representation of ~~the unit~~ child support services
10 shall be provided pursuant to section 252B.7, subsection 4.
11 Sec. 968. Section 252H.5, Code 2023, is amended to read as
12 follows:
13 **252H.5 Fees and cost recovery for review — adjustment —**
14 **modification.**
15 1. Unless ~~the unit~~ child support services is already
16 providing support enforcement service pursuant to chapter 252B,
17 a parent ordered to provide support, who requests a review of a
18 support order under subchapter II, shall file an application
19 for services pursuant to section 252B.4.
20 2. A parent requesting a service shall pay the fee
21 established for that service as established under this
22 subsection. The fees established are not applicable to a
23 parent who as a condition of eligibility for receiving public
24 assistance benefits has assigned the rights to child or medical
25 support for the order to be reviewed. The following fees shall
26 be paid for the following services:
27 *a.* A fee for conducting the review, to be paid at the time
28 the request for review is submitted to ~~the unit~~ child support
29 services. If the request for review is denied for any reason,
30 the fee shall be refunded to the parent making the request.
31 Any request submitted without full payment of the fee shall be
32 denied.
33 *b.* A fee for a second review requested pursuant to section

34 252H.17, to be paid at the time the request for the second
35 review is submitted to ~~the unit~~ child support services. Any
1 request submitted without full payment of the fee shall be
2 denied.
3 *c.* A fee for activities performed by ~~the unit~~ child support
4 services in association with a court hearing requested pursuant
5 to section 252H.8.
6 *d.* A fee for activities performed by ~~the unit~~ child support
7 services in entering an administrative order to adjust support
8 when neither parent requests a court hearing pursuant to
9 section 252H.8. The fee shall be paid during the postreview
10 waiting period under section 252H.17. If the fee is not paid
11 in full during the postreview notice period, further action
12 shall not be taken by ~~the unit~~ child support services to adjust
13 the order unless the parent not requesting the adjustment
14 pays the fee in full during the postreview waiting period,
15 or unless the children affected by the order reviewed are
16 currently receiving public assistance benefits and the proposed
17 adjustment would result in either an increase in the amount of
18 support or in provisions for medical support for the children.
19 *e.* A fee for conducting a conference requested pursuant to
20 section 252H.20.
21 3. A parent who requests a review of a support order
22 pursuant to section 252H.13, shall pay any service of process
23 fees for service or attempted service of the notice required
24 in section 252H.15. ~~The unit~~ Child support services shall not
25 proceed to conduct a review pursuant to section 252H.16 until
26 service of process fees have been paid in full. The service of
27 process fee requirement of this subsection is not applicable
28 to a parent who as a condition of eligibility for public
29 assistance benefits has assigned the rights to child or medical
30 support for the order to be reviewed. Service of process fees
31 charged by a person other than ~~the unit~~ child support services
32 are distinct from any other fees and recovery of costs provided
33 for in this section.

34 4. ~~The unit~~ Child support services shall, consistent with
35 applicable federal law, recover administrative costs in excess
1 of any fees collected pursuant to subsections 2 and 3 for
2 providing services under this chapter and shall adopt rules
3 providing for collection of fees for administrative costs.
4 5. ~~The unit~~ Child support services shall adopt rules
5 pursuant to chapter 17A to establish procedures and criteria to
6 determine the amount of any fees specified in this section and
7 the administrative costs in excess of these fees.
8 Sec. 969. Section 252H.6, Code 2023, is amended to read as
9 follows:
10 **252H.6 Collection of information.**
11 ~~The unit~~ Child support services may request, obtain, and
12 validate information concerning the financial circumstances
13 of the parents of a child as necessary to determine the
14 appropriate amount of support pursuant to the guidelines
15 established in section 598.21B, including but not limited to
16 those sources and procedures described in sections 252B.7A and
17 252B.9. The collection of information does not constitute a
18 review conducted pursuant to section 252H.16.
19 Sec. 970. Section 252H.7, Code 2023, is amended to read as
20 follows:
21 **252H.7 Waiver of notice periods and time limitations.**
22 1. A parent may waive the fifteen-day prereview waiting
23 period provided for in section 252H.16.
24 *a.* Upon receipt of signed requests from both parents
25 waiving the prereview waiting period, ~~the unit~~ child support
26 services may conduct a review of the support order prior to
27 the expiration of the fifteen-day period provided in section
28 252H.16.
29 *b.* If the parents jointly waive the prereview waiting period
30 and the order under review is subsequently adjusted, the signed
31 statements of both parents waiving the waiting period shall be
32 filed in the court record with the order adjusting the support
33 obligation.

2. A parent may waive the postreview waiting period provided for in section 252H.8, subsection 2 or 7, for a court hearing or in section 252H.17 for requesting of a second review.

a. Upon receipt of signed requests from both parents subject to the order reviewed, waiving the postreview waiting period, ~~the unit~~ child support services may enter an administrative order adjusting the support order, if appropriate, prior to the expiration of the postreview waiting period.

b. If the parents jointly waive the postreview waiting period and an administrative order to adjust the support order is entered, the signed statements of both parents waiving the waiting period shall be filed in the court record with the administrative order adjusting the support obligation.

3. A parent may waive the time limitations established in section 252H.8, subsection 3, for requesting a court hearing, or in section 252H.20 for requesting a conference.

a. Upon receipt of signed requests from both parents who are subject to the order to be modified, waiving the time limitations, ~~the unit~~ child support services may proceed to enter an administrative modification order.

b. If the parents jointly waive the time limitations and an administrative modification order is entered under this chapter, the signed statements of both parents waiving the time limitations shall be filed in the court record with the administrative modification order.

Sec. 971. Section 252H.8, Code 2023, is amended to read as follows:

252H.8 Certification to court — hearing — default.

1. For actions initiated under section 252H.15, either parent or ~~the unit~~ child support services may request a court hearing within fifteen days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

2. For actions initiated under section 252H.14A, either

34 parent or ~~the unit~~ child support services may request a court
35 hearing within ten days of the issuance of the second notice of
1 decision under section 252H.17.
2 3. For actions initiated under subchapter III, either
3 parent or ~~the unit~~ child support services may request a court
4 hearing within the latest of any of the following time periods:
5 *a.* Twenty days from the date of successful service of the
6 notice of intent to modify required under section 252H.19.
7 *b.* Ten days from the date scheduled for a conference to
8 discuss the modification action.
9 *c.* Ten days from the date of issuance of a second notice of
10 a proposed modification action.
11 4. The time limitations for requesting a court hearing
12 under this section may be extended by ~~the unit~~ child support
13 services.
14 5. If a timely written request for a hearing is received
15 by ~~the unit~~ child support services, a hearing shall be held
16 in district court, and ~~the unit~~ child support services shall
17 certify the matter to the district court in the county in which
18 the order subject to adjustment or modification is filed. The
19 certification shall include the following, as applicable:
20 *a.* Copies of the notice of intent to review or notice of
21 intent to modify.
22 *b.* The return of service, proof of service, acceptance of
23 service, or signed statement by the parent requesting review
24 and adjustment or requesting modification, waiving service of
25 the notice.
26 *c.* Copies of the notice of decision and any revised notice
27 as provided in section 252H.16.
28 *d.* Copies of any written objections to and request for a
29 second review or conference or hearing.
30 *e.* Copies of any second notice of decision issued pursuant
31 to section 252H.17, or second notice of proposed modification
32 action issued pursuant to section 252H.20.
33 *f.* Copies of any financial statements and supporting

34 documentation provided by the parents including proof of
35 a substantial change in circumstances for a request filed
1 pursuant to section 252H.18A.
2 *g.* Copies of any computation worksheet prepared by ~~the~~
3 ~~unit~~ child support services to determine the amount of support
4 calculated using the mandatory child support guidelines
5 established under section 598.21B, and, if appropriate and the
6 social security disability provisions of sections 598.22 and
7 598.22C apply, a determination of the amount of delinquent
8 support due.
9 *h.* A certified copy of each order, issued by another state
10 or foreign country, considered in determining the controlling
11 order.
12 6. The court shall set the matter for hearing and notify the
13 parties of the time and place of the hearing.
14 7. For actions initiated under section 252H.15, a hearing
15 shall not be held for at least sixteen days following the date
16 of issuance of the notice of decision unless the parents have
17 jointly waived, in writing, the fifteen-day postreview period.
18 8. Pursuant to section 252H.3, the district court shall
19 review the matter as an original hearing before the court.
20 9. Issues subject to review by the court in any hearing
21 resulting from an action initiated under this chapter shall be
22 limited to the issues identified in section 252H.3.
23 10. Notwithstanding any other law to the contrary, if more
24 than one support order exists involving children with the same
25 legally established parents, one hearing on all of the affected
26 support orders shall be held in the district court in the
27 county where ~~the unit~~ child support services files the action.
28 For the purposes of this subsection, the district court hearing
29 the matter shall have jurisdiction over all other support
30 orders entered by a court of this state and affected under this
31 subsection.
32 11. The court shall establish the amount of child support
33 pursuant to section 598.21B, or medical support pursuant to

34 chapter 252E, or both.
35 12. If a party fails to appear at the hearing, upon a
1 showing of proper notice to the party, the court may find the
2 party in default and enter an appropriate order.
3 Sec. 972. Section 252H.9, Code 2023, is amended to read as
4 follows:
5 **252H.9 Filing and docketing of administrative adjustment or**
6 **modification order —— order effective as district court order.**
7 1. If timely request for a court hearing is not made
8 pursuant to section 252H.8, ~~the unit~~ child support services
9 shall prepare and present an administrative order for
10 adjustment or modification, as applicable, for review and
11 approval, ex parte, to the district court where the order to
12 be adjusted or modified is filed. Notwithstanding any other
13 law to the contrary, if more than one support order exists
14 involving children with the same legally established parents,
15 for the purposes of this subsection, the district court
16 reviewing and approving the matter shall have jurisdiction over
17 all other support orders entered by a court of this state and
18 affected under this subsection.
19 2. For orders to which subchapter II or III is applicable,
20 ~~the unit~~ child support services shall determine the appropriate
21 amount of the child support obligation using the current child
22 support guidelines established pursuant to section 598.21B
23 and the criteria established pursuant to section 252B.7A and
24 shall determine the provisions for medical support pursuant to
25 chapter 252E.
26 3. The administrative order prepared by ~~the unit~~ child
27 support services shall specify all of the following:
28 *a.* The amount of support to be paid and the manner of
29 payment.
30 *b.* The name of the custodian of any child for whom support
31 is to be paid.
32 *c.* The name of the parent ordered to pay support.
33 *d.* The name and birth date of any child for whom support is

34 to be paid.
35 *e.* That the property of the responsible person is subject
1 to collection action, including but not limited to wage
2 withholding, garnishment, attachment of a lien, and other
3 methods of execution.
4 *f.* Provisions for medical support.
5 *g.* If applicable, the order determined to be the controlling
6 order.
7 *h.* If applicable, the amount of delinquent support due based
8 upon the receipt of social security disability payments as
9 provided in sections 598.22 and 598.22C.
10 4. Supporting documents as described in section 252H.8,
11 subsection 5, may be presented to the court with the
12 administrative order, as applicable.
13 5. Unless defects appear on the face of the order or on the
14 attachments, the district court shall approve the order. Upon
15 filing, the approved order shall have the same force, effect,
16 and attributes of an order of the district court.
17 6. Upon filing, the clerk of the district court shall enter
18 the order in the judgment docket and judgment lien index.
19 7. A copy of the order shall be sent by regular mail within
20 fourteen days after filing to each parent's last known address,
21 or if applicable, to the last known address of the parent's
22 attorney.
23 8. The order is final, and action by ~~the unit~~ child support
24 services to enforce and collect upon the order, including
25 arrearages and medical support, or both, may be taken from the
26 date of the entry of the order by the district court.
27 Sec. 973. Section 252H.10, subsection 2, Code 2023, is
28 amended to read as follows:
29 2. The periodic due date established under a prior order
30 for payment of child support shall not be changed in any
31 order modified as a result of an action initiated under this
32 chapter, unless ~~the~~ child support ~~recovery unit~~ services or
33 the court determines that good cause exists to change the

34 periodic due date. If ~~the unit~~ child support services or the
35 court determines that good cause exists, ~~the unit~~ child support
1 services or the court shall include the rationale for the
2 change in the modified order and shall address the issue of
3 reconciliation of any payments due or made under a prior order
4 which would result in payment of the child support obligation
5 under both the prior and the modified orders.
6 Sec. 974. Section 252H.11, Code 2023, is amended to read as
7 follows:
8 **252H.11 Concurrent actions.**
9 This chapter does not prohibit or affect the ability or right
10 of a parent or the parent's attorney to file a modification
11 action at the parent's own initiative. If a modification
12 action is filed by a parent concerning an order for which an
13 action has been initiated but has not yet been completed by ~~the~~
14 ~~unit~~ child support services under this chapter, ~~the unit~~ child
15 support services shall terminate any action initiated under
16 this chapter, subject to the following:
17 1. The modification action filed by the parent must address
18 the same issues as the action initiated under this chapter.
19 2. If the modification action filed by the parent is
20 subsequently dismissed before being heard by the court,
21 ~~the unit~~ child support services shall continue the action
22 previously initiated under subchapter II or III, or initiate a
23 new action as follows:
24 *a.* If ~~the unit~~ child support services previously initiated
25 an action under subchapter II, and had not issued a notice of
26 decision as required under section 252H.14A or 252H.16, ~~the~~
27 ~~unit~~ child support services shall proceed as follows:
28 (1) If notice of intent to review was served ninety days
29 or less prior to the date the modification action filed by the
30 parent is dismissed, ~~the unit~~ child support services shall
31 complete the review and issue the notice of decision.
32 (2) If the modification action filed by the parent is
33 dismissed more than ninety days after the original notice of

34 intent to review was served, ~~the unit~~ child support services
35 shall serve or issue a new notice of intent to review and
1 conduct the review.
2 (3) If ~~the unit~~ child support services initiated a review
3 under section 252H.14A, ~~the unit~~ child support services may
4 issue the notice of decision.
5 *b.* If ~~the unit~~ child support services previously initiated
6 an action under subchapter II and had issued the notice of
7 decision as required under section 252H.14A or 252H.16, ~~the~~
8 ~~unit~~ child support services shall proceed as follows:
9 (1) If the notice of decision was issued ninety days or less
10 prior to the date the modification action filed by the parent
11 is dismissed, ~~the unit~~ child support services shall request,
12 obtain, and verify any new or different information concerning
13 the financial circumstances of the parents and issue a revised
14 notice of decision to each parent, or if applicable, to the
15 parent's attorney.
16 (2) If the modification action filed by the parent is
17 dismissed more than ninety days after the date of issuance
18 of the notice of decision, ~~the unit~~ child support services
19 shall serve or issue a new notice of intent to review pursuant
20 to section 252H.15 and conduct a review pursuant to section
21 252H.16, or conduct a review and serve a new notice of decision
22 under section 252H.14A.
23 *c.* If ~~the unit~~ child support services previously initiated
24 an action under subchapter III, ~~the unit~~ child support services
25 shall proceed as follows:
26 (1) If the modification action filed by the parent is
27 dismissed more than ninety days after the original notice of
28 intent to modify was served, ~~the unit~~ child support services
29 shall serve a new notice of intent to modify pursuant to
30 section 252H.19.
31 (2) If the modification action filed by the parent is
32 dismissed ninety days or less after the original notice of
33 intent to modify was served, ~~the unit~~ child support services

34 shall complete the original modification action initiated by
35 ~~the unit~~ child support services under this subchapter.
1 (3) Each parent shall be allowed at least twenty days from
2 the date the administrative modification action is reinstated
3 to request a court hearing as provided for in section 252H.8.
4 3. If an action initiated under this chapter is terminated
5 as the result of a concurrent modification action filed by
6 one of the parents or the parent's attorney, ~~the unit~~ child
7 support services shall advise each parent, or if applicable,
8 the parent's attorney, in writing, that the action has been
9 terminated and the provisions of subsection 2 of this section
10 for continuing or initiating a new action under this chapter.
11 The notice shall be issued by regular mail to the last known
12 mailing address of each parent, or if applicable, each parent's
13 attorney.
14 4. If an action initiated under this chapter by ~~the~~
15 ~~unit~~ child support services is terminated as the result
16 of a concurrent action filed by one of the parents and is
17 subsequently reinstated because the modification action filed
18 by the parent is dismissed, ~~the unit~~ child support services
19 shall advise each parent, or if applicable, each parent's
20 attorney, in writing, that ~~the unit~~ child support services is
21 continuing the prior administrative adjustment or modification
22 action. The notice shall be issued by regular mail to the last
23 known mailing address of each parent, or if applicable, each
24 parent's attorney.
25 Sec. 975. Section 252H.12, subsection 3, Code 2023, is
26 amended to read as follows:
27 3. ~~The unit~~ Child support services is providing enforcement
28 services for the ongoing support obligation pursuant to chapter
29 252B.
30 Sec. 976. Section 252H.13, Code 2023, is amended to read as
31 follows:
32 **252H.13 Right to request review.**
33 A parent shall have the right to request the review of a

support order for which ~~the unit~~ child support services is currently providing enforcement services of an ongoing child support obligation pursuant to chapter 252B including by objecting to a cost-of-living alteration pursuant to section 252H.24, subsections 1 and 2.

Sec. 977. Section 252H.14, Code 2023, is amended to read as follows:

252H.14 Reviews initiated by ~~the~~ child support ~~recovery unit~~ services.

1. ~~The unit~~ Child support services may periodically initiate a review of support orders meeting the conditions in section 252H.12 in accordance with the following:

a. The right to any ongoing child support obligation is currently assigned to the state due to the receipt of public assistance.

b. The support order does not already include provisions for medical support.

c. The review is otherwise necessary to comply with the Act.

2. ~~The unit~~ Child support services may periodically initiate a request to a child support agency of another state or to a foreign country to conduct a review of a support order when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa or if the order does not include provisions for medical support.

3. ~~The unit~~ Child support services shall adopt rules establishing criteria to determine the appropriateness of initiating a review.

4. ~~The unit~~ Child support services shall initiate reviews under this section in accordance with the Act.

Sec. 978. Section 252H.14A, Code 2023, is amended to read as follows:

252H.14A Reviews initiated by ~~the~~ child support ~~recovery unit~~ services — abbreviated method.

1. Notwithstanding section 252H.15, ~~the unit~~ child support

34 services may use procedures under this section to review a
35 support order if all the following apply:
1 *a.* One of the following applies:
2 (1) The right to ongoing child support is assigned to the
3 state of Iowa due to the receipt of family investment program
4 assistance, and a review of the support order is required under
5 section 7302 of the federal Deficit Reduction Act of 2005, Pub.
6 L. No. 109-171.
7 (2) A parent requests a review, provides ~~the unit~~ child
8 support services with financial information as part of that
9 request, and the order meets the criteria for review under this
10 subchapter.
11 *b.* ~~The unit~~ Child support services has access to information
12 concerning the financial circumstances of each parent and one
13 of the following applies:
14 (1) The parent is a recipient of family investment program
15 assistance, medical assistance, or ~~food~~ supplemental nutrition
16 assistance program assistance from the department.
17 (2) The parent's income is from supplemental security
18 income paid pursuant to 42 U.S.C. §1381a.
19 (3) The parent is a recipient of disability benefits under
20 the Act because of the parent's disability.
21 (4) The parent is an inmate of an institution under the
22 control of the department of corrections.
23 (5) ~~The unit~~ Child support services has access to
24 information described in section 252B.7A, subsection 1,
25 paragraph *"c"*.
26 2. If the conditions of subsection 1 are met, ~~the unit~~ child
27 support services may conduct a review and determine whether
28 an adjustment is appropriate using information accessible by
29 ~~the unit~~ child support services without issuing a notice under
30 section 252H.15 or requesting additional information from the
31 parent.
32 3. Upon completion of the review, ~~the unit~~ child support
33 services shall issue a notice of decision to each parent, or

34 if applicable, to each parent's attorney. The notice shall be
35 served in accordance with the rules of civil procedure or as
1 provided in section 252B.26, except that a parent requesting
2 a review pursuant to section 252H.13 shall waive the right to
3 personal service of the notice in writing and accept service
4 by regular mail. If the service by regular mail does not occur
5 within ninety days of the written waiver of personal service,
6 personal service of the notice is required unless a new waiver
7 of personal service is obtained.
8 4. All of the following shall be included in the notice of
9 decision:
10 *a.* The legal basis and purpose of the action, including
11 an explanation of the procedures for determining child
12 support, the criteria for determining the appropriateness of
13 an adjustment, and a statement that ~~the unit~~ child support
14 services used the child support guidelines established pursuant
15 to section 598.21B and the provisions for medical support
16 pursuant to chapter 252E.
17 *b.* Information sufficient to identify the affected parties
18 and the support order or orders affected.
19 *c.* An explanation of the legal rights and responsibilities
20 of the affected parties, including time frames in which the
21 parties must act.
22 *d.* A statement indicating whether ~~the unit~~ child support
23 services finds that an adjustment is appropriate and the basis
24 for the determination.
25 *e.* Procedures for contesting the action, including that if a
26 parent requests a second review both parents will be requested
27 to submit financial or income information as necessary for
28 application of the child support guidelines established
29 pursuant to section 598.21B.
30 *f.* Other information as appropriate.
31 5. Section 252H.16, subsection 5, regarding a revised
32 notice of decision shall apply to a notice of decision issued
33 under this section.

6. Each parent shall have the right to challenge the notice of decision issued under this section by requesting a second review by ~~the unit~~ child support services as provided in section 252H.17. If there is no new or different information to consider for the second review, ~~the unit~~ child support services shall issue a second notice of decision based on prior information. Each parent shall have the right to challenge the second notice of decision by requesting a court hearing as provided in section 252H.8.

Sec. 979. Section 252H.15, subsection 1, Code 2023, is amended to read as follows:

1. Unless an action is initiated under section 252H.14A, prior to conducting a review of a support order, ~~the unit~~ child support services shall issue a notice of intent to review and adjust to each parent, or if applicable, to each parent's attorney. However, notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

Sec. 980. Section 252H.15, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

Sec. 981. Section 252H.15, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Criteria for determining appropriateness of an adjustment and a statement that ~~the unit~~ child support services will use the child support guidelines established pursuant to section 598.21B and the provisions for medical support pursuant to chapter 252E to adjust the order.

Sec. 982. Section 252H.16, Code 2023, is amended to read as follows:

252H.16 Conducting the review — notice of decision.

1. For actions initiated under section 252H.15, ~~the unit~~ child support services shall conduct the review and determine

34 whether an adjustment is appropriate. As necessary, ~~the unit~~
35 child support services shall make a determination of the
1 controlling order or the amount of delinquent support due based
2 upon the receipt of social security disability payments as
3 provided in sections 598.22 and 598.22C.
4 2. Unless both parents have waived the prereview notice
5 period as provided for in section 252H.7, the review shall
6 not be conducted for at least fifteen days from the date both
7 parents were successfully served with the notice required in
8 section 252H.15.
9 3. Upon completion of the review, ~~the unit~~ child support
10 services shall issue a notice of decision by regular mail to
11 the last known address of each parent, or if applicable, each
12 parent's attorney.
13 4. ~~The unit~~ Child support services shall adopt rules
14 pursuant to chapter 17A to ensure that all of the following are
15 included in the notice:
16 *a.* Information sufficient to identify the affected parties
17 and the support order or orders affected.
18 *b.* A statement indicating whether ~~the unit~~ child support
19 services finds that an adjustment is appropriate and the basis
20 for the determination.
21 *c.* Other information, as appropriate.
22 5. A revised notice of decision shall be issued when ~~the~~
23 ~~unit~~ child support services receives or becomes aware of new or
24 different information affecting the results of the review after
25 the notice of decision has been issued and before the entry of
26 an administrative order adjusting the support order, when new
27 or different information is not received in conjunction with
28 a request for a second review, or subsequent to a request for
29 a court hearing. If a revised notice of decision is issued,
30 the time frames for requesting a second review or court hearing
31 shall apply from the date of issuance of the revised notice.
32 Sec. 983. Section 252H.17, Code 2023, is amended to read as
33 follows:

252H.17 Challenging the notice of decision — second review — notice.

1. Each parent shall have the right to challenge the notice of decision issued under section 252H.14A or 252H.16, by requesting a second review by ~~the unit~~ child support services.

2. A challenge shall be submitted, in writing, to ~~the local~~ child support ~~office that issued the notice of decision~~ services, within thirty days of service of the notice of decision under section 252H.14A or within ten days of the issuance of the notice of decision under section 252H.16.

3. A parent challenging the notice of decision shall submit any new or different information, not previously considered by ~~the unit~~ child support services in conducting the review, with the challenge and request for second review.

4. A parent challenging the notice of decision shall submit any required fees with the challenge. Any request submitted without full payment of the required fee shall be denied.

5. If a timely challenge along with any necessary fee is received, ~~the unit~~ child support services shall issue by regular mail to the last known address of each parent, or if applicable, to each parent's attorney, a notice that a second review will be conducted. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. A statement of purpose of the second review.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. A statement of the information that is eligible for consideration at the second review.

d. The procedures and time frames in conducting and completing a second review, including a statement that only one second review shall be conducted as the result of a challenge received from either or both parents.

e. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in

requesting a court hearing.

f. Other information, as appropriate.

6. ~~The unit~~ Child support services shall conduct a second review, utilizing any new or additional information provided or available since issuance of the notice of decision under section 252H.14A or under section 252H.16, to determine whether an adjustment is appropriate.

7. Upon completion of the review, ~~the unit~~ child support services shall issue a second notice of decision by regular mail to the last known address of each parent, or if applicable, to each parent's attorney. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. ~~The unit's~~ Child support services' finding resulting from the second review indicating whether ~~the unit~~ child support services finds that an adjustment is appropriate, the basis for the determination, and the impact on the first review.

c. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

d. Other information, as appropriate.

8. If the determination resulting from the first review is revised or reversed by the second review, the following shall be issued to each parent along with the second notice of decision and the amount of any proposed adjustment:

a. Any updated or revised financial statements provided by either parent.

b. A computation prepared by ~~the local~~ child support ~~office issuing the notice~~ services, demonstrating how the amount of support due under the child support guidelines was calculated, and a comparison of the newly computed amount with the current support obligation amount.

Sec. 984. Section 252H.18, subsection 2, Code 2023, is

34 amended to read as follows:
35 2. ~~The unit~~ Child support services is providing services
1 pursuant to chapter 252B.
2 Sec. 985. Section 252H.18A, subsection 1, unnumbered
3 paragraph 1, Code 2023, is amended to read as follows:
4 If a support order is not eligible for review and adjustment
5 because the support order is outside of the minimum time frames
6 specified by rule of the department, a parent may request a
7 review and administrative modification by submitting all of the
8 following to ~~the unit~~ child support services:
9 Sec. 986. Section 252H.18A, subsection 2, Code 2023, is
10 amended to read as follows:
11 2. Upon receipt of the request and all documentation
12 required in subsection 1, ~~the unit~~ child support services shall
13 review the request and documentation and if appropriate shall
14 issue a notice of intent to modify as provided in section
15 252H.19.
16 Sec. 987. Section 252H.19, subsection 1, Code 2023, is
17 amended to read as follows:
18 1. ~~The unit~~ Child support services shall issue a notice of
19 intent to modify to each parent. Notice to a child support
20 agency or an agency entitled to receive child or medical
21 support payments as the result of an assignment of support
22 rights is not required.
23 Sec. 988. Section 252H.19, subsection 2, unnumbered
24 paragraph 1, Code 2023, is amended to read as follows:
25 The notice shall be served upon each parent in accordance
26 with the rules of civil procedure, except that a parent
27 requesting modification shall, at the time of the request,
28 waive the right to personal service of the notice in writing
29 and accept service by regular mail. ~~The unit~~ Child support
30 services shall adopt rules pursuant to chapter 17A to ensure
31 that all of the following are included in the notice:
32 Sec. 989. Section 252H.20, Code 2023, is amended to read as
33 follows:

252H.20 Conference — second notice and finding of financial responsibility.

1. Each parent shall have the right to request a conference with ~~the office of the unit that issued the notice of intent to modify~~ child support services. The request may be made in person, in writing, or by telephone, and shall be made within ten days of the date of successful service of the notice of intent to modify.

2. A parent requesting a conference shall submit any required fee no later than the date of the scheduled conference. A conference shall not be held unless the required fee is paid in full.

3. Upon a request and full payment of any required fee, ~~the office of the unit that issued the notice of intent to modify~~ child support services shall schedule a conference with the parent and advise the parent of the date, time, place, and procedural aspects of the conference. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to specify the manner in which a conference is conducted and the purpose of the conference.

4. Following the conference, ~~the office of the unit that conducted the review~~ child support services shall issue a second notice of proposed modification and finding of financial responsibility to the parent requesting the conference. ~~The unit~~ Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. If ~~the unit~~ child support services will continue or terminate the action.

c. Procedures for contesting the action and the applicable time frames for actions by the parents.

d. Other information, as appropriate.

Sec. 990. Section 252H.21, subsection 2, paragraph c,

subparagraph (2), Code 2023, is amended to read as follows:

(2) Increase or decrease the amount of the child support order calculated in subparagraph (1) for each subsequent year by applying the appropriate consumer price index for each subsequent year to the result of the calculation for the previous year. The final year in the calculation shall be the year immediately preceding the year ~~the unit~~ child support services received the completed request for the cost-of-living alteration.

Sec. 991. Section 252H.22, subsection 3, Code 2023, is amended to read as follows:

3. ~~The unit~~ Child support services is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

Sec. 992. Section 252H.23, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A parent may request a cost-of-living alteration by submitting all of the following to ~~the unit~~ child support services:

Sec. 993. Section 252H.24, Code 2023, is amended to read as follows:

252H.24 Role of ~~the~~ child support ~~recovery unit~~ services — filing and docketing of cost-of-living alteration order — order effective as district court order.

1. Upon receipt of a request and required documentation for a cost-of-living alteration, ~~the unit~~ child support services shall issue a notice of the amount of cost-of-living alteration by regular mail to the last known address of each parent, or, if applicable, each parent's attorney. The notice shall include all of the following:

a. A statement that either parent may contest the cost-of-living alteration within thirty days of the date of the notice by making a request for a review of a support order as provided in section 252H.13, and if either parent does not make a request for a review within thirty days, ~~the unit~~ child

34 support services shall prepare an administrative order as
35 provided in subsection 4.
1 *b.* A statement that the parent may waive the thirty-day
2 notice waiting period provided for in this section.
3 2. Upon timely receipt of a request and required
4 documentation for a review of a support order as provided
5 in subsection 1 from either parent, ~~the unit~~ child support
6 services shall terminate the cost-of-living alteration process
7 and apply the provisions of subchapters I and II of this
8 chapter relating to review and adjustment.
9 3. Upon receipt of signed requests from both parents subject
10 to the support order, waiving the notice waiting period, ~~the~~
11 ~~unit~~ child support services may prepare an administrative order
12 pursuant to subsection 4 altering the support obligation.
13 4. If timely request for a review pursuant to section
14 252H.13 is not made, and if the thirty-day notice waiting
15 period has expired, or if both parents have waived the notice
16 waiting period, ~~the unit~~ child support services shall prepare
17 and present an administrative order for a cost-of-living
18 alteration, ex parte, to the district court where the order to
19 be altered is filed.
20 5. Unless defects appear on the face of the administrative
21 order or on the attachments, the district court shall approve
22 the order. Upon filing, the approved order shall have the
23 same force, effect, and attributes of an order of the district
24 court.
25 6. Upon filing, the clerk of the district court shall enter
26 the order in the judgment docket and judgment lien index.
27 7. If the parents jointly waive the thirty-day notice
28 waiting period, the signed statements of both parents waiving
29 the notice period shall be filed in the court record with the
30 administrative order altering the support obligation.
31 8. ~~The unit~~ Child support services shall send a copy of
32 the order by regular mail to each parent's last known address,
33 or, if applicable, to the last known address of the parent's

34 attorney.
35 9. An administrative order approved by the district court is
1 final, and action by ~~the unit~~ child support services to enforce
2 and collect upon the order may be taken from the date of the
3 entry of the order by the district court.
4 Sec. 994. Section 252I.1, Code 2023, is amended to read as
5 follows:
6 **252I.1 Definitions.**
7 As used in this chapter, unless the context otherwise
8 requires:
9 1. *"Account"* means "account" as defined in section 524.103,
10 the savings or deposits of a member received or being held
11 by a credit union, or certificates of deposit. *"Account"*
12 also includes deposits held by an agent, a broker-dealer,
13 or an issuer as defined in section 502.102 and money-market
14 mutual fund accounts and "account" as defined in 42 U.S.C.
15 §666(a)(17). However, *"account"* does not include amounts held
16 by a financial institution as collateral for loans extended by
17 the financial institution.
18 2. *"Bank"* means "bank", "insured bank", and "state bank" as
19 defined in section 524.103.
20 3. *"Child support services"* means child support services
21 created in section 252B.2.
22 ~~3.~~ 4. *"Court order"* means "support order" as defined in
23 section 252J.1.
24 ~~4.~~ 5. *"Credit union"* means "credit union" as defined in
25 section 533.102.
26 ~~5.~~ 6. *"Financial institution"* means "financial institution"
27 as defined in 42 U.S.C. §669A(d)(1). *"Financial institution"*
28 also includes an institution which holds deposits for an agent,
29 broker-dealer, or an issuer as defined in section 502.102.
30 ~~6.~~ 7. *"Obligor"* means a person who has been ordered by a
31 court or administrative authority to pay support.
32 ~~7.~~ 8. *"Support"* or *"support payments"* means "support" or
33 "support payments" as defined in section 252D.16.

34 ~~8. *"Unit"* or *"child support recovery unit"* means the child~~
35 ~~support recovery unit created in section 252B.2.~~
1 9. *"Working days"* means only Monday, Tuesday, Wednesday,
2 Thursday, and Friday, but excluding the holidays specified in
3 section 1C.2, subsection 1.
4 Sec. 995. Section 252I.2, Code 2023, is amended to read as
5 follows:
6 **252I.2 Purpose and use.**
7 1. Notwithstanding other statutory provisions which provide
8 for the execution, attachment, or levy against accounts, ~~the~~
9 ~~unit~~ child support services may utilize the process established
10 in this chapter to collect delinquent support payments provided
11 that any exemptions or exceptions which specifically apply to
12 enforcement of support obligations pursuant to other statutory
13 provisions also apply to this chapter.
14 2. An obligor is subject to the provisions of this chapter
15 if the obligor's support obligation is being enforced by ~~the~~
16 child support ~~recovery unit~~ services, and if the support
17 payments ordered under chapter 232, 234, 252A, 252C, 252D,
18 252E, 252F, 598, 600B, or any other applicable chapter,
19 or under a comparable statute of another state or foreign
20 country, as certified to ~~the~~ child support ~~recovery unit~~
21 services, are not paid to the clerk of the district court or
22 the collection services center pursuant to section 598.22 and
23 become delinquent in an amount equal to the support payment for
24 one month.
25 3. Any amount forwarded by a financial institution under
26 this chapter shall not exceed the amounts specified in 15
27 U.S.C. §1673(b) and shall not exceed the delinquent or accrued
28 amount of support owed by the obligor.
29 Sec. 996. Section 252I.3, Code 2023, is amended to read as
30 follows:
31 **252I.3 Initial notice to obligor.**
32 ~~The unit~~ Child support services or the district court
33 may include language in any new or modified support order

34 issued on or after July 1, 1994, notifying the obligor that
35 the obligor is subject to the provisions of this chapter.
1 However, this chapter is sufficient notice for implementation
2 of administrative levy provisions without further notice of the
3 provisions of this chapter.
4 Sec. 997. Section 252I.4, Code 2023, is amended to read as
5 follows:
6 **252I.4 Verification of accounts and immunity from liability.**
7 1. ~~The unit~~ Child support services may contact a financial
8 institution to obtain verification of the account number, the
9 names and social security numbers listed for the account, and
10 the account balance of any account held by an obligor. Contact
11 with a financial institution may be by telephone or by written
12 communication. The financial institution may require positive
13 voice recognition and may require the telephone number of the
14 authorized person from ~~the unit~~ child support services before
15 releasing an obligor's account information by telephone.
16 2. ~~The unit~~ Child support services and financial
17 institutions doing business in Iowa shall enter into agreements
18 to develop and operate a data match system, using automated
19 data exchanges to the maximum extent feasible. The data
20 match system shall allow a means by which each financial
21 institution shall provide to ~~the unit~~ child support services
22 for each calendar quarter the name, record address, social
23 security number or other taxpayer identification number, and
24 other identifying information for each obligor who maintains
25 an account at the institution and who owes past-due support,
26 as identified by ~~the unit~~ child support services by name and
27 social security number or other taxpayer identification number.
28 ~~The unit~~ Child support services shall work with representatives
29 of financial institutions to develop a system to assist
30 nonautomated financial institutions in complying with the
31 provisions of this section.
32 3. ~~The unit~~ Child support services may pay a reasonable
33 fee to a financial institution for conducting the data match

34 required in subsection 2, not to exceed the lower of either
35 one hundred fifty dollars for each quarterly data match or the
1 actual costs incurred by the financial institution for each
2 quarterly data match. However, ~~the unit~~ child support services
3 may also adopt rules pursuant to chapter 17A to specify a fee
4 amount for each quarterly data match based upon the estimated
5 state share of funds collected under this chapter, which,
6 when adopted, shall be applied in lieu of the one hundred
7 fifty dollar fee under this subsection. In addition, ~~the unit~~
8 child support services may pay a reasonable fee to a financial
9 institution for automation programming development performed
10 in order to conduct the data match required in subsection 2,
11 not to exceed the lower of either five hundred dollars or
12 the actual costs incurred by the financial institution. ~~The~~
13 ~~unit~~ Child support services may use the state share of funds
14 collected under this chapter to pay the fees to financial
15 institutions under this subsection. For state fiscal years
16 beginning July 1, 1999, and July 1, 2000, ~~the unit~~ child
17 support services may use up to one hundred percent of the
18 state share of such funds. For state fiscal years beginning
19 on or after July 1, 2001, ~~the unit~~ child support services may
20 use up to fifty percent of the state share of such funds.
21 Notwithstanding any other provision of law to the contrary,
22 a financial institution shall have until a date provided in
23 the agreement in subsection 2 to submit its claim for a fee
24 under this subsection. If ~~the unit~~ child support services
25 does not have sufficient funds available under this subsection
26 for payment of fees under this subsection for conducting data
27 matches or for automation program development performed in the
28 fiscal year beginning July 1, 1999, the cost may be carried
29 forward to the fiscal year beginning July 1, 2000. ~~The unit~~
30 Child support services may also use funds from an amount
31 assessed a child support agency of another state, as defined in
32 section 252H.2, to conduct a data match requested by that child
33 support agency as provided in 42 U.S.C. §666(a)(14) to pay fees

34 to financial institutions under this subsection.
35 4. *a.* A financial institution is immune from any liability
1 in any action or proceeding, whether civil or criminal, for any
2 of the following:
3 (1) The disclosure of any information by a financial
4 institution to ~~the unit~~ child support services pursuant to
5 this chapter or the rules or procedures adopted by ~~the unit~~
6 child support services to implement this chapter, including
7 disclosure of information relating to an obligor who maintains
8 an account with the financial institution or disclosure of
9 information relating to any other person who maintains an
10 account with the financial institution that is provided for
11 the purpose of complying with the data match requirements of
12 this section and with the agreement entered into between the
13 financial institution and ~~the unit~~ child support services
14 pursuant to subsection 2.
15 (2) Any encumbrance or surrender of any assets held by a
16 financial institution in response to a notice of lien or levy
17 issued by ~~the unit~~ child support services.
18 (3) Any action or omission in connection with good faith
19 efforts to comply with this chapter or any rules or procedures
20 that are adopted by ~~the unit~~ child support services to
21 implement this chapter.
22 (4) The disclosure, use, or misuse by ~~the unit~~ child
23 support services or by any other person of information provided
24 or assets delivered to ~~the unit~~ child support services by a
25 financial institution.
26 *b.* For the purposes of this section, *"financial institution"*
27 includes officers, directors, employees, contractors, and
28 agents of the financial institution.
29 5. The financial institution or ~~the unit~~ child support
30 services is not liable for the cost of any early withdrawal
31 penalty of an obligor's certificate of deposit.
32 Sec. 998. Section 252I.5, subsections 1 and 2, Code 2023,
33 are amended to read as follows:

1. If an obligor is subject to this chapter under section 252I.2, ~~the unit~~ child support services may initiate an administrative action to levy against the accounts of the obligor.

2. ~~The unit~~ Child support services may send a notice to the financial institution with which the account is placed, directing that the financial institution forward all or a portion of the moneys in the obligor's account or accounts to the collection services center established pursuant to chapter 252B. The notice shall be sent by regular mail, with proof of service completed according to **rule of civil procedure 1.442**.

Sec. 999. Section 252I.5, subsection 3, paragraph g, Code 2023, is amended to read as follows:

g. A telephone number~~,~~ and address~~, and contact name of the~~ for child support ~~recovery unit contact initiating the action~~ services.

Sec. 1000. Section 252I.6, Code 2023, is amended to read as follows:

252I.6 Administrative levy — notice to support obligor.

1. ~~The unit~~ Child support services may administratively initiate an action to seize accounts of an obligor who is subject to this chapter under section 252I.2.

2. ~~The unit~~ Child support services shall notify an obligor subject to this chapter, and any other party known to have an interest in the account, of the action. The notice shall contain all of the following:

a. The name of the obligor.

b. A statement that the obligor is believed to have one or more accounts at the financial institution.

c. A statement that pursuant to the provisions of this chapter, the obligor's accounts are subject to seizure and the financial institution is authorized and required to forward moneys to the collection services center.

d. The maximum amount to be forwarded by the financial institution, which shall not exceed the delinquent or accrued

34 amount of support owed by the obligor.
35 *e.* The prescribed time frames within which the financial
1 institution must comply.
2 *f.* A statement that any challenge to the action shall be
3 in writing and shall be received by ~~the~~ child support ~~recovery~~
4 ~~unit~~ services within ten days of the date of the notice to the
5 obligor.
6 *g.* The address of the collection services center and the
7 collection services center account number.
8 *h.* A telephone number~~,~~ and address~~, and contact name~~ for
9 ~~the~~ child support ~~recovery unit contact initiating the action~~
10 services.
11 3. ~~The unit~~ Child support services shall forward the notice
12 to the obligor by regular mail within two working days of
13 sending the notice to the financial institution pursuant to
14 section 252I.5. Proof of service shall be completed according
15 to **rule of civil procedure 1.442**.
16 Sec. 1001. Section 252I.7, subsections 1 and 2, Code 2023,
17 are amended to read as follows:
18 1. Immediately encumber funds in all accounts in which the
19 obligor has an interest to the extent of the debt indicated in
20 the notice from ~~the unit~~ child support services.
21 2. No sooner than fifteen days, and no later than twenty
22 days from the date the financial institution receives the
23 notice under section 252I.5, unless notified by ~~the unit~~ child
24 support services of a challenge by the obligor or an account
25 holder of interest, the financial institution shall forward the
26 moneys encumbered to the collection services center with the
27 obligor´s name and social security number, collection services
28 center account number, and any other information required in
29 the notice.
30 Sec. 1002. Section 252I.8, Code 2023, is amended to read as
31 follows:
32 **252I.8 Challenges to action.**
33 1. Challenges under this chapter may be initiated only by an

34 obligor or by an account holder of interest. Actions initiated
35 by ~~the unit~~ child support services under this chapter are not
1 subject to chapter 17A, and resulting court hearings following
2 certification shall be an original hearing before the district
3 court.
4 2. The person challenging the action shall submit a written
5 challenge to ~~the person identified as the contact for the unit~~
6 ~~in the notice~~ child support services, within ten working days
7 of the date of the notice.
8 3. ~~The unit~~ Child support services shall, upon receipt of
9 a written challenge, review the facts of the case with the
10 challenging party. Only a mistake of fact, including but
11 not limited to, a mistake in the identity of the obligor or
12 a mistake in the amount of delinquent support due shall be
13 considered as a reason to dismiss or modify the proceeding.
14 4. If ~~the unit~~ child support services determines that a
15 mistake of fact has occurred ~~the unit~~, child support services
16 shall proceed as follows:
17 *a.* If a mistake in identity has occurred or the obligor is
18 not delinquent in an amount equal to the payment for one month,
19 ~~the unit~~ child support services shall notify the financial
20 institution that the administrative levy has been released.
21 ~~The unit~~ Child support services shall provide a copy of the
22 notice to the support obligor by regular mail.
23 *b.* If the obligor is delinquent, but the amount of the
24 delinquency is less than the amount indicated in the notice,
25 ~~the unit~~ child support services shall notify the financial
26 institution of the revised amount with a copy of the notice and
27 issue a copy to the obligor or forward a copy to the obligor
28 by regular mail. Upon written receipt of instructions from
29 ~~the unit~~ child support services, the financial institution
30 shall release the funds in excess of the revised amount to
31 the obligor and the moneys in the amount of the debt shall be
32 processed according to section 252I.7.
33 5. If ~~the unit~~ child support services finds no mistake of

34 fact, ~~the unit~~ child support services shall provide a notice
35 to that effect to the challenging party by regular mail. Upon
1 written request of the challenging party, ~~the unit~~ child
2 support services shall request a hearing before the district
3 court in the county in which the underlying support order is
4 filed.
5 *a.* The financial institution shall encumber moneys if ~~the~~
6 child support ~~recovery unit~~ services notifies the financial
7 institution to do so.
8 *b.* The clerk of the district court shall schedule a hearing
9 upon the request by ~~the unit~~ child support services for a
10 time not later than ten calendar days after the filing of
11 the request for hearing. The clerk shall mail copies of the
12 request for hearing and the order scheduling the hearing to
13 ~~the unit~~ child support services and to all account holders of
14 interest.
15 *c.* If the court finds that there is a mistake of identity or
16 that the obligor does not owe the delinquent support, ~~the unit~~
17 child support services shall notify the financial institution
18 that the administrative levy has been released.
19 *d.* If the court finds that the obligor has an interest in
20 the account, and the amount of support due was incorrectly
21 overstated, ~~the unit~~ child support services shall notify the
22 financial institution to release the excess moneys to the
23 obligor and remit the remaining moneys in the amount of the
24 debt to the collection services center for disbursement to the
25 appropriate recipient.
26 *e.* If the court finds that the obligor has an interest
27 in the account, and the amount of support due is correct,
28 the financial institution shall forward the moneys to the
29 collection services center for disbursement to the appropriate
30 recipient.
31 *f.* If the obligor or any other party known to have an
32 interest in the account fails to appear at the hearing, the
33 court may find the challenging party in default, shall ratify

34 the administrative levy, if valid upon its face, and shall
35 enter an order directing the financial institution to release
1 the moneys to ~~the unit~~ child support services.
2 *g.* Issues related to visitation, custody, or other
3 provisions not related to levies against accounts are not
4 grounds for a hearing under this chapter.
5 *h.* Support orders shall not be modified under a challenge
6 pursuant to this section.
7 *i.* Any findings in the challenge of an administrative
8 levy related to the amount of the accruing or accrued support
9 obligation do not modify the underlying support order.
10 *j.* An order entered under this chapter for a levy against
11 an account of a support obligor has priority over a levy for a
12 purpose other than the support of the dependents in the court
13 order being enforced.
14 6. The support obligor may withdraw the request for
15 challenge by submitting a written withdrawal to the person
16 identified as the contact for ~~the unit~~ child support services
17 in the notice or ~~the unit~~ child support services may withdraw
18 the administrative levy at any time prior to the court hearing
19 and provide notice of the withdrawal to the obligor and any
20 account holder of interest and to the financial institution, by
21 regular mail.
22 7. If the financial institution has forwarded moneys to
23 the collection services center and has deducted a fee from the
24 moneys of the account, or if any additional fees or costs are
25 levied against the account, and all funds are subsequently
26 refunded to the account due to a mistake of fact or ruling
27 of the court, ~~the~~ child support ~~recovery unit~~ services shall
28 reimburse the account for any fees assessed by the financial
29 institution. If the mistake of fact is a mistake in the amount
30 of support due and any portion of the moneys is retained as
31 support payments, however, ~~the unit~~ child support services is
32 not required to reimburse the account for any fees or costs
33 levied against the account. Additionally, for the purposes

of reimbursement to the account for any fees or costs, each certificate of deposit is considered a separate account.

Sec. 1003. Section 252J.1, Code 2023, is amended to read as follows:

252J.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Certificate of noncompliance"* means a document provided by ~~the~~ child support ~~recovery unit~~ services certifying that the named individual is not in compliance with any of the following:

a. A support order.

b. A written agreement for payment of support entered into by ~~the unit~~ child support services and the obligor.

c. A subpoena or warrant relating to a paternity or support proceeding.

2. *"Child support services"* means child support services created in section 252B.2.

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

~~2.~~ 4. *"Individual"* means a parent, an obligor, or a putative father in a paternity or support proceeding.

~~3.~~ 5. *"License"* means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an individual by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, industry, or recreation or to operate or register a motor vehicle. *"License"* includes licenses for hunting, fishing, boating, or other recreational activity.

~~4.~~ 6. *"Licensee"* means an individual to whom a license has been issued, or who is seeking the issuance of a license.

~~5.~~ 7. *"Licensing authority"* means a county treasurer, county recorder or designated depositary, the supreme court, or an instrumentality, agency, board, commission, department,

officer, organization, or any other entity of the state, which has authority within this state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing an individual to register or operate a motor vehicle or to engage in a business, occupation, profession, recreation, or industry.

~~6.~~ 8. *"Obligor"* means a natural person as defined in section 252G.1 who has been ordered by a court or administrative authority to pay support.

~~7.~~ 9. *"Subpoena or warrant"* means a subpoena or warrant relating to a paternity or support proceeding initiated or obtained by ~~the unit~~ child support services or a child support agency as defined in section 252H.2.

~~8.~~ 10. *"Support"* means support or support payments as defined in section 252D.16, whether established through court or administrative order.

~~9.~~ 11. *"Support order"* means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country as registered with the clerk of the district court or certified to ~~the~~ child support ~~recovery unit~~ services.

~~10. *"Unit"* means the child support recovery unit created in section 252B.2.~~

~~11.~~ 12. *"Withdrawal of a certificate of noncompliance"* means a document provided by ~~the unit~~ child support services certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of an individual's license.

Sec. 1004. Section 252J.2, Code 2023, is amended to read as follows:

252J.2 Purpose and use.

1. Notwithstanding other statutory provisions to the contrary, and if an individual has not been cited for contempt and enjoined from engaging in the activity governed by a license pursuant to section 598.23A, ~~the unit~~ child support

34 services may utilize the process established in this chapter
35 to collect support.
1 2. For cases in which services are provided by ~~the unit~~
2 child support services all of the following apply:
3 *a.* An obligor is subject to the provisions of this chapter
4 if the obligor's support obligation is being enforced by ~~the~~
5 ~~unit~~ child support services, if the support payments required
6 by a support order to be paid to the clerk of the district
7 court or the collection services center pursuant to section
8 598.22 are not paid and become delinquent in an amount equal
9 to the support payment for three months, and if the obligor's
10 situation meets other criteria specified under rules adopted by
11 the department pursuant to chapter 17A. The criteria specified
12 by rule shall include consideration of the length of time since
13 the obligor's last support payment and the total amount of
14 support owed by the obligor.
15 *b.* An individual is subject to the provisions of this
16 chapter if the individual has failed, after receiving
17 appropriate notice, to comply with a subpoena or warrant.
18 3. Actions initiated by ~~the unit~~ child support services
19 under this chapter shall not be subject to contested case
20 proceedings or further review pursuant to chapter 17A and any
21 resulting court hearing shall be an original hearing before the
22 district court.
23 4. Notwithstanding chapter 22, all of the following apply:
24 *a.* Information obtained by ~~the unit~~ child support services
25 under this chapter shall be used solely for the purposes of
26 this chapter or chapter 252B.
27 *b.* Information obtained by a licensing authority shall be
28 used solely for the purposes of this chapter.
29 Sec. 1005. Section 252J.3, Code 2023, is amended to read as
30 follows:
31 **252J.3 Notice to individual of potential sanction of license.**
32 ~~The unit~~ Child support services shall proceed in accordance
33 with this chapter only if ~~the unit~~ child support services sends

a notice to the individual by regular mail to the last known address of the individual. The notice shall include all of the following:

1. The address and telephone number of ~~the unit~~ child support services and ~~the unit~~ the child support services' case number.

2. A statement that the obligor is not in compliance with a support order or the individual has not complied with a subpoena or warrant.

3. A statement that the individual may request a conference with ~~the unit~~ child support services to contest the action.

4. A statement that if, within twenty days of mailing of the notice to the individual, the individual fails to contact ~~the unit~~ child support services to schedule a conference, ~~the unit~~ child support services shall issue a certificate of noncompliance, bearing the individual's name, social security number and ~~unit~~ the child support services' case number, to any appropriate licensing authority, certifying that the obligor is not in compliance with a support order or an individual has not complied with a subpoena or warrant.

5. A statement that in order to stay the issuance of a certificate of noncompliance the request for a conference shall be in writing and shall be received by ~~the unit~~ child support services within twenty days of mailing of the notice to the individual.

6. The names of the licensing authorities to which ~~the unit~~ child support services intends to issue a certificate of noncompliance.

7. A statement that if ~~the unit~~ child support services issues a certificate of noncompliance to an appropriate licensing authority, the licensing authority shall initiate proceedings to refuse to issue or renew, or to suspend or revoke the individual's license, unless ~~the unit~~ child support services provides the licensing authority with a withdrawal of a certificate of noncompliance.

Sec. 1006. Section 252J.4, Code 2023, is amended to read as follows:

252J.4 Conference.

1. The individual may schedule a conference with ~~the unit~~ child support services following mailing of the notice pursuant to section 252J.3, or at any time after service of notice of suspension, revocation, denial of issuance, or nonrenewal of a license from a licensing authority, to challenge ~~the unit's~~ child support services' actions under this chapter.

2. The request for a conference shall be made to ~~the unit~~ child support services, in writing, and, if requested after mailing of the notice pursuant to section 252J.3, shall be received by ~~the unit~~ child support services within twenty days following mailing of the notice.

3. ~~The unit~~ Child support services shall notify the individual of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by ~~the unit~~ child support services, unless the individual and ~~the unit~~ child support services agree to an earlier date which may be the same date the individual requests the conference. If the individual fails to appear at the conference, ~~the unit~~ child support services shall issue a certificate of noncompliance.

4. Following the conference, ~~the unit~~ child support services shall issue a certificate of noncompliance unless any of the following applies:

a. ~~The unit~~ Child support services finds a mistake in the identity of the individual.

b. ~~The unit~~ Child support services finds a mistake in determining that the amount of delinquent support is equal to or greater than three months.

c. The obligor enters a written agreement with ~~the unit~~ child support services to comply with a support order, the obligor complies with an existing written agreement to comply

with a support order, or the obligor pays the total amount of delinquent support due.

d. Issuance of a certificate of noncompliance is not appropriate under other criteria established in accordance with rules adopted by the department pursuant to chapter 17A.

e. ~~The unit~~ Child support services finds a mistake in determining the compliance of the individual with a subpoena or warrant.

f. The individual complies with a subpoena or warrant.

5. ~~The unit~~ Child support services shall grant the individual a stay of the issuance of a certificate of noncompliance upon receiving a timely written request for a conference, and if a certificate of noncompliance has previously been issued, shall issue a withdrawal of a certificate of noncompliance if the obligor enters into a written agreement with ~~the unit~~ child support services to comply with a support order or if the individual complies with a subpoena or warrant.

6. If the individual does not timely request a conference or does not comply with a subpoena or warrant or if the obligor does not pay the total amount of delinquent support owed within twenty days of mailing of the notice pursuant to section 252J.3, ~~the unit~~ child support services shall issue a certificate of noncompliance.

Sec. 1007. Section 252J.5, Code 2023, is amended to read as follows:

252J.5 Written agreement.

1. If an obligor is subject to this chapter as established in section 252J.2, subsection 2, paragraph *"a"*, the obligor and ~~the unit~~ child support services may enter into a written agreement for payment of support and compliance which takes into consideration the obligor's ability to pay and other criteria established by rule of the department. The written agreement shall include all of the following:

a. The method, amount, and dates of support payments by the

34 obligor.
35 *b.* A statement that upon breach of the written agreement
1 by the obligor, ~~the unit~~ child support services shall issue
2 a certificate of noncompliance to any appropriate licensing
3 authority.
4 2. A written agreement entered into pursuant to this section
5 does not preclude any other remedy provided by law and shall
6 not modify or affect an existing support order.
7 3. Following issuance of a certificate of noncompliance,
8 if the obligor enters into a written agreement with ~~the unit~~
9 child support services, ~~the unit~~ child support services shall
10 issue a withdrawal of the certificate of noncompliance to any
11 appropriate licensing authority and shall forward a copy of the
12 withdrawal by regular mail to the obligor.
13 Sec. 1008. Section 252J.6, Code 2023, is amended to read as
14 follows:
15 **252J.6 Decision of ~~the unit~~ child support services.**
16 1. If an obligor is not in compliance with a support order
17 or the individual is not in compliance with a subpoena or
18 warrant pursuant to section 252J.2, ~~the unit~~ child support
19 services mails a notice to the individual pursuant to section
20 252J.3, and the individual requests a conference pursuant to
21 section 252J.4, ~~the unit~~ child support services shall issue a
22 written decision if any of the following conditions exists:
23 *a.* The individual fails to appear at a scheduled conference
24 under section 252J.4.
25 *b.* A conference is held under section 252J.4.
26 *c.* The obligor fails to comply with a written agreement
27 entered into by the obligor and ~~the unit~~ child support services
28 under section 252J.5.
29 2. ~~The unit~~ Child support services shall send a copy of
30 the written decision to the individual by regular mail at the
31 individual's most recent address of record. If the decision
32 is made to issue a certificate of noncompliance or to withdraw
33 the certificate of noncompliance, a copy of the certificate

of noncompliance or of the withdrawal of the certificate of noncompliance shall be attached to the written decision. The written decision shall state all of the following:

a. That the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

b. That upon receipt of a certificate of noncompliance, the licensing authority shall initiate proceedings to suspend, revoke, deny issuance, or deny renewal of a license, unless the licensing authority is provided with a withdrawal of a certificate of noncompliance from ~~the unit~~ child support services.

c. That in order to obtain a withdrawal of a certificate of noncompliance from ~~the unit~~ child support services, the obligor shall enter into a written agreement with ~~the unit~~ child support services, comply with an existing written agreement with ~~the unit~~ child support services, or pay the total amount of delinquent support owed or the individual shall comply with a subpoena or warrant.

d. That if ~~the unit~~ child support services issues a written decision which includes a certificate of noncompliance, ~~that~~ all of the following apply:

(1) The individual may request a hearing as provided in section 252J.9, before the district court as follows:

(a) If the action is a result of section 252J.2, subsection 2, paragraph *"a"*, in the county in which the underlying support order is filed, by filing a written application to the court challenging the issuance of the certificate of noncompliance by ~~the unit~~ child support services and sending a copy of the application to ~~the unit~~ child support services within the time period specified in section 252J.9.

(b) If the action is a result of section 252J.2, subsection 2, paragraph *"b"*, and the individual is not an obligor, in the county in which the dependent child or children reside if the

34 child or children reside in Iowa; in the county in which the
35 dependent child or children last received public assistance if
1 the child or children received public assistance in Iowa; or
2 in the county in which the individual resides if the action is
3 the result of a request from a child support agency in another
4 state or foreign country.
5 (2) The individual may retain an attorney at the
6 individual's own expense to represent the individual at the
7 hearing.
8 (3) The scope of review of the district court shall be
9 limited to demonstration of a mistake of fact related to the
10 delinquency of the obligor or the compliance of the individual
11 with a subpoena or warrant.
12 3. If ~~the unit~~ child support services issues a certificate
13 of noncompliance, ~~the unit~~ child support services shall only
14 issue a withdrawal of the certificate of noncompliance if any
15 of the following applies:
16 *a.* ~~The unit~~ Child support services or the court finds a
17 mistake in the identity of the individual.
18 *b.* ~~The unit~~ Child support services finds a mistake in
19 determining compliance with a subpoena or warrant.
20 *c.* ~~The unit~~ Child support services or the court finds a
21 mistake in determining that the amount of delinquent support
22 due is equal to or greater than three months.
23 *d.* The obligor enters a written agreement with ~~the unit~~
24 child support services to comply with a support order, the
25 obligor complies with an existing written agreement to comply
26 with a support order, or the obligor pays the total amount of
27 delinquent support owed.
28 *e.* The individual complies with the subpoena or warrant.
29 *f.* Issuance of a withdrawal of the certificate of
30 noncompliance is appropriate under other criteria in accordance
31 with rules adopted by the department pursuant to chapter 17A.
32 Sec. 1009. Section 252J.7, subsection 1, Code 2023, is
33 amended to read as follows:

1. If the individual fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or ~~the unit~~ child support services issues a written decision under section 252J.6 which states that the individual is not in compliance, ~~the unit~~ child support services shall issue a certificate of noncompliance to any appropriate licensing authority.

Sec. 1010. Section 252J.8, subsection 2, Code 2023, is amended to read as follows:

2. In addition to other grounds for suspension, revocation, or denial of issuance or renewal of a license, a licensing authority shall include in rules adopted by the licensing authority as grounds for suspension, revocation, or denial of issuance or renewal of a license, the receipt of a certificate of noncompliance from ~~the unit~~ child support services.

Sec. 1011. Section 252J.8, subsection 4, paragraph c, subparagraphs (1), (2), and (3), Code 2023, are amended to read as follows:

(1) The licensing authority intends to suspend, revoke, or deny issuance or renewal of an individual's license due to the receipt of a certificate of noncompliance from ~~the unit~~ child support services.

(2) The individual must contact ~~the unit~~ child support services to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

(3) Unless ~~the unit~~ child support services furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the individual's license will be revoked, suspended, or denied.

Sec. 1012. Section 252J.8, subsection 5, Code 2023, is amended to read as follows:

5. If the licensing authority receives a withdrawal of a certificate of noncompliance from ~~the unit~~ child support services, the licensing authority shall immediately reinstate,

renew, or issue a license if the individual is otherwise in compliance with licensing requirements established by the licensing authority.

Sec. 1013. Section 252J.9, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Following the issuance of a written decision by ~~the unit~~ child support services under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the individual by a licensing authority pursuant to section 252J.8, an individual may seek review of the decision and request a hearing before the district court as follows:

Sec. 1014. Section 252J.9, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph *"a"*, in the county in which the underlying support order is filed, by filing an application with the district court, and sending a copy of the application to ~~the unit by regular mail~~ child support services.

Sec. 1015. Section 252J.9, subsections 2 and 6, Code 2023, are amended to read as follows:

2. An application shall be filed to seek review of the decision by ~~the unit~~ child support services or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the individual and ~~the unit~~ child support services and shall also mail a copy of the order to the licensing authority, if applicable. ~~The unit~~ Child support services shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

6. If the court finds that ~~the unit~~ child support services

34 was in error in issuing a certificate of noncompliance,
35 or in failing to issue a withdrawal of a certificate of
1 noncompliance, ~~the unit~~ child support services shall issue a
2 withdrawal of a certificate of noncompliance to the appropriate
3 licensing authority.
4 Sec. 1016. Section 252K.103, Code 2023, is amended to read
5 as follows:
6 **252K.103 State tribunal and support enforcement agency.**
7 1. ~~The child~~ Child support ~~recovery unit~~ services when
8 ~~the unit~~ child support services establishes or modifies an
9 order, upon ratification by the court, and the court, are the
10 tribunals of this state.
11 2. ~~The child~~ Child support ~~recovery unit~~ services created in
12 section 252B.2 is the support enforcement agency of this state.
13 Sec. 1017. Section 252K.201, subsection 1, paragraph g,
14 Code 2023, is amended to read as follows:
15 *g.* The individual asserted parentage of a child in the
16 declaration of paternity registry maintained in this state
17 by the ~~Iowa~~ department of ~~public~~ health and human services
18 pursuant to section 144.12A or established paternity by
19 affidavit under section 252A.3A.
20 Sec. 1018. Section 252K.310, subsection 1, Code 2023, is
21 amended to read as follows:
22 1. ~~The child~~ Child support ~~recovery unit~~ services is the
23 state information agency under this chapter.
24 Sec. 1019. Section 252K.319, subsection 2, unnumbered
25 paragraph 1, Code 2023, is amended to read as follows:
26 If neither the obligor, nor the obligee who is an individual,
27 nor the child resides in this state, upon request from the
28 support enforcement agency of this state or another state, ~~the~~
29 child support ~~recovery unit~~ services or a tribunal of this
30 state shall:
31 Sec. 1020. Section 252K.703, Code 2023, is amended to read
32 as follows:
33 **252K.703 Relationship of child support ~~recovery unit~~ services**

to United States central authority.

~~The child~~ Child support ~~recovery unit~~ services of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 1021. Section 252K.704, Code 2023, is amended to read as follows:

252K.704 Initiation by child support ~~recovery unit~~ services of support proceeding under convention.

1. In a support proceeding under this article, ~~the~~ child support ~~recovery unit~~ services of this state shall:

a. Transmit and receive applications.

b. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

2. The following support proceedings are available to an obligee under the convention:

a. Recognition or recognition and enforcement of a foreign support order.

b. Enforcement of a support order issued or recognized in this state.

c. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.

d. Establishment of a support order if recognition of a foreign support order is refused under section 252K.708, subsection 2, paragraph *"b"*, *"d"*, or *"i"*.

e. Modification of a support order of a tribunal of this state.

f. Modification of a support order of a tribunal of another state or a foreign country.

3. The following support proceedings are available under the convention to an obligor against which there is an existing support order:

a. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this

34 state.
35 *b.* Modification of a support order of a tribunal of this
1 state.
2 *c.* Modification of a support order of a tribunal of another
3 state or a foreign country.
4 4. A tribunal of this state may not require security, bond,
5 or deposit, however described, to guarantee the payment of
6 costs and expenses in proceedings under the convention.
7 Sec. 1022. Section 252K.705, subsection 4, Code 2023, is
8 amended to read as follows:
9 4. A petitioner filing a direct request is not entitled to
10 assistance from ~~the~~ child support ~~recovery unit~~ services.
11 Sec. 1023. Section 252K.708, subsection 3, paragraph b,
12 Code 2023, is amended to read as follows:
13 *b.* ~~The child~~ Child support ~~recovery unit~~ services shall take
14 all appropriate measures to request a child support order for
15 the obligee if the application for recognition and enforcement
16 was received under section 252K.704.
17 Sec. 1024. Section 256.1, subsection 1, paragraph e, Code
18 2023, is amended to read as follows:
19 *e.* Educational supervision over the elementary and secondary
20 schools under the control of ~~an administrator of a division of~~
21 the department of health and human services.
22 Sec. 1025. Section 256.9, subsection 15, Code 2023, is
23 amended to read as follows:
24 15. Provide the same educational supervision for the
25 schools maintained by the director of health and human services
26 as is provided for the public schools of the state and make
27 recommendations to the director of health and human services
28 for the improvement of the educational program in those
29 institutions.
30 Sec. 1026. Section 256.9, subsection 31, paragraph b, Code
31 2023, is amended to read as follows:
32 *b.* Standards and materials developed shall include materials
33 which employ developmentally appropriate practices and

34 incorporate substantial parental involvement. The materials
35 and standards shall include alternative teaching approaches
1 including collaborative teaching and alternative dispute
2 resolution training. The department shall consult with the
3 child development coordinating council, the state child care
4 advisory committee established pursuant to section 135.173A,
5 the department of health and human services, the state board
6 of regents center for early developmental education, the
7 area education agencies, the department of human development
8 and family studies in the college of human sciences at
9 Iowa state university of science and technology, the early
10 childhood elementary division of the college of education at
11 the university of Iowa, and the college of education at the
12 university of northern Iowa, in developing these standards and
13 materials.
14 Sec. 1027. Section 256.9, subsection 46, paragraph a, Code
15 2023, is amended to read as follows:
16 *a.* Develop and make available to school districts, examples
17 of age-appropriate and research-based materials and lists
18 of resources which parents may use to teach their children
19 to recognize unwanted physical and verbal sexual advances,
20 to not make unwanted physical and verbal sexual advances,
21 to effectively reject unwanted sexual advances, that it is
22 wrong to take advantage of or exploit another person, about
23 the dangers of sexual exploitation by means of the internet
24 including specific strategies to help students protect
25 themselves and their personally identifiable information
26 from such exploitation, and about counseling, medical, and
27 legal resources available to survivors of sexual abuse and
28 sexual assault, including resources for escaping violent
29 relationships. The materials and resources shall cover verbal,
30 physical, and visual sexual harassment, including nonconsensual
31 sexual advances, and nonconsensual physical sexual contact. In
32 developing the materials and resource list, the director shall
33 consult with entities that shall include but not be limited to

34 the departments of health and human services~~, public health,~~
35 and public safety, education stakeholders, and parent-teacher
1 organizations. School districts shall provide age-appropriate
2 and research-based materials and a list of available community
3 and internet-based resources to parents at registration and
4 shall also include the age-appropriate and research-based
5 materials and resource list in the student handbook. School
6 districts are encouraged to work with their communities to
7 provide voluntary parent education sessions to provide parents
8 with the skills and appropriate strategies to teach their
9 children as described in this subsection. School districts
10 shall incorporate the age-appropriate and research-based
11 materials into relevant curricula and shall reinforce the
12 importance of preventive measures when reasonable with parents
13 and students.
14 Sec. 1028. Section 256.9, subsection 50, unnumbered
15 paragraph 1, Code 2023, is amended to read as follows:
16 Convene, in collaboration with the department of ~~public~~
17 health and human services, a nutrition advisory panel to
18 review research in pediatric nutrition conducted in compliance
19 with accepted scientific methods by recognized professional
20 organizations and agencies including but not limited to the
21 institute of medicine. The advisory panel shall submit its
22 findings and recommendations, which shall be consistent with
23 the dietary guidelines for Americans published jointly by the
24 United States department of health and human services and
25 department of agriculture if in the judgment of the advisory
26 panel the guidelines are supported by the research findings, in
27 a report to the state board. The advisory panel may submit to
28 the state board recommendations on standards related to federal
29 school food programs if the recommendations are intended to
30 exceed the existing federal guidelines. The state board
31 shall consider the advisory panel report when establishing or
32 amending the nutritional content standards required pursuant
33 to section 256.7, subsection 29. The director shall convene

34 the advisory panel by July 1, 2008, and every five years
35 thereafter to review the report and make recommendations for
1 changes as appropriate. The advisory panel shall include
2 but is not limited to at least one Iowa state university
3 extension nutrition and health field specialist and at least
4 one representative from each of the following:
5 Sec. 1029. Section 256.11, subsection 5, paragraph j,
6 subparagraph (1), Code 2023, is amended to read as follows:
7 (1) One unit of health education which shall include
8 personal health; food and nutrition; environmental health;
9 safety and survival skills; consumer health; family life;
10 age-appropriate and research-based human growth and
11 development; substance ~~abuse~~ use disorder and nonuse; emotional
12 and social health; health resources; and prevention and control
13 of disease, including age-appropriate and research-based
14 information regarding sexually transmitted diseases, including
15 HPV and the availability of a vaccine to prevent HPV, and
16 acquired immune deficiency syndrome.
17 Sec. 1030. Section 256.16, subsection 1, paragraphs b and l,
18 Code 2023, are amended to read as follows:
19 *b.* Include in the professional education program,
20 preparation that contributes to the education of students
21 with disabilities and students who are gifted and talented,
22 preparation in developing and implementing individualized
23 education programs and behavioral intervention plans,
24 preparation for educating individuals in the least restrictive
25 environment and identifying that environment, strategies that
26 address difficult and violent student behavior and improve
27 academic engagement and achievement, and preparation in
28 classroom management addressing high-risk behaviors including
29 but not limited to behaviors related to substance ~~abuse~~ use
30 disorder. Preparation required under this paragraph must be
31 successfully completed before graduation from the practitioner
32 preparation program.
33 *l.* If the rules adopted by the board of educational

examiners for issuance of any type or class of license require an applicant to complete work in student teaching, pre-student teaching experiences, field experiences, practicums, clinicals, or internships, enter into a written contract with any school district, accredited nonpublic school, preschool registered or licensed by the department of health and human services, or area education agency in Iowa, to provide for such work under terms and conditions as agreed upon by the contracting parties. The terms and conditions of a written contract entered into with a preschool pursuant to this paragraph shall require that a student teacher be under the direct supervision of an appropriately licensed cooperating teacher who is employed to teach at the preschool. Students actually teaching or engaged in preservice licensure activities in a school district under the terms of such a contract are entitled to the same protection under section 670.8 as is afforded by that section to officers and employees of the school district, during the time such students are so assigned.

Sec. 1031. Section 256.35A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. In addition, representatives of the department of education, the division of vocational rehabilitation of the department of education, ~~the department of public health,~~ the department of health and human services, the Iowa developmental disabilities council, the division of insurance of the department of commerce, and the state board of regents shall serve as ex officio members of the advisory council. Ex officio members shall work together in a collaborative manner to serve as a resource to the advisory council. The council may also form workgroups as necessary to address specific issues within the technical purview of individual members.

Sec. 1032. Section 256.39, subsection 5, Code 2023, is amended to read as follows:

5. In developing career pathways program efforts, each consortium shall make every effort to cooperate with the

34 juvenile courts, the economic development authority, the
35 department of workforce development, the department of health
1 and human services, and the new Iowa schools development
2 corporation.
3 Sec. 1033. Section 256.46, subsection 1, paragraph g, Code
4 2023, is amended to read as follows:
5 *g.* The child is a participant in a substance ~~abuse~~ use
6 disorder or mental health program.
7 Sec. 1034. Section 256A.2, Code 2023, is amended to read as
8 follows:
9 **256A.2 Child development coordinating council established.**
10 1. A child development coordinating council is established
11 to promote the provision of child development services to
12 at-risk three-year-old and four-year-old children. The council
13 shall consist of the following members:
14 ~~*a.* The administrator of the division of adult, children~~
15 ~~and family services of the department of human services or the~~
16 ~~administrator's designee.~~
17 ~~*b.*~~ *a.* The director of the department of education or the
18 director's designee.
19 ~~*c.*~~ *b.* The director of health and human services or the
20 director's designee.
21 ~~*d.* The director of the department of public health or the~~
22 ~~director's designee.~~
23 ~~*e.*~~ *c.* An early childhood specialist of an area education
24 agency selected by the area education agency administrators.
25 ~~*f.*~~ *d.* The dean of the college of human sciences at Iowa
26 state university of science and technology or the dean's
27 designee.
28 ~~*g.*~~ *e.* The dean of the college of education from the
29 university of northern Iowa or the dean's designee.
30 ~~*h.*~~ *f.* The professor and head of the department of
31 pediatrics at the university of Iowa or the professor's
32 designee.
33 ~~*i.*~~ *g.* A resident of this state who is a parent of a child

who is or has been served by a federal head start program.

2. Staff assistance for the council shall be provided by the department of education. Members of the council shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and shall receive per diem compensation at the level authorized under section 7E.6, subsection 1, paragraph *"a"*.

Sec. 1035. Section 256B.2, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269, and 270, upon the request of the board of directors of an area education agency, the department of health and human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this chapter.

Sec. 1036. Section 256B.3, subsection 9, Code 2023, is amended to read as follows:

9. To cooperate with existing agencies such as the department of health and human services, ~~the Iowa department of public health,~~ the Iowa school for the deaf, the Iowa braille and sight saving school, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 1037. Section 256B.5, Code 2023, is amended to read as follows:

256B.5 Information available upon request by bureau.

The ~~Iowa~~ department of ~~public~~ health and human services shall furnish to the state bureau of special education upon request information obtained from birth certificates relative to the name, address, and disability of any case of developmental disability. The state child health specialty

clinics of the university of Iowa shall upon request furnish to the state bureau of special education the name, address, and disability of all children of their register.

Sec. 1038. Section 256B.10, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department of education shall work with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the ~~Iowa~~ department of ~~public~~ health and human services for purposes of coordinating, developing, and disseminating resources for use by parents or guardians, early hearing detection and intervention programs, the state school for the deaf, area education agencies, school districts, and accredited nonpublic schools to inform deaf and hard-of-hearing children's expressive and receptive language acquisition or development.

Sec. 1039. Section 256B.10, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of education, in consultation with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the ~~Iowa~~ department of ~~public~~ health and human services, shall select existing tools or assessments that may be used by qualified educators to assess American sign language and English language and literacy development of deaf and hard-of-hearing children from birth through age eight.

Sec. 1040. Section 256B.10, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The department of education shall work with the early hearing detection and intervention program in the ~~Iowa~~ department of ~~public~~ health and human services, the state school for the deaf, and the area education agencies when developing the guidelines. The department of education, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or

34 hard-of-hearing children.
35 Sec. 1041. Section 256B.10, subsection 5, paragraph d,
1 subparagraph (5), Code 2023, is amended to read as follows:
2 (5) Reach out to parents of children identified through
3 the early hearing detection and intervention program in the
4 ~~Iowa~~ department of ~~public~~ health and human services and share
5 information about the family support mentoring program services
6 available to such parents.
7 Sec. 1042. Section 256B.10, subsection 5, paragraph e, Code
8 2023, is amended to read as follows:
9 *e.* The department of education shall coordinate family
10 support mentoring activities with the early hearing detection
11 and intervention program in the ~~Iowa~~ department of ~~public~~
12 health and human services, the state school for the deaf, the
13 area education agencies, and nonprofit organizations that
14 provide family support mentoring to parents with deaf or
15 hard-of-hearing children.
16 Sec. 1043. Section 256B.15, subsections 7, 9, and 10, Code
17 2023, are amended to read as follows:
18 7. The area education agencies shall transfer to the
19 department of health and human services an amount equal to
20 the nonfederal share of the payments to be received from the
21 medical assistance program pursuant to chapter 249A. The
22 nonfederal share amount shall be transferred to the medical
23 assistance account prior to claims payment. This requirement
24 does not apply to medical assistance reimbursement for
25 services provided by an area education agency under part C
26 of the federal Individuals With Disabilities Education Act.
27 Funds received under this section shall not be considered or
28 included as part of the area education agencies' budgets when
29 calculating funds that are to be received by area education
30 agencies during a fiscal year.
31 9. The department of education and the department of health
32 and human services shall adopt rules to implement this section.
33 10. The department of health and human services shall offer

assistance to the area education agencies in the identification of children eligible for reimbursement for services under this section.

Sec. 1044. Section 256I.1, Code 2023, is amended to read as follows:

256I.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Department"* means the department of ~~management~~ health and human services.

2. *"Desired results"* means the set of desired results for improving the quality of life in this state for young children and their families identified in section 256I.2.

3. *"Early care"*, *"early care services"*, or *"early care system"* means the programs, services, support, or other assistance made available to a parent or other person who is involved with addressing the health and education needs of a child from zero through age five. *"Early care"*, *"early care services"*, or *"early care system"* includes but is not limited to public and private efforts and formal and informal settings.

4. *"Early childhood Iowa area"* means a geographic area designated in accordance with this chapter.

5. *"Early childhood Iowa area board"* or *"area board"* means the board for an early childhood Iowa area created in accordance with this chapter.

6. *"Early childhood Iowa program"* or *"program"* means the early childhood Iowa program established in section 256I.5.

~~6.~~ 7. *"Early childhood Iowa state board"* or *"state board"* means the early childhood Iowa state board created in section 256I.3.

Sec. 1045. Section 256I.3, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The board shall consist of ~~twenty-one~~ nineteen voting members with fifteen citizen members and ~~six~~ four state agency members. The ~~six~~ state agency members shall be the directors

34 or their designees of the following agencies: economic
35 development authority, education, ~~human rights,~~ health and
1 human services, ~~public health,~~ and workforce development.
2 The designees of state agency directors shall be selected on
3 an annual basis. The citizen members shall be appointed by
4 the governor, subject to confirmation by the senate. The
5 governor's appointments of citizen members shall be made in
6 a manner so that each of the state's congressional districts
7 is represented by at least two citizen members and so that
8 all the appointments as a whole reflect the ethnic, cultural,
9 social, and economic diversity of the state. A member of the
10 state board shall not be a provider of services or other entity
11 receiving funding through the early childhood Iowa initiative
12 or be employed by such a provider or other entity.
13 Sec. 1046. Section 256I.4, subsection 15, Code 2023, is
14 amended to read as follows:
15 15. Work with the early childhood Iowa ~~office~~ program
16 in building public-private partnerships for promoting the
17 collaborative early care, education, health, and human services
18 system.
19 Sec. 1047. Section 256I.5, subsection 2, Code 2023, is
20 amended to read as follows:
21 2. An early childhood Iowa ~~office~~ program is established
22 in the department to provide leadership for facilitation,
23 communication, and coordination for the early childhood Iowa
24 initiative activities and funding and for improvement of the
25 early care, education, health, and human services systems. An
26 administrator for the early childhood Iowa ~~office~~ program shall
27 be appointed by the director of the department. Other staff
28 may also be designated, subject to appropriation made for this
29 purpose.
30 Sec. 1048. Section 256I.5, subsection 4, Code 2023, is
31 amended to read as follows:
32 4. The ~~office~~ program shall work with the state and
33 area boards to provide leadership for comprehensive system

development. The ~~office~~ program shall also do all of the following:

a. Enter into memoranda of agreement with the departments of education~~, human rights, human services, public health,~~ and workforce development and the economic development authority to formalize the commitments of the respective departments and the authority to collaborating with and integrating a comprehensive early care, education, health, and human services system. Items addressed in the memoranda shall include but are not limited to data sharing and providing staffing to the technical assistance team.

b. Work with private businesses, foundations, and nonprofit organizations to develop sustained funding.

c. Maintain the internet site in accordance with section 256I.10.

d. Propose any needed revisions to administrative rules based on stakeholder input.

e. Provide technical support to the state and area boards and to the early childhood Iowa areas through staffing services made available through the state agencies that serve on the state board.

f. Develop, collect, disseminate, and provide guidance for common performance measures for the programs receiving funding under the auspices of the area boards.

g. If a disagreement arises within an early childhood Iowa area regarding the interests represented on the area's board, board decisions, or other disputes that cannot be locally resolved, upon request, provide state or regional technical assistance as deemed appropriate by the ~~office~~ program to assist the area in resolving the disagreement.

Sec. 1049. Section 256I.11, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A school ready children grants account is created in the fund under the authority of the director of the department of education. Moneys credited to the account are appropriated

34 to and shall be distributed by the department of education in
35 the form of grants to early childhood Iowa areas pursuant to
1 criteria established by the state board in accordance with law.
2 Sec. 1050. Section 256I.11, subsection 4, paragraphs a, b,
3 and c, Code 2023, are amended to read as follows:
4 *a.* An early childhood programs grant account is created in
5 the fund under the authority of the director of the department
6 ~~of human services~~. Moneys credited to the account are
7 appropriated to and shall be distributed by the department ~~of~~
8 ~~human services~~ in the form of grants to early childhood Iowa
9 areas pursuant to criteria established by the state board in
10 accordance with law. The criteria shall include but are not
11 limited to a requirement that an early childhood Iowa area must
12 be designated by the state board in order to be eligible to
13 receive an early childhood programs grant.
14 *b.* An early childhood Iowa area receiving funding from
15 the early childhood programs grant account shall comply with
16 any federal reporting requirements associated with the use
17 of that funding and other results and reporting requirements
18 established by the state board. The department ~~of human~~
19 ~~services~~ shall provide technical assistance in identifying and
20 meeting the federal requirements. The availability of funding
21 provided from the account is subject to changes in federal
22 requirements and amendments to Iowa law.
23 *c.* The moneys distributed from the early childhood programs
24 grant account shall be used by early childhood Iowa areas
25 for the purposes of enhancing quality child care capacity in
26 support of parent capability to obtain or retain employment.
27 The moneys shall be used with a primary emphasis on low-income
28 families and children from zero to age five. Moneys shall be
29 provided in a flexible manner and shall be used to implement
30 strategies identified by the early childhood Iowa area to
31 achieve such purposes. The department ~~of human services~~ may
32 use a portion of the funding appropriated to the department
33 under this subsection for provision of technical assistance and

other support to the early childhood Iowa areas developing and implementing strategies with grant moneys distributed from the account.

Sec. 1051. Section 256I.11, subsection 5, Code 2023, is amended to read as follows:

5. A first years first account is created in the fund under the authority of the department ~~of management~~. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the account are appropriated to the department to be used for the early childhood-related purposes for which the moneys were received.

Sec. 1052. Section 256I.12, subsections 6 and 7, Code 2023, are amended to read as follows:

6. *Steering committee.* The early childhood stakeholders alliance shall operate with a steering committee to organize, manage, and coordinate the activities of the alliance and its component groups. The steering committee may act on behalf of the alliance as necessary. The steering committee membership shall consist of the co-chairpersons of the alliance's component groups, the administrator of the early childhood Iowa ~~office~~ program, and other leaders designated by the alliance.

7. *Component groups.* The early childhood stakeholders alliance shall maintain component groups to address the key components of the Iowa early childhood system. Each component group shall have one private and one public agency co-chairperson. The alliance may change the component groups as deemed necessary by the alliance. ~~Initially, there shall be a component group for each of the following:~~ The component groups shall implement the strategic plan created pursuant to section 256I.4.

~~*a.* Governance planning and administration.~~

~~*b.* Professional development.~~

~~*c.* Public engagement.~~

~~*d.* Quality services and programs.~~

34 ~~*e.* Resources and funding.~~
35 ~~*f.* Results accountability.~~
1 Sec. 1053. Section 256I.13, subsection 1, Code 2023, is
2 amended to read as follows:
3 1. In order to implement the legislative intent stated in
4 sections 135.106 and 256I.9, that priority for family support
5 program funding be given to programs using evidence-based or
6 promising models for family support, it is the intent of the
7 general assembly that ~~by July 1, 2016,~~ ninety percent of state
8 funds expended for family support programs shall be used for
9 evidence-based or promising program models. The remaining ten
10 percent of funds may be used for innovative program models that
11 do not yet meet the definition of evidence-based or promising
12 programs.
13 Sec. 1054. Section 256I.13, subsection 3, paragraphs b and
14 e, Code 2023, are amended to read as follows:
15 *b.* The data on families served that is collected by the
16 family support programs funded through the early childhood
17 Iowa initiative shall include but is not limited to basic
18 demographic information, services received, funding utilized,
19 and program outcomes for the children and families served. The
20 state board shall adopt performance benchmarks for the family
21 support programs ~~and shall revise the Iowa family support~~
22 ~~credential to incorporate the performance benchmarks on or~~
23 ~~before January 1, 2014~~.
24 *e.* The state board shall develop a plan to implement a
25 coordinated intake and referral process for publicly funded
26 family support programs in order to engage the families
27 expecting a child or with newborn and infant children through
28 age five in all communities in the state ~~by July 1, 2015~~.
29 Sec. 1055. Section 257.11, subsection 4, paragraph e,
30 subparagraphs (2) and (3), Code 2023, are amended to read as
31 follows:
32 (2) The pupil 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 (3) The pupil 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. 1056. Section 257.41, subsection 4, paragraphs b and c,
4 Code 2023, are amended to read as follows:
5 *b.* The student is not in a court-ordered placement under
6 chapter 232 under the care and custody of the department of
7 health and human services or juvenile court services.
8 *c.* The student is not in the state training school pursuant
9 to a court order entered under chapter 232 under the care and
10 custody of the department of health and human services.
11 Sec. 1057. Section 260C.40, Code 2023, is amended to read
12 as follows:
13 **260C.40 Prohibition of controlled substances.**
14 Each community college shall adopt a policy that prohibits
15 unlawful possession, use, or distribution of controlled
16 substances by students and employees on property owned
17 or leased by the community college or in conjunction with
18 activities sponsored by a community college. Each community
19 college shall provide information about the policy to all
20 students and employees. The policy shall include a clear
21 statement of sanctions for violation of the policy and
22 information about available drug or alcohol counseling and
23 rehabilitation programs. In carrying out this policy, the
24 community college shall provide substance ~~abuse~~ use disorder
25 prevention programs for students and employees.
26 Sec. 1058. Section 261.2, subsection 6, Code 2023, is
27 amended to read as follows:
28 6. Develop and implement, in cooperation with the
29 department of health and human services and the judicial
30 branch, a program to assist juveniles who are sixteen years of
31 age or older and who have a case permanency plan under chapter
32 232 or 237 or are otherwise under the jurisdiction of chapter
33 232 in applying for federal and state aid available for higher

education.

Sec. 1059. Section 261.9, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Adopts a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the institution or in conjunction with activities sponsored by the institution. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, an institution shall provide substance ~~abuse~~ use disorder prevention programs for students and employees.

Sec. 1060. Section 261.71, subsection 3, Code 2023, is amended to read as follows:

3. For purposes of this section *"graduate student"* means a student who has completed at least ninety semester hours, or the trimester or quarter equivalent, of postsecondary course work at a public higher education institution or at an accredited private institution, as defined under section 261.9. *"Underserved area"* means a geographical area included on the Iowa governor's health practitioner shortage area list, which is compiled by the ~~center for rural health and primary care of the Iowa~~ department of ~~public~~ health and human services. The commission shall adopt rules, consistent with rules used for students enrolled in higher education institutions under the control of the state board of regents, for purposes of determining Iowa residency status of graduate students under this section. The commission shall also adopt rules which provide standards, guidelines, and procedures for the receipt, processing, and administration of student applications and loans under this section.

Sec. 1061. Section 261.87, subsection 1, paragraph b, Code 2023, is amended to read as follows:

34 *b. "Eligible foster care student"* means a person who has a
35 high school diploma or a high school equivalency diploma under
1 chapter 259A and is described by any of the following:
2 (1) Is age seventeen and is in a court-ordered placement
3 under chapter 232 under the care and custody of the department
4 of health and human services or juvenile court services.
5 (2) Is age seventeen and has been placed in a state juvenile
6 institution pursuant to a court order entered under chapter
7 232 under the care and custody of the department of health and
8 human services.
9 (3) Is described by any of the following:
10 (a) On the date the person reached age eighteen or during
11 the thirty calendar days preceding or succeeding that date,
12 the person was in a licensed foster care placement pursuant
13 to a court order entered under chapter 232 under the care and
14 custody of the department of health and human services or
15 juvenile court services.
16 (b) On the date the person reached age eighteen or during
17 the thirty calendar days preceding or succeeding that date, the
18 person was under a court order under chapter 232 to live with a
19 relative or other suitable person.
20 (c) The person was in a licensed foster care placement
21 pursuant to an order entered under chapter 232 prior to being
22 legally adopted after reaching age sixteen.
23 (d) On the date the person reached age eighteen or during
24 the thirty calendar days preceding or succeeding that date,
25 the person was placed in a state juvenile institution pursuant
26 to a court order entered under chapter 232 under the care and
27 custody of the department of health and human services.
28 Sec. 1062. Section 261B.11, subsection 1, paragraph m, Code
29 2023, is amended to read as follows:
30 *m.* Higher education institutions located in Iowa whose
31 massage therapy curriculum is approved under administrative
32 rules of the ~~professional licensure division of the~~ department
33 of ~~public~~ health and human services and whose instructors are

34 licensed massage therapists under chapter 152C.
35 Sec. 1063. Section 262.9A, Code 2023, is amended to read as
1 follows:
2 **262.9A Prohibition of controlled substances.**
3 The state board of regents shall adopt a policy that
4 prohibits unlawful possession, use, or distribution of
5 controlled substances by students and employees on property
6 owned or leased by an institution or in conjunction with
7 activities sponsored by an institution governed by the board.
8 Each institution shall provide information about the policy
9 to all students and employees. The policy shall include a
10 clear statement of sanctions for violation of the policy
11 and information about available drug or alcohol counseling
12 and rehabilitation programs. In carrying out this policy,
13 the institutions shall provide substance ~~abuse~~ use disorder
14 prevention programs for students and employees.
15 Sec. 1064. Section 262.70, Code 2023, is amended to read as
16 follows:
17 **262.70 Education, prevention, and research programs in mental**
18 **health and disability services.**
19 The ~~division of mental health and disability services of~~
20 ~~the~~ department of health and human services may contract with
21 the board of regents or any institution under the board's
22 jurisdiction to establish and maintain programs of education,
23 prevention, and research in the fields of mental health,
24 intellectual disability, developmental disabilities, and
25 brain injury. The board may delegate responsibility for these
26 programs to the state psychiatric hospital, the university
27 hospital, or any other appropriate entity under the board's
28 jurisdiction.
29 Sec. 1065. Section 262.71, Code 2023, is amended to read as
30 follows:
31 **262.71 Center for early development education.**
32 The board of regents shall develop a center for early
33 development education at one of the regents institutions

specified in section 262.7, subsections 1 through 3. The center's programs shall be conducted in a laboratory school setting to serve as a model for early childhood education. The programs shall include, but not be limited to, programs designed to accommodate the needs of at-risk children. The teacher education programs at all three state universities shall cooperate in developing the center and its programs. The center's programs shall take a holistic approach and the center shall, in developing its programs, consult with representatives from each of the following agencies, institutions, or groups:

1. The university of northern Iowa.

2. Iowa state university.

3. The university of Iowa.

~~4. The division of child and family services of the department of human services.~~

~~5. The department of public health.~~

~~6.~~ 4. The department of health and human services.

~~7.~~ 5. An early childhood development specialist from an area education agency.

~~8.~~ 6. A parent of a child in a head start program.

~~9.~~ 7. The department of education.

~~10.~~ 8. The child development coordinating council.

Sec. 1066. Section 262.78, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The center shall cooperate with the ~~center for rural health and primary care, established under~~ department of health and human services pursuant to section 135.107, the center for health effects of environmental contamination established pursuant to section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

3. The president of the university of Iowa, in consultation with the president of Iowa state university of science and technology, shall employ a full-time director of the center. The center may employ staff to carry out the center's purpose.

The director shall coordinate the agricultural health and safety programs of the center. The director shall regularly meet and consult with the ~~center for rural health and primary care~~ department of health and human services pursuant to section 135.107. The director shall provide the board of regents with relevant information regarding the center.

Sec. 1067. Section 263.8, subsection 2, Code 2023, is amended to read as follows:

2. In addition to its regular work, the state hygienic laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations which may be required by the ~~Iowa~~ department of ~~public~~ health and human services and the department shall adopt rules pursuant to chapter 17A ~~therefor~~ for the examinations and investigations. The laboratory shall also provide, those laboratory, scientific field measurement, and environmental quality services which, by contract, are requested by the other agencies of government.

Sec. 1068. Section 263.10, Code 2023, is amended to read as follows:

263.10 Persons admitted.

Every resident of the state who is not more than twenty-one years of age, who has such severe disabilities as to be unable to acquire an education in the public or accredited nonpublic schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the university of Iowa hospitals and clinics center for disabilities and development, and nonresidents similarly situated may be entitled to an education and care at the center upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of ~~a director of a division of~~ the department of health and human

services who have severe disabilities may be transferred to the center upon such terms as may be agreed upon by the state board of regents and the director of health and human services.

Sec. 1069. Section 263.17, subsection 2, paragraph a, subparagraph (10), Code 2023, is amended to read as follows:

(10) The ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 1070. Section 263.17, subsection 7, Code 2023, is amended to read as follows:

7. The center shall cooperate with the ~~center for rural health and primary care, established under~~ department of health and human services pursuant to section 135.107, the center for agricultural safety and health established under section 262.78, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

Sec. 1071. Section 263.21, Code 2023, is amended to read as follows:

263.21 Transfer of patients from state institutions.

The director of ~~the department of~~ health and human services, in respect to institutions under the director's control, ~~the administrator of any of the divisions of the department, in respect to the institutions under the administrator's control,~~ the director of the department of corrections, in respect to the institutions under the department's control, and the state board of regents, in respect to the Iowa braille and sight saving school and the Iowa school for the deaf, may send any inmate, student, or patient of an institution, or any person committed or applying for admission to an institution, to the university of Iowa hospitals and clinics for treatment and care. The department of health and human services, the department of corrections, and the state board of regents shall respectively pay the traveling expenses of such patient, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the

institution from which the patient is sent.

Sec. 1072. Section 263.17, subsection 2, paragraph a, subparagraph (10), Code 2023, is amended to read as follows:

(10) The ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 1073. Section 263B.7, Code 2023, is amended to read as follows:

263B.7 Ancient remains.

The state archaeologist has the primary responsibility for investigating, preserving, and reinterring discoveries of ancient human remains. For the purposes of this section, ancient human remains are those remains found within the state which are more than one hundred fifty years old. The state archaeologist shall make arrangements for the services of a forensic osteologist in studying and interpreting ancient burials and may designate other qualified archaeologists to assist the state archaeologist in recovering physical and cultural information about the ancient burials. The state archaeologist shall file with the ~~Iowa~~ department of ~~public~~ health and human services a written report containing both physical and cultural information regarding the remains at the conclusion of each investigation.

Sec. 1074. Section 272C.1, subsection 6, paragraph ad, Code 2023, is amended to read as follows:

ad. The director of ~~public~~ health and human services in certifying emergency medical care providers and emergency medical care services pursuant to chapter 147A.

Sec. 1075. Section 272C.3, subsection 1, paragraph k, Code 2023, is amended to read as follows:

k. Establish a licensee review committee for the purpose of evaluating and monitoring licensees who are impaired as a result of ~~alcohol or drug abuse~~ substance use disorder, dependency, or addiction, or by any mental or physical disorder or disability, and who self-report the impairment to the committee, or who are referred by the board to the committee.

34 Members of the committee shall receive actual expenses for the
35 performance of their duties and shall be eligible to receive
1 per diem compensation pursuant to section 7E.6. The board
2 shall adopt rules for the establishment and administration of
3 the committee, including but not limited to establishment of
4 the criteria for eligibility for referral to the committee and
5 the grounds for disciplinary action for noncompliance with
6 committee decisions. Information in the possession of the
7 board or the licensee review committee, under this paragraph,
8 shall be subject to the confidentiality requirements of section
9 272C.6. Referral of a licensee by the board to a licensee
10 review committee shall not relieve the board of any duties
11 of the board and shall not divest the board of any authority
12 or jurisdiction otherwise provided. A licensee who violates
13 section 272C.10 or the rules of the board while under review by
14 the licensee review committee shall be referred to the board
15 for appropriate action.
16 Sec. 1076. Section 272C.3, subsection 4, paragraph b, Code
17 2023, is amended to read as follows:
18 *b.* All health care boards shall file written decisions
19 which specify the sanction entered by the board with the ~~Iowa~~
20 department of ~~public~~ health and human services which shall be
21 available to the public upon request. All non-health care
22 boards shall have on file the written and specified decisions
23 and sanctions entered by the board and shall be available to
24 the public upon request.
25 Sec. 1077. Section 272C.4, subsection 9, Code 2023, is
26 amended to read as follows:
27 9. Require each health care licensing board to file with
28 the ~~Iowa~~ department of ~~public~~ health and human services a copy
29 of each decision of the board imposing licensee discipline.
30 Each non-health care board shall have on file a copy of each
31 decision of the board imposing licensee discipline which
32 copy shall be properly dated and shall be in simple language
33 and in the most concise form consistent with clearness and

34 comprehensiveness of subject matter.
35 Sec. 1078. Section 272C.6, subsection 6, paragraph b, Code
1 2023, is amended to read as follows:
2 *b.* The department of agriculture and land stewardship,
3 the department of commerce, and the ~~Iowa~~ department of ~~public~~
4 health and human services shall each adopt rules pursuant to
5 chapter 17A which provide for the allocation of fees and costs
6 collected pursuant to this section to the board under its
7 jurisdiction collecting the fees and costs. The fees and costs
8 shall be considered repayment receipts as defined in section
9 8.2.
10 Sec. 1079. Section 279.49, subsections 1 and 3, Code 2023,
11 are amended to read as follows:
12 1. The board of directors of a school corporation may
13 operate or contract for the operation of a program to provide
14 child care to children not enrolled in school or to students
15 enrolled in kindergarten through grade six before and after
16 school, or to both. Programs operated or contracted by a
17 board shall be licensed by the department of health and human
18 services under chapter 237A as a child care center unless
19 the program is exempt from licensure under chapter 237A.
20 Notwithstanding requirements of the department of health and
21 human services regarding space allocated to child care centers
22 licensed under chapter 237A, a program operated or contracted
23 by a board which is located on school grounds may define
24 alternative spaces, in policy and procedures, appropriate to
25 meet the needs of children in the program if the primary space
26 is required for another use.
27 3. The facilities housing a program operated under this
28 section shall comply with standards adopted by the state fire
29 marshal for school buildings under chapter 100. In addition,
30 if a program involves children who are younger than school
31 age, the facilities housing those children shall meet the fire
32 safety standards which would apply to that age of child in a
33 child care facility licensed by the department of health and

34 human services.
35 Sec. 1080. Section 279.50, subsection 8, Code 2023, is
1 amended to read as follows:
2 8. The department of education shall identify and
3 disseminate information about early intervention programs
4 for students who are at the greatest risk of suffering from
5 the problem of dropping out of school, substance ~~abuse~~ use
6 disorder, adolescent pregnancy, or suicide.
7 Sec. 1081. Section 279.60, subsection 2, Code 2023, is
8 amended to read as follows:
9 2. The school district shall also collect information from
10 each parent, guardian, or legal custodian of a kindergarten
11 student enrolled in the district on whether the student
12 attended preschool. Each school district shall report the
13 preschool information collected to the department of education
14 in the manner prescribed by the department not later than
15 January 1 of that school year. The early childhood Iowa ~~office~~
16 program in the department of ~~management~~ health and human
17 services shall have access to the raw data. The department of
18 education shall review the information submitted pursuant to
19 this section and shall submit its findings and recommendations
20 annually in a report to the governor, the general assembly, the
21 early childhood Iowa state board, and the early childhood Iowa
22 area boards.
23 Sec. 1082. Section 279.76, subsection 3, paragraph a, Code
24 2023, is amended to read as follows:
25 *a. "Emergent care situation"* means a sudden or unforeseen
26 occurrence or onset of a medical or behavioral condition that
27 could result in serious injury or harm to a student or others
28 in the event immediate medical attention is not provided.
29 *"Emergent care situation"* includes the need to screen a student
30 or others for symptoms or exposures during an outbreak or
31 public health event of concern as designated by the department
32 of ~~public~~ health and human services.
33 Sec. 1083. Section 280.13C, subsection 3, paragraph a, Code

2023, is amended to read as follows:

a. The department of ~~public~~ health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to develop training materials and courses regarding concussions and brain injuries, including training regarding evaluation, prevention, symptoms, risks, and long-term effects of concussions and brain injuries. Each coach or contest official shall complete such training at least every two years.

Sec. 1084. Section 280.13C, subsection 4, Code 2023, is amended to read as follows:

4. *Guidelines and information sheet.*

a. The department of ~~public~~ health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to distribute the guidelines of the centers for disease control and prevention of the United States department of health and human services and other pertinent information to inform and educate coaches, students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.

b. For school years beginning on or after July 1, 2018, each school district and nonpublic school shall provide to the parent or guardian of each student in grades seven through twelve a concussion and brain injury information sheet, as provided by the department of ~~public~~ health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union. The student and the student´s parent or guardian shall sign and return a copy of the concussion and brain injury information sheet to the student´s school prior to the student´s participation in any

34 extracurricular interscholastic activity.
35 Sec. 1085. Section 280.13C, subsection 6, paragraph a, Code
1 2023, is amended to read as follows:
2 *a.* The department of ~~public~~ health and human services, in
3 cooperation with the Iowa high school athletic association
4 and the Iowa girls high school athletic union, shall develop
5 a return-to-play protocol based on peer-reviewed scientific
6 evidence consistent with the guidelines of the centers for
7 disease control and prevention of the United States department
8 of health and human services, for a student's return to
9 participation in any extracurricular interscholastic activity
10 after showing signs, symptoms, or behaviors consistent with a
11 concussion or brain injury. The department of ~~public~~ health
12 and human services shall adopt the return-to-play protocol
13 by rule pursuant to chapter 17A. The board of directors
14 of each school district and the authorities in charge of
15 each accredited nonpublic school with enrolled students who
16 participate in an extracurricular interscholastic activity
17 which is a contest in grades seven through twelve shall adopt
18 such protocol by July 1, 2019.
19 Sec. 1086. Section 280.16, subsection 1, paragraph a, Code
20 2023, is amended to read as follows:
21 *a.* *"Bronchodilator"* means a bronchodilator as recommended
22 by the department of ~~public~~ health and human services for
23 treatment of a student's respiratory distress, asthma, or other
24 airway constricting disease.
25 Sec. 1087. Section 280.16, subsection 7, Code 2023, is
26 amended to read as follows:
27 7. The Iowa braille and sight saving school, the Iowa school
28 for the deaf, and the institutions under the control of the
29 department of health and human services as provided in section
30 218.1 are exempt from the provisions of this section.
31 Sec. 1088. Section 280.17, subsection 1, Code 2023, is
32 amended to read as follows:
33 1. The board of directors of a school district and the

34 authorities in charge of a nonpublic school shall prescribe
35 procedures, in accordance with the guidelines contained in
1 the model policy developed by the department of education in
2 consultation with the department of health and human services,
3 and adopted by the department of education pursuant to chapter
4 17A, for the handling of reports of child abuse, as defined in
5 section 232.68, subsection 2, paragraph *"a"*, subparagraph (1),
6 (3), or (5), alleged to have been committed by an employee or
7 agent of the public or nonpublic school.
8 Sec. 1089. Section 280.25, subsection 1, Code 2023, is
9 amended to read as follows:
10 1. The board of directors of each public school and the
11 authorities in charge of each accredited nonpublic school
12 shall adopt a policy and the superintendent of each public
13 school shall adopt rules which provide that the school
14 district or school may share information contained within a
15 student's permanent record pursuant to an interagency agreement
16 with state and local agencies that are part of the juvenile
17 justice system. These agencies include, but are not limited
18 to, juvenile court services, the department of health and
19 human services, and local law enforcement authorities. The
20 disclosure of information shall be directly related to the
21 juvenile justice system's ability to effectively serve, prior
22 to adjudication, the student whose records are being released.
23 Sec. 1090. Section 280.29, subsection 1, paragraph e, Code
24 2023, is amended to read as follows:
25 *e.* Enter into a memorandum of understanding with the
26 department of health and human services regarding the exchange
27 of information as appropriate to facilitate the enrollment
28 transition of children adjudicated under chapter 232 or
29 receiving foster care services from one school to another
30 school.
31 Sec. 1091. Section 280.32, subsections 3 and 6, Code 2023,
32 are amended to read as follows:
33 3. Radon testing pursuant to this section conducted on and

after July 1, 2022, shall be conducted by a person certified to conduct such testing pursuant to section 136B.1 or by district employees that have completed a school radon testing training program approved by the department of education and the department of ~~public~~ health and human services. District employees that have completed training shall not perform testing services in locations other than the employee's employing district. The department of ~~public~~ health and human services shall maintain and make available to school districts a list of such approved school radon testing training programs. Testing shall be based on recognized national standards that outline school radon testing practices.

6. In consultation with appropriate stakeholders and the department of education, the department of ~~public~~ health and human services shall adopt rules to administer this section.

Sec. 1092. Section 280A.1, subsection 3, Code 2023, is amended to read as follows:

3. *"Behavioral health screening"* or *"screening"* means a screening and assessment performed using a universal behavioral health screening and assessment tool, approved for use by the department of education in consultation with the department of ~~public~~ health and ~~the department of~~ human services, to identify factors that place children at higher risk for behavioral health conditions, to determine appropriate treatment or intervention, and to identify the need for referral for appropriate services.

Sec. 1093. Section 282.18, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. If a request to transfer is due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or

34 participation in a substance ~~abuse~~ use disorder or mental
35 health treatment program, and the child who is the subject of
1 the request is enrolled in any grade from kindergarten through
2 grade twelve or who is a prekindergarten student enrolled in a
3 special education program at the time of the request and is not
4 currently using any provision of open enrollment, the parent or
5 guardian of the child shall have the option to have the child
6 remain in the child's original district of residence under open
7 enrollment with no interruption in the child's educational
8 program. If a parent or guardian exercises this option, the
9 child's new district of residence is not required to pay the
10 amount calculated in subsection 5 or 6, as applicable, until
11 the start of the first full year of enrollment of the child.
12 Sec. 1094. Section 282.18, subsection 9, paragraph a,
13 subparagraph (8), Code 2023, is amended to read as follows:
14 (8) If the pupil participates in open enrollment because
15 of circumstances that meet the definition of good cause. For
16 purposes of this subparagraph, *"good cause"* means a change in a
17 child's residence due to a change in family residence, a change
18 in a child's residence from the residence of one parent or
19 guardian to the residence of a different parent or guardian, a
20 change in the state in which the family residence is located,
21 a change in a child's parents' marital status, a guardianship
22 or custody proceeding, placement in foster care, adoption,
23 participation in a foreign exchange program, initial placement
24 of a prekindergarten student in a special education program
25 requiring specially designed instruction, or participation
26 in a substance ~~abuse~~ use disorder or mental health treatment
27 program, a change in the status of a child's resident district
28 such as removal of accreditation by the state board, surrender
29 of accreditation, or permanent closure of a nonpublic school,
30 revocation of a charter school contract as provided in section
31 256E.10 or 256F.8, the failure of negotiations for a whole
32 grade sharing, reorganization, dissolution agreement, or the
33 rejection of a current whole grade sharing agreement, or

reorganization plan.

Sec. 1095. Section 282.19, Code 2023, is amended to read as follows:

282.19 Child living in substance ~~abuse~~ use disorder or foster care placement.

1. A child who is living in a facility that provides residential treatment as *"facility"* is defined in section 125.2, which is located in a school district other than the school district in which the child resided before entering the facility may enroll in and attend an accredited school in the school district in which the child is living.

2. A child who is living in a licensed individual or agency child foster care facility, as defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph *"b"*, or for students who require special education shall be paid as provided in section 282.31, subsection 2 or 3.

Sec. 1096. Section 282.27, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. The child is not placed by the department of health and human services or a court in a day program treatment program in such psychiatric unit or institution.

Sec. 1097. Section 282.27, subsection 4, paragraph b, Code

34 2023, is amended to read as follows:
35 *b.* The child is not placed by the department of health and
1 human services or a court in a day program treatment program in
2 such psychiatric unit or institution.
3 Sec. 1098. Section 282.33, subsection 1, Code 2023, is
4 amended to read as follows:
5 1. A child who resides in an institution for children under
6 the jurisdiction of the director of health and human services
7 referred to in section 218.1, subsection 3, 4, 5, or 6, and who
8 is not enrolled in the educational program of the district of
9 residence of the child, shall receive appropriate educational
10 services. The institution in which the child resides shall
11 submit a proposed program and budget based on the average daily
12 attendance of the children residing in the institution to the
13 department of education and the department of health and human
14 services by January 1 for the next succeeding school year. The
15 department of education shall review and approve or modify the
16 proposed program and budget and shall notify the department
17 of administrative services of its action by February 1. The
18 department of administrative services shall pay the approved
19 budget amount to the department of health and human services in
20 monthly installments beginning September 15 and ending June 15
21 of the next succeeding school year. The installments shall be
22 as nearly equal as possible as determined by the department of
23 administrative services, taking into consideration the relative
24 budget and cash position of the state's resources. The
25 department of administrative services shall pay the approved
26 budget amount for the department of health and human services
27 from the moneys appropriated under section 257.16 and the
28 department of health and human services shall distribute the
29 payment to the institution. The institution shall submit an
30 accounting for the actual cost of the program to the department
31 of education by August 1 of the following school year. The
32 department shall review and approve or modify all expenditures
33 incurred in compliance with the guidelines adopted pursuant to

34 section 256.7, subsection 10, and shall notify the department
35 of administrative services of the approved accounting amount.
1 The approved accounting amount shall be compared with any
2 amounts paid by the department of administrative services to
3 the department of health and human services and any differences
4 added to or subtracted from the October payment made under this
5 subsection for the next school year. Any amount paid by the
6 department of administrative services shall be deducted monthly
7 from the state foundation aid paid under section 257.16 to all
8 school districts in the state during the subsequent fiscal
9 year. The portion of the total amount of the approved budget
10 that shall be deducted from the state aid of a school district
11 shall be the same as the ratio that the budget enrollment for
12 the budget year of the school district bears to the total
13 budget enrollment in the state for that budget year in which
14 the deduction is made.
15 Sec. 1099. Section 283A.2, subsection 3, Code 2023, is
16 amended to read as follows:
17 3. Each school district that operates or provides for
18 a school breakfast or lunch program shall provide for the
19 forwarding of information from the applications for the school
20 breakfast or lunch program, for which federal funding is
21 provided, to identify children for enrollment in the medical
22 assistance program pursuant to chapter 249A or the healthy
23 and well kids in Iowa program pursuant to chapter 514I to the
24 department of health and human services.
25 Sec. 1100. Section 285.1, subsection 1, paragraph a,
26 subparagraph (3), Code 2023, is amended to read as follows:
27 (3) Children attending prekindergarten programs offered or
28 sponsored by the district or nonpublic school and approved by
29 the department of education or department of health and human
30 services or children participating in preschool in an approved
31 local program under chapter 256C may be provided transportation
32 services. However, transportation services provided to
33 nonpublic school children are not eligible for reimbursement

34 under this chapter.
35 Sec. 1101. Section 303.3C, subsection 1, paragraph a, Code
1 2023, is amended to read as follows:
2 *a.* The department of cultural affairs shall establish
3 and administer an Iowa great places program for purposes
4 of combining resources of state government in an effort to
5 showcase the unique and authentic qualities of communities,
6 regions, neighborhoods, and districts that make such places
7 exceptional places to work and live. The department of
8 cultural affairs shall provide administrative assistance to
9 the Iowa great places board. The department of cultural
10 affairs shall coordinate the efforts of the Iowa great places
11 board with the efforts of state agencies participating in
12 the program which shall include~~,~~ but not be limited to~~, the~~
13 ~~economic development authority,~~ the Iowa finance authority, the
14 department of health and human ~~rights~~ services, the department
15 of natural resources, the state department of transportation,
16 and the department of workforce development.
17 Sec. 1102. Section 307.24, subsection 5, paragraph b, Code
18 2023, is amended to read as follows:
19 *b.* For department of health and human services facility
20 roads, six and one-half percent.
21 Sec. 1103. Section 321.1, subsection 8, paragraph g, Code
22 2023, is amended to read as follows:
23 *g.* If authorized to transport patients or clients by the
24 director of ~~the department of~~ health and human services or the
25 director's designee, an employee of the department of health
26 and human services is not a chauffeur when transporting the
27 patients or clients in an automobile.
28 Sec. 1104. 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 and human
33 services, the department of inspections and appeals, and the

department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

Sec. 1105. Section 321.34, subsection 11A, paragraphs b and c, Code 2023, are amended to read as follows:

b. Love our kids plates shall be designed by the department in cooperation with the ~~Iowa~~ department of ~~public~~ health and human services.

c. The special fee for letter-number designated love our kids plates is thirty-five dollars. The fee for personalized love our kids plates is twenty-five dollars, which shall be paid in addition to the special love our kids fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the ~~Iowa~~ department of ~~public~~ health and human services the amount of the special fees collected in the previous month for the love our kids plates. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

Sec. 1106. Section 321.34, subsection 23, paragraph c, Code 2023, is amended to read as follows:

c. The special fee for letter-number designated breast cancer awareness plates is thirty-five dollars. The fee for personalized breast cancer awareness plates is twenty-five dollars, which shall be paid in addition to the special breast cancer awareness fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the ~~Iowa~~ department of ~~public~~ health and human services the amount of the special fees collected

34 in the previous month for the breast cancer awareness plates
35 and such funds are appropriated to the ~~Iowa~~ department of
1 ~~public~~ health and human services. The ~~Iowa~~ department of
2 ~~public~~ health and human services shall distribute one hundred
3 percent of the funds received monthly in the form of grants to
4 support breast cancer screenings for both men and women who
5 meet eligibility requirements like those established by the
6 Susan G. Komen foundation. In the awarding of grants, the ~~Iowa~~
7 department of ~~public~~ health and human services shall give first
8 consideration to affiliates of the Susan G. Komen foundation
9 and similar nonprofit organizations providing for breast cancer
10 screenings at no cost in Iowa. Notwithstanding section 8.33,
11 moneys transferred under this subsection shall not revert to
12 the general fund of the state.
13 Sec. 1107. Section 321.178, subsection 1, paragraph a,
14 subparagraph (1), Code 2023, is amended to read as follows:
15 (1) A minimum of four hours of instruction concerning
16 substance ~~abuse~~ use disorder and distracted driving.
17 Sec. 1108. Section 321.178A, subsection 3, paragraph a,
18 subparagraph (2), Code 2023, is amended to read as follows:
19 (2) Instruction concerning substance ~~abuse~~ use disorder and
20 distracted driving.
21 Sec. 1109. Section 321.215, subsection 1, paragraph a,
22 subparagraph (4), Code 2023, is amended to read as follows:
23 (4) The person's substance ~~abuse~~ use disorder treatment.
24 Sec. 1110. Section 321.231B, subsection 1, paragraph b,
25 Code 2023, is amended to read as follows:
26 *b.* An emergency medical care provider, as defined in
27 section 147A.1, operating the authorized emergency vehicle who
28 has completed an emergency vehicle operations course and any
29 applicable continuing education requirements established or
30 approved by the department of ~~public~~ health and human services.
31 Sec. 1111. Section 321.423, subsection 7, paragraph a,
32 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
33 to read as follows:

On a vehicle authorized by the director of ~~public~~ health and human services when all of the following apply:

Sec. 1112. Section 321.423, subsection 7, paragraph a, subparagraph (2), subparagraph division (b), Code 2023, is amended to read as follows:

(b) The request for authorization is made by the member on forms provided by the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 1113. Section 321.423, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. The ~~Iowa~~ department of ~~public~~ health and human services shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures.

Sec. 1114. Section 321.451, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. A vehicle owned by a chief, medical director, or certified medical provider of an authorized emergency medical service, if the application for a certificate of designation is requested by the chief, medical officer, or medical director of the authorized emergency medical service. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the department of ~~public~~ health and human services, and provided proof of financial liability coverage or risk pool coverage.

Sec. 1115. Section 321J.2, subsection 3, paragraph e, Code 2023, is amended to read as follows:

e. Assignment to substance ~~abuse~~ use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance ~~abuse~~ use disorder prevention program pursuant to section 321J.24.

Sec. 1116. Section 321J.2, subsection 4, paragraph d, Code 2023, is amended to read as follows:

34 *d.* Assignment to substance ~~abuse~~ use disorder evaluation and
35 treatment, a course for drinking drivers, and, if available and
1 appropriate, a reality education substance ~~abuse~~ use disorder
2 prevention program pursuant to section 321J.24.
3 Sec. 1117. Section 321J.2, subsection 5, paragraph d, Code
4 2023, is amended to read as follows:
5 *d.* Assignment to substance ~~abuse~~ use disorder evaluation and
6 treatment, a course for drinking drivers, and, if available and
7 appropriate, a reality education substance ~~abuse~~ use disorder
8 prevention program pursuant to section 321J.24.
9 Sec. 1118. Section 321J.2, subsection 7, paragraphs a and b,
10 Code 2023, are amended to read as follows:
11 *a.* All persons convicted of an offense under subsection 2
12 shall be ordered, at the person's expense, to undergo, prior
13 to sentencing, a substance ~~abuse~~ use disorder evaluation. The
14 court shall order the person to follow the recommendations
15 proposed in the substance ~~abuse~~ use disorder evaluation as
16 provided in section 321J.3.
17 *b.* Where the program is available and is appropriate for
18 the convicted person, a person convicted of an offense under
19 subsection 2 shall be ordered to participate in a reality
20 education substance ~~abuse~~ use disorder prevention program as
21 provided in section 321J.24.
22 Sec. 1119. Section 321J.3, Code 2023, is amended to read as
23 follows:
24 **321J.3 Substance ~~abuse~~ use disorder evaluation or treatment**
25 **— rules.**
26 1. *a.* In addition to orders issued pursuant to section
27 321J.2, subsections 3, 4, and 5, and section 321J.17, the court
28 shall order any defendant convicted under section 321J.2 to
29 follow the recommendations proposed in the substance ~~abuse~~
30 use disorder evaluation for appropriate substance ~~abuse~~ use
31 disorder treatment for the defendant. Court-ordered substance
32 ~~abuse~~ use disorder treatment is subject to the periodic
33 reporting requirements of section 125.86.

34 *b.* If a defendant is committed by the court to a substance
35 ~~abuse~~ use disorder treatment facility, the administrator of the
1 facility shall report to the court when it is determined that
2 the defendant has received the maximum benefit of treatment
3 at the facility and the defendant shall be released from the
4 facility. The time for which the defendant is committed for
5 treatment shall be credited against the defendant's sentence.
6 *c.* The court may prescribe the length of time for the
7 evaluation and treatment or it may request that the community
8 college or other approved provider conducting the course
9 for drinking drivers which the person is ordered to attend
10 or the treatment program to which the person is committed
11 immediately report to the court when the person has received
12 maximum benefit from the course for drinking drivers or
13 treatment program or has recovered from the person's addiction,
14 dependency, or tendency to chronically ~~abuse~~ use alcohol or
15 drugs.
16 *d.* Upon successfully completing a course for drinking
17 drivers or an ordered substance ~~abuse~~ use disorder treatment
18 program, a court may place the person on probation for six
19 months and as a condition of probation, the person shall
20 attend a program providing posttreatment services relating to
21 substance ~~abuse~~ use disorder as approved by the court.
22 *e.* A person committed under this section who does not
23 possess sufficient income or estate to make payment of the
24 costs of the treatment in whole or in part shall be considered
25 a state patient and the costs of treatment shall be paid as
26 provided in section 125.44.
27 *f.* A defendant who fails to carry out the order of the
28 court shall be confined in the county jail for twenty days in
29 addition to any other imprisonment ordered by the court or may
30 be ordered to perform unpaid community service work, and shall
31 be placed on probation for one year with a violation of this
32 probation punishable as contempt of court.
33 *g.* In addition to any other condition of probation, the

34 person shall attend a program providing substance ~~abuse~~ use
35 disorder prevention services or posttreatment services related
1 to substance ~~abuse~~ use disorder as ordered by the court. The
2 person shall report to the person's probation officer as
3 ordered concerning proof of attendance at the treatment program
4 or posttreatment program ordered by the court. Failure to
5 attend or complete the program shall be considered a violation
6 of probation and is punishable as contempt of court.
7 2. *a.* Upon a second or subsequent offense in violation of
8 section 321J.2, the court upon hearing may commit the defendant
9 for inpatient treatment of alcoholism or drug addiction
10 or dependency to any hospital, institution, or community
11 correctional facility in Iowa providing such treatment. The
12 time for which the defendant is committed for treatment shall
13 be credited against the defendant's sentence.
14 *b.* The court may prescribe the length of time for the
15 evaluation and treatment or it may request that the hospital
16 to which the person is committed immediately report to the
17 court when the person has received maximum benefit from the
18 program of the hospital or institution or has recovered from
19 the person's addiction, dependency, or tendency to chronically
20 ~~abuse~~ use alcohol or drugs.
21 *c.* A person committed under this section who does not
22 possess sufficient income or estate to make payment of the
23 costs of the treatment in whole or in part shall be considered
24 a state patient and the costs of treatment shall be paid as
25 provided in section 125.44.
26 3. The state department of transportation, in cooperation
27 with the judicial branch, shall adopt rules, pursuant to the
28 procedure in section 125.33, regarding the assignment of
29 persons ordered under section 321J.17 to submit to substance
30 ~~abuse~~ use disorder evaluation and treatment. The rules shall
31 be applicable only to persons other than those committed to
32 the custody of the director of the department of corrections
33 under section 321J.2. The rules shall be consistent with the

34 practices and procedures of the judicial branch in sentencing
35 persons to substance ~~abuse~~ use disorder evaluation and
1 treatment under section 321J.2. The rules shall include the
2 requirement that the treatment programs utilized by a person
3 pursuant to an order of the department of transportation meet
4 the licensure standards of the department of ~~public~~ health
5 and human services for substance ~~abuse~~ use disorder treatment
6 programs under chapter 125. The rules shall also include
7 provisions for payment of costs by the offenders, including
8 insurance reimbursement on behalf of offenders, or other forms
9 of funding, and shall also address reporting requirements of
10 the facility, consistent with the provisions of sections 125.84
11 and 125.86. The department of transportation shall be entitled
12 to treatment information contained in reports to the department
13 of transportation, notwithstanding any provision of chapter 125
14 that would restrict department access to treatment information
15 and records.
16 Sec. 1120. Section 321J.17, subsection 2, paragraph b, Code
17 2023, is amended to read as follows:
18 *b.* The court or department may request that the community
19 college or substance ~~abuse~~ use disorder treatment providers
20 licensed under chapter 125 or other approved provider
21 conducting the course for drinking drivers that the person is
22 ordered to attend immediately report to the court or department
23 that the person has successfully completed the course for
24 drinking drivers. The court or department may request that the
25 treatment program which the person attends periodically report
26 on the defendant's attendance and participation in the program,
27 as well as the status of treatment or rehabilitation.
28 Sec. 1121. Section 321J.22, subsections 2, 4, and 5, Code
29 2023, are amended to read as follows:
30 2. *a.* The course provided according to this section shall
31 be offered on a regular basis at each community college as
32 defined in section 260C.2, or by substance ~~abuse~~ use disorder
33 treatment programs licensed under chapter 125, or may be

34 offered at a state correctional facility listed in section
35 904.102. However, a community college shall not be required to
1 offer the course if a substance ~~abuse~~ use disorder treatment
2 program licensed under chapter 125 offers the course within the
3 merged area served by the community college.
4 *b.* Enrollment in the courses is not limited to persons
5 ordered to enroll, attend, and successfully complete the
6 course required under sections 321J.2 and 321J.17, subsection
7 2. However, any person under age eighteen who is required to
8 attend the courses for violation of section 321J.2 or 321J.17
9 must attend a course offered by a substance ~~abuse~~ use disorder
10 treatment program licensed under chapter 125.
11 *c.* The course required by this section shall be:
12 (1) Taught by a community college under the supervision
13 of the department of education or by a substance ~~abuse~~ use
14 disorder treatment program licensed under chapter 125, and may
15 be offered at a state correctional facility.
16 (2) Approved by the department of education, in
17 consultation with the community colleges, substance ~~abuse~~
18 use disorder treatment programs licensed under chapter 125,
19 the department of ~~public~~ health and human services, and the
20 department of corrections.
21 *d.* The department of education may approve a provider of
22 a course for drinking drivers offered outside this state upon
23 proof to the department's satisfaction that the course is
24 comparable to those offered by community colleges, substance
25 ~~abuse~~ use disorder treatment programs licensed under chapter
26 125, and state correctional facilities as provided in this
27 section. The department shall comply with the requirements of
28 subsection 5 regarding such approved providers.
29 *e.* The department of education shall establish reasonable
30 fees to defray the expense of obtaining classroom space,
31 instructor salaries, and class materials for courses offered
32 both by community colleges and by substance ~~abuse~~ use
33 disorder treatment programs licensed under chapter 125, or

34 for classes offered at a state correctional facility, and
35 for administrative expenses incurred by the department of
1 education in implementing subsection 5 on behalf of in-state
2 and out-of-state offenders.
3 *f.* A person shall not be denied enrollment in a course by
4 reason of the person's indigency.
5 4. The department of education, substance ~~abuse~~ use
6 disorder treatment programs licensed under chapter 125,
7 and state correctional facilities shall prepare for their
8 respective courses a list of the locations of the courses
9 taught under this section, the dates and times taught, the
10 procedure for enrollment, and the schedule of course fees. The
11 list shall be kept current and a copy of the list shall be sent
12 to each court having jurisdiction over offenses provided in
13 this chapter.
14 5. The department of education, substance ~~abuse~~ use
15 disorder treatment programs licensed under chapter 125, and
16 state correctional facilities shall maintain enrollment,
17 attendance, successful and nonsuccessful completion data for
18 their respective courses on the persons ordered to enroll,
19 attend, and successfully complete a course for drinking
20 drivers. This data shall be forwarded to the court by the
21 department of education, substance ~~abuse~~ use disorder treatment
22 programs licensed under chapter 125, and the department of
23 corrections.
24 Sec. 1122. Section 321J.23, subsection 5, Code 2023, is
25 amended to read as follows:
26 5. The reality education substance ~~abuse~~ use disorder
27 prevention program provides guidelines for the operation of an
28 intensive program to discourage recidivism.
29 Sec. 1123. Section 321J.24, subsection 1, paragraphs b and
30 c, Code 2023, are amended to read as follows:
31 *b.* *"Participant"* means a person who is ordered by the court
32 to participate in the reality education substance ~~abuse~~ use
33 disorder prevention program.

34 *c.* *"Program"* means the reality education substance ~~abuse~~ use
35 disorder prevention program.
1 Sec. 1124. Section 321J.24, subsection 2, Code 2023, is
2 amended to read as follows:
3 2. A reality education substance ~~abuse~~ use disorder
4 prevention program is established in those judicial
5 districts where the chief judge of the judicial district
6 authorizes participation in the program. Upon a conviction
7 or adjudication for a violation of section 321J.2, or the
8 entry of a deferred judgment concerning a violation of section
9 321J.2, the court or juvenile court may order participation in
10 the reality education substance ~~abuse~~ use disorder prevention
11 program as a term and condition of probation or disposition
12 in addition to any other term or condition of probation or
13 disposition required or authorized by law. The court or
14 juvenile court shall require the defendant or delinquent child
15 to abstain from consuming any controlled substance, alcoholic
16 liquor, wine, or beer while participating in the program.
17 Sec. 1125. Section 321J.24, subsection 5, paragraph a,
18 subparagraph (2), Code 2023, is amended to read as follows:
19 (2) A facility for the treatment of persons with
20 ~~substance-related disorders~~ a substance use disorder as defined
21 in section 125.2, under the supervision of appropriately
22 licensed medical personnel.
23 Sec. 1126. Section 321J.25, Code 2023, is amended to read
24 as follows:
25 **321J.25 Youthful offender substance ~~abuse~~ use disorder**
26 **awareness program.**
27 1. As used in this section, unless the context otherwise
28 requires:
29 *a.* *"Participant"* means a person whose driver's license or
30 operating privilege has been revoked for a violation of section
31 321J.2A.
32 *b.* *"Program"* means a substance ~~abuse~~ use disorder awareness
33 program provided under a contract entered into between the

34 provider and the ~~Iowa~~ department of ~~public~~ health and human
35 services under chapter 125.
1 *c.* *"Program coordinator"* means a person assigned the duty
2 to coordinate a participant's activities in a program by the
3 program provider.
4 2. A substance ~~abuse~~ use disorder awareness program is
5 established in each of the regions established by the director
6 of ~~public~~ health and human services pursuant to section
7 125.12. The program shall consist of an insight class and
8 a substance ~~abuse~~ use disorder evaluation, which shall be
9 attended by the participant, to discuss issues related to the
10 potential consequences of substance ~~abuse~~ use disorder. The
11 parent or parents of the participant shall also be encouraged
12 to participate in the program. The program provider shall
13 consult with the participant or the parents of the participant
14 in the program to determine the timing and appropriate level
15 of participation for the participant and any participation by
16 the participant's parents. The program may also include a
17 supervised educational tour by the participant to any or all
18 of the following:
19 *a.* A hospital or other emergency medical care facility
20 which regularly receives victims of motor vehicle accidents,
21 to observe treatment of appropriate victims of motor vehicle
22 accidents involving intoxicated drivers, under the supervision
23 of a registered nurse, physician, paramedic, or emergency
24 medical technician.
25 *b.* A facility for the treatment of persons with
26 ~~substance-related disorders~~ a substance use disorder as defined
27 in section 125.2, under the supervision of appropriately
28 licensed medical personnel.
29 *c.* If approved by the state or county medical examiner, a
30 morgue or a similar facility to receive appropriate educational
31 material and instruction concerning damage caused by the
32 consumption of alcohol or other drugs, under the supervision of
33 the county medical examiner or deputy medical examiner.

3. If the program includes a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant.

4. Upon the revocation of the driver's license or operating privileges of a person who is fourteen years of age or older for a violation of section 321J.2A, if the person has had no previous revocations under either section 321J.2 or section 321J.2A, a person may participate in the substance ~~abuse~~ use disorder awareness program. The state department of transportation shall notify a potential program participant of the possibility and potential benefits of attending a program and shall notify a potential program participant of the availability of programs which exist in the area in which the person resides. The state department of transportation shall consult with the ~~Iowa~~ department of ~~public~~ health and human services to determine what programs are available in various areas of the state.

5. Program providers and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts intended to, or reasonably expected to result in, such injury or damage.

6. The program provider shall determine fees to be paid by participants in the program. The program fees shall be paid on a sliding scale, based upon the ability of a participant and a participant's family to pay the fees, and shall not exceed one hundred dollars per participant. The program provider shall use the fees to pay all costs associated with the program.

Sec. 1127. Section 324A.1, subsection 6, Code 2023, is amended to read as follows:

6. *"Transportation"* means the movement of individuals in a four or more wheeled motorized vehicle designed to carry passengers, including a car, van, or bus, between one geographic point and another geographic point. *"Transportation"* does not include emergency or incidental transportation or transportation conducted by the department of health and human services at its institutions.

Sec. 1128. Section 324A.4, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall biennially prepare a report to be submitted to the general assembly and the governor prior to December 15 of even-numbered years. The report shall recommend methods to increase transportation coordination and improve the efficiency of federal, state, and local government programs used to finance public transit services and may address other topics as appropriate. The department of health and human services~~, the department on aging,~~ and the officers and agents of the other affected state and local government units shall provide input as requested by the department.

Sec. 1129. Section 324A.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department of health and human services~~, department on aging,~~ and the officers and agents of other state and local governmental units shall assist the department in carrying out section 324A.4, subsections 1 and 2, insofar as the functions of these respective officers and departments are concerned

with the health, welfare and safety of any recipient of transportation services.

Sec. 1130. Section 331.321, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. The members of the ~~service area~~ advisory board in accordance with section 217.43.

Sec. 1131. Section 331.323, subsection 1, paragraph a, subparagraph (9), Code 2023, is amended to read as follows:

(9) Executive officer of the ~~service area~~ advisory board in accordance with section 217.43.

Sec. 1132. Section 331.382, subsections 3 and 6, Code 2023, are amended to read as follows:

3. The power to legislate in regard to chemical substance ~~abuse~~ use is subject to section 125.40.

6. The power to operate juvenile detention and shelter care homes is subject to approval of the homes by the director of ~~the department of~~ health and human services or the director's designee, as provided in section 232.142.

Sec. 1133. Section 331.388, Code 2023, is amended to read as follows:

331.388 Definitions.

As used in this part, unless the context otherwise requires:

1. *"Children's behavioral health services"* means the same as defined in section 225C.2.

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

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

~~3.~~ 4. *"Disability services"* means the same as defined in section 225C.2.

~~4.~~ 5. *"Population"* means, as of July 1 of the fiscal year preceding the fiscal year in which the population figure is applied, the population shown by the latest preceding certified federal census or the latest applicable population estimate issued by the United States census bureau, whichever is most

34 recent.
35 ~~5.~~ 6. *"Regional administrator"* means the administrative
1 office, organization, or entity formed by agreement of the
2 counties participating in a region to function on behalf of
3 those counties in accordance with this part.
4 ~~6.~~ 7. *"Serious emotional disturbance"* means the same as
5 defined in section 225C.2.
6 ~~7.~~ 8. *"State board"* means the children's system state board
7 created in section 225C.51.
8 ~~8.~~ 9. *"State commission"* means the mental health and
9 disability services commission created in section 225C.5.
10 Sec. 1134. Section 331.389, subsections 1 and 2, Code 2023,
11 are amended to read as follows:
12 1. Local access to mental health and disability services
13 shall be provided by a regional service system comprised of
14 mental health and disability services regions approved by the
15 director ~~of the department~~. It is the intent of the general
16 assembly that the residents of this state should have access to
17 needed mental health and disability services regardless of the
18 location of their residence.
19 2. The director ~~of human services~~ shall approve a region
20 meeting the requirements of subsection 3.
21 Sec. 1135. Section 331.390, subsection 2, paragraph c, Code
22 2023, is amended to read as follows:
23 *c.* The membership of the governing board shall not include
24 employees of the department ~~of human services~~ or a nonelected
25 employee of a county.
26 Sec. 1136. Section 331.391, subsection 4, paragraph b, Code
27 2023, is amended to read as follows:
28 *b.* Each region shall certify to the department ~~of human~~
29 ~~services~~ on or before December 1, 2021, and each December 1
30 thereafter, the amount of the region's cash flow amount in
31 the combined account at the conclusion of the most recently
32 completed fiscal year.
33 Sec. 1137. Section 331.393, subsection 2, unnumbered

34 paragraph 1, Code 2023, is amended to read as follows:
35 Each region shall submit to the department an annual
1 service and budget plan approved by the region's governing
2 board and subject to approval by the director ~~of human~~
3 ~~services~~. Provisions for approval by the director ~~of human~~
4 ~~services' approval~~ of the annual service and budget plan,
5 and any amendments to the plan, and other requirements shall
6 be specified in rule adopted by the state commission. The
7 provisions addressed in the annual plan shall include but are
8 not limited to all of the following:
9 Sec. 1138. Section 331.393, subsection 4, unnumbered
10 paragraph 1, Code 2023, is amended to read as follows:
11 The region shall have in effect a policies and procedures
12 manual for the regional service system. The manual shall be
13 approved by the region's governing board and is subject to
14 approval by the director ~~of human services~~. An approved manual
15 shall remain in effect subject to amendment. An amendment
16 to the manual shall be submitted to the department at least
17 forty-five days prior to the date of implementation of the
18 amendment. Prior to implementation of an amendment to the
19 manual, the amendment must be approved by the director ~~of human~~
20 ~~services~~ in consultation with the state commission. The manual
21 shall include but is not limited to all of the following:
22 Sec. 1139. Section 331.393, subsections 5 and 8, Code 2023,
23 are amended to read as follows:
24 5. The provisions of a regional service system management
25 plan shall include measures to address the needs of persons
26 who have two or more co-occurring mental health, intellectual
27 or other developmental disability, brain injury, or
28 ~~substance-related~~ substance use disorders and individuals with
29 specialized needs. Implementation of measures to meet the
30 needs of persons with a developmental disability other than
31 intellectual disability, brain injury, or ~~substance-related~~
32 ~~disorders~~ a substance use disorder is contingent upon
33 identification of a funding source to meet those needs and

implementation of provisions to engage the entity under contract with the state to provide services to address ~~substance-related~~ substance use disorders within the regional service system.

8. If a region determines that the region cannot provide services for the fiscal year in accordance with the regional plan and remain in compliance with applicable budgeting requirements, the region may implement a waiting list for the services. The procedures for establishing and applying a waiting list shall be specified in the regional plan. If a region implements a waiting list for services, the region shall notify the department ~~of human services~~. The department shall maintain on the department's internet site an up-to-date listing of the regions that have implemented a waiting list and the services affected by each waiting list.

Sec. 1140. Section 331.394, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. "County of residence" means the county in this state in which, at the time a person applies for or receives services, the person is living and has established an ongoing presence with the declared, good faith intention of living in the county for a permanent or indefinite period of time. The county of residence of a person who is a homeless person is the county where the homeless person usually sleeps. A person maintains residency in the county or state in which the person last resided while the person is present in another county or this state receiving services in a hospital, a correctional facility, a halfway house for community-based corrections or ~~substance-related~~ substance use disorder treatment, a nursing facility, an intermediate care facility for persons with an intellectual disability, or a residential care facility, or for the purpose of attending a college or university.

Sec. 1141. Section 331.394, subsection 3, Code 2023, is amended to read as follows:

3. If a service authorization or other services-related

34 decision made by a regional administrator concerning a person
35 varies from the type and amount of service identified to be
1 necessary for the person in a clinical determination made by a
2 mental health professional and the mental health professional
3 believes that failure to provide the type and amount of service
4 identified could cause an immediate danger to the person's
5 health or safety, the person may request an expedited review
6 of the regional administrator's decision to be made by the
7 department ~~of human services~~. An expedited review held in
8 accordance with this subsection is subject to the following
9 procedures:
10 *a.* The request for the expedited review shall be filed
11 within five business days of receiving the notice of decision
12 by the regional administrator. The request must be in writing,
13 plainly state the request for an expedited review in the
14 caption and body of the request, and be supported by written
15 documentation from the mental health professional who made the
16 clinical determination stating how the notice of decision on
17 services could cause an immediate danger to the person's health
18 or safety.
19 *b.* The expedited review shall be performed by a designee
20 of the director who is a mental health professional~~, who is~~
21 ~~either the administrator of the division of mental health and~~
22 ~~disability services of the department of human services or the~~
23 ~~administrator's designee. If the administrator is not a mental~~
24 ~~health professional, the expedited review shall be performed~~
25 ~~by a designee of the administrator who is a mental health~~
26 ~~professional~~ and is free of any conflict of interest to perform
27 the expedited review. The expedited review shall be performed
28 within two business days of the time the request is filed. If
29 the reviewer determines the information submitted in connection
30 with the request is inadequate to perform the review, the
31 reviewer shall request the submission of additional information
32 and the review shall be performed within two business days of
33 the time that adequate information is submitted. The regional

34 administrator and the person, with the assistance of the mental
35 health professional who made the clinical determination, shall
1 each provide a brief statement of facts, conclusions, and
2 reasons for the decision made. Supporting clinical information
3 shall also be attached. All information related to the
4 proceedings and any related filings shall be considered to be
5 mental health information subject to chapter 228.
6 *c.* The ~~administrator or~~ director's designee shall issue
7 an order, including a brief statement of findings of fact,
8 conclusions of law, and policy reasons for the order, to
9 justify the decision made concerning the expedited review.
10 If the decision concurs with the contention that there is an
11 immediate danger to the person's health or safety, the order
12 shall identify the type and amount of service which shall be
13 provided for the person. The ~~administrator or~~ director's
14 designee shall give such notice as is practicable to persons
15 who are required to comply with the order. The order is
16 effective when issued.
17 *d.* The decision of the ~~administrator or~~ director's designee
18 shall be considered a final agency action and is subject to
19 judicial review in accordance with section 17A.19. The record
20 for judicial review consists of any documents regarding the
21 matter that were considered or prepared by the ~~administrator or~~
22 director's designee. The ~~administrator or~~ director's designee
23 shall maintain these documents as the official record of the
24 decision. If the matter is appealed to the district court, the
25 record shall be filed as confidential.
26 Sec. 1142. Section 331.396, subsection 1, paragraphs c and
27 d, Code 2023, are amended to read as follows:
28 *c.* The person has had at any time during the preceding
29 twelve-month period a mental health, behavioral, or emotional
30 disorder or, in the opinion of a mental health professional,
31 may now have such a diagnosable disorder. The diagnosis
32 shall be made in accordance with the criteria provided in
33 the diagnostic and statistical manual of mental disorders,

34 fourth edition, text revision, published by the American
35 psychiatric association, and shall not include the manual's
1 "V" codes identifying conditions other than a disease or
2 injury. The diagnosis shall also not include ~~substance-related~~
3 substance use disorders, dementia, antisocial personality, or
4 developmental disabilities, unless co-occurring with another
5 diagnosable mental illness.
6 *d.* The person's eligibility for individualized services
7 shall be determined in accordance with the standardized
8 functional assessment methodology approved for mental health
9 services by the director ~~of human services~~ in consultation with
10 the state commission.
11 Sec. 1143. Section 331.396, subsection 2, paragraph e, Code
12 2023, is amended to read as follows:
13 *e.* The person's eligibility for individualized services
14 shall be determined in accordance with the standardized
15 functional assessment methodology approved for intellectual
16 disability and developmental disability services by the
17 director ~~of human services~~.
18 Sec. 1144. Section 331.396, subsection 3, paragraph d, Code
19 2023, is amended to read as follows:
20 *d.* The person's eligibility for individualized services
21 shall be determined in accordance with a standardized
22 functional assessment methodology approved for this purpose by
23 the director ~~of human services~~.
24 Sec. 1145. Section 331.397, subsection 2, paragraph a,
25 subparagraph (2), Code 2023, is amended to read as follows:
26 (2) Subject to the available appropriations, the director
27 ~~of human services~~ shall ensure the core service domains listed
28 in subsections 4 and 5 are covered services for the medical
29 assistance program under chapter 249A to the greatest extent
30 allowable under federal regulations. The medical assistance
31 program shall reimburse Medicaid enrolled providers for
32 Medicaid covered services under subsections 4 and 5 when
33 the services are medically necessary, the Medicaid enrolled

34 provider submits an appropriate claim for such services, and
35 no other third-party payer is responsible for reimbursement of
1 such services. Within funds available, the region shall pay
2 for such services for eligible persons when payment through the
3 medical assistance program or another third-party payment is
4 not available, unless the person is on a waiting list for such
5 payment or it has been determined that the person does not meet
6 the eligibility criteria for any such service.
7 Sec. 1146. Section 331.397, subsection 3, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:
9 Pursuant to recommendations made by the director ~~of human~~
10 ~~services~~, the state commission shall adopt rules as required
11 by section 225C.6 to define the services included in the core
12 service domains listed in this section. The rules shall
13 provide service definitions, service provider standards,
14 service access standards, and service implementation dates, and
15 shall provide consistency, to the extent possible, with similar
16 service definitions under the medical assistance program.
17 Sec. 1147. Section 331.397A, subsection 2, paragraph a,
18 subparagraph (2), Code 2023, is amended to read as follows:
19 (2) Subject to the available appropriations, the director
20 ~~of human services~~ shall ensure the behavioral health core
21 service domains listed in subsection 4 are covered services
22 for the medical assistance program under chapter 249A to the
23 greatest extent allowable under federal regulations. The
24 medical assistance program shall reimburse Medicaid enrolled
25 providers for Medicaid covered services under subsection 4 when
26 the services are medically necessary, the Medicaid enrolled
27 provider submits an appropriate claim for such services, and
28 no other third-party payor is responsible for reimbursement
29 of such services. Within the funds available, the region
30 shall pay for such services for eligible children when payment
31 through the medical assistance program or another third-party
32 payment is not available, unless the child is on a waiting list
33 for such payment or it has been determined that the child does

34 not meet the eligibility criteria for any such service.
35 Sec. 1148. Section 331.397A, subsection 3, Code 2023, is
1 amended to read as follows:
2 3. Pursuant to recommendations made by the state board, the
3 department ~~of human services~~ shall adopt rules to define the
4 services included in the core domains listed in this section.
5 The rules shall provide service definitions, service provider
6 standards, service access standards, and service implementation
7 dates, and shall provide consistency, to the extent possible,
8 with similar service definitions under the medical assistance
9 program.
10 Sec. 1149. Section 331.398, subsection 1, Code 2023, is
11 amended to read as follows:
12 1. The financing of a ~~regional~~ mental health and disability
13 services regional service system is limited to a fixed budget
14 amount. The fixed budget amount shall be the amount identified
15 in a regional service system management plan and budget for the
16 fiscal year.
17 Sec. 1150. Section 331.402, subsection 2, paragraph b, Code
18 2023, is amended to read as follows:
19 *b.* Enter into an agreement with the ~~state~~ department of
20 health and human services for assistance in accordance with
21 section 249A.12.
22 Sec. 1151. Section 331.424, subsection 1, paragraph
23 a, subparagraph (1), subparagraph division (a), unnumbered
24 paragraph 1, Code 2023, is amended to read as follows:
25 The costs of inpatient or outpatient substance ~~abuse~~ use
26 disorder admission, commitment, transportation, care, and
27 treatment at any of the following:
28 Sec. 1152. Section 331.756, subsections 26 and 39, Code
29 2023, are amended to read as follows:
30 26. At the request of the director of ~~public~~ health and
31 human services, commence legal action to enjoin the unlawful
32 use of radiation-emitting equipment as provided in section
33 136C.5.

34 39. Appear on behalf of the ~~administrator of the division~~
35 ~~of mental health and disability services~~ director of ~~the~~
1 ~~department of~~ health and human services in support of an
2 application to transfer a person with mental illness who
3 becomes incorrigible and dangerous from a state ~~hospital for~~
4 ~~persons with mental illness~~ mental health institute to the
5 Iowa medical and classification center as provided in section
6 226.30.
7 Sec. 1153. Section 331.910, Code 2023, is amended to read
8 as follows:
9 **331.910 Interstate contracts for mental health and**
10 **~~substance-related~~ substance use disorder treatment.**
11 1. *Purpose.* The purpose of this section is to enable
12 appropriate care and treatment to be provided to a person with
13 a ~~substance-related~~ substance use disorder or a mental illness,
14 across state lines from the person's state of residence, in
15 qualified hospitals, centers, and facilities.
16 2. *Definitions.* For the purposes of this section:
17 *a. "Bordering state"* means Illinois, Minnesota, Missouri,
18 Nebraska, South Dakota, or Wisconsin.
19 *b. "Receiving agency"* means a public or private hospital,
20 mental health center, substance ~~abuse~~ use disorder treatment
21 and rehabilitation facility, or detoxification center, which
22 provides substance ~~abuse~~ use disorder or mental health care
23 and treatment to a person from a state other than the state in
24 which a hospital, center, or facility is located.
25 *c. "Receiving state"* means the state in which a receiving
26 agency is located.
27 *d. "Region"* means a mental health and disability services
28 region formed in accordance with section 331.389.
29 *e. "Sending agency"* means a state or regional agency
30 located in a state which sends a person to a receiving state
31 for substance ~~abuse~~ use disorder or mental health care and
32 treatment under this section.
33 *f. "Sending state"* means the state in which a sending agency

34 is located.
35 3. *Voluntary civil commitments.*
1 *a.* A region may contract with a receiving agency in a
2 bordering state to secure substance ~~abuse~~ use disorder or
3 mental health care and treatment under this subsection for
4 persons who receive substance ~~abuse~~ use disorder or mental
5 health care and treatment pursuant to section 125.33, 125.91,
6 229.2, or 229.22 through a region.
7 *b.* This subsection shall not apply to a person who is any
8 of the following:
9 (1) Serving a criminal sentence.
10 (2) On probation or parole.
11 (3) The subject of a presentence investigation.
12 *c.* A region may contract with a sending agency in a
13 bordering state to provide care and treatment under this
14 subsection for residents of the bordering state in approved
15 substance ~~abuse~~ use disorder and mental health care and
16 treatment hospitals, centers, and facilities in this state,
17 except that care and treatment shall not be provided for
18 residents of the bordering state who are involved in criminal
19 proceedings substantially similar to the involvement described
20 in paragraph *"b"*.
21 4. *Involuntary civil commitments.*
22 *a.* A person who is detained, committed, or placed on an
23 involuntary basis under section 125.75, 125.91, 229.6, or
24 229.22 may be civilly committed and treated in another state
25 pursuant to a contract under this subsection.
26 *b.* A person who is detained, committed, or placed on
27 an involuntary basis under the civil commitment laws of a
28 bordering state substantially similar to section 125.75,
29 125.91, 229.6, or 229.22 may be civilly committed and treated
30 in this state pursuant to a contract under this subsection.
31 *c.* A law enforcement officer acting under the authority of a
32 sending state may transport a person to a receiving agency that
33 provides substance ~~abuse~~ use disorder or mental health care and

34 treatment pursuant to a contract under this subsection and may
35 transport the person back to the sending state under the laws
1 of the sending state.
2 *d.* Court orders valid under the law of the sending state
3 are granted recognition and reciprocity in the receiving state
4 for a person covered by a contract under this subsection to
5 the extent that the court orders relate to civil commitment
6 for substance ~~abuse~~ use disorder or mental health care and
7 treatment. Such care and treatment may include care and
8 treatment for co-occurring ~~substance-related~~ substance use and
9 mental health disorders. Such court orders are not subject to
10 legal challenge in the courts of the receiving state.
11 *e.* A person who is detained, committed, or placed under the
12 laws of a sending state and who is transferred to a receiving
13 state under this subsection shall be considered to be in the
14 legal custody of the authority responsible for the person under
15 the laws of the sending state with respect to the involuntary
16 civil commitment of the person due to a mental illness or a
17 ~~substance-related~~ substance use disorder.
18 *f.* While in the receiving state pursuant to a contract
19 under this subsection, a person detained, committed, or placed
20 under the laws of a sending state shall be subject to all laws
21 and regulations of the receiving state, except those laws and
22 regulations with respect to the involuntary civil commitment
23 of the person due to a mental illness or ~~substance-related~~
24 substance use disorder. A person shall not be sent to a
25 receiving state pursuant to a contract under this subsection
26 until the receiving state has enacted a law recognizing the
27 validity and applicability of this subsection.
28 *g.* If a person receiving care and treatment pursuant to
29 a contract under this subsection escapes from the receiving
30 agency and the person at the time of the escape is subject to
31 involuntary civil commitment under the laws of the sending
32 state, the receiving agency shall use all reasonable means to
33 recapture the escapee. The receiving agency shall immediately

34 report the escape of the person to the sending agency. The
35 receiving state has the primary responsibility for, and the
1 authority to direct, the pursuit, retaking, and prosecution of
2 escaped persons within its borders and is liable for the cost
3 of such action to the extent that it would be liable for costs
4 if its own resident escaped.
5 *h.* Responsibility for payment for the cost of care and
6 treatment under this subsection shall remain with the sending
7 agency.
8 5. A contract entered into under this section shall, at a
9 minimum, meet all of the following requirements:
10 *a.* Describe the care and treatment to be provided.
11 *b.* Establish responsibility for the costs of the care and
12 treatment, except as otherwise provided in subsection 4.
13 *c.* Establish responsibility for the costs of transporting
14 individuals receiving care and treatment under this section.
15 *d.* Specify the duration of the contract.
16 *e.* Specify the means of terminating the contract.
17 *f.* Identify the goals to be accomplished by the placement
18 of a person under this section.
19 6. This section shall apply to all of the following:
20 *a.* Detoxification services that are unrelated to substance
21 ~~abuse~~ use disorder or mental health care and treatment
22 regardless of whether the care and treatment are provided on a
23 voluntary or involuntary basis.
24 *b.* Substance ~~abuse~~ use disorder and mental health care and
25 treatment contracts that include emergency care and treatment
26 provided to a resident of this state in a bordering state.
27 Sec. 1154. Section 347.7, subsection 4, paragraph a, Code
28 2023, is amended to read as follows:
29 *a.* The tax levy authorized by this section for operation
30 and maintenance of the hospital may be available in whole or in
31 part to any county with or without a county hospital organized
32 under this chapter, to be used to enhance rural health services
33 in the county. However, the tax levied may be expended for

34 enhancement of rural health care services only following a
35 local planning process. The ~~Iowa~~ department of ~~public~~ health
1 and human services shall establish guidelines to be followed
2 by counties in implementing the local planning process which
3 shall require legal notice, public hearings, and a referendum
4 in accordance with this subsection prior to the authorization
5 of any new levy or a change in the use of a levy. The notice
6 shall describe the new levy or the change in the use of the
7 levy, indicate the date and location of the hearing, and shall
8 be published at least once each week for two consecutive weeks
9 in a newspaper having general circulation in the county. The
10 hearing shall not take place prior to two weeks after the
11 second publication.
12 Sec. 1155. Section 347.16, subsection 2, Code 2023, is
13 amended to read as follows:
14 2. Free care and treatment shall be furnished in a county
15 public hospital to any sick or injured person who fulfills
16 the residency requirements under section 47.4, subsection
17 1, paragraph *"d"*, Code 1993, in the county maintaining the
18 hospital, and who is indigent. The board of hospital trustees
19 shall determine whether a person is indigent and entitled
20 to free care under this subsection, or may delegate that
21 determination to the general assistance director or the office
22 of the department of health and human services in that county,
23 subject to guidelines the board may adopt in conformity with
24 applicable statutes.
25 Sec. 1156. Section 347B.14, Code 2023, is amended to read
26 as follows:
27 **347B.14 Effect of approval of plans.**
28 When plans for construction or modification of a county care
29 facility have been properly approved by the ~~Iowa~~ department of
30 ~~public~~ health and human services or other appropriate state
31 agency, the facility constructed in accord with the plans so
32 approved shall not for a period of at least ten years from
33 completion of the construction or modification be considered

deficient or ineligible for licensing by reason of failure to meet any regulation or standard established subsequent to approval of the construction and modification plans, unless a clear and present danger exists that would adversely affect the residents of the facility.

Sec. 1157. Section 351.40, Code 2023, is amended to read as follows:

351.40 Quarantine.

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the ~~Iowa~~ department of ~~public~~ health and human services. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

Sec. 1158. Section 356.37, Code 2023, is amended to read as follows:

356.37 Confinement and detention report — design proposals.

The ~~division of~~ subunit of the department of health and human services responsible for criminal and juvenile justice planning ~~of the department of human rights~~, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff's association, the Iowa peace officers association, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to this chapter and chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance ~~abuse~~ use disorder service needs, and the compliance status under section

356.36 for each jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 423B. The report shall be revised periodically as directed by the ~~administrator of the division of criminal and juvenile justice planning~~ director of health and human services. The first submission of the report shall include recommendations on offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted pursuant to section 356.49.

Sec. 1159. Section 356.48, subsection 1, Code 2023, is amended to read as follows:

1. A person confined to a jail or in the custody of a peace officer, who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease as defined in section 141A.2. The bodily specimen to be taken shall be determined by the attending physician of the jail or the county medical examiner. The specimen taken shall be sent to the state hygienic laboratory ~~at the state university at Iowa City~~ or some other laboratory approved by the ~~Iowa~~ department of ~~public~~ health and human services. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, the sheriff, person in charge of the jail, or any potentially infected person may file an application with the district court for an order compelling the person that may have caused an infection to submit to the withdrawal and, if infected, to receive available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the sheriff, person in charge of the

jail, or any other potentially infected person.

Sec. 1160. Section 358.24, subsection 3, Code 2023, is amended to read as follows:

3. A sanitary district adjoining a border of the state and owning and operating a sewage disposal plant, may contract with the governing body of any legal entity in an adjacent area in another state, to process the sewage from the area. The contract shall be subject to approval of the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 1161. Section 364.3, subsection 5, Code 2023, is amended to read as follows:

5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, lands, or manufactured home community or mobile home park upon or in which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless a similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the ~~state~~ council on health and human services or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 1162. Section 403A.23, Code 2023, is amended to read as follows:

403A.23 Eligibility of persons receiving public assistance.

Any statute to the contrary notwithstanding, no person otherwise eligible to be a tenant in a municipal housing project, shall be declared ineligible ~~therefor~~ or denied occupancy ~~therein~~ in the municipal housing project merely

because the person is receiving in some form public assistance ~~such as~~ including but not limited to federal supplemental security income or state supplementary ~~payments,~~ assistance as defined by section 249.1, ~~or welfare assistance,~~ unemployment compensation, or social security ~~payments, etc~~.

Sec. 1163. Section 411.6, subsection 16, paragraph c, Code 2023, is amended to read as follows:

c. A member eligible to commence receiving a disability benefit on or after July 1, 2000, may be ineligible to receive a disability retirement benefit if the system determines that the member's alcoholism or drug addiction was a contributing factor material to the determination of the member's disability. Upon a determination that the member's alcoholism or drug addiction was a contributing factor in the member's disability, the system shall direct the member to undergo substance ~~abuse~~ use disorder treatment that the medical board determines is appropriate to treat the member's alcoholism or drug addiction. After the end of a twenty-four-month period following the member's first month of entitlement to a disability benefit, the system shall reevaluate the member's disability. If the system determines that the member failed to comply with the treatment program prescribed by this paragraph and that the member would not be disabled but for the member's alcoholism or drug addiction, the member's entitlement to a disability benefit under this chapter shall terminate effective the first day of the first month following the month the member is notified of the system's determination.

Sec. 1164. Section 421.17, subsections 20 and 21, Code 2023, are amended to read as follows:

20. To cooperate with ~~the~~ child support ~~recovery unit~~ services created in chapter 252B to establish and maintain a process to implement the provisions of section 252B.5, subsection 9. The department of revenue shall forward to individuals meeting the criteria under section 252B.5, subsection 9, paragraph *"a"*, a notice by first class mail that

the individual is obligated to file a state estimated tax form and to remit a separate child support payment.

a. Individuals notified shall submit a state estimated tax form on a quarterly basis.

b. The individual shall pay monthly, the lesser of the total delinquency or one hundred fifty percent of the current or most recent monthly obligation.

c. The individual shall remit the payment to the department of revenue separate from any tax liability payments, identify the payment as a support payment, and make the payment payable to the collection services center. The department shall forward all payments received pursuant to this section to the collection services center established pursuant to chapter 252B, for processing and disbursement. The department of revenue may establish a process for ~~the~~ child support ~~recovery unit~~ services or the collection services center to directly receive the payments. For purposes of crediting the support payments pursuant to sections 252B.14 and 598.22, payments received by the department of revenue and forwarded to the collection services center shall be credited as if received directly by the collection services center.

d. The notice shall provide that, as an alternative to the provisions of paragraph *"b"*, the individual may contact ~~the~~ child support ~~recovery unit~~ services to formalize a repayment plan and obtain an exemption from the quarterly filing requirement when payments are made pursuant to the repayment plan or to contest the balance due listed in the notice.

e. The department of revenue, in cooperation with ~~the~~ child support ~~recovery unit~~ services, may adopt rules, if necessary, to implement this subsection.

21. To provide information contained in state individual tax returns to ~~the~~ child support ~~recovery unit~~ services for the purposes of establishment or enforcement of support obligations. The department of revenue and child support ~~recovery unit~~ services may exchange information in a manual or

automated fashion. The department of revenue, in cooperation with ~~the~~ child support ~~recovery unit~~ services, may adopt rules, if necessary, to implement this subsection.

Sec. 1165. Section 422.7, subsection 42, paragraph a, subparagraph (6), Code 2023, is amended to read as follows:

(6) Subtract to the extent included the amount of a recruitment and retention bonus, not to exceed one thousand dollars, received by a child care worker through the recruitment and retention bonus program administered by the department of health and human services.

Sec. 1166. Section 422.12A, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. *"Adoption"* means the permanent placement in this state of a child by the department of health and human services, by an adoption service provider as defined in section 600A.2, or by an agency that meets the provisions of the interstate compact in section 232.158.

Sec. 1167. Section 422.12A, subsection 5, Code 2023, is amended to read as follows:

5. The department of revenue and the department of health and human services shall each adopt rules to jointly administer this section.

Sec. 1168. Section 422.12K, subsection 3, Code 2023, is amended to read as follows:

3. The department of health and human services may authorize payment of moneys from the child abuse prevention program fund in accordance with section 235A.2.

Sec. 1169. Section 422D.6, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Nondisposable essential ambulance equipment, as defined by rule by the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 1170. Section 423.3, subsection 18, paragraphs b, c, d, and g, Code 2023, are amended to read as follows:

b. Residential facilities licensed by the department of

34 health and human services pursuant to chapter 237, other than
35 those maintained by individuals as defined in section 237.1,
1 subsection 7.
2 *c.* Rehabilitation facilities that provide accredited
3 rehabilitation services to persons with disabilities which are
4 accredited by the commission on accreditation of rehabilitation
5 facilities or the council on quality and leadership and adult
6 day care services approved for reimbursement by the ~~state~~
7 department of health and human services.
8 *d.* Community mental health centers accredited by the
9 department of health and human services pursuant to chapter
10 225C.
11 *g.* Substance ~~abuse~~ use disorder treatment or prevention
12 programs that receive block grant funding from the ~~Iowa~~
13 department of ~~public~~ health and human services.
14 Sec. 1171. Section 423.3, subsection 18, paragraph f,
15 unnumbered paragraph 1, Code 2023, is amended to read as
16 follows:
17 Home and community-based services providers certified to
18 offer Medicaid waiver services by the department of health and
19 human services that are any of the following:
20 Sec. 1172. Section 423.3, subsections 31 and 58, Code 2023,
21 are amended to read as follows:
22 31. *a.* The sales price of tangible personal property or
23 specified digital products sold to and of services furnished
24 to a tribal government ~~as defined in section 216A.161~~, or the
25 sales price of tangible personal property or specified digital
26 products sold to and of services furnished, and used for public
27 purposes sold to a tax-certifying or tax-levying body of the
28 state or a governmental subdivision of the state, including the
29 following: regional transit systems, as defined in section
30 324A.1; the state board of regents; department of health
31 and human services; state department of transportation; any
32 municipally owned solid waste facility which sells all or part
33 of its processed waste as fuel to a municipally owned public

34 utility; and all divisions, boards, commissions, agencies,
35 or instrumentalities of state, federal, county, municipal,
1 or tribal government which have no earnings going to the
2 benefit of an equity investor or stockholder, except any of the
3 following:
4 ~~*a.*~~ (1) The sales price of tangible personal property or
5 specified digital products sold to, or of services furnished,
6 and used by or in connection with the operation of any
7 municipally owned public utility engaged in selling gas,
8 electricity, heat, pay television service, or communication
9 service to the general public.
10 ~~*b.*~~ (2) The sales price of furnishing of sewage services to
11 a county or municipality on behalf of nonresidential commercial
12 operations.
13 ~~*c.*~~ (3) The furnishing of solid waste collection and
14 disposal service to a county or municipality on behalf of
15 nonresidential commercial operations located within the county
16 or municipality.
17 *b.* For the purposes of this subsection, *"tribal government"*
18 means the governing body of a federally recognized Indian
19 tribe.
20 58. The sales price from the sale of items purchased with
21 ~~coupons, food stamps, electronic benefits transfer cards~~ a
22 supplemental nutrition assistance program benefit transfer
23 instrument as defined in section 234.13, or other ~~methods~~
24 method of payment authorized by the United States department
25 of agriculture, and issued under the federal Food Stamp Act of
26 1977, 7 U.S.C. §2011 et seq. or under the federal supplemental
27 nutritional assistance program established in 7 U.S.C. §2013.
28 Sec. 1173. Section 423.4, subsection 1, paragraph a,
29 subparagraphs (4) and (9), Code 2023, are amended to read as
30 follows:
31 (4) A tax-certifying or tax-levying body or governmental
32 subdivision of the state, including the state board of regents,
33 ~~state~~ the department of health and human services, and the

34 state department of transportation.
35 (9) A tribal government ~~as defined in section 216A.161~~,
1 and any instrumentalities of the tribal government which do
2 not have earnings going to the benefit of an equity investor
3 or stockholder. For the purposes of this subparagraph, *"tribal*
4 *government"* means the governing body of a federally recognized
5 Indian tribe.
6 Sec. 1174. Section 425.2, subsection 3, Code 2023, is
7 amended to read as follows:
8 3. In case the owner of the homestead is in active service
9 in the armed forces of this state or of the United States,
10 or is sixty-five years of age or older, or is disabled, the
11 statement and designation may be signed and delivered by any
12 member of the owner's family, by the owner's guardian or
13 conservator, or by any other person who may represent the owner
14 under power of attorney. If the owner of the homestead is
15 married, the spouse may sign and deliver the statement and
16 designation. The director of health and human services or
17 the director's designee may make application for the benefits
18 of this subchapter as the agent for and on behalf of persons
19 receiving assistance under chapter 249.
20 Sec. 1175. Section 425.16, subsection 2, paragraph b, Code
21 2023, is amended to read as follows:
22 *b.* The reimbursement of rent constituting property taxes
23 paid under this subchapter shall be administered by the
24 department of health and human services as provided in this
25 subchapter.
26 Sec. 1176. Section 425.17, subsection 3, Code 2023, is
27 amended to read as follows:
28 3. *"Gross rent"* means rental paid at arm's length for the
29 right of occupancy of a homestead or manufactured or mobile
30 home, including rent for space occupied by a manufactured or
31 mobile home not to exceed one acre. If the department of
32 health and human services determines that the landlord and
33 tenant have not dealt with each other at arm's length, and the

34 department of health and human services is satisfied that the
35 gross rent charged was excessive, the department of health and
1 human services shall adjust the gross rent to a reasonable
2 amount as determined by the department of health and human
3 services.
4 Sec. 1177. Section 425.18, Code 2023, is amended to read as
5 follows:
6 **425.18 Right to file a claim.**
7 The right to file a claim for reimbursement or credit under
8 this subchapter may be exercised by the claimant or on behalf
9 of a claimant by the claimant's legal guardian, spouse, or
10 attorney, or by the executor or administrator of the claimant's
11 estate. If a claimant dies after having filed a claim for
12 reimbursement for rent constituting property taxes paid, the
13 amount of the reimbursement may be paid to another member of
14 the household as determined by the department of health and
15 human services. If the claimant was the only member of the
16 household, the reimbursement may be paid to the claimant's
17 executor or administrator, but if neither is appointed and
18 qualified within one year from the date of the filing of
19 the claim, the reimbursement shall escheat to the state. If
20 a claimant dies after having filed a claim for credit for
21 property taxes due, the amount of credit shall be paid as if
22 the claimant had not died.
23 Sec. 1178. Section 425.19, Code 2023, is amended to read as
24 follows:
25 **425.19 Claim and credit or reimbursement.**
26 Subject to the limitations provided in this subchapter, a
27 claimant may annually claim a credit for property taxes due
28 during the fiscal year next following the base year or claim
29 a reimbursement for rent constituting property taxes paid in
30 the base year. The amount of the credit for property taxes
31 due for a homestead shall be paid on June 15 of each year
32 from the elderly and disabled property tax credit fund under
33 section 425.39, subsection 1, by the director of revenue to

34 the county treasurer who shall credit the money received
35 against the amount of the property taxes due and payable on the
1 homestead of the claimant and the amount of the reimbursement
2 for rent constituting property taxes paid shall be paid by the
3 director of health and human services to the claimant from the
4 reimbursement fund under section 425.39, subsection 2, on or
5 before December 31 of each year.
6 Sec. 1179. Section 425.20, subsections 1 and 3, Code 2023,
7 are amended to read as follows:
8 1. A claim for reimbursement for rent constituting property
9 taxes paid shall not be paid or allowed, unless the claim is
10 filed with and in the possession of the department of health
11 and human services on or before June 1 of the year following
12 the base year.
13 3. In case of sickness, absence, or other disability of
14 the claimant or if, in the judgment of the director of revenue
15 or the director of health and human services, as applicable,
16 good cause exists and the claimant requests an extension, the
17 director of health and human services may extend the time for
18 filing a claim for reimbursement and the director of revenue
19 may extend the time for filing a claim for credit. However,
20 any further time granted shall not extend beyond December 31
21 of the year following the year in which the claim was required
22 to be filed. Claims filed as a result of this subsection shall
23 be filed with the director of health and human services or the
24 director of revenue, as applicable, who shall provide for the
25 reimbursement of the claim to the claimant.
26 Sec. 1180. Section 425.25, subsection 2, Code 2023, is
27 amended to read as follows:
28 2. The director of health and human services shall make
29 available suitable forms with instructions for claimants of the
30 reimbursement for rent constituting property taxes paid. The
31 claim shall be in a form as the director of health and human
32 services may prescribe. The director of revenue shall devise a
33 reimbursement table with amounts rounded to the nearest even

34 whole dollar and provide such table to the director of health
35 and human services. Reimbursements in the amount of less than
1 one dollar shall not be paid.
2 Sec. 1181. Section 425.26, subsection 2, unnumbered
3 paragraph 1, Code 2023, is amended to read as follows:
4 Every claimant for reimbursement of rent constituting
5 property taxes paid shall give the department of health and
6 human services, in support of the claim, reasonable proof of:
7 Sec. 1182. Section 425.26, subsection 3, Code 2023, is
8 amended to read as follows:
9 3. The department of revenue or the department of health and
10 human services may require any additional proof necessary to
11 support a claim.
12 Sec. 1183. Section 425.27, subsection 1, paragraph b, Code
13 2023, is amended to read as follows:
14 *b.* The department of health and human services is
15 responsible for the audit of claims for reimbursement for rent
16 constituting property taxes paid under this subchapter.
17 Sec. 1184. Section 425.27, subsection 3, Code 2023, is
18 amended to read as follows:
19 3. If on the audit of a claim for reimbursement for rent
20 constituting property taxes paid under this subchapter, the
21 department of health and human services determines the amount
22 of the claim to have been incorrectly calculated or that the
23 claim is not allowable, the department of health and human
24 services shall recalculate the claim and notify the claimant
25 of the recalculation or denial and the reasons for it. The
26 recalculation of the claim shall be final unless appealed
27 to the director of health and human services within thirty
28 days from the date of notice of recalculation or denial. The
29 director of health and human services shall grant a hearing,
30 and upon hearing determine the correct claim, if any, and
31 notify the claimant of the decision by mail. The department of
32 health and human services shall not adjust a claim after three
33 years from October 31 of the year in which the claim was filed.

34 If the claim for reimbursement has been paid, the amount may be
35 recovered by the department of health and human services. The
1 decision of the director of health and human services shall be
2 final unless appealed as provided in section 425.31.
3 Sec. 1185. Section 425.27, subsection 4, paragraph b, Code
4 2023, is amended to read as follows:
5 *b.* For the purpose of administering the reimbursement for
6 rent constituting property taxes paid, including the duties of
7 the director of health and human services and the department of
8 health and human services under this subchapter, the director
9 of health and human services shall have the same powers as
10 those described in section 422.70.
11 Sec. 1186. Section 425.28, subsections 2, 3, and 4, Code
12 2023, are amended to read as follows:
13 2. A claimant for reimbursement of rent constituting
14 property taxes paid shall expressly waive any right to
15 confidentiality relating to all income tax information
16 obtainable by the department of health and human services.
17 3. For the effective administration of this subchapter, the
18 department of revenue and the department of health and human
19 services shall share information obtained by each department
20 from claimants under this subchapter.
21 4. In addition to the sharing of information under
22 subsection 3, the department of health and human services may
23 release information pertaining to a person's eligibility or
24 claim for or receipt of rent reimbursement to an employee of
25 the department of inspections and appeals in the employee's
26 official conduct of an audit or investigation.
27 Sec. 1187. Section 425.29, subsection 3, Code 2023, is
28 amended to read as follows:
29 3. In the case of a claim for reimbursement disallowed by
30 the department of health and human services, the department of
31 health and human services may impose penalties described in
32 section 421.27. The department of health and human services
33 shall send a notice of disallowance of the claim.

34 Sec. 1188. Section 425.31, subsections 2, 3, and 4, Code
35 2023, are amended to read as follows:
1 2. Judicial review of the actions of the director of health
2 and human services or the department of health and human
3 services under this subchapter may be sought in accordance with
4 the terms of chapter 17A and the rules of the department of
5 health and human services.
6 3. For cause and upon a showing by the director of revenue
7 or the director of health and human services, as applicable,
8 that collection of the amount in dispute is in doubt, the
9 court may order the petitioner to file with the clerk a bond
10 for the use of the respondent, with sureties approved by the
11 clerk, equal to the amount appealed from, conditioned that the
12 petitioner shall perform the orders of the court.
13 4. An appeal may be taken by the claimant or the director
14 of revenue or the director of health and human services, as
15 applicable, to the supreme court of this state irrespective of
16 the amount involved.
17 Sec. 1189. Section 425.33, subsection 1, Code 2023, is
18 amended to read as follows:
19 1. If upon petition by a claimant the department of health
20 and human services determines that a landlord has increased the
21 claimant's rent primarily because the claimant is eligible for
22 reimbursement under this subchapter, the department of health
23 and human services shall request the landlord by mail to reduce
24 the rent appropriately.
25 Sec. 1190. Section 425.33, subsection 2, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:
27 In determining whether a landlord has increased a
28 claimant's rent primarily because the claimant is eligible for
29 reimbursement under this subchapter, the department of health
30 and human services shall consider the following factors:
31 Sec. 1191. Section 425.33, subsection 3, Code 2023, is
32 amended to read as follows:
33 3. If the landlord fails to comply with the request of the

department of health and human services within fifteen days after the request is mailed, the department of health and human services shall order the rent reduced by an appropriate amount.

Sec. 1192. Section 425.34, subsection 1, Code 2023, is amended to read as follows:

1. If the department of health and human services orders a landlord to reduce rent to a claimant, then upon the request of the landlord the department of health and human services shall hold a prompt hearing of the matter, to be conducted in accordance with the rules of the department. The department of health and human services shall give notice of the decision by mail to the claimant and to the landlord.

Sec. 1193. Section 425.37, Code 2023, is amended to read as follows:

425.37 Rules.

The director of revenue and the director of health and human services shall each adopt rules in accordance with chapter 17A for the interpretation and proper administration of this subchapter and each department's applicable powers and duties under this subchapter, including rules to prevent and disallow duplication of benefits and to prevent any unreasonable hardship or advantage to any person.

Sec. 1194. Section 425.39, subsection 2, Code 2023, is amended to read as follows:

2. The elderly and disabled rent reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of health and human services to be credited to the elderly and disabled rent reimbursement fund, from funds not otherwise appropriated, an amount sufficient to implement this subchapter for reimbursement for rent constituting property taxes paid for claimants described in section 425.17, subsection 2, paragraph *"a"*, subparagraph (1).

Sec. 1195. Section 425.40, Code 2023, is amended to read as follows:

34 **425.40 Low-income fund created.**
35 1. A low-income tax credit and reimbursement fund is
1 created. Within the low-income tax credit and reimbursement
2 fund, a rent reimbursement account is created under the control
3 of the department of health and human services and a tax
4 credit account is created under the control of the department
5 of revenue. Amounts appropriated to the fund shall first be
6 credited to the rent reimbursement account.
7 2. *a.* The director of health and human services shall use
8 amounts credited to the rent reimbursement account for a fiscal
9 year to pay all claims for reimbursement of rent constituting
10 property taxes paid for claimants described in section 425.17,
11 subsection 2, paragraph *"a"*, subparagraph (2). If the amount
12 appropriated for purposes of this section for a fiscal year
13 and credited to the rent reimbursement account is insufficient
14 to pay all claims in full, the director of health and human
15 services shall pay all such claims on a pro rata basis.
16 *b.* If the amount appropriated for purposes of this section
17 for a fiscal year and credited to the rent reimbursement
18 account exceeds the amount necessary to pay in full all
19 reimbursement claims for the fiscal year, the department of
20 health and human services shall transfer such excess amount
21 to the department of revenue for deposit in the tax credit
22 account. The department of revenue shall use any amounts
23 credited to the tax credit account for a fiscal year to pay to
24 the counties all claims for credit for property taxes due for
25 the fiscal year, or if such amount is insufficient, to pay to
26 the counties all such claims on a pro rata basis.
27 3. In order for the director of revenue or the director
28 of health and human services to carry out the requirements of
29 subsection 2, notwithstanding any provision to the contrary in
30 this subchapter, claims for reimbursement for rent constituting
31 property taxes paid filed before May 1 of the fiscal year
32 shall be eligible to be paid in full during the fiscal year
33 and those claims filed on or after May 1 of the fiscal year

34 shall be eligible to be paid during the following fiscal year
35 and the director of revenue is not required to make payments
1 to counties for the property tax credit before June 15 of the
2 fiscal year.
3 Sec. 1196. Section 426B.1, Code 2023, is amended to read as
4 follows:
5 **426B.1 Appropriations — property tax relief fund.**
6 1. A property tax relief fund is created in the state
7 treasury under the authority of the department of health
8 and human services. The fund shall be separate from the
9 general fund of the state and shall not be considered part
10 of the general fund of the state except in determining the
11 cash position of the state for payment of state obligations.
12 The moneys in the fund are not subject to the provisions of
13 section 8.33 and shall not be transferred, used, obligated,
14 appropriated, or otherwise encumbered except as provided in
15 this chapter. Moneys in the fund may be used for cash flow
16 purposes, provided that any moneys so allocated are returned
17 to the fund by the end of each fiscal year. However, the
18 fund shall be considered a special account for the purposes
19 of section 8.53, relating to elimination of any GAAP deficit.
20 For the purposes of this chapter, unless the context otherwise
21 requires, *"property tax relief fund"* means the property tax
22 relief fund created in this section.
23 2. Moneys shall be distributed from the property tax relief
24 fund to the mental health and disability services regional
25 service system for mental health and ~~disabilities~~ disability
26 services, in accordance with the appropriations made to the
27 fund and other statutory requirements.
28 Sec. 1197. Section 426B.2, Code 2023, is amended to read as
29 follows:
30 **426B.2 Property tax relief fund payments.**
31 The director of health and human services shall draw
32 warrants on the property tax relief fund, payable to
33 the regional administrator in the amount due to a mental

34 health and disability services region in accordance with
35 statutory requirements, and mail the warrants to the regional
1 administrator in July and January of each year.
2 Sec. 1198. Section 426B.4, Code 2023, is amended to read as
3 follows:
4 **426B.4 Rules.**
5 The mental health and disability services commission shall
6 consult with regional administrators and the director of health
7 and human services in prescribing forms and adopting rules
8 pursuant to chapter 17A to administer this chapter.
9 Sec. 1199. Section 427.9, Code 2023, is amended to read as
10 follows:
11 **427.9 Suspension of taxes, assessments, and rates or charges,**
12 **including interest, fees, and costs.**
13 If a person is a recipient of federal supplementary security
14 income or state supplementary assistance, as defined in
15 section 249.1, or is a resident of a health care facility, as
16 defined by section 135C.1, which is receiving payment from
17 the department of health and human services for the person's
18 care, the person shall be deemed to be unable to contribute to
19 the public revenue. The director of health and human services
20 shall notify a person receiving such assistance of the tax
21 suspension provision and shall provide the person with evidence
22 to present to the appropriate county board of supervisors which
23 shows the person's eligibility for tax suspension on parcels
24 owned, possessed, or upon which the person is paying taxes
25 as a purchaser under contract. The board of supervisors so
26 notified, without the filing of a petition and statement as
27 specified in section 427.8, shall order the county treasurer to
28 suspend the collection of all the taxes, special assessments,
29 and rates or charges, including interest, fees, and costs,
30 assessed against the parcels and remaining unpaid by the person
31 or contractually payable by the person, for such time as the
32 person remains the owner or contractually prospective owner
33 of the parcels, and during the period the person receives

assistance as described in this section. The county board of supervisors shall annually send to the department of health and human services the names and social security numbers of persons receiving a tax suspension pursuant to this section. The department shall verify the continued eligibility for tax suspension of each name on the list and shall return the list to the board of supervisors. The director of health and human services shall advise the person that the person may apply for an additional property tax credit pursuant to sections 425.16 through 425.37 which shall be credited against the amount of the taxes suspended.

Sec. 1200. Section 432.13, Code 2023, is amended to read as follows:

432.13 Premium tax exemption — ~~hawk-i~~ Hawki program — state employee benefits.

1. Premiums collected by participating insurers under chapter 514I are exempt from premium tax.

2. Premiums received for benefits acquired on behalf of state employees by the department of administrative services pursuant to section 8A.402, subsection 1, and by the state board of regents pursuant to chapter 262, are exempt from premium tax.

Sec. 1201. Section 453A.13, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. The department, or a city or county, shall submit a duplicate of any application for a retail permit to the alcoholic beverages division of the department of commerce within thirty days of the issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the ~~Iowa~~ department of ~~public~~ health and human services by the last day of each quarter of a state fiscal year.

Sec. 1202. Section 453A.35A, subsection 2, Code 2023, is amended to read as follows:

2. Moneys in the fund shall be used only for purposes

34 related to health care, substance ~~abuse~~ use disorder treatment
35 and prevention, and tobacco use prevention, cessation, and
1 control.
2 Sec. 1203. Section 453A.47A, subsection 6, Code 2023, is
3 amended to read as follows:
4 6. *Issuance.* Cities may issue retail permits to retailers
5 located within their respective limits. County boards of
6 supervisors may issue retail permits to retailers located in
7 their respective counties, outside of the corporate limits of
8 cities. The city or county shall submit a duplicate of any
9 application for a retail permit to the alcoholic beverages
10 division of the department of commerce within thirty days of
11 issuance of a permit. The alcoholic beverages division of the
12 department of commerce shall submit the current list of all
13 retail permits issued to the ~~Iowa~~ department of ~~public~~ health
14 and human services by the last day of each quarter of a state
15 fiscal year.
16 Sec. 1204. Section 455B.190A, subsection 3, paragraph b,
17 subparagraph (5), Code 2023, is amended to read as follows:
18 (5) The director of ~~public~~ health and human services or the
19 director's designee.
20 Sec. 1205. Section 455B.335A, subsection 1, Code 2023, is
21 amended to read as follows:
22 1. The director shall require that a person who operates
23 or proposes to operate a waste incinerator which provides for
24 the incineration of pathological radioactive materials conduct
25 dispersion modeling, under the direction of the ~~Iowa~~ department
26 of ~~public~~ health and human services, for radiological isotopes
27 to measure the emission levels of alpha and gamma rays. The
28 director shall allow a three-month period during which time the
29 operator or person proposing operation of such an incinerator
30 shall conduct the required dispersion modeling. In order to
31 initiate or continue such incineration, the results of the
32 modeling shall provide that the existing incinerator meets
33 or the proposed incinerator will meet the emission standards

34 established by the United States environmental protection
35 agency for a selected isotope.
1 Sec. 1206. Section 455B.427, subsection 2, paragraph c,
2 Code 2023, is amended to read as follows:
3 *c.* A summary of serious health problems in the immediate
4 vicinity of the site and health problems deemed by the director
5 in cooperation with the ~~Iowa~~ department of ~~public~~ health and
6 human services to be related to conditions at the site.
7 Sec. 1207. Section 455B.427, subsection 3, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:
9 In developing and maintaining the annual report, the
10 director shall assess the relative priority of the need for
11 action at each site to remedy environmental and health problems
12 resulting from the presence of hazardous wastes or hazardous
13 substances at the sites. In making assessments of relative
14 priority, the director, in cooperation with the ~~Iowa~~ department
15 of ~~public~~ health and human services on matters relating to
16 public health, shall place every site in one of the following
17 classifications:
18 Sec. 1208. Section 455B.427, subsection 5, Code 2023, is
19 amended to read as follows:
20 5. The director shall work with the ~~Iowa~~ department of
21 ~~public~~ health and human services when assessing the effects of
22 a hazardous waste or hazardous substance disposal site on human
23 health.
24 Sec. 1209. Section 455E.11, subsection 2, paragraph a,
25 subparagraph (2), subparagraph division (a), subparagraph
26 subdivision (i), Code 2023, is amended to read as follows:
27 (i) Eight thousand dollars shall be transferred to the ~~Iowa~~
28 department of ~~public~~ health and human services for departmental
29 duties required under section 135.11, subsections ~~18~~ 15 and ~~19~~
30 16, and section 139A.21.
31 Sec. 1210. Section 455E.11, subsection 2, paragraph b,
32 subparagraph (1), Code 2023, is amended to read as follows:
33 (1) Nine thousand dollars of the account is appropriated

34 to the ~~Iowa~~ department of ~~public~~ health and human services for
35 carrying out the departmental duties under section 135.11,
1 subsections ~~18~~ 15 and ~~19~~ 16, and section 139A.21.
2 Sec. 1211. Section 455E.11, subsection 2, paragraph
3 b, subparagraph (2), subparagraph division (b), unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:
5 Two percent is appropriated annually to the department and,
6 except for administrative expenses, is transferred to the ~~Iowa~~
7 department of ~~public~~ health and human services for the purpose
8 of administering grants to counties and conducting oversight of
9 county-based programs for the testing of private rural water
10 supply wells, private rural water supply well sealing, and the
11 proper closure of private rural abandoned wells and cisterns.
12 Not more than thirty-five percent of the moneys is appropriated
13 annually for grants to counties for the purpose of conducting
14 programs of private rural water supply testing, private rural
15 water supply well sealing, the proper closure of private rural
16 abandoned wells and cisterns, or any combination thereof.
17 An amount agreed to by the department of natural resources
18 and the ~~Iowa~~ department of ~~public~~ health and human services
19 shall be retained by the department of natural resources for
20 administrative expenses.
21 Sec. 1212. Section 455E.11, subsection 2, paragraph c,
22 subparagraph (1), Code 2023, is amended to read as follows:
23 (1) The moneys collected pursuant to section 455F.7
24 and moneys collected pursuant to section 29C.8A which are
25 designated for deposit shall be deposited in the household
26 hazardous waste account. Two thousand dollars is appropriated
27 annually to the ~~Iowa~~ department of ~~public~~ health and human
28 services to carry out departmental duties under section
29 135.11, subsections ~~18~~ 15 and ~~19~~ 16, and section 139A.21. The
30 remainder of the account shall be used to fund the efforts of
31 the department to support a collection system for household
32 hazardous materials, including public education programs,
33 training, and consultation of local governments in the

34 establishment and operation of permanent collection systems,
35 and the management of collection sites, education programs,
1 and other activities pursuant to chapter 455F, including the
2 administration of the household hazardous materials retailer
3 permit program by the department of revenue.
4 Sec. 1213. Section 455E.11, subsection 2, paragraph d,
5 subparagraph (1), Code 2023, is amended to read as follows:
6 (1) One thousand dollars is appropriated annually to the
7 ~~Iowa~~ department of ~~public~~ health and human services to carry
8 out departmental duties under section 135.11, subsections ~~18~~ 15
9 and ~~19~~ 16, and section 139A.21.
10 Sec. 1214. Section 462A.14, subsection 2, paragraph a,
11 subparagraph (4), Code 2023, is amended to read as follows:
12 (4) Assignment to substance ~~abuse~~ use disorder evaluation
13 and treatment, pursuant to subsection 12, and a course for
14 drinking drivers.
15 Sec. 1215. Section 462A.14, subsection 2, paragraph b,
16 subparagraph (4), Code 2023, is amended to read as follows:
17 (4) Assignment to substance ~~abuse~~ use disorder evaluation
18 and treatment, pursuant to subsections 12 and 13, and a course
19 for drinking drivers.
20 Sec. 1216. Section 462A.14, subsection 2, paragraph c,
21 subparagraph (4), Code 2023, is amended to read as follows:
22 (4) Assignment to substance ~~abuse~~ use disorder evaluation
23 and treatment, pursuant to subsections 12 and 13, and a course
24 for drinking drivers.
25 Sec. 1217. Section 462A.14, subsection 2, paragraphs d and
26 e, Code 2023, are amended to read as follows:
27 *d.* A class "D" felony for any offense under this
28 section resulting in serious injury to persons other than
29 the defendant, if the court determines that the person who
30 committed the offense caused the serious injury, and shall
31 be imprisoned for a determinate sentence of not more than
32 five years but not less than thirty days, or committed to the
33 custody of the director of the department of corrections, and

34 assessed a fine of not less than two thousand five hundred
35 dollars nor more than seven thousand five hundred dollars. A
1 person convicted of a felony offense may be committed to the
2 custody of the director of the department of corrections, who
3 shall assign the person to a facility pursuant to section
4 904.513. The court shall also order that the person not
5 operate a motorboat or sailboat for one year in addition to
6 any other period of time the defendant would have been ordered
7 not to operate if no injury had occurred in connection with
8 the violation. The court shall also assign the defendant to
9 substance ~~abuse~~ use disorder evaluation and treatment pursuant
10 to subsections 12 and 13, and a course for drinking drivers.
11 *e.* A class "B" felony for any offense under this section
12 resulting in the death of persons other than the defendant, if
13 the court determines that the person who committed the offense
14 caused the death, and shall be imprisoned for a determinate
15 sentence of not more than twenty-five years, or committed to
16 the custody of the director of the department of corrections.
17 A person convicted of a felony offense may be committed to
18 the custody of the director of the department of corrections,
19 who shall assign the person to a facility pursuant to section
20 904.513. The court shall also order that the person not
21 operate a motorboat or sailboat for six years. The court shall
22 also assign the defendant to substance ~~abuse~~ use disorder
23 evaluation and treatment pursuant to subsections 12 and 13, and
24 a course for drinking drivers.
25 Sec. 1218. Section 462A.14, subsection 12, Code 2023, is
26 amended to read as follows:
27 12. *a.* All substance ~~abuse~~ use disorder evaluations
28 required under this section shall be completed at the
29 defendant's expense.
30 *b.* In addition to assignment to substance ~~abuse~~ use disorder
31 evaluation and treatment under this section, the court shall
32 order any defendant convicted under this section to follow the
33 recommendations proposed in the substance ~~abuse~~ use disorder

34 evaluation for appropriate substance ~~abuse~~ use disorder
35 treatment for the defendant. Court-ordered substance ~~abuse~~
1 use disorder treatment is subject to the periodic reporting
2 requirements of section 125.86.
3 *c.* If a defendant is committed by the court to a substance
4 ~~abuse~~ use disorder treatment facility, the administrator of the
5 facility shall report to the court when it is determined that
6 the defendant has received the maximum benefit of treatment
7 at the facility and the defendant shall be released from the
8 facility. The time for which the defendant is committed for
9 treatment shall be credited against the defendant's sentence.
10 *d.* The court may prescribe the length of time for the
11 evaluation and treatment or the court may request that the
12 community college or licensed substance ~~abuse~~ use disorder
13 program conducting the course for drinking drivers which the
14 defendant is ordered to attend or the treatment program to
15 which the defendant is committed immediately report to the
16 court when the defendant has received maximum benefit from
17 the course for drinking drivers or treatment program or has
18 recovered from the defendant's addiction, dependency, or
19 tendency to chronically ~~abuse~~ use alcohol or drugs.
20 *e.* Upon successfully completing a course for drinking
21 drivers or an ordered substance ~~abuse~~ use disorder treatment
22 program, a court may place the defendant on probation for six
23 months and as a condition of probation, the defendant shall
24 attend a program providing posttreatment services relating to
25 substance ~~abuse~~ use disorder as approved by the court.
26 *f.* A defendant committed under this section who does not
27 possess sufficient income or estate to make payment of the
28 costs of the treatment in whole or in part shall be considered
29 a state patient and the costs of treatment shall be paid as
30 provided in section 125.44.
31 *g.* A defendant who fails to carry out the order of the
32 court shall be confined in the county jail for twenty days in
33 addition to any other imprisonment ordered by the court or may

34 be ordered to perform unpaid community service work, and shall
35 be placed on probation for one year with a violation of this
1 probation punishable as contempt of court.
2 *h.* In addition to any other condition of probation, the
3 defendant shall attend a program providing substance ~~abuse~~ use
4 disorder prevention services or posttreatment services related
5 to substance ~~abuse~~ use disorder as ordered by the court. The
6 defendant shall report to the defendant's probation officer as
7 ordered concerning proof of attendance at the treatment program
8 or posttreatment program ordered by the court. Failure to
9 attend or complete the program shall be considered a violation
10 of probation and is punishable as contempt of court.
11 Sec. 1219. Section 466B.3, subsection 4, paragraph c, Code
12 2023, is amended to read as follows:
13 *c.* The director of ~~the department of public~~ health and human
14 services or the director's designee.
15 Sec. 1220. Section 470.5, Code 2023, is amended to read as
16 follows:
17 **470.5 Exceptions.**
18 This chapter does not apply to buildings used on January 1,
19 1980, by the division of adult corrections of the department
20 of health and human services as maximum security detention
21 facilities or to the renovation of property nominated to, or
22 entered in the national register of historic places, designated
23 by statute, or included in an established list of historic
24 places compiled by the historical division of the department of
25 cultural affairs.
26 Sec. 1221. Section 476.20, subsection 2, Code 2023, is
27 amended to read as follows:
28 2. The board shall establish rules requiring a regulated
29 public utility furnishing gas or electricity to include in
30 the utility's notice of pending disconnection of service a
31 written statement advising the customer that the customer
32 may be eligible to participate in the low income home energy
33 assistance program or weatherization assistance program

34 administered by the ~~division of community action agencies~~
35 ~~of the~~ department of health and human ~~rights~~ services. The
1 written statement shall list the address and telephone number
2 of the local agency which is administering the customer's low
3 income home energy assistance program and the weatherization
4 assistance program. The written statement shall also state
5 that the customer is advised to contact the public utility
6 to settle any of the customer's complaints with the public
7 utility, but if a complaint is not settled to the customer's
8 satisfaction, the customer may file the complaint with the
9 board. The written statement shall include the address
10 and phone number of the board. If the notice of pending
11 disconnection of service applies to a residence, the written
12 statement shall advise that the disconnection does not apply
13 from November 1 through April 1 for a resident who is a "head
14 of household", as defined in section 422.4, and who has been
15 certified to the public utility by the local agency which is
16 administering the low income home energy assistance program and
17 weatherization assistance program as being eligible for either
18 the low income home energy assistance program or weatherization
19 assistance program, and that if such a resident resides within
20 the serviced residence, the customer should promptly have
21 the qualifying resident notify the local agency which is
22 administering the low income home energy assistance program and
23 weatherization assistance program. The board shall establish
24 rules requiring that the written notice contain additional
25 information as it deems necessary and appropriate.
26 Sec. 1222. Section 476.51, subsection 5, Code 2023, is
27 amended to read as follows:
28 5. Civil penalties collected pursuant to this section from
29 utilities providing water, electric, or gas service shall
30 be forwarded by the chief operating officer of the board to
31 the treasurer of state to be credited to the general fund of
32 the state and to be used only for the low income home energy
33 assistance program and the weatherization assistance program

34 administered by the ~~division of community action agencies of~~
35 ~~the~~ department of health and human ~~rights~~ services. Civil
1 penalties collected pursuant to this section from utilities
2 providing telecommunications service shall be forwarded to
3 the treasurer of state to be credited to the department of
4 commerce revolving fund created in section 546.12 to be used
5 only for consumer education programs administered by the board.
6 Penalties paid by a rate-regulated public utility pursuant to
7 this section shall be excluded from the utility's costs when
8 determining the utility's revenue requirement, and shall not be
9 included either directly or indirectly in the utility's rates
10 or charges to customers.
11 Sec. 1223. Section 476.66, subsection 6, Code 2023, is
12 amended to read as follows:
13 6. The rules established by the utilities board shall
14 require an annual report to be filed for each fund. The
15 utilities board shall compile an annual statewide report of the
16 fund results. The ~~division of community action agencies of the~~
17 department of health and human ~~rights~~ services shall prepare
18 an annual report of the unmet need for energy assistance
19 and weatherization. Both reports shall be submitted to the
20 appropriations committees of the general assembly on the first
21 day of the following session.
22 Sec. 1224. Section 477C.5, subsection 2, paragraph c, Code
23 2023, is amended to read as follows:
24 *c.* One representative from the office of deaf services of
25 the department of health and human ~~rights~~ services.
26 Sec. 1225. Section 478.29, subsection 1, Code 2023, is
27 amended to read as follows:
28 1. A person who violates a provision of this chapter is
29 subject to a civil penalty, which may be levied by the board,
30 of not more than one hundred dollars per violation or one
31 thousand dollars per day of a continuing violation, whichever
32 is greater. Civil penalties collected pursuant to this section
33 shall be forwarded by the chief operating officer of the board

34 to the treasurer of state to be credited to the general fund of
35 the state and appropriated to the ~~division of community action~~
1 ~~agencies of the~~ department of health and human ~~rights~~ services
2 for purposes of the low income home energy assistance program
3 and the weatherization assistance program.
4 Sec. 1226. Section 479.31, subsection 1, Code 2023, is
5 amended to read as follows:
6 1. A person who violates this chapter or any rule or
7 order issued pursuant to this chapter shall be subject to
8 a civil penalty levied by the board in accordance with 49
9 C.F.R. §190.223. Each day that the violation continues shall
10 constitute a separate offense. Civil penalties collected
11 pursuant to this section shall be forwarded by the chief
12 operating officer of the board to the treasurer of state to be
13 credited to the general fund of the state and appropriated to
14 the ~~division of community action agencies of the~~ department
15 of health and human ~~rights~~ services for purposes of the low
16 income home energy assistance program and the weatherization
17 assistance program.
18 Sec. 1227. Section 479B.21, subsection 1, Code 2023, is
19 amended to read as follows:
20 1. A person who violates this chapter or any rule or
21 order issued pursuant to this chapter shall be subject to a
22 civil penalty levied by the board in an amount not to exceed
23 one thousand dollars for each violation. Each day that the
24 violation continues shall constitute a separate offense.
25 However, the maximum civil penalty shall not exceed two hundred
26 thousand dollars for any related series of violations. Civil
27 penalties collected pursuant to this section shall be forwarded
28 by the chief operating officer of the board to the treasurer
29 of state to be credited to the general fund of the state and
30 appropriated to the ~~division of community action agencies of~~
31 ~~the~~ department of health and human ~~rights~~ services for purposes
32 of the low income home energy assistance program and the
33 weatherization assistance program.

34 Sec. 1228. Section 483A.24, subsections 7 and 15, Code 2023,
35 are amended to read as follows:
1 7. A license shall not be required of minor pupils of the
2 Iowa braille and sight saving school, Iowa school for the deaf,
3 or of minor residents of other state institutions under the
4 control of ~~an administrator of a division of~~ the department
5 of health and human services. In addition, a person who is
6 on active duty with the armed forces of the United States,
7 on authorized leave from a duty station located outside of
8 this state, and a resident of the state of Iowa shall not be
9 required to have a license to hunt or fish in this state. The
10 military person shall carry the person's leave papers and a
11 copy of the person's current earnings statement showing a
12 deduction for Iowa income taxes while hunting or fishing. In
13 lieu of carrying the person's earnings statement, the military
14 person may also claim residency if the person is registered to
15 vote in this state. If a deer or wild turkey is taken, the
16 military person shall immediately contact a state conservation
17 officer to obtain an appropriate tag to transport the animal.
18 A license shall not be required of residents of county care
19 facilities or any person who is receiving supplementary
20 assistance under chapter 249.
21 15. The department may issue a permit, subject to conditions
22 established by the department, which authorizes patients of a
23 substance ~~abuse~~ use disorder facility, residents of health care
24 facilities licensed under chapter 135C, tenants of elder group
25 homes licensed under chapter 231B, tenants of assisted living
26 program facilities licensed under chapter 231C, participants
27 who attend adult day services programs licensed under chapter
28 231D, participants in services funded under a federal home and
29 community-based services waiver implemented under the medical
30 assistance program as defined in chapter 249A, and persons
31 cared for in juvenile shelter care homes as provided for in
32 chapter 232 to fish without a license as a supervised group.
33 A person supervising a group pursuant to this subsection may

fish with the group pursuant to the permit and is not required to obtain a fishing license.

Sec. 1229. Section 505.16, subsection 2, Code 2023, is amended to read as follows:

2. The insurance commissioner shall approve rules for carrying out this section including rules relating to the preparation of information to be provided before and after a test and the protection of confidentiality of personal and medical records of insurance applicants and policyholders. The rules shall require a person engaged in the business of insurance who receives results of a positive human immunodeficiency virus test of an insurance applicant or policyholder to report those results to a physician or alternative testing site of the applicant's or policyholder's choice, or if the applicant or policyholder does not choose a physician or alternative testing site to receive the results, to the ~~Iowa~~ department of ~~public~~ health and human services.

Sec. 1230. Section 505.25, Code 2023, is amended to read as follows:

505.25 Information provided to medical assistance program, ~~hawk-i~~ Hawki program, and child support ~~recovery unit~~ services.

A carrier, as defined in section 514C.13, shall enter into a health insurance data match program with the department of health and human services for the sole purpose of comparing the names of the carrier's insureds with the names of recipients of the medical assistance program under chapter 249A, individuals under the purview of ~~the~~ child support ~~recovery unit~~ services pursuant to chapter 252B, or enrollees of the ~~hawk-i~~ Hawki program under chapter 514I.

Sec. 1231. Section 505.34, Code 2023, is amended to read as follows:

505.34 Medical assistance and ~~hawk-i~~ Hawki programs — applicability of subtitle.

1. The medical assistance program under chapter 249A and the healthy and well kids in Iowa ~~(hawk-i)~~ (Hawki) program

under chapter 514I shall not be subject to this subtitle unless otherwise provided by law.

2. A managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A, or the healthy and well kids in the Iowa ~~(hawk-i)~~ (Hawki) program under chapter 514I, shall not be subject to this subtitle unless otherwise provided by law.

Sec. 1232. Section 508C.5, subsection 13, paragraph f, Code 2023, is amended to read as follows:

f. An entity whose only business in this state is operating as a managed care organization. For purposes of this paragraph, *"managed care organization"* means an entity that is under contract with the ~~Iowa~~ department of health and human services to provide services to Medicaid recipients and that also meets the definition of *"health maintenance organization"* in section 514B.1.

Sec. 1233. Section 509.1, subsection 7, Code 2023, is amended to read as follows:

7. A policy issued to the department of health and human services, which shall be deemed the policyholder, to insure eligible persons for medical assistance, or for both mandatory medical assistance and optional medical assistance, as defined by chapter 249A as hereafter amended.

Sec. 1234. Section 509.3A, subsection 12, Code 2023, is amended to read as follows:

12. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1235. Section 510B.1, subsections 9 and 22, Code 2023, are amended to read as follows:

9. *"Health carrier"* means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, or a plan established pursuant to chapter 509A for

public employees. *"Health carrier"* does not include any of the following:

a. The department of health and human services.

b. A managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A or the healthy and well kids in Iowa ~~(hawk-i)~~ (Hawki) program under chapter 514I.

c. A policy or contract providing a prescription drug benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

d. A plan offered or maintained by a multiple employer welfare arrangement established under chapter 513D before January 1, 2022.

22. *"Third-party payor"* means any entity other than a covered person or a health care provider that is responsible for any amount of reimbursement for a prescription drug benefit. *"Third-party payor"* includes health carriers and other entities that provide a plan of health insurance or health care benefits. *"Third-party payor"* does not include any of the following:

a. The department of health and human services.

b. A managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A or the healthy and well kids in Iowa ~~(hawk-i)~~ (Hawki) program under chapter 514I.

c. A policy or contract providing a prescription drug benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

Sec. 1236. Section 513B.2, subsection 8, paragraph 1, Code 2023, is amended to read as follows:

1. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1237. Section 513C.3, subsection 12, paragraph d, Code 2023, is amended to read as follows:

d. Loss of eligibility for the ~~hawk-i~~ Hawki program authorized in chapter 514I.

Sec. 1238. Section 514.1, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. *"Subscriber"* means an individual who enters into a contract for health care services with a corporation subject to this chapter and includes a person eligible for mandatory medical assistance or optional medical assistance as defined under chapter 249A, with respect to whom the department of health and human services has entered into a contract with a firm operating under this chapter.

Sec. 1239. Section 514A.3B, subsection 3, paragraph l, Code 2023, is amended to read as follows:

l. The ~~hawk-i~~ Hawki program authorized by chapter 514I.

Sec. 1240. Section 514B.3, subsection 1, paragraph m, Code 2023, is amended to read as follows:

m. A description of the procedures and programs to be implemented to meet the requirements for quality of health care as determined by the director of ~~public~~ health and human services under section 514B.4.

Sec. 1241. Section 514B.3, subsection 3, Code 2023, is amended to read as follows:

3. Upon receipt of an application for a certificate of authority, the commissioner shall immediately transmit copies of the application and accompanying documents to the director of ~~public~~ health and human services and the affected regional health planning council, as authorized by Pub. L. No. 89-749, 42 U.S.C. §246(b)2b, for their nonbinding consultation and advice.

Sec. 1242. Section 514B.4A, Code 2023, is amended to read as follows:

514B.4A Direct provision of health care services.

1. An application for a certificate of authority to provide health care services, directly, shall be forwarded by the commissioner to the director of ~~public~~ health and human services for review, comment, and recommendation, with respect to the health care services to be provided directly, to

assure that the applicant has demonstrated the willingness and potential ability to provide the health care services through adequate personnel and facilities.

2. Rules proposed by the commissioner for adoption for the direct provision of health care services by a health maintenance organization, shall be forwarded by the commissioner to the director of ~~public~~ health and human services for review, comment, and recommendation, prior to submission to the administrative rules coordinator pursuant to section 17A.4.

3. The director of ~~public~~ health and human services shall respond to the commissioner, with respect to an application or proposed rule, with any comments or recommendations within thirty days of the forwarding of the application or proposed rules to the director of ~~public~~ health and human services.

Sec. 1243. Section 514B.32, subsection 5, Code 2023, is amended to read as follows:

5. The provisions of this chapter shall be applicable to a managed care organization acting pursuant to a contract with the department of health and human services to administer the medical assistance program under chapter 249A, or the healthy and well kids in Iowa ~~(hawk-i)~~ (Hawki) program under chapter 514I, only with respect to licensure and solvency standards as evidenced by the managed care organization obtaining and maintaining a certificate of authority, and maintaining compliance with the solvency standards set forth in this chapter.

Sec. 1244. Section 514B.33, subsection 5, paragraph a, Code 2023, is amended to read as follows:

a. For purposes of this section, *"limited service organization"* means an organization providing dental care services, vision care services, mental health services, substance ~~abuse~~ use disorder services, pharmaceutical services, podiatric care services, or such other services as may be determined by the commissioner.

Sec. 1245. Section 514C.9, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Enroll a child who is eligible for coverage under the applicable terms and conditions of the health benefit plan and the standard enrollment guidelines of the insurer, without regard to any time of enrollment restriction, under dependent coverage upon application by the obligee or other legal custodian of the child or by the department of health and human services in the event an obligor required by a court order or administrative order fails to apply for coverage for the child.

Sec. 1246. Section 514C.9, subsection 4, Code 2023, is amended to read as follows:

4. A group health plan shall establish reasonable procedures to determine whether a child is covered under a qualified medical child support order issued pursuant to chapter 252E. The procedures shall be in writing, provide for prompt notice of each person specified in the medical child support order as eligible to receive benefits under the group health plan upon receipt by the plan of the medical child support order, and allow an obligee or other legal custodian of the child under chapter 252E to designate a representative for receipt of copies of notices in regard to the medical child support order that are sent to the obligee or other legal custodian of the child and the department of health and human services' child support ~~recovery unit~~ services.

Sec. 1247. Section 514C.18, subsection 1, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The diabetes self-management training and education program is certified by the ~~Iowa~~ department of ~~public~~ health and human services. The department shall consult with the American diabetes association, Iowa affiliate, in developing the standards for certification of diabetes education programs that cover at least ten hours of initial outpatient diabetes self-management training within a continuous twelve-month period and up to two hours of follow-up training for each

34 subsequent year for each individual diagnosed by a physician or
35 physician assistant with any type of diabetes mellitus.
1 Sec. 1248. Section 514C.27, Code 2023, is amended to read
2 as follows:
3 **514C.27 Mental illness and substance ~~abuse~~ use disorder**
4 **treatment coverage for veterans.**
5 1. Notwithstanding the uniformity of treatment requirements
6 of section 514C.6, a group policy or contract providing for
7 third-party payment or prepayment of health or medical expenses
8 issued by a carrier, as defined in section 513B.2, shall
9 provide coverage benefits to an insured who is a veteran for
10 treatment of mental illness and substance ~~abuse~~ use disorder if
11 either of the following is satisfied:
12 *a.* The policy or contract is issued to an employer who
13 on at least fifty percent of the employer's working days
14 during the preceding calendar year employed more than fifty
15 full-time equivalent employees. In determining the number
16 of full-time equivalent employees of an employer, employers
17 who are affiliated or who are able to file a consolidated tax
18 return for purposes of state taxation shall be considered one
19 employer.
20 *b.* The policy or contract is issued to a small employer as
21 defined in section 513B.2, and such policy or contract provides
22 coverage benefits for the treatment of mental illness and
23 substance ~~abuse~~ use disorder.
24 2. Notwithstanding the uniformity of treatment requirements
25 of section 514C.6, a plan established pursuant to chapter 509A
26 for public employees shall provide coverage benefits to an
27 insured who is a veteran for treatment of mental illness and
28 substance ~~abuse~~ use disorder as defined in subsection 3.
29 3. For purposes of this section:
30 *a.* *"Mental illness"* means mental disorders as defined by the
31 commissioner by rule.
32 *b.* *"Substance ~~abuse~~ use disorder"* means a pattern of
33 pathological use of alcohol or a drug that causes impairment

34 in social or occupational functioning, or that produces
35 physiological dependency evidenced by physical tolerance or by
1 physical symptoms when the alcohol or drug is withdrawn.
2 *c.* *"Veteran"* means the same as defined in section 35.1.
3 4. The commissioner, by rule, shall define *"mental illness"*
4 consistent with definitions provided in the most recent edition
5 of the American psychiatric association's diagnostic and
6 statistical manual of mental disorders, as the definitions may
7 be amended from time to time. The commissioner may adopt the
8 definitions provided in such manual by reference.
9 5. This section shall not apply to accident-only,
10 specified disease, short-term hospital or medical, hospital
11 confinement indemnity, credit, dental, vision, Medicare
12 supplement, long-term care, basic hospital and medical-surgical
13 expense coverage as defined by the commissioner, disability
14 income insurance coverage, coverage issued as a supplement
15 to liability insurance, workers' compensation or similar
16 insurance, or automobile medical payment insurance, or
17 individual accident and sickness policies issued to individuals
18 or to individual members of a member association.
19 6. A carrier or plan established pursuant to chapter 509A
20 may manage the benefits provided through common methods,
21 including but not limited to providing payment of benefits or
22 providing care and treatment under a capitated payment system,
23 prospective reimbursement rate system, utilization control
24 system, incentive system for the use of least restrictive and
25 least costly levels of care, a preferred provider contract
26 limiting choice of specific providers, or any other system,
27 method, or organization designed to assure services are
28 medically necessary and clinically appropriate.
29 7. *a.* A group policy or contract or plan covered under this
30 section shall not impose an aggregate annual or lifetime limit
31 on mental illness or substance ~~abuse~~ use disorder coverage
32 benefits unless the policy or contract or plan imposes an
33 aggregate annual or lifetime limit on substantially all medical

34 and surgical coverage benefits.
35 *b.* A group policy or contract or plan covered under this
1 section that imposes an aggregate annual or lifetime limit on
2 substantially all medical and surgical coverage benefits shall
3 not impose an aggregate annual or lifetime limit on mental
4 illness or substance ~~abuse~~ use disorder coverage benefits which
5 is less than the aggregate annual or lifetime limit imposed on
6 substantially all medical and surgical coverage benefits.
7 8. A group policy or contract or plan covered under this
8 section shall at a minimum allow for thirty inpatient days
9 and fifty-two outpatient visits annually. The policy or
10 contract or plan may also include deductibles, coinsurance,
11 or copayments, provided the amounts and extent of such
12 deductibles, coinsurance, or copayments applicable to other
13 medical or surgical services coverage under the policy or
14 contract or plan are the same. It is not a violation of this
15 section if the policy or contract or plan excludes entirely
16 from coverage benefits for the cost of providing the following:
17 *a.* Care that is substantially custodial in nature.
18 *b.* Services and supplies that are not medically necessary or
19 clinically appropriate.
20 *c.* Experimental treatments.
21 9. This section applies to third-party payment provider
22 policies or contracts and plans established pursuant to chapter
23 509A delivered, issued for delivery, continued, or renewed in
24 this state on or after January 1, 2011.
25 Sec. 1249. Section 514E.1, subsection 6, paragraph k, Code
26 2023, is amended to read as follows:
27 *k.* The ~~hawk-i~~ Hawki program authorized by chapter 514I.
28 Sec. 1250. Section 514F.7, subsection 1, paragraph h, Code
29 2023, is amended to read as follows:
30 *h.* *"Health carrier"* means an entity subject to the
31 insurance laws and regulations of this state, or subject
32 to the jurisdiction of the commissioner, including an
33 insurance company offering sickness and accident plans, a

34 health maintenance organization, a nonprofit health service
35 corporation, a plan established pursuant to chapter 509A
1 for public employees, or any other entity providing a plan
2 of health insurance, health care benefits, or health care
3 services. *"Health carrier"* does not include a managed care
4 organization as defined in 441 IAC 73.1 when the managed care
5 organization is acting pursuant to a contract with the ~~Iowa~~
6 department of health and human services to provide services to
7 Medicaid recipients.
8 Sec. 1251. Section 514F.8, subsection 1, paragraph g, Code
9 2023, is amended to read as follows:
10 *g. "Health carrier"* means an entity subject to the
11 insurance laws and regulations of this state, or subject
12 to the jurisdiction of the commissioner, including an
13 insurance company offering sickness and accident plans, a
14 health maintenance organization, a nonprofit health service
15 corporation, a plan established pursuant to chapter 509A
16 for public employees, or any other entity providing a plan
17 of health insurance, health care benefits, or health care
18 services. *"Health carrier"* does not include the department
19 of health and human services, or a managed care organization
20 acting pursuant to a contract with the department of health
21 and human services to administer the medical assistance
22 program under chapter 249A or the healthy and well kids in Iowa
23 ~~(hawk-i)~~ (Hawki) program under chapter 514I.
24 Sec. 1252. Section 514H.2, subsection 2, Code 2023, is
25 amended to read as follows:
26 2. The insurance division of the department of commerce
27 shall administer the program in cooperation with the ~~division~~
28 ~~responsible for medical services within the~~ department
29 of health and human services. Each agency shall take all
30 necessary actions, including filing an appropriate medical
31 assistance state plan amendment to the state Medicaid plan to
32 take full advantage of the benefits and features of the Deficit
33 Reduction Act of 2005.

Sec. 1253. Section 514H.5, subsection 2, Code 2023, is amended to read as follows:

2. When the ~~division responsible for medical services within the~~ department of health and human services determines whether an individual is eligible for medical assistance under chapter 249A, the ~~division~~ department shall make an asset disregard adjustment for any individual who meets the requirements of section 514H.3. The asset disregard shall be available after benefits of the qualified long-term care insurance policy have been applied to the cost of qualified long-term care services as required under this chapter.

Sec. 1254. Section 514H.7, subsection 3, Code 2023, is amended to read as follows:

3. The insurance division, in cooperation with the department of health and human services, shall adopt rules to provide an asset disregard to individuals who are covered by a long-term care insurance policy prior to November 17, 2005, consistent with the Iowa long-term care asset disregard incentive program.

Sec. 1255. Section 514H.8, Code 2023, is amended to read as follows:

514H.8 Reciprocal agreements to extend asset disregard.

The ~~division responsible for medical services within the~~ department of health and human services may enter into reciprocal agreements with other states to extend the asset disregard under section 514H.5 to Iowa residents who had purchased or were covered by qualified long-term care insurance policies in other states.

Sec. 1256. Section 514H.9, Code 2023, is amended to read as follows:

514H.9 Rules.

The insurance division of the department of commerce in cooperation with the department of health and human services shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Sec. 1257. Section 514I.1, subsections 2 and 4, Code 2023, are amended to read as follows:

2. It is the intent of the general assembly that the program be implemented and administered in compliance with Tit. XXI of the federal Social Security Act. If, as a condition of receiving federal funds for the program, federal law requires implementation and administration of the program in a manner not provided in this chapter, during a period when the general assembly is not in session, the department, with the approval of the ~~hawk-i~~ Hawki board, shall proceed to implement and administer those provisions, subject to review by the next regular session of the general assembly.

4. It is the intent of the general assembly that the ~~hawk-i~~ Hawki program be an integral part of the continuum of health insurance coverage and that the program be developed and implemented in such a manner as to facilitate movement of families between health insurance providers and to facilitate the transition of families to private sector health insurance coverage.

Sec. 1258. Section 514I.2, Code 2023, is amended to read as follows:

514I.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Benchmark benefit package"* means any of the following:

a. The standard blue cross/blue shield preferred provider option service benefit plan, described in and offered under 5 U.S.C. §8903(1).

b. A health benefits coverage plan that is offered and generally available to state employees in this state.

c. The plan of a health maintenance organization as defined in 42 U.S.C. §300e, with the largest insured commercial, nonmedical assistance enrollment of covered lives in the state.

2. *"Cost sharing"* means the payment of a premium or copayment as provided for by Tit. XXI of the federal Social

34 Security Act and section 514I.10.
35 3. *"Department"* means the department of health and human
1 services.
2 4. *"Director"* means the director of health and human
3 services.
4 5. *"Eligible child"* means an individual who meets the
5 criteria for participation in the program under section 514I.8.
6 6. *"~~Hawk-i~~ Hawki board"* or *"board"* means the entity which
7 adopts rules and establishes policy for, and directs the
8 department regarding, the ~~hawk-i~~ Hawki program.
9 7. *"~~Hawk-i~~ Hawki program"* or *"program"* means the healthy and
10 well kids in Iowa program created in this chapter to provide
11 health insurance coverage to eligible children.
12 8. *"Health insurance coverage"* means health insurance
13 coverage as defined in 42 U.S.C. §300gg-91.
14 9. *"Participating insurer"* means any of the following:
15 *a.* An entity licensed by the division of insurance of the
16 department of commerce to provide health insurance in Iowa that
17 has contracted with the department to provide health insurance
18 coverage to eligible children under this chapter.
19 *b.* A managed care organization acting pursuant to a contract
20 with the department ~~of human services~~ to administer the ~~hawk-i~~
21 Hawki program.
22 10. *"Qualified child health plan"* or *"plan"* means health
23 insurance coverage provided by a participating insurer under
24 this chapter.
25 Sec. 1259. Section 514I.3, Code 2023, is amended to read as
26 follows:
27 **514I.3 ~~Hawk-i~~ Hawki program — established.**
28 1. The ~~hawk-i~~ Hawki program, a statewide program designed to
29 improve the health of children and to provide health insurance
30 coverage to eligible children on a regional basis which
31 complies with Tit. XXI of the federal Social Security Act, is
32 established and shall be implemented January 1, 1999.
33 2. Health insurance coverage under the program shall be

34 provided by participating insurers and through qualified child
35 health plans.
1 3. The department ~~of human services~~ is designated to receive
2 the state and federal funds appropriated or provided for the
3 program, and to submit and maintain the state plan for the
4 program, which is approved by the centers for Medicare and
5 Medicaid services of the United States department of health and
6 human services.
7 4. Nothing in this chapter shall be construed or is intended
8 as, or shall imply, a grant of entitlement for services to
9 persons who are eligible for participation in the program based
10 upon eligibility consistent with the requirements of this
11 chapter. Any state obligation to provide services pursuant to
12 this chapter is limited to the extent of the funds appropriated
13 or provided for this chapter.
14 5. Participating insurers under this chapter are not
15 subject to the requirements of chapters 513B and 513C.
16 6. Health care coverage provided under this chapter in
17 accordance with Tit. XXI of the federal Social Security Act
18 shall be recognized as prior creditable coverage for the
19 purposes of private individual and group health insurance
20 coverage.
21 Sec. 1260. Section 514I.4, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:
23 The director, with the approval of the ~~hawk-i~~ Hawki board,
24 shall implement this chapter. The director shall do all of the
25 following:
26 Sec. 1261. Section 514I.5, Code 2023, is amended to read as
27 follows:
28 **514I.5 ~~Hawk-i~~ Hawki board.**
29 1. A ~~hawk-i~~ Hawki board for the ~~hawk-i~~ Hawki program is
30 established. The board shall meet not less than six and
31 not more than twelve times annually, for the purposes of
32 establishing policy for, directing the department on, and
33 adopting rules for the program. The board shall consist of

34 seven voting members and four ex officio, nonvoting members,
35 including all of the following:
1 *a.* The commissioner of insurance, or the commissioner's
2 designee.
3 *b.* The director of the department of education, or the
4 director's designee.
5 *c.* The director of ~~public~~ health and human services, or the
6 director's designee.
7 *d.* Four public members appointed by the governor and
8 subject to confirmation by the senate. The public members
9 shall be members of the general public who have experience,
10 knowledge, or expertise in the subject matter embraced within
11 this chapter.
12 *e.* Two members of the senate and two members of the house of
13 representatives, serving as ex officio, nonvoting members. The
14 legislative members of the board shall be appointed one each
15 by the majority leader of the senate, after consultation with
16 the president of the senate, and by the minority leader of the
17 senate, and by the speaker of the house of representatives,
18 after consultation with the majority leader of the house of
19 representatives, and by the minority leader of the house
20 of representatives. Legislative members shall receive
21 compensation pursuant to section 2.12.
22 2. Members appointed by the governor shall serve two-year
23 staggered terms as designated by the governor, and legislative
24 members of the board shall serve two-year terms. The filling
25 of positions reserved for the public representatives,
26 vacancies, membership terms, payment of compensation and
27 expenses, and removal of the members are governed by chapter
28 69. Members of the board are entitled to receive reimbursement
29 of actual expenses incurred in the discharge of their duties.
30 Public members of the board are also eligible to receive
31 compensation as provided in section 7E.6. A majority of the
32 voting members constitutes a quorum and the affirmative vote
33 of a majority of the voting members is necessary for any

34 substantive action to be taken by the board. The members
35 shall select a chairperson on an annual basis from among the
1 membership of the board.
2 3. The board shall approve any contract entered into
3 pursuant to this chapter. All contracts entered into pursuant
4 to this chapter shall be made available to the public.
5 4. The department ~~of human services~~ shall act as support
6 staff to the board.
7 5. The board may receive and accept grants, loans, or
8 advances of funds from any person and may receive and accept
9 from any source contributions of money, property, labor, or any
10 other thing of value, to be held, used, and applied for the
11 purposes of the program.
12 6. The ~~hawk-i~~ Hawki board shall do all of the following:
13 *a.* Define, in consultation with the department, the regions
14 of the state for which plans are offered in a manner as to
15 ensure access to services for all children participating in the
16 program.
17 *b.* Approve the benefit package design, review the benefit
18 package design on a periodic basis, and make necessary changes
19 in the benefit design to reflect the results of the periodic
20 reviews.
21 *c.* Develop, with the assistance of the department, an
22 outreach plan, and provide for periodic assessment of the
23 effectiveness of the outreach plan. The plan shall provide
24 outreach to families of children likely to be eligible
25 for assistance under the program, to inform them of the
26 availability of and to assist the families in enrolling
27 children in the program. The outreach efforts may include, but
28 are not limited to, solicitation of cooperation from programs,
29 agencies, and other persons who are likely to have contact
30 with eligible children, including but not limited to those
31 associated with the educational system, and the development
32 of community plans for outreach and marketing. Other state
33 agencies shall assist the department in data collection related

34 to outreach efforts to potentially eligible children and their
35 families.
1 *d.* In consultation with the clinical advisory committee,
2 assess the initial health status of children participating in
3 the program, establish a baseline for comparison purposes, and
4 develop appropriate indicators to measure the subsequent health
5 status of children participating in the program.
6 *e.* Review, in consultation with the department, and take
7 necessary steps to improve interaction between the program and
8 other public and private programs which provide services to the
9 population of eligible children.
10 *f.* By January 1, annually, prepare, with the assistance
11 of the department, and submit a report to the governor,
12 the general assembly, and the council on health and human
13 services, concerning the board's activities, findings, and
14 recommendations.
15 *g.* Solicit input from the public regarding the program and
16 related issues and services.
17 *h.* Establish and consult with a clinical advisory committee
18 to make recommendations to the board regarding the clinical
19 aspects of the ~~hawk-i~~ Hawki program.
20 *i.* Prescribe the elements to be included in a health
21 improvement program plan required to be developed by a
22 participating insurer. The elements shall include but are not
23 limited to health maintenance and prevention and health risk
24 assessment.
25 *j.* Establish an advisory committee to make recommendations
26 to the board and to the general assembly by January 1 annually
27 concerning the provision of health insurance coverage to
28 children with special health care needs. The committee shall
29 include individuals with experience in, knowledge of, or
30 expertise in this area. The recommendations shall address, but
31 are not limited to, all of the following:
32 (1) The definition of the target population of children
33 with special health care needs for the purposes of determining

34 eligibility under the program.
35 (2) Eligibility options for and assessment of children with
1 special health care needs for eligibility.
2 (3) Benefit options for children with special health care
3 needs.
4 (4) Options for enrollment of children with special health
5 care needs in and disenrollment of children with special health
6 care needs from qualified child health plans utilizing a
7 capitated fee form of payment.
8 (5) The appropriateness and quality of care for children
9 with special health care needs.
10 (6) The coordination of health services provided for
11 children with special health care needs under the program with
12 services provided by other publicly funded programs.
13 *k.* Develop options and recommendations to allow children
14 eligible for the ~~hawk-i~~ Hawki program to participate in
15 qualified employer-sponsored health plans through a premium
16 assistance program. The options and recommendations shall
17 ensure reasonable alignment between the benefits and costs
18 of the ~~hawk-i~~ Hawki program and the employer-sponsored
19 health plans consistent with federal law. In addition, the
20 board shall implement the premium assistance program options
21 described under the federal Children's Health Insurance Program
22 Reauthorization Act of 2009, Pub. L. No. 111-3, for the ~~hawk-i~~
23 Hawki program.
24 7. The ~~hawk-i~~ Hawki board, in consultation with the
25 department ~~of human services~~, shall adopt rules which address,
26 but are not limited to addressing, all of the following:
27 *a.* Implementation and administration of the program.
28 *b.* Qualifying standards for selecting participating insurers
29 for the program.
30 *c.* The benefits to be included in a qualified child health
31 plan which are those included in a benchmark or benchmark
32 equivalent plan and which comply with Tit. XXI of the federal
33 Social Security Act. Benefits covered shall include but are

34 not limited to all of the following:
35 (1) Inpatient hospital services including medical,
1 surgical, intensive care unit, mental health, and substance
2 ~~abuse~~ use disorder services.
3 (2) Nursing care services including skilled nursing
4 facility services.
5 (3) Outpatient hospital services including emergency room,
6 surgery, lab, and x-ray services and other services.
7 (4) Physician services, including surgical and medical, and
8 including office visits, newborn care, well-baby and well-child
9 care, immunizations, urgent care, specialist care, allergy
10 testing and treatment, mental health visits, and substance
11 ~~abuse~~ use disorder visits.
12 (5) Ambulance services.
13 (6) Physical therapy.
14 (7) Speech therapy.
15 (8) Durable medical equipment.
16 (9) Home health care.
17 (10) Hospice services.
18 (11) Prescription drugs.
19 (12) Dental services including preventive services.
20 (13) Medically necessary hearing services.
21 (14) Vision services including corrective lenses.
22 (15) Translation and interpreter services as specified
23 pursuant to the federal Children's Health Insurance Program
24 Reauthorization Act of 2009, Pub. L. No. 111-3.
25 (16) Chiropractic services.
26 (17) Occupational therapy.
27 *d.* Presumptive eligibility criteria for the program.
28 Beginning January 1, 2010, presumptive eligibility shall be
29 provided for eligible children.
30 *e.* The amount of any cost sharing under the program which
31 shall be assessed based on family income and which complies
32 with federal law.
33 *f.* The reasons for disenrollment including, but not limited

34 to, nonpayment of premiums, eligibility for medical assistance
35 or other insurance coverage, admission to a public institution,
1 relocation from the area, and change in income.
2 *g.* Conflict of interest provisions applicable to
3 participating insurers and between public members of the board
4 and participating insurers.
5 *h.* Penalties for breach of contract or other violations of
6 requirements or provisions under the program.
7 *i.* A mechanism for participating insurers to report any
8 rebates received to the department.
9 *j.* The data to be maintained by the department including
10 data to be collected for the purposes of quality assurance
11 reports.
12 *k.* The use of provider guidelines in assessing the
13 well-being of children, which may include the use of the bright
14 futures for infants, children, and adolescents program as
15 developed by the federal maternal and child health bureau and
16 the American academy of pediatrics guidelines for well-child
17 care.
18 8. *a.* The ~~hawk-i~~ Hawki board may provide approval to the
19 director to contract with participating insurers to provide
20 dental-only services. In determining whether to provide
21 such approval to the director, the board shall take into
22 consideration the impact on the overall program of single
23 source contracting for dental services.
24 *b.* The ~~hawk-i~~ Hawki board may provide approval to the
25 director to contract with participating insurers to provide
26 the supplemental dental-only coverage to otherwise eligible
27 children who have private health care coverage as specified in
28 the federal Children's Health Insurance Program Reauthorization
29 Act of 2009, Pub. L. No. 111-3.
30 9. The ~~hawk-i~~ Hawki board shall monitor the capacity of
31 Medicaid managed care organizations acting pursuant to a
32 contract with the department to administer the ~~hawk-i~~ Hawki
33 program to specifically and appropriately address the unique

needs of children and children's health delivery.

Sec. 1262. Section 514I.8, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A child may participate in the ~~hawk-i~~ Hawki program if the child meets all of the following criteria:

Sec. 1263. Section 514I.8A, Code 2023, is amended to read as follows:

514I.8A ~~Hawk-i~~ Hawki — all income-eligible children.

The department shall provide coverage to individuals under nineteen years of age who meet the income eligibility requirements for the ~~hawk-i~~ Hawki program and for whom federal financial participation is or becomes available for the cost of such coverage.

Sec. 1264. Section 514I.9, subsection 1, Code 2023, is amended to read as follows:

1. The ~~hawk-i~~ Hawki board shall review the benefits package annually and shall determine additions to or deletions from the benefits package offered. The ~~hawk-i~~ Hawki board shall submit the recommendations to the general assembly for any amendment to the benefits package.

Sec. 1265. Section 514I.11, Code 2023, is amended to read as follows:

514I.11 ~~Hawk-i~~ Hawki trust fund.

1. A ~~hawk-i~~ Hawki trust fund is created in the state treasury under the authority of the department ~~of human services~~, in which all appropriations and other revenues of the program such as grants, contributions, and participant payments shall be deposited and used for the purposes of the program. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the program.

2. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to

34 provide for the purposes of this chapter and except as provided
35 in subsection 4. Notwithstanding section 12C.7, subsection
1 2, interest or earnings on moneys deposited in the trust fund
2 shall be credited to the trust fund.
3 3. Moneys in the fund are appropriated to the department and
4 shall be used to offset any program costs.
5 4. The department may transfer moneys appropriated from
6 the fund to be used for the purpose of expanding health care
7 coverage to children under the medical assistance program.
8 5. The department shall provide periodic updates to the
9 general assembly regarding expenditures from the fund.
10 Sec. 1266. Section 523A.301, Code 2023, is amended to read
11 as follows:
12 **523A.301 Definition.**
13 As used in sections 523A.302 and 523A.303, *"director"* means
14 the director of health and human services.
15 Sec. 1267. Section 523A.303, subsection 2, paragraph e,
16 Code 2023, is amended to read as follows:
17 *e.* A notice in substantially the following form complies
18 with this subsection:
19 TO: THE DIRECTOR OF HEALTH AND HUMAN SERVICES
20 FROM: (SELLER'S NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER)
21 You are hereby notified that (name of deceased), who had an
22 irrevocable burial trust fund, has died, that final payment
23 for cemetery merchandise, funeral merchandise, and funeral
24 services has been made, and that (remaining amount) remains in
25 the irrevocable burial trust fund.
26 The above-named seller must receive a written response
27 regarding any claim by the director within sixty days after the
28 mailing of this notice to the director.
29 If the above-named seller does not receive a written response
30 regarding a claim by the director within sixty days after the
31 mailing of this notice, the seller may dispose of the remaining
32 funds in accordance with section 523A.303, Code of Iowa.
33 Sec. 1268. Section 523A.303, subsection 3, Code 2023, is

34 amended to read as follows:
35 3. Upon receipt of the seller's written notice, the director
1 shall determine if a debt is due the department of health and
2 human services pursuant to section 249A.53. If the director
3 determines that a debt is owing, the director shall provide
4 a written response to the seller within sixty days after the
5 mailing of the seller's notice. If the director does not
6 respond with a claim within the sixty-day period, any claim
7 made by the director shall not be enforceable against the
8 seller, the trust, or a trustee.
9 Sec. 1269. Section 523I.214, Code 2023, is amended to read
10 as follows:
11 **523I.214 Violations of law — referrals to the ~~Iowa~~**
12 **department of ~~public~~ health and human services.**
13 If the commissioner discovers a violation of a provision
14 of this chapter or any other state law or rule concerning the
15 disposal or transportation of human remains, the commissioner
16 shall forward all evidence in the possession of the
17 commissioner concerning such a violation to the ~~Iowa~~ department
18 of ~~public~~ health and human services for such proceedings as
19 the ~~Iowa~~ department of ~~public~~ health and human services deems
20 appropriate.
21 Sec. 1270. Section 523I.701, subsection 6, Code 2023, is
22 amended to read as follows:
23 6. The lawn crypt shall be installed in compliance with any
24 applicable law or rule adopted by the ~~Iowa~~ department of ~~public~~
25 health and human services.
26 Sec. 1271. Section 541A.1, Code 2023, is amended to read as
27 follows:
28 **541A.1 Definitions.**
29 For the purposes of this chapter, unless the context
30 otherwise requires:
31 1. *"Account holder"* means an individual who is the owner of
32 an individual development account.
33 ~~2. *"Administrator"* means the division of community action~~

34 ~~agencies of the department of human rights.~~
35 ~~3.~~ 2. *"Charitable contributor"* means a nonprofit
1 association described in section 501(c)(3) of the Internal
2 Revenue Code which makes a deposit to an individual development
3 account and which is exempt from taxation under section 501(a)
4 of the Internal Revenue Code.
5 3. *"Commission"* means the commission on community action
6 agencies created in section 216A.92A.
7 4. *"Department"* means the department of health and human
8 services.
9 5. *"Director"* means the director of health and human
10 services.
11 ~~4.~~ 6. *"Federal poverty level"* means the first poverty
12 income guidelines published in the calendar year by the United
13 States department of health and human services.
14 ~~5.~~ 7. *"Financial institution"* means a financial institution
15 approved by the ~~administrator~~ director as an investment
16 mechanism for individual development accounts.
17 ~~6.~~ 8. *"Household income"* means the annual household
18 income of an account holder or prospective account holder,
19 as determined in accordance with rules adopted by the
20 ~~administrator~~ director.
21 ~~7.~~ 9. *"Individual contributor"* means an individual who
22 makes a deposit to an individual development account and is not
23 the account holder or a charitable contributor.
24 ~~8.~~ 10. *"Individual development account"* means either of the
25 following:
26 *a.* A financial instrument that is certified to have the
27 characteristics described in section 541A.2 by the operating
28 organization.
29 *b.* A financial instrument that is certified by the
30 operating organization to have the characteristics described
31 in and funded by a federal individual development account
32 program under which federal and state funding contributed to
33 match account holder deposits is deposited by an operating

34 organization in accordance with federal law and regulations,
35 and which includes but is not limited to any of the programs
1 implemented under the following federal laws:
2 (1) The federal Personal Responsibility and Work
3 Opportunity Act of 1996, 42 U.S.C. §604(h).
4 (2) The federal Assets for Independence Act, Pub. L. No.
5 105-285, Tit. IV.
6 ~~9.~~ 11. *"Operating organization"* means an agency selected
7 by the ~~administrator~~ department for involvement in operating
8 individual development accounts directed to a specific target
9 population.
10 ~~10.~~ 12. *"Source of principal"* means any of the sources of
11 a deposit to an individual development account under section
12 541A.2, subsection 2.
13 Sec. 1272. Section 541A.2, subsection 7, Code 2023, is
14 amended to read as follows:
15 7. Subject to obtaining any necessary federal waivers, the
16 department ~~of human services~~ shall not consider moneys in an
17 individual development account and any earnings on the moneys
18 in determining the eligibility or need of an individual for
19 benefits or assistance or the amount of benefits or assistance
20 under the family investment program under chapter 239B, the
21 promoting independence and self-sufficiency through employment
22 job opportunities and basic skills program, or any other
23 program administered by the department ~~of human services~~.
24 Sec. 1273. Section 541A.3, Code 2023, is amended to read as
25 follows:
26 **541A.3 Individual development accounts —— state savings match**
27 **and tax provisions.**
28 All of the following state savings match and tax provisions
29 shall apply to an individual development account:
30 1. *a.* Payment by the state of a state savings match on
31 amounts of up to two thousand dollars that an account holder
32 deposits in the account holder's account.
33 *b.* Moneys transferred to an individual development account

34 from another individual development account and a state savings
35 match received by the account holder in accordance with this
1 section shall not be considered an account holder deposit for
2 purposes of determining a state savings match.
3 *c.* Payment of a state savings match either shall be
4 made directly to the account holder or to an operating
5 organization's central reserve account for later distribution
6 to the account holder in the most appropriate manner as
7 determined by the ~~administrator~~ department.
8 *d.* Subject to the limitation in paragraph *"a"*, the state
9 savings match shall be equal to one hundred percent of
10 the amount deposited by the account holder. However, the
11 ~~administrator~~ department may limit, reduce, delay, or otherwise
12 revise state savings match payment provisions as necessary to
13 restrict the payments to the funding available.
14 2. Income earned by an individual development account is
15 not subject to state tax, in accordance with the provisions of
16 section 422.7, subsection 17.
17 3. Amounts transferred between individual development
18 accounts are not subject to state tax.
19 4. The ~~administrator~~ department shall coordinate the filing
20 of claims for a state savings match authorized under subsection
21 1, between account holders and operating organizations. Claims
22 approved by the ~~administrator~~ department may be paid to each
23 account holder, for an aggregate amount for distribution to the
24 holders of the accounts in a particular financial institution,
25 or to an operating organization's central reserve account
26 for later distribution to the account holders depending on
27 the efficiency for issuing the state savings match payments.
28 Claims shall be initially filed with the ~~administrator~~
29 department on or before a date established by the ~~administrator~~
30 department. Claims approved by the ~~administrator~~ department
31 shall be paid from the individual development account state
32 savings match fund.
33 Sec. 1274. Section 541A.5, Code 2023, is amended to read as

34 follows:

35 **541A.5 Rules.**

1 1. The commission ~~on community action agencies created~~
2 ~~in section 216A.92A~~, in consultation with the department of
3 administrative services, shall adopt administrative rules to
4 administer this chapter.

5 2. *a.* The rules adopted by the commission shall include
6 but are not limited to provision for transfer of an individual
7 development account to a different financial institution than
8 originally approved by the ~~administrator~~ department, if the
9 different financial institution has an agreement with the
10 account's operating organization.

11 *b.* The rules for determining household income may provide
12 categorical eligibility for prospective account holders who are
13 enrolled in programs with income eligibility restrictions that
14 are equal to or less than the maximum household income allowed
15 for payment of a state match under section 541A.3.

16 *c.* Subject to the availability of funding, the commission
17 may adopt rules implementing an individual development account
18 program for refugees. Rules shall identify purposes authorized
19 for withdrawals to meet the special needs of refugee families.

20 3. The ~~administrator~~ department shall utilize a request for
21 proposals process for selection of operating organizations and
22 approval of financial institutions.

23 Sec. 1275. Section 541A.6, Code 2023, is amended to read as
24 follows:

25 **541A.6 Compliance with federal requirements.**

26 The commission ~~on community action agencies~~ shall adopt
27 rules for compliance with federal individual development
28 account requirements under the federal Personal Responsibility
29 and Work Opportunity Reconciliation Act of 1996, §103, as
30 codified in 42 U.S.C. §604(h), under the federal Assets
31 for Independence Act, Pub. L. No. 105-285, Tit. IV, or with
32 any other federal individual development account program
33 requirements for drawing federal funding. Any rules adopted

34 under this section shall not apply the federal individual
35 development account program requirements to an operating
1 organization which does not utilize federal funding for the
2 accounts with which it is connected or to an account holder who
3 does not receive temporary assistance for needy families block
4 grant or other federal funding.
5 Sec. 1276. Section 541A.7, Code 2023, is amended to read as
6 follows:
7 **541A.7 Individual development account state match fund.**
8 1. An individual development account state match fund
9 is created in the state treasury under the authority of the
10 ~~administrator~~ department. Notwithstanding section 8.33,
11 moneys appropriated to the fund shall not revert to any other
12 fund. Notwithstanding section 12C.7, subsection 2, interest
13 or earnings on moneys deposited in the fund shall be credited
14 to the fund.
15 2. Moneys available in the fund for a fiscal year are
16 appropriated to the ~~administrator~~ department to be used
17 to provide the state match for account holder deposits in
18 accordance with section 541A.3. At least eighty-five percent
19 of the amount appropriated shall be used for state match
20 payments and the remainder may be used for the administrative
21 costs of the operating organization. Administrative costs
22 include but are not limited to accounting services, curriculum
23 costs for financial education or asset-specific training, and
24 costs for technical assistance contractors.
25 Sec. 1277. Section 589.26, Code 2023, is amended to read as
26 follows:
27 **589.26 Land transfers by the department of health and human**
28 **services legalized.**
29 Every deed, release or other instrument in writing
30 purporting to transfer any interest in land held or claimed by
31 the department of health and human services or a predecessor
32 agency, which is signed by a departmental official, and which
33 was filed of record more than ten years earlier, in the office

34 of the auditor or recorder or clerk of the district court of
35 any county is legalized and shall be good and valid in law
1 and in equity as fully as if the record expressly showed that
2 it in all respects complied with and was fully authorized as
3 provided in any statute pertaining to such instrument, any
4 other provision of law to the contrary notwithstanding.
5 Sec. 1278. Section 595.4, subsection 1, Code 2023, is
6 amended to read as follows:
7 1. Previous to the issuance of any license to marry, the
8 parties desiring the license shall sign and file a verified
9 application with the county registrar which application
10 either may be mailed to the parties at their request or
11 may be signed by them at the office of the county registrar
12 in the county in which the license is to be issued. The
13 application shall include the social security number of each
14 applicant and shall set forth at least one affidavit of some
15 competent and disinterested person stating the facts as to
16 age and qualification of the parties. Upon the filing of the
17 application for a license to marry, the county registrar shall
18 file the application in a record kept for that purpose and
19 shall take all necessary steps to ensure the confidentiality of
20 the social security number of each applicant. All information
21 included on an application may be provided as mutually agreed
22 upon by the ~~division of records and~~ state registrar of vital
23 statistics and ~~the~~ child support ~~recovery unit~~ services,
24 including by automated exchange.
25 Sec. 1279. Section 598.7, subsection 1, Code 2023, is
26 amended to read as follows:
27 1. The district court may, on its own motion or on the
28 motion of any party, order the parties to participate in
29 mediation in any dissolution of marriage action or other
30 domestic relations action. Mediation performed under this
31 section shall comply with the provisions of chapter 679C.
32 The provisions of this section shall not apply if the action
33 involves a child support or medical support obligation enforced

34 by ~~the~~ child support ~~recovery unit~~ services. The provisions
35 of this section shall not apply to actions which involve elder
1 abuse pursuant to chapter 235F or domestic abuse pursuant
2 to chapter 236. The provisions of this section shall not
3 affect a judicial district's or court's authority to order
4 settlement conferences pursuant to rules of civil procedure.
5 The court shall, on application of a party, grant a waiver
6 from any court-ordered mediation under this section if the
7 party demonstrates that a history of domestic abuse exists as
8 specified in section 598.41, subsection 3, paragraph "*j*".
9 Sec. 1280. Section 598.21B, subsection 1, paragraphs c and
10 d, Code 2023, are amended to read as follows:
11 *c.* It is the intent of the general assembly that, to the
12 extent possible within the requirements of federal law, the
13 court and ~~the~~ child support ~~recovery unit~~ services consider the
14 individual facts of each judgment or case in the application
15 of the guidelines and determine the support obligation
16 accordingly. It is also the intent of the general assembly
17 that in the supreme court's review of the guidelines, the
18 supreme court shall do both of the following:
19 (1) Emphasize the ability of a court to apply the guidelines
20 in a just and appropriate manner based upon the individual
21 facts of a judgment or case.
22 (2) In determining monthly child support payments, consider
23 other children for whom either parent is legally responsible
24 for support and other child support obligations actually paid
25 by either party pursuant to a court or administrative order.
26 *d.* The guidelines prescribed by the supreme court shall
27 be used by the department of health and human services in
28 determining child support payments under sections 252C.2
29 and 252C.4. A variation from the guidelines shall not be
30 considered by the department without a record or written
31 finding, based on stated reasons, that the guidelines would be
32 unjust or inappropriate as determined under criteria prescribed
33 by the supreme court.

Sec. 1281. Section 598.21B, subsection 2, paragraph e, Code 2023, is amended to read as follows:

e. Special circumstances justifying variation from guidelines. Unless the special circumstances of the case justify a deviation, the court or ~~the~~ child support ~~recovery unit~~ services shall establish a monthly child support payment in accordance with the guidelines for a parent who is nineteen years of age or younger, who has not received a high school or high school equivalency diploma, and to whom each of the following apply:

(1) The parent is attending a school or program described as follows or has been identified as one of the following:

(a) The parent is in full-time attendance at an accredited school and is pursuing a course of study leading to a high school diploma.

(b) The parent is attending an instructional program leading to a high school equivalency diploma.

(c) The parent is attending a career and technical education program approved pursuant to chapter 258.

(d) The parent has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 256B.2.

(2) The parent provides proof of compliance with the requirements of subparagraph (1) to ~~the~~ child support ~~recovery unit~~ services, if ~~the unit~~ child support services is providing services under chapter 252B, or if ~~the unit~~ child support services is not providing services pursuant to chapter 252B, to the court as the court may direct. Failure to provide proof of compliance under this subparagraph or proof of compliance under section 598.21G is grounds for modification of the support order using the uniform child support guidelines and imputing an income to the parent equal to a forty-hour workweek at the state minimum wage, unless the parent's education, experience, or actual earnings justify a higher income.

Sec. 1282. Section 598.21C, subsection 2, paragraph b, Code

34 2023, is amended to read as follows:
35 *b.* This basis for modification is applicable to petitions
1 filed on or after July 1, 1992, notwithstanding whether
2 the guidelines prescribed by section 598.21B were used in
3 establishing the current amount of support. Upon application
4 for a modification of an order for child support for which
5 services are being received pursuant to chapter 252B, the
6 court shall set the amount of child support based upon the
7 most current child support guidelines established pursuant
8 to section 598.21B, including provisions for medical support
9 pursuant to chapter 252E. ~~The child~~ Child support ~~recovery~~
10 ~~unit~~ services shall, in submitting an application for
11 modification, adjustment, or alteration of an order for
12 support, employ additional criteria and procedures as provided
13 in chapter 252H and as established by rule.
14 Sec. 1283. Section 598.21C, subsections 3, 5, and 7, Code
15 2023, are amended to read as follows:
16 3. *Applicable law.* Unless otherwise provided pursuant to
17 28 U.S.C. §1738B, a modification of a support order entered
18 under chapter 234, 252A, 252C, 600B, this chapter, or any
19 other support chapter or proceeding between parties to the
20 order is void unless the modification is approved by the
21 court, after proper notice and opportunity to be heard is
22 given to all parties to the order, and entered as an order
23 of the court. If support payments have been assigned to the
24 department of health and human services pursuant to section
25 234.39, 239B.6, or 252E.11, or if services are being provided
26 pursuant to chapter 252B, the department is a party to the
27 support order. Modifications of orders pertaining to child
28 custody shall be made pursuant to chapter 598B. If the petition
29 for a modification of an order pertaining to child custody asks
30 either for joint custody or that joint custody be modified to
31 an award of sole custody, the modification, if any, shall be
32 made pursuant to section 598.41.
33 5. *Retroactivity of modification.* Judgments for child

support or child support awards entered pursuant to this chapter, chapter 234, 252A, 252C, 252F, 600B, or any other chapter of the Code which are subject to a modification proceeding may be retroactively modified only from three months after the date the notice of the pending petition for modification is served on the opposing party. The three-month limitation applies to a modification action pending on or after July 1, 1997. The prohibition of retroactive modification does not bar ~~the~~ child support ~~recovery unit~~ services from obtaining orders for accrued support for previous time periods. Any retroactive modification which increases the amount of child support or any order for accrued support under this subsection shall include a periodic payment plan. A retroactive modification shall not be regarded as a delinquency unless there are subsequent failures to make payments in accordance with the periodic payment plan.

7. *Modification by child support ~~recovery unit~~ services.* Notwithstanding any other provision of law to the contrary, when an application for modification or adjustment of support is submitted by ~~the~~ child support ~~recovery unit~~ services, the sole issues which may be considered by the court in that action are the application of the guidelines in establishing the amount of support pursuant to section 598.21B, and provision for medical support under chapter 252E. When an application for a cost-of-living alteration of support is submitted by ~~the~~ child support ~~recovery unit~~ services pursuant to section 252H.24, the sole issue which may be considered by the court in the action is the application of the cost-of-living alteration in establishing the amount of child support. Issues related to custody, visitation, or other provisions unrelated to support shall be considered only under a separate application for modification.

Sec. 1284. Section 598.21G, Code 2023, is amended to read as follows:

598.21G Minor parent — parenting classes.

In any order or judgment entered under this chapter or chapter 234, 252A, 252C, 252F, or 600B, or under any other chapter which provides for temporary or permanent support payments, if the parent ordered to pay support is less than eighteen years of age, one of the following shall apply:

1. If ~~the~~ child support ~~recovery unit~~ services is providing services pursuant to chapter 252B, the court~~,~~ or the ~~administrator as defined in section 252C.1,~~ department of health and human services shall order the parent ordered to pay support to attend parenting classes which are approved by the department of health and human services.

2. If ~~the~~ child support ~~recovery unit~~ services is not providing services pursuant to chapter 252B, the court may order the parent ordered to pay support to attend parenting classes which are approved by the court.

Sec. 1285. Section 598.22A, subsection 4, Code 2023, is amended to read as follows:

4. Payment of accrued support debt due the department of health and human services shall be credited pursuant to section 252B.3, subsection 5.

Sec. 1286. Section 598.22B, Code 2023, is amended to read as follows:

598.22B Information required in order or judgment.

This section applies to all initial or modified orders for paternity or support entered under this chapter, chapter 234, 252A, 252C, 252F, 252H, 252K, or 600B, or under any other chapter, and any subsequent order to enforce such support orders.

1. All such orders or judgments shall direct each party to file with the clerk of court or ~~the~~ child support ~~recovery unit~~ services, as appropriate, upon entry of the order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, electronic mail address, telephone number, driver's license number, and name, address, and telephone

34 number of the party's employer. The order shall also include a
35 provision that the information filed will be disclosed and used
1 pursuant to this section. The party shall file the information
2 with the clerk of court, or, if all support payments are to
3 be directed to the collection services center as provided in
4 section 252B.14, subsection 2, and section 252B.16, with ~~the~~
5 child support ~~recovery unit~~ services.
6 2. All such orders or judgments shall include a statement
7 that in any subsequent child support action initiated by ~~the~~
8 child support ~~recovery unit~~ services or between the parties,
9 upon sufficient showing that diligent effort has been made to
10 ascertain the location of such a party, ~~the unit~~ child support
11 services or the court shall deem due process requirements for
12 notice and service of process to be met with respect to the
13 party, upon delivery of written notice to the most recent
14 residential or employer address filed with the clerk of court
15 or ~~unit~~ child support services pursuant to subsection 1.
16 3. *a.* Information filed pursuant to subsection 1 shall not
17 be a public record.
18 *b.* Information filed with the clerk of court pursuant
19 to subsection 1 shall be available to ~~the~~ child support
20 ~~recovery unit~~ services, upon request. Beginning October 1,
21 1998, information filed with the clerk of court pursuant to
22 subsection 1 shall be provided by the clerk of court to ~~the~~
23 child support ~~recovery unit~~ services pursuant to section
24 252B.24.
25 *c.* Information filed with the clerk of court shall be
26 available, upon request, to a party unless the party filing
27 the information also files an affidavit alleging the party has
28 reason to believe that release of the information may result in
29 physical or emotional harm to the affiant or child. However,
30 even if an affidavit has been filed, any information provided
31 by the clerk of court to ~~the~~ child support ~~recovery unit~~
32 services shall be disclosed by ~~the unit~~ child support services
33 as provided in section 252B.9.

34 *d.* Information provided to ~~the unit~~ child support services
35 shall only be disclosed as provided in section 252B.9.
1 Sec. 1287. Section 598.23A, subsection 2, paragraph b,
2 subparagraph (2), unnumbered paragraph 1, Code 2023, is amended
3 to read as follows:
4 The contemnor shall keep a record of and provide the
5 following information to the court at the court's request, or
6 to ~~the~~ child support ~~recovery unit established pursuant to~~
7 ~~chapter 252B~~ services created in section 252B.2, at the ~~unit's~~
8 request of child support services, when ~~the unit~~ child support
9 services is providing enforcement services pursuant to chapter
10 252B:
11 Sec. 1288. Section 598.23A, subsection 2, paragraph c,
12 subparagraph (3), Code 2023, is amended to read as follows:
13 (3) The court order under this paragraph shall be vacated
14 only after verification is provided to the court that the
15 contemnor has satisfied all accrued obligations owing and that
16 the contemnor has satisfied all terms established by the court
17 and when the person entitled to receive support payments, or
18 ~~the~~ child support ~~recovery unit~~ services when ~~the unit~~ child
19 support services is providing enforcement services pursuant
20 to chapter 252B, has been provided ten days' notice and an
21 opportunity to object.
22 Sec. 1289. Section 598.26, subsection 1, Code 2023, is
23 amended to read as follows:
24 1. Until a decree of dissolution has been entered, the
25 record and evidence shall be closed to all but the court,
26 its officers, and ~~the~~ child support ~~recovery unit~~ services
27 of the department of health and human services pursuant to
28 section 252B.9. However, the payment records of a temporary
29 support order maintained by the clerk of the district court
30 are public records and may be released upon request. Payment
31 records shall not include address or location information. No
32 other person shall permit a copy of any of the testimony, or
33 pleading, or the substance of any testimony or pleading, to be

made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the rules of civil procedure.

Sec. 1290. Section 598.34, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

Sec. 1291. Section 598.34, subsection 3, Code 2023, is amended to read as follows:

3. The clerk shall furnish the department with copies of all orders or decrees and temporary or domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by ~~the~~ child support ~~recovery unit~~ services pursuant to chapter 252B. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 1292. Section 600.2, Code 2023, is amended to read as follows:

600.2 Definitions.

1. ~~*"Child", "parent", "parent-child relationship", "termination of parental rights", "biological parent", "stepparent", "guardian", "custodian", "guardian ad litem", "minor", "adoption service provider", "certified adoption investigator", "adult", "agency", "department", "court",* and *"juvenile court"*~~ *"Adoption service provider", "adult", "agency",*

34 *"biological parent", "certified adoption investigator", "child",*
35 *"court", "custodian", "department", "guardian", "guardian ad*
1 *litem", "juvenile court", "minor", "parent", "parent-child*
2 *relationship", "stepparent",* and *"termination of parental rights"*
3 mean the same as defined in section 600A.2.
4 2. *"Investigator"* means a natural person who is certified or
5 approved by the department ~~of human services~~, after inspection
6 by the department of inspections and appeals, as being capable
7 of conducting an investigation under section 600.8.
8 Sec. 1293. Section 600.7A, Code 2023, is amended to read as
9 follows:
10 **600.7A Adoption services provided by or through the**
11 **department ~~of human services~~ — selection of adoptive parent**
12 **criteria.**
13 The department ~~of human services~~ shall adopt rules which
14 provide that if adoption services are provided by or through
15 the department, notwithstanding any other selection of
16 adoptive parent criteria, the overriding criterion shall be a
17 preference for placing a child in a stable home environment as
18 expeditiously as possible.
19 Sec. 1294. Section 600.8, subsection 2, paragraph c, Code
20 2023, is amended to read as follows:
21 *c.* If the person making the investigation does not approve
22 a prospective adoption petitioner under paragraph *"a"* of this
23 subsection, the person investigated may appeal the disapproval
24 as a contested case to the director of health and human
25 services. Judicial review of any adverse decision by the
26 director may be sought pursuant to chapter 17A.
27 Sec. 1295. Section 600.16A, subsection 5, Code 2023, is
28 amended to read as follows:
29 5. Notwithstanding subsection 2, a termination of parental
30 rights order issued pursuant to this chapter, section 600A.9,
31 or any other chapter shall be disclosed to ~~the~~ child support
32 ~~recovery unit~~ services, upon request, without court order.
33 Sec. 1296. Section 600.16B, Code 2023, is amended to read

as follows:

600.16B Fees.

The supreme court shall prescribe and the department ~~of human services~~ shall adopt rules, to defray the actual cost of the provision of information or the opening of records pursuant to section 600.16 or 600.16A.

Sec. 1297. Section 600.17, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department ~~of human services~~ shall, within the limits of funds appropriated to the department ~~of human services~~ and any gifts or grants received by the department for this purpose, provide financial assistance to any person who adopts a child with physical or mental disabilities or an older or otherwise hard-to-place child, if the adoptive parent has the capability of providing a suitable home for the child but the need for special services or the costs of maintenance are beyond the economic resources of the adoptive parent.

Sec. 1298. Section 600.17, subsection 3, Code 2023, is amended to read as follows:

3. The department ~~of human services~~ shall make adoption presubsidy and adoption subsidy payments to adoptive parents at the beginning of the month for the current month.

Sec. 1299. Section 600.18, Code 2023, is amended to read as follows:

600.18 Determination of assistance.

1. Any prospective adoptive parent desiring financial assistance shall state this fact in the petition for adoption. The department ~~of human services~~ shall investigate the person petitioning for adoption and the child and shall file with the juvenile court or court a statement of whether the department will provide assistance as provided in section 600.17, this section, and sections 600.19 through 600.22, the estimated amount, extent, and duration of assistance, and any other information the juvenile court or court may order.

2. If the department ~~of human services~~ is unable to

34 determine that an insurance policy will cover the costs of
35 special services, it shall proceed as if no policy existed, for
1 the purpose of determining eligibility to receive assistance.
2 The department shall, to the amount of financial assistance
3 given, be subrogated to the rights of the adoptive parent in
4 the insurance contract.
5 Sec. 1300. Section 600.22, Code 2023, is amended to read as
6 follows:
7 **600.22 Rules.**
8 The department ~~of human services~~ shall adopt rules in
9 accordance with the provisions of chapter 17A, which are
10 necessary for the administration of sections 600.17 through
11 600.21 and 600.23.
12 Sec. 1301. Section 600.23, subsection 1, Code 2023, is
13 amended to read as follows:
14 1. *Purpose.* The department ~~of human services~~ may enter
15 into interstate agreements with state agencies of other states
16 for the protection of children on behalf of whom adoption
17 subsidy is being provided by the department ~~of human services~~
18 and to provide procedures for interstate children's adoption
19 assistance payments, including medical payments.
20 Sec. 1302. Section 600.23, subsection 2, paragraphs a and b,
21 Code 2023, are amended to read as follows:
22 *a.* The ~~Iowa~~ department ~~of human services~~ may enter into
23 interstate agreements with state agencies of other states for
24 the provision of medical services to adoptive families who
25 participate in the subsidized adoption or adoption assistance
26 program.
27 *b.* The ~~Iowa~~ department ~~of human services~~ may develop,
28 participate in the development of, negotiate, and enter into
29 one or more interstate compacts on behalf of this state with
30 other states to implement one or more of the purposes set forth
31 in this section. When so entered into, and for so long as it
32 shall remain in force, such a compact shall have the force and
33 effect of law.

Sec. 1303. Section 600.23, subsection 4, paragraphs a, b, and c, Code 2023, are amended to read as follows:

a. A child with special needs residing in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance card from this state upon the filing of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the ~~Iowa~~ department ~~of human services~~, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

b. The ~~Iowa~~ department ~~of human services~~ shall consider the holder of a medical assistance card pursuant to this section as any other holder of a medical assistance card under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

c. The ~~Iowa~~ department ~~of human services~~ shall provide coverage and benefits for a child who is in another state and who is covered by an adoption subsidy agreement made prior to July 1, 1987, by the ~~Iowa~~ department ~~of human services~~ for the coverage or benefits, if any, not provided by the residence state. The adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed for such expense. However, reimbursement shall not be made for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Such regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where

34 required for the assistance.
35 Sec. 1304. Section 600A.2, subsections 5 and 9, Code 2023,
1 are amended to read as follows:
2 5. *"Certified adoption investigator"* means a person who is
3 certified and approved by the department ~~of human services~~,
4 after inspection by the department of inspections and appeals,
5 as being capable of conducting an investigation under section
6 600.8.
7 9. *"Department"* means the ~~state~~ department of health and
8 human services ~~or its subdivisions~~.
9 Sec. 1305. Section 600A.4, subsection 2, paragraph d,
10 subparagraph (2), Code 2023, is amended to read as follows:
11 (2) If accepted, the counseling shall be provided after
12 the birth of the child and prior to the signing of a release
13 of custody or the filing of a petition for termination of
14 parental rights as applicable. Counseling shall be provided
15 only by a person who is qualified under rules adopted by the
16 department ~~of human services~~ which shall include a requirement
17 that the person complete a minimum number of hours of training
18 in the area of adoption-related counseling approved by the
19 department. If counseling is accepted, the counselor shall
20 provide an affidavit, which shall be attached to the release of
21 custody, when practicable, certifying that the counselor has
22 provided the biological parent with the requested counseling
23 and documentation that the person is qualified to provide the
24 requested counseling as prescribed by this paragraph *"d"*. The
25 requirements of this paragraph *"d"* do not apply to a release
26 of custody which is executed for the purposes of a stepparent
27 adoption.
28 Sec. 1306. Section 600A.8, subsection 8, paragraph a, Code
29 2023, is amended to read as follows:
30 *a.* The parent has been determined to be a person with a
31 ~~substance-related~~ substance use disorder as defined in section
32 125.2 and the parent has committed a second or subsequent
33 domestic abuse assault pursuant to section 708.2A.

Sec. 1307. Section 600B.38, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker, not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

3. The clerk shall furnish the department with copies of all orders or decrees and temporary or domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by ~~the~~ child support ~~recovery unit~~ services. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

Sec. 1308. Section 600B.41A, subsection 3, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) If enforcement services are being provided by ~~the~~ child support ~~recovery unit~~ services pursuant to chapter 252B, notice shall also be served on ~~the~~ child support ~~recovery unit~~ services.

Sec. 1309. Section 600B.41A, subsection 11, Code 2023, is amended to read as follows:

11. Participation of ~~the~~ child support ~~recovery unit~~ services created in section 252B.2 in an action brought under this section shall be limited as follows:

a. ~~The unit~~ Child support services shall only participate

34 in actions if services are being provided by ~~the unit~~ child
35 support services pursuant to chapter 252B.
1 *b.* When services are being provided by ~~the unit~~ child
2 support services under chapter 252B, ~~the unit~~ child support
3 services may enter an administrative order for blood and
4 genetic tests pursuant to chapter 252F.
5 *c.* ~~The unit~~ Child support services is not responsible for or
6 required to provide for or assist in obtaining blood or genetic
7 tests in any case in which services are not being provided by
8 ~~the unit~~ child support services.
9 *d.* ~~The unit~~ Child support services is not responsible for
10 the costs of blood or genetic testing conducted pursuant to an
11 action brought under this section.
12 *e.* Pursuant to section 252B.7, subsection 4, an attorney
13 employed by ~~the unit~~ child support services represents the
14 state in any action under this section. ~~The unit's~~ Child
15 support services' attorney is not the legal representative of
16 the mother, the established father, or the child in any action
17 brought under this section.
18 Sec. 1310. Section 600C.1, subsection 3, paragraph c,
19 subparagraph (2), subparagraph division (f), Code 2023, is
20 amended to read as follows:
21 (f) ~~Drug abuse~~ Substance use disorder.
22 Sec. 1311. Section 602.4201, subsection 3, paragraph h,
23 Code 2023, is amended to read as follows:
24 *h.* Involuntary commitment or treatment of persons with
25 ~~substance-related disorders~~ a substance use disorder.
26 Sec. 1312. Section 602.6111, subsection 2, Code 2023, is
27 amended to read as follows:
28 2. Any party, except ~~the~~ child support ~~recovery unit~~
29 services, filing a petition, complaint, answer, appearance,
30 first motion, or any document with the clerk of the district
31 court to establish or modify an order for child support
32 under chapter 236, 252A, 252K, 598, or 600B shall provide the
33 clerk of the district court with the date of birth and social

34 security number of the child.
35 Sec. 1313. Section 602.6405, subsection 2, paragraph b,
1 Code 2023, is amended to read as follows:
2 *b.* Magistrates shall forward copies of citations issued
3 for violations of section 453A.2, subsection 2, and of their
4 dispositions to the clerk of the district court. The clerk of
5 the district court shall maintain records of citations issued
6 and the dispositions of citations, and shall forward a copy of
7 the records to the ~~Iowa~~ department of ~~public~~ health and human
8 services.
9 Sec. 1314. Section 602.8102, subsections 33, 43, and 47,
10 Code 2023, are amended to read as follows:
11 33. Furnish to the ~~Iowa~~ department of ~~public~~ health and
12 human services a certified copy of a judgment relating to the
13 suspension or revocation of a professional license.
14 43. Submit to the director of ~~the division of child and~~
15 ~~family services of the department of~~ health and human services
16 a duplicate of the findings of the court related to adoptions
17 as provided in section 235.3, subsection 7.
18 47. Record support payments made pursuant to an order
19 entered under chapter 252A, 252F, 598, or 600B, or under a
20 comparable statute of another state or foreign country as
21 defined in chapter 252K, and through setoff of a state or
22 federal income tax refund or rebate, as if the payments were
23 received and disbursed by the clerk; forward support payments
24 received under section 252A.6 to the department of health
25 and human services and furnish copies of orders and decrees
26 awarding support to parties receiving ~~welfare~~ public assistance
27 as provided in section 252A.13.
28 Sec. 1315. Section 602.8103, subsection 4, paragraph j,
29 Code 2023, is amended to read as follows:
30 *j.* Court reporters' notes and certified transcripts of
31 those notes in mental health hearings under section 229.12 and
32 substance ~~abuse~~ use disorder hearings under section 125.82,
33 ninety days after the respondent has been discharged from

34 involuntary custody.
35 Sec. 1316. Section 602.8107, subsection 5, paragraph b,
1 subparagraph (5), Code 2023, is amended to read as follows:
2 (5) A ~~drug abuse resistance~~ substance use disorder
3 education surcharge.
4 Sec. 1317. Section 602.8108, subsection 3, Code 2023, is
5 amended to read as follows:
6 3. The clerk of the district court shall remit to the
7 state court administrator, not later than the fifteenth day of
8 each month, all moneys collected from the surcharge provided
9 in section 911.1 during the preceding calendar month. The
10 state court administrator shall allocate and deposit each
11 month forty-six percent in the juvenile detention home fund in
12 section 232.142, thirty-two percent in the victim compensation
13 fund established in section 915.94, twenty percent in the
14 criminalistics laboratory fund established in section 691.9,
15 and two percent in the ~~drug abuse resistance~~ substance use
16 disorder education fund established in section 80E.4.
17 Sec. 1318. Section 613.17, subsection 2, paragraph b, Code
18 2023, is amended to read as follows:
19 *b.* A person or entity that owns, manages, or is otherwise
20 responsible for the premises on which an automated external
21 defibrillator is located if the person or entity maintains the
22 automated external defibrillator in a condition for immediate
23 and effective use at all times, subject to standards developed
24 by the department of ~~public~~ health and human services by rule.
25 Sec. 1319. Section 622.10, subsection 6, paragraph a, Code
26 2023, is amended to read as follows:
27 *a.* The fee charged for the cost of producing the requested
28 records or images shall be based upon the actual cost
29 of production. If the written request and accompanying
30 patient's waiver, if required, authorizes the release of
31 all of the patient's records for the requested time period,
32 including records relating to the patient's mental health,
33 substance ~~abuse~~ use disorder, and acquired immune deficiency

34 syndrome-related conditions, the amount charged shall not
35 exceed the rates established by the workers' compensation
1 commissioner for copies of records in workers' compensation
2 cases. If requested, the provider shall include an affidavit
3 certifying that the records or images produced are true and
4 accurate copies of the originals for an additional fee not to
5 exceed ten dollars.
6 Sec. 1320. Section 622A.7, Code 2023, is amended to read as
7 follows:
8 **622A.7 Rules.**
9 The supreme court, after consultation with the department
10 of health and human ~~rights~~ services and other appropriate
11 departments, shall adopt rules governing the qualifications and
12 compensation of interpreters or translators appearing in legal
13 proceedings under this chapter. However, an administrative
14 agency which is subject to chapter 17A may adopt rules
15 differing from those of the supreme court governing the
16 qualifications and compensation of interpreters or translators
17 appearing in proceedings before that agency.
18 Sec. 1321. Section 622B.1, subsection 2, Code 2023, is
19 amended to read as follows:
20 2. The supreme court, after consultation with the
21 department of health and human ~~rights~~ services, shall adopt
22 rules governing the qualifications and compensation of sign
23 language interpreters appearing in a legal proceeding or before
24 an administrative agency under this chapter. However, an
25 administrative agency which is subject to chapter 17A may adopt
26 rules differing from those of the supreme court governing the
27 qualifications and compensation of sign language interpreters
28 appearing in proceedings before that agency.
29 Sec. 1322. Section 622B.4, Code 2023, is amended to read as
30 follows:
31 **622B.4 List.**
32 The office of deaf services of the department of health
33 and human ~~rights~~ services shall prepare and continually

update a listing of qualified and available sign language interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for deaf and hard-of-hearing persons as furnished by the department of health and human ~~rights~~ services. The office of deaf services of the department of health and human services shall maintain a list of sign language interpreters which shall be made available to a court, administrative agency, or interested parties to an action using the services of a sign language interpreter.

Sec. 1323. Section 626.29, Code 2023, is amended to read as follows:

626.29 Distress warrant by director of revenue, director of inspections and appeals, or director of workforce development.

In the service of a distress warrant issued by the director of revenue for the collection of taxes administered by or debts to be collected by the department of revenue, in the service of a distress warrant issued by the director of inspections and appeals for the collection of overpayment debts owed to the department of health and human services, or in the service of a distress warrant issued by the director of the department of workforce development for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due the taxpayer or the employer, may be reached by garnishment.

Sec. 1324. Section 633.231, Code 2023, is amended to read as follows:

633.231 Notice in intestate estates —— medical assistance claims.

1. Upon opening administration of an intestate estate, the administrator shall, in accordance with section 633.410, provide by electronic transmission on a form approved by the department of health and human services to the entity designated by the department of health and human services, a notice of opening administration of the estate and of

34 the appointment of the administrator, which shall include a
35 notice to file claims with the clerk or to provide electronic
1 notification to the administrator that the department has no
2 claim within six months from the date of sending this notice,
3 or thereafter be forever barred.
4 2. The notice shall be in substantially the following form:
5 In the District Court of Iowa
6 in and for ..... County.
7 In the Estate of Probate No. ....
8 ....., Deceased
9 NOTICE OF OPENING
10 ADMINISTRATION OF
11 ESTATE, OF APPOINTMENT OF
12 ADMINISTRATOR, AND
13 NOTICE TO CREDITOR
14 To the Department of Health and Human Services Who May Be
15 Interested in the Estate of ....., Deceased, who died on or
16 about ..... (date):
17 You are hereby notified that on the .. day of ... (month),
18 ... (year), an intestate estate was opened in the above-named
19 court and that ..... was appointed administrator of the
20 estate.
21 You are further notified that the birthdate of the
22 deceased is ... and the deceased's social security number
23 is ...-...-.... The name of the spouse is ..... The
24 birthdate of the spouse is ... and the spouse's social
25 security number is ...-...-...., and that the spouse of the
26 deceased is alive as of the date of this notice, or deceased as
27 of ..... (date).
28 You are further notified that the deceased was/was not a
29 disabled or a blind child of the medical assistance recipient
30 by the name of ....., who had a birthdate of ... and a social
31 security number of ...-...-...., and the medical assistance
32 debt of that medical assistance recipient was waived pursuant
33 to section 249A.53, subsection 2, paragraph "a", subparagraph

34 (1), and is now collectible from this estate pursuant to
35 section 249A.53, subsection 2, paragraph *"b"*.
1 Notice is hereby given that if the department of health
2 and human services has a claim against the estate for the
3 deceased person or persons named in this notice, the claim
4 shall be filed with the clerk of the above-named district
5 court, as provided by law, duly authenticated, for allowance,
6 within six months from the date of sending this notice and,
7 unless otherwise allowed or paid, the claim is thereafter
8 forever barred. If the department does not have a claim, the
9 department shall return the notice to the administrator with
10 notification stating the department does not have a claim
11 within six months from the date of sending this notice.
12 Dated this .. day of ... (month), ... (year)
13 .....
14 Administrator of the estate
15 .....
16 Address
17 .....
18 Attorney for the administrator
19 .....
20 Address
21 Sec. 1325. Section 633.304A, Code 2023, is amended to read
22 as follows:
23 **633.304A Notice of probate of will — medical assistance**
24 **claims.**
25 1. On admission of a will to probate, the executor shall,
26 in accordance with section 633.410, provide by electronic
27 transmission on a form approved by the department of health and
28 human services to the entity designated by the department of
29 health and human services, a notice of admission of the will
30 to probate and of the appointment of the executor, which shall
31 include a notice to file claims with the clerk or to provide
32 electronic notification to the executor that the department
33 has no claim within six months of sending this notice, or

34 thereafter be forever barred.
35 2. The notice shall be in substantially the following form:
1 In the District Court of Iowa
2 in and for ..... County.
3 Probate No. ....
4 In the Estate of NOTICE OF PROBATE OF WILL,
5 ....., Deceased OF APPOINTMENT OF
6 EXECUTOR, AND
7 NOTICE TO CREDITORS
8 To the Department of Health and Human Services, Who May Be
9 Interested in the Estate of ....., Deceased, who died on or
10 about ..... (date):
11 You are hereby notified that on the .. day of ...(month),
12 ...(year), the last will and testament of ....., deceased,
13 bearing date of the .. day of ... (month), ... (year) was
14 admitted to probate in the above-named court and that .....
15 was appointed executor of the estate.
16 You are further notified that the birthdate of the
17 deceased is ... and the deceased's social security number is
18 ...-...-.... The name of the spouse is ..... The birthdate
19 of the spouse is ... and the spouse's social security number
20 is ...-...-...., and that the spouse of the deceased is alive
21 as of the date of this notice, or deceased as of ..... (date).
22 You are further notified that the deceased was/was not a
23 disabled or a blind child of the medical assistance recipient
24 by the name of ....., who had a birthdate of .... and a social
25 security number of ...-...-...., and the medical assistance
26 debt of that medical assistance recipient was waived pursuant
27 to section 249A.53, subsection 2, paragraph *"a"*, subparagraph
28 (1), and is now collectible from this estate pursuant to
29 section 249A.53, subsection 2, paragraph *"b"*.
30 Notice is hereby given that if the department of health
31 and human services has a claim against the estate for the
32 deceased person or persons named in this notice, the claim
33 shall be filed with the clerk of the above-named district

34 court, as provided by law, duly authenticated, for allowance
35 within six months from the date of sending this notice and,
1 unless otherwise allowed or paid, the claim is thereafter
2 forever barred. If the department does not have a claim,
3 the department shall return the notice to the executor with
4 notification that the department does not have a claim within
5 six months from the date of sending this notice.
6 Dated this .. day of ... (month), ... (year)
7 .....
8 Executor of estate
9 .....
10 Address
11 .....
12 Attorney for executor
13 .....
14 Address
15 Sec. 1326. Section 633.336, Code 2023, is amended to read
16 as follows:
17 **633.336 Damages for wrongful death.**
18 When a wrongful act produces death, damages recovered as a
19 result of the wrongful act shall be disposed of as personal
20 property belonging to the estate of the deceased; however, if
21 the damages include damages for loss of services and support
22 of a deceased spouse, parent, or child, the damages shall be
23 apportioned by the court among the surviving spouse, children,
24 and parents of the decedent in a manner as the court may deem
25 equitable consistent with the loss of services and support
26 sustained by the surviving spouse, children, and parents
27 respectively. Any recovery by a parent for the death of a
28 child shall be subordinate to the recovery, if any, of the
29 spouse or a child of the decedent. If the decedent leaves
30 a spouse, child, or parent, damages for wrongful death shall
31 not be subject to debts and charges of the decedent's estate,
32 except for amounts to be paid to the department of health
33 and human services for payments made for medical assistance

34 pursuant to chapter 249A, paid on behalf of the decedent from
35 the time of the injury which gives rise to the decedent's death
1 up until the date of the decedent's death.
2 Sec. 1327. Section 633.356, subsection 3, paragraph a,
3 subparagraph (9), Code 2023, is amended to read as follows:
4 (9) That no debt is owed to the department of health and
5 human services for reimbursement of Medicaid benefits; or if
6 debt is owed, that the debt will be paid to the extent of funds
7 received pursuant to the affidavit.
8 Sec. 1328. Section 633.356, subsection 8, paragraph b, Code
9 2023, is amended to read as follows:
10 *b.* When the department of health and human services is
11 entitled to money or property of a decedent pursuant to section
12 249A.53, subsection 2, and no affidavit has been presented by
13 a successor as defined in subsection 2, paragraph *"a"* or *"b"*,
14 within ninety days of the date of the decedent's death, the
15 funds in the account or other property, up to the amount of
16 the claim of the department, shall be paid to the department
17 upon presentation by the department or an entity designated by
18 the department of an affidavit to the holder of the decedent's
19 property. Such affidavit shall include the information
20 specified in subsection 3, except that the department may
21 submit proof of payment of funeral expenses as verification
22 of the decedent's death instead of a certified copy of the
23 decedent's death certificate. The amount of the department's
24 claim shall also be included in the affidavit, which shall
25 entitle the department to receive the funds as a successor.
26 The department shall issue a refund within sixty days to any
27 claimant with a superior priority pursuant to section 633.425,
28 if notice of such claim is given to the department, or to the
29 entity designated by the department to receive notice, within
30 one year of the department's receipt of funds. This paragraph
31 shall apply to funds or property of the decedent transferred
32 to the custody of the treasurer of state as unclaimed property
33 pursuant to chapter 556.

34 Sec. 1329. Section 633.410, subsection 2, Code 2023, is
35 amended to read as follows:
1 2. Notwithstanding subsection 1, claims for debts created
2 under section 249A.53, subsection 2, relating to the recovery
3 of medical assistance payments shall be barred under this
4 section unless filed with the clerk within six months after
5 sending notice by electronic transmission, on the form
6 prescribed in section 633.231 for intestate estates or on the
7 form prescribed in section 633.304A for testate estates, to
8 the entity designated by the department of health and human
9 services to receive notice.
10 Sec. 1330. Section 633.564, subsection 3, Code 2023, is
11 amended to read as follows:
12 3. The judicial branch, in conjunction with the department
13 of public safety, the department of health and human services,
14 and the state chief information officer, shall establish
15 procedures for electronic access to the single contact
16 repository established pursuant to section 135C.33 necessary to
17 conduct background checks requested under subsection 1.
18 Sec. 1331. Section 633.641, subsection 4, Code 2023, is
19 amended to read as follows:
20 4. The conservator shall report to the department of health
21 and human services the protected person's assets and income,
22 if the protected person is receiving medical assistance under
23 chapter 249A. Such reports shall be made upon establishment of
24 a conservatorship for an individual applying for or receiving
25 medical assistance, upon application for benefits on behalf
26 of the protected person, upon annual or semiannual review of
27 continued medical assistance eligibility, when any significant
28 change in the protected person's assets or income occurs, or
29 as otherwise requested by the department of health and human
30 services. Written reports shall be provided to the department
31 of health and human services office for the county in which the
32 protected person resides or the office in which the protected
33 person's medical assistance is administered.

Sec. 1332. Section 633B.120, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. The person makes, or has actual knowledge that another person has made, a report to the department of health and human services stating a good-faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

Sec. 1333. Section 633C.1, Code 2023, is amended to read as follows:

633C.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Available monthly income"* means in reference to a medical assistance income trust beneficiary, any income received directly by the beneficiary, not from the trust, that counts as income in determining eligibility for medical assistance and any amounts paid to or otherwise made available to the beneficiary by the trustee pursuant to section 633C.3, subsection 1, paragraph *"b"*, or section 633C.3, subsection 2, paragraph *"b"*.

2. *"Beneficiary"* means the original beneficiary of a medical assistance special needs trust or medical assistance income trust, whose assets funded the trust.

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

~~3.~~ 4. *"Institutionalized individual"* means an individual receiving nursing facility services, a level of care in any institution equivalent to nursing facility services, or home and community-based services under the medical assistance home and community-based services waiver program.

~~4.~~ 5. *"Maximum monthly medical assistance payment rate for services in an intermediate care facility for persons with an intellectual disability"* means the allowable rate established by the department ~~of human services~~ and as published in the Iowa

34 administrative bulletin.
35 ~~5.~~ 6. *"Medical assistance"* means medical assistance as
1 defined in section 249A.2.
2 ~~6.~~ 7. *"Medical assistance income trust"* means a trust or
3 similar legal instrument or device that meets the criteria of
4 42 U.S.C. §1396p(d)(4)(B)(i)-(ii).
5 ~~7.~~ 8. *"Medical assistance special needs trust"* means a trust
6 or similar legal instrument or device that meets the criteria
7 of 42 U.S.C. §1396p(d)(4)(A) or (C).
8 ~~8.~~ 9. *"Statewide average charge for state mental health*
9 *institute care"* means the statewide average charge for such
10 care as calculated by the department ~~of human services~~ and as
11 published in the Iowa administrative bulletin.
12 ~~9.~~ 10. *"Statewide average charge for nursing facility*
13 *services"* means the statewide average charge for such care,
14 excluding charges by Medicare-certified, skilled nursing
15 facilities, as calculated by the department ~~of human services~~
16 and as published in the Iowa administrative bulletin.
17 ~~10.~~ 11. *"Statewide average charge to private-pay patients*
18 *for psychiatric medical institutions for children care"* means
19 the statewide average charge for such care as calculated by
20 the department ~~of human services~~ and as published in the Iowa
21 administrative bulletin.
22 ~~11.~~ 12. *"Total monthly income"* means in reference to a
23 medical assistance income trust beneficiary, income received
24 directly by the beneficiary, not from the trust, that counts
25 as income in determining eligibility for medical assistance,
26 income of the beneficiary received by the trust that would
27 otherwise count as income in determining the beneficiary's
28 eligibility for medical assistance, and income or earnings of
29 the trust received by the trust.
30 Sec. 1334. Section 633C.5, Code 2023, is amended to read as
31 follows:
32 **633C.5 Cooperation.**
33 1. The department ~~of human services~~ shall cooperate with

34 the trustee of a medical assistance special needs trust or a
35 medical assistance income trust in determining the appropriate
1 disposition of the trust under sections 633C.2 and 633C.3.
2 2. The trustee of a medical assistance special needs trust
3 or medical assistance income trust shall cooperate with the
4 department ~~of human services~~ in supplying information regarding
5 a trust established under this chapter.
6 Sec. 1335. Section 642.2, subsection 4, Code 2023, is
7 amended to read as follows:
8 4. Notwithstanding subsections 2, 3, 6, and 7, any moneys
9 owed to the child support obligor by the state, with the
10 exception of unclaimed property held by the treasurer of
11 state pursuant to chapter 556, and payments owed to the child
12 support obligor through the Iowa public employees' retirement
13 system are subject to garnishment, attachment, execution, or
14 assignment by ~~the~~ child support ~~recovery unit~~ services if ~~the~~
15 child support ~~recovery unit~~ services is providing enforcement
16 services pursuant to chapter 252B. Any moneys that are
17 determined payable by the treasurer pursuant to section 556.20,
18 subsection 2, to the child support obligor shall be subject
19 to setoff pursuant to section 8A.504, notwithstanding any
20 administrative rule pertaining to ~~the~~ child support ~~recovery~~
21 ~~unit~~ services limiting the amount of the offset.
22 Sec. 1336. Section 669.2, subsection 4, paragraph a, Code
23 2023, is amended to read as follows:
24 *a. "Employee of the state"* includes any one or more
25 officers, agents, or employees of the state or any state
26 agency, including members of the general assembly, and persons
27 acting on behalf of the state or any state agency in any
28 official capacity, temporarily or permanently in the service of
29 the state of Iowa, whether with or without compensation, but
30 does not include a contractor doing business with the state.
31 Professional personnel, including physicians, osteopathic
32 physicians and surgeons, osteopathic physicians, optometrists,
33 dentists, nurses, physician assistants, and other medical

34 personnel, who render services to patients or inmates of state
35 institutions under the jurisdiction of the department of health
1 and human services or the Iowa department of corrections,
2 and employees of the department of veterans affairs, are to
3 be considered employees of the state, whether the personnel
4 are employed on a full-time basis or render services on
5 a part-time basis on a fee schedule or other arrangement.
6 Criminal defendants while performing unpaid community service
7 ordered by the district court, board of parole, or judicial
8 district department of correctional services, or an inmate
9 providing services pursuant to a chapter 28E agreement entered
10 into pursuant to section 904.703, and persons supervising
11 those inmates under and according to the terms of the chapter
12 28E agreement, are to be considered employees of the state.
13 Members of the Iowa national guard performing duties in
14 a requesting state pursuant to section 29C.21 are to be
15 considered employees of the state solely for the purpose of
16 claims arising out of those duties in the event that the
17 requesting state's tort claims coverage does not extend to
18 such members of the Iowa national guard or is less than that
19 provided under Iowa law.
20 Sec. 1337. Section 674.3, Code 2023, is amended to read as
21 follows:
22 **674.3 Petition copy.**
23 A copy of the petition shall be filed by the clerk of court
24 with the ~~division for records and~~ state registrar of vital
25 statistics of the ~~Iowa~~ department of ~~public~~ health and human
26 services.
27 Sec. 1338. Section 674.7, Code 2023, is amended to read as
28 follows:
29 **674.7 Copy to ~~Iowa~~ department of ~~public~~ health and human**
30 **services.**
31 When the court grants a decree of change of name, the clerk
32 of the court shall furnish the petitioner with a certified copy
33 of the decree and mail an abstract of a decree requiring a name

change to be reflected on a birth certificate to the state registrar of vital statistics of the ~~Iowa~~ department of ~~public~~ health and human services on a form provided by the state registrar.

Sec. 1339. Section 686D.2, subsection 11, paragraph e, Code 2023, is amended to read as follows:

e. Any state agency, including the department of ~~public~~ health and human services.

Sec. 1340. Section 691.5, Code 2023, is amended to read as follows:

691.5 State medical examiner.

The office and position of state medical examiner is established for administrative purposes within the ~~Iowa~~ department of ~~public~~ health and human services. Other state agencies shall cooperate with the state medical examiner in the use of state-owned facilities when appropriate for the performance of nonadministrative duties of the state medical examiner. The state medical examiner shall be a physician and surgeon or osteopathic physician and surgeon, be licensed to practice medicine in the state of Iowa, and be board certified or eligible to be board certified in anatomic and forensic pathology by the American board of pathology. The state medical examiner shall be appointed by and serve at the pleasure of the director of ~~public~~ health and human services upon the advice of and in consultation with the director of public safety and the governor. The state medical examiner, in consultation with the director of ~~public~~ health and human services, shall be responsible for developing and administering the medical examiner's budget and for employment of medical examiner staff and assistants. The state medical examiner may be a faculty member of the university of Iowa college of medicine or the college of law at the university of Iowa, and any of the examiner's assistants or staff may be members of the faculty or staff of the university of Iowa college of medicine or the college of law at the university of Iowa.

34 Sec. 1341. Section 691.6, subsection 3, Code 2023, is
35 amended to read as follows:
1 3. To adopt rules pursuant to chapter 17A and subject to the
2 approval of the director of ~~public~~ health and human services.
3 Sec. 1342. Section 691.6, subsection 10, Code 2023, is
4 amended by striking the subsection.
5 Sec. 1343. Section 691.6A, Code 2023, is amended to read as
6 follows:
7 **691.6A Deputy state medical examiner —— creation and duties.**
8 The position of deputy state medical examiner is created
9 within the office of the state medical examiner. The deputy
10 state medical examiner shall report to and be responsible to
11 the state medical examiner. The deputy state medical examiner
12 shall meet the qualification criteria established in section
13 691.5 for the state medical examiner and shall be subject to
14 rules adopted by the state medical examiner as provided in
15 section 691.6, subsection 3. The state medical examiner and
16 the deputy state medical examiner shall function as a team,
17 providing peer review as necessary, fulfilling each other's job
18 responsibilities during times of absence, and working jointly
19 to provide services and education to county medical examiners,
20 law enforcement officials, hospital pathologists, and other
21 individuals and entities. The deputy medical examiner may
22 be, but is not required to be, a full-time salaried faculty
23 member of the department of pathology of the university of Iowa
24 college of medicine. If the medical examiner is a full-time
25 salaried faculty member of the department of pathology of the
26 university of Iowa college of medicine, the ~~Iowa~~ department
27 of ~~public~~ health and human services and the state board of
28 regents shall enter into a chapter 28E agreement to define the
29 activities and functions of the deputy medical examiner, and
30 to allocate deputy medical examiner costs, consistent with the
31 requirements of this section.
32 Sec. 1344. Section 691.6B, subsection 1, paragraph b, Code
33 2023, is amended to read as follows:

34 *b.* Advise the state medical examiner concerning the
35 assurance of effective coordination of the functions and
1 operations of the office of the state medical examiner with the
2 needs and interests of the departments of public safety and
3 ~~public~~ health and human services.
4 Sec. 1345. Section 691.6B, subsection 2, paragraph c, Code
5 2023, is amended to read as follows:
6 *c.* The director of ~~public~~ health and human services or the
7 director's designee.
8 Sec. 1346. Section 691.7, Code 2023, is amended to read as
9 follows:
10 **691.7 Commissioner to accept federal or private grants.**
11 The commissioner of public safety may accept federal
12 or private funds or grants to aid in the establishment or
13 operation of the state criminalistics laboratory, and the
14 director of ~~public~~ health and human services or the state board
15 of regents may accept federal or private funds or grants to
16 aid in the establishment or operation of the position of state
17 medical examiner.
18 Sec. 1347. Section 692.15, subsection 1, Code 2023, is
19 amended to read as follows:
20 1. If it comes to the attention of a sheriff, police
21 department, or other law enforcement agency that a public
22 offense or delinquent act has been committed in its
23 jurisdiction, the law enforcement agency shall report
24 information concerning the public offense or delinquent act to
25 the department on a form to be furnished by the department not
26 more than thirty-five days from the time the public offense
27 or delinquent act first comes to the attention of the law
28 enforcement agency. The reports shall be used to generate
29 crime statistics. The department shall submit statistics to
30 the governor, the general assembly, and the ~~division of~~ subunit
31 of the department of health and human services responsible for
32 criminal and juvenile justice planning ~~of the department of~~
33 ~~human rights~~ on a quarterly and yearly basis.

34 Sec. 1348. Section 707.6A, subsection 1D, Code 2023, is
35 amended to read as follows:
1 1D. Where the program is available and appropriate for
2 the defendant, the court shall also order the defendant to
3 participate in a reality education substance ~~abuse~~ use disorder
4 prevention program as provided in section 321J.24.
5 Sec. 1349. Section 708.3A, subsections 1, 2, 3, and 4, Code
6 2023, are amended to read as follows:
7 1. A person who commits an assault, as defined in section
8 708.1, against a peace officer, jailer, correctional staff,
9 member or employee of the board of parole, health care
10 provider, employee of the department of health and human
11 services, employee of the department of revenue, national
12 guard member engaged in national guard duty or state active
13 duty, civilian employee of a law enforcement agency, civilian
14 employee of a fire department, or fire fighter, whether paid
15 or volunteer, with the knowledge that the person against
16 whom the assault is committed is a peace officer, jailer,
17 correctional staff, member or employee of the board of parole,
18 health care provider, employee of the department of health and
19 human services, employee of the department of revenue, national
20 guard member engaged in national guard duty or state active
21 duty, civilian employee of a law enforcement agency, civilian
22 employee of a fire department, or fire fighter and with the
23 intent to inflict a serious injury upon the peace officer,
24 jailer, correctional staff, member or employee of the board
25 of parole, health care provider, employee of the department
26 of health and human services, employee of the department of
27 revenue, national guard member engaged in national guard duty
28 or state active duty, civilian employee of a law enforcement
29 agency, civilian employee of a fire department, or fire
30 fighter, is guilty of a class "D" felony.
31 2. A person who commits an assault, as defined in section
32 708.1, against a peace officer, jailer, correctional staff,
33 member or employee of the board of parole, health care

34 provider, employee of the department of health and human
35 services, employee of the department of revenue, national
1 guard member engaged in national guard duty or state active
2 duty, civilian employee of a law enforcement agency, civilian
3 employee of a fire department, or fire fighter, whether paid
4 or volunteer, who knows that the person against whom the
5 assault is committed is a peace officer, jailer, correctional
6 staff, member or employee of the board of parole, health care
7 provider, employee of the department of health and human
8 services, employee of the department of revenue, national
9 guard member engaged in national guard duty or state active
10 duty, civilian employee of a law enforcement agency, civilian
11 employee of a fire department, or fire fighter and who uses or
12 displays a dangerous weapon in connection with the assault, is
13 guilty of a class "D" felony.
14 3. A person who commits an assault, as defined in section
15 708.1, against a peace officer, jailer, correctional staff,
16 member or employee of the board of parole, health care
17 provider, employee of the department of health and human
18 services, employee of the department of revenue, national
19 guard member engaged in national guard duty or state active
20 duty, civilian employee of a law enforcement agency, civilian
21 employee of a fire department, or fire fighter, whether paid
22 or volunteer, who knows that the person against whom the
23 assault is committed is a peace officer, jailer, correctional
24 staff, member or employee of the board of parole, health care
25 provider, employee of the department of health and human
26 services, employee of the department of revenue, national
27 guard member engaged in national guard duty or state active
28 duty, civilian employee of a law enforcement agency, civilian
29 employee of a fire department, or fire fighter, and who causes
30 bodily injury or mental illness, is guilty of an aggravated
31 misdemeanor.
32 4. Any other assault, as defined in section 708.1, committed
33 against a peace officer, jailer, correctional staff, member

34 or employee of the board of parole, health care provider,
35 employee of the department of health and human services,
1 employee of the department of revenue, national guard member
2 engaged in national guard duty or state active duty, civilian
3 employee of a law enforcement agency, civilian employee of a
4 fire department, or fire fighter, whether paid or volunteer,
5 by a person who knows that the person against whom the assault
6 is committed is a peace officer, jailer, correctional staff,
7 member or employee of the board of parole, health care
8 provider, employee of the department of health and human
9 services, employee of the department of revenue, national
10 guard member engaged in national guard duty or state active
11 duty, civilian employee of a law enforcement agency, civilian
12 employee of a fire department, or fire fighter, is a serious
13 misdemeanor.
14 Sec. 1350. Section 708.3A, subsection 5, paragraph b, Code
15 2023, is amended to read as follows:
16 *b. "Employee of the department of health and human services"*
17 means a person who is an employee of an institution controlled
18 by the director of health and human services that is listed in
19 section 218.1, or who is an employee of the civil commitment
20 unit for sex offenders operated by the department of health and
21 human services. A person who commits an assault under this
22 section against an employee of the department of health and
23 human services at a department of health and human services
24 institution or unit is presumed to know that the person against
25 whom the assault is committed is an employee of the department
26 of health and human services.
27 Sec. 1351. Section 709.16, subsection 2, paragraph b,
28 subparagraphs (2) and (5), Code 2023, are amended to read as
29 follows:
30 (2) Institutions controlled by the department of health and
31 human services listed in section 218.1.
32 (5) Facilities for the treatment of persons with
33 ~~substance-related disorders~~ a substance use disorder as defined

in section 125.2.

Sec. 1352. Section 710.8, subsection 3, Code 2023, is amended to read as follows:

3. A person shall not harbor a runaway child with the intent of allowing the runaway child to remain away from home against the wishes of the child's parent, guardian, or custodian. However, the provisions of this subsection do not apply to a shelter care home which is licensed or approved by the department of health and human services.

Sec. 1353. Section 710A.7, Code 2023, is amended to read as follows:

710A.7 Peace officer referral.

If during the course of an investigation or prosecution under this chapter a peace officer has reason to believe that a person who purports to be licensed pursuant to chapter 152C or 157 does not possess a valid license or is in violation of any other state or federal laws, the peace officer may report such noncompliance to the appropriate licensing board ~~under the professional licensure division~~ within the department of ~~public~~ health and human services, and to the appropriate state or federal authorities.

Sec. 1354. Section 714G.8, subsection 5, Code 2023, is amended to read as follows:

5. The department of health and human services or its agents or assignees acting to investigate fraud under the medical assistance program.

Sec. 1355. Section 715A.11, subsection 5, Code 2023, is amended to read as follows:

5. A person who violates this section is guilty of a simple misdemeanor for a first offense and a serious misdemeanor for each subsequent offense. The court may require a substance ~~abuse~~ use disorder evaluation and treatment through a program licensed by the ~~Iowa~~ department of ~~public~~ health and human services in lieu of or in addition to other penalties. Any substance ~~abuse~~ use disorder evaluation required under this

34 subsection shall be completed at the expense of the defendant.
35 Sec. 1356. Section 724.31, subsection 2, Code 2023, is
1 amended to read as follows:
2 2. A person who is subject to the disabilities imposed
3 by 18 U.S.C. §922(d)(4) and (g)(4) because of an order or
4 judgment that occurred under the laws of this state may
5 petition the court that issued the order or judgment or the
6 court in the county where the person resides for relief from
7 the disabilities imposed under 18 U.S.C. §922(d)(4) and (g)(4).
8 A copy of the petition shall also be served on the director of
9 health and human services and the county attorney at the county
10 attorney's office of the county in which the original order
11 occurred, and the director or the county attorney may appear,
12 support, object to, and present evidence relevant to the relief
13 sought by the petitioner.
14 Sec. 1357. Section 725.1, subsection 1, paragraph b, Code
15 2023, is amended to read as follows:
16 *b.* If the person who sells or offers for sale the person's
17 services as a partner in a sex act is under the age of eighteen,
18 the county attorney may elect, in lieu of filing a petition
19 alleging that the person has committed a delinquent act,
20 to refer that person to the department of health and human
21 services for the possible filing of a petition alleging that
22 the person is a child in need of assistance.
23 Sec. 1358. Section 730.5, subsection 1, paragraph g, Code
24 2023, is amended to read as follows:
25 *g. "Medical review officer"* means a licensed physician,
26 osteopathic physician, chiropractor, nurse practitioner, or
27 physician assistant authorized to practice in any state of the
28 United States, who is responsible for receiving laboratory
29 results generated by an employer's drug or alcohol testing
30 program, and who has knowledge of substance ~~abuse~~ use disorders
31 and has appropriate medical training to interpret and evaluate
32 an individual's confirmed positive test result together
33 with the individual's medical history and any other relevant

34 biomedical information.
35 Sec. 1359. Section 730.5, subsection 3, Code 2023, is
1 amended to read as follows:
2 3. *Testing optional.* This section does not require or
3 create a legal duty on an employer to conduct drug or alcohol
4 testing and the requirements of this section shall not be
5 construed to encourage, discourage, restrict, limit, prohibit,
6 or require such testing. In addition, an employer may
7 implement and require drug or alcohol testing at some but not
8 all of the work sites of the employer and the requirements of
9 this section shall only apply to the employer and employees who
10 are at the work sites where drug or alcohol testing pursuant to
11 this section has been implemented. A cause of action shall not
12 arise in favor of any person against an employer or agent of an
13 employer based on the failure of the employer to establish a
14 program or policy on substance ~~abuse~~ use disorder prevention
15 or to implement any component of testing as permitted by this
16 section.
17 Sec. 1360. Section 730.5, subsection 7, paragraph f, Code
18 2023, is amended to read as follows:
19 *f.* All confirmatory drug testing shall be conducted at a
20 laboratory certified by the United States department of health
21 and human services' substance abuse and mental health services
22 administration or approved under rules adopted by the ~~Iowa~~
23 department of ~~public~~ health and human services.
24 Sec. 1361. Section 730.5, subsection 9, paragraph c,
25 subparagraph (2), Code 2023, is amended to read as follows:
26 (2) If an employer does not have an employee assistance
27 program, the employer must maintain a resource file of alcohol
28 and other ~~drug abuse~~ substance use disorder programs certified
29 by the ~~Iowa~~ department of ~~public~~ health and human services,
30 mental health providers, and other persons, entities, or
31 organizations available to assist employees with personal or
32 behavioral problems. The employer shall provide all employees
33 information about the existence of the resource file and a

summary of the information contained within the resource file. The summary should contain, but need not be limited to, all information necessary to access the services listed in the resource file.

Sec. 1362. Section 730.5, subsection 9, paragraph g, subparagraph (1), unnumbered paragraph 1, Code 2023, is amended to read as follows:

Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the employer pursuant to this section, and if the employer has at least fifty employees, and if the employee has been employed by the employer for at least twelve of the preceding eighteen months, and if rehabilitation is agreed upon by the employee, and if the employee has not previously violated the employer's substance ~~abuse~~ use disorder prevention policy pursuant to this section, the written policy shall provide for the rehabilitation of the employee pursuant to subsection 10, paragraph *"a"*, subparagraph (1), and the apportionment of the costs of rehabilitation as provided by this paragraph *"g"*.

Sec. 1363. Section 730.5, subsection 9, paragraph h, Code 2023, is amended to read as follows:

h. In order to conduct drug or alcohol testing under this section, an employer shall require supervisory personnel of the employer involved with drug or alcohol testing under this section to attend a minimum of two hours of initial training and to attend, on an annual basis thereafter, a minimum of one hour of subsequent training. The training shall include, but is not limited to, information concerning the recognition of evidence of employee alcohol and other ~~drug abuse~~ substance use disorder, the documentation and corroboration of employee alcohol and other ~~drug abuse~~ substance use disorder, and the referral of employees ~~who abuse alcohol or other drugs~~ with a substance use disorder to the employee assistance program or to the resource file maintained by the employer pursuant to

paragraph *"c"*, subparagraph (2).

Sec. 1364. Section 730.5, subsection 11, paragraph d, Code 2023, is amended to read as follows:

d. Termination or suspension of any substance ~~abuse~~ use disorder prevention or testing program or policy.

Sec. 1365. Section 730.5, subsection 12, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) The employer discloses the test results to a person other than the employer, an authorized employee, agent, or representative of the employer, the tested employee or the tested applicant for employment, an authorized substance ~~abuse~~ use disorder treatment program or employee assistance program, or an authorized agent or representative of the tested employee or applicant.

Sec. 1366. Section 730.5, subsection 13, paragraph d, subparagraph (1), subparagraph division (e), Code 2023, is amended to read as follows:

(e) To a substance ~~abuse~~ use disorder evaluation or treatment facility or professional for the purpose of evaluation or treatment of the employee.

Sec. 1367. Section 730.5, subsection 16, Code 2023, is amended to read as follows:

16. *Reports.* A laboratory doing business for an employer who conducts drug or alcohol tests pursuant to this section shall file an annual report with the ~~Iowa~~ department of ~~public~~ health and human services by March 1 of each year concerning the number of drug or alcohol tests conducted on employees who work in this state pursuant to this section, and the number of positive and negative results of the tests, during the previous calendar year. In addition, the laboratory shall include in its annual report the specific basis for each test as authorized in subsection 8, the type of drug or drugs which were found in the positive drug tests, and all significant available demographic factors relating to the positive test pool.

Sec. 1368. Section 804.31, subsection 1, Code 2023, is amended to read as follows:

1. When a person is detained for questioning or arrested for an alleged violation of a law or ordinance and there is reason to believe that the person is deaf or hard-of-hearing, the peace officer making the arrest or taking the person into custody or any other officer detaining the person shall determine if the person is a deaf or hard-of-hearing person as defined in section 622B.1. If the officer so determines, the officer, at the earliest possible time and prior to commencing any custodial interrogation of the person, shall procure a qualified interpreter in accordance with section 622B.2 and the rules adopted by the supreme court under section 622B.1 unless the deaf or hard-of-hearing person knowingly, voluntarily, and intelligently waives the right to an interpreter in writing by executing a form prescribed by the department of health and human ~~rights~~ services and the Iowa county attorneys association. The interpreter shall interpret the officer's warnings of constitutional rights and protections and all other warnings, statements, and questions spoken or written by any officer, attorney, or other person present and all statements and questions communicated in sign language by the deaf or hard-of-hearing person.

Sec. 1369. Section 811.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance ~~abuse~~ use disorder evaluation and follow any recommendations proposed in the evaluation for appropriate substance ~~abuse~~ use disorder treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to manufacture or deliver, or distribution of methamphetamine, its salts, optical isomers,

34 and salts of its optical isomers, the defendant shall, in
35 addition to a substance ~~abuse~~ use disorder evaluation, remain
1 under supervision and be required to undergo random drug tests
2 as a condition of release.
3 Sec. 1370. Section 812.6, subsection 2, paragraph b, Code
4 2023, is amended to read as follows:
5 *b.* A defendant who does not pose a danger to the public
6 peace or safety, but is otherwise being held in custody, or
7 who refuses to cooperate with treatment, shall be committed to
8 the custody of the director of health and human services at a
9 department of health and human services facility for treatment
10 designed to restore the defendant to competency. The costs of
11 the treatment pursuant to this paragraph shall be borne by the
12 department of health and human services.
13 Sec. 1371. Section 901.3, subsection 1, paragraph h, Code
14 2023, is amended to read as follows:
15 *h.* Whether the defendant has a history of mental health
16 issues or a substance ~~abuse problems~~ use disorder. If so, the
17 investigator shall inquire into the treatment options available
18 in both the community of the defendant and the correctional
19 system.
20 Sec. 1372. Section 901.3, subsection 2, Code 2023, is
21 amended to read as follows:
22 2. All local and state mental and correctional
23 institutions, courts, and police agencies shall furnish to the
24 investigator on request the defendant's criminal record and
25 other relevant information. The originating source of specific
26 mental health or substance ~~abuse~~ use disorder information
27 including the histories, treatment, and use of medications
28 shall not be released to the presentence investigator unless
29 the defendant authorizes the release of such information.
30 If the defendant refuses to release the information, the
31 presentence investigator may note the defendant's refusal
32 to release mental health or substance ~~abuse~~ use disorder
33 information in the presentence investigation report and rely

34 upon other mental health or substance ~~abuse~~ use disorder
35 information available to the presentence investigator.
1 With the approval of the court, a physical examination or
2 psychiatric evaluation of the defendant may be ordered, or
3 the defendant may be committed to an inpatient or outpatient
4 psychiatric facility for an evaluation of the defendant's
5 personality and mental health. The results of any such
6 examination or evaluation shall be included in the report of
7 the investigator.
8 Sec. 1373. Section 901.4, Code 2023, is amended to read as
9 follows:
10 **901.4 Presentence investigation report confidential —**
11 **access.**
12 The presentence investigation report is confidential and the
13 court shall provide safeguards to ensure its confidentiality,
14 including but not limited to sealing the report, which may
15 be opened only by further court order. The defendant's
16 attorney and the attorney for the state shall have access to
17 the presentence investigation report at least three days prior
18 to the date set for sentencing. The defendant's appellate
19 attorney and the appellate attorney for the state shall have
20 access to the presentence investigation report upon request
21 and without the necessity of a court order. The report shall
22 remain confidential except upon court order. However, the
23 court may conceal the identity of the person who provided
24 confidential information. The report of a medical examination
25 or psychological or psychiatric evaluation shall be made
26 available to the attorney for the state and to the defendant
27 upon request. The reports are part of the record but shall
28 be sealed and opened only on order of the court. If the
29 defendant is committed to the custody of the Iowa department
30 of corrections and is not a class "A" felon, an employee
31 of the department, if authorized by the director of the
32 department, an employee of a judicial district department
33 of correctional services, if authorized by the director of

34 the judicial district department of correctional services,
35 and an employee of the board of parole, if authorized by the
1 chairperson or a member of the board of parole, shall have
2 access to the presentence investigation report. Pursuant to
3 section 904.602, the presentence investigation report may also
4 be released by ordinary or electronic mail by the department of
5 corrections or a judicial district department of correctional
6 services to another jurisdiction for the purpose of providing
7 interstate probation and parole compact or interstate compact
8 for adult offender supervision services or evaluations, or
9 to a substance ~~abuse~~ use disorder or mental health services
10 provider when referring a defendant for services. The
11 defendant or the defendant's attorney may file with the
12 presentence investigation report, a denial or refutation of the
13 allegations, or both, contained in the report. The denial or
14 refutation shall be included in the report.
15 Sec. 1374. Section 901.4A, Code 2023, is amended to read as
16 follows:
17 **901.4A Substance ~~abuse~~ use disorder evaluation.**
18 Upon a plea of guilty, a verdict of guilty, or a special
19 verdict upon which a judgment of conviction may be rendered,
20 the court may order the defendant to submit to and complete
21 a substance ~~abuse~~ use disorder evaluation, if the court
22 determines that there is reason to believe that the defendant
23 regularly ~~abuses~~ uses alcohol or other controlled substances
24 and may be in need of treatment. An order made pursuant to this
25 section may be made in addition to any other sentence or order
26 of the court.
27 Sec. 1375. Section 901.5, subsection 8, Code 2023, is
28 amended to read as follows:
29 8. The court may order the defendant to complete any
30 treatment indicated by a substance ~~abuse~~ use disorder
31 evaluation ordered pursuant to section 901.4A or any other
32 section.
33 Sec. 1376. Section 901B.1, subsection 1, paragraph c,

subparagraph (5), Code 2023, is amended to read as follows:

(5) A substance ~~abuse~~ use disorder treatment facility as established and operated by the ~~Iowa~~ department of ~~public~~ health and human services or the department of corrections.

Sec. 1377. Section 901B.1, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the ~~division of~~ subunit of the department of health and human services responsible for criminal and juvenile justice planning ~~of the department of human rights~~.

Sec. 1378. Section 904.108, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for offenders with an intellectual disability. For the purposes of this paragraph, *"habilitative services and treatment"* means medical, mental health, social, educational, counseling, and other services which will assist a person with an intellectual disability to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the correctional system who are persons with an intellectual disability, as defined in section 4.1. Identification shall be made by a qualified professional in the area of intellectual disability. In assigning an offender with an intellectual disability, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of the offender. The director shall consult with the department of health and human services in providing habilitative services and treatment to offenders with mental illness or an intellectual

34 disability. The director may enter into agreements with the
35 department of health and human services to utilize mental
1 health institutions and share staff and resources for purposes
2 of providing habilitative services and treatment, as well as
3 providing other special needs programming. Any agreement to
4 utilize mental health institutions and to share staff and
5 resources shall provide that the costs of the habilitative
6 services and treatment shall be paid from state funds. Not
7 later than twenty days prior to entering into any agreement
8 to utilize mental health institution staff and resources,
9 other than the use of a building or facility, for purposes of
10 providing habilitative services and treatment, as well as other
11 special needs programming, the directors of the departments of
12 corrections and health and human services shall each notify the
13 chairpersons and ranking members of the joint appropriations
14 subcommittees that last handled the appropriation for their
15 respective departments of the pending agreement. Use of a
16 building or facility shall require approval of the general
17 assembly if the general assembly is in session or, if the
18 general assembly is not in session, the legislative council
19 may grant temporary authority, which shall be subject to final
20 approval of the general assembly during the next succeeding
21 legislative session.
22 Sec. 1379. Section 904.108, subsection 5, Code 2023, is
23 amended to read as follows:
24 5. The director may obtain assistance for the department
25 for construction, facility planning, and project accomplishment
26 with the department of administrative services and by
27 contracting under chapter 28E for data processing with the
28 department of health and human services or the department of
29 administrative services.
30 Sec. 1380. Section 904.201, subsection 3, paragraph a,
31 subparagraph (1), Code 2023, is amended to read as follows:
32 (1) Residents transferred from an institution under the
33 jurisdiction of the department of health and human services or

34 the Iowa department of corrections.
35 Sec. 1381. Section 904.302, unnumbered paragraph 1, Code
1 2023, is amended to read as follows:
2 The director may appoint a farm operations administrator
3 for institutions under the control of the departments of
4 corrections and health and human services. If appointed, the
5 farm operations administrator, subject to the direction of the
6 director shall do all of the following:
7 Sec. 1382. Section 904.302, subsections 1, 3, and 8, Code
8 2023, are amended to read as follows:
9 1. Manage and supervise all farming and nursery operations
10 at institutions, farms and gardens of the departments of
11 corrections and health and human services.
12 3. Develop an annual operations plan for crop and
13 livestock production and utilization that will provide work
14 experience and contribute to developing vocational skills of
15 the institutions' inmates and residents. The department of
16 health and human services must approve the parts of the plan
17 that affect farm operations on property of institutions having
18 programs of the department of health and human services.
19 8. Pay property taxes levied against land leased by the
20 department of corrections or department of health and human
21 services as provided in section 427.1, subsection 1.
22 Sec. 1383. Section 904.503, Code 2023, is amended to read
23 as follows:
24 **904.503 Transfers — persons with mental illness.**
25 1. *a.* The director may transfer at the expense of the
26 department an inmate of one institution to another institution
27 under the director's control if the director is satisfied that
28 the transfer is in the best interests of the institutions or
29 inmates.
30 *b.* The director may transfer at the expense of the
31 department an inmate under the director's jurisdiction from any
32 institution supervised by the director to another institution
33 under the control of ~~an administrator of a division of~~ the

34 ~~department~~ director of health and human services with the
35 consent and approval of the ~~administrator~~ director of health
1 and human services and may transfer an inmate to any other
2 institution for mental or physical examination or treatment
3 retaining jurisdiction over the inmate when so transferred.
4 *c.* If the juvenile court waives its jurisdiction over a
5 child over thirteen and under eighteen years of age pursuant
6 to section 232.45 so that the child may be prosecuted as an
7 adult and if the child is convicted of a public offense in the
8 district court and committed to the custody of the director
9 under section 901.7, the director may request transfer of the
10 child to the state training school under this section. If
11 the ~~administrator of a division of the department~~ director of
12 health and human services consents and approves the transfer,
13 the child may be retained in temporary custody by the state
14 training school until attaining the age of eighteen, at which
15 time the child shall be returned to the custody of the director
16 of the department of corrections to serve the remainder of
17 the sentence imposed by the district court. If the child
18 becomes a security risk or becomes a danger to other residents
19 of the state training school at any time before reaching
20 eighteen years of age, the ~~administrator of the division of~~
21 ~~the department~~ director of health and human services may
22 immediately return the child to the custody of the director of
23 the department of corrections to serve the remainder of the
24 sentence.
25 2. When the director has cause to believe that an inmate
26 in a state correctional institution is mentally ill, the
27 Iowa department of corrections may cause the inmate to be
28 transferred to the Iowa medical and classification center,
29 or to another appropriate facility within the department,
30 for examination, diagnosis, or treatment. The inmate shall
31 be confined at that center or facility or a state ~~hospital~~
32 ~~for persons with~~ mental ~~illness~~ health institute until the
33 expiration of the inmate's sentence or until the inmate

34 is pronounced in good mental health. If the inmate is
35 pronounced in good mental health before the expiration of the
1 inmate's sentence, the inmate shall be returned to the state
2 correctional institution until the expiration of the inmate's
3 sentence.
4 3. When the director has reason to believe that a prisoner
5 in a state correctional institution, whose sentence has
6 expired, is mentally ill, the director shall cause examination
7 to be made of the prisoner by competent physicians who shall
8 certify to the director whether the prisoner is in good
9 mental health or mentally ill. The director may make further
10 investigation and if satisfied that the prisoner is mentally
11 ill, the director may cause the prisoner to be transferred
12 to one of the hospitals for persons with mental illness, or
13 may order the prisoner to be confined in the Iowa medical and
14 classification center.
15 Sec. 1384. Section 904.513, subsection 1, paragraph b,
16 subparagraphs (2) and (3), Code 2023, are amended to read as
17 follows:
18 (2) Offenders convicted of violating chapter 321J,
19 sentenced to the custody of the director, and awaiting
20 placement in a community residential substance ~~abuse~~ use
21 disorder treatment program for such offenders shall be placed
22 in an institutional substance ~~abuse~~ use disorder program
23 for such offenders within sixty days of admission to the
24 institution or as soon as practical. When placing offenders
25 convicted of violating chapter 321J in community residential
26 substance ~~abuse~~ use disorder treatment programs for such
27 offenders, the department shall give priority as appropriate
28 to the placement of those offenders currently in institutional
29 substance ~~abuse~~ use disorder programs for such offenders. The
30 department shall work with each judicial district to enable
31 such offenders to enter community residential substance ~~abuse~~
32 use disorder treatment programs at a level comparable to their
33 prior institutional program participation.

34 (3) Assignment shall be for the purposes of risk
35 management and substance ~~abuse~~ use disorder treatment and may
1 include education or work programs when the offender is not
2 participating in other program components.
3 Sec. 1385. Section 904.513, subsection 3, Code 2023, is
4 amended to read as follows:
5 3. The department shall adopt rules for the implementation
6 of this section. The rules shall include the requirement
7 that the treatment programs established pursuant to this
8 chapter meet the licensure standards of the department of
9 ~~public~~ health and human services under chapter 125. The rules
10 shall also include provisions for the funding of the program
11 by means of self-contribution by the offenders, insurance
12 reimbursement on behalf of offenders, or other forms of
13 funding, program structure, criteria for the evaluation of
14 offenders and programs, and all other issues the director shall
15 deem appropriate.
16 Sec. 1386. Section 904.514, subsection 1, Code 2023, is
17 amended to read as follows:
18 1. A person committed to an institution under the control of
19 the department who bites another person, who causes an exchange
20 of bodily fluids with another person, or who causes any bodily
21 secretion to be cast upon another person, shall submit to the
22 withdrawal of a bodily specimen for testing to determine if the
23 person is infected with a contagious infectious disease. The
24 bodily specimen to be taken shall be determined by the staff
25 physician of the institution. The specimen taken shall be
26 sent to the state hygienic laboratory ~~at the state university~~
27 ~~at Iowa City~~ or some other laboratory approved by the ~~Iowa~~
28 department of ~~public~~ health and human services. If a person
29 to be tested pursuant to this section refuses to submit to the
30 withdrawal of a bodily specimen, application may be made by the
31 superintendent of the institution to the district court for an
32 order compelling the person to submit to the withdrawal and,
33 if infected, to available treatment. An order authorizing the

withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the superintendent of the institution.

Sec. 1387. Section 904.706, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. As used in this section, *"department"* means the ~~Iowa~~ department of corrections and the ~~Iowa~~ department of health and human services.

4. The farm operations administrator appointed under section 904.302 shall perform the functions described under section 904.302 for agricultural operations on property of the ~~Iowa~~ department of health and human services.

5. The ~~Iowa~~ department of health and human services shall enter into an agreement under chapter 28D with the Iowa department of corrections to implement this section.

Sec. 1388. Section 904.809, subsection 5, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) An amount which the inmate may be legally obligated to pay for the support of the inmate's dependents, which shall be paid through the department of health and human services collection services center, and which shall include an amount for delinquent child support not to exceed fifty percent of net earnings.

Sec. 1389. Section 904.905, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of health and human services ~~office or unit serving the county or city in which the dependents reside~~.

Sec. 1390. Section 905.4, subsection 9, Code 2023, is amended to read as follows:

9. Arrange, by contract or on an alternative basis mutually acceptable, and with approval of the director of the Iowa department of corrections or that director's designee for

34 utilization of existing local treatment and service resources,
35 including but not limited to employment, job training, general,
1 special, or remedial education; psychiatric and marriage
2 counseling; and ~~alcohol and drug abuse~~ substance use disorder
3 treatment and counseling. It is the intent of this chapter
4 that a district board shall approve the development and
5 maintenance of such resources by its own staff only if the
6 resources are otherwise unavailable to the district department
7 within reasonable proximity to the community where these
8 services are needed in connection with the community-based
9 correctional program.
10 Sec. 1391. Section 905.12, subsection 1, paragraph a, Code
11 2023, is amended to read as follows:
12 *a.* An amount the resident may be legally obligated to pay
13 for the support of dependents, which shall be paid to the
14 dependents directly or through the department of health and
15 human services office or unit serving the county in which the
16 dependents reside. For the purpose of this paragraph, *"legally*
17 *obligated"* means under a court order.
18 Sec. 1392. Section 905.15, subsection 2, Code 2023, is
19 amended to read as follows:
20 2. A person under supervision of a district department, who
21 assaults another person as defined in section 708.1, by biting,
22 casting bodily fluids, or acting in a manner that results in
23 the exchange of bodily fluids, shall submit to the withdrawal
24 of a bodily specimen for testing to determine if the person
25 is infected with a contagious infectious disease. The bodily
26 specimen to be taken shall be determined by a physician. The
27 specimen taken shall be sent to the state hygienic laboratory
28 ~~at the state university at Iowa City~~ or some other laboratory
29 approved by the department of ~~public~~ health and human services.
30 If a person to be tested pursuant to this section refuses to
31 submit to the withdrawal of a bodily specimen, application may
32 be made by the director to the district court for an order
33 compelling the person to submit to the withdrawal and, if

34 infected, to available treatment. An order authorizing the
35 withdrawal of a specimen for testing may be issued only by a
1 district judge or district associate judge upon application by
2 the director.
3 Sec. 1393. Section 907.5, subsection 1, paragraph e, Code
4 2023, is amended to read as follows:
5 *e.* The defendant's mental health and substance ~~abuse~~
6 use disorder history and treatment options available in the
7 community and the correctional system.
8 Sec. 1394. Section 915.29, Code 2023, is amended to read as
9 follows:
10 **915.29 Notification of victim of juvenile by department of**
11 **health and human services.**
12 1. The department of health and human services shall notify
13 a registered victim regarding a juvenile adjudicated delinquent
14 for a violent crime, committed to the custody of the department
15 of health and human services, and placed at the state training
16 school, of the following:
17 *a.* The date on which the juvenile is expected to be
18 temporarily released from the custody of the department of
19 health and human services, and whether the juvenile is expected
20 to return to the community where the registered victim resides.
21 *b.* The juvenile's escape from custody.
22 *c.* The recommendation by the department to consider the
23 juvenile for release or placement.
24 *d.* The date on which the juvenile is expected to be released
25 from a facility pursuant to a plan of placement.
26 2. The notification required pursuant to this section
27 may occur through the automated victim notification system
28 referred to in section 915.10A to the extent such information
29 is available for dissemination through the system.
30 Sec. 1395. Section 915.35, subsection 4, Code 2023, is
31 amended to read as follows:
32 4. *a.* A child protection assistance team involving the
33 county attorney, law enforcement personnel, and personnel

34 of the department of health and human services shall be
35 established for each county by the county attorney. However,
1 by mutual agreement, two or more county attorneys may
2 establish a single child protection assistance team to cover a
3 multicounty area. A child protection assistance team, to the
4 greatest extent possible, may be consulted in cases involving a
5 forcible felony against a child who is less than age fourteen
6 in which the suspected offender is the person responsible
7 for the care of a child, as defined in section 232.68. A
8 child protection assistance team may also be utilized in cases
9 involving a violation of chapter 709 or 726 or other crime
10 committed upon a victim as defined in subsection 1.
11 *b.* A child protection assistance team may also consult
12 with or include juvenile court officers, medical and mental
13 health professionals, physicians or other hospital-based health
14 professionals, court-appointed special advocates, guardians
15 ad litem, and members of a multidisciplinary team created by
16 the department of health and human services for child abuse
17 ~~investigations~~ assessments. A child protection assistance
18 team may work cooperatively with the early childhood Iowa area
19 board established under chapter 256I. The child protection
20 assistance team shall work with the department of health and
21 human services in accordance with section 232.71B, subsection
22 3, in developing the protocols for prioritizing the actions
23 taken in response to child abuse assessments and for law
24 enforcement agencies working jointly with the department at
25 the local level in processes for child abuse assessments. The
26 department of justice may provide training and other assistance
27 to support the activities of a child protection assistance
28 team.
29 Sec. 1396. Section 915.37, subsection 2, Code 2023, is
30 amended to read as follows:
31 2. References in this section to a guardian ad litem shall
32 be interpreted to include references to a court appointed
33 special advocate as defined in section 232.2~~, subsection 10~~.

Sec. 1397. Section 915.40, subsection 5, Code 2023, is amended to read as follows:

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

Sec. 1398. Section 915.45, subsection 1, Code 2023, is amended to read as follows:

1. In addition to any other information required to be released under chapter 229A, prior to the discharge of a person committed under chapter 229A, the director of health and human services shall give written notice of the person's discharge to any living victim of the person's activities or crime whose address is known to the director or, if the victim is deceased, to the victim's family, if the family's address is known. Failure to notify shall not be a reason for postponement of discharge. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this action.

Sec. 1399. Section 915.46, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The sexual assault forensic examiner program shall provide didactic and clinical training opportunities consistent with the sexual assault forensic examiner education guidelines established by the international association of forensic nurses, in collaboration with the ~~Iowa~~ department of ~~public~~ health and human services and the Iowa coalition against sexual assault, in sufficient numbers and geographical locations across the state to assist treatment facilities with training sexual assault examiners and sexual assault nurse examiners.

Sec. 1400. Section 915.46, subsections 5 and 6, Code 2023, are amended to read as follows:

5. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the ~~Iowa~~ department of ~~public~~ health and human services, and the Iowa coalition against sexual assault, shall create uniform

34 materials that all treatment facilities and federally
35 qualified health centers are required to provide to patients
1 and non-offending parents or legal guardians, if applicable,
2 regarding medical forensic examination procedures, laws
3 regarding consent relating to medical forensic services, and
4 the benefits and risks of evidence collection, including
5 recommended time frames for evidence collection pursuant
6 to evidence-based research. These materials shall be made
7 available on the department of justice's internet site to all
8 treatment facilities and federally qualified health centers.
9 6. The sexual assault forensic examiner program, in
10 collaboration with qualified medical providers, the ~~Iowa~~
11 department of ~~public~~ health and human services, and the Iowa
12 coalition against sexual assault, shall create and update
13 statewide sexual assault examiner and sexual assault nurse
14 examiner protocols, shall provide technical assistance upon
15 request to health care professionals, and shall provide
16 expertise on best practices to health care professionals
17 relating to sexual assault forensic examinations.
18 Sec. 1401. Section 915.46, subsection 7, paragraph b, Code
19 2023, is amended to read as follows:
20 *b.* Members of the advisory committee shall include staff
21 members of the department of justice managing the sexual
22 assault forensic examiner program; representatives from the
23 department of ~~public~~ health and human services as determined
24 by the director to be appropriate, the Iowa coalition against
25 sexual assault, the board of nursing, and other constituencies
26 as determined by the department of justice with an interest in
27 sexual assault forensic examinations; and the hospital medical
28 staff person involved with emergency services pursuant to
29 section 915.82.
30 Sec. 1402. Section 915.83, subsection 4, Code 2023, is
31 amended to read as follows:
32 4. Request from the department of health and human services,
33 the department of workforce development and its division of

34 workers' compensation, the department of public safety, the
35 county sheriff departments, the municipal police departments,
1 the county attorneys, or other public authorities or agencies
2 reasonable assistance or data necessary to administer the crime
3 victim compensation program.
4 Sec. 1403. Section 915.84, subsections 4, 5, and 6, Code
5 2023, are amended to read as follows:
6 4. Notwithstanding subsection 3, a victim under the age of
7 eighteen or dependent adult as defined in section 235B.2 who
8 has been sexually abused or subjected to any other unlawful
9 sexual conduct under chapter 709 or 726 or who has been
10 the subject of a forcible felony is not required to report
11 the crime to the local police department or county sheriff
12 department to be eligible for compensation if the crime was
13 allegedly committed upon a child by a person responsible for
14 the care of a child, as defined in section 232.68, subsection
15 8, or upon a dependent adult by a caretaker as defined
16 in section 235B.2, and was reported to an employee of the
17 department of health and human services and the employee
18 verifies the report to the department.
19 5. When immediate or short-term medical services or mental
20 health services are provided to a victim under section 915.35,
21 the department of health and human services shall file the
22 claim for compensation as provided in subsection 4 for the
23 victim.
24 6. When immediate or short-term medical services to a victim
25 are provided pursuant to section 915.35 by a professional
26 licensed or certified by the state to provide such services,
27 the professional shall file the claim for compensation,
28 unless the department of health and human services is required
29 to file the claim under this section. The requirement to
30 report the crime to the local police department or county
31 sheriff department under subsection 3 does not apply to this
32 subsection.
33 Sec. 1404. 2020 Iowa Acts, chapter 1064, section 16,

34 subsection 1, paragraph d, subparagraph (1), is amended to read
35 as follows:
1 (1) Any debt, which is assigned to the department of health
2 and human services, or which is owed to the department of
3 health and human services for unpaid premiums under section
4 249A.3, subsection 2, paragraph *"a"*, subparagraph (1), or
5 which ~~the~~ child support ~~recovery unit~~ services is otherwise
6 attempting to collect, or which ~~the~~ foster care ~~recovery unit~~
7 services of the department of health and human services is
8 attempting to collect on behalf of a child receiving foster
9 care provided by the department of health and human services.
10 Sec. 1405. 2021 Iowa Acts, chapter 1098, section 92,
11 subsection 1, is amended by striking the subsection.
12 Sec. 1406. REPEAL. Chapter 136, Code 2023, is repealed.
13 Sec. 1407. REPEAL. 2022 Iowa Acts, chapter 1098, section
14 68, is repealed.
15 Sec. 1408. REPEAL. Sections 135.2, 135.3, 135.6, 135.7,
16 135.8, 135.9, 135.10, 216A.2, 217.7, 217.9, 217.10, 217.15,
17 217.16, 217.17, 218.19, 218.20, 218.40, 218.53, 218.54, 222.6,
18 227.19, 231.22, and 234.2, Code 2023, are repealed.
19 Sec. 1409. CODE EDITOR DIRECTIVE. The Code editor is
20 directed to do all of the following:
21 1. Make changes in the structure of any Code chapter
22 including but not limited to chapter titles and subtitles to
23 correspond with the changes made in this division of this
24 Act in consultation with the department of health and human
25 services.
26 2. Make changes in any Code sections amended or enacted
27 by any other Act to correspond with the changes made in this
28 division of this Act if there appears to be no doubt as to
29 the proper method of making the changes and the changes would
30 not be contrary to or inconsistent with the purposes of this
31 division of this Act or any other Act.
32 3. Correct internal references in the Code and in enacted
33 legislation as necessary due to the enactment of this Act.

Sec. 1410. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules:

The section of this Act amending 2020 Iowa Acts, chapter 1064.

DIVISION II

DEPARTMENT OF ADMINISTRATIVE SERVICES

LIBRARY SERVICES

Sec. 1411. NEW SECTION. **8A.204 State librarian.**

1. The director shall appoint the state librarian who shall administer the duties of the department as it relates to library services.

2. The state librarian shall do all of the following:

a. Organize, staff, and administer the department as it relates to library services so as to render the greatest benefit to libraries in the state.

b. Submit a biennial report to the governor on the activities and an evaluation of the department as it relates to library services and its programs and policies.

c. Control all library services-related property of the department. The state librarian may dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the state library of Iowa. These materials may be sold by the state library directly or the library may sell the materials by consignment with an outside entity. A state library fund is created in the state treasury. Proceeds from the sale of the library materials shall be remitted to the treasurer of state and credited to the state library fund and shall be used for the purchase of books and other library materials. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

d. Perform other duties as assigned by the director or as

imposed by law.

Sec. 1412. Section 256.1, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 1413. Section 256.7, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except for the college student aid commission~~, the commission of libraries and division of library services,~~ and the public broadcasting board and division, the state board shall:

Sec. 1414. Section 256.7, subsection 17, Code 2023, is amended by striking the subsection.

Sec. 1415. Section 256.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Except for the college student aid commission~~, the commission of libraries and division of library services,~~ and the public broadcasting board and division, the director shall:

Sec. 1416. Section 256.50, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 1417. Section 256.51, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division of library services is attached to the department of education for administrative purposes. The state librarian shall be responsible for the division's budgeting and related management functions in accordance with section 256.52, subsection 3. The division~~ department, as it relates to library services, shall do all of the following:

Sec. 1418. Section 256.51, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Develop and approve, in consultation with the area education agency media centers and the commission, a biennial unified plan of service and service delivery for the ~~division of library services~~ department.

Sec. 1419. Section 256.51, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *m.* Provide for the improvement of library

34 services to all Iowa citizens and foster development and
35 cooperation among libraries.
1 Sec. 1420. Section 256.51, subsection 2, Code 2023, is
2 amended to read as follows:
3 2. The ~~division~~ department, as it relates to library
4 services, may do all of the following:
5 *a.* Enter into interstate library compacts on behalf of
6 the state of Iowa with any state which legally joins in the
7 compacts as provided in section 256.70.
8 *b.* Receive and expend money for providing programs and
9 services. The ~~division~~ department may receive, accept, and
10 administer any moneys appropriated or granted to it, separate
11 from the general library fund, by the federal government or by
12 any other public or private agency.
13 *c.* Accept gifts, contributions, bequests, endowments,
14 or other moneys, including but not limited to the Westgate
15 endowment fund, for any or all purposes of the ~~division~~
16 department as it relates to library services. Interest earned
17 on moneys accepted under this paragraph shall be credited to
18 the fund or funds to which the gifts, contributions, bequests,
19 endowments, or other moneys have been deposited, and is
20 available for any or all purposes of the ~~division~~ department as
21 it relates to library services. The ~~division~~ department shall
22 report annually to the commission and the general assembly
23 regarding the gifts, contributions, bequests, endowments,
24 or other moneys accepted pursuant to this paragraph and the
25 interest earned on them.
26 Sec. 1421. Section 256.52, subsection 1, paragraph a,
27 unnumbered paragraph 1, Code 2023, is amended to read as
28 follows:
29 The state commission of libraries consists of one member
30 appointed by the supreme court, the director of the department
31 of education~~,~~ or the director's designee, the director, and the
32 following seven members who shall be appointed by the governor
33 to serve four-year terms beginning and ending as provided in

34 section 69.19.
35 Sec. 1422. Section 256.52, subsection 2, Code 2023, is
1 amended to read as follows:
2 2. The commission shall elect one of its members as
3 chairperson. The commission shall meet at the time and place
4 specified by call of the chairperson. ~~Five~~ Six members are a
5 quorum for the transaction of business.
6 Sec. 1423. Section 256.52, subsection 3, Code 2023, is
7 amended by striking the subsection.
8 Sec. 1424. Section 256.52, subsection 4, Code 2023, is
9 amended to read as follows:
10 4. The commission shall adopt rules under chapter 17A for
11 carrying out the responsibilities of the ~~division~~ department as
12 it relates to library services duties of the department.
13 Sec. 1425. Section 256.52, subsection 5, Code 2023, is
14 amended by striking the subsection and inserting in lieu
15 thereof the following:
16 5. Advise the department and the state librarian concerning
17 the library services duties of the department.
18 Sec. 1426. Section 256.53, Code 2023, is amended to read as
19 follows:
20 **256.53 State publications.**
21 Upon issuance of a state publication in any format, a
22 state agency shall provide the ~~division~~ department with
23 an electronic version of the publication at no cost to the
24 ~~division~~ department.
25 Sec. 1427. Section 256.54, subsection 2, unnumbered
26 paragraph 1, Code 2023, is amended to read as follows:
27 The law library shall be administered by a law librarian
28 appointed by the state librarian subject to ~~chapter 8A,~~
29 subchapter IV, who shall do all of the following:
30 Sec. 1428. Section 256.55, unnumbered paragraph 1, Code
31 2023, is amended to read as follows:
32 A state data center is established in the ~~division~~
33 department. The state data center shall be administered by

34 the state data center coordinator, who shall do all of the
35 following:
1 Sec. 1429. Section 256.55, subsection 3, Code 2023, is
2 amended to read as follows:
3 3. Perform other duties imposed by law or prescribed by the
4 ~~commission~~ department.
5 Sec. 1430. Section 256.57, Code 2023, is amended to read as
6 follows:
7 **256.57 Enrich Iowa program.**
8 1. An enrich Iowa program is established in the ~~division~~
9 department to provide direct state assistance to public
10 libraries, to support the open access and access plus programs,
11 to provide public libraries with an incentive to improve
12 library services that are in compliance with performance
13 measures, and to reduce inequities among communities in the
14 delivery of library services based on performance measures
15 adopted by rule by the commission. The commission shall
16 adopt rules governing the allocation of funds appropriated by
17 the general assembly for purposes of this section to provide
18 direct state assistance to eligible public libraries. A public
19 library is eligible for funds under this ~~chapter~~ subchapter if
20 it is in compliance with the commission's performance measures.
21 2. The amount of direct state assistance distributed to each
22 eligible public library shall be based on the following:
23 *a.* The level of compliance by the eligible public library
24 with the performance measures adopted by the commission as
25 provided in this section.
26 *b.* The number of people residing within an eligible
27 library's geographic service area for whom the library provides
28 services.
29 *c.* The amount of other funding the eligible public library
30 received in the previous fiscal year for providing services to
31 rural residents and to contracting communities.
32 3. Moneys received by a public library pursuant to this
33 section shall supplement, not supplant, any other funding

34 received by the library.
35 4. For purposes of this section, *"eligible public library"*
1 means a public library that meets all of the following
2 requirements:
3 *a.* Submits to the ~~division~~ department all of the following:
4 (1) The report provided for under section 256.51,
5 subsection 1, paragraph *"h"*.
6 (2) An application and accreditation report, in a format
7 approved by the ~~commission~~ department, that provides evidence
8 of the library's compliance with at least one level of the
9 standards established in accordance with section 256.51,
10 subsection 1, paragraph *"k"*.
11 (3) Any other application or report the ~~division~~ department
12 deems necessary for the implementation of the enrich Iowa
13 program.
14 *b.* Participates in the library resource and information
15 sharing programs established by the state library.
16 *c.* Is a public library established by city ordinance or a
17 library district as provided in chapter 336.
18 5. Each eligible public library shall maintain a
19 separate listing within its budget for payments received and
20 expenditures made pursuant to this section, and shall annually
21 submit this listing to the ~~division~~ department.
22 6. By January 15, annually, the ~~division~~ department shall
23 submit a program evaluation report to the general assembly
24 and the governor detailing the uses and the impacts of funds
25 allocated under this section.
26 7. A public library that receives funds in accordance with
27 this section shall have an internet use policy in place, which
28 may or may not include internet filtering. The library shall
29 submit a report describing the library's internet use efforts
30 to the ~~division~~ department.
31 8. A public library that receives funds in accordance
32 with this section shall provide open access, the reciprocal
33 borrowing program, as a service to its patrons, at a

34 reimbursement rate determined by the state library.
35 9. Funds appropriated for purposes of this section shall not
1 be used by the ~~division~~ department for administrative purposes.
2 Sec. 1431. Section 256.58, Code 2023, is amended to read as
3 follows:
4 **256.58 Library support network.**
5 1. A library support network is established in the ~~division~~
6 department to offer services and programs for libraries,
7 including but not limited to individualized, locally delivered
8 consulting and training, and to facilitate resource sharing and
9 innovation through the use of technology, administer enrich
10 Iowa programs, advocate for libraries, promote excellence
11 and innovation in library services, encourage governmental
12 subdivisions to provide local financial support for local
13 libraries, and ensure the consistent availability of quality
14 service to all libraries throughout the state, regardless of
15 location or size.
16 2. The organizational structure to deliver library support
17 network services shall include district offices. The district
18 offices shall serve as a basis for providing field services
19 to local libraries in the counties comprising the district.
20 The ~~division~~ department shall determine which counties are
21 served by each district office. The number of district offices
22 established to provide services pursuant to this section shall
23 be six.
24 Sec. 1432. Section 256.59, Code 2023, is amended to read as
25 follows:
26 **256.59 Specialized library services.**
27 The specialized library services unit is established in
28 the ~~division~~ department to provide information services to
29 the three branches of state government and to offer focused
30 information services to the general public in the areas of Iowa
31 law, Iowa state documents, and Iowa history and culture.
32 Sec. 1433. Section 256.62, subsections 1, 3, and 4, Code
33 2023, are amended to read as follows:

1. The state librarian shall convene a library services advisory panel to advise and recommend to the ~~commission and the division~~ department evidence-based best practices, to assist the ~~commission and division~~ department to determine service priorities and launch programs, articulate the needs and interests of Iowa librarians, and share research and professional development information.

3. The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the ~~commission~~ department and the state librarian at least once annually. The report shall be timely submitted to allow for consideration of the recommendations prior to program planning and budgeting for the following fiscal year.

4. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses shall be paid from funds appropriated to the department ~~for purposes of the division~~.

Sec. 1434. Section 256.70, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division of library services of the~~ department ~~of education~~ is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa with any state bordering on Iowa which legally joins therein in substantially the following form and the contracting states agree that:

Sec. 1435. Section 256.71, Code 2023, is amended to read as follows:

256.71 Administrator.

The ~~administrator of the division of library services~~ state librarian shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems

34 desirable to effectuate the purposes of this compact and
35 consult and cooperate with the compact administrators of other
1 party states.
2 Sec. 1436. CODE EDITOR DIRECTIVE — LIBRARY SERVICES.
3 1. The Code editor is directed to make the following
4 transfers:
5 a. Section 256.50 to section 8A.201.
6 b. Section 256.51 to section 8A.202.
7 c. Section 256.52 to section 8A.203.
8 d. Section 256.53 to section 8A.205.
9 e. Section 256.54 to section 8A.206.
10 f. Section 256.55 to section 8A.207.
11 g. Section 256.56 to section 8A.208.
12 h. Section 256.57 to section 8A.209.
13 i. Section 256.58 to section 8A.210.
14 j. Section 256.59 to section 8A.211.
15 k. Section 256.62 to section 8A.221.
16 l. Section 256.69 to section 8A.222.
17 m. Section 256.70 to section 8A.231.
18 n. Section 256.71 to section 8A.232.
19 o. Section 256.72 to section 8A.233.
20 p. Section 256.73 to section 8A.234.
21 2. The Code editor is directed to rename subchapter II and
22 designate parts in chapter 8A as follows:
23 a. Subchapter II shall be entitled "Library Services" and
24 include sections 8A.201 through 8A.234.
25 b. Subchapter II, part 1, shall be entitled "General
26 Provisions" and include sections 8A.201 through 8A.211.
27 c. Subchapter II, part 2, shall be entitled "Library
28 Services Advisory Panel and Local Financial Support" and
29 include sections 8A.221 through 8A.222.
30 d. Subchapter II, new part 3, shall be entitled "Library
31 Compact" and include sections 8A.231 through 8A.234.
32 3. The Code editor may modify subchapter and part titles if
33 necessary and is directed to correct internal references in the

34 Code as necessary due to enactment of this section.

35 STATE RECORDS AND ARCHIVES

1 Sec. 1437. Section 163.37, subsection 3, Code 2023, is
2 amended to read as follows:
3 3. Such records shall be maintained for a length of time as
4 required by and pursuant to chapter ~~305~~ 8A, subchapter VI, and
5 at the point of concentration and shall be made available for
6 inspection by the department at reasonable times.
7 Sec. 1438. Section 305.1, Code 2023, is amended to read as
8 follows:
9 **305.1 Citation.**
10 This ~~chapter~~ subchapter shall be known and may be cited as
11 the *"State Archives and Records Act"*.
12 Sec. 1439. Section 305.2, unnumbered paragraph 1, Code
13 2023, is amended to read as follows:
14 As used in this ~~chapter~~ subchapter, unless the context
15 otherwise requires:
16 Sec. 1440. Section 305.3, subsection 2, Code 2023, is
17 amended by striking the subsection.
18 Sec. 1441. Section 305.3, subsection 8, Code 2023, is
19 amended to read as follows:
20 8. The director ~~of the department of administrative~~
21 ~~services~~.
22 Sec. 1442. Section 305.7, Code 2023, is amended to read as
23 follows:
24 **305.7 ~~Administration~~ Commission administration.**
25 The department ~~of cultural affairs~~, through the state
26 archives and records program, is the primary agency responsible
27 for providing administrative personnel and services for the
28 commission.
29 Sec. 1443. Section 305.8, subsection 1, paragraphs e, f, and
30 g, Code 2023, are amended to read as follows:
31 *e.* Adopt and maintain an interagency records manual
32 containing the rules governing records management, as well as
33 records series retention and disposition schedules, guidelines,

34 and other information relating to implementation of this
35 ~~chapter~~ subchapter.
1 *f.* Make recommendations, in consultation with the department
2 ~~of administrative services~~, to the governor and the general
3 assembly for the continued reduction of printed reports
4 throughout state government in a manner that protects the
5 public's right to access such reports.
6 *g.* Provide advice, counsel, and services to the legislative,
7 judicial, and executive branch agencies subject to this ~~chapter~~
8 subchapter on the care and management of state government
9 records.
10 Sec. 1444. Section 305.8, subsection 2, paragraph a, Code
11 2023, is amended to read as follows:
12 *a.* Examine records in the possession, constructive
13 possession, or control of state agencies to carry out the
14 purposes of this ~~chapter~~ subchapter.
15 Sec. 1445. Section 305.9, subsection 1, unnumbered
16 paragraph 1, Code 2023, is amended to read as follows:
17 The department ~~of cultural affairs~~ shall do all of the
18 following as it relates to state records and archives:
19 Sec. 1446. Section 305.9, subsection 1, paragraphs a and j,
20 Code 2023, are amended to read as follows:
21 *a.* ~~Provide~~ Administer the state archives and records
22 program and provide administrative support to the state records
23 commission through the state archives and records program.
24 *j.* Provide advice, counsel, and services to the legislative,
25 judicial, and executive branch agencies subject to this ~~chapter~~
26 subchapter on the care and management of state government
27 records.
28 Sec. 1447. Section 305.9, subsection 1, paragraph l,
29 subparagraph (2), Code 2023, is amended to read as follows:
30 (2) Upon request, the state archivist shall make a certified
31 copy of any record in the legal custody or in the physical
32 custody of the state archivist, or a certified transcript of
33 any record if reproduction is inappropriate because of legal or

34 physical considerations. If a copy or transcript is properly
35 authenticated, it has the same legal effect as though certified
1 by the officer from whose office it was transferred or by the
2 secretary of state. The department ~~of cultural affairs~~ shall
3 establish reasonable fees for certified copies or certified
4 transcripts of records in the legal custody or physical custody
5 of the state archivist.
6 Sec. 1448. Section 305.9, subsection 2, unnumbered
7 paragraph 1, Code 2023, is amended to read as follows:
8 The department ~~of cultural affairs~~ may do any of the
9 following as it relates to state records and archives:
10 Sec. 1449. Section 305.10, subsection 1, paragraphs d and j,
11 Code 2023, are amended to read as follows:
12 *d.* Comply with requests from the state records commission
13 or the state archives and records program to examine records
14 in the possession, constructive possession, or control of the
15 agency in order to carry out the purposes of this ~~chapter~~
16 subchapter.
17 *j.* Provide for compliance with this ~~chapter~~ subchapter and
18 the rules adopted by the state records commission.
19 Sec. 1450. Section 305.14, Code 2023, is amended to read as
20 follows:
21 **305.14 Liability precluded.**
22 No member of the commission or head of an agency shall
23 be held liable for damages or loss, or civil or criminal
24 liability, because of the destruction of public records
25 pursuant to the provisions of this ~~chapter~~ subchapter or any
26 other law authorizing their destruction.
27 Sec. 1451. Section 305.15, Code 2023, is amended to read as
28 follows:
29 **305.15 Exemptions —— duties of state department of**
30 **transportation and state board of regents.**
31 The state department of transportation and the agencies and
32 institutions under the control of the state board of regents
33 are exempt from the state records manual and the provisions

34 of this ~~chapter~~ subchapter. However, the state department of
35 transportation and the state board of regents shall adopt rules
1 pursuant to chapter 17A for their employees, agencies, and
2 institutions that are consistent with the objectives of this
3 ~~chapter~~ subchapter. The rules shall be approved by the state
4 records commission.
5 Sec. 1452. Section 305.16, subsections 1 and 3, Code 2023,
6 are amended to read as follows:
7 1. *Membership.* The board shall consist of nine members
8 appointed by the governor for three-year staggered terms.
9 Members shall be eligible for reappointment. The members shall
10 have experience in a field of research or an activity that
11 administers or makes extensive use of historical records. The
12 majority of the members shall have professional qualifications
13 and experience in the administration of government records,
14 historical records, or archives. The ~~administrator of the~~
15 ~~historical division of the department of cultural affairs~~
16 director shall serve as an ex officio member of the board.
17 3. *Administration.* The department ~~of cultural affairs~~,
18 through the state archives and records program, is the primary
19 agency responsible for providing administrative personnel and
20 services for the board.
21 Sec. 1453. CODE EDITOR DIRECTIVE — STATE RECORDS AND
22 ARCHIVES.
23 1. The Code editor is directed to make the following
24 transfers:
25 a. Section 305.1 to section 8A.601.
26 b. Section 305.2 to section 8A.602.
27 c. Section 305.3 to section 8A.603.
28 d. Section 305.4 to section 8A.604.
29 e. Section 305.5 to section 8A.605.
30 f. Section 305.6 to section 8A.606.
31 g. Section 305.7 to section 8A.607.
32 h. Section 305.8 to section 8A.608.
33 i. Section 305.9 to section 8A.609.

34 j. Section 305.10 to section 8A.610.
35 k. Section 305.11 to section 8A.611.
1 l. Section 305.12 to section 8A.612.
2 m. Section 305.13 to section 8A.613.
3 n. Section 305.14 to section 8A.614.
4 o. Section 305.15 to section 8A.615.
5 p. Section 305.16 to section 8A.616.
6 2. The Code editor is directed to create a new subchapter
7 VI in chapter 8A as follows: Subchapter VI shall be entitled
8 "State Records and Archives" and include sections 8A.601
9 through 8A.616.
10 3. The Code editor may modify subchapter titles if necessary
11 and is directed to correct internal references in the Code as
12 necessary due to enactment of this section.
13 HISTORICAL RESOURCES
14 Sec. 1454. NEW SECTION. **8A.702 Departmental duties —**
15 **historical resources.**
16 The duties of the department as it relates to the historical
17 resources of the state shall include all of the following:
18 1. Develop a comprehensive, coordinated, and efficient
19 policy to preserve, research, interpret, and promote to the
20 public an awareness and understanding of local, state, and
21 regional history.
22 2. Administer and care for historical sites under the
23 authority of the department, and maintain collections within
24 these buildings.
25 *a.* Except for the state board of regents, a state agency
26 which owns, manages, or administers a historical site must
27 enter into an agreement with the department under chapter 28E
28 to insure the proper management, maintenance, and development
29 of the site.
30 *b.* For the purposes of this section, *"historical site"*
31 means any district, site, building, or structure listed on the
32 national register of historic sites or identified as eligible
33 for such status by the state historic preservation officer

34 or that is identified according to established criteria by
35 the state historic preservation officer as significant in
1 national, state, and local history, architecture, engineering,
2 archaeology, or culture.
3 3. Encourage and assist local, county, and state
4 organizations and museums devoted to historical purposes.
5 4. Develop standards and criteria for the acquisition of
6 historic properties and for the preservation, restoration,
7 maintenance, operation, and interpretation of properties under
8 the jurisdiction of the department.
9 5. Implement tourism-related art and history projects as
10 directed by the general assembly.
11 6. Encourage the use of volunteers throughout the
12 department as it relates to the historical resources of
13 the state, especially for purposes of restoring books and
14 manuscripts.
15 7. Publish matters of historical value to the public.
16 8. Buy or receive by other means historical materials
17 including but not limited to artifacts, art, books,
18 manuscripts, and images. Such materials are not personal
19 property under sections 8A.321 and 8A.324 and shall be
20 received and cared for under the rules of the department. The
21 department may sell or otherwise dispose of those materials
22 according to the rules of the department and be credited for
23 any revenues credited by the disposal less the costs incurred.
24 9. Administer the historical resource development program
25 established in section 8A.712.
26 10. Administer, preserve, and interpret the battle
27 flag collection assembled by the state in consultation and
28 coordination with the department of veterans affairs and the
29 department of administrative services. A portion of the battle
30 flag collection shall be on display at the state capitol and
31 the state historical building at all times, unless on loan
32 approved by the department of cultural affairs.
33 11. Establish, maintain, and administer a digital

collection of historical manuscripts, documents, records, reports, images, and artifacts and make the collection available to the public through an online research center.

12. Perform such duties as required under chapter 305B.

Sec. 1455. Section 218.22, Code 2023, is amended to read as follows:

218.22 Record privileged.

Except with the consent of the administrator in charge of an institution, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the administrator of the division of the department of human services in control of such institution, the director of the department of human services and to assistants and proper clerks authorized by such administrator or the administrator's director. The administrator of the division of such institution is authorized to permit the ~~division of library services of the department of education and the historical division of the~~ department of ~~cultural affairs~~ administrative services to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 1456. Section 303.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state historical society administrator~~ director may:

Sec. 1457. Section 303.5, subsection 1, Code 2023, is amended to read as follows:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the ~~division~~ department as it relates to the historical resources of the state.

Sec. 1458. Section 303.7, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

303.7 State historical society.

34 1. As used in this subchapter, *"state historical society"*
35 means a membership organization of the department that is open
1 to members of the general public who are interested in the
2 history of the state.
3 2. The state historical society board of trustees shall
4 recommend to the director rules for membership of the general
5 public in the state historical society, including rules
6 relating to membership fees. Members shall be persons who
7 indicate an interest in the history, progress, and development
8 of the state and who pay the prescribed fee. The members
9 of the state historical society may meet at least one time
10 per year to further the understanding of the history of this
11 state. The members of the society shall not determine policy
12 for the department as it relates to the historical resources
13 of the state but may advise the director and perform functions
14 to stimulate interest in the history of this state among the
15 general public. The society may perform other activities
16 related to history which are not contrary to this subchapter.
17 3. Unless designated otherwise, an application for
18 membership in the state historical society, or a gift, bequest,
19 devise, endowment, or grant to the state historical society or
20 the department as it relates to the historical resources of the
21 state shall be presumed to be to or in the department.
22 4. Notwithstanding section 633.63, the board may enter into
23 agreements authorizing nonprofit foundations acting solely for
24 the support of the state historical society or the department
25 to administer the membership program of the state historical
26 society and funds of the state historical society or the
27 department as it relates to the historical resources of the
28 state.
29 Sec. 1459. Section 303.8, subsection 1, paragraphs b and c,
30 Code 2023, are amended to read as follows:
31 *b.* Make recommendations to the ~~division administrator~~
32 director on historically related matters.
33 *c.* Review and recommend to the director or the director's

34 designee policy decisions regarding the ~~division~~ department as
35 it relates to the historical resources of the state.
1 Sec. 1460. Section 303.8, Code 2023, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 3. The department may:
4 *a.* By rule, establish advisory groups necessary for the
5 receipt of federal funds or grants or the administration of
6 any of the department's programs relating to the historical
7 resources of the state.
8 *b.* Develop and implement fee-based educational programming
9 opportunities, including preschool programs, related to arts,
10 history, and other cultural matters for Iowans of all ages.
11 Sec. 1461. Section 303.9, subsections 1 and 3, Code 2023,
12 are amended to read as follows:
13 1. All funds received by the department relating to the
14 historical resources of the state, including but not limited
15 to gifts, endowments, funds from the sale of memberships in
16 the state historical society, funds from the sale of mementos
17 and other items relating to Iowa history as authorized under
18 subsection 2, interest generated by the life membership
19 trust fund, and fees, shall be credited to the account of
20 the department and are appropriated to the department to
21 be invested or used for programs and purposes under the
22 authority of the department as it relates to the historical
23 resources of the state. Interest earned on funds credited to
24 the department, except funds appropriated to the department
25 from the general fund of the state, shall be credited to the
26 department. Section 8.33 does not apply to funds credited to
27 the department under this section.
28 3. Notwithstanding section 633.63, the state historical
29 society board of trustees may authorize nonprofit foundations
30 acting solely for the support of the ~~state historical society~~
31 ~~of Iowa~~ department as it relates to the historical resources of
32 the state to accept and administer trusts deemed by the board
33 to be beneficial to the ~~division's~~ department's operations

34 under this subchapter. The board and the foundation may act
35 as trustees in such instances.
1 Sec. 1462. Section 303.9A, Code 2023, is amended to read as
2 follows:
3 **303.9A Iowa heritage fund.**
4 1. An Iowa heritage fund is created in the state treasury
5 to be administered by the ~~state historical society~~ department.
6 The fund shall consist of all moneys allocated to the fund by
7 the treasurer of state.
8 2. Moneys in the fund shall be used in accordance with the
9 following:
10 *a.* Ninety percent shall be retained by the ~~state historical~~
11 ~~society~~ department and used to maintain and expand Iowa's
12 history curriculum, to provide teacher training in Iowa
13 history, and to support museum exhibits, historic sites, and
14 adult education programs.
15 *b.* Five percent shall be retained by the ~~state historical~~
16 ~~society~~ department to be used for start-up costs for the one
17 hundred seventy-fifth and two hundredth anniversaries of Iowa
18 statehood.
19 *c.* Five percent shall be retained by the ~~state historical~~
20 ~~society~~ department to be used for the promotion of the sale
21 of the Iowa heritage registration plate issued under section
22 321.34.
23 Sec. 1463. Section 303.10, Code 2023, is amended to read as
24 follows:
25 **303.10 Acceptance and use of money grants.**
26 All federal grants to and the federal receipts of the
27 agencies receiving funds under this ~~chapter~~ subchapter are
28 appropriated for the purpose set forth in the federal grants
29 or receipts.
30 Sec. 1464. Section 303.11, Code 2023, is amended to read as
31 follows:
32 **303.11 Gifts.**
33 1. The ~~division~~ department may accept gifts and bequests

34 which shall be used in accordance with the desires of the donor
35 if expressed. Funds contained in an endowment fund for either
1 the department of history and archives or the state historical
2 society existing on July 1, 1974, remain an endowment of the
3 ~~division~~ department. Gifts shall be accepted only on behalf
4 of the ~~division~~ department, and gifts to a part, branch, or
5 section of the ~~division~~ department are presumed to be gifts to
6 the ~~division~~ department.
7 2. If publication of a book is financed by the endowment
8 fund, this ~~chapter~~ subchapter does not prevent the return of
9 moneys from sales of the book to the endowment fund.
10 Sec. 1465. Section 303.16, subsections 1 and 2, Code 2023,
11 are amended to read as follows:
12 1. The ~~historical division~~ department shall administer a
13 program of grants and loans for historical resource development
14 throughout the state, subject to funds for such grants and
15 loans being made available through the appropriations process
16 or otherwise provided by law.
17 2. The purpose of the historical resource development
18 program is to preserve, conserve, interpret, and enhance
19 historical resources that will encourage and support the
20 economic and cultural health and development of the state and
21 the communities in which the resources are located. For this
22 purpose, the ~~division~~ department may make grants and loans as
23 otherwise provided by law with funds as may be made available
24 by applicable law.
25 Sec. 1466. Section 303.16, subsection 6, paragraphs b, f,
26 and g, Code 2023, are amended to read as follows:
27 *b.* A portion of the applicant's operating expenses may
28 be used as a cash match or in-kind match as specified by the
29 ~~division's~~ department's rules.
30 *f.* Grants under this program may be given only after review
31 and recommendation by the state historical society board of
32 trustees. The ~~division~~ department may contract with lending
33 institutions chartered in this state to act as agents for the

34 administration of loans under the program, in which case, the
35 lending institution may have the right of final approval of
1 loans, subject to the ~~division's~~ department's administrative
2 rules. If the ~~division~~ department does not contract with
3 a lending institution, loans may be made only after review
4 and recommendation by the state historical society board of
5 trustees.
6 *g.* The ~~division~~ department shall not award grants or loans
7 to be used for goods or services obtained outside the state,
8 unless the proposed recipient demonstrates that it is neither
9 feasible nor prudent to obtain the goods or services within the
10 state.
11 Sec. 1467. Section 303.16, subsections 8 and 9, Code 2023,
12 are amended to read as follows:
13 8. The ~~division~~ department may use ten percent of the annual
14 ~~appropriation~~ allocation to the ~~division~~ historical resource
15 grant and loan fund established in this section pursuant
16 to section 455A.19, but in no event more than seventy-five
17 thousand dollars, for administration of the grant and loan
18 program.
19 9. *a.* (1) The ~~division~~ department may establish a
20 historical resource grant and loan fund composed of any
21 money appropriated by the general assembly for that purpose,
22 funds allocated pursuant to section 455A.19, and of any other
23 moneys available to and obtained or accepted by the ~~division~~
24 department from the federal government or private sources for
25 placement in that fund. Each loan made under this section
26 shall be for a period not to exceed ten years, shall bear
27 interest at a rate determined by the state historical board,
28 and shall be repayable to the revolving loan fund in equal
29 yearly installments due March 1 of each year the loan is in
30 effect. The interest rate upon loans for which payment is
31 delinquent shall accelerate immediately to the current legal
32 usury limit. Applicants are eligible for not more than one
33 hundred thousand dollars in loans outstanding at any time under

34 this program. A single lending institution contracting with
35 the ~~division~~ department pursuant to this section shall not hold
1 more than five hundred thousand dollars worth of outstanding
2 loans under the program.
3 (2) Any applicant, who is otherwise eligible, who receives
4 a direct or indirect appropriation from the general assembly
5 for a project or portion of a project is ineligible for a
6 historical resources development grant for that same project
7 during the fiscal year for which the appropriation is made.
8 For purposes of this paragraph, *"project"* includes any related
9 activities, including but not limited to construction,
10 restoration, supplies, equipment, consulting, or other
11 services.
12 *b.* The ~~division~~ department may:
13 (1) Contract and adopt administrative rules necessary to
14 carry out the provisions of this section, but the ~~division~~
15 department shall not in any manner directly or indirectly
16 pledge the credit of the state of Iowa.
17 (2) Authorize payment from the historical resource grant
18 and loan fund, from fees and from any income received by
19 investments of money in the fund for costs, commissions,
20 attorney fees and other reasonable expenses related to
21 and necessary for making and protecting direct loans under
22 this section, and for the recovery of moneys loaned or the
23 management of property acquired in connection with such loans.
24 Sec. 1468. Section 303.16, subsection 10, paragraph b, Code
25 2023, is amended to read as follows:
26 *b.* A country schools historical resource preservation
27 grant program is therefore established to be administered by
28 the ~~historical division~~ department for the preservation of
29 one-room and two-room buildings once used as country schools.
30 In developing grant approval criteria, the ~~division~~ department
31 shall place a priority on the educational uses planned for the
32 country school building, which may include, but are not limited
33 to, historical interpretation and use as a teaching museum or

as an operational classroom accessible to a school district or accredited nonpublic school for provisional instructional purposes.

Sec. 1469. Section 305B.5, Code 2023, is amended to read as follows:

305B.5 Notice of injury or loss.

A museum shall give a lender or claimant prompt notice of any known injury to or loss of property on loan on a form for notice of injury loss adopted by rule by the department of administrative services. ~~The department of cultural affairs shall adopt by rule a form for notice of injury or loss, no later than January 1, 1989, and shall distribute the rule and form to all identified museums in Iowa within sixty days after adoption of the rule.~~ The notice shall be mailed to the lender's or claimant's last known address in event of injury or loss of property on loan to the museum. Published notice of injury or loss of undocumented property shall not be required.

Sec. 1470. Section 305B.8, subsection 3, Code 2023, is amended to read as follows:

3. The department of ~~cultural affairs~~ administrative services shall adopt by rule a form for notice of intent to preserve an interest in property on loan to a museum. The form shall satisfy the requirements of subsection 1 and shall notify the claimant of the rights and procedures to preserve an interest in museum property. The form shall also facilitate recordkeeping and record retrieval by a museum. At a minimum the form shall provide a place for recording evidence of receipt of a notice by a museum, including the date of receipt, signature of the person receiving the notice, and the date on which a copy of the receipt is returned to the claimant.

Sec. 1471. Section 305B.11, subsection 2, Code 2023, is amended to read as follows:

2. The department of ~~cultural affairs~~ administrative services may by rule determine the minimum form and substance of recordkeeping by museums with regard to museum property to

implement this chapter.

Sec. 1472. Section 321.34, subsection 25, paragraph b, Code 2023, is amended to read as follows:

b. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with a civil war sesquicentennial processed emblem. The special plate fees collected by the director under subsection 12, paragraphs *"a"* and *"c"*, from the issuance and annual validation of letter-number designated and personalized civil war sesquicentennial plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of ~~cultural affairs~~ administrative services the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for civil war sesquicentennial plates, and such funds are appropriated to the department of ~~cultural affairs~~ administrative services to be used for the Iowa battle flag project.

Sec. 1473. Section 423.3, subsection 34, Code 2023, is amended to read as follows:

34. The sales price from sales of mementos and other items relating to Iowa history and historic sites by the department of ~~cultural affairs~~ administrative services on the premises of property under its control and at the state capitol.

Sec. 1474. Section 427.16, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. A historical site as defined in section ~~303.2~~ 8A.702.

Sec. 1475. Section 455A.19, subsection 1, paragraph f, Code 2023, is amended to read as follows:

f. Five percent shall be allocated to the historical resource grant and loan fund established pursuant to section 303.16. The department of ~~cultural affairs~~ administrative services shall use the moneys allocated to this fund to implement historical resource development programs as provided

34 under section 303.16.
35 Sec. 1476. Section 904.601, subsection 1, Code 2023, is
1 amended to read as follows:
2 1. The director shall keep the following record
3 of every person committed to any of the department's
4 institutions: Name, residence, sex, age, place of birth,
5 occupation, civil condition, date of entrance or commitment,
6 date of discharge, whether a discharge is final, condition of
7 the person when discharged, the name of the institutions from
8 which and to which the person has been transferred, and if the
9 person is dead, the date and cause of death. The director may
10 permit the ~~division of library services of the department of~~
11 ~~education and the historical division of the~~ department of
12 ~~cultural affairs~~ administrative services to copy or reproduce
13 by any photographic, photostatic, microfilm, microcard, or
14 other process which accurately reproduces in a durable medium
15 and to destroy in the manner described by law the records of
16 inmates required by this paragraph.
17 Sec. 1477. 2012 Iowa Acts, chapter 1136, section 27,
18 subsection 1, is amended to read as follows:
19 1. A battle flag restoration fund is created and established
20 as a separate and distinct fund in the state treasury under the
21 control of the department of ~~cultural affairs~~ administrative
22 services. The moneys in the fund are appropriated to the
23 department for purposes of continuing the project recommended
24 by the Iowa battle flag advisory committee to stabilize the
25 condition of the battle flag collection. Moneys in the fund
26 shall not be subject to appropriation for any other purpose by
27 the general assembly, but shall be used only for the purposes
28 of the battle flag restoration fund.
29 Sec. 1478. CODE EDITOR DIRECTIVE —— HISTORICAL RESOURCES.
30 1. The Code editor is directed to make the following
31 transfers:
32 a. Section 303.4 to section 8A.703.
33 b. Section 303.5 to section 8A.704.

c. Section 303.6 to section 8A.705.

d. Section 303.7 to section 8A.706.

e. Section 303.8 to section 8A.707.

f. Section 303.9 to section 8A.708.

g. Section 303.9A to section 8A.709.

h. Section 303.10 to section 8A.710.

i. Section 303.11 to section 8A.711.

j. Section 303.16 to section 8A.712.

2. The Code editor is directed to create a new subchapter VII in chapter 8A as follows: Subchapter VII shall be entitled "Historical Resources" and include sections 8A.702 through 8A.712.

3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

DIVISION III

DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING

ORGANIZATION — GENERAL PROVISIONS

Sec. 1479. 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. 1480. 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. 1481. 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. 1482. Section 10A.103, Code 2023, is amended to read as follows:

10A.103 Purpose of the department.

The department is created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, ~~and~~ investigations, and licensing activities related to the operations of the executive branch of state government, and administering the laws relating to employment safety, labor standards, and workers' compensation.

Sec. 1483. Section 10A.104, subsections 2 and 5, Code 2023, are amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, labor commissioner, workers' compensation commissioner, director of the Iowa state civil rights commission, and members of the employment appeal board~~, and administrator of the child advocacy board created in section 237.16~~. All persons appointed and employed in the department are covered by the provisions of chapter 8A, subchapter IV, but persons not appointed by the director

are exempt from the merit system provisions of chapter 8A, subchapter IV.

5. ~~Adopt~~ Except for rules required or authorized by law to be adopted by another entity, adopt rules deemed necessary for the implementation and administration of this chapter in accordance with chapter 17A.

Sec. 1484. Section 10A.104, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 15. To adopt rules, in consultation with the state fire marshal, designating a fee to be assessed to each building, structure, or facility for which a fire safety inspection or plan review is required by law. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection or plan review. The fees collected shall be deposited in the general fund of the state.

NEW SUBSECTION. 16. Serve as the state building code commissioner pursuant to section 103A.4 and administer chapters 101, 101A, 101B, 103, 103A, 104A, 104B, and 105.

NEW SUBSECTION. 17. Enforce the law relative to "Health-related Professions", Title IV, subtitle 3, excluding chapter 147A.

NEW SUBSECTION. 18. Regulate and supervise real estate appraisers under chapter 543D and real estate appraisal management companies under chapter 543E.

Sec. 1485. Section 10A.106, Code 2023, is amended to read as follows:

10A.106 Divisions of the department.

1. The department is comprised of the ~~following divisions:~~

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

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

~~*c.* Health facilities~~, workers' compensation division, and other divisions as appropriate.

2. The allocation of departmental duties to the divisions of the department in ~~sections 10A.402, 10A.702,~~ sections 10A.202,

34 10A.301, and 10A.801 does not prohibit the director from
35 reallocating departmental duties within the department.
1 Sec. 1486. Section 10A.108, subsections 8, 10, and 11, Code
2 2023, are amended to read as follows:
3 8. The department of inspections, ~~and~~ appeals, and
4 licensing, as provided in this chapter and chapter 626,
5 shall proceed to collect all debts owed the department of
6 human services as soon as practicable after the debt becomes
7 delinquent. If service has not been made on a distress warrant
8 by the officer to whom addressed within five days from the
9 date the distress warrant was received by the officer, the
10 authorized investigators of the department of inspections, ~~and~~
11 appeals, and licensing may serve and make return of the warrant
12 to the clerk of the district court of the county named in the
13 distress warrant, and all subsequent procedures shall be in
14 compliance with chapter 626.
15 10. The attorney general, upon the request of the director
16 of inspections, ~~and~~ appeals, and licensing, shall bring an
17 action, as the facts may justify, without bond, to enforce
18 payment of any debts under this section, and in the action
19 the attorney general shall have the assistance of the county
20 attorney of the county in which the action is pending.
21 11. The remedies of the state shall be cumulative and no
22 action taken by the director of inspections, ~~and~~ appeals, and
23 licensing or attorney general shall be construed to be an
24 election on the part of the state or any of its officers to
25 pursue any remedy to the exclusion of any other remedy provided
26 by law.
27 Sec. 1487. NEW SECTION. **10A.109 Statutory board,**
28 **commission, committee, or council —— teleconference option.**
29 Any statutorily established board, commission, committee,
30 or council established under the purview of the department
31 relative to "Health-related Professions", Title IV, subtitle
32 3, excluding chapter 147A, shall provide for a teleconference
33 option for board, commission, committee, or council members to

34 participate in official meetings.
35 Sec. 1488. Section 10A.402, unnumbered paragraph 1, Code
1 2023, is amended to read as follows:
2 The ~~administrator~~ director shall coordinate the ~~division's~~
3 department's conduct of various audits and investigations as
4 provided by law including but not limited to the following:
5 Sec. 1489. Section 10A.403, Code 2023, is amended to read
6 as follows:
7 **10A.403 Investigators — peace officer status.**
8 Investigators of the ~~division~~ department shall have the
9 powers and authority of peace officers when acting within the
10 scope of their responsibilities to conduct investigations as
11 specified in section 10A.402, subsection 5. An investigator
12 shall not carry a weapon to perform responsibilities as
13 described in this section.
14 Sec. 1490. Section 10A.601, subsection 1, Code 2023, is
15 amended to read as follows:
16 1. A full-time employment appeal board is created within the
17 department of inspections, ~~and~~ appeals, and licensing, to hear
18 and decide contested cases under chapter 8A, subchapter IV, and
19 chapters 80, 88, 91C, 96, and 97B.
20 Sec. 1491. Section 10A.702, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:
22 The ~~administrator~~ director shall coordinate the ~~division's~~
23 department's conduct of various inspections and investigations
24 as otherwise provided by law including, but not limited to, all
25 of the following:
26 Sec. 1492. Section 10A.702, subsection 2, Code 2023, is
27 amended to read as follows:
28 2. Inspections and other licensing procedures relative to
29 the hospice program, hospitals, and health care facilities.
30 The ~~division~~ department is designated as the sole licensing
31 authority for these programs and facilities.
32 Sec. 1493. Section 10A.801, subsection 1, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

For purposes of this ~~article~~ subchapter, unless the context otherwise requires:

Sec. 1494. Section 10A.801, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. "Division" means the administrative hearings division of the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1495. Section 84A.1, subsection 3, Code 2023, is amended to read as follows:

3. ~~*a.*~~ The director of the department of workforce development shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

~~*b.* The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.~~

Sec. 1496. Section 84A.5, subsections 4 and 5, Code 2023, are amended by striking the subsections.

Sec. 1497. REPEAL. Sections 10A.401 and 10A.701, Code 2023, are repealed.

Sec. 1498. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to rename and retitle article I of chapter 10A as follows:

Subchapter I GENERAL PROVISIONS

2. The Code editor is directed to rename and retitle article IV of chapter 10A as follows:

Subchapter IV INVESTIGATIONS

3. The Code editor is directed to rename article VI of chapter 10A as subchapter VI.

4. The Code editor is directed to rename and retitle article VII of chapter 10A as follows:

Subchapter VII HEALTH FACILITIES

5. The Code editor is directed to rename article VIII of chapter 10A as subchapter VIII.

6. The Code editor shall correct internal references in the

Code and in any enacted legislation as necessary due to the enactment of this section.

LABOR SERVICES

Sec. 1499. NEW SECTION. **10A.200 Definitions.**

As used in this subchapter, unless the context otherwise requires:

1. *"Commissioner"* means the labor commissioner appointed pursuant to section 10A.203, or the commissioner's designee.

2. *"Division"* means the division of labor services of the department of inspections, appeals, and licensing.

Sec. 1500. NEW SECTION. **10A.202 Labor services — responsibilities.**

1. The division is responsible for the administration of the laws of this state under chapter 88 and sections 85.67A and 85.68, and such other duties assigned to the division or commissioner. The executive head of the division is the commissioner, appointed pursuant to section 10A.203.

2. The department is responsible for the administration of the laws of this state under chapters 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and such other labor-services duties assigned to the department or director.

Sec. 1501. Section 73A.21, subsection 1, paragraphs a and b, Code 2023, are amended by striking the paragraphs.

Sec. 1502. Section 73A.21, subsections 5, 6, 8, and 9, Code 2023, are amended to read as follows:

5. The ~~commissioner~~ director and the ~~division~~ department shall administer and enforce this section, and the ~~commissioner~~ director shall adopt rules for the administration and enforcement of this section as provided in section ~~91.6~~ 10A.104.

6. The ~~commissioner~~ director shall have the following powers and duties for the purposes of this section:

a. The ~~commissioner~~ director may hold hearings and investigate charges of violations of this section.

b. The ~~commissioner~~ director may, consistent with due

process of law, enter any place of employment to inspect records concerning labor force residency, to question an employer or employee, and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this section. The ~~commissioner~~ director shall only make such an entry in response to a written complaint.

c. The ~~commissioner~~ director shall develop a written complaint form applicable to this section and make it available in ~~division~~ department offices and on the ~~department of workforce development's~~ department's internet site.

d. The ~~commissioner~~ director may sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of this section.

e. The ~~commissioner~~ director may investigate and ascertain the residency of a worker engaged in any public improvement in this state.

f. The ~~commissioner~~ director may administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing.

g. The ~~commissioner~~ director may employ qualified personnel as are necessary for the enforcement of this section. Such personnel shall be employed pursuant to the merit system provisions of chapter 8A, subchapter IV.

h. The ~~commissioner~~ director shall require a contractor or subcontractor to file, within ten days of receipt of a request, any records enumerated in subsection 7. If the contractor or subcontractor fails to provide the requested records within ten days, the ~~commissioner~~ director may direct, within fifteen days after the end of the ten-day period, the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public

34 improvement or undertook the public improvement, to immediately
35 withhold from payment to the contractor or subcontractor
1 up to twenty-five percent of the amount to be paid to the
2 contractor or subcontractor under the terms of the contract
3 or written instrument under which the public improvement is
4 being performed. The amount withheld shall be immediately
5 released upon receipt by the public body of a notice from
6 the commissioner indicating that the request for records as
7 required by this section has been satisfied.
8 8. Any person or entity that violates the provisions of
9 this section is subject to a civil penalty in an amount not
10 to exceed one thousand dollars for each violation found in
11 a first investigation by the ~~division~~ department, not to
12 exceed five thousand dollars for each violation found in a
13 second investigation by the ~~division~~ department, and not to
14 exceed fifteen thousand dollars for a third or subsequent
15 violation found in any subsequent investigation by the ~~division~~
16 department. Each violation of this section for each worker and
17 for each day the violation continues constitutes a separate and
18 distinct violation. In determining the amount of the penalty,
19 the ~~division~~ department shall consider the appropriateness of
20 the penalty to the person or entity charged, upon determination
21 of the gravity of the violations. The collection of these
22 penalties shall be enforced in a civil action brought by the
23 attorney general on behalf of the ~~division~~ department.
24 9. A party seeking review of the ~~division's~~ department's
25 determination pursuant to this section may file a written
26 request for an informal conference. The request must be
27 received by the ~~division~~ department within fifteen days
28 after the date of issuance of the ~~division's~~ department's
29 determination. During the conference, the party seeking
30 review may present written or oral information and arguments
31 as to why the ~~division's~~ department's determination should be
32 amended or vacated. The ~~division~~ department shall consider
33 the information and arguments presented and issue a written

decision advising all parties of the outcome of the conference.

Sec. 1503. Section 91.2, Code 2023, is amended to read as follows:

91.2 ~~Appointment~~ Labor commissioner — appointment.

The governor shall appoint, subject to confirmation by the senate, a labor commissioner who shall serve ~~for a period of six years beginning and ending as provided in section 69.19~~ at the pleasure of the governor. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

Sec. 1504. Section 91.4, Code 2023, is amended to read as follows:

91.4 Duties and powers — labor services.

1. The duties of ~~said~~ the commissioner or director, as applicable, pursuant to this subchapter shall be as follows:

a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner's or director's hands by virtue of the office, and deliver the same to the commissioner's or director's successor, except as otherwise provided.

b. To collect, assort, and systematize statistical details relating to programs of the division ~~of labor services~~ or department under this subchapter.

c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

~~*e.*~~ 2. ~~To~~ The commissioner shall serve as an ex officio member of the state fire service and emergency response council created in section 100B.1, or shall appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety

34 and health standards for fire fighters.
35 ~~2.~~ 3. The director ~~of the department of workforce~~
1 ~~development~~, in consultation with the labor commissioner,
2 shall, at the time provided by law, make an annual report to
3 the governor setting forth in appropriate form the business and
4 expense of the division ~~of labor services~~ and department under
5 this subchapter for the preceding year, the number of remedial
6 actions taken under chapter 89A, the number of disputes or
7 violations processed by the division or department and the
8 disposition of the disputes or violations, and other matters
9 pertaining to the division or department under this subchapter
10 which are of public interest, together with recommendations for
11 change or amendment of the laws in this chapter and chapters
12 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, and
13 92, ~~and 94A,~~ and ~~section~~ sections 85.67A, and 85.68, and the
14 recommendations, if any, shall be transmitted by the governor
15 to the first general assembly in session after the report is
16 filed.
17 ~~3.~~ 4. The commissioner or director, as applicable, with the
18 assistance of the office of the attorney general if requested
19 by the commissioner or director, may commence a civil action
20 in any court of competent jurisdiction to enforce the statutes
21 under the commissioner's or director's jurisdiction under this
22 subchapter.
23 ~~4.~~ 5. The division ~~of labor services~~ or department, as
24 applicable, may sell documents printed by the division or
25 department as it relates to this subchapter at cost according
26 to rules established by the ~~labor~~ commissioner or director
27 pursuant to chapter 17A. Receipts from the sale shall be
28 deposited to the credit of the ~~division~~ department and may
29 be used by the division for administrative expenses of the
30 division and department under this subchapter.
31 ~~5.~~ 6. Except as provided in chapter 91A, the commissioner
32 or director, as applicable, may recover interest, court costs,
33 and any attorney fees incurred in recovering any amounts due

34 under this subchapter. The recovery shall only take place
35 after final agency action is taken under chapter 17A, or upon
1 judicial review, after final disposition of the case by the
2 court. Attorney fees recovered in an action brought under
3 the jurisdiction of the commissioner or director under this
4 subchapter shall be deposited in the general fund of the state.
5 The commissioner ~~is~~ and director are exempt from the payment of
6 any filing fee or other court costs including but not limited
7 to fees paid to county sheriffs.
8 ~~6.~~ 7. The commissioner or director may establish rules
9 pursuant to chapter 17A to assess and collect interest on fees,
10 penalties, and other amounts due the division or department,
11 as applicable, under this subchapter. The commissioner or
12 director may delay or, following written notice, deny the
13 issuance of a license, commission, registration, certificate,
14 or permit authorized under chapter 88A, 89, 89A, 90A, or
15 91C~~, or 94A~~ if the applicant for the license, commission,
16 registration, certificate, or permit owes a liquidated debt to
17 the commissioner or director.
18 Sec. 1505. Section 91.5, Code 2023, is amended to read as
19 follows:
20 **91.5 Other duties — jurisdiction in general.**
21 ~~The~~ As provided by this subchapter, the commissioner
22 or director shall have jurisdiction and it shall be the
23 commissioner's or director's duty to supervise the enforcement
24 of:
25 1. All laws relating to safety appliances and inspection
26 thereof and health conditions in manufacturing and mercantile
27 establishments, workshops, machine shops, other industrial
28 concerns within the commissioner's jurisdiction and sanitation
29 and shelter for railway employees.
30 2. All laws of the state relating to child labor.
31 3. ~~All laws relating to employment agencies.~~
32 ~~4.~~ Such other provisions of law ~~as are now or shall~~
33 ~~hereafter be~~ relating to this subchapter within the

34 commissioner's or director's jurisdiction.
35 Sec. 1506. Section 91.6, Code 2023, is amended to read as
1 follows:
2 **91.6 ~~Rules~~ Labor commissioner — rules.**
3 The commissioner shall adopt rules pursuant to chapter 17A
4 for the purpose of administering ~~this chapter and all other~~
5 chapters under the commissioner's jurisdiction as provided in
6 section 10A.202, subsection 1.
7 Sec. 1507. Section 91.8, Code 2023, is amended to read as
8 follows:
9 **91.8 Traveling expenses.**
10 The director, commissioner, inspectors, and other employees
11 of the ~~office~~ division or department shall be allowed their
12 necessary traveling expenses while in the discharge of their
13 duties under this subchapter.
14 Sec. 1508. Section 91.9, Code 2023, is amended to read as
15 follows:
16 **91.9 Right to enter premises.**
17 The ~~labor~~ director, commissioner, and the inspectors shall
18 have the power to enter any factory or mill, workshop, mine,
19 store, railway facility, including locomotive or caboose,
20 business house, or public or private work, when the same is
21 open or in operation, for the purpose of gathering facts and
22 statistics such as are contemplated by this ~~chapter~~ subchapter,
23 and to examine into the methods of protection from danger to
24 employees, and the sanitary conditions in and around such
25 buildings and places, and make a record thereof.
26 Sec. 1509. Section 91.10, Code 2023, is amended to read as
27 follows:
28 **91.10 Power to secure evidence.**
29 The ~~labor~~ director or commissioner, ~~or the commissioner's~~
30 ~~designee~~ as applicable, may issue subpoenas, administer
31 oaths, and take testimony in all matters relating to the
32 duties required of ~~them~~ the director or commissioner under
33 this subchapter. Witnesses subpoenaed and testifying before

the director or commissioner ~~or the commissioner's designee~~ shall be paid the same fees as witnesses under section 622.69, payment to be made out of the funds appropriated to the department or division ~~of labor services~~, as applicable.

Sec. 1510. Section 91.11, Code 2023, is amended to read as follows:

91.11 Prosecutions for violations — labor services.

1. If the director or commissioner learns of any violation of any law administered by the department or division under this subchapter, the director or commissioner may give the county attorney of the county in which the violation occurred written notice of the facts, whereupon that officer shall institute the proper proceedings against the person charged with the offense.

2. If the director or commissioner is of the opinion that the violation is not willful, or is an oversight or of a trivial nature, the director or commissioner may at the director's or commissioner's discretion fix a time within which the violation shall be corrected and notify the owner, operator, superintendent, or person in charge. If the violation is corrected within the time fixed, then the director or commissioner shall not cause prosecution to be begun.

Sec. 1511. Section 91.15, Code 2023, is amended to read as follows:

91.15 Definition of additional terms.

The expressions *"factory"*, *"mill"*, *"workshop"*, *"mine"*, *"store"*, *"railway"*, *"business house"*, and *"public or private work"*, as used in this ~~chapter~~ subchapter, shall be construed to mean any factory, mill, workshop, mine, store, railway, business house, or public or private work, where wage earners are employed for a compensation.

Sec. 1512. Section 91.16, Code 2023, is amended to read as follows:

91.16 Violations — penalties.

Persons violating any of the provisions of this ~~chapter~~

34 subchapter shall be punished as in this section provided,
35 respectively:
1 1. Any owner, superintendent, manager, or person in charge
2 of any factory, mill, workshop, store, mine, hotel, restaurant,
3 cafe, railway, business house, or public or private work, who
4 shall refuse to allow the ~~labor~~ director, commissioner, or any
5 inspector or employee of the department or division ~~of labor~~
6 ~~services~~ to enter the same, or who shall hinder or deter the
7 director, commissioner, inspector, or employee in collecting
8 information which it is that person's duty to collect shall be
9 guilty of a simple misdemeanor.
10 2. Any officer or employee of the department or division
11 ~~of labor services~~, or any person making unlawful use of names
12 or information obtained under this subchapter by virtue of the
13 person's office, shall be guilty of a serious misdemeanor.
14 3. Any owner, operator, or manager of a factory, mill,
15 workshop, mine, store, railway, business house, or public or
16 private work, who shall neglect or refuse for thirty days
17 after receipt of notice from the director or commissioner to
18 furnish any reports or returns the director or commissioner may
19 require to enable the director or commissioner to discharge the
20 director's or commissioner's duties under this subchapter shall
21 be guilty of a simple misdemeanor.
22 Sec. 1513. REPEAL. Section 91.1, Code 2023, is repealed.
23 Sec. 1514. CODE EDITOR DIRECTIVE.
24 1. The Code editor is directed to make the following
25 transfers:
26 a. Section 91.2 to section 10A.203.
27 b. Section 91.4 to section 10A.204.
28 c. Section 91.5 to section 10A.205.
29 d. Section 91.6 to section 10A.206.
30 e. Section 91.8 to section 10A.207.
31 f. Section 91.9 to section 10A.208.
32 g. Section 91.10 to section 10A.209.
33 h. Section 91.11 to section 10A.210.

i. Section 91.15 to section 10A.201.

j. Section 91.16 to section 10A.211.

k. Section 73A.21 to section 8A.311B.

2. The Code editor is directed to rename article II in chapter 10A as follows:

Article II shall be subchapter II and shall be entitled "Labor Services" and include sections 10A.200 through 10A.211.

3. The Code editor may modify subchapter titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

WORKERS' COMPENSATION

Sec. 1515. NEW SECTION. **10A.301 Definitions.**

As used in this subchapter, unless the context otherwise requires:

1. *"Commissioner"* means the workers' compensation commissioner appointed pursuant to section 86.1, or the commissioner's designee.

2. *"Division"* means the division of workers' compensation of the department of inspections, appeals, and licensing.

Sec. 1516. NEW SECTION. **10A.302 Workers' compensation — responsibilities.**

The division is responsible for the administration of the laws of this state relating to workers' compensation under this subchapter and chapters 85, 85A, 85B, and 87. The executive head of the division is the workers' compensation commissioner, appointed pursuant to section 86.1.

Sec. 1517. Section 86.1, Code 2023, is amended to read as follows:

86.1 Workers' compensation commissioner — ~~term~~ appointment.

The governor shall appoint, subject to confirmation by the senate, a workers' compensation commissioner ~~whose term of office~~ who shall ~~be six years beginning and ending as provided in section 69.19~~ serve at the pleasure of the governor. ~~The workers' compensation commissioner shall maintain an office at the seat of government.~~ If the office becomes vacant, the

34 vacancy shall be filled in the same manner as provided for the
35 original appointment. The workers' compensation commissioner
1 must be a lawyer admitted to practice in this state.
2 Sec. 1518. Section 86.7, Code 2023, is amended to read as
3 follows:
4 **86.7 Interest in affected business.**
5 It shall be unlawful for the commissioner to be financially
6 interested in any business enterprise coming under or affected
7 by this ~~chapter~~ subchapter during the commissioner's term of
8 office, and if the commissioner violates this statute, it shall
9 be sufficient grounds for removal from office, and in such
10 case the governor shall at once declare the office vacant and
11 appoint another to fill the vacancy.
12 Sec. 1519. Section 86.8, subsection 1, paragraph a, Code
13 2023, is amended to read as follows:
14 *a.* Adopt and enforce rules necessary to implement this
15 ~~chapter~~ subchapter and chapters 85, 85A, 85B, and 87.
16 Sec. 1520. Section 86.9, subsections 1 and 2, Code 2023, are
17 amended to read as follows:
18 1. The director ~~of the department of workforce development~~,
19 in consultation with the commissioner, shall, at the time
20 provided by law, make an annual report to the governor setting
21 forth in appropriate form the business and expense of the
22 division of workers' compensation for the preceding year, the
23 number of claims processed by the division and the disposition
24 of the claims, and other matters pertaining to the division
25 which are of public interest, together with recommendations
26 for change or amendment of the laws in this ~~chapter~~ subchapter
27 and chapters 85, 85A, 85B, and 87, and the recommendations, if
28 any, shall be transmitted by the governor to the first general
29 assembly in session after the report is filed.
30 2. The commissioner, after consultation with the director
31 ~~of the department of workforce development~~, may compile an
32 annual report setting forth the final decisions, rulings, and
33 orders of the division for the preceding year and setting forth

other matters or information which the commissioner considers desirable for publication.

Sec. 1521. Section 86.13, subsection 1, Code 2023, is amended to read as follows:

1. If an employer or insurance carrier pays weekly compensation benefits to an employee, the employer or insurance carrier shall file with the workers' compensation commissioner in the form and manner required by the workers' compensation commissioner a notice of the commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under this ~~chapter~~ subchapter or chapter 85, 85A, or 85B.

Sec. 1522. Section 86.13, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. If a denial, a delay in payment, or a termination of benefits occurs without reasonable or probable cause or excuse known to the employer or insurance carrier at the time of the denial, delay in payment, or termination of benefits, the workers' compensation commissioner shall award benefits in addition to those benefits payable under this ~~chapter~~ subchapter, or chapter 85, 85A, or 85B, up to fifty percent of the amount of benefits that were denied, delayed, or terminated without reasonable or probable cause or excuse.

Sec. 1523. Section 86.17, Code 2023, is amended to read as follows:

86.17 Hearings — presiding officer — venue.

1. Notwithstanding the provisions of section 17A.11, the workers' compensation commissioner or a deputy workers' compensation commissioner shall preside over any contested case proceeding brought under this ~~chapter~~ subchapter, or chapter 85, 85A, or 85B in the manner provided by chapter 17A. The deputy commissioner or the commissioner may make such inquiries in contested case proceedings as shall be deemed necessary, so

long as such inquiries do not violate any of the provisions of section 17A.17.

2. Hearings in contested case proceedings under this subchapter and chapters 85~~,~~ and 85A ~~and this chapter~~ shall be held in the judicial district where the injury occurred. By written stipulation of the parties or by the order of a deputy workers' compensation commissioner or the commissioner, a hearing may be held elsewhere. If the injury occurred outside this state, or if the proceeding is not one for benefits resulting from an injury, hearings shall be held in Polk county or as otherwise stipulated by the parties or by order of a deputy workers' compensation commissioner or the workers' compensation commissioner.

Sec. 1524. Section 86.18, subsection 1, Code 2023, is amended to read as follows:

1. Evidence, process and procedure in contested case proceedings or appeal proceedings within the agency under this ~~chapter,~~ subchapter and chapters 85 and 85A shall be as summary as practicable consistent with the requirements of chapter 17A.

Sec. 1525. Section 86.19, subsection 1, Code 2023, is amended to read as follows:

1. The workers' compensation commissioner, or a deputy commissioner, may appoint or may direct a party to furnish at the party's initial expense a certified shorthand reporter to be present and report, or to furnish mechanical means to record, and if necessary, transcribe proceedings of any contested case under this ~~chapter,~~ subchapter and chapters 85 and 85A and fix the reasonable amount of compensation for such service. The charges shall be taxed as costs and the party initially paying the expense of the presence or transcription shall be reimbursed. The reporter shall faithfully and accurately report the proceedings.

Sec. 1526. Section 86.24, subsection 1, Code 2023, is amended to read as follows:

1. Any party aggrieved by a decision, order, ruling, finding

34 or other act of a deputy commissioner in a contested case
35 proceeding arising under this ~~chapter~~ subchapter or chapter 85
1 or 85A may appeal to the workers' compensation commissioner
2 in the time and manner provided by rule. The hearing on an
3 appeal shall be in Polk county unless the workers' compensation
4 commissioner shall direct the hearing be held elsewhere.
5 Sec. 1527. Section 86.26, subsection 1, Code 2023, is
6 amended to read as follows:
7 1. Judicial review of decisions or orders of the workers'
8 compensation commissioner may be sought in accordance
9 with chapter 17A. Notwithstanding chapter 17A, the Iowa
10 administrative procedure Act, petitions for judicial review
11 may be filed in the district court of the county in which the
12 hearing under section 86.17 was held, the workers' compensation
13 commissioner shall transmit to the reviewing court the original
14 or a certified copy of the entire record of the contested case
15 which is the subject of the petition within thirty days after
16 receiving written notice from the party filing the petition
17 that a petition for judicial review has been filed, and an
18 application for stay of agency action during the pendency of
19 judicial review shall not be filed in the division of workers'
20 compensation ~~of the department of workforce development~~
21 but shall be filed with the district court. Such a review
22 proceeding shall be accorded priority over other matters
23 pending before the district court.
24 Sec. 1528. Section 86.29, Code 2023, is amended to read as
25 follows:
26 **86.29 The judicial review petition.**
27 Notwithstanding chapter 17A, the Iowa administrative
28 procedure Act, in a petition for judicial review of a decision
29 of the workers' compensation commissioner in a contested case
30 under this ~~chapter~~ subchapter or chapter 85, 85A, 85B, or 87,
31 the opposing party shall be named the respondent, and the
32 agency shall not be named as a respondent.
33 Sec. 1529. Section 86.39, Code 2023, is amended to read as

34 follows:
35 **86.39 Fees — approval.**
1 1. All fees or claims for legal, medical, hospital, and
2 burial services rendered under this ~~chapter~~ subchapter and
3 chapters 85, 85A, 85B, and 87 are subject to the approval of
4 the workers' compensation commissioner. For services rendered
5 in the district court and appellate courts, the attorney fee is
6 subject to the approval of a judge of the district court.
7 2. An attorney shall not recover fees for legal services
8 based on the amount of compensation voluntarily paid or agreed
9 to be paid to an employee for temporary or permanent disability
10 under this ~~chapter~~ subchapter, or chapter 85, 85A, 85B, or
11 87. An attorney shall only recover a fee based on the amount
12 of compensation that the attorney demonstrates would not have
13 been paid to the employee but for the efforts of the attorney.
14 Any disputes over the recovery of attorney fees under this
15 subsection shall be resolved by the workers' compensation
16 commissioner.
17 Sec. 1530. Section 86.43, Code 2023, is amended to read as
18 follows:
19 **86.43 Judgment — modification.**
20 Upon the presentation to the court of a file-stamped copy
21 of a decision of the workers' compensation commissioner,
22 ending, diminishing, or increasing the compensation under the
23 provisions of this ~~chapter~~ subchapter, the court shall revoke
24 or modify the decree or judgment to conform to such decision.
25 Sec. 1531. Section 86.44, Code 2023, is amended to read as
26 follows:
27 **86.44 Confidentiality.**
28 1. All verbal or written information relating to the subject
29 matter of an agreement and transmitted between any party to
30 a dispute and a mediator to resolve a dispute pursuant to
31 this ~~chapter~~ subchapter or chapter 85, 85A, or 85B, during
32 any stage of a mediation or a dispute resolution process
33 conducted by a mediator as provided in this section, whether

34 reflected in notes, memoranda, or other work products in the
35 case files, is a confidential communication except as otherwise
1 expressly provided in this chapter. Mediators involved in
2 a mediation or a dispute resolution process shall not be
3 examined in any judicial or administrative proceeding regarding
4 confidential communications and are not subject to judicial or
5 administrative process requiring the disclosure of confidential
6 communications.
7 2. For purposes of this section, *"mediator"* means a chief
8 deputy workers' compensation commissioner or deputy workers'
9 compensation commissioner acting in the capacity to resolve a
10 dispute pursuant to this ~~chapter~~ subchapter or chapter 85, 85A,
11 or 85B, or an employee of the division of workers' compensation
12 involved during any stage of a process to resolve a dispute.
13 Sec. 1532. CODE EDITOR DIRECTIVE.
14 1. The Code editor is directed to make the following
15 transfers:
16 a. Section 86.1 to section 10A.303.
17 b. Section 86.2 to section 10A.304.
18 c. Section 86.3 to section 10A.305.
19 d. Section 86.4 to section 10A.306.
20 e. Section 86.5 to section 10A.307.
21 f. Section 86.6 to section 10A.308.
22 g. Section 86.7 to section 10A.309.
23 h. Section 86.8 to section 10A.310.
24 i. Section 86.9 to section 10A.311.
25 j. Section 86.10 to section 10A.312.
26 k. Section 86.11 to section 10A.313.
27 l. Section 86.12 to section 10A.314.
28 m. Section 86.13 to section 10A.315.
29 n. Section 86.13A to section 10A.316.
30 o. Section 86.14 to section 10A.317.
31 p. Section 86.17 to section 10A.318.
32 q. Section 86.18 to section 10A.319.
33 r. Section 86.19 to section 10A.320.

34 s. Section 86.24 to section 10A.321.
35 t. Section 86.26 to section 10A.322.
1 u. Section 86.27 to section 10A.323.
2 v. Section 86.29 to section 10A.324.
3 w. Section 86.32 to section 10A.325.
4 x. Section 86.38 to section 10A.326.
5 y. Section 86.39 to section 10A.327.
6 z. Section 86.40 to section 10A.328.
7 aa. Section 86.41 to section 10A.329.
8 ab. Section 86.42 to section 10A.330.
9 ac. Section 86.43 to section 10A.331.
10 ad. Section 86.44 to section 10A.332.
11 ae. Section 86.45 to section 10A.333.
12 2. The Code editor is directed to rename article III in
13 chapter 10A as follows:
14 Article III shall be subchapter III and shall be entitled
15 "Workers' Compensation" and include sections 10A.301 through
16 10A.333.
17 3. The Code editor may modify subchapter titles if necessary
18 and is directed to correct internal references in the Code as
19 necessary due to enactment of this section.
20 LICENSING AND REGULATION ACTIVITIES
21 Sec. 1533. NEW SECTION. **10A.502 Responsibilities.**
22 The director shall coordinate the department's conduct of
23 various licensing and regulatory functions of the state under
24 the administrative authority of the department including but
25 not limited to all of the following:
26 1. Licensing and regulation of certain fire control and
27 building code-related activities and professions.
28 2. Licensing and regulation of certain health-related
29 professions.
30 3. Licensing and regulation of certain business and
31 commerce-related professions.
32 Sec. 1534. NEW SECTION. **10A.507 Licensing and regulation**
33 **fund.**

34 1. A licensing and regulation fund is created in the state
35 treasury under the control of the department of inspections,
1 appeals, and licensing. Moneys in the fund are appropriated
2 to the department to be used to fulfill the administration and
3 enforcement responsibilities of the department and boards under
4 the purview of the department under this subchapter.
5 2. The fund shall consist of moneys and fees collected by
6 the department for deposit in the fund.
7 3. Notwithstanding section 8.33, moneys in the fund
8 that remain unencumbered or unobligated at the close of the
9 fiscal year shall not revert but shall remain available for
10 expenditure for the purposes designated in succeeding fiscal
11 years. Notwithstanding section 12C.7, subsection 2, interest
12 or earnings on moneys deposited in the fund shall be credited
13 to the fund.
14 Sec. 1535. NEW SECTION. **10A.511 Fire control duties.**
15 The duties of the director as it relates to fire control
16 shall be as follows:
17 1. To enforce all laws, and the rules and regulations of the
18 department concerned with all of the following:
19 *a.* The prevention of fires.
20 *b.* The storage, transportation, handling, and use of
21 flammable liquids, combustibles, fireworks, and explosives.
22 *c.* The storage, transportation, handling, and use of liquid
23 petroleum gas.
24 *d.* The electric wiring and heating, and adequate means of
25 exit in case of fire, from churches, schools, hotels, theaters,
26 amphitheaters, asylums, hospitals, health care facilities as
27 defined in section 135C.1, college buildings, lodge halls,
28 public meeting places, and all other structures in which
29 persons congregate from time to time, whether publicly or
30 privately owned.
31 2. To promote fire safety and reduction of loss by fire
32 through educational methods.
33 3. To promulgate fire safety rules in consultation with the

34 state fire marshal. The director shall have exclusive right
35 to promulgate fire safety rules as they apply to enforcement
1 or inspection requirements by the department, but the rules
2 shall be promulgated pursuant to chapter 17A. Wherever by
3 any statute the director or the department is authorized
4 or required to promulgate, proclaim, or amend rules and
5 minimum standards regarding fire hazards or fire safety or
6 protection in any establishment, building, or structure, the
7 rules and standards shall promote and enforce fire safety,
8 fire protection, and the elimination of fire hazards as the
9 rules may relate to the use, occupancy, and construction
10 of the buildings, establishments, or structures. The word
11 *"construction"* shall include but is not limited to electrical
12 wiring, plumbing, heating, lighting, ventilation, construction
13 materials, entrances and exits, and all other physical
14 conditions of the building which may affect fire hazards,
15 safety, or protection. The rules and minimum standards shall
16 be in substantial compliance except as otherwise specifically
17 provided in this chapter, with the standards of the national
18 fire protection association relating to fire safety as
19 published in the national fire codes.
20 4. To adopt rules designating a fee to be assessed to
21 each building, structure, or facility for which a fire safety
22 inspection or plan review by the director is required by law.
23 The fee designated by rule shall be set in an amount that is
24 reasonably related to the costs of conducting the applicable
25 inspection or plan review. The fees collected by the
26 department shall be deposited in the general fund of the state.
27 5. To administer the fire extinguishing system contractor,
28 alarm system contractor, and alarm system installer
29 certification program established in chapter 100C.
30 6. To order the suspension of the use of consumer fireworks,
31 display fireworks, or novelties, as described in section 727.2,
32 if the state fire marshal determines that the use of such
33 devices would constitute a threat to public safety.

34 Sec. 1536. NEW SECTION. **10A.512 Inspections.**
35 The director, and the director's designated subordinates,
1 in the performance of their duties under this part, shall have
2 authority to enter any building or premises and to examine the
3 same and the contents thereof.
4 Sec. 1537. NEW SECTION. **10A.533 Enforcement.**
5 1. If any local board, as defined in section 135.1, shall
6 fail to enforce the rules of the department under this part or
7 carry out the department's lawful directions under this part,
8 the department may enforce the same within the territorial
9 jurisdiction of such local board, and for that purpose it may
10 exercise all of the powers given by statute to the local board,
11 and may employ the necessary assistants to carry out its lawful
12 directions.
13 2. All expenses incurred by the department in determining
14 whether its rules are enforced by a local board under this
15 part, and in enforcing the same when a local board has failed
16 to do so, shall be paid in the same manner as the expenses of
17 enforcing such rules when enforced by the local board.
18 3. All peace officers of the state when called upon by the
19 department shall enforce the department's rules under this part
20 and execute the lawful orders of the department under this part
21 within their respective jurisdictions.
22 Sec. 1538. NEW SECTION. **10A.534 Penalties.**
23 1. Any person who knowingly violates any provision of this
24 part, or of the rules of the department under this part, or
25 any lawful order, written or oral, of the department or of its
26 officers, or authorized agents under this part, shall be guilty
27 of a simple misdemeanor.
28 2. Any person resisting or interfering with the department,
29 its employees, or authorized agents, in the discharge of any
30 duty imposed by law under this part shall be guilty of a simple
31 misdemeanor.
32 Sec. 1539. Section 12.83, Code 2023, is amended to read as
33 follows:

12.83 School infrastructure fund moneys — ~~state fire marshal~~ allocation to department of inspections, appeals, and licensing.

During the term of the school infrastructure program established in section 292.2, up to fifty thousand dollars of the moneys deposited each fiscal year in the school infrastructure fund shall be allocated each fiscal year to the department of ~~public safety~~ inspections, appeals, and licensing for the use of the ~~state fire marshal~~ department. The funds shall be used by the ~~state fire marshal~~ department solely for the purpose of retaining an architect or architectural firm to evaluate structures for which school infrastructure program grant applications are made, to consult with school district representatives, to review construction drawings and blueprints, and to perform related duties at the direction of the ~~state fire marshal~~ department to ensure the best possible use of moneys received by a school district under the school infrastructure program. The ~~state fire marshal~~ department shall provide for the review of plans, drawings, and blueprints in a timely manner.

Sec. 1540. Section 72.5, subsection 2, Code 2023, is amended to read as follows:

2. The director of the economic development authority, in consultation with the department of management~~,~~ and the state building code commissioner, ~~and state fire marshal,~~ shall develop standards and methods to evaluate design development documents and construction documents based upon life cycle cost factors to facilitate fair and uniform comparisons between design proposals and informed decision making by public bodies.

Sec. 1541. Section 88A.11, subsection 2, Code 2023, is amended to read as follows:

2. A concession booth, amusement device or ride which is owned and operated by a nonprofit religious, educational or charitable institution or association if such booth, device or ride is located within a building subject to inspection by the ~~state fire marshal~~ director or by any political subdivisions

34 of the state under its building, fire, electrical, and related
35 public safety ordinances.
1 Sec. 1542. Section 100.1, subsections 3, 4, 5, 6, and 7,
2 Code 2023, are amended by striking the subsections.
3 Sec. 1543. Section 100.1, subsection 8, Code 2023, is
4 amended to read as follows:
5 8. To recommend to the director of the department of
6 inspections, appeals, and licensing, that the director order
7 the suspension of the use of consumer fireworks, display
8 fireworks, or novelties, as described in section 727.2, if the
9 fire marshal determines that the use of such devices would
10 constitute a threat to public safety.
11 Sec. 1544. Section 100.11, Code 2023, is amended to read as
12 follows:
13 **100.11 Fire escapes.**
14 It shall be the duty of the ~~fire marshal~~ director to enforce
15 all laws relating to fire escapes.
16 Sec. 1545. Section 100.12, Code 2023, is amended to read as
17 follows:
18 **100.12 Authority for inspection — orders.**
19 The chief of a fire department or an authorized subordinate
20 who is trained in fire prevention safety standards may enter
21 a building or premises at a reasonable hour to examine the
22 building or premises and its contents. The examining official
23 shall order the correction of a condition which is in violation
24 of this chapter, a rule adopted under this chapter, or a
25 city or county fire safety ordinance. The order shall be
26 in writing or, if the danger is imminent, orally followed by
27 a written order. The examining official shall enforce the
28 order in accordance with the applicable law or ordinance. At
29 the request of the examining official the ~~state fire marshal~~
30 director may assist in an enforcement action.
31 Sec. 1546. Section 100.13, Code 2023, is amended to read as
32 follows:
33 **100.13 Violations — orders.**

1. If a person has violated or is violating a provision of this chapter or a rule adopted pursuant to this chapter, the ~~state fire marshal~~ director, the chief of any fire department, or the fire prevention officer of a fire department organized under chapter 400 may issue an order directing the person to desist in the practice which constitutes the violation and to take corrective action as necessary to ensure that the violation will cease. The order shall be in writing and shall specify a reasonable time by which the person shall comply with the order. The person to whom the order is issued may appeal the order as provided in chapter 17A. On appeal, the administrative law judge may affirm, modify, or vacate the order. Judicial review may be sought in accordance with chapter 17A.

2. Notwithstanding any other provision of law to the contrary, if the ~~state fire marshal~~ director determines that an emergency exists respecting any matter affecting or likely to affect the public safety, the ~~fire marshal~~ director may issue any order necessary to terminate the emergency without notice or hearing. An emergency order is binding and effective immediately, until or unless the order is modified, vacated, or stayed at an administrative hearing or by a district court.

Sec. 1547. Section 100.14, Code 2023, is amended to read as follows:

100.14 Legal proceedings — penalties — injunctive relief.

At the request of the ~~state fire marshal~~ director, the county attorney shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of this chapter or rules or orders adopted or issued pursuant to this chapter, including, but not limited to, a legal action for injunctive relief. The county attorney or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including, but not limited to, a legal action for injunctive relief, to obtain compliance or enforce the penalty

34 provisions or orders issued pursuant to section 100.13.
35 Sec. 1548. Section 100.16, Code 2023, is amended to read as
1 follows:
2 **100.16 Judicial review — court costs.**
3 1. Judicial review of actions of the ~~fire marshal~~ director
4 may be sought in accordance with the terms of the Iowa
5 administrative procedure Act pursuant to chapter 17A. If
6 legal proceedings have been instituted pursuant to section
7 100.14, all related issues which could otherwise be raised in
8 a proceeding for judicial review shall be raised in the legal
9 proceedings instituted pursuant to section 100.14.
10 2. Upon judicial review of the ~~fire marshal's~~ director's
11 action, if the court affirms the agency action, the court
12 shall tax all court costs of the review proceeding against the
13 appellant. However, if the court reverses, revokes, or annuls
14 the ~~fire marshal's~~ director's action, the court shall tax all
15 court costs of the review proceeding against the agency. If
16 the ~~fire marshal's~~ director's action is modified or the matter
17 is remanded to the agency for further proceedings, the court
18 shall apportion the court costs within the discretion of the
19 court.
20 Sec. 1549. Section 100.18, subsections 2, 3, 4, 5, 6, and 7,
21 Code 2023, are amended to read as follows:
22 2. *a.* Except as provided in subsection 4, multiple-unit
23 residential buildings and single-family dwellings the
24 construction of which is begun on or after July 1, 1991, shall
25 include the installation of smoke detectors in compliance with
26 the rules established by the ~~state fire marshal~~ director under
27 subsection 5.
28 *b.* The rules shall require the installation of smoke
29 detectors in existing single-family rental units and
30 multiple-unit residential buildings. Existing single-family
31 dwelling units shall be equipped with approved smoke detectors.
32 A person who files for a homestead credit pursuant to chapter
33 425 shall certify that the single-family dwelling unit for

34 which the credit is filed has a smoke detector installed in
35 compliance with this section, or that one will be installed
1 within thirty days of the date the filing for the credit is
2 made. The ~~state fire marshal~~ director shall adopt rules and
3 establish appropriate procedures to administer this subsection.
4 *c.* An owner or an owner's agent of a multiple-unit
5 residential building or single-family dwelling shall supply
6 light-emitting smoke detectors, upon request, for a tenant who
7 is deaf or hard of hearing.
8 3. *a.* Multiple-unit residential buildings and single-family
9 dwellings, the construction of which is begun on or after
10 July 1, 2018, and that have a fuel-fired heater or appliance,
11 a fireplace, or an attached garage, shall include the
12 installation of carbon monoxide alarms in compliance with the
13 rules established by the ~~state fire marshal~~ director under
14 subsection 5.
15 *b.* The rules shall require the installation of carbon
16 monoxide alarms in existing single-family rental units and
17 multiple-unit residential buildings that have a fuel-fired
18 heater or appliance, a fireplace, or an attached garage.
19 Existing single-family dwellings that have a fuel-fired heater
20 or appliance, a fireplace, or an attached garage shall be
21 equipped with approved carbon monoxide alarms. For purposes
22 of this paragraph, *"approved carbon monoxide alarm"* means a
23 carbon monoxide alarm that meets the standards established by
24 the underwriters' laboratories or is approved by the ~~state fire~~
25 ~~marshal~~ director as established by rule under subsection 5. A
26 person who files for a homestead credit pursuant to chapter 425
27 shall certify that the single-family dwelling for which the
28 credit is filed and that has a fuel-fired heater or appliance,
29 a fireplace, or an attached garage, has carbon monoxide alarms
30 installed in compliance with this section, or that such alarms
31 will be installed within thirty days of the date the filing
32 for the credit is made. The ~~state fire marshal~~ director shall
33 adopt rules and establish appropriate procedures to administer

this subsection.

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant who is deaf or hard of hearing.

d. The owner of a building requiring the installation of carbon monoxide alarms under this subsection shall install a carbon monoxide alarm in a location as specified by rules established by the ~~state fire marshal~~ director under subsection 5, taking into account the number and location of all fuel sources in the building.

4. This section does not require the following:

a. The installation of smoke detectors in multiple-unit residential buildings which, on July 1, 1981, are equipped with heat detection devices or a sprinkler system with alarms approved by the ~~state fire marshal~~ director.

b. The installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the ~~state fire marshal~~ director.

5. The ~~state fire marshal~~ director shall enforce the requirements of subsections 2 and 3 and may implement a program of inspections to monitor compliance with the provisions of those subsections. Upon inspection, the ~~state fire marshal~~ director shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family rental unit informing the owner or manager of compliance or noncompliance with this section. The ~~state fire marshal~~ director may contract with any political subdivision without fee assessed to either the ~~state fire marshal~~ director or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not derived from this section.

34 The ~~state fire marshal~~ director shall adopt rules under chapter
35 17A as necessary to enforce this section including rules
1 concerning the placement of smoke detectors and carbon monoxide
2 alarms and the use of acceptable smoke detectors and carbon
3 monoxide alarms. The smoke detectors and carbon monoxide
4 alarms shall display a label or other identification issued
5 by an approved testing agency or another label specifically
6 approved by the ~~state fire marshal~~ director.
7 6. The inspection of a building or notification of
8 compliance or noncompliance under this section is not the basis
9 for a legal cause of action against the political subdivision,
10 ~~state fire marshal~~ director, the ~~fire marshal's~~ director's
11 subordinates, chiefs of local fire departments, building
12 inspectors, or other fire, building, or safety officials due
13 to a failure to discover a latent defect in the course of the
14 inspection.
15 7. If a smoke detector or carbon monoxide alarm is found
16 to be inoperable, the owner or manager of the multiple-unit
17 residential building or single-family rental unit shall correct
18 the situation within thirty days after written notification
19 to the owner or manager by the tenant, guest, roomer, ~~state~~
20 ~~fire marshal~~ director, ~~fire marshal's~~ director's subordinates,
21 chiefs of local fire departments, building inspectors, or other
22 fire, building, or safety officials. If the owner or manager
23 of a multiple-unit residential building or single-family rental
24 unit fails to correct the situation within the thirty days
25 the tenant, guest, or roomer may cause the smoke detector or
26 carbon monoxide alarm to be repaired or purchase and install
27 a smoke detector or carbon monoxide alarm required under this
28 section and may deduct the repair cost or purchase price from
29 the next rental payment or payments made by the tenant, guest,
30 or roomer. However, a lessor or owner may require a lessee,
31 tenant, guest, or roomer who has a residency of longer than
32 thirty days to provide the battery for a battery operated smoke
33 detector or carbon monoxide alarm.

Sec. 1550. Section 100.19, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The ~~state fire marshal~~ director shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the ~~state fire marshal~~ director. The ~~state fire marshal~~ director shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.

Sec. 1551. Section 100.19, subsection 3, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state fire marshal~~ director shall establish a fee schedule for consumer fireworks seller licenses as follows:

Sec. 1552. Section 100.19, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state fire marshal~~ director shall adopt rules to:

Sec. 1553. Section 100.19, subsections 6, 7, and 8, Code 2023, are amended to read as follows:

6. *a.* The ~~state fire marshal~~ director shall adopt rules to provide that a person's consumer fireworks seller license may be revoked for the intentional violation of this section. The proceedings for revocation shall be held before the ~~division of the state fire marshal~~ department, which may revoke the license or licenses involved as provided in paragraph *"b"*.

b. (1) If, upon the hearing of the order to show cause, the ~~division of the state fire marshal~~ department finds that the licensee intentionally violated this section, then the license or licenses under which the licensed retailer or community group sells first-class consumer fireworks or second-class consumer fireworks, shall be revoked.

(2) Judicial review of actions of the ~~division of the state fire marshal~~ department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. If the licensee has not filed a petition for judicial review

34 in district court, revocation shall date from the thirty-first
35 day following the date of the order of the ~~division of the~~
1 ~~state fire marshal~~ department. If the licensee has filed a
2 petition for judicial review, revocation shall date from the
3 thirty-first day following entry of the order of the district
4 court, if action by the district court is adverse to the
5 licensee.
6 (3) A new license shall not be issued to a person whose
7 license has been revoked, or to the business in control of the
8 premises on which the violation occurred if it is established
9 that the owner of the business had actual knowledge of the
10 violation resulting in the license revocation, for the period
11 of one year following the date of revocation.
12 7. *a.* A consumer fireworks fee fund is created in the
13 state treasury under the control of the ~~state fire marshal~~
14 director. Notwithstanding section 12C.7, interest or earnings
15 on moneys in the consumer fireworks fee fund shall be credited
16 to the consumer fireworks fee fund. Moneys in the fund are
17 appropriated to the ~~state fire marshal~~ director to be used to
18 fulfill the responsibilities of the ~~state fire marshal~~ director
19 for the administration and enforcement of this section and
20 section 100.19A and to provide grants pursuant to paragraph *"b"*.
21 The fund shall include the fees collected by the ~~state fire~~
22 ~~marshal~~ director under the fee schedule established pursuant to
23 subsection 3 and the fees collected by the ~~state fire marshal~~
24 director under section 100.19A for wholesaler registration.
25 *b.* The ~~state fire marshal~~ director shall establish a local
26 fire protection and emergency medical service providers grant
27 program to provide grants in the following order of priority:
28 (1) Local fire protection service providers and local
29 emergency medical service providers to establish or provide
30 fireworks safety education programming to members of the
31 public, and for the purchase of necessary enforcement,
32 protection, or emergency response equipment related to the sale
33 and use of consumer fireworks in this state.

(2) Local volunteer fire protection service providers for the purchase of necessary enforcement, protection, or emergency response equipment.

8. The ~~state fire marshal~~ director shall adopt rules for the administration of this section.

Sec. 1554. Section 100.19A, subsections 2 and 3, Code 2023, are amended to read as follows:

2. The ~~state fire marshal~~ director shall adopt rules to require all wholesalers to annually register with the ~~state fire marshal~~ director. The ~~state fire marshal~~ director may also adopt rules to regulate the storage or transfer of consumer fireworks by wholesalers and to require wholesalers to maintain insurance.

3. The ~~state fire marshal~~ director shall establish an annual registration fee of one thousand dollars for wholesalers of consumer fireworks within the state. Registration fees collected pursuant to this section shall be deposited in the consumer fireworks fee fund created in section 100.19.

Sec. 1555. Section 100.31, Code 2023, is amended to read as follows:

100.31 Fire and tornado drills in schools —— warning systems —— inspections.

1. It shall be the duty of the ~~state fire marshal~~ director and the ~~fire marshal's~~ director's designated subordinates to require all private and public school officials and teachers to conduct not less than four fire drills and not less than four tornado drills in all school buildings during each school year when school is in session; and to require the officials and teachers of all schools to keep all doors and exits of their respective rooms and buildings unlocked when occupied during school hours or when such areas are being used by the public at other times. Not less than two drills of each type shall be conducted between July 1 and December 31 of each year and not less than two drills of each type shall be conducted between January 1 and June 30 of each year.

2. Every school building with two or more classrooms shall have a warning system for fires of a type approved by the underwriters' laboratories and by the ~~state fire marshal~~ director. The warning system shall be used only for fire drills or as a warning for emergency. Schools may modify the fire warning system for use as a tornado warning system or shall install a separate tornado warning system. Every school building shall also be equipped with portable fire extinguishers, with the type, size and number in accordance with national fire protection association standards and approved by the ~~state fire marshal~~ director.

3. The ~~state fire marshal~~ director or the ~~fire marshal's~~ director's deputies shall cause each public or private school, college, or university to be inspected at least once every two years to determine whether each school meets the fire safety standards of this Code and is free from other fire hazards. Provided, however, that cities which employ fire department inspectors shall cause such inspections to be made.

Sec. 1556. Section 100.35, Code 2023, is amended to read as follows:

100.35 Rules of ~~marshal~~ director — penalties.

1. The ~~fire marshal~~ director shall adopt, and may amend rules under chapter 17A, which include standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, food establishments as defined in section 137F.1, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Violation of a rule adopted by the ~~fire marshal~~ director is a simple misdemeanor. However, upon proof that the ~~fire marshal~~ director gave written notice to

34 the defendant of the violation, and proof that the violation
35 constituted a clear and present danger to life, and proof that
1 the defendant failed to eliminate the condition giving rise
2 to the violation within thirty days after receipt of notice
3 from the ~~fire marshal~~ director, the penalty is that provided
4 by law for a serious misdemeanor. Each day of the continuing
5 violation of a rule after conviction of a violation of the rule
6 is a separate offense. A conviction is subject to appeal as in
7 other criminal cases.
8 2. Rules by the ~~fire marshal~~ director affecting the
9 construction of new buildings, additions to buildings or
10 rehabilitation of existing buildings and related to fire
11 protection, shall be substantially in accord with the
12 provisions of the nationally recognized building and related
13 codes adopted as the state building code pursuant to section
14 103A.7 or with codes adopted by a local subdivision which are
15 in substantial accord with the codes comprising the state
16 building code.
17 3. The rules adopted by the ~~state fire marshal~~ director
18 under this section shall provide standards for fire resistance
19 of cellulose insulation sold or used in this state, whether for
20 public or private use. The rules shall provide for approval of
21 the cellulose insulation by at least one nationally recognized
22 independent testing laboratory.
23 Sec. 1557. Section 100.38, Code 2023, is amended to read as
24 follows:
25 **100.38 Conflicting statutes.**
26 Provisions of this ~~chapter~~ part in conflict with the state
27 building code, as adopted pursuant to section 103A.7, shall not
28 apply where the state building code has been adopted or when
29 the state building code applies throughout the state.
30 Sec. 1558. Section 100.39, subsections 1, 2, and 3, Code
31 2023, are amended to read as follows:
32 1. All buildings approved for construction after July 1,
33 1998, that exceed four stories in height, or seventy-five feet

above grade, shall require the installation of an approved automatic fire extinguishing system designed and installed in conformity with rules promulgated by the ~~state fire marshal~~ director pursuant to this ~~chapter~~ part.

2. The requirements of this section shall not apply to the following:

a. Any noncombustible elevator storage structure or any noncombustible plant building with noncombustible contents.

b. Any combustible elevator storage structure that is equipped with an approved drypipe, nonautomatic sprinkler and automatic alarm system.

c. Buildings in existence or under construction on August 15, 1975. However, if subsequent to that date any building is enlarged or altered beyond the height limitations applicable to new buildings, such building in its entirety shall be subject to all the provisions of this section.

d. Any open parking garage structure which is in compliance with rules adopted by the ~~state fire marshal~~ director.

3. Plans and installation of systems shall be approved by the ~~state fire marshal~~ director, a designee of the ~~state fire marshal~~ director, or local authorities having jurisdiction. Except where local fire protection regulations are more stringent, the provisions of this section shall be applicable to all buildings, whether privately or publicly owned. The definition of terms shall be in conformity, insofar as possible, with definitions found in the state building code adopted pursuant to section 103A.7.

Sec. 1559. Section 100.41, Code 2023, is amended to read as follows:

100.41 Authority to cite violations.

Fire officials acting under the authority of this ~~chapter~~ part may issue citations in accordance with chapter 805, for violations of this ~~chapter~~ part or a violation of a local fire safety code.

Sec. 1560. Section 100C.1, Code 2023, is amended by adding

34 the following new subsections:
35 NEW SUBSECTION. 8A. *"Department"* means the department of
1 inspections, appeals, and licensing.
2 NEW SUBSECTION. 8B. *"Director"* means the director of
3 the department of inspections, appeals, and licensing or the
4 director's designee.
5 Sec. 1561. Section 100C.1, subsection 14, Code 2023, is
6 amended to read as follows:
7 14. *"Responsible managing employee"* means one of the
8 following:
9 *a.* An owner, partner, officer, or manager employed full-time
10 by a fire extinguishing system contractor who is certified
11 by the national institute for certification in engineering
12 technologies at a level three in fire protection technology,
13 automatic sprinkler system layout, or another certification in
14 automatic sprinkler system layout recognized by rules adopted
15 by the ~~fire marshal~~ director pursuant to section 100C.7 or who
16 meets any other criteria established by rule.
17 *b.* An owner, partner, officer, or manager employed full-time
18 by an alarm system contractor who is certified by the national
19 institute for certification in engineering technologies in fire
20 alarm systems or security systems at a level established by the
21 ~~fire marshal~~ director by rule or who meets any other criteria
22 established by rule under this chapter. The rules may provide
23 for separate endorsements for fire alarm systems, security
24 alarm systems, and nurse call systems and may require separate
25 qualifications for each.
26 Sec. 1562. Section 100C.2, subsection 4, paragraph b, Code
27 2023, is amended to read as follows:
28 *b.* An employee or subcontractor of a certified alarm system
29 contractor who is an alarm system installer, and who is not
30 licensed pursuant to chapter 103 shall obtain and maintain
31 certification as an alarm system installer and shall meet and
32 maintain qualifications established by the ~~state fire marshal~~
33 director by rule.

Sec. 1563. Section 100C.3, subsections 1, 3, and 5, Code 2023, are amended to read as follows:

1. A fire extinguishing system contractor, an alarm system contractor, or an alarm system installer shall apply for a certificate on a form prescribed by the ~~state fire marshal~~ director. The application shall be accompanied by a fee in an amount prescribed by rule pursuant to section 100C.7 and shall include all of the following information, as applicable:

a. The name, address, and telephone number of the contractor or installer and, in the case of an installer, the name and certification number of the contractor by whom the installer is employed, including all legal and fictitious names.

b. Proof of insurance coverage required by section 100C.4.

c. The name and qualifications of the person designated as the contractor's responsible managing employee and of persons designated as alternate responsible managing employees.

d. Any other information deemed necessary by the ~~state fire marshal~~ director.

3. Upon receipt of a completed application and prescribed fees, if the contractor or installer meets all requirements established by this chapter, the ~~state fire marshal~~ director shall issue a certificate to the contractor or installer within thirty days.

5. Any change in the information provided in the application shall be promptly reported to the ~~state fire marshal~~ director. When the employment of a responsible managing employee is terminated, the contractor shall notify the ~~state fire marshal~~ director within thirty days after termination.

Sec. 1564. Section 100C.4, Code 2023, is amended to read as follows:

100C.4 Insurance.

1. A fire extinguishing system contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of automatic fire extinguishing

systems in an amount determined by the ~~state fire marshal~~ director by rule.

2. An alarm system contractor shall maintain general and complete operations liability insurance for the layout, installation, repair, alteration, addition, maintenance, and inspection of alarm systems in an amount determined by the ~~state fire marshal~~ director by rule.

Sec. 1565. Section 100C.5, Code 2023, is amended to read as follows:

100C.5 Suspension and revocation.

1. The ~~state fire marshal~~ director shall suspend or revoke the certificate of any contractor or installer who fails to maintain compliance with the conditions necessary to obtain a certificate. A certificate may also be suspended or revoked if any of the following occur:

a. The employment or relationship of a responsible managing employee with a contractor is terminated, unless the contractor has included a qualified alternate on the application or an application designating a new responsible managing employee is filed with the ~~state fire marshal~~ director within six months after the termination.

b. The contractor or installer fails to comply with any provision of this chapter.

c. The contractor or installer fails to comply with any other applicable codes and ordinances.

2. If a certificate is suspended pursuant to this section, the certificate shall not be reinstated until the condition or conditions which led to the suspension have been corrected.

3. The ~~state fire marshal~~ director shall adopt rules pursuant to section 100C.7 for the acceptance and processing of complaints against certificate holders, for procedures to suspend and revoke certificates, and for appeals of decisions to suspend or revoke certificates.

Sec. 1566. Section 100C.7, Code 2023, is amended to read as follows:

100C.7 Administration — rules.

The ~~state fire marshal~~ director shall administer this chapter and, after consultation with the fire extinguishing system contractors and alarm systems advisory board, shall adopt rules pursuant to chapter 17A necessary for the administration and enforcement of this chapter.

Sec. 1567. Section 100C.8, subsection 2, Code 2023, is amended to read as follows:

2. The ~~state fire marshal~~ director may impose a civil penalty of up to five hundred dollars on any person who violates any provision of this chapter for each day a violation continues. The ~~state fire marshal~~ director may adopt rules necessary to enforce and collect any penalties imposed pursuant to this chapter.

Sec. 1568. Section 100C.9, Code 2023, is amended to read as follows:

100C.9 Deposit and use of moneys collected.

1. All fees assessed pursuant to this chapter shall be retained as repayment receipts by the ~~division of state fire marshal in the~~ department ~~of public safety~~ and such fees received shall be used exclusively to offset the costs of administering this chapter.

2. Notwithstanding section 8.33, fees collected by the ~~division of state fire marshal~~ department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in succeeding fiscal years.

Sec. 1569. Section 100C.10, subsection 1, Code 2023, is amended to read as follows:

1. A fire extinguishing system contractors and alarm systems advisory board is established in the ~~division of state fire marshal of the~~ department ~~of public safety~~ and shall advise the ~~division~~ department on matters pertaining to the application and certification of contractors and installers pursuant to this chapter.

Sec. 1570. Section 100C.10, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board shall consist of eleven voting members appointed by the ~~commissioner of public safety~~ director as follows:

Sec. 1571. Section 100C.10, subsections 3 and 4, Code 2023, are amended to read as follows:

3. The state fire marshal~~,~~ or the state fire marshal's designee, the director, and the chairperson of the electrical examining board created in section 103.2 shall be nonvoting ex officio members of the board.

4. ~~The commissioner shall initially appoint two members for two-year terms, two members for four-year terms, and three members for six-year terms. Following the expiration of the terms of initially appointed members, each~~ Each term ~~thereafter~~ shall be for a period of six years. No member shall serve more than two consecutive terms. If a position on the board becomes vacant prior to the expiration of a member's term, the member appointed to the vacancy shall serve the balance of the unexpired term.

Sec. 1572. Section 100D.1, subsections 2 and 10, Code 2023, are amended to read as follows:

2. *"Department"* means the department of ~~public safety~~ inspections, appeals, and licensing.

10. *"Responsible managing employee"* means an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor who is certified by the national institute for certification in engineering technologies at a level three in fire protection technology, automatic sprinkler system layout, or another certification in automatic sprinkler system layout recognized by rules adopted by the ~~fire marshal~~ director pursuant to section 100C.7 or who meets any other criteria established by rule.

Sec. 1573. Section 100D.1, subsection 3, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

3. *"Director"* means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1574. Section 100D.2, subsection 4, Code 2023, is amended to read as follows:

4. Licenses shall be issued for a two-year period, and may be renewed as established by the ~~state fire marshal~~ director by rule.

Sec. 1575. Section 100D.3, Code 2023, is amended to read as follows:

100D.3 Fire protection system installer and maintenance worker license.

1. The ~~state fire marshal~~ director shall issue a fire protection system installer and maintenance worker license to an applicant who meets all of the following requirements:

a. Has completed a fire protection apprenticeship program approved by the United States department of labor, or has completed two years of full-time employment or the equivalent thereof as a trainee.

b. Is employed by a fire extinguishing system contractor. However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant's employer may obtain a license if the employer is not a certified contractor.

c. Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the ~~state fire marshal~~ director, or is certified at level one by the national institute for certification in engineering technologies and as specified by rule by the ~~state fire marshal~~ director, or is certified by another entity approved by the fire marshal.

2. The ~~state fire marshal~~ director shall issue a fire protection system installer and maintenance worker license with endorsements restricted to preengineered fire protection systems to an applicant who does not meet the requirements of

34 subsection 1 but does meet the following requirements:
35 *a.* To be endorsed as a preengineered kitchen fire
1 extinguishing system installer, has successfully completed
2 training and an examination verified by a preengineered system
3 manufacturer, an agent of a preengineered system manufacturer,
4 or an organization that is approved by the ~~state fire marshal~~
5 director.
6 *b.* To be endorsed as a preengineered kitchen fire
7 extinguishing system maintenance worker, has successfully
8 completed training by the worker´s employer or the system´s
9 manufacturer and has passed a written or online examination for
10 preengineered kitchen fire extinguishing system maintenance
11 that is approved by the ~~state fire marshal~~ director.
12 *c.* To be endorsed as a preengineered industrial fire
13 extinguishing system installer, possesses a training and
14 examination certification from a preengineered system
15 manufacturer, an agent of a preengineered system manufacturer,
16 or an organization that is approved by the ~~state fire marshal~~
17 director.
18 *d.* To be endorsed as a preengineered industrial fire
19 extinguishing system maintenance worker, has been trained
20 by the worker´s employer and has passed a written or online
21 examination for preengineered industrial fire extinguishing
22 system maintenance that is approved by the ~~state fire marshal~~
23 director.
24 3. The holder of a fire protection system installer and
25 maintenance worker license shall be responsible for license
26 fees, renewal fees, and continuing education hours.
27 4. The license of a fire protection system installer
28 and maintenance worker licensee who ceases to be employed
29 by a fire extinguishing system contractor shall continue to
30 be valid until it would otherwise expire, but the licensee
31 shall not perform work requiring licensure under this chapter
32 until the licensee is again employed by a fire extinguishing
33 system contractor. If the licensee becomes employed by a fire

extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall notify the ~~fire marshal~~ director and shall apply for an amendment to the license. The ~~fire marshal~~ director may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

5. The ~~fire marshal~~ director, by rule, may restrict the scope of work authorized by a license with appropriate endorsements.

Sec. 1576. Section 100D.4, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An applicant for a fire protection system installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the ~~fire marshal~~ director by rule.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensee shall maintain on file with the department a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the ~~fire marshal~~ director.

Sec. 1577. Section 100D.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~state fire marshal~~ director shall do all of the following:

Sec. 1578. Section 100D.6, Code 2023, is amended to read as follows:

100D.6 Penalties.

The ~~state fire marshal~~ director may impose a civil penalty of up to five hundred dollars on any person who violates any provision of this chapter for each day a violation continues.

The ~~state fire marshal~~ director may adopt rules necessary to enforce and collect any penalties imposed pursuant to this chapter.

Sec. 1579. Section 100D.7, Code 2023, is amended to read as follows:

100D.7 Deposit and use of moneys collected.

1. The ~~state fire marshal~~ director shall set the license fees and renewal fees for all licenses issued pursuant to this chapter, by rule, based upon the actual costs of licensing.

2. All fees assessed pursuant to this chapter shall be retained as repayment receipts by the ~~division of state fire marshal in the~~ department ~~of public safety~~ and such fees received shall be used exclusively to offset the costs of administering this chapter.

3. Notwithstanding section 8.33, fees collected by the ~~division of state fire marshal~~ department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 1580. Section 100D.10, Code 2023, is amended to read as follows:

100D.10 Reciprocal licenses.

To the extent that another state provides for the licensing of fire protection system installers and maintenance workers or similar action, the ~~state fire marshal~~ director may issue a fire protection system installer and maintenance worker license, without examination, to a nonresident fire protection system installer and maintenance worker who has been licensed by such other state for at least three years provided such other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained a fire protection system installer and maintenance worker license upon payment by the applicant of the required fee and upon furnishing proof that the qualifications of the applicant are equal to the

qualifications of holders of similar licenses in this state.

Sec. 1581. Section 100D.13, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~state fire marshal~~ director may issue a temporary fire protection system installer and maintenance worker license to a person, providing that all of the following conditions are met:

a. The person is currently licensed or certified to perform work as a fire protection system installer and maintenance worker in another state.

b. The person meets any additional criteria for a temporary license established by the ~~state fire marshal~~ director by rule.

c. The person provides all information required by the ~~state fire marshal~~ director.

d. The person has paid the fee for a temporary license, which fee shall be established by the ~~state fire marshal~~ director by rule.

e. The person intends to perform work as a fire protection system installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

2. A temporary license issued pursuant to this section shall be valid for ninety days. The ~~state fire marshal~~ director may establish criteria and procedures for the extension of such licenses for additional periods, which in no event shall exceed ninety days.

Sec. 1582. Section 101.1, subsection 1, Code 2023, is amended to read as follows:

1. The ~~state fire marshal~~ director is hereby empowered and directed to formulate and adopt and from time to time amend or revise and to promulgate, in conformity with and subject to the conditions set forth in this chapter, reasonable rules for the safe transportation, storage, handling, and use of combustible liquids, flammable liquids, liquefied petroleum gases, and liquefied natural gases.

Sec. 1583. Section 101.1, subsection 2, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b. "Director"* means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1584. Section 101.5A, Code 2023, is amended to read as follows:

101.5A Shared public petroleum storage facilities.

The ~~state fire marshal~~ director shall permit by rule the shared ownership, operation, or cooperative use of a publicly owned petroleum storage or dispensing facility by more than one public agency or political subdivision in order to maximize the opportunity for cooperation, to avoid unnecessary duplication of facilities posing both an environmental and fire hazard, and to minimize the cost of providing public services. Shared or cooperative use is not a violation of chapter 23A, even if one public agency or political subdivision compensates another public agency or political subdivision for the use or for petroleum dispensed. A publicly owned petroleum storage facility subject to this section may use aboveground or underground storage tanks, or a combination of both.

Sec. 1585. Section 101.8, Code 2023, is amended to read as follows:

101.8 Assistance by local officials.

The chief fire prevention officer of every city or village having an established fire prevention department, the chief of the fire department of every other city or village in which a fire department is established, the mayor of every city in which no fire department exists, the township clerk of every township outside the limits of any city or village and all other local officials upon whom fire prevention duties are imposed by law shall assist the ~~state fire marshal~~ director in the enforcement of the rules.

Sec. 1586. Section 101.9, Code 2023, is amended to read as follows:

34 **101.9 Repairs ordered by ~~fire marshal~~ director.**
35 If the ~~state fire marshal~~ director has reasonable grounds
1 for believing after conducting tests that a leak exists in
2 a flammable or combustible liquid storage tank or in the
3 distribution system of a flammable or combustible liquid
4 storage tank the ~~state fire marshal~~ director shall issue a
5 written order to the owner or lessee of the storage tank or
6 distribution system requiring the storage tank and distribution
7 system be emptied and removed or repaired immediately upon
8 receipt of the written order.
9 Sec. 1587. Section 101.10, Code 2023, is amended to read as
10 follows:
11 **101.10 Assistance of department of natural resources.**
12 If the ~~state fire marshal~~ director has reasonable grounds
13 for believing that a leak constitutes a hazardous condition
14 which threatens the public health and safety, the ~~fire marshal~~
15 director may request the assistance of the department of
16 natural resources, and upon such request the department of
17 natural resources is empowered to eliminate the hazardous
18 condition as provided in chapter 455B, subchapter IV, part
19 4, the provisions of section 455B.390, subsection 3, to the
20 contrary notwithstanding.
21 Sec. 1588. Section 101.12, subsections 1 and 2, Code 2023,
22 are amended to read as follows:
23 1. An aboveground flammable or combustible liquid storage
24 tank may be installed at a retail motor vehicle fuel outlet,
25 subject to rules adopted by the ~~state fire marshal~~ director.
26 2. Rules adopted by the ~~state fire marshal~~ director
27 pursuant to this section shall be in substantial compliance
28 with the applicable standards of the national fire protection
29 association.
30 Sec. 1589. Section 101.21, subsection 6, Code 2023, is
31 amended by striking the subsection.
32 Sec. 1590. Section 101.22, subsections 1, 2, 3, 4, and 7,
33 Code 2023, are amended to read as follows:

1. Except as provided in subsection 2, the owner or operator of an aboveground flammable or combustible liquid storage tank existing on July 1, 2010, shall notify the ~~state fire marshal~~ director in writing by October 1, 2010, of the existence of each tank and specify the age, size, type, location, and uses of the tank.

2. The owner of an aboveground flammable or combustible liquid storage tank taken out of operation on or before July 1, 2010, shall notify the ~~state fire marshal~~ director in writing by October 1, 2010, of the existence of the tank unless the owner knows the tank has been removed from the site. The notice shall specify, to the extent known to the owner, the date the tank was taken out of operation, the age of the tank on the date taken out of operation, the size, type, and location of the tank, and the type and quantity of substances left stored in the tank on the date that it was taken out of operation.

3. An owner or operator who brings into use an aboveground flammable or combustible liquid storage tank after July 1, 2010, shall notify the ~~state fire marshal~~ director in writing within thirty days of the existence of the tank and specify the age, size, type, location, and uses of the tank.

4. The registration notice of the owner or operator to the ~~state fire marshal~~ director under subsections 1 through 3 shall be accompanied by an annual fee of twenty dollars for each tank included in the notice. All moneys collected shall be retained by the department of ~~public safety~~ inspections, appeals, and licensing and are appropriated for the use of the ~~state fire marshal~~ director. The annual renewal fee applies to all owners or operators who file a registration notice with the state fire marshal pursuant to subsections 1 through 3.

7. *a.* The ~~state fire marshal~~ director shall furnish the owner or operator of an aboveground flammable or combustible liquid storage tank with a registration tag for each aboveground flammable or combustible liquid storage tank

registered with the ~~state fire marshal~~ director.

b. The owner or operator shall affix the tag to the fill pipe of each registered aboveground flammable or combustible liquid storage tank.

Sec. 1591. Section 101.23, Code 2023, is amended to read as follows:

101.23 ~~State fire marshal~~ Director reporting rules.

The ~~state fire marshal~~ director shall adopt rules pursuant to chapter 17A relating to reporting requirements necessary to enable the ~~state fire marshal~~ director to maintain an accurate inventory of aboveground flammable or combustible liquid storage tanks.

Sec. 1592. Section 101.24, Code 2023, is amended to read as follows:

101.24 Duties and powers of the ~~state fire marshal~~ director.

The ~~state fire marshal~~ director shall:

1. Inspect and investigate the facilities and records of owners and operators of aboveground flammable or combustible liquid storage tanks with a capacity of fifteen thousand or more gallons, as necessary to determine compliance with this subchapter and the rules adopted pursuant to this subchapter. An inspection or investigation shall be conducted subject to subsection 4. For purposes of developing a rule, maintaining an accurate inventory, or enforcing this subchapter, the department of inspections, appeals, and licensing may:

a. Enter at reasonable times an establishment or other place where an aboveground storage tank is located.

b. Inspect and obtain samples from any person of flammable or combustible liquid or another regulated substance and conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, and groundwater. Each inspection shall be commenced and completed with reasonable promptness.

(1) If the ~~state fire marshal~~ director obtains a sample, prior to leaving the premises, the ~~fire marshal~~ director

34 shall give the owner, operator, or agent in charge a receipt
35 describing the sample obtained and if requested a portion of
1 each sample equal in volume or weight to the portion retained.
2 If the sample is analyzed, a copy of the results of the
3 analysis shall be furnished promptly to the owner, operator,
4 or agent in charge.
5 (2) Documents or information obtained from a person under
6 this subsection shall be available to the public except as
7 provided in this subparagraph. Upon a showing satisfactory
8 to the ~~state fire marshal~~ director by a person that public
9 disclosure of documents or information, or a particular
10 part of the documents or information to which the ~~state fire~~
11 ~~marshal~~ director has access under this subsection would divulge
12 commercial or financial information entitled to protection as a
13 trade secret, the ~~state fire marshal~~ director shall consider
14 the documents or information or the particular portion of the
15 documents or information confidential. However, the documents
16 or information may be disclosed to officers, employees, or
17 authorized representatives of the United States charged with
18 implementing the federal Solid Waste Disposal Act, to employees
19 of the state of Iowa or of other states when the document or
20 information is relevant to the discharge of their official
21 duties, and when relevant in a proceeding under the federal
22 Solid Waste Disposal Act or this subchapter.
23 2. Maintain an accurate inventory of aboveground flammable
24 or combustible liquid storage tanks.
25 3. Take any action allowed by law which, in the ~~state fire~~
26 ~~marshal's~~ director's judgment, is necessary to enforce or
27 secure compliance with this subchapter or any rule adopted
28 pursuant to this subchapter.
29 4. Conduct investigations of complaints received directly,
30 referred by other agencies, or other investigations deemed
31 necessary. While conducting an investigation, the ~~state fire~~
32 ~~marshal~~ director may enter at any reasonable time in and upon
33 any private or public property to investigate any actual or

34 possible violation of this subchapter or the rules or standards
35 adopted under this subchapter. However, the owner or person in
1 charge shall be notified.
2 *a.* If the owner or operator of any property refuses
3 admittance, or if prior to such refusal the ~~state fire marshal~~
4 director demonstrates the necessity for a warrant, the state
5 fire marshal may make application under oath or affirmation
6 to the district court of the county in which the property is
7 located for the issuance of a search warrant.
8 *b.* In the application the ~~state fire marshal~~ director shall
9 state that an inspection of the premises is mandated by the
10 laws of this state or that a search of certain premises, areas,
11 or things designated in the application may result in evidence
12 tending to reveal the existence of violations of public health,
13 safety, or welfare requirements imposed by statutes, rules, or
14 ordinances established by the state or a political subdivision
15 of the state. The application shall describe the area,
16 premises, or thing to be searched, give the date of the last
17 inspection if known, give the date and time of the proposed
18 inspection, declare the need for such inspection, recite that
19 notice of the desire to make an inspection has been given to
20 affected persons and that admission was refused if that be the
21 fact, and state that the inspection has no purpose other than
22 to carry out the purpose of the statute, rule, or ordinance
23 pursuant to which inspection is to be made. If an item of
24 property is sought by the ~~state fire marshal~~ director, it shall
25 be identified in the application.
26 *c.* If the court is satisfied from the examination of
27 the applicant, and of other witnesses, if any, and of the
28 allegations of the application of the existence of the grounds
29 of the application, or that there is probable cause to believe
30 in their existence, the court may issue a search warrant.
31 *d.* In making inspections and searches pursuant to the
32 authority of this subchapter, the ~~state fire marshal~~ director
33 must execute the warrant as follows:

34 (1) Within ten days after its date.
35 (2) In a reasonable manner, and any property seized shall
1 be treated in accordance with the provisions of chapters 808
2 and 809.
3 (3) Subject to any restrictions imposed by the statute, rule
4 or ordinance pursuant to which inspection is made.
5 Sec. 1593. Section 101.25, Code 2023, is amended to read as
6 follows:
7 **101.25 Violations —— orders.**
8 1. If substantial evidence exists that a person has
9 violated or is violating a provision of this subchapter or
10 a rule adopted under this subchapter the ~~state fire marshal~~
11 director may issue an order directing the person to desist
12 in the practice which constitutes the violation, and to take
13 corrective action as necessary to ensure that the violation
14 will cease, and may impose appropriate administrative penalties
15 pursuant to section 101.26. The person to whom the order is
16 issued may appeal the order as provided in chapter 17A. On
17 appeal, the administrative law judge may affirm, modify, or
18 vacate the order of the ~~state fire marshal~~ director.
19 2. However, if it is determined by the ~~state fire marshal~~
20 director that an emergency exists respecting any matter
21 affecting or likely to affect the public health, the ~~fire~~
22 ~~marshal~~ director may issue any order necessary to terminate
23 the emergency without notice and without hearing. The order
24 is binding and effective immediately and until the order is
25 modified or vacated at an administrative hearing or by a
26 district court.
27 3. The ~~state fire marshal~~ director may request the attorney
28 general to institute legal proceedings pursuant to section
29 101.26.
30 Sec. 1594. Section 101.26, Code 2023, is amended to read as
31 follows:
32 **101.26 Penalties —— burden of proof.**
33 1. A person who violates this subchapter or a rule adopted

34 or order issued pursuant to this subchapter is subject to a
35 civil penalty not to exceed one hundred dollars for each day
1 during which the violation continues, up to a maximum of one
2 thousand dollars; however, if the tank is registered within
3 thirty days after the ~~state fire marshal~~ director issues a
4 cease and desist order pursuant to section 101.25, subsection
5 1, the civil penalty under this section shall not accrue. The
6 civil penalty is an alternative to a criminal penalty provided
7 under this subchapter.
8 2. A person who knowingly fails to notify or makes a false
9 statement, representation, or certification in a record,
10 report, or other document filed or required to be maintained
11 under this subchapter, or violates an order issued under this
12 subchapter, is guilty of an aggravated misdemeanor.
13 3. The attorney general, at the request of the ~~state fire~~
14 ~~marshal~~ director, shall institute any legal proceedings,
15 including an action for an injunction, necessary to enforce the
16 penalty provisions of this subchapter or to obtain compliance
17 with the provisions of this subchapter or rules adopted or
18 order pursuant to this subchapter. In any action, previous
19 findings of fact of the ~~state fire marshal~~ director after
20 notice and hearing are conclusive if supported by substantial
21 evidence in the record when the record is viewed as a whole.
22 4. In all proceedings with respect to an alleged violation
23 of this subchapter or a rule adopted or order issued by the
24 ~~state fire marshal~~ director pursuant to this subchapter, the
25 burden of proof is upon the ~~state fire marshal~~ director.
26 5. If the attorney general has instituted legal proceedings
27 in accordance with this section, all related issues which could
28 otherwise be raised by the alleged violator in a proceeding for
29 judicial review under section 101.27 shall be raised in the
30 legal proceedings instituted in accordance with this section.
31 Sec. 1595. Section 101.27, Code 2023, is amended to read as
32 follows:
33 **101.27 Judicial review.**

Except as provided in section 101.26, subsection 5, judicial review of an order or other action of the ~~state fire marshal~~ director may be sought in accordance with chapter 17A. Notwithstanding chapter 17A, the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed or the final order was entered.

Sec. 1596. Section 101A.1, subsections 2, 6, and 7, Code 2023, are amended to read as follows:

2. *"Commercial license"* or *"license"* means a license issued by the ~~state fire marshal~~ director pursuant to this chapter.

6. *"Licensee"* means a person holding a commercial license issued by the ~~state fire marshal~~ director pursuant to this chapter.

7. *"Magazine"* means any building or structure, other than an explosives manufacturing building, approved by the ~~state fire marshal~~ director or the ~~fire marshal's~~ director's designated agent for the storage of explosive materials.

Sec. 1597. Section 101A.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *"Director"* means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1598. Section 101A.2, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~state fire marshal~~ director shall issue commercial licenses for the manufacture, importation, distribution, sale, and commercial use of explosives to persons who, in the ~~state fire marshal's~~ director's discretion are of good character and sound judgment, and have sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety. Licenses shall be issued for a period of three years, but may be issued for shorter periods, and may be revoked or suspended by the ~~state fire marshal~~ director for any of the following reasons:

34 *a.* Falsification of information submitted in the application
35 for a license.
1 *b.* Proof that the licensee has violated any provisions of
2 this chapter or any rules prescribed by the ~~state fire marshal~~
3 director pursuant to the provisions of this chapter.
4 *c.* The results of a national criminal history check
5 conducted pursuant to subsection 3.
6 2. Licenses shall be issued by the ~~state fire marshal~~
7 director upon payment of a fee of sixty dollars, valid for a
8 period of three calendar years, commencing on January 1 of the
9 first year and terminating on December 31 of the third year.
10 However, an initial license may be issued during a calendar
11 year for the number of months remaining in such calendar year
12 and the following two years, computed to the first day of the
13 month when the application for the license is approved. The
14 license fee shall be charged on a pro rata basis for the number
15 of months remaining in the period of issue. Applications for
16 renewal of licenses shall be submitted within thirty days prior
17 to the license expiration date and shall be accompanied by
18 payment of the prescribed fee.
19 Sec. 1599. Section 101A.3, subsections 1 and 2, Code 2023,
20 are amended to read as follows:
21 1. User's permits to purchase, possess, transport, store,
22 and detonate explosive materials shall be issued by the sheriff
23 of the county or the chief of police of a city of ten thousand
24 population or more where the possession and detonation will
25 occur. If the possession and detonation are to occur in more
26 than one county or city, then such permits must be issued by
27 the sheriff or chief of police of each of such counties or
28 cities, except in counties and cities in which the explosives
29 are possessed for the sole purpose of transporting them
30 through such counties and cities. A permit shall not be issued
31 unless the sheriff or chief of police having jurisdiction is
32 satisfied that possession and detonation of explosive materials
33 is necessary to the applicant's business or to improve the

34 applicant's property. Permits shall be issued only to persons
35 who, in the discretion of the sheriff or chief of police, are
1 of good character and sound judgment, and have sufficient
2 knowledge of the use and handling of explosive materials to
3 protect the public safety. Applicants shall be subject to the
4 criminal history check provisions of section 101A.2, subsection
5 3. The ~~state fire marshal~~ director shall prescribe, have
6 printed, and distribute permit application forms to all local
7 permit issuing authorities.
8 2. The user's permit shall state the quantity of explosive
9 materials which the permittee may purchase, the amount the
10 permittee may have in possession at any one time, the amount
11 the permittee may detonate at any one time, and the period of
12 time during which the purchase, possession, and detonation
13 of explosive materials is authorized. The permit shall also
14 specify the place where detonation may occur, the location and
15 description of the place where the explosive materials will
16 be stored, if such be the case, and shall contain such other
17 information as may be required under the rules and regulations
18 of the ~~state fire marshal~~ director. The permit shall not
19 authorize purchase, possession, and detonation of a quantity of
20 explosive materials in excess of that which is necessary in the
21 pursuit of the applicant's business or the improvement of the
22 permittee's property, nor shall such purchase, possession, and
23 detonation be authorized for a period longer than is necessary
24 for the specified purpose. In no event shall the permit be
25 valid for more than thirty days from date of issuance but it
26 may be renewed upon proper showing of necessity.
27 Sec. 1600. Section 101A.4, subsection 1, Code 2023, is
28 amended to read as follows:
29 1. Judicial review of the action of the ~~state fire marshal~~
30 director may be sought in accordance with the terms of the Iowa
31 administrative procedure Act, chapter 17A.
32 Sec. 1601. Section 101A.5, Code 2023, is amended to read as
33 follows:

34 **101A.5 Rules — director duties.**

35 1. The ~~state fire marshal~~ director shall adopt rules
1 pursuant to chapter 17A pertaining to the manufacture,
2 transportation, storage, possession, and use of explosive
3 materials. Rules adopted by the ~~state fire marshal~~ director
4 shall be compatible with, but not limited to, the national
5 fire protection association's pamphlet number 495 and federal
6 rules pertaining to commerce, possession, storage, and use of
7 explosive materials. Such rules shall do all of the following:

8 ~~1.~~ *a.* Prescribe reasonable standards for the safe
9 transportation and handling of explosive materials so as to
10 prevent accidental fires and explosions and prevent theft and
11 unlawful or unauthorized possession of explosive materials.

12 ~~2.~~ *b.* Prescribe procedures and methods of inventory so
13 as to assure accurate records of all explosive materials
14 manufactured or imported into the state and records of the
15 disposition of such explosive materials, including records of
16 the identity of persons to whom sales and transfers are made,
17 and the time and place of any loss or destruction of explosive
18 materials which might occur.

19 ~~3.~~ *c.* Prescribe reasonable standards for the safe
20 storage of explosive materials as may be necessary to prevent
21 accidental fires and explosions and prevent thefts and unlawful
22 or unauthorized possession of explosive materials.

23 ~~4.~~ *d.* Require such reports from licensees, permittees,
24 sheriffs, and chiefs of police as may be necessary for the
25 ~~state fire marshal~~ director to discharge the ~~fire marshal's~~
26 director's duties pursuant to this chapter.

27 ~~5.~~ *e.* Prescribe the form and content of license and permit
28 applications.

29 ~~6.~~ 2. ~~Conduct~~ The director shall conduct such inspections
30 of licensees and permittees as may be necessary to enforce the
31 provisions of this chapter.

32 Sec. 1602. Section 101A.7, Code 2023, is amended to read as
33 follows:

101A.7 Inspection of storage facility.

1. The licensee's or permittee's explosives storage facility shall be inspected at least once a year by a representative of the ~~state fire marshal's office~~ department of inspections, appeals, and licensing, except that the ~~state fire marshal~~ director may, at those mining operations licensed and regulated by the United States department of labor, accept an approved inspection report issued by the United States department of labor, mine safety and health administration, for the twelve-month period following the issuance of the report. The ~~state fire marshal~~ director shall notify the appropriate city or county governing board of licenses to be issued in their respective jurisdictions pursuant to this chapter. The notification shall contain the name of the applicant to be licensed, the location of the facilities to be used in storing explosives, the types and quantities of explosive materials to be stored, and other information deemed necessary by either the governing boards or the ~~state fire marshal~~ director. The facility may be examined at other times by the sheriff of the county where the facility is located or by the local police authority if the facility is located within a city of over ten thousand population and if the sheriff or city council considers it necessary.

2. If the ~~state fire marshal~~ director finds the facility to be improperly secured, the licensee or permittee shall immediately correct the improper security and, if not so corrected, the ~~state fire marshal~~ director shall immediately confiscate the stored explosives. Explosives may be confiscated by the county sheriff or local police authority only if a situation that is discovered during an examination by those authorities is deemed to present an immediate danger. If the explosives are confiscated by the county sheriff or local police authority, they shall be delivered to the ~~state fire marshal~~ director. The ~~state fire marshal~~ director shall hold confiscated explosives for a period of thirty days under proper

security unless the period of holding is shortened pursuant to this section.

3. If the licensee or permittee corrects the improper security within the thirty-day period, the explosives shall be returned to the licensee or permittee after correction and after the licensee or permittee has paid to the state an amount equal to the expense incurred by the state in storing the explosives during the period of confiscation. The amount of expense shall be determined by the ~~state fire marshal~~ director.

4. If the improper security is not corrected during the thirty-day period, the ~~state fire marshal~~ director shall dispose of the explosives and the license or permit shall be canceled. A canceled license or permit shall not be reissued for a period of two years from the date of cancellation.

Sec. 1603. Section 101A.8, Code 2023, is amended to read as follows:

101A.8 Report of theft or loss required.

Any theft or loss of explosive materials, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person authorized to possess such explosives to the local police or county sheriff. The local police or county sheriff shall immediately transmit a report of such theft or loss of explosive materials to the ~~state fire marshal~~ director.

Sec. 1604. Section 101A.9, Code 2023, is amended to read as follows:

101A.9 Disposal regulated.

No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives shall, when the need for such explosives no longer exists, dispose of them in accordance with rules prescribed by the ~~state fire marshal~~ director.

Sec. 1605. Section 101A.10, Code 2023, is amended to read as follows:

101A.10 Persons and agencies exempt.

This chapter shall not apply to the transportation and use of explosive materials by the regular military or naval forces of the United States, the duly organized militia of this state, representatives of the ~~state fire marshal~~ director, the state patrol, division of criminal investigation, local police departments, sheriffs departments, and fire departments acting in their official capacity; nor shall this chapter apply to the transportation and use of explosive materials by any peace officer to enforce provisions of this chapter when the peace officer is acting pursuant to such authority, however, other agencies of the state or any of its political subdivisions desiring to purchase, possess, transport, or use explosive materials for construction or other purposes shall be required to obtain user's permits.

Sec. 1606. Section 101A.12, Code 2023, is amended to read as follows:

101A.12 Deposit and use of fees.

The fees collected by the ~~state fire marshal~~ director in issuing licenses pursuant to this chapter shall be deposited in the state general fund.

Sec. 1607. Section 101A.14, subsection 2, Code 2023, is amended to read as follows:

2. Any person who violates the provisions of section 101A.6, 101A.8 or 101A.9 or any of the rules adopted by the ~~state fire marshal~~ director pursuant to the provisions of this chapter, commits a simple misdemeanor.

Sec. 1608. Section 101B.2, subsection 3, Code 2023, is amended to read as follows:

3. *"Department"* means the department of ~~public safety~~ inspections, appeals, and licensing.

Sec. 1609. Section 101B.3, subsection 4, Code 2023, is amended to read as follows:

4. The department ~~of public safety~~ shall administer this chapter and may adopt rules pursuant to chapter 17A to administer this chapter. This chapter shall be implemented in accordance with the implementation and substance of the New York fire safety standards for cigarettes.

Sec. 1610. Section 101B.6, subsection 2, Code 2023, is amended to read as follows:

2. A wholesaler or agent shall provide a copy of the cigarette packaging markings received from a manufacturer to all retailers to whom the wholesaler or agent sells cigarettes. A wholesaler, agent, or retailer shall permit the ~~state fire marshal~~ department, department of revenue, or the office of the attorney general to inspect markings of cigarette packaging marked in accordance with section 101B.7.

Sec. 1611. Section 101B.8, subsections 7, 8, and 9, Code 2023, are amended to read as follows:

7. In addition to any other remedy provided by law, the department ~~of public safety~~ or the office of the attorney general may file an action in district court for a violation of this chapter, including petitioning for injunctive relief or to recover any costs or damages suffered by the state because of a violation of this chapter, including enforcement costs relating to the specific violation and attorney fees. Each violation of the chapter or of rules adopted under this chapter constitutes a separate civil violation for which the department ~~of public safety~~ or the office of the attorney general may seek relief.

8. The department of revenue in the regular course of conducting inspections of a wholesaler, agent, or retailer may inspect cigarettes in the possession or control of the wholesaler, agent, or retailer or on the premises of any wholesaler, agent, or retailer to determine if the cigarettes are marked as required pursuant to section 101B.7. If the cigarettes are not marked as required, the department of revenue shall notify the department ~~of public safety~~.

9. To enforce the provisions of this chapter, the department

34 ~~of public safety~~ and the office of the attorney general may
35 examine the books, papers, invoices, and other records of any
1 person in possession, control, or occupancy of any premises
2 where cigarettes are placed, sold, or offered for sale,
3 including the stock of cigarettes on the premises.
4 Sec. 1612. Section 101B.10, subsection 1, Code 2023, is
5 amended to read as follows:
6 1. This chapter shall cease to be applicable if federal
7 fire safety standards for cigarettes that preempt this chapter
8 are enacted and take effect subsequent to January 1, 2009, and
9 the ~~state fire marshal~~ department shall notify the secretary of
10 state and the Code editor if such federal fire safety standards
11 for cigarettes are enacted.
12 Sec. 1613. Section 103.1, 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. 1614. Section 103.2, subsection 1, Code 2023, is
20 amended to read as follows:
21 1. An electrical examining board is created within the
22 ~~division of state fire marshal of the~~ department ~~of public~~
23 ~~safety~~. The board shall consist of eleven voting members
24 ~~appointed by the governor and subject to senate confirmation~~,
25 all of whom shall be residents of this state. Except for the
26 board member enumerated in subsection 2, paragraph *"e"*, members
27 shall be appointed by the governor and subject to senate
28 confirmation.
29 Sec. 1615. Section 103.2, Code 2023, is amended by adding
30 the following new subsection:
31 NEW SUBSECTION. 2A. *a.* The board shall elect annually from
32 its members a chairperson and a vice chairperson.
33 *b.* The board shall hold at least one meeting quarterly at

the location of the board's principal office, and meetings shall be called at other times by the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

Sec. 1616. Section 103.4, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

103.4 Executive secretary — staff and duties.

The director shall appoint an executive secretary for the board and shall hire and provide staff to assist the board in administering this chapter. The executive secretary shall report to the director for purposes of routine board administrative functions, and shall report directly to the board for purposes of execution of board policy such as application of licensing criteria and processing of applications.

Sec. 1617. Section 103.7, Code 2023, is amended to read as follows:

103.7 Electrician and installer licensing and inspection fund.

An electrician and installer licensing and inspection fund is created in the state treasury as a separate fund under the control of the board. All licensing, examination, renewal, and inspection fees shall be deposited into the fund and retained by and for the use of the board. Expenditures from the fund shall be approved by the sole authority of the board in consultation with the ~~state fire marshal~~ director. Amounts deposited into the fund shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall remain available for the purposes of this chapter in subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 1618. Section 103.14, Code 2023, is amended to read as

34 follows:

35 **103.14 Alarm installations.**

1 A person who is not licensed pursuant to this chapter may
2 plan, lay out, or install electrical wiring, apparatus, and
3 equipment for components of alarm systems that operate at
4 seventy volt/amps (VA) or less, only if the person is certified
5 to conduct such work pursuant to chapter 100C. Installations
6 of alarm systems that operate at seventy volt/amps (VA) or less
7 are subject to inspection by state inspectors as provided in
8 section 103.31, except that reports of such inspections, if
9 the installation being inspected was performed by a person
10 certified pursuant to chapter 100C, shall be submitted to
11 the ~~state fire marshal~~ director and any action taken on a
12 report of an inspection of an installation performed by a
13 person certified pursuant to chapter 100C shall be taken by
14 or at the direction of the state fire marshal, unless the
15 installation has been found to exceed the authority granted to
16 the certificate holder pursuant to chapter 100C and therefore
17 to be in violation of this chapter.

18 Sec. 1619. Section 103.25, subsection 1, Code 2023, is
19 amended to read as follows:

20 1. At or before commencement of any installation required
21 to be inspected by the board, the licensee or property owner
22 making such installation shall submit to the ~~state fire~~
23 ~~marshal's office~~ department a request for inspection. The
24 board shall prescribe the methods by which the request may be
25 submitted, which may include electronic submission or through
26 a form prescribed by the board that can be submitted either
27 through the mail or by a fax transmission. The board shall
28 also prescribe methods by which inspection fees can be paid,
29 which may include electronic methods of payment. If the board
30 or the ~~state fire marshal's office~~ department becomes aware
31 that a person has failed to file a necessary request for
32 inspection, the board shall send a written notification by
33 certified mail that the request must be filed within fourteen

days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

Sec. 1620. Section 103.26, Code 2023, is amended to read as follows:

103.26 Condemnation — disconnection — opportunity to correct noncompliance.

If the inspector finds that any installation or portion of an installation is not in compliance with accepted standards of construction for health safety and property safety, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, the inspector shall by written order condemn the installation or noncomplying portion or order service to such installation disconnected and shall send a copy of such order to the board, the ~~state fire marshal~~ director, and the electrical utility supplying power involved. If the installation or the noncomplying portion is such as to seriously and proximately endanger human health or property, the order of the inspector when approved by the inspector's supervisor shall require immediate condemnation and disconnection by the applicant. In all other cases, the order of the inspector shall establish a reasonable period of time for the installation to be brought into compliance with accepted standards of construction for health safety and property safety prior to the effective date established in such order for condemnation or disconnection.

Sec. 1621. Section 103.31, subsections 3, 4, and 5, Code 2023, are amended to read as follows:

3. State inspection procedures and policies shall be established by the board. The ~~state fire marshal~~ director, or the ~~state fire marshal's~~ director's designee, shall enforce the procedures and policies, and enforce the provisions of the

national electrical code adopted by the board.

4. Except when an inspection reveals that an installation or portion of an installation is not in compliance with accepted standards of construction for health safety and property safety, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, such that an order of condemnation or disconnection is warranted pursuant to section 103.26, an inspector shall not add to, modify, or amend a construction plan as originally approved by the ~~state fire marshal~~ director or the state building code commissioner in the course of conducting an inspection.

5. Management and supervision of inspectors, including hiring decisions, disciplinary action, promotions, and work schedules are the responsibility of the ~~state fire marshal~~ director acting in accordance with applicable law and pursuant to any applicable collective bargaining agreement. The ~~state fire marshal~~ director and the board shall jointly determine work territories, regions, or districts for inspectors and continuing education and ongoing training requirements applicable to inspectors. An inspector subject to disciplinary action pursuant to this subsection shall be entitled to an appeal according to the procedure set forth in section 103.34 and judicial review pursuant to section 17A.19.

Sec. 1622. Section 103.32, subsection 3, Code 2023, is amended to read as follows:

3. When an inspection is requested by a property owner, the minimum fee shall be thirty dollars plus five dollars per branch circuit or feeder. The fee for fire and accident inspections shall be computed at the rate of forty-seven dollars per hour, and mileage and other expenses shall be reimbursed as provided by the ~~office of the state fire marshal~~ department.

Sec. 1623. Section 103.33, subsection 1, Code 2023, is amended to read as follows:

1. Any person aggrieved by a condemnation or disconnection order issued by the ~~state fire marshal's office~~ department may appeal from the order by filing a written notice of appeal with the board within ten days after the date the order was served upon the property owner or within ten days after the order was filed with the board, whichever is later.

Sec. 1624. Section 103A.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. *"Department"* means the department of inspections, appeals, and licensing.

NEW SUBSECTION. 6B. *"Director"* means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1625. Section 103A.4, Code 2023, is amended to read as follows:

103A.4 Building code commissioner.

The ~~commissioner of public safety~~ director, in addition to other duties, shall serve as the state building code commissioner or may designate a building code commissioner.

Sec. 1626. Section 103A.23, subsection 1, Code 2023, is amended to read as follows:

1. For the purpose of obtaining revenue to defray the costs of administering the provisions of this chapter, the commissioner shall establish by rule a schedule of fees based upon the costs of administration which fees shall be collected from persons whose manufacture, installation, or construction is subject to the provisions of the state building code. For the performance of building plan reviews by the department ~~of public safety~~, the commissioner shall establish by rule a fee, chargeable to the owner of the building, which shall be equal to a percentage of the estimated total valuation of the building and which shall be in an amount reasonably related to the cost of conducting the review.

Sec. 1627. Section 103A.54, Code 2023, is amended to read as follows:

103A.54 Fees.

Notwithstanding section 103A.23, the department ~~of public safety~~ shall retain all fees collected pursuant to this subchapter and the fees retained are appropriated to the commissioner to administer the licensing program and the certification program for manufactured or mobile home installers, including the employment of personnel for the enforcement and administration of such programs.

Sec. 1628. Section 105.2, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1629. Section 105.3, subsection 1, Code 2023, is amended to read as follows:

1. A plumbing and mechanical systems board is created within the ~~Iowa~~ department ~~of public health~~.

Sec. 1630. Section 105.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The board shall be comprised of ~~eleven~~ twelve voting members~~, appointed by the governor,~~ as follows:

Sec. 1631. Section 105.3, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The director of ~~public~~ health and human services or the director's designee.

Sec. 1632. Section 105.3, subsection 2, paragraph a, Code 2023, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (2A) The director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1633. Section 105.3, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. The board members enumerated in paragraph ~~a~~ *"a"*, subparagraphs (3) through (9), ~~are~~ shall be appointed by the governor and subject to confirmation by the senate.

Sec. 1634. Section 105.4, subsection 1, paragraph a, Code

2023, is amended to read as follows:

a. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state. Consistent with fire safety rules and standards promulgated by the ~~state fire marshal~~ department, the board shall adopt the most current version of the uniform plumbing code and the international mechanical code, as the state plumbing code and the state mechanical code, to govern the installation of plumbing and mechanical systems in this state. The board shall adopt the current version of each code within six months of its being released. The board may adopt amendments to each code by rule. The board shall work in consultation with the ~~state fire marshal~~ department to ensure that proposed amendments do not conflict with the fire safety rules and standards promulgated by the ~~state fire marshal~~ department. The state plumbing code and the state mechanical code shall be applicable to all buildings and structures owned by the state or an agency of the state and in each local jurisdiction.

Sec. 1635. Section 105.12, subsection 1, Code 2023, is amended to read as follows:

1. A contracting, plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the director of ~~public health~~ the department, and shall be issued in the name of the board. The license number shall be noted on the face of the license.

Sec. 1636. Section 135.11A, Code 2023, is amended to read as follows:

135.11A ~~Professional licensure division — other licensing~~ Licensing boards — expenses — fees.

1. ~~There shall be a professional licensure division within the department of public health.~~ Each board under ~~chapter~~ chapters 100C, 103, 103A, 105, or 147 ~~or~~ that are under the administrative authority of the department, except the board of nursing, board of medicine, dental board, and board of

34 pharmacy, shall receive administrative and clerical support
35 from the ~~division~~ department and may not employ its own support
1 staff for administrative and clerical duties. The executive
2 director of the board of nursing, board of medicine, dental
3 board, and board of pharmacy shall be appointed pursuant to
4 section 135.11B.
5 2. The ~~professional licensure division~~ department and the
6 licensing boards referenced in subsection 1 may expend funds in
7 addition to amounts budgeted, if those additional expenditures
8 are directly the result of actual examination and exceed funds
9 budgeted for examinations. Before the ~~division~~ department or a
10 licensing board expends or encumbers an amount in excess of the
11 funds budgeted for examinations, the director of the department
12 of management shall approve the expenditure or encumbrance.
13 Before approval is given, the department of management shall
14 determine that the examination expenses exceed the funds
15 budgeted by the general assembly to the ~~division~~ department
16 or board and the ~~division~~ department or board does not have
17 other funds from which examination expenses can be paid.
18 Upon approval of the department of management, the ~~division~~
19 department or licensing board may expend and encumber funds for
20 excess examination expenses. The amounts necessary to fund
21 the excess examination expenses shall be collected as fees
22 from additional examination applicants and shall be treated as
23 repayment receipts as defined in section 8.2.
24 Sec. 1637. Section 135.24, subsection 2, paragraph a, Code
25 2023, is amended to read as follows:
26 *a.* Procedures for registration of health care providers
27 deemed qualified by the board of medicine, the board of
28 physician assistants, the dental board, the board of nursing,
29 the board of chiropractic, the board of psychology, the board
30 of social work, the board of behavioral science, the board
31 of pharmacy, the board of optometry, the board of podiatry,
32 the board of physical and occupational therapy, the board of
33 respiratory care and polysomnography, and the ~~Iowa~~ department

of ~~public health~~ inspections, appeals, and licensing, as applicable.

Sec. 1638. Section 135.31, Code 2023, is amended to read as follows:

135.31 Location of boards — rulemaking.

The offices for the board of medicine, the board of pharmacy, the board of nursing, and the dental board shall be located within the department ~~of public health~~. The individual boards shall have policymaking and rulemaking authority.

Sec. 1639. Section 135.37, Code 2023, is amended to read as follows:

135.37 Tattooing — permit requirement — penalty.

1. A person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or engage in the practice of tattooing without first applying for and receiving a permit from the ~~Iowa~~ department ~~of public health~~.

2. A minor shall not obtain a tattoo and a person shall not provide a tattoo to a minor. For the purposes of this section, *"minor"* means an unmarried person who is under the age of eighteen years.

3. A person who fails to meet the requirements of subsection 1 or a person providing a tattoo to a minor is guilty of a serious misdemeanor.

4. The ~~Iowa~~ department ~~of public health~~ shall:

a. Adopt rules pursuant to chapter 17A and establish and collect all fees necessary to administer this section. The provisions of chapter 17A, including licensing provisions, judicial review, and appeal, shall apply to this ~~chapter~~ section.

b. Establish minimum safety and sanitation criteria for the operation of tattooing establishments.

5. If the ~~Iowa~~ department ~~of public health~~ determines that a provision of this section has been or is being violated, the department may order that a tattooing establishment not be

operated until the necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may request that the county attorney or the attorney general make an application in the name of the state to the district court of the county in which the violations have occurred for an order to enjoin the violations. This remedy is in addition to any other legal remedy available to the department.

6. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under this section.

Sec. 1640. Section 135.63, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A copy of the application shall be sent to the department of health and human services at the time the application is submitted to the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing. The department of inspections, appeals, and licensing shall not process applications for and the council shall not consider a new or changed institutional health service for an intermediate care facility for persons with an intellectual disability unless both of the following conditions are met:

Sec. 1641. Section 135C.2, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. The rules adopted for intermediate care facilities for persons with an intellectual disability shall be consistent with, but no more restrictive than, the federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, in effect on January 1, 1989. However, in order for an intermediate care facility for persons with an intellectual disability to be

licensed, the ~~state fire marshal~~ director must certify to the department that the facility meets the applicable provisions of the rules adopted for such facilities by the ~~state fire marshal~~ director. The ~~state fire marshal's~~ director's rules shall be based upon such a facility's compliance with either the provisions applicable to health care occupancies or residential board and care occupancies of the life safety code of the national fire protection association, 2000 edition. The department shall adopt additional rules for intermediate care facilities for persons with an intellectual disability pursuant to section 135C.14, subsection 8.

Sec. 1642. Section 135C.2, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local requirements and the rules adopted for the special classification by the ~~state fire marshal~~ director in accordance with the concept of the least restrictive environment for the facility residents. Local requirements shall not be more restrictive than the rules adopted for the special classification by the ~~state fire marshal~~ director and the state building code requirements for single or multiple-family housing, under section 103A.7.

Sec. 1643. Section 135C.5, Code 2023, is amended to read as follows:

135C.5 Limitations on use.

Another business or activity serving persons other than the residents of a health care facility may be operated or provided in a designated part of the physical structure of the health care facility if the other business or activity meets the requirements of applicable state and federal laws, administrative rules, and federal regulations. The department shall not limit the ability of a health care facility to operate or provide another business or activity in the designated part of the facility if the business or

34 activity does not interfere with the use of the facility by the
35 residents or with the services provided to the residents, and
1 is not disturbing to the residents. In denying the ability of
2 a health care facility to operate or provide another business
3 or activity under this section, the burden of proof shall be
4 on the department to demonstrate that the other business or
5 activity substantially interferes with the use of the facility
6 by the residents or the services provided to the residents,
7 or is disturbing to the residents. The ~~state fire marshal~~
8 director, in accordance with chapter 17A, shall adopt rules
9 which establish criteria for approval of a business or activity
10 to be operated or provided in a designated part of the physical
11 structure of a health care facility. For the purposes of
12 this section, *"another business or activity"* shall not include
13 laboratory services with the exception of laboratory services
14 for which a waiver from regulatory oversight has been obtained
15 under the federal Clinical Laboratory Improvement Amendments of
16 1988, Pub. L. No. 100-578, as amended, radiological services,
17 anesthesiology services, obstetrical services, surgical
18 services, or emergency room services provided by hospitals
19 licensed under chapter 135B.
20 Sec. 1644. Section 135C.9, Code 2023, is amended to read as
21 follows:
22 **135C.9 Inspection before issuance — notice of deficiencies.**
23 1. The department shall not issue a health care facility
24 license to any applicant until:
25 *a.* The department has ascertained that the staff and
26 equipment of the facility is adequate to provide the care and
27 services required of a health care facility of the category
28 for which the license is sought. Prior to the review and
29 approval of plans and specifications for any new facility
30 and the initial licensing under a new licensee, a resume of
31 the programs and services to be furnished and of the means
32 available to the applicant for providing the same and for
33 meeting requirements for staffing, equipment, and operation

34 of the health care facility, with particular reference to the
35 professional requirements for services to be rendered, shall be
1 submitted in writing to the department for review and approval.
2 The resume shall be reviewed by the department within ten
3 working days and returned to the applicant. The resume shall,
4 upon the department's request, be revised as appropriate by the
5 facility from time to time after issuance of a license.
6 *b.* The facility has been inspected by the ~~state fire marshal~~
7 ~~or a deputy appointed by the fire marshal for that purpose~~
8 director, who may be a member of a municipal fire department,
9 and the department has received either a certificate of
10 compliance or a provisional certificate of compliance by
11 the facility with the fire hazard and fire safety rules and
12 standards of the department as promulgated by the ~~fire marshal~~
13 director and, where applicable, the fire safety standards
14 required for participation in programs authorized by either
15 Tit. XVIII or Tit. XIX of the United States Social Security
16 Act, codified at 42 U.S.C. §1395 – 1395ll and 1396 – 1396g. The
17 certificate or provisional certificate shall be signed by the
18 ~~fire marshal~~ director or the ~~fire marshal's deputy~~ director's
19 designee who made the inspection. If the ~~state fire marshal~~
20 ~~or a deputy~~ director finds a deficiency upon inspection, the
21 notice to the facility shall be provided in a timely manner
22 and shall specifically describe the nature of the deficiency,
23 identifying the Code section or subsection or the rule or
24 standard violated. The notice shall also specify the time
25 allowed for correction of the deficiency, at the end of which
26 time the ~~fire marshal or a deputy~~ director shall perform a
27 follow-up inspection.
28 2. The rules and standards promulgated by the ~~fire marshal~~
29 director pursuant to subsection 1, paragraph "*b*" of this section
30 shall be substantially in keeping with the latest generally
31 recognized safety criteria for the facilities covered, of which
32 the applicable criteria recommended and published from time
33 to time by the national fire protection association shall be

34 prima facie evidence. The rules and standards promulgated by
35 the ~~fire marshal~~ director shall be promulgated in consultation
1 with the department and shall, to the greatest extent possible,
2 be consistent with rules adopted by the department under this
3 chapter.
4 3. The ~~state fire marshal or the fire marshal's deputy~~
5 director may issue successive provisional certificates of
6 compliance for periods of one year each to a facility which is
7 in substantial compliance with the applicable fire hazard and
8 fire safety rules and standards, upon satisfactory evidence
9 of an intent, in good faith, by the owner or operator of the
10 facility to correct the deficiencies noted upon inspection
11 within a reasonable period of time as determined by the ~~state~~
12 ~~fire marshal or the fire marshal's deputy~~ director. Renewal
13 of a provisional certificate shall be based on a showing
14 of substantial progress in eliminating deficiencies noted
15 upon the last previous inspection of the facility without
16 the appearance of additional deficiencies other than those
17 arising from changes in the fire hazard and fire safety rules,
18 regulations and standards which have occurred since the last
19 previous inspection, except that substantial progress toward
20 achievement of a good faith intent by the owner or operator to
21 replace the entire facility within a reasonable period of time,
22 as determined by the ~~state fire marshal or the fire marshal's~~
23 ~~deputy~~ director, may be accepted as a showing of substantial
24 progress in eliminating deficiencies, for the purposes of this
25 section.
26 4. If a facility subject to licensure under this chapter,
27 a facility exempt from licensure under this chapter pursuant
28 to section 135C.6, or a family home under section 335.25
29 or 414.22, has been issued a certificate of compliance or
30 a provisional certificate of compliance under subsection
31 1 or 3, or has otherwise been approved as complying with
32 a rule or standard by the state or ~~a deputy fire marshal~~
33 the director or a local building department as defined in

34 section 103A.3, the ~~state or deputy fire marshal~~ director
35 or local building department which issued the certificate,
1 provisional certificate, or approval shall not apply additional
2 requirements for compliance with the rule or standard unless
3 the rule or standard is revised in accordance with chapter 17A
4 or with local regulatory procedure following issuance of the
5 certificate, provisional certificate, or approval.
6 Sec. 1645. Section 135C.14, unnumbered paragraph 1, Code
7 2023, is amended to read as follows:
8 The department shall, in accordance with chapter 17A
9 and with the approval of the state board of health, adopt
10 and enforce rules setting minimum standards for health care
11 facilities. In so doing, the department, with the approval
12 of the state board of health, may adopt by reference, with
13 or without amendment, nationally recognized standards and
14 rules, which shall be specified by title and edition, date
15 of publication, or similar information. The rules and
16 standards required by this section shall be formulated in
17 consultation with the director of health and human services or
18 the ~~director's~~ director of health and human services' designee,
19 with the ~~state fire marshal~~ director, and with affected
20 industry, professional, and consumer groups, and shall be
21 designed to further the accomplishment of the purposes of this
22 chapter and shall relate to:
23 Sec. 1646. Section 135C.14, subsection 1, Code 2023, is
24 amended to read as follows:
25 1. Location and construction of the facility, including
26 plumbing, heating, lighting, ventilation, and other housing
27 conditions, which shall ensure the health, safety and comfort
28 of residents and protection from fire hazards. The rules of
29 the department relating to protection from fire hazards and
30 fire safety shall be promulgated by the ~~state fire marshal~~
31 director in consultation with the department, and shall be in
32 keeping with the latest generally recognized safety criteria
33 for the facilities covered of which the applicable criteria

34 recommended and published from time to time by the national
35 fire protection association are prima facie evidence. To
1 the greatest extent possible, the rules promulgated by the
2 ~~state fire marshal~~ director shall be consistent with the rules
3 adopted by the department under this chapter.
4 Sec. 1647. Section 135C.16, subsection 3, Code 2023, is
5 amended to read as follows:
6 3. An authorized representative of the department may
7 enter any licensed health care facility without a warrant,
8 and may examine all records pertaining to the care provided
9 residents of the facility. An authorized representative of the
10 department may contact or interview any resident, employee, or
11 any other person who might have knowledge about the operation
12 of a health care facility. An authorized representative of
13 the department of human services shall have the same right
14 with respect to any facility where one or more residents are
15 cared for entirely or partially at public expense, and an
16 authorized representative of the designated protection and
17 advocacy agency shall have the same right with respect to
18 any facility where one or more residents have developmental
19 disabilities or mental illnesses, and the ~~state fire marshal or~~
20 ~~a deputy appointed pursuant to section 135C.9, subsection 1,~~
21 ~~paragraph "b",~~ director shall have the same right of entry into
22 any facility and the right to inspect any records pertinent
23 to fire safety practices and conditions within that facility,
24 and an authorized representative of the office of long-term
25 care ombudsman shall have the same right with respect to any
26 nursing facility or residential care facility. If any such
27 authorized representative has probable cause to believe that
28 any institution, building, or agency not licensed as a health
29 care facility is in fact a health care facility as defined
30 by this chapter, and upon producing identification that the
31 individual is an authorized representative is denied entry
32 thereto for the purpose of making an inspection, the authorized
33 representative may, with the assistance of the county attorney

of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Sec. 1648. Section 135C.17, Code 2023, is amended to read as follows:

135C.17 Duties of other departments.

It shall be the duty of the department of human services, ~~state fire marshal~~ director, office of long-term care ombudsman, and the officers and agents of other state and local governmental units, and the designated protection and advocacy agency to assist the department in carrying out the provisions of this chapter, insofar as the functions of these respective offices and departments are concerned with the health, welfare, and safety of any resident of any health care facility. It shall be the duty of the department to cooperate with the protection and advocacy agency and the office of long-term care ombudsman by responding to all reasonable requests for assistance and information as required by federal law and this chapter.

Sec. 1649. Section 137C.35, subsection 2, Code 2023, is amended to read as follows:

2. A bed and breakfast inn is subject to regulation, licensing, and inspection under this chapter, but separate toilet and lavatory facilities shall not be required for each guest room. Additionally, a bed and breakfast inn is exempt from fire safety rules adopted pursuant to section 100.35 and applicable to hotels, but is subject to fire safety rules which the ~~state fire marshal~~ director shall specifically adopt for bed and breakfast inns.

Sec. 1650. Section 147.1, subsection 2, Code 2023, is amended to read as follows:

2. *"Department"* means the department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1651. Section 147.82, Code 2023, is amended to read as follows:

147.82 Fee retention.

All fees collected by a board listed in section 147.13 or by the department ~~for the bureau of professional licensure~~, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be retained by each board or by the department ~~for the bureau of professional licensure~~. The moneys retained by a board shall be used for any of the board's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by a board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by a board pursuant to this section are not subject to reversion to the general fund of the state.

Sec. 1652. Section 148C.1, subsection 4, Code 2023, is amended to read as follows:

4. *"Department"* means the department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1653. Section 152B.1, subsection 2, Code 2023, is amended to read as follows:

2. *"Department"* means the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1654. Section 154A.1, subsection 2, Code 2023, is amended to read as follows:

2. *"Department"* means the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1655. Section 154B.8, Code 2023, is amended to read as follows:

154B.8 Voluntary surrender of license.

The director of ~~public health~~ the department of inspections, appeals, and licensing may accept the voluntary surrender of license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same

34 force and effect as an order of revocation.
35 Sec. 1656. Section 154B.13, subsection 2, Code 2023, is
1 amended to read as follows:
2 2. The board shall appoint a prescribing psychologist
3 rules subcommittee comprised of a psychologist appointed by
4 the board, a physician appointed by the board of medicine, and
5 a member of the public appointed by the director of ~~public~~
6 ~~health~~ the department of inspections, appeals, and licensing to
7 develop rules for consideration by the board pursuant to this
8 section.
9 Sec. 1657. Section 154E.1, subsection 3, Code 2023, is
10 amended to read as follows:
11 3. *"Department"* means the ~~Iowa~~ department of ~~public health~~
12 inspections, appeals, and licensing.
13 Sec. 1658. Section 155A.13, subsection 3, paragraph d, Code
14 2023, is amended to read as follows:
15 *d.* An applicant seeking a special or limited-use pharmacy
16 license for a proposed telepharmacy site that does not meet the
17 mileage requirement established in paragraph *"c"* and is not
18 statutorily exempt from the mileage requirement may apply to
19 the board for a waiver of the mileage requirement. A waiver
20 request shall only be granted if the applicant can demonstrate
21 to the board that the proposed telepharmacy site is located in
22 an area where there is limited access to pharmacy services and
23 can establish the existence of compelling circumstances that
24 justify waiving the mileage requirement. The board's decision
25 to grant or deny a waiver request shall be a proposed decision
26 subject to mandatory review by the director of ~~public health~~
27 the department of inspections, appeals, and licensing. The
28 director shall review a proposed decision and shall have the
29 power to approve, modify, or veto a proposed decision. The
30 director's decision on a waiver request shall be considered
31 final agency action subject to judicial review under chapter
32 17A.
33 Sec. 1659. Section 156.1A, Code 2023, is amended to read as

34 follows:
35 **156.1A Provision of services.**
1 Nothing contained in this chapter shall be construed
2 as prohibiting the operation of any funeral home, funeral
3 establishment, or cremation establishment by any person,
4 heir, fiduciary, firm, cooperative burial association, or
5 corporation. However, each such person, firm, cooperative
6 burial association, or corporation shall ensure that
7 all mortuary science services are provided by a funeral
8 director, and shall keep the Iowa department of ~~public health~~
9 inspections, appeals, and licensing advised of the name of the
10 funeral director.
11 Sec. 1660. Section 156.10, Code 2023, is amended to read as
12 follows:
13 **156.10 Inspection.**
14 1. The director of ~~public health~~ the department of
15 inspections, appeals, and licensing may inspect all places
16 where dead human bodies are prepared or held for burial,
17 entombment, or cremation, and may adopt and enforce such rules
18 and regulations in connection with the inspection as may be
19 necessary for the preservation of the public health.
20 2. The ~~Iowa~~ department of ~~public health~~ inspections,
21 appeals, and licensing may assess an inspection fee for an
22 inspection of a place where dead human bodies are prepared
23 for burial or cremation. The fee may be determined by the
24 department by rule.
25 Sec. 1661. Section 157.1, subsection 7, Code 2023, is
26 amended to read as follows:
27 7. *"Department"* means the ~~Iowa~~ department of ~~public health~~
28 inspections, appeals, and licensing.
29 Sec. 1662. Section 157.7, subsections 1 and 2, Code 2023,
30 are amended to read as follows:
31 1. The department ~~of inspections and appeals~~ shall
32 employ personnel pursuant to chapter 8A, subchapter IV, to
33 perform duties related to inspection functions under this

chapter. The department ~~of inspections and appeals~~ shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 158.

2. The ~~Iowa~~ department ~~of public health~~ may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department ~~of public health~~.

Sec. 1663. Section 158.1, subsection 6, Code 2023, is amended to read as follows:

6. *"Department"* means the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing.

Sec. 1664. Section 158.6, Code 2023, is amended to read as follows:

158.6 Inspectors and clerical assistants.

1. The department ~~of inspections and appeals~~ shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. The department ~~of inspections and appeals~~ shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 157.

2. The ~~Iowa~~ department ~~of public health~~ may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department ~~of public health~~.

Sec. 1665. Section 214A.35, subsection 2, paragraph g, Code 2023, is amended to read as follows:

g. The department of agriculture and land stewardship may cooperate with the department of natural resources and the ~~state fire marshal~~ department of inspections, appeals, and licensing in administering and enforcing the provisions of this section.

Sec. 1666. Section 218.4, subsection 3, Code 2023, is amended to read as follows:

3. The ~~state fire marshal~~ department of inspections, appeals, and licensing shall cause to be made an annual inspection of all the institutions listed in section 218.1 and shall make written report thereof to the particular administrator of the state department of human services in control of such institution.

Sec. 1667. Section 231B.4, Code 2023, is amended to read as follows:

231B.4 Zoning — fire and safety standards.

An elder group home shall be located in an area zoned for single-family or multiple-family housing or in an unincorporated area and shall be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the ~~state fire marshal~~ department. In the absence of local building codes, the facility shall comply with the state plumbing code established pursuant to section 135.11 and the state building code established pursuant to section 103A.7 and the rules adopted for the special classification by the ~~state fire marshal~~ department. The rules adopted for the special classification by the ~~state fire marshal~~ department regarding second floor occupancy shall ~~be adopted in consultation with the department and shall~~ take into consideration the mobility of the tenants.

Sec. 1668. Section 231C.4, Code 2023, is amended to read as follows:

231C.4 Fire and safety standards.

The ~~state fire marshal~~ department shall adopt rules~~, in coordination with the department,~~ relating to the certification and monitoring of the fire and safety standards of certified assisted living programs.

Sec. 1669. Section 231D.15, Code 2023, is amended to read as follows:

231D.15 Fire and safety standards.

The ~~state fire marshal~~ department shall adopt rules~~, in coordination with the department,~~ relating to the certification

and monitoring of the fire and safety standards of adult day services programs.

Sec. 1670. Section 235A.15, subsection 2, paragraph d, subparagraph (7), Code 2023, is amended to read as follows:

(7) Each licensing board specified under chapter 147 and the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

Sec. 1671. Section 237.3, subsection 3, Code 2023, is amended to read as follows:

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing pursuant to section ~~100.1, subsection 5~~ 10A.511 after consultation with the administrator.

Sec. 1672. Section 237A.3A, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. In consultation with the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children in a child development home.

Sec. 1673. Section 237A.4, Code 2023, is amended to read as follows:

237A.4 Inspection and evaluation.

The department shall make periodic inspections of licensed centers to ensure compliance with licensing requirements provided in this chapter, and the local boards of health may make periodic inspections of licensed centers to ensure compliance with health-related licensing requirements provided in this chapter. The department may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The department

34 shall require that the center be inspected by the ~~state fire~~
35 ~~marshal~~ director of the department of inspections, appeals,
1 and licensing or a designee for compliance with rules relating
2 to fire safety before a license is granted or renewed. The
3 department or a designee may periodically visit registered
4 child development homes for the purpose of evaluation of an
5 inquiry into matters concerning compliance with rules adopted
6 under section 237A.12. Evaluation of child development homes
7 under this section may include consultative services provided
8 pursuant to section 237A.6.
9 Sec. 1674. Section 237A.12, subsections 2, 3, and 4, Code
10 2023, are amended to read as follows:
11 2. Rules adopted by the ~~state fire marshal~~ director of
12 the department of inspections, appeals, and licensing for
13 buildings, other than school buildings, used as child care
14 centers as an adjunct to the primary purpose of the building
15 shall take into consideration that children are received for
16 temporary care only and shall not differ from rules adopted
17 for these buildings when they are used by groups of persons
18 congregating from time to time in the primary use and occupancy
19 of the buildings. However, the rules may require a fire-rated
20 separation from the remaining portion of the building if
21 the ~~fire marshal~~ director of the department of inspections,
22 appeals, and licensing determines that the separation is
23 necessary for the protection of children from a specific
24 flammable hazard.
25 3. Rules relating to fire safety for child care centers
26 shall be adopted under this chapter by the ~~state fire marshal~~
27 director of the department of inspections, appeals, and
28 licensing in consultation with the department. Rules adopted
29 by the ~~state fire marshal~~ director of the department of
30 inspections, appeals, and licensing for a building which is
31 owned or leased by a school district or accredited nonpublic
32 school and used as a child care facility shall not differ from
33 standards adopted by the ~~state fire marshal~~ director of the

department of inspections, appeals, and licensing for school buildings under chapter ~~100~~ 10A, subchapter V, part 2. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child care advisory committee. The ~~state fire marshal~~ director of the department of inspections, appeals, and licensing shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for school buildings under chapter ~~100~~ 10A, subchapter V, part 2, the building is considered appropriate for use by a child care facility. The rules adopted by the administrator under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

Sec. 1675. Section 237C.4, subsection 2, Code 2023, is amended to read as follows:

2. Before the administrator issues or reissues a certificate of approval to a children's residential facility under section 237C.6, the facility shall comply with standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing under chapter ~~100~~ 10A, subchapter V, part 2.

Sec. 1676. Section 237C.6, subsection 2, Code 2023, is amended to read as follows:

2. The certificate of approval shall state on its face the name of the holder of the certificate, the particular premises for which the certificate is issued, and the number of children who may be cared for by the children's residential facility on the premises at one time under the certificate of occupancy issued by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or the ~~state fire marshal's~~ director's designee. The certificate of approval shall be

34 posted in a conspicuous place in the children's residential
35 facility.
1 Sec. 1677. Section 261B.11, subsection 1, paragraph m, Code
2 2023, is amended to read as follows:
3 *m.* Higher education institutions located in Iowa whose
4 massage therapy curriculum is approved under administrative
5 rules of the ~~professional licensure division of the~~ department
6 of ~~public health~~ inspections, appeals, and licensing and whose
7 instructors are licensed massage therapists under chapter 152C.
8 Sec. 1678. Section 262.33A, Code 2023, is amended to read
9 as follows:
10 **262.33A Fire and environmental safety — report —**
11 **expenditures.**
12 It is the intent of the general assembly that each
13 institution of higher education under the control of the state
14 board of regents shall, in consultation with the ~~state fire~~
15 ~~marshal~~ director of the department of inspections, appeals,
16 and licensing, identify and correct all critical fire and
17 environmental safety deficiencies. Commencing July 1, 1993,
18 each institution under the control of the state board of
19 regents shall expend annually for fire safety and deferred
20 maintenance at least the amount budgeted for these purposes
21 for the fiscal year beginning July 1, 1992, in addition to any
22 moneys appropriated from the general fund for these purposes in
23 succeeding years.
24 Sec. 1679. Section 272C.1, subsection 6, paragraphs af and
25 ag, Code 2023, are amended to read as follows:
26 *af.* The department of ~~public safety~~ inspections, appeals,
27 and licensing, in licensing fire protection system installers
28 and maintenance workers pursuant to chapter 100D.
29 *ag.* The ~~superintendent of the division of banking~~ director
30 of the department of ~~commerce~~ inspections, appeals, and
31 licensing in registering and supervising appraisal management
32 companies pursuant to chapter 543E.
33 Sec. 1680. Section 272C.3, subsection 4, paragraph b, Code

2023, is amended to read as follows:

b. All health care boards shall file written decisions which specify the sanction entered by the board with the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing which shall be available to the public upon request. All non-health care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

Sec. 1681. Section 272C.4, subsection 9, Code 2023, is amended to read as follows:

9. Require each health care licensing board to file with the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing a copy of each decision of the board imposing licensee discipline. Each non-health care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

Sec. 1682. Section 272C.6, subsection 6, paragraph b, Code 2023, is amended to read as follows:

b. The department of agriculture and land stewardship, the department of commerce, and the ~~Iowa~~ department of ~~public health~~ inspections, appeals, and licensing shall each adopt rules pursuant to chapter 17A which provide for the allocation of fees and costs collected pursuant to this section to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered repayment receipts as defined in section 8.2.

Sec. 1683. Section 279.49, subsection 3, Code 2023, is amended to read as follows:

3. The facilities housing a program operated under this section shall comply with standards adopted by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing for school buildings under chapter ~~100~~ 10A, subchapter V, part 2. In addition, if a program involves

34 children who are younger than school age, the facilities
35 housing those children shall meet the fire safety standards
1 which would apply to that age of child in a child care facility
2 licensed by the department of human services.
3 Sec. 1684. Section 292.2, subsection 7, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:
5 The department shall form a task force to review
6 applications for financial assistance and provide
7 recommendations to the school budget review committee. The
8 task force shall include, at a minimum, representatives from
9 the kindergarten through grade twelve education community, the
10 ~~state fire marshal~~ director of the department of inspections,
11 appeals, and licensing, and individuals knowledgeable in school
12 infrastructure and construction issues. The department,
13 in consultation with the task force, shall establish the
14 parameters and the details of the criteria for awarding grants
15 based on the information listed in subsection 3, including
16 greater priority to the following:
17 Sec. 1685. Section 323.4A, subsection 2, paragraph b, Code
18 2023, is amended to read as follows:
19 *b.* Using a dispenser to dispense ethanol blended gasoline,
20 including gasoline with a specified blend or a range of
21 blends under chapter 214A, if the dispenser is approved as
22 required by the ~~state fire marshal~~ director of the department
23 of inspections, appeals, and licensing for dispensing the
24 specified blend or range of blends, including as provided in
25 section 455G.31.
26 Sec. 1686. Section 423E.6, subsections 2, 3, and 4, Code
27 2023, are amended to read as follows:
28 2. The funds shall be allocated to the school budget
29 review committee to develop a school infrastructure safety
30 fund grant program, in conjunction with the ~~state fire marshal~~
31 director of the department of inspections, appeals, and
32 licensing. For purposes of reviewing grant applications and
33 making recommendations regarding the administration of the

program, the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing shall be considered an additional voting member of the school budget review committee.

3. Top priority in awarding program grants shall be the making of school infrastructure improvements relating to fire and personal safety. School districts eligible for program grants shall have received an order or citation from the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing, or a fire department chief or fire prevention officer, for one or more fire safety violations regarding a school facility, or in the opinion of the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing shall be regarded as operating facilities subject to significant fire safety deficiencies. Grant awards shall also be available for defects or violations of the state building code, as adopted pursuant to section 103A.7, revealed during an inspection of school facilities by a local building department, or for improvements consistent with the standards and specifications contained in the state building code regarding ensuring that buildings and facilities are accessible to and functional for persons with disabilities. The school budget review committee shall allocate program funds to school districts which, in its discretion, are determined to be faced with the most severe deficiencies. School districts applying for program grants shall have developed and submitted to the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or local building department a written plan to remedy fire or safety defects within a specified time frame. Approval of the written plan by the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing or local building department shall be obtained prior to receipt of a grant award by a school district.

4. Application forms, submission dates for applications and for written plans to remedy fire or safety defects, and grant

34 award criteria shall be developed by the state department of
35 education, in coordination with the ~~state fire marshal~~ director
1 of the department of inspections, appeals, and licensing, by
2 rule.
3 Sec. 1687. Section 455B.390, subsection 3, Code 2023, is
4 amended to read as follows:
5 3. The storage, transportation, handling, or use of
6 flammable liquids, combustibles, and explosives, control over
7 which is exercised by the ~~state fire marshal~~ director of the
8 department of inspections, appeals, and licensing under chapter
9 ~~100~~ 10A, subchapter V, part 2.
10 Sec. 1688. Section 455B.474, subsection 10, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:
12 Requirements that persons and companies performing or
13 providing services for underground storage tank installations,
14 installation inspections, testing, permanent closure of
15 underground storage tanks by removal or filling in place, and
16 other closure activities as defined by rules adopted by the
17 commission be certified by the department. This provision does
18 not apply to persons performing services in their official
19 capacity and as authorized by the ~~state fire marshal's office~~
20 department of inspections, appeals, and licensing or fire
21 departments of political subdivisions of the state. The rules
22 adopted by the commission shall include all of the following:
23 Sec. 1689. Section 455B.474, subsection 10, paragraph c,
24 Code 2023, is amended to read as follows:
25 *c.* Requiring a written examination developed and
26 administered by the department or by some other qualified
27 public or private entity identified by the department.
28 The department may contract with a public or private
29 entity to administer the department's examination or a
30 department-approved third party examination. The examination
31 shall, at a minimum, be sufficient to establish knowledge of
32 all applicable underground storage tank rules adopted under
33 this section, private industry standards, federal standards,

and other applicable standards adopted by the ~~state fire marshal's office~~ department of inspections, appeals, and licensing pursuant to chapter 101.

Sec. 1690. Section 455G.31, subsection 2, Code 2023, is amended to read as follows:

2. Subject to section 455G.32, a retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department under this subchapter or the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing under chapter 101 determines that the gasoline infrastructure is compatible with the classification of ethanol blended gasoline being used.

Sec. 1691. Section 455G.33, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. Approved by the department or ~~state fire marshal~~ director of the department of inspections, appeals, and licensing subject to conditions determined necessary by the department or ~~state fire marshal~~ director of the department of inspections, appeals, and licensing. The department or ~~state fire marshal~~ director of the department of inspections, appeals, and licensing may waive the requirement in paragraph *"a"* upon satisfaction that a substitute requirement serves the same purpose.

Sec. 1692. Section 542.4, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An Iowa accountancy examining board is created within the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing to administer and enforce this chapter.

Sec. 1693. Section 542.4, subsections 4 and 6, Code 2023, are amended to read as follows:

4. All moneys collected by the board from fees authorized to be charged by this chapter shall be received and accounted for by the board and shall be paid monthly to the treasurer of

34 state for deposit in the ~~general fund of the state~~ licensing
35 and regulation fund created in section 10A.507. Expenses
1 of administering this chapter shall be paid from moneys
2 appropriated to the department pursuant to section 10A.507
3 and from appropriations made by the general assembly, which
4 expenses may include but shall not be limited to the costs
5 of conducting investigations and of taking testimony and
6 procuring the attendance of witnesses before the board or its
7 committees; all legal proceedings taken under this chapter for
8 the enforcement of this chapter; and educational programs for
9 the benefit of the public and licensees and their employees.
10 6. The ~~administrator~~ director of the ~~professional licensing~~
11 ~~and regulation bureau of the banking division of the~~ department
12 of ~~commerce~~ inspections, appeals, and licensing shall provide
13 staffing assistance to the board for implementing this chapter.
14 Sec. 1694. Section 542B.3, Code 2023, is amended to read as
15 follows:
16 **542B.3 Engineering and land surveying examining board**
17 **created.**
18 An engineering and land surveying examining board is
19 created within the ~~professional licensing and regulation~~
20 ~~bureau of the banking division of the~~ department of ~~commerce~~
21 inspections, appeals, and licensing. The board consists of
22 three members who are licensed professional engineers, two
23 members who are licensed professional land surveyors, and
24 two members who are not licensed professional engineers or
25 licensed professional land surveyors and who shall represent
26 the general public. An individual who is licensed as both
27 a professional engineer and a professional land surveyor may
28 serve to satisfy the board membership requirement for either
29 a licensed professional engineer or a licensed professional
30 land surveyor, but not both. Members shall be appointed
31 by the governor subject to confirmation by the senate. A
32 licensed member shall be actively engaged in the practice of
33 engineering or land surveying and shall have been so engaged

for five years preceding the appointment, the last two of which shall have been in Iowa. Insofar as practicable, licensed engineer members of the board shall be from different branches of the profession of engineering. Professional associations or societies composed of licensed engineers or licensed land surveyors may recommend the names of potential board members whose profession is representative of that association or society to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional engineers or professional land surveyors.

Sec. 1695. Section 542B.9, Code 2023, is amended to read as follows:

542B.9 Organization of the board —— staff.

The board shall elect annually from its members a chairperson and a vice chairperson. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing shall hire and provide staff to assist the board in implementing this chapter. The board shall hold at least one meeting at the location of the board's principal office, and meetings shall be called at other times by the ~~administrator~~ director at the request of the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

Sec. 1696. Section 542B.12, Code 2023, is amended to read as follows:

542B.12 Disposition of fees.

The staff shall collect and account for all fees provided for by this chapter and pay the fees to the treasurer of state who shall deposit the fees in the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 1697. Section 543B.8, subsections 1 and 5, Code 2023, are amended to read as follows:

1. A real estate commission is created within the

~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing. The commission consists of five members licensed under this chapter and two members not licensed under this chapter and who shall represent the general public. Commission members shall be appointed by the governor subject to confirmation by the senate.

5. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of the banking division~~ department of inspections, appeals, and licensing shall hire and provide staff to assist the commission with implementing this chapter~~.~~ ~~The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce~~ and shall hire a real estate education director to assist the commission in administering education programs for the commission.

Sec. 1698. Section 543B.14, Code 2023, is amended to read as follows:

543B.14 Fees and expenses.

All fees and charges collected by the real estate commission under this chapter shall be ~~paid into the general fund of the state, except that~~ deposited in the licensing and regulation fund created in section 10A.507. Of the moneys deposited in the fund, twenty-five dollars from each real estate salesperson's license fee and each broker's license fee ~~is appropriated to the professional licensing and regulation bureau of the banking division of the department of commerce~~ shall be appropriated to the department of inspections, appeals, and licensing for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid from funds appropriated for those purposes.

Sec. 1699. Section 543D.2, Code 2023, is amended by adding

the following new subsection:

NEW SUBSECTION. 9A. *"Director"* means the director of the department of inspections, appeals, and licensing or the director's designee.

Sec. 1700. Section 543D.2, subsection 14, Code 2023, is amended by striking the subsection.

Sec. 1701. Section 543D.4, subsection 1, Code 2023, is amended to read as follows:

1. A real estate appraiser examining board is established within the ~~banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing. The board consists of seven members, two of whom shall be public members and five of whom shall be certified real estate appraisers.

Sec. 1702. Section 543D.5, subsection 1, Code 2023, is amended to read as follows:

1. The board shall adopt rules establishing uniform appraisal standards and appraiser certification requirements and other rules necessary to administer and enforce this chapter and its responsibilities under chapter 272C, subject to the ~~superintendent's~~ director's supervision and authority under section 543D.23. The board shall consider and may incorporate any standards required or recommended by the appraisal foundation or by a federal agency with regulatory authority over appraisal standards or the certification of appraisers for federally related transactions.

Sec. 1703. Section 543D.6, subsection 2, Code 2023, is amended to read as follows:

2. All fees collected by the board shall be deposited into the ~~department of commerce revolving~~ licensing and regulation fund created in section ~~546.12 and are appropriated to the superintendent on behalf of the board~~ 10A.507 to be used to administer this chapter, including but not limited to purposes such as examinations, investigations, and administrative staffing. ~~Notwithstanding section 8.33, moneys retained by the superintendent pursuant to this section are not subject~~

34 ~~to reversion to the general fund of the state.~~ However,
35 the appraisal management company national registry fees the
1 board collects on behalf of the appraisal subcommittee as
2 defined in section 543E.3 shall be transmitted to the appraisal
3 subcommittee in accordance with federal laws and regulations.
4 Sec. 1704. Section 543D.23, Code 2023, is amended to read
5 as follows:
6 **543D.23 ~~Superintendent~~ Director supervision and authority.**
7 1. The ~~superintendent~~ director shall supervise the
8 board and manage the board's budget and retained fees.
9 The ~~superintendent~~ director may exercise all authority
10 conferred upon the board under this chapter and shall have
11 access to all records and information to which the board
12 has access. In supervising the board, the ~~superintendent~~
13 director shall independently evaluate the substantive merits
14 of actions recommended or proposed by the board which may
15 be anticompetitive and shall have the authority to review,
16 approve, modify, or reject all board actions including but not
17 limited to those taken in connection with any of the following:
18 *a.* Initial or reciprocal certification of real estate
19 appraisers, registration of associate real estate appraisers,
20 and temporary practice permits.
21 *b.* Disciplinary investigations and proceedings.
22 *c.* Investigations and proceedings under section 543D.21.
23 *d.* Rulemaking under chapter 17A, including orders on
24 petitions for rulemaking.
25 *e.* Orders on petitions for declaratory orders or waivers.
26 2. A person aggrieved by any final action of the board taken
27 under this chapter shall not have exhausted administrative
28 remedies until the person has appealed the action to the
29 ~~superintendent~~ director and the ~~superintendent~~ director has
30 issued a final decision or order.
31 3. The ~~superintendent~~ director shall adopt rules to
32 implement this section.
33 Sec. 1705. Section 543E.3, subsection 1, Code 2023, is

34 amended by striking the subsection.
35 Sec. 1706. Section 543E.3, subsection 8, Code 2023, is
1 amended to read as follows:
2 8. *"Appraiser panel"* means a network, list, or roster of
3 certified appraisers who are independent contractors with
4 an appraisal management company and who have been selected
5 and approved by the appraisal management company to perform
6 appraisals directly for the appraisal management company or
7 for persons that have ordered appraisals through the appraisal
8 management company. Appraisers on an appraisal management
9 company's appraiser panel may include both appraisers engaged
10 to perform one or more appraisals for covered transactions or
11 for secondary mortgage market participants in connection with
12 covered transactions, and appraisers accepted by the appraisal
13 management company for consideration for future appraisal
14 assignments for such purposes, as the ~~administrator~~ director
15 may further provide by rule.
16 Sec. 1707. Section 543E.3, Code 2023, is amended by adding
17 the following new subsection:
18 NEW SUBSECTION. 13A. *"Director"* means the director of
19 the department of inspections, appeals, and licensing or the
20 director's designee.
21 Sec. 1708. Section 543E.4, Code 2023, is amended to read as
22 follows:
23 **543E.4 Registration required.**
24 A person shall not directly or indirectly engage in or
25 attempt to engage in business as an appraisal management
26 company or advertise or hold itself out as engaging in or
27 conducting business as an appraisal management company in
28 this state without first registering with the ~~administrator~~
29 director.
30 Sec. 1709. Section 543E.6, subsection 2, Code 2023, is
31 amended to read as follows:
32 2. A person who directly or indirectly owns more than
33 ten percent of an appraisal management company in this

34 state shall be of good moral character, as prescribed by
35 rules adopted by the ~~administrator~~ director consistent with
1 applicable federal law and regulations, and shall submit to a
2 background investigation, as prescribed by rules adopted by the
3 ~~administrator~~ director consistent with applicable federal law
4 and regulations.
5 Sec. 1710. Section 543E.7, subsections 1 and 3, Code 2023,
6 are amended to read as follows:
7 1. An appraisal management company registered or applying
8 for registration in this state shall designate a controlling
9 person who shall be the main contact for all communications
10 between the ~~administrator~~ director and the appraisal management
11 company, and who shall be responsible for assuring the
12 appraisal management company complies with the provisions of
13 this chapter when performing appraisal management services in
14 connection with real estate located in this state.
15 3. The designated controlling person shall be of good moral
16 character, as prescribed by rules adopted by the ~~administrator~~
17 director consistent with applicable federal law and
18 regulations, and shall submit to a background investigation,
19 as prescribed by rules adopted by the ~~administrator~~ director
20 consistent with applicable federal law and regulations.
21 Sec. 1711. Section 543E.8, subsection 1, Code 2023, is
22 amended to read as follows:
23 1. An application for registration as an appraisal
24 management company shall be submitted on a form prescribed by
25 the ~~administrator~~ director.
26 Sec. 1712. Section 543E.8, subsection 2, paragraphs b, c,
27 and f, Code 2023, are amended to read as follows:
28 *b.* The names and contact information for all persons
29 who directly or indirectly own more than ten percent of the
30 applicant and for the controlling person designated pursuant
31 to section 543E.7, and such additional information the
32 ~~administrator~~ director may need to enforce section 543E.6,
33 subsection 1.

34 *c.* Information as reasonably necessary to establish the size
35 of the applicant's nationwide and Iowa appraiser panels, in
1 accordance with rules adopted by the ~~administrator~~ director.
2 *f.* Any additional information that is reasonably needed
3 for the ~~administrator~~ director to implement the provisions of
4 this chapter and assure that the applicant is eligible for
5 registration under this chapter.
6 Sec. 1713. Section 543E.9, Code 2023, is amended to read as
7 follows:
8 **543E.9 Registration renewal.**
9 1. A registration issued under this chapter shall be valid
10 for one year as provided by rule.
11 2. An application to renew registration shall be submitted
12 in the form and in the manner prescribed by the ~~administrator~~
13 director. The ~~administrator~~ director may further require
14 periodic disclosures of changes impacting registration, such as
15 a change in ownership or the designated controlling person.
16 3. An application to renew registration shall contain the
17 information described in section 543E.8, subsection 2.
18 4. A registration issued under this chapter shall lapse if
19 not timely renewed, in accordance with rules adopted by the
20 ~~administrator~~ director.
21 5. A person holding a lapsed registration shall not directly
22 or indirectly engage in or attempt to engage in business as an
23 appraisal management company or advertise or hold itself out as
24 engaging in or conducting business as an appraisal management
25 company in this state until the registration has been
26 reinstated under the process prescribed by the ~~administrator~~
27 director by rule.
28 Sec. 1714. Section 543E.10, Code 2023, is amended to read
29 as follows:
30 **543E.10 Fees.**
31 1. The ~~administrator~~ director shall by rule establish fees
32 for registration, renewal, reinstatement, and such additional
33 fees as are reasonably necessary for the administration of this

chapter. The fees shall be established in consideration of the costs of administering this chapter and the actual cost of the specific service to be provided or performed. The ~~administrator~~ director shall periodically review and adjust the schedule of fees as needed to cover projected expenses.

2. Except as provided in subsection 3, all fees collected under this chapter shall be deposited into the ~~department of commerce revolving~~ licensing and regulation fund created in section ~~546.12 and are appropriated to the administrator~~ 10A.507 to be used to administer this chapter including but not limited to purposes such as examinations, investigations, and administrative staffing. ~~Notwithstanding section 8.33, moneys appropriated pursuant to this subsection are not subject to reversion to the general fund of the state.~~

3. The ~~administrator~~ director shall ~~also~~ collect the appraisal management company national registry fee from each appraisal management company seeking to register in this state and from federally regulated appraisal management companies operating in this state. The ~~administrator~~ director shall transfer all appraisal management company national registry fees collected by the ~~administrator~~ director to the appraisal subcommittee.

Sec. 1715. Section 543E.12, subsections 3 and 4, Code 2023, are amended to read as follows:

3. An appraisal management company that has a reasonable basis to believe an appraiser has materially failed to comply with the uniform standards of professional appraisal practice or has otherwise materially violated chapter 543D or this chapter shall refer the matter to the ~~administrator~~ director in conformance with applicable federal law and regulations. An appraisal management company that has a reasonable basis to believe another appraisal management company is failing to comply with the provisions of this chapter shall refer the matter to the ~~administrator~~ director in conformance with section 272C.9, subsection 2.

4. An appraiser who is employed by or is on the appraiser panel of an appraisal management company registered under this chapter who has a reasonable basis to believe the appraisal management company is in violation of this chapter shall refer the matter to the ~~administrator~~ director.

Sec. 1716. Section 543E.13, subsection 1, Code 2023, is amended to read as follows:

1. An appraisal management company shall maintain a detailed record of each service request the appraisal management company receives involving real estate located in this state and the identity of the appraiser who performs the appraisal assignment. All such records shall be maintained for at least five years after the request is sent by the appraisal management company to the appraiser or the completion of the appraisal report, whichever period expires later. An appraisal management company shall maintain such additional records regarding appraisal management services performed in this state as the ~~administrator~~ director may specify by rule.

Sec. 1717. Section 543E.15, subsection 4, Code 2023, is amended to read as follows:

4. Remove an appraiser from an appraiser panel without prior written notice that identifies the basis for removal. Upon request or in conjunction with an examination, an appraisal management company shall forward to the ~~administrator~~ director copies of such notices issued to an appraiser located or certified in Iowa.

Sec. 1718. Section 543E.17, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

After notice and hearing, the ~~administrator~~ director may revoke, suspend, or refuse to issue, renew, or reinstate a registration; reprimand, censure, or limit the scope of practice of any registrant; impose a civil penalty not to exceed ten thousand dollars per violation; require remedial action; or place any registrant on probation; all with or without terms, conditions, or in combinations of remedies, for

34 any one or more of the following reasons:
35 Sec. 1719. Section 543E.17, subsection 2, unnumbered
1 paragraph 1, Code 2023, is amended to read as follows:
2 When determining whether to initiate a disciplinary
3 proceeding against an appraisal management company based
4 on actions or omissions by an employee, owner, director,
5 controlling person, or other agent of the appraisal
6 management company, the ~~administrator~~ director shall take into
7 consideration all of the following:
8 Sec. 1720. Section 543E.18, Code 2023, is amended to read
9 as follows:
10 **543E.18 Unlawful practice — complaints and investigations —**
11 **remedies and penalties.**
12 1. If, as the result of a complaint or otherwise, the
13 ~~administrator~~ director believes that a person has engaged, or
14 is about to engage, in an act or practice that constitutes or
15 will constitute a violation of this chapter, the ~~administrator~~
16 director may make application to the district court for an
17 order enjoining such act or practice. Upon a showing by the
18 ~~administrator~~ director that such person has engaged, or is
19 about to engage, in any such act or practice, an injunction,
20 restraining order, or other order as may be appropriate shall
21 be granted by the district court.
22 2. The ~~administrator~~ director may investigate a complaint
23 or initiate a complaint against a person who is not registered
24 under this chapter to determine whether grounds exist to make
25 application to the district court pursuant to subsection 1 or
26 to issue an order pursuant to subsection 3, and in connection
27 with such complaint or investigation may issue subpoenas to
28 compel witnesses to testify or persons to produce evidence
29 consistent with the provisions of section 272C.6, subsection
30 3, as needed to determine whether probable cause exists to
31 initiate a proceeding under this section or to make application
32 to the district court for an order enjoining a violation of
33 this chapter.

34 3. In addition to or as an alternative to making application
35 to the district court for an injunction, the ~~administrator~~
1 director may issue an order to a person who is not registered
2 under this chapter to require compliance with this chapter
3 and may impose a civil penalty against such person for any
4 violation specified in subsection 4 in an amount up to ten
5 thousand dollars for each violation. All civil penalties
6 collected pursuant to this section shall be deposited in the
7 housing trust fund created in section 16.18l. An order issued
8 pursuant to this section may prohibit a person from applying
9 for registration under this chapter or certification or
10 registration under chapter 543D.
11 4. The ~~administrator~~ director may impose a civil penalty
12 against a person who is not registered under this chapter for
13 any of the following:
14 *a.* A violation of section 543E.4.
15 *b.* A violation of section 543D.18A, subsection 1.
16 *c.* Fraud, deceit, or deception, through act or omission,
17 in connection with an application for registration under this
18 chapter.
19 5. The ~~administrator~~ director, before issuing an order
20 under this section, shall provide the person written notice
21 and the opportunity to request a hearing. The hearing must
22 be requested within thirty days after receipt of the notice
23 and shall be conducted in the same manner as provided for
24 disciplinary proceedings involving a registrant under this
25 chapter.
26 6. A person aggrieved by the imposition of a civil penalty
27 under this section may seek judicial review pursuant to section
28 17A.19.
29 7. If a person fails to pay a civil penalty within thirty
30 days after entry of an order imposing the civil penalty, or if
31 the order is stayed pending an appeal, within ten days after
32 the court enters a final judgment in favor of the ~~administrator~~
33 director, the ~~administrator~~ director shall notify the attorney

34 general. The attorney general may commence an action to
35 recover the amount of the penalty, including reasonable
1 attorney fees and costs.
2 8. An action to enforce an order under this section may be
3 joined with an action for an injunction.
4 Sec. 1721. Section 543E.19, Code 2023, is amended to read
5 as follows:
6 **543E.19 Surety bond.**
7 1. The ~~administrator~~ director shall require that an
8 appraisal management company be covered by a surety bond in the
9 amount of twenty-five thousand dollars.
10 2. The surety bond shall be in a form as prescribed by
11 the ~~administrator~~ director. The ~~administrator~~ director may,
12 pursuant to rule, determine requirements for such surety
13 bonds as are necessary to accomplish the purposes of this
14 chapter. The requirements for a surety bond shall only relate
15 to liabilities, damages, losses, or claims arising out of
16 the appraisal management services performed by the appraisal
17 management company involving real estate located in this state.
18 The bond shall provide that a person having a claim against an
19 appraisal management company may bring suit directly on the
20 bond or the ~~administrator~~ director may bring suit on behalf of
21 such person.
22 Sec. 1722. Section 543E.20, subsections 1, 3, 4, and 5, Code
23 2023, are amended to read as follows:
24 1. The ~~administrator~~ director is vested with broad
25 administrative authority to administer, interpret, and enforce
26 this chapter and to promulgate rules implementing this chapter.
27 3. The ~~administrator~~ director may conduct periodic
28 examinations of applicants or registrants under this chapter as
29 reasonably necessary to assure compliance with all or specific
30 provisions of this chapter. All papers, documents, examination
31 reports, and other records relating to such examinations shall
32 be confidential as provided in section 272C.6, subsection 4,
33 except as provided in this section.

34 4. The ~~administrator~~ director may adopt rules governing
35 an appraiser's use of associate real estate appraisers while
1 performing appraisal assignments subject to this chapter.
2 Associate real estate appraisers may provide appraisal services
3 under the supervision of a certified appraiser as provided
4 in chapter 543D and associated rules, but shall not be on an
5 appraiser panel of an appraisal management company.
6 5. The ~~administrator~~ director may require a national
7 criminal history check through the federal bureau of
8 investigation or, if authorized by federal law or regulation,
9 the nationwide mortgage licensing system and registry,
10 as defined in section 535D.3, when conducting background
11 investigations under this chapter. Except as inconsistent with
12 the registry, the following shall apply:
13 *a.* The ~~administrator~~ director may require owners and
14 controlling persons who are subject to the background
15 investigation provisions of sections 543E.6 and 543E.7 to
16 provide a full set of fingerprints, in a form and manner
17 prescribed by the ~~administrator~~ director. Such fingerprints,
18 if required, shall be submitted to the federal bureau of
19 investigation through the state criminal history repository for
20 purposes of the national criminal history check.
21 *b.* The ~~administrator~~ director may also request and obtain,
22 notwithstanding section 692.2, subsection 5, criminal history
23 data for owners and controlling persons who are subject to the
24 background investigation provisions of sections 543E.6 and
25 543E.7. A request for criminal history data shall be submitted
26 to the department of public safety, division of criminal
27 investigation, pursuant to section 692.2, subsection 1.
28 *c.* The ~~administrator~~ director shall inform such owners and
29 controlling persons of the requirement of a national criminal
30 history check or request for criminal history data and obtain
31 a signed waiver from the applicant, certificate holder, or
32 registrant prior to requesting the check or data.
33 *d.* The ~~administrator~~ director may, in addition to any other

34 fees, charge and collect such amounts as may be incurred by the
35 ~~administrator~~ director, the department of public safety, or the
1 federal bureau of investigation in obtaining criminal history
2 information. Amounts collected shall be considered repayment
3 receipts as defined in section 8.2.
4 *e.* Criminal history data and other criminal history
5 information relating to affected owners or controlling persons,
6 or their appraisal management companies obtained by the
7 ~~administrator~~ director pursuant to this section shall remain
8 confidential. Such information may, however, be used by the
9 ~~administrator~~ director in a registration denial, enforcement,
10 or disciplinary proceeding.
11 Sec. 1723. Section 543E.20, subsection 2, unnumbered
12 paragraph 1, Code 2023, is amended to read as follows:
13 In addition to the duties and powers conferred upon the
14 ~~administrator~~ director in this chapter, the ~~administrator~~
15 director shall have the authority to adopt such rules as are
16 reasonably necessary to assure the ~~administrator's~~ director's
17 registration and supervision of appraisal management companies
18 comply with the minimum requirements of 12 U.S.C. §3352 and
19 related federal laws and regulations, with respect to any of
20 the following:
21 Sec. 1724. Section 544A.1, subsection 2, Code 2023, is
22 amended to read as follows:
23 2. The architectural examining board is created within the
24 ~~professional licensing and regulation bureau of the banking~~
25 ~~division of the~~ department of ~~commerce~~ inspections, appeals,
26 and licensing. The board consists of five members who possess
27 a license issued under section 544A.9 and who have been in
28 active practice of architecture for not less than five years,
29 the last two of which shall have been in Iowa, and two members
30 who do not possess a license issued under section 544A.9
31 and who shall represent the general public. Members shall
32 be appointed by the governor subject to confirmation by the
33 senate.

Sec. 1725. Section 544A.5, Code 2023, is amended to read as follows:

544A.5 Duties.

The architectural examining board shall enforce this chapter, shall adopt rules pursuant to chapter 17A for the examination of applicants for the license provided by this chapter, and shall, after due public notice, hold meetings each year for the purpose of examining applicants for licensure and the transaction of business pertaining to the affairs of the board. Examinations shall be given as often as deemed necessary, but not less than annually. Action at a meeting shall not be taken without the affirmative votes of a majority of the members of the board. The ~~administrator~~ director of the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing shall hire and provide staff to assist the board with implementing this chapter.

Sec. 1726. Section 544A.11, subsection 2, Code 2023, is amended to read as follows:

2. All fees shall be paid to the treasurer of state and deposited in the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 1727. Section 544B.3, subsection 1, Code 2023, is amended to read as follows:

1. A landscape architectural examining board is created within the ~~professional licensing and regulation bureau of the banking division of the~~ department of ~~commerce~~ inspections, appeals, and licensing. The board consists of five members who are professional landscape architects and two members who are not professional landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to confirmation by the senate. Four of the five professional members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and shall

have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. One of the five professional members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and may have been so engaged for fewer than five years preceding appointment but at least one year preceding appointment. Associations or societies composed of professional landscape architects may recommend the names of potential board members to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional landscape architects.

Sec. 1728. Section 544B.5, Code 2023, is amended to read as follows:

544B.5 Duties.

The board shall enforce this chapter and shall make rules for the examination of applicants for licensure. The board shall keep a record of its proceedings. The board shall adopt an official seal which shall be affixed to all certificates of licensure granted. The board may make other rules, not inconsistent with law, as necessary for the proper performance of its duties. The board shall maintain a roster showing the name, place of business, and residence, and the date and number of the certificate of licensure of every professional landscape architect in this state. The ~~administrator of the professional licensing and regulation bureau of the banking division~~ director of the department of ~~commerce~~ inspections, appeals, and licensing shall hire and provide staff to assist the board in implementing this chapter.

Sec. 1729. Section 544B.14, subsection 2, Code 2023, is amended to read as follows:

2. All fees shall be collected by the secretary, paid to the treasurer of state and deposited in the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 1730. Section 544C.1, subsection 2, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

2. *"Department"* means the department of inspections, appeals, and licensing.

Sec. 1731. Section 544C.2, subsection 1, Code 2023, is amended to read as follows:

1. An interior design examining board is established within the ~~bureau~~ department. The board consists of seven members: five members who are interior designers who are registered under this chapter and who have been in the active practice of interior design for not less than five years, the last two of which shall have been in Iowa; and two members who are not registered under this chapter and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate.

Sec. 1732. Section 544C.3, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Establishing fees for registration as a registered interior designer, renewal of registration, reinstatement of registration, and for other activities of the board pertaining to its duties. The fees shall be sufficient to defray the costs of administering this chapter, and shall be deposited in the ~~general fund of the state~~ licensing and regulation fund created in section 10A.507.

Sec. 1733. Section 544C.3, subsection 2, Code 2023, is amended to read as follows:

2. The ~~administrator~~ director of the ~~bureau~~ department shall provide staff to assist the board in the implementation of this chapter.

Sec. 1734. Section 544C.5, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Each applicant for registration must meet the interior design education and practical training requirements adopted by rule by the board, and have passed an examination prescribed

by the board that is task-oriented, focused on public safety, and validated by a recognized testing agency. The ~~bureau~~ department shall register an individual who submits an application to the board on the form and in the manner prescribed by the board as a registered interior designer if the individual satisfies the following requirements:

Sec. 1735. Section 546.3, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 1736. Section 546.10, Code 2023, is amended to read as follows:

546.10 ~~Professional licensing~~ Licensing and regulation ~~bureau — superintendent of banking~~ of business and commerce-related professions.

1. *a.* The ~~professional licensing and regulation bureau of the banking division~~ department shall administer and coordinate the licensing and regulation of several professions by bringing together the following licensing boards:

~~*a.*~~ (1) The engineering and land surveying examining board created pursuant to chapter 542B.

~~*b.*~~ (2) The Iowa accountancy examining board created pursuant to chapter 542.

~~*c.*~~ (3) The real estate commission created pursuant to chapter 543B.

(4) The real estate appraiser examining board created pursuant to chapter 543D.

~~*d.*~~ (5) The architectural examining board created pursuant to chapter 544A.

~~*e.*~~ (6) The landscape architectural examining board created pursuant to chapter 544B.

~~*f.*~~ (7) The interior design examining board created pursuant to chapter 544C.

b. The director shall administer chapter 543E.

2. ~~The bureau is headed by the administrator of professional licensing and regulation who shall be the superintendent of banking.~~ The ~~administrator~~ director shall appoint and

supervise staff and shall coordinate activities for the licensing boards within the ~~bureau~~ department pursuant to subsection 1 and for the administration of chapter 543E.

3. ~~*a.*~~ The licensing and regulation examining boards included in the bureau pursuant to subsection 1 retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the ~~administrator~~ director. Each licensing board shall adopt rules pursuant to chapter 17A. Decisions by a licensing board are final agency actions for purposes of chapter 17A.

~~*b.* Notwithstanding subsection 5, eighty-five percent of the funds received annually resulting from an increase in licensing fees implemented on or after April 1, 2002, by a licensing board or commission listed in subsection 1, is appropriated to the professional licensing and regulation bureau to be allocated to the board or commission for the fiscal year beginning July 1, 2002, and succeeding fiscal years, for purposes related to the duties of the board or commission, including but not limited to additional full-time equivalent positions. In addition, notwithstanding subsection 5, twenty-five dollars from each real estate salesperson's license fee and each broker's license fee received pursuant to section 543B.14 is appropriated to the professional licensing and regulation bureau for the purpose of hiring and compensating a real estate education director and regulatory compliance personnel. The director of the department of administrative services shall draw warrants upon the treasurer of state from the funds appropriated as provided in this section and shall make the funds available to the professional licensing and regulation bureau on a monthly basis during each fiscal year.~~

4. The ~~professional licensing and regulation bureau of the banking division of the~~ department ~~of commerce~~ may expend additional funds, including funds for additional personnel, if those additional expenditures are directly the cause of actual

examination expenses exceeding funds budgeted for examinations. Before the ~~bureau~~ department expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the ~~bureau~~ department and the ~~bureau~~ department does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the ~~bureau~~ department may expend and encumber funds for excess examination expenses. The amounts necessary to fund the examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 8.

5. ~~Fees collected under chapters 542, 542B, 543B, 544A, 544B, and 544C shall be paid to the treasurer of state and credited to the general fund of the state.~~ All expenses required in the discharge of the duties and responsibilities imposed upon the ~~professional licensing and regulation bureau of the banking division of the~~ department ~~of commerce~~, the ~~administrator~~ director, and the licensing boards by the laws of this state shall be paid from moneys appropriated ~~by the general assembly~~ for those purposes. ~~All fees deposited into the general fund of the state, as provided in this subsection, shall be subject to the requirements of section 8.60.~~

6. The licensing boards included in the ~~bureau~~ department pursuant to subsection 1 may refuse to issue or renew a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended or a licensee may otherwise be disciplined, or upon any other grounds set out in the chapter governing the respective board.

7. The licensing boards included in the ~~bureau~~ department pursuant to subsection 1 may suspend, revoke, or refuse to

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

licensing boards included within the ~~bureau~~ department pursuant to subsection 1 may be annual or multiyear, as provided by rule.

12. A quorum of a licensing board included within the ~~bureau~~ department pursuant to subsection 1 shall be a majority of the members of the board and action may be taken upon a majority vote of board members present at a meeting who are not disqualified.

Sec. 1737. Section 710A.7, Code 2023, is amended to read as follows:

710A.7 Peace officer referral.

If during the course of an investigation or prosecution under this chapter a peace officer has reason to believe that a person who purports to be licensed pursuant to chapter 152C or 157 does not possess a valid license or is in violation of any other state or federal laws, the peace officer may report such noncompliance to the appropriate licensing board under the ~~professional licensure division within the~~ department of ~~public health~~ inspections, appeals, and licensing, and to the appropriate state or federal authorities.

Sec. 1738. Section 727.2, subsection 2, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing pursuant to section 10A.511, subsection 6, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

Sec. 1739. Section 727.2, subsection 3, paragraph c, subparagraph (2), Code 2023, is amended to read as follows:

(2) A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the ~~state fire marshal~~ director of the department of inspections, appeals, and licensing pursuant to section 10A.511, subsection 6, commits a simple misdemeanor, punishable

34 by a fine of not less than two hundred fifty dollars.
35 Sec. 1740. 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. 1741. REPEAL. Sections 100D.8 and 100D.9, Code 2023,
8 are repealed.
9 Sec. 1742. CODE EDITOR DIRECTIVE.
10 1. The Code editor is directed to make the following
11 transfers:
12 a. Section 100.11 to section 10A.513.
13 b. Section 100.12 to section 10A.514.
14 c. Section 100.13 to section 10A.515.
15 d. Section 100.14 to section 10A.516.
16 e. Section 100.16 to section 10A.517.
17 f. Section 100.18 to section 10A.518.
18 g. Section 100.19 to section 10A.519.
19 h. Section 100.19A to section 10A.520.
20 i. Section 100.26 to section 10A.521.
21 j. Section 100.31 to section 10A.522.
22 k. Section 100.35 to section 10A.523.
23 l. Section 100.38 to section 10A.525.
24 m. Section 100.39 to section 10A.524.
25 n. Section 135.11A to section 10A.503.
26 o. Section 135.11B to section 10A.504.
27 p. Section 135.31 to section 10A.505.
28 q. Section 135.37 to section 10A.531.
29 r. Section 135.37A to section 10A.532.
30 s. Section 135.105A to section 10A.902.
31 t. Section 135.105C to section 10A.903.
32 u. Section 546.10 to section 10A.506.
33 2. The Code editor is directed to rename article V of

chapter 10A as subchapter V and designate parts as follows:

a. Subchapter V shall be entitled "Licensing and Regulation" and include sections 10A.501 through 10A.534.

b. Subchapter V, part 1, shall be entitled "General Provisions" and include sections 10A.501 through 10A.510.

c. Subchapter V, part 2, shall be entitled "Fire Control" and include sections 10A.511 through 10A.530.

d. Subchapter V, part 3, shall be entitled "Tattooing and Hair Braiding" and include sections 10A.531 through 10A.534.

3. The Code editor is directed to create new subchapter IX within chapter 10A which shall be entitled "Lead Abatement Program" and include sections 10A.902 and 10A.903.

4. The Code editor may modify subchapter and part titles if necessary and is directed to correct internal references in the Code as necessary due to enactment of this section.

Sec. 1743. TRANSITION PROVISION. All fees collected under chapters 543D and 543E and deposited into the department of commerce revolving fund created in section 546.12, Code 2023, as of the effective date of this division of this Act, shall be transferred for deposit in the licensing and regulation fund as created in this division of this Act.

ADMINISTRATIVE LAW JUDGES

Sec. 1744. Section 8A.415, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. Decisions rendered shall be based upon a standard of substantial compliance with this subchapter and the rules of the department. Decisions by the public employment relations board constitute final agency action. ~~However, if the employee is an administrative law judge appointed or employed by the public employment relations board,~~

~~the employee's appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.~~

Sec. 1745. Section 8A.415, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. If not satisfied, the employee may, within thirty calendar days following the director's response, file an appeal with the public employment relations board. The employee has the right to a hearing closed to the public, unless a public hearing is requested by the employee. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action. ~~However, if the employee is an administrative law judge appointed or employed by the public employment relations board, the employee's appeal shall be heard by an administrative law judge employed by the administrative hearings division of the department of inspections and appeals in accordance with the provisions of section 10A.801, whose decision shall constitute final agency action.~~

Sec. 1746. Section 96.6, subsection 3, paragraph b, Code 2023, is amended to read as follows:

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the ~~department~~ division of administrative hearings created by section 10A.801. An administrative law judge's decision may be appealed by any

party to the employment appeal board created in section 10A.601 or directly to the district court.

Sec. 1747. Section 216.15, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. After the filing of a verified complaint, a true copy shall be served within twenty days on the person against whom the complaint is filed, except as provided in subsection 4. An authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed ~~either by the commission or~~ by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

Sec. 1748. Section 256.7, subsection 6, Code 2023, is amended to read as follows:

6. Hear appeals of persons aggrieved by decisions of boards of directors of school corporations under chapter 290 and other appeals prescribed by law. The state board may review the record and shall review the decision of the director of the department of education or the administrative law judge employed by the division of administrative hearings created by section 10A.801 and designated for any appeals heard and decided by the director under chapter 290, and may affirm, modify, or vacate the decision, or may direct a rehearing before the director.

Sec. 1749. Section 256B.6, subsection 4, Code 2023, is amended to read as follows:

4. Notwithstanding section 17A.11, the state board of education shall adopt rules for the appointment of an impartial administrative law judge employed by the division of administrative hearings created by section 10A.801 for special education appeals. The rules shall comply with federal statutes and regulations.

Sec. 1750. Section 272.14, Code 2023, is amended to read as follows:

34 **272.14 Appointment of administrative law judges.**
35 The board shall maintain a list of qualified persons
1 employed by the division of administrative hearings created
2 by section 10A.801 and who are experienced in the educational
3 system of this state to serve as administrative law judges when
4 a hearing is requested under section 279.24. When requested
5 under section 279.24, the board shall submit a list of five
6 qualified administrative law judges from the list maintained
7 by the board to the parties. The parties shall select one of
8 the five qualified persons to conduct the hearing as provided
9 in section 279.24. The hearing shall be held pursuant to
10 the provisions of chapter 17A relating to contested cases.
11 The full costs of the hearing shall be shared equally by the
12 parties.
13 Sec. 1751. Section 279.24, subsection 5, paragraph c, Code
14 2023, is amended to read as follows:
15 *c.* Within five days after receipt of the written notice
16 that the school board has voted to consider termination of
17 the contract, the administrator may request a private hearing
18 in writing to the secretary of the school board. The board
19 shall then forward the notification to the board of educational
20 examiners along with a request that the board of educational
21 examiners submit a list of five qualified administrative law
22 judges who are employed by the division of administrative
23 hearings created by section 10A.801 to the parties. Within
24 three days from receipt of the list the parties shall select an
25 administrative law judge by alternately removing a name from
26 the list until only one name remains. The person whose name
27 remains shall be the administrative law judge. The parties
28 shall determine by lot which party shall remove the first name
29 from the list. The private hearing shall be held no sooner
30 than twenty days and not later than forty days following the
31 administrator's request unless the parties otherwise agree.
32 If the administrator does not request a private hearing,
33 the school board, not later than May 31, may determine the

continuance or discontinuance of the contract and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board. School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

CIVIL RIGHTS COMMISSION

Sec. 1752. Section 216.3, subsection 1, Code 2023, is amended to read as follows:

1. The Iowa state civil rights commission ~~shall consist~~ is created within the department of inspections, appeals, and licensing consisting of seven members appointed by the governor subject to confirmation by the senate. Appointments shall be made to provide geographical area representation insofar as practicable. No more than four members of the commission shall belong to the same political party. Members appointed to the commission shall serve for four-year staggered terms beginning and ending as provided by section 69.19.

CONFORMING CHANGES

Sec. 1753. Section 8A.412, subsection 19, Code 2023, is amended to read as follows:

19. The superintendent of the banking division of the department of commerce, all members of the state banking council, and all employees of the banking division ~~except for employees of the professional licensing and regulation bureau of the division~~.

Sec. 1754. Section 8A.457, Code 2023, is amended to read as follows:

8A.457 Workers' compensation claims.

The director shall employ appropriate staff to handle and adjust claims of state employees for workers' compensation benefits pursuant to chapter 10A, subchapter III, and chapters 85, 85A, and 85B, ~~and 86,~~ or with the approval of the executive council contract for the services or purchase

34 workers' compensation insurance coverage for state employees or
35 selected groups of state employees. A state employee workers'
1 compensation fund is created in the state treasury under the
2 control of the department to pay state employee workers'
3 compensation claims and administrative costs. The department
4 shall establish a rating formula and assess premiums to all
5 agencies, departments, and divisions of the state including
6 those which have not received an appropriation for the payment
7 of workers' compensation insurance and which operate from
8 moneys other than from the general fund of the state. The
9 department shall collect the premiums and deposit them into the
10 state employee workers' compensation fund. Notwithstanding
11 section 8.33, moneys deposited in the state employee workers'
12 compensation fund shall not revert to the general fund of the
13 state at the end of any fiscal year, but shall remain in the
14 state employee workers' compensation fund and be continuously
15 available to pay state employee workers' compensation claims.
16 The director may, to the extent practicable, contract with
17 a private organization to handle the processing and payment
18 of claims and services rendered under the provisions of this
19 section.
20 Sec. 1755. Section 8A.504, subsection 3, Code 2023, is
21 amended to read as follows:
22 3. In the case of multiple claims to payments filed under
23 this section, priority shall be given to claims filed by
24 the child support recovery unit or the foster care recovery
25 unit, next priority shall be given to claims filed by the
26 clerk of the district court, next priority shall be given
27 to claims filed by the college student aid commission, next
28 priority shall be given to claims filed by the ~~investigations~~
29 ~~division of the~~ department of inspections, ~~and~~ appeals, and
30 licensing relating to investigations by the department, and
31 last priority shall be given to claims filed by other public
32 agencies. In the case of multiple claims in which the priority
33 is not otherwise provided by this subsection, priority shall be

determined in accordance with rules to be established by the director.

Sec. 1756. Section 8A.512, subsection 1, paragraph b, subparagraph (1), Code 2023, is amended to read as follows:

(1) Claims by state employees for benefits pursuant to chapter 10A, subchapter III, and chapters 85, 85A, and 85B~~, and 86~~ are subject to limitations provided in those chapters.

Sec. 1757. Section 13B.1, subsection 3, Code 2023, is amended to read as follows:

3. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1758. Section 13B.2, Code 2023, is amended to read as follows:

13B.2 Position established.

The position of state public defender is established within the department of inspections, ~~and~~ appeals, and licensing. The governor shall appoint the state public defender, who shall serve at the pleasure of the governor, subject to confirmation by the senate, no less frequently than once every four years, whether or not there has been a new state public defender appointed during that time, and shall establish the state public defender's salary.

Sec. 1759. Section 13B.6, subsection 2, Code 2023, is amended to read as follows:

2. The department of inspections, ~~and~~ appeals, and licensing shall provide internal accounting and related fiscal services for the state public defender.

Sec. 1760. Section 15.108, subsection 7, paragraph f, Code 2023, is amended to read as follows:

f. To the extent feasible, cooperate with the department of workforce development and the division of workers' compensation of the department of inspections, appeals, and licensing to establish a program to educate existing employers and new or potential employers on the rates and workings of the state unemployment compensation program and the state workers'

34 compensation program.
35 Sec. 1761. Section 15E.208, subsection 4, paragraph b, Code
1 2023, is amended to read as follows:
2 *b.* An agricultural products processor, if the processor or
3 a person owning a controlling interest in the processor has
4 demonstrated, within the most recent consecutive three-year
5 period prior to the application for financing, a continuous and
6 flagrant disregard for the health and safety of its employees
7 or the quality of the environment. Violations of environmental
8 protection statutes, rules, or regulations shall be reported
9 for the most recent five-year period prior to application.
10 Evidence of such disregard shall include a history of serious
11 or uncorrected violations of state or federal law protecting
12 occupational health and safety or the environment, including
13 but not limited to serious or uncorrected violations of
14 occupational safety and health standards enforced by the
15 division of labor services of the department of ~~workforce~~
16 ~~development~~ inspections, appeals, and licensing pursuant to
17 chapter ~~84A~~ 10A, or rules enforced by the department of natural
18 resources pursuant to chapter 455B or 459, subchapters II and
19 III.
20 Sec. 1762. Section 17A.11, subsection 1, paragraph c, Code
21 2023, is amended to read as follows:
22 *c.* For purposes of paragraph *"a"*, the division of
23 administrative hearings established in section 10A.801 shall
24 be treated as a wholly separate agency from the department of
25 inspections, ~~and~~ appeals, and licensing.
26 Sec. 1763. Section 35D.15, subsection 2, paragraph c,
27 subparagraph (2), subparagraph divisions (c), (d), and (e),
28 Code 2023, are amended to read as follows:
29 (c) If the member is not satisfied with the decision of the
30 commission, the member may appeal the commission's decision
31 by filing an appeal with the department of inspections, ~~and~~
32 appeals, and licensing within five calendar days of being
33 notified in writing of the commission's decision.

(d) The department of inspections, ~~and~~ appeals, and licensing shall render a decision on the appeal of the commission's decision and notify the member of the decision, in writing, within fifteen calendar days of the filing of the appeal with the department.

(e) The maximum time period that shall elapse between receipt by the member of the discharge notice and actual discharge shall not exceed fifty-five days, which includes the thirty-day discharge notice period and any time during which any appeals to the commission or the department of inspections, ~~and~~ appeals, and licensing are pending.

Sec. 1764. Section 35D.15, subsection 2, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) If a member is not satisfied with the decision of the department of inspections, ~~and~~ appeals, and licensing, the member may seek judicial review in accordance with chapter 17A. A member's discharge under this subsection shall be stayed while judicial review is pending.

Sec. 1765. Section 35D.15, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. Any involuntary discharge by the commandant under this subsection shall comply with the rules adopted by the commission under this subsection and by the department of inspections, ~~and~~ appeals, and licensing pursuant to section 135C.14, subsection 8, paragraph *"f"*.

Sec. 1766. Section 53.8, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. When an application for an absentee ballot is received by the commissioner of any county from a registered voter who is a patient in a hospital in that county, a tenant of an assisted living program in that county as shown by the list of certifications provided the commissioner under section 231C.21, or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under section 135C.29, the absentee ballot shall

be delivered to the voter and returned to the commissioner in the manner prescribed by section 53.22. For purposes of this paragraph, *"assisted living program"* means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1767. Section 53.22, subsection 1, Code 2023, is amended to read as follows:

1. For purposes of this section, *"assisted living program"* means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1768. Section 68B.2, subsection 23, Code 2023, is amended to read as follows:

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

Sec. 1769. Section 73.16, subsection 2, paragraph c, subparagraph (1), Code 2023, is amended to read as follows:

(1) The director of each department and agency of state government shall cooperate with the director of the department of inspections, ~~and~~ appeals, and licensing, the director of the economic development authority, and the director of the department of management and do all acts necessary to carry out the provisions of this subchapter.

Sec. 1770. Section 80.15, subsection 2, Code 2023, is amended to read as follows:

2. During the period of twelve months after appointment, a peace officer of the department is subject to dismissal at the will of the commissioner. After the twelve months' service, a peace officer of the department, who was appointed after having passed the examinations, is not subject to dismissal, suspension, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections, ~~and~~ appeals, and licensing and a hearing held by the employment appeal board created by section 10A.601, if requested by the peace officer, at which the peace officer has an opportunity to present a defense to the charges. The decision of the appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a peace officer who is covered by a collective bargaining agreement which provides otherwise, and do not apply to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any.

Sec. 1771. Section 84A.5, subsection 6, Code 2023, is amended to read as follows:

6. The director of the department of workforce development shall form a coordinating committee composed of the director of the department of workforce development~~, the labor commissioner, the workers' compensation commissioner,~~ and other administrators. The committee shall monitor federal compliance issues relating to coordination of functions ~~among the divisions~~ within the department.

Sec. 1772. Section 85.3, subsection 2, Code 2023, is amended

34 to read as follows:
35 2. Any employer who is a nonresident of this state, for whom
1 services are performed within this state by any employee, is
2 deemed to be doing business in this state by virtue of having
3 such services performed and the employer and employee shall
4 be subject to the jurisdiction of the workers' compensation
5 commissioner and to all of the provisions of chapter 10A,
6 subchapter III, this chapter, and chapters 85A, 85B, ~~86,~~ and
7 87, as to any and all personal injuries sustained by the
8 employee arising out of and in the course of such employment
9 within this state. In addition, every corporation, individual,
10 personal representative, partnership, or association that has
11 the necessary minimum contact with this state shall be subject
12 to the jurisdiction of the workers' compensation commissioner,
13 and the workers' compensation commissioner shall hold such
14 corporation, individual, personal representative, partnership,
15 or association amenable to suit in this state in every case not
16 contrary to the provisions of the Constitution of the United
17 States.
18 Sec. 1773. Section 85.3, subsection 3, paragraph b, Code
19 2023, is amended to read as follows:
20 *b.* In addition to those persons authorized to receive
21 personal service as in civil actions as permitted by chapter
22 17A and this chapter, such employer shall be deemed to have
23 appointed the secretary of state of this state as its lawful
24 attorney upon whom may be served or delivered any and all
25 notices authorized or required by the provisions of chapter
26 10A, subchapter III, this chapter, and chapters 85A, 85B, ~~86,~~
27 87, and 17A, and to agree that any and all such services or
28 deliveries of notice on the secretary of state shall be of the
29 same legal force and validity as if personally served upon or
30 delivered to such nonresident employer in this state.
31 Sec. 1774. Section 85.26, subsections 1 and 2, Code 2023,
32 are amended to read as follows:
33 1. An original proceeding for benefits under chapter

34 10A, subchapter III, this chapter, or chapter 85A~~,~~ or 85B,
35 ~~or 86,~~ shall not be maintained in any contested case unless
1 the proceeding is commenced within two years from the date of
2 the occurrence of the injury for which benefits are claimed
3 or, if weekly compensation benefits are paid under section
4 86.13, within three years from the date of the last payment
5 of weekly compensation benefits. For the purposes of this
6 section, *"date of the occurrence of the injury"* means the date
7 that the employee knew or should have known that the injury was
8 work-related.
9 2. An award for payments or an agreement for settlement
10 provided by section 86.13 for benefits under this chapter or
11 chapter 85A or 85B, where the amount has not been commuted,
12 may be reviewed upon commencement of reopening proceedings
13 by the employer or the employee within three years from the
14 date of the last payment of weekly benefits made under the
15 award or agreement. If an award for payments or agreement for
16 settlement as provided by section 86.13 for benefits under this
17 chapter or chapter 85A or 85B has been made and the amount
18 has not been commuted, or if a denial of liability is not
19 filed with the workers' compensation commissioner and notice
20 of the denial is not mailed to the employee, in the form and
21 manner required by the commissioner, within six months of the
22 commencement of weekly compensation benefits, the commissioner
23 may at any time upon proper application make a determination
24 and appropriate order concerning the entitlement of an employee
25 to benefits provided for in section 85.27. The failure to
26 file a denial of liability does not constitute an admission of
27 liability under chapter 10A, subchapter III, this chapter, or
28 chapter 85A~~,~~ or 85B~~, or 86~~.
29 Sec. 1775. Section 85.31, subsection 5, Code 2023, is
30 amended to read as follows:
31 5. Except as otherwise provided by treaty, whenever, under
32 the provisions of chapter 10A, subchapter III, this chapter,
33 and ~~chapters 86 and~~ chapter 87, compensation is payable to a

34 dependent who is an alien not residing in the United States at
35 the time of the injury, the employer shall pay fifty percent of
1 the compensation herein otherwise provided to such dependent,
2 and the other fifty percent shall be paid into the second
3 injury fund in the custody of the treasurer of state. But if
4 the nonresident alien dependent is a citizen of a government
5 having a compensation law which excludes citizens of the United
6 States, either resident or nonresident, from partaking of the
7 benefits of such law in as favorable degree as herein extended
8 to the nonresident alien, then the compensation which would
9 otherwise be payable to the dependent shall be paid into the
10 second injury fund in the custody of the treasurer of state.
11 Sec. 1776. Section 85.34, subsections 4, 5, and 7, Code
12 2023, are amended to read as follows:
13 4. *Credits for excess payments.* If an employee is paid
14 weekly compensation benefits for temporary total disability
15 under section 85.33, subsection 1, for a healing period
16 under section 85.34, subsection 1, or for temporary partial
17 disability under section 85.33, subsection 2, in excess of that
18 required by chapter 10A, subchapter III, this chapter, and
19 chapters 85A~~,~~ and 85B~~, and 86~~, the excess paid by the employer
20 shall be credited against the liability of the employer for
21 any future weekly benefits due for an injury to that employee,
22 provided that the employer or the employer's representative has
23 acted in good faith in determining and notifying an employee
24 when the temporary total disability, healing period, or
25 temporary partial disability benefits are terminated.
26 5. *Recovery of employee overpayment.* If an employee is paid
27 any weekly benefits in excess of that required by chapter 10A,
28 subchapter III, this chapter, and chapters 85A~~,~~ and 85B~~, and~~
29 ~~86~~, the excess paid by the employer shall be credited against
30 the liability of the employer for any future weekly benefits
31 due pursuant to subsection 2, for any current or subsequent
32 injury to the same employee.
33 7. *Successive disabilities.* An employer is liable for

34 compensating only that portion of an employee's disability that
35 arises out of and in the course of the employee's employment
1 with the employer and that relates to the injury that serves
2 as the basis for the employee's claim for compensation under
3 chapter 10A, subchapter III, this chapter, or chapter 85A~~,~~ or
4 85B~~, or 86~~. An employer is not liable for compensating an
5 employee's preexisting disability that arose out of and in the
6 course of employment from a prior injury with the employer,
7 to the extent that the employee's preexisting disability has
8 already been compensated under chapter 10A, subchapter III,
9 this chapter, or chapter 85A~~,~~ or 85B~~, or 86~~. An employer is not
10 liable for compensating an employee's preexisting disability
11 that arose out of and in the course of employment with a
12 different employer or from causes unrelated to employment.
13 Sec. 1777. Section 85.35, subsections 1 and 10, Code 2023,
14 are amended to read as follows:
15 1. The parties to a contested case or persons who are
16 involved in a dispute which could culminate in a contested case
17 may enter into a settlement of any claim arising under chapter
18 10A, subchapter III, this chapter, or chapter 85A~~,~~ or 85B~~, or~~
19 ~~86~~, providing for disposition of the claim. The settlement
20 shall be in writing on forms prescribed by the workers'
21 compensation commissioner and submitted to the workers'
22 compensation commissioner for approval.
23 10. Approval of a settlement by the workers' compensation
24 commissioner is binding on the parties and shall not be
25 construed as an original proceeding. Notwithstanding any
26 provisions of chapter 10A, subchapter III, this chapter,
27 and chapters 85A, 85B, ~~86,~~ and 87, an approved compromise
28 settlement shall constitute a final bar to any further rights
29 arising under chapter 10A, subchapter III, this chapter, and
30 chapters 85A, 85B, ~~86,~~ and 87 regarding the subject matter of
31 the compromise and a payment made pursuant to a compromise
32 settlement agreement shall not be construed as the payment of
33 weekly compensation.

Sec. 1778. Section 85.55, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

For purposes of chapter 10A, subchapter III, this chapter, and ~~chapters 86 and~~ chapter 87, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

Sec. 1779. Section 85.59, subsection 7, Code 2023, is amended to read as follows:

7. Responsibility for the filings required by ~~chapter 86~~ chapter 10A, subchapter III, for injuries resulting in permanent disability or death and as modified by this section shall be made in the same manner as for other employees of the institution.

Sec. 1780. Section 85.60, Code 2023, is amended to read as follows:

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

A person participating in a work-based learning opportunity referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education, who sustains an injury arising out of and in the course of the work-based learning opportunity participation, employment training, or employment evaluation is entitled to benefits as provided in chapter 10A, subchapter III, this chapter, chapter 85A, and chapter 85B~~, and chapter 86~~. Notwithstanding the minimum benefit provisions of this chapter, a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent

of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 1781. Section 85.61, unnumbered paragraph 1, Code 2023, is amended to read as follows:

In chapter 10A, subchapter III, this chapter, and ~~chapters 86 and~~ chapter 87, unless the context otherwise requires, the following definitions of terms shall prevail:

Sec. 1782. Section 85.61, subsection 12, paragraph b, Code 2023, is amended to read as follows:

b. The term *"worker"* or *"employee"* shall include the singular and plural. Any reference to a worker or employee who has been injured shall, when such worker or employee is dead, include the worker's or employee's dependents as defined in this chapter or the worker's or employee's legal representatives; and where the worker or employee is a minor or incompetent, it shall include the minor's or incompetent person's guardian, next friend, or trustee. Notwithstanding any law prohibiting the employment of minors, all minor employees shall be entitled to the benefits of chapter 10A, subchapter III, this chapter, and ~~chapters 86 and~~ chapter 87 regardless of the age of such minor employee.

Sec. 1783. Section 85.70, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. Beginning on or before December 1, 2018, the department of workforce development, in cooperation with the department of education, the workers' compensation division of the department of inspections, appeals, and licensing, the insurance division of the department of commerce, and all community colleges that are participating in the new career vocational training and education program, shall prepare an annual report for submission to the general assembly that provides information about the status of the program including but not limited to the utilization of and participants in the program, program completion rates, employment rates after completion of the program and the types of employment obtained by the program

34 participants, and the effects of the program on workers'
35 compensation premium rates.
1 Sec. 1784. Section 85B.14, Code 2023, is amended to read as
2 follows:
3 **85B.14 Applicable chapters.**
4 ~~Chapters~~ Chapter 10A, subchapter III, and chapters 17A~~,~~
5 and 85, ~~and 86,~~ so far as applicable, and not inconsistent
6 with this chapter, apply in cases of compensable occupational
7 hearing loss.
8 Sec. 1785. Section 87.1, subsection 1, Code 2023, is amended
9 to read as follows:
10 1. Every employer subject to the provisions of chapter
11 10A, subchapter III, this chapter, and chapters 85, 85A, and
12 85B, ~~and 86,~~ unless relieved as hereinafter provided from the
13 requirements imposed under chapter 10A, subchapter III, this
14 chapter, and chapters 85, 85A, and 85B, ~~and 86,~~ shall insure
15 the employer's liability under chapter 10A, subchapter III,
16 this chapter, and chapters 85, 85A, and 85B, ~~and 86~~ in some
17 corporation, association, or organization approved by the
18 commissioner of insurance.
19 Sec. 1786. Section 87.2, subsection 2, Code 2023, is amended
20 to read as follows:
21 2. An employer coming under the provisions of chapter 10A,
22 subchapter III, this chapter, and chapters 85, 85A, and 85B,
23 ~~and 86~~ who fails to comply with this section, or to post and
24 keep the above notice in the manner and form required, shall be
25 guilty of a simple misdemeanor.
26 Sec. 1787. Section 87.6, Code 2023, is amended to read as
27 follows:
28 **87.6 Certificate of approval.**
29 When such scheme or plan is approved by the workers'
30 compensation commissioner, the commissioner shall issue a
31 certificate to that effect, whereupon it shall be legal for
32 such employer, or group of employers, to contract with any or
33 all of the workers of the employer or group of employers to

34 substitute such scheme or plan for the provisions relating to
35 compensation and insurance during a period of time fixed by
1 ~~said department~~ the insurance division of the department of
2 insurance and financial services.
3 Sec. 1788. Section 87.11, subsections 3 and 4, Code 2023,
4 are amended to read as follows:
5 3. *a.* If an employer becomes insolvent and a debtor under
6 11 U.S.C., on or after January 1, 1990, the commissioner of
7 insurance may request of the workers' compensation commissioner
8 that all future payments of workers' compensation weekly
9 benefits, medical expenses, or other payments pursuant to
10 chapter 10A, subchapter III, this chapter, or chapter 85, 85A,
11 or 85B, ~~or 86,~~ be commuted to a present lump sum. The workers'
12 compensation commissioner shall fix the lump sum of probable
13 future medical expenses and weekly compensation benefits, or
14 other benefits payable pursuant to chapter 10A, subchapter III,
15 this chapter, or chapter 85, 85A, or 85B, ~~or 86,~~ capitalized
16 at their present value upon the basis of interest at the rate
17 provided in section 535.3 for court judgments and decrees. The
18 commissioner of insurance shall be discharged from all further
19 liability for the commuted workers' compensation claim upon
20 payment of the present lump sum to either the claimant, or a
21 licensed insurer for purchase of an annuity or other periodic
22 payment plan for the benefit of the claimant.
23 *b.* The commissioner of insurance shall not be required to
24 pay more for all claims of an insolvent self-insured employer
25 than is available for payment of such claims from the security
26 given under this section.
27 4. Notwithstanding contrary provisions of section 85.45,
28 any future payment of medical expenses, weekly compensation
29 benefits, or other payments by the commissioner of insurance
30 from the security given under this section, pursuant to
31 chapter 10A, subchapter III, this chapter, or chapter 85, 85A,
32 or 85B, ~~or 86,~~ shall be deemed an undue expense, hardship,
33 or inconvenience upon the employer for purposes of a full

34 commutation pursuant to section 85.45, subsection 1, paragraph
35 *"b"*.
1 Sec. 1789. Section 87.13, Code 2023, is amended to read as
2 follows:
3 **87.13 Interpretative clause.**
4 All provisions in chapter 10A, subchapter III, and chapters
5 85, 85A, 85B, ~~86,~~ and this chapter relating to compensation
6 for injuries sustained arising out of and in the course of
7 employment in the operation of coal mines or production of
8 coal under any system of removing coal for sale are exclusive,
9 compulsory and obligatory upon the employer and employee in
10 such employment.
11 Sec. 1790. Section 87.14A, Code 2023, is amended to read as
12 follows:
13 **87.14A Insurance required.**
14 An employer subject to chapter 10A, subchapter III, this
15 chapter, and chapters 85, 85A, and 85B, ~~and 86~~ shall not
16 engage in business without first obtaining insurance covering
17 compensation benefits or obtaining relief from insurance as
18 provided in this chapter. A person who willfully and knowingly
19 violates this section is guilty of a class "D" felony.
20 Sec. 1791. Section 87.21, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:
22 Any employer, except an employer with respect to an exempt
23 employee under section 85.1, who has failed to insure the
24 employer's liability in one of the ways provided in this
25 chapter, unless relieved from carrying such insurance as
26 provided in section 87.11, is liable to an employee for
27 a personal injury in the course of and arising out of the
28 employment, and the employee may enforce the liability by an
29 action at law for damages, or may collect compensation as
30 provided in chapter 10A, subchapter III, and chapters 85, 85A,
31 and 85B~~, and 86~~. In actions by the employee for damages under
32 this section, the following rules apply:
33 Sec. 1792. Section 88.1, subsection 3, Code 2023, is amended

34 to read as follows:
35 3. Authorizing the labor commissioner to set mandatory
1 occupational safety and health standards applicable to
2 businesses, and by providing for an adjudicatory process
3 through the employment appeal board within the department
4 of inspections, ~~and~~ appeals, and licensing for carrying out
5 adjudicatory functions under this chapter.
6 Sec. 1793. Section 88.2, subsections 1 and 4, Code 2023, are
7 amended to read as follows:
8 1. The labor commissioner, appointed pursuant to section
9 91.2, and the division of labor services of the department
10 of ~~workforce development~~ inspections, appeals, and licensing
11 created in section ~~84A.1~~ 10A.106 shall administer this chapter.
12 4. Subject to the approval of the director of the
13 department of ~~workforce development~~ inspections, appeals, and
14 licensing, the labor commissioner may enter into contracts
15 with any state agency, with or without reimbursement, for
16 the purpose of obtaining the services, facilities, and
17 personnel of the agency, and with the consent of any state
18 agency or any political subdivision of the state, accept and
19 use the services, facilities, and personnel of the agency or
20 political subdivision, and employ experts and consultants or
21 organizations, in order to expeditiously, efficiently, and
22 economically effectuate the purposes of this chapter. The
23 agreements under this subsection are subject to approval of the
24 executive council if approval is required by law.
25 Sec. 1794. Section 88A.1, subsections 4 and 6, Code 2023,
26 are amended by striking the subsections.
27 Sec. 1795. Section 88A.1, Code 2023, is amended by adding
28 the following new subsections:
29 NEW SUBSECTION. 6A. *"Department"* means the department of
30 inspections, appeals, and licensing.
31 NEW SUBSECTION. 6B. *"Director"* means the director of the
32 department of inspections, appeals, and licensing.
33 Sec. 1796. Section 88A.2, Code 2023, is amended to read as

34 follows:

35 **88A.2 Permit required.**

1 1. No amusement device or ride, concession booth, or any
2 related electrical equipment shall be operated at a carnival
3 or fair in this state without a permit having been issued by
4 the ~~commissioner~~ director to an operator of such equipment. On
5 or before the first of May of each year, any person required
6 to obtain a permit by this chapter shall apply to the ~~division~~
7 department for a permit on a form furnished by the ~~commissioner~~
8 director which form shall contain such information as the
9 ~~commissioner~~ director may require. The ~~commissioner~~ director
10 may waive the requirement that an application for a permit
11 must be filed on or before the first of May of each year if
12 the applicant gives satisfactory proof to the ~~commissioner~~
13 director that the applicant could not reasonably comply with
14 the date requirement and if the applicant immediately applies
15 for a permit after the need for a permit is first determined.
16 For the purpose of determining if an amusement ride, amusement
17 device, concession booth, or any related electrical equipment
18 is in safe operating condition and will provide protection
19 to the public using such ride, device, booth, or related
20 electrical equipment, each amusement ride, amusement device,
21 concession booth, or related electrical equipment shall be
22 inspected by the ~~commissioner~~ director before it is initially
23 placed in operation in this state, and shall thereafter be
24 inspected at least once each year.

25 2. If, after inspection, an amusement device or ride,
26 concession booth, or related electrical equipment is found
27 to comply with the rules adopted under this chapter, the
28 ~~commissioner~~ director shall, upon payment of the permit fee
29 and the inspection fee, permit the operation of the amusement
30 device or ride or concession booth or to use any related
31 electrical equipment.

32 3. If, after inspection, additions or alterations
33 are contemplated which change a structure, mechanism,

classification, or capacity, the operator shall notify the ~~commissioner~~ director of the operator's intentions in writing and provide any plans or diagrams requested by the ~~commissioner~~ director.

Sec. 1797. Section 88A.3, Code 2023, is amended to read as follows:

88A.3 Rules.

1. The ~~commissioner~~ director shall adopt rules pursuant to chapter 17A for the safe installation, repair, maintenance, use, operation, and inspection of amusement devices, amusement rides, concession booths, and related electrical equipment at carnivals and fairs to the extent necessary for the protection of the public. The rules shall be based on generally accepted engineering standards and shall be concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. If standards are available in suitable form, the standards may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement devices or rides, concession booths, or related electrical equipment.

2. The ~~commissioner~~ director may modify or repeal any rule adopted under the provisions of this chapter.

Sec. 1798. Section 88A.5, Code 2023, is amended to read as follows:

88A.5 Fees to general fund.

All fees collected by the ~~division~~ department under the provisions of this chapter shall be transmitted to the treasurer of state and credited by the treasurer to the general fund of the state.

Sec. 1799. Section 88A.6, Code 2023, is amended to read as follows:

88A.6 Personnel.

The ~~commissioner~~ director may employ inspectors and any other personnel deemed necessary to carry out the provisions

of this chapter, subject to the provisions of chapter 8A, subchapter IV.

Sec. 1800. Section 88A.7, Code 2023, is amended to read as follows:

88A.7 Cessation order.

The ~~commissioner~~ director may order, in writing, a temporary cessation of operation of any amusement device or ride, concession booth, or related electrical equipment if it has been determined after inspection to be hazardous or unsafe. Operation of the amusement device or ride, concession booth or related electrical equipment shall not resume until the unsafe or hazardous condition is corrected to the satisfaction of the ~~commissioner~~ director.

Sec. 1801. Section 88A.8, Code 2023, is amended to read as follows:

88A.8 Judicial review.

Judicial review of action of the ~~commissioner~~ director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 1802. Section 88A.10, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Any person who operates an amusement device or ride, concession booth or related electrical equipment at a carnival or fair without having obtained a permit from the ~~commissioner~~ director or who violates any order or rule issued by the ~~commissioner~~ director under this chapter is guilty of a serious misdemeanor.

2. A person who interferes with, impedes, or obstructs in any manner the ~~commissioner~~ director in the performance of the ~~commissioner's~~ director's duties under this chapter is guilty of a simple misdemeanor. A person who bribes or attempts to bribe the ~~commissioner~~ director is subject to section 722.1.

Sec. 1803. Section 88A.11, subsections 3 and 4, Code 2023, are amended to read as follows:

3. The ~~commissioner~~ director may exempt amusement devices

34 from the provisions of this chapter that have self-contained
35 wiring installed by the manufacturer, that are operated
1 manually by the use of hands or feet, that operate on less than
2 one hundred twenty volts of electrical power, and that are
3 fixtures or appliances within or part of a structure subject to
4 the building code of this state or any political subdivision
5 of this state.
6 4. The ~~commissioner~~ director may exempt playground
7 equipment owned, maintained, and operated by any political
8 subdivision of this state.
9 Sec. 1804. Section 88A.13, Code 2023, is amended to read as
10 follows:
11 **88A.13 Waiver of inspection.**
12 The ~~commissioner~~ director may waive the requirement that
13 an amusement device or ride or any part thereof be inspected
14 before being operated in this state if an operator gives
15 satisfactory proof to the ~~commissioner~~ director that the
16 amusement device or ride or any part thereof has passed an
17 inspection conducted by a public or private agency whose
18 inspection standards and requirements are at least equal
19 to those requirements and standards established by the
20 ~~commissioner~~ director under the provisions of this chapter.
21 The annual permit and inspection fees shall be paid before the
22 ~~commissioner~~ director may waive this requirement.
23 Sec. 1805. Section 88A.14, Code 2023, is amended to read as
24 follows:
25 **88A.14 Injunction.**
26 In addition to any and all other remedies, if an owner,
27 operator, or person in charge of any amusement device or ride,
28 concession booth, or related electrical equipment covered by
29 this chapter, continues to operate any amusement device or
30 ride, concession booth, or related electrical equipment covered
31 by this chapter, after receiving a notice of defect as provided
32 by this chapter, without first correcting the defects or making
33 replacements, the ~~commissioner~~ director may petition the

district court in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective amusement device or ride, concession booth, or related electrical equipment.

Sec. 1806. Section 88B.1, subsections 3 and 4, Code 2023, are amended by striking the subsections and inserting in lieu thereof the following:

3. *"Department"* means the department of inspections, appeals, and licensing.

4. *"Director"* means the director of the department of inspections, appeals, and licensing.

Sec. 1807. Section 88B.1, subsections 5 and 6, Code 2023, are amended to read as follows:

5. *"License"* means an authorization issued by the ~~division~~ department permitting an individual person, including a supervisor or contractor, to work on an asbestos project, to inspect buildings for asbestos-containing building materials, to develop management plans, and to act as an asbestos project designer.

6. *"Permit"* means an authorization issued by the ~~division~~ department permitting a business entity to remove or encapsulate asbestos.

Sec. 1808. Section 88B.3, Code 2023, is amended to read as follows:

88B.3 Administration — rules — fees — inspections.

1. The ~~commissioner~~ director shall administer this chapter.

2. The ~~commissioner~~ director shall adopt, in accordance with chapter 17A, rules necessary to carry out the provisions of this chapter.

3. The ~~commissioner~~ director shall prescribe fees for the issuance and renewal of licenses and permits. The fees shall be based on the costs of licensing, permitting, and administering this chapter, including time spent by personnel of the ~~division~~ department in performing duties and any travel expenses incurred. All fees provided for in this chapter shall

be collected by the ~~commissioner~~ director and remitted to the treasurer of state for deposit in the general fund of the state.

4. At least once a year, during an actual asbestos project, the ~~division~~ department shall conduct an on-site inspection of each permittee's procedures for removing and encapsulating asbestos.

Sec. 1809. Section 88B.3A, subsection 1, Code 2023, is amended to read as follows:

1. To qualify for a permit, a business entity shall submit an application to the ~~division~~ department in the form required by the ~~division~~ department and pay the prescribed fee.

Sec. 1810. Section 88B.4, Code 2023, is amended to read as follows:

88B.4 Permit — term, renewal, and records required.

1. A permit expires on the first anniversary of its effective date, unless it is renewed for a one-year term as provided in this section.

2. At least one month before the permit expires, the ~~division~~ department shall send to the permittee, at the last known address of the permittee, a renewal notice that states all of the following:

a. The date on which the current permit expires.

b. The date by which the renewal application must be received by the ~~division~~ department for the renewal to be issued and mailed before the permit expires.

c. The amount of the renewal fee.

3. Before the permit expires, the permittee may renew it for an additional one-year term, if the business entity meets the following conditions:

a. Is otherwise entitled to a permit.

b. Submits a renewal application to the ~~division~~ department in the form required by the ~~division~~ department.

c. Pays the renewal fee prescribed by the ~~division~~ department.

4. The permittee shall keep a record of each asbestos project it performs and shall make the record available to the ~~division~~ department at any reasonable time. Records shall contain information and be kept for a time prescribed in rules adopted by the ~~division~~ department.

Sec. 1811. Section 88B.5, Code 2023, is amended to read as follows:

88B.5 Waivers and alternative procedures.

1. In an emergency that results from a sudden, unexpected event that is not a planned renovation or demolition, the ~~commissioner~~ director may waive the requirement for a permit.

2. If the business entity is not primarily engaged in the removal or encapsulation of asbestos, the ~~commissioner~~ director may waive the requirement for a permit if worker protection requirements are met.

3. The ~~division~~ department shall not approve any waivers on work conducted at a school, public, or commercial building unless the request is accompanied by a recommendation from an asbestos project designer.

Sec. 1812. Section 88B.6, subsection 1, paragraphs a and b, Code 2023, are amended to read as follows:

a. To apply for a license, an individual shall submit an application to the ~~division~~ department in the form required by the ~~division~~ department and shall pay the prescribed fee.

b. The application shall include information prescribed by rules adopted by the ~~commissioner~~ director.

Sec. 1813. Section 88B.6, subsection 2, paragraph a, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An individual is not eligible to be or do any of the following unless the person obtains a license from the ~~division~~ department:

Sec. 1814. Section 88B.6, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. To qualify for a license, the applicant must have

successfully completed training as established by the United States environmental protection agency, paid a fee, and met other requirements as specified by the ~~division~~ department by rule.

Sec. 1815. Section 88B.8, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~division~~ department may deny, suspend, or revoke a permit or license, in accordance with chapter 17A, if the permittee or licensee does any of the following:

Sec. 1816. Section 88B.8, subsection 2, Code 2023, is amended to read as follows:

2. Fails at any time to meet the qualifications for a permit or license or to comply with a rule adopted by the ~~commissioner~~ director under this chapter.

Sec. 1817. Section 88B.11, Code 2023, is amended to read as follows:

88B.11 Bids for governmental projects.

A state agency or political subdivision shall not accept a bid in connection with any asbestos project from a business entity that does not hold a permit from the ~~division~~ department at the time the bid is submitted, unless the business entity provides the state agency or political subdivision with written proof that ensures that the business entity has contracted to have the asbestos removal or encapsulation performed by a licensed asbestos contractor.

Sec. 1818. Section 89.1, subsection 1, Code 2023, is amended to read as follows:

1. The ~~labor commissioner~~ director shall enforce the provisions of this chapter and may employ qualified personnel under the provisions of chapter 8A, subchapter IV, to administer the provisions of this chapter.

Sec. 1819. Section 89.2, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

4. *"Department"* means the department of inspections,

34 appeals, and licensing.
35 Sec. 1820. Section 89.2, Code 2023, is amended by adding the
1 following new subsection:
2 NEW SUBSECTION. 4A. *"Director"* means the director of the
3 department of inspections, appeals, and licensing.
4 Sec. 1821. Section 89.2, subsection 9, Code 2023, is amended
5 to read as follows:
6 9. *"Special inspector"* means an inspector who holds a
7 commission from the ~~commissioner~~ director and who is not a
8 state employee.
9 Sec. 1822. Section 89.3, Code 2023, is amended to read as
10 follows:
11 **89.3 Inspection made.**
12 1. It shall be the duty of the ~~commissioner~~ director to
13 inspect or cause to be inspected internally and externally, at
14 least once every twelve months, except as otherwise provided
15 in this section, in order to determine whether all such
16 equipment is in a safe and satisfactory condition, and properly
17 constructed and maintained for the purpose for which it is
18 used, all boilers and unfired steam pressure vessels operating
19 in excess of fifteen pounds per square inch, all low pressure
20 heating boilers and unfired steam pressure vessels located in
21 places of public assembly and other appurtenances used in this
22 state for generating or transmitting steam for power, or for
23 using steam under pressure for heating or steaming purposes.
24 2. The ~~commissioner~~ director may enter any building or
25 structure, public or private, for the purpose of inspecting any
26 equipment covered by this chapter or gathering information with
27 reference thereto.
28 3. The commissioner may inspect boilers and tanks
29 and other equipment stamped with the American society of
30 mechanical engineers code symbol for other than steam pressure,
31 manufactured in Iowa, when requested by the manufacturer.
32 4. *a.* An object that meets all of the following criteria
33 shall be inspected at least once every two years internally

and externally while not under pressure, and at least once every two years externally while under pressure, unless the ~~commissioner~~ director determines that an earlier inspection is warranted:

(1) The object is a boiler with one hundred thousand pounds per hour or more capacity, or the object is an unfired steam pressure vessel or a regulated appurtenance that is part of the same system as a boiler with one hundred thousand pounds per hour or more capacity.

(2) The object contains only water subject to internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water.

(3) The water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors.

b. The owner or user of an object meeting the criteria in paragraph *"a"* shall do the following:

(1) At any time the ~~commissioner~~ director, a special inspector, or the supervisor of water treatment deems a hydrostatic test is necessary to determine the safety of an object, conduct the test under the supervision of the ~~commissioner~~ director.

(2) Keep available for examination by the ~~commissioner~~ director accurate records showing the date and actual time the object is out of service and the reason it is out of service.

(3) Keep available for examination by the ~~commissioner~~ director chemical physical laboratory analyses of samples of the object water taken at regular intervals of not more than forty-eight hours of operation as will adequately show the condition of the water and any elements or characteristics of the water which are capable of producing corrosion or other deterioration of the object or its parts.

5. *a.* An object that meets all of the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally

while not under pressure, unless the ~~commissioner~~ director determines an earlier inspection is warranted:

(1) The object is a boiler with one hundred thousand pounds per hour or more capacity, or the object is an unfired steam pressure vessel or a regulated appurtenance that is part of the same system as a boiler with one hundred thousand pounds per hour or more capacity.

(2) The object contains only water subject to internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water.

(3) The water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors.

(4) Either of the following:

(a) The owner or user is a participant in good standing in the Iowa occupational safety and health voluntary protection program and has achieved star status within the program, which is administered by the division of labor services in the department of ~~workforce development~~ inspections, appeals, and licensing.

(b) The object is an unfired steam pressure vessel and is part of or integral to the continuous operation of a process covered by and compliant with the occupational safety and health administration process safety management standard contained in 29 C.F.R. §1910.119 and the owner demonstrates such compliance to a special inspector or the ~~commissioner~~ director. The unfired steam pressure vessel must also be included as process safety management process equipment in the owner of the unfired steam pressure vessel's process safety management program.

b. The owner or user of an object that meets the criteria in paragraph *"a"* shall do the following:

(1) At any time the ~~commissioner~~ director, a special inspector, or the supervisor of the water treatment deems a hydrostatic test necessary to determine the safety of

an object, conduct the test under the supervision of the ~~commissioner~~ director.

(2) Keep available for examination by the ~~commissioner~~ director accurate records showing the date and actual time the object is out of service and the reason it is out of service.

(3) Arrange for an internal inspection of the object during each planned outage by a special inspector or the ~~commissioner~~ director.

(4) Keep for examination by the ~~commissioner~~ director accurate records showing the chemical physical laboratory analyses of samples of the object's water taken at regular intervals of not more than forty-eight hours of operation adequate to show the condition of the water and any elements or characteristics of the water that are capable of producing corrosion or other deterioration of the object or its parts.

6. Internal inspections of cast aluminum steam, cast aluminum hot water heating, sectional cast iron steam, and cast iron hot water heating boilers shall be conducted only as deemed necessary by the ~~commissioner~~ director. External operating inspections shall be conducted annually.

7. Internal inspections of steel hot water boilers shall be conducted once every six years. External operating inspections shall be conducted annually in years other than the year in which internal inspections are conducted.

8. Inspections of unfired steam pressure vessels operating in excess of fifteen pounds per square inch and low pressure steam boilers shall be conducted at least once each calendar year. The inspections conducted within each two-year period shall include an external inspection conducted while the boiler is operating and an internal inspection, where construction permits. No more than one inspection shall be conducted per six-month period. An internal inspection of an unfired steam pressure vessel or low pressure steam boiler may be required at any time by the ~~commissioner~~ director upon the observation by an inspector of conditions, enumerated by the ~~commissioner~~

34 director through rules, warranting an internal inspection.
35 If a low pressure steam boiler is in dry lay-up, an internal
1 inspection shall be conducted in lieu of an external
2 inspection. For purposes of this subsection, *"dry lay-up"*
3 means a process whereby a boiler is taken out of service for a
4 period of six months or longer, drained, dried, and cleaned,
5 and measures to prevent corrosion are performed on the boiler.
6 9. An internal inspection shall not be required on an
7 unfired steam pressure vessel that was manufactured without an
8 inspection opening.
9 10. An exhibition boiler does not require an annual
10 inspection certificate but special inspections may be requested
11 by the owner or an event's management to be performed by the
12 ~~commissioner~~ director. Upon the completion of an exhibition
13 boiler inspection a written condition report shall be prepared
14 by the ~~commissioner~~ director regarding the condition of
15 the exhibition boiler's boiler or pressure vessel. This
16 report will be issued to the owner and the management of all
17 events at which the exhibition boiler is to be operated. The
18 event's management is responsible for the decision on whether
19 the exhibition boiler should be operated and shall inform
20 the ~~division of labor services~~ department of the event's
21 management's decision. The event's management is responsible
22 for any injuries which result from the operation of any
23 exhibition boiler approved for use at the event by the event's
24 management. A repair symbol, known as the "R" stamp, is not
25 required for repairs made to exhibition boilers pursuant to the
26 rules regarding inspections and repair of exhibition boilers as
27 adopted by the ~~commissioner~~ director, pursuant to chapter 17A.
28 11. An inspection report created pursuant to this chapter
29 that requires modification, alteration, or change shall be in
30 writing and shall cite the state law or rule or the ASME code
31 section allegedly violated.
32 Sec. 1823. Section 89.4, subsection 2, unnumbered paragraph
33 1, Code 2023, is amended to read as follows:

Unfired steam pressure vessels not exceeding the following limitations are not required to be reported to the ~~commissioner~~ director and shall be exempt from regular inspection under provisions of this chapter:

Sec. 1824. Section 89.5, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~commissioner~~ director shall investigate and record the cause of any boiler explosion that may occur in the state, the loss of life, injuries sustained, and estimated loss of property, if any; and such other data as may be of benefit in preventing a recurrence of similar explosions.

2. The ~~commissioner~~ director shall keep a complete and accurate record of the name of the owner or user of each steam boiler or other equipment subject to this chapter, giving a full description of the equipment, including the type, dimensions, age, condition, the amount of pressure allowed, and the date when last inspected.

Sec. 1825. Section 89.6, Code 2023, is amended to read as follows:

89.6 Notice to ~~commissioner~~ director.

1. Before any equipment included under the provisions of this chapter is installed by any owner, user, or lessee thereof, a ten days' written notice of intention to install the equipment shall be given to the ~~commissioner~~ director. The notice shall designate the proposed place of installation, the type and capacity of the equipment, the use to be made thereof, the name of the company which manufactured the equipment, and whether the equipment is new or used.

2. Before any power boiler is converted to a low pressure boiler, the owner or user shall give to the ~~commissioner~~ director ten days' written notice of intent to convert the boiler. The notice shall designate the boiler location, the uses of the building, and other information specified by rule by the board.

Sec. 1826. Section 89.7, Code 2023, is amended to read as

34 follows:

35 **89.7 Special inspectors.**

1 1. The inspection required by this chapter shall not be
2 made by the ~~commissioner~~ director if an owner or user of
3 equipment specified by this chapter obtains an inspection by
4 a representative of a reputable insurance company and obtains
5 a policy of insurance upon the equipment from that insurance
6 company.

7 2. The representative conducting the inspection shall
8 be commissioned by the ~~commissioner~~ director as a special
9 inspector for the year during which the inspection occurs
10 and shall meet such other requirements as the ~~commissioner~~
11 director may by rule establish. The commission shall be valid
12 for one year and the special inspector shall pay a fee for the
13 issuance of the commission. The ~~commissioner~~ director shall
14 establish the amount of the fee by rule. The ~~commissioner~~
15 director shall establish rules for the issuance and revocation
16 of special inspector commissions. The rules are subject to the
17 requirements of chapter 17A.

18 3. The insurance company shall file a notice of insurance
19 coverage on forms approved by the ~~commissioner~~ director stating
20 that the equipment is insured and that inspection shall be made
21 in accordance with section 89.3.

22 4. The special inspector shall provide the user and the
23 ~~commissioner~~ director with an inspection report including the
24 nature and extent of all defects and violations, in a format
25 approved by the ~~labor commissioner~~ director.

26 5. The failure of a special inspector to inform the
27 ~~commissioner~~ director of violations shall not subject the
28 ~~commissioner~~ director to liability for any damages incurred.

29 Sec. 1827. Section 89.7A, Code 2023, is amended to read as
30 follows:

31 **89.7A Certificates.**

32 1. The ~~commissioner~~ director shall issue a certificate of
33 inspection valid for the period specified in section 89.3 after

the payment of a fee, the filing of an inspection report, and the correction or other appropriate resolution of any defects identified in the inspection report. The certificate shall be posted at a place near the location of the equipment.

2. The owner or user of any equipment covered in this chapter, or persons in charge of such equipment, shall not allow or permit a greater pressure in any unit than is stated in the certificate of inspection issued by the ~~commissioner~~ director.

3. The ~~commissioner~~ director shall indicate to the user whether or not the equipment may be used without making repair or replacement of defective parts, or whether or how the equipment may be used in a limited capacity before repairs or replacements are made, and the ~~commissioner~~ director may permit the user a reasonable time to make such repairs or replacements.

Sec. 1828. Section 89.8, Code 2023, is amended to read as follows:

89.8 Boiler and pressure vessel safety fund — fees appropriated.

A boiler and pressure vessel safety revolving fund is created within the state treasury under the control of the ~~commissioner~~ director and shall consist of moneys collected by the ~~commissioner~~ director as fees. Moneys in the fund are appropriated and shall be used by the ~~commissioner~~ director to pay the actual costs and expenses necessary to operate the board and administer the provisions of this chapter. All salaries and expenses properly chargeable to the fund shall be paid from the fund. Section 8.33 does not apply to any moneys in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 1829. Section 89.9, Code 2023, is amended to read as follows:

89.9 Disposal of fees.

All fees provided for in this chapter shall be collected by the ~~commissioner~~ director and remitted to the treasurer of state, to be deposited in the boiler and pressure vessel safety fund pursuant to section 89.8, together with an itemized statement showing the source of collection.

Sec. 1830. Section 89.11, Code 2023, is amended to read as follows:

89.11 Injunction.

1. In addition to all other remedies, if any owner, user, or person in charge of any equipment covered by this chapter continues to use any equipment covered by this chapter, after receiving an inspection report identifying defects and exhausting appeal rights as provided by this chapter without first correcting the defects or making replacements, the ~~commissioner~~ director may apply to the district court by petition in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective equipment.

2. If the ~~commissioner~~ director believes that the continued operation of equipment constitutes an imminent danger that could seriously injure or cause death to any person, in addition to all other remedies, the ~~commissioner~~ director may apply to the district court in the county in which the imminently dangerous condition exists for a temporary order to enjoin the owner, user, or person in charge from operating the equipment before the owner's, user's, or person's rights to administrative appeals have been exhausted.

Sec. 1831. Section 89.12, Code 2023, is amended to read as follows:

89.12 Hearing — notice — decree.

The ~~commissioner~~ director shall notify in writing the owner or user of the equipment of the time and place of hearing of the petition as fixed by the court or judge, and shall serve the notice on the defendant at least five days prior to the hearing in the same manner as original notices are served. The general

34 provisions relating to civil practice and procedure as may be
35 applicable, shall govern the proceedings, except as herein
1 modified. In the event the defendant does not appear or plead
2 to the action, default shall be entered against the defendant.
3 The action shall be tried in equity, and the court or judge
4 shall make such order or decree as the evidence warrants.
5 Sec. 1832. Section 89.13, Code 2023, is amended to read as
6 follows:
7 **89.13 Civil penalty allowed.**
8 If upon notice and hearing the ~~commissioner~~ director
9 determines that an owner has operated a facility in violation
10 of a safety order, the ~~commissioner~~ director may assess a civil
11 penalty against the owner in an amount not exceeding five
12 hundred dollars, as determined by the ~~commissioner~~ director.
13 An order assessing a civil penalty is subject to appeal to
14 the employment appeal board and to judicial review. The
15 ~~commissioner~~ director may commence an action in the district
16 court to enforce payment of a civil penalty. Revenue from
17 the penalty provided in this section shall be remitted to the
18 treasurer of state for deposit in the general fund of the
19 state.
20 Sec. 1833. Section 89.14, subsection 1, Code 2023, is
21 amended to read as follows:
22 1. A boiler and pressure vessel board is created within
23 the ~~division of labor services of the~~ department ~~of workforce~~
24 ~~development~~ to formulate definitions and rules requirements
25 for the safe and proper installation, repair, maintenance,
26 alteration, use, and operation of boilers and pressure vessels
27 in this state.
28 Sec. 1834. Section 89.14, subsection 2, paragraph a, Code
29 2023, is amended to read as follows:
30 *a.* The ~~commissioner~~ director or the ~~commissioner's~~
31 director's designee.
32 Sec. 1835. Section 89.14, subsections 4, 6, and 8, Code
33 2023, are amended to read as follows:

4. The members of the board shall select a chairperson, vice chairperson, and secretary from their membership. However, neither the ~~commissioner~~ director nor the ~~commissioner's~~ director's designee shall serve as chairperson. The board shall meet at least quarterly but may meet as often as necessary. Meetings shall be set by a majority of the board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. A majority of the board members shall constitute a quorum.

6. A notice of defect or inspection report issued by the ~~commissioner~~ director pursuant to this chapter may, within thirty days after the making of the order, be appealed to the board. Board action constitutes final agency action for purposes of chapter 17A.

8. The board shall establish fees for examinations, inspections, annual statements, shop inspections, and other services. The fees shall reflect the actual costs and expenses necessary to operate the board and perform the duties of the ~~commissioner~~ director.

Sec. 1836. Section 89A.1, subsections 2 and 4, Code 2023, are amended by striking the subsections.

Sec. 1837. Section 89A.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. *"Department"* means the department of inspections, appeals, and licensing.

NEW SUBSECTION. 4B. *"Director"* means the director of the department of inspections, appeals, and licensing.

Sec. 1838. Section 89A.1, subsections 11, 15, 16, and 19, Code 2023, are amended to read as follows:

11. *"Inspector"* means an inspector employed by the ~~division~~ department for the purpose of administering this chapter.

15. *"New installation"* means a conveyance the construction or relocation of which is begun, or for which an application for a new installation permit is filed, on or after the effective date of rules relating to those permits adopted by

the ~~commissioner~~ director under authority of this chapter. All other installations are existing installations.

16. *"Owner"* means the owner of a conveyance, unless the conveyance is a new installation or is undergoing major alterations, in which case the owner shall be considered the person responsible for the installation or alteration of the conveyance until the conveyance has passed final inspection by the ~~division~~ department.

19. *"Special inspector"* means an inspector commissioned by the ~~labor commissioner~~ director, and not employed by the ~~division~~ department.

Sec. 1839. Section 89A.3, subsections 6 and 8, Code 2023, are amended to read as follows:

6. The ~~commissioner~~ director shall furnish copies of the rules adopted pursuant to this chapter to any person who requests them, without charge, or upon payment of a charge not to exceed the actual cost of printing of the rules.

8. The ~~commissioner~~ director may adopt rules pursuant to chapter 17A relating to the denial, issuance, revocation, and suspension of special inspector commissions.

Sec. 1840. Section 89A.4, Code 2023, is amended to read as follows:

89A.4 ~~Commissioner's~~ Director's duties and personnel.

The ~~commissioner~~ director shall enforce the provisions of this chapter. The ~~commissioner~~ director shall employ personnel for the administration of this chapter pursuant to chapter 8A, subchapter IV.

Sec. 1841. Section 89A.5, Code 2023, is amended to read as follows:

89A.5 Registration of conveyances.

The owner of every existing conveyance, whether or not dormant, shall register the conveyance with the ~~commissioner~~ director, giving type, contract load and speed, name of manufacturer, its location, and the purpose for which it is used, and other information the ~~commissioner~~ director may

34 require. Registration shall be made in a format required by
35 the ~~division~~ department.
1 Sec. 1842. Section 89A.6, subsections 2, 4, and 5, Code
2 2023, are amended to read as follows:
3 2. Every existing conveyance registered with the
4 ~~commissioner~~ director shall be inspected within one year
5 after the effective date of the registration, except that the
6 safety board may extend by rule the time specified for making
7 inspections.
8 4. The inspections required by subsections 1 through 3
9 shall be made only by inspectors or special inspectors. An
10 inspection by a special inspector may be accepted by the
11 ~~commissioner~~ director in lieu of a required inspection by an
12 inspector.
13 5. A report of every inspection shall be filed with the
14 ~~commissioner~~ director by the inspector or special inspector,
15 in a format required by the ~~commissioner~~ director, after the
16 inspection has been completed and within the time provided
17 by rule, but not to exceed thirty days. The report shall
18 include all information required by the ~~commissioner~~ director
19 to determine whether the conveyance is in compliance with
20 applicable rules. For the inspection required by subsection
21 1, the report shall indicate whether the conveyance has
22 been installed in accordance with the detailed plans and
23 specifications approved by the ~~commissioner~~ director, and
24 meets the requirements of the applicable rules. The failure
25 of a special inspector to inform the ~~commissioner~~ director
26 of violations shall not subject the ~~commissioner~~ director to
27 liability for any damages incurred.
28 Sec. 1843. Section 89A.7, Code 2023, is amended to read as
29 follows:
30 **89A.7 Alteration permits.**
31 The owner shall submit to the ~~commissioner~~ director detailed
32 plans, specifications, and other information the ~~commissioner~~
33 director may require for each conveyance to be altered,

34 together with an application for an alteration permit, in
35 a format required by the ~~commissioner~~ director. Repairs
1 or replacements necessary for normal maintenance are not
2 alterations, and may be made on existing installations with
3 parts equivalent in material, strength, and design to those
4 replaced and no plans or specifications or application need be
5 filed for the repairs or replacements. However, this section
6 does not authorize the use of any conveyance contrary to an
7 order issued pursuant to section 89A.10, subsections 2 and 3.
8 Sec. 1844. Section 89A.8, Code 2023, is amended to read as
9 follows:
10 **89A.8 New installation permits.**
11 1. The installation or relocation of a conveyance shall
12 not begin until an installation permit has been issued by the
13 ~~commissioner~~ director.
14 2. An application for an installation permit shall be
15 submitted in a format determined by the ~~commissioner~~ director.
16 3. *a.* If the application or any accompanying materials
17 indicates a failure to comply with applicable rules, the
18 ~~commissioner~~ director shall give notice of the compliance
19 failures to the person filing the application.
20 *b.* If the application indicates compliance with applicable
21 rules or after compliance failures have been remedied, the
22 ~~commissioner~~ director shall issue an installation permit for
23 relocation or installation, as applicable.
24 Sec. 1845. Section 89A.9, subsection 1, Code 2023, is
25 amended to read as follows:
26 1. Operating permits shall be issued by the ~~commissioner~~
27 director to the owner of every conveyance when the inspection
28 report indicates compliance with the applicable provisions
29 of this chapter. However, a permit shall not be issued
30 if the fees required by this chapter have not been paid.
31 Permits shall be issued within thirty days after filing of
32 the inspection report required by section 89A.6, unless the
33 time is extended for cause by the ~~division~~ department. A

conveyance shall not be operated after the thirty days or after an extension granted by the ~~commissioner~~ director has expired, unless an operating permit has been issued.

Sec. 1846. Section 89A.10, Code 2023, is amended to read as follows:

89A.10 Enforcement orders by ~~commissioner~~ director — injunction.

1. If an inspection report indicates a failure to comply with applicable rules, or with the detailed plans and specifications approved by the ~~commissioner~~ director, the ~~commissioner~~ director may, upon giving notice, order the owner of a conveyance to make the changes necessary for compliance.

2. If the owner does not make the changes necessary for compliance as required in subsection 1 within the period specified by the ~~commissioner~~ director, the ~~commissioner~~ director, upon notice, may suspend or revoke the operating permit, or may refuse to issue the operating permit for the conveyance. The ~~commissioner~~ director shall notify the owner of any action to suspend, revoke, or refuse to issue an operating permit and the reason for the action by service in the same manner as an original notice or by certified mail. An owner may appeal the ~~commissioner's~~ director's initial decision to the safety board. The decision of the safety board shall be considered final agency action pursuant to chapter 17A.

3. If the ~~commissioner~~ director has reason to believe that the continued operation of a conveyance constitutes an imminent danger which could reasonably be expected to seriously injure or cause death to any person, in addition to any other remedies, the ~~commissioner~~ director may apply to the district court in the county in which such imminently dangerous condition exists for a temporary order for the purpose of enjoining such imminently dangerous conveyance. Upon hearing, if deemed appropriate by the court, a permanent injunction may be issued to ensure that such imminently dangerous conveyance be prevented or controlled. Upon the elimination

or rectification of such imminently dangerous condition, the temporary or permanent injunction shall be vacated.

Sec. 1847. Section 89A.12, Code 2023, is amended to read as follows:

89A.12 Access to conveyances.

Every owner of a conveyance subject to regulation by this chapter shall grant access to that conveyance to the ~~commissioner~~ director and personnel of the ~~division~~ department. Inspections shall be permitted at reasonable times, with or without prior notice.

Sec. 1848. Section 89A.13, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

1. An elevator safety board is created within the ~~division of labor services in the~~ department ~~of workforce development~~ to formulate definitions and rules for the safe and proper installation, repair, maintenance, alteration, use, and operation of conveyances in this state.

2. The safety board is composed of nine members, one of whom shall be the ~~commissioner~~ director or the ~~commissioner's~~ director's designee. The governor shall appoint the remaining eight members of the board, subject to senate confirmation, to staggered four-year terms which shall begin and end as provided in section 69.19. The members shall be as follows: two representatives from an elevator manufacturing company or its authorized representative; two representatives from elevator servicing companies; one building owner or manager; one representative employed by a local government in this state who is knowledgeable about building codes in this state; one representative of workers actively involved in the installation, maintenance, and repair of elevators; and one licensed mechanical engineer.

4. The members of the safety board shall select a chairperson, vice chairperson, and a secretary from their membership. However, neither the ~~commissioner~~ director nor the ~~commissioner's~~ director's designee shall serve as chairperson.

The safety board shall meet at least quarterly but may meet as often as necessary. Meetings shall be set by a majority of the safety board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. A majority of the safety board members shall constitute a quorum.

Sec. 1849. Section 89A.15, Code 2023, is amended to read as follows:

89A.15 Inspections by local authorities.

A city or other governmental subdivision shall not make or maintain any ordinance, bylaw, or resolution providing for the licensing of special inspectors. An ordinance or resolution relating to the inspection, construction, installation, alteration, maintenance, or operation of conveyances within the limits of the city or governmental subdivision which conflicts with this chapter or with rules adopted pursuant to this chapter is void. The ~~commissioner~~ director, in the ~~commissioner's~~ director's discretion, may accept inspections by local authorities in lieu of inspections required by section 89A.6, but only upon a showing by the local authority that applicable laws and rules will be consistently and literally enforced and that inspections will be performed by special inspectors.

Sec. 1850. Section 89A.16, Code 2023, is amended to read as follows:

89A.16 Prosecution of offenses.

The ~~division~~ department shall cause prosecution for the violation of the provisions of this chapter to be instituted by the attorney general in the county in which the violation occurred.

Sec. 1851. Section 89A.18, Code 2023, is amended to read as follows:

89A.18 Civil penalty.

If upon notice and hearing the ~~commissioner~~ director determines that an owner has operated a conveyance after an

34 order of the ~~commissioner~~ director that suspends, revokes,
35 or refuses to issue an operating permit for the conveyance
1 has become final under section 89A.10, subsection 2, the
2 ~~commissioner~~ director may assess a civil penalty against the
3 owner in an amount not exceeding five hundred dollars, as
4 determined by the ~~commissioner~~ director. An order assessing
5 a civil penalty is subject to appeal under section 89A.10,
6 subsection 2, in the same manner and to the same extent as
7 decisions referred to in that subsection. The ~~commissioner~~
8 director may commence an action in the district court to
9 enforce payment of the civil penalty. A record of assessment
10 against or payment of a civil penalty by any person for a
11 violation of this section shall not be admissible as evidence
12 in any court in any civil action. Revenue from the penalty
13 provided in this section shall be remitted to the treasurer of
14 state for deposit in the state general fund.
15 Sec. 1852. Section 89A.19, Code 2023, is amended to read as
16 follows:
17 **89A.19 Elevator safety fund — fees appropriated.**
18 A revolving elevator safety fund is created in the state
19 treasury under the control of the ~~commissioner~~ director and
20 shall consist of moneys collected by the ~~commissioner~~ director
21 as fees. Moneys in the fund are appropriated to and shall
22 be used by the ~~commissioner~~ director to pay the actual costs
23 and expenses necessary to operate the safety board and perform
24 the duties of the ~~commissioner~~ director as described in this
25 chapter. All fees collected by the ~~commissioner~~ director
26 pursuant to this chapter shall be remitted to the treasurer
27 of state to be deposited in the elevator safety fund. All
28 salaries and expenses properly chargeable to the fund shall be
29 paid from the fund. Section 8.33 does not apply to any moneys
30 in the fund. Notwithstanding section 12C.7, subsection 2,
31 interest or earnings on moneys deposited in the fund shall be
32 credited to the fund.
33 Sec. 1853. Section 89B.3, Code 2023, is amended by adding

the following new subsection:

NEW SUBSECTION. 01. *"Commissioner"* means the labor commissioner appointed pursuant to section 10A.203, or the labor commissioner's designee.

Sec. 1854. Section 89B.3, subsection 1, Code 2023, is amended to read as follows:

1. *"Division"* means the division of labor services of the department of ~~workforce development created under section 84A.1~~ inspections, appeals, and licensing.

Sec. 1855. Section 90A.1, subsection 2, Code 2023, is amended to read as follows:

2. *"Commissioner"* means the state commissioner of athletics, who is also the ~~labor commissioner appointed pursuant to section 91.2,~~ director of the department of inspections, appeals, and licensing or the ~~labor commissioner's~~ director's designee.

Sec. 1856. Section 91A.2, subsection 1, Code 2023, is amended by striking the subsection.

Sec. 1857. Section 91A.2, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *"Director"* means the director of the department of inspections, appeals, and licensing.

Sec. 1858. Section 91A.6, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

An employer shall after being notified by the ~~commissioner~~ director pursuant to subsection 2:

Sec. 1859. Section 91A.6, subsection 2, Code 2023, is amended to read as follows:

2. The ~~commissioner~~ director shall notify an employer to comply with subsection 1 if the employer has paid a claim for unpaid wages or nonreimbursed authorized expenses and liquidated damages under section 91A.10 or if the employer has been assessed a civil money penalty under section 91A.12. However, a court may, when rendering a judgment for wages or nonreimbursed authorized expenses and liquidated damages or

upholding a civil money penalty assessment, order that an employer shall not be required to comply with the provisions of subsection 1 or that an employer shall be required to comply with the provisions of subsection 1 for a particular period of time.

Sec. 1860. Section 91A.9, Code 2023, is amended to read as follows:

91A.9 General powers and duties of the ~~commissioner~~ director.

1. The ~~commissioner~~ director shall administer and enforce the provisions of this chapter. The ~~commissioner~~ director may hold hearings and investigate charges of violations of this chapter.

2. The ~~commissioner~~ director may, consistent with due process of law, enter any place of employment to inspect records concerning wages and payrolls, to question the employer and employees, and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this chapter. However, such entry by the ~~commissioner~~ director shall only be in response to a written complaint.

3. The ~~commissioner~~ director may employ such qualified personnel as are necessary for the enforcement of this chapter. Such personnel shall be employed pursuant to chapter 8A, subchapter IV.

4. The ~~commissioner~~ director shall, in consultation with the United States department of labor, develop a database of the employers in this state utilizing special certificates issued by the United States secretary of labor as authorized under 29 U.S.C. §214, and shall maintain the database.

5. The ~~commissioner~~ director shall promulgate, pursuant to chapter 17A, any rules necessary to carry out the provisions of this chapter.

Sec. 1861. Section 91A.10, Code 2023, is amended to read as follows:

91A.10 Settlement of claims and suits for wages —

prohibition against discharge of employee.

1. Upon the written complaint of the employee involved, the ~~commissioner~~ director may determine whether wages have not been paid and may constitute an enforceable claim. If for any reason the ~~commissioner~~ director decides not to make such determination, the ~~commissioner~~ director shall so notify the complaining employee within fourteen days of receipt of the complaint. The ~~commissioner~~ director shall otherwise notify the employee of such determination within a reasonable time and if it is determined that there is an enforceable claim, the ~~commissioner~~ director shall, with the consent of the complaining employee, take an assignment in trust for the wages and for any claim for liquidated damages without being bound by any of the technical rules respecting the validity of the assignment. However, the ~~commissioner~~ director shall not accept any complaint for unpaid wages and liquidated damages after one year from the date the wages became due and payable.

2. The ~~commissioner~~ director, with the assistance of the office of the attorney general if the ~~commissioner~~ director requests such assistance, shall, unless a settlement is reached under this subsection, commence a civil action in any court of competent jurisdiction to recover for the benefit of any employee any wage, expenses, and liquidated damages' claims that have been assigned to the ~~commissioner~~ director for recovery. The ~~commissioner~~ director may also request reasonable and necessary attorney fees. With the consent of the assigning employee, the ~~commissioner~~ director may also settle a claim on behalf of the assigning employee. Proceedings under this subsection and subsection 1 that precede commencement of a civil action shall be conducted informally without any party having a right to be heard before the ~~commissioner~~ director. The ~~commissioner~~ director may join various assignments in one claim for the purpose of settling or litigating their claims.

3. The provisions of subsections 1 and 2 shall not be

34 construed to prevent an employee from settling or bringing an
35 action for damages under section 91A.8 if the employee has not
1 assigned the claim under subsection 1.
2 4. Any recovery of attorney fees, in the case of actions
3 brought under this section by the ~~commissioner~~ director, shall
4 be remitted by the ~~commissioner~~ director to the treasurer of
5 state for deposit in the general fund of the state. Also, the
6 ~~commissioner~~ director shall not be required to pay any filing
7 fee or other court costs.
8 5. An employer shall not discharge or in any other manner
9 discriminate against any employee because the employee has
10 filed a complaint, assigned a claim, or brought an action
11 under this section or has cooperated in bringing any action
12 against an employer. Any employee may file a complaint with
13 the ~~commissioner~~ director alleging discharge or discrimination
14 within thirty days after such violation occurs. Upon receipt
15 of the complaint, the ~~commissioner~~ director shall cause an
16 investigation to be made to the extent deemed appropriate. If
17 the ~~commissioner~~ director determines from the investigation
18 that the provisions of this subsection have been violated, the
19 ~~commissioner~~ director shall bring an action in the appropriate
20 district court against such person. The district court shall
21 have jurisdiction, for cause shown, to restrain violations of
22 this subsection and order all appropriate relief including
23 rehiring or reinstatement of the employee to the former
24 position with back pay.
25 Sec. 1862. Section 91A.11, Code 2023, is amended to read as
26 follows:
27 **91A.11 Wage claims brought under reciprocity.**
28 1. The ~~commissioner~~ director may enter into reciprocal
29 agreements with the labor department or corresponding agency
30 of any other state or its representatives for the collection
31 in such other states of claims or judgments for wages and
32 other demands based upon claims assigned to the ~~commissioner~~
33 director.

34 2. The ~~commissioner~~ director may, to the extent provided
35 for by any reciprocal agreement entered into by law or with an
1 agency of another state as provided in this section, maintain
2 actions in the courts of such other state to the extent
3 permitted by the laws of that state for the collection of
4 claims for wages, judgments and other demands and may assign
5 such claims, judgments and demands to the labor department or
6 agency of such other state for collection to the extent that
7 such an assignment may be permitted or provided for by the laws
8 of such state or by reciprocal agreement.
9 3. The ~~commissioner~~ director may, upon the written consent
10 of the labor department or other corresponding agency of any
11 other state or its representatives, maintain actions in the
12 courts of this state upon assigned claims for wages, judgments
13 and demands arising in such other state in the same manner
14 and to the same extent that such actions by the ~~commissioner~~
15 director are authorized when arising in this state. However,
16 such actions may be maintained only in cases in which such
17 other state by law or reciprocal agreement extends a like
18 comity to cases arising in this state.
19 Sec. 1863. Section 91A.12, Code 2023, is amended to read as
20 follows:
21 **91A.12 Civil penalties.**
22 1. Any employer who violates the provisions of this chapter
23 or the rules promulgated under it shall be subject to a civil
24 money penalty of not more than five hundred dollars per pay
25 period for each violation. The ~~commissioner~~ director may
26 recover such civil money penalty according to the provisions
27 of subsections 2 through 5. Any civil money penalty recovered
28 shall be deposited in the general fund of the state.
29 2. The ~~commissioner~~ director may propose that an employer
30 be assessed a civil money penalty by serving the employer with
31 notice of such proposal in the same manner as an original
32 notice is served under the rules of civil procedure. Upon
33 service of such notice, the proposed assessment shall be

34 treated as a contested case under chapter 17A. However, an
35 employer must request a hearing within thirty days of being
1 served.
2 3. If an employer does not request a hearing pursuant
3 to subsection 2 or if the ~~commissioner~~ director determines,
4 after an appropriate hearing, that an employer is in violation
5 of this chapter, the ~~commissioner~~ director shall assess a
6 civil money penalty which is consistent with the provisions
7 of subsection 1 and which is rendered with due consideration
8 for the penalty amount in terms of the size of the employer's
9 business, the gravity of the violation, the good faith of the
10 employer, and the history of previous violations.
11 4. An employer may seek judicial review of any assessment
12 rendered under subsection 3 by instituting proceedings for
13 judicial review pursuant to chapter 17A. However, such
14 proceedings must be instituted in the district court of the
15 county in which the violation or one of the violations occurred
16 and within thirty days of the day on which the employer was
17 notified that an assessment has been rendered. Also, an
18 employer may be required, at the discretion of the district
19 court and upon instituting such proceedings, to deposit the
20 amount assessed with the clerk of the district court. Any
21 moneys so deposited shall either be returned to the employer
22 or be forwarded to the ~~commissioner~~ director for deposit in
23 the general fund of the state, depending on the outcome of the
24 judicial review, including any appeal to the supreme court.
25 5. After the time for seeking judicial review has expired
26 or after all judicial review has been exhausted and the
27 ~~commissioner's~~ director's assessment has been upheld, the
28 ~~commissioner~~ director shall request the attorney general to
29 recover the assessed penalties in a civil action.
30 Sec. 1864. Section 91A.15, subsection 2, paragraph b, Code
31 2023, is amended to read as follows:
32 *b.* The franchisor has been found by the ~~commissioner~~
33 director to have exercised a type or degree of control over

the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 1865. Section 91C.1, Code 2023, is amended to read as follows:

91C.1 Definition — exemption — combined registration and licensing process for plumbers and mechanical professionals.

1. As used in this chapter, unless the context otherwise requires~~, *"contractor"*~~:

a. "Contractor" means a person who engages in the business of construction, as the term *"construction"* is defined in the Iowa administrative code for purposes of chapter 96, the Iowa employment security law. However, a person who earns less than two thousand dollars annually or who performs work or has work performed on the person's own property is not a contractor for purposes of this chapter.

b. "Department" means the department of inspections, appeals, and licensing.

c. "Director" means the director of the department of inspections, appeals, and licensing.

2. The state, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts, are not contractors for purposes of this chapter.

~~2.~~ 3. If a contractor's registration application shows that the contractor is self-employed, does not pay more than two thousand dollars annually to employ other persons in the business, and does not work with or for other contractors in the same phases of construction, the contractor is exempt from the fee requirements under this chapter.

~~3.~~ 4. ~~*a.* The labor services division of the department of workforce development and the Iowa department of public health will work with stakeholders to develop a plan to combine the contractor registration and contractor licensing application process for contractors licensed under chapter 105, to be~~

~~implemented in time for licensing renewals due July 1, 2017.~~ ~~Effective July 1, 2017, a~~ A contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process established by the department. ~~At no cost to the labor services division, the~~ The department ~~of public health~~ shall collect both the registration and licensing applications as part of one combined application. The ~~labor commissioner~~ director shall design the contractor registration application form to exclude from the ~~division of labor services'~~ department's contractor registration application process those contractors who are also covered by chapter 105. The ~~labor commissioner~~ director is authorized to adopt rules as needed to accomplish a merger of the application systems including transitional registration periods and fees.

~~*b.* Effective July 1, 2017, excluding registrations by contractors that are exempt from the registration fee pursuant to this section, the department of public health shall collect and transfer to the labor services division a portion of each contractor license fee equal to three times the contractor registration fee for each three-year license or a prorated portion thereof using a one-sixth deduction for each six-month period of the renewal cycle.~~

Sec. 1866. Section 91C.2, Code 2023, is amended to read as follows:

91C.2 Registration required — conditions.

A contractor doing business in this state shall register with the ~~labor commissioner~~ director and shall meet all of the following requirements as a condition of registration:

1. The contractor shall be in compliance with the laws of this state relating to workers' compensation insurance and shall provide evidence of workers' compensation insurance coverage annually, of relief from the insurance requirement pursuant to section 87.11, or a statement that the contractor is not required to carry workers' compensation coverage.

34 Notice of a policy's cancellation shall be provided to the
35 ~~labor commissioner~~ director by the insurance company.
1 2. The contractor shall possess an employer account number
2 or a special contractor number issued by the department
3 of workforce development pursuant to chapter 96, the Iowa
4 employment security law.
5 3. An out-of-state contractor shall either file a surety
6 bond, as provided in section 91C.7, with the ~~division of labor~~
7 ~~services~~ department in the amount of twenty-five thousand
8 dollars or shall provide a statement to the ~~division of labor~~
9 ~~services~~ department that the contractor is prequalified to bid
10 on projects for the department of transportation pursuant to
11 section 314.1.
12 Sec. 1867. Section 91C.3, subsection 1, unnumbered
13 paragraph 1, Code 2023, is amended to read as follows:
14 The registration application shall be in the form prescribed
15 by the ~~labor commissioner~~ director, shall be accompanied by
16 the registration fee prescribed pursuant to section 91C.4, and
17 shall contain information which is substantially complete and
18 accurate. In addition to the information determined by the
19 ~~labor commissioner~~ director to be necessary for purposes of
20 section 91C.2, the application shall include information as to
21 each of the following:
22 Sec. 1868. Section 91C.3, subsection 2, Code 2023, is
23 amended to read as follows:
24 2. Any change in the information provided shall be reported
25 promptly to the ~~labor commissioner~~ director.
26 Sec. 1869. Section 91C.4, Code 2023, is amended to read as
27 follows:
28 **91C.4 Fees.**
29 The ~~labor commissioner~~ director shall prescribe the fee for
30 registration, which fee shall not exceed fifty dollars every
31 year.
32 Sec. 1870. Section 91C.5, Code 2023, is amended to read as
33 follows:

91C.5 Public registration number — records — revocation.

1. The ~~labor commissioner~~ director shall issue to each registered contractor an identifying public registration number and shall compile records showing the names and public registration numbers of all contractors registered in the state. These records and the complete registration information provided by each contractor are public records and the ~~labor commissioner~~ director shall take steps as necessary to facilitate access to the information by governmental agencies and the general public.

2. The ~~labor commissioner~~ director shall revoke a registration number when the contractor fails to maintain compliance with the conditions necessary to obtain a registration. The ~~labor commissioner~~ director shall provide a fact-finding interview to assure that the contractor is not in compliance before revoking any registration. Hearings on revocation of registrations shall be held in accordance with section 91C.8.

Sec. 1871. Section 91C.6, Code 2023, is amended to read as follows:

91C.6 Rules.

The ~~labor commissioner~~ director shall adopt rules, pursuant to chapter 17A, determined to be reasonably necessary for phasing in, administering, and enforcing the system of contractor registration established by this chapter.

Sec. 1872. Section 91C.7, Code 2023, is amended to read as follows:

91C.7 Contracts — contractor's bond.

1. A contractor who is not registered with the ~~labor commissioner~~ director as required by this chapter shall not be awarded a contract to perform work for the state or an agency of the state.

2. A surety bond filed pursuant to section 91C.2 shall be executed by a surety company authorized to do business in this state, and the bond shall be continuous in nature until

canceled by the surety with not less than thirty days' written notice to the contractor and to the ~~division of labor services of the~~ department ~~of workforce development~~ indicating the surety's desire to cancel the bond. The surety company shall not be liable under the bond for any contract commenced after the cancellation of the bond. The ~~division of labor services of the~~ department ~~of workforce development~~ may increase the bond amount after a hearing.

3. Release of the bond shall be conditioned upon the payment of all taxes, including contributions due under the unemployment compensation insurance system, penalties, interest, and related fees, which may accrue to the state of Iowa. If at any time during the term of the bond, the department of revenue or the department ~~of workforce development~~ determines that the amount of the bond is not sufficient to cover the tax liabilities accruing to the state of Iowa, the ~~labor commissioner~~ director shall require the bond to be increased by an amount the ~~labor commissioner~~ director deems sufficient to cover the tax liabilities accrued and accruing.

4. The department of revenue and the department ~~of workforce development~~ shall adopt rules for the collection of the forfeiture. Notice shall be provided to the surety and to the contractor. Notice to the contractor shall be mailed to the contractor's last known address and to the contractor's registered agent for service of process, if any, within the state. The contractor or surety shall have the opportunity to apply to the director of revenue for a hearing within thirty days after the giving of such notice. Upon the failure to timely request a hearing, the bond shall be forfeited. If, after the hearing upon timely request, the department of revenue or the department ~~of workforce development~~ finds that the contractor has failed to pay the total of all taxes payable, the department of revenue or the department ~~of workforce development~~ shall order the bond forfeited. The

amount of the forfeiture shall be the amount of taxes payable or the amount of the bond, whichever is less. For purposes of this section *"taxes payable"* means all tax, penalties, interest, and fees that the department of revenue has previously determined to be due to the state by assessment or in an appeal of an assessment, including contributions to the unemployment compensation insurance system.

5. If it is determined that this section may cause denial of federal funds which would otherwise be available, or is otherwise inconsistent with requirements of federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

6. The bond required by this section may be attached by the ~~commissioner~~ director for collection of fees and penalties due to the division.

Sec. 1873. Section 91C.8, Code 2023, is amended to read as follows:

91C.8 Investigations — enforcement — administrative penalties.

1. The ~~labor commissioner~~ director and inspectors of the ~~division of labor services of the~~ department ~~of workforce development~~ have jurisdiction for investigation and enforcement in cases where contractors may be in violation of the requirements of this chapter or rules adopted pursuant to this chapter.

2. If, upon investigation, the ~~labor commissioner~~ director or the ~~commissioner's~~ director's authorized representative believes that a contractor has violated any of the following, the ~~commissioner~~ director shall with reasonable promptness issue a citation to the contractor:

a. The requirement that a contractor be registered.

b. The requirement that the contractor's registration information be substantially complete and accurate.

c. The requirement that an out-of-state contractor file a

34 bond with the ~~division of labor services~~ department.
35 3. Each citation shall be in writing and shall describe
1 with particularity the nature of the violation, including a
2 reference to the provision of the statute alleged to have been
3 violated.
4 4. If a citation is issued, the ~~commissioner~~ director shall,
5 within seven days, notify the contractor by service in the
6 same manner as an original notice or by certified mail of the
7 administrative penalty, if any, proposed to be assessed and
8 that the contractor has fifteen working days within which to
9 notify the ~~commissioner~~ director that the contractor wishes to
10 contest the citation or proposed assessment of penalty.
11 5. The administrative penalties which may be imposed under
12 this section shall be not more than five hundred dollars
13 in the case of a first violation and not more than five
14 thousand dollars for each violation in the case of a second or
15 subsequent violation. All administrative penalties collected
16 pursuant to this chapter shall be deposited in the general fund
17 of the state.
18 6. If, within fifteen working days from the receipt of
19 the notice, the contractor fails to notify the ~~commissioner~~
20 director that the contractor intends to contest the citation
21 or proposed assessment of penalty, the citation and the
22 assessment, as proposed, shall be deemed a final order of the
23 employment appeal board and not subject to review by any court
24 or agency.
25 7. If the contractor notifies the ~~commissioner~~ director
26 that the contractor intends to contest the citation or proposed
27 assessment of penalty, the ~~commissioner~~ director shall
28 immediately advise the employment appeal board established by
29 section 10A.601. The employment appeal board shall review the
30 action of the ~~commissioner~~ director and shall thereafter issue
31 an order, based on findings of fact, affirming, modifying, or
32 vacating the ~~commissioner's~~ director's citation or proposed
33 penalty or directing other appropriate relief, and the order

34 shall become final sixty days after its issuance.
35 8. The ~~labor commissioner~~ director shall notify the
1 department of revenue upon final agency action regarding
2 the citation and assessment of penalty against a registered
3 contractor.
4 9. Judicial review of any order of the employment appeal
5 board issued pursuant to this section may be sought in
6 accordance with the terms of chapter 17A. If no petition
7 for judicial review is filed within sixty days after service
8 of the order of the employment appeal board, the appeal
9 board's findings of fact and order shall be conclusive in
10 connection with any petition for enforcement which is filed
11 by the ~~commissioner~~ director after the expiration of the
12 sixty-day period. In any such case, the clerk of court, unless
13 otherwise ordered by the court, shall forthwith enter a decree
14 enforcing the order and shall transmit a copy of the decree to
15 the employment appeal board and the contractor named in the
16 petition.
17 Sec. 1874. Section 91C.9, subsection 1, Code 2023, is
18 amended to read as follows:
19 1. A contractor registration revolving fund is created in
20 the state treasury. The revolving fund shall be administered
21 by the ~~commissioner~~ director and shall consist of moneys
22 collected by the ~~commissioner~~ director as fees. The
23 ~~commissioner~~ director shall remit all fees collected pursuant
24 to this chapter to the revolving fund. The moneys in the
25 revolving fund are appropriated to and shall be used by the
26 ~~commissioner~~ director to pay the actual costs and expenses
27 necessary to perform the duties of the ~~commissioner~~ director
28 and the ~~division of labor services~~ department as described in
29 this chapter. All salaries and expenses properly chargeable to
30 the revolving fund shall be paid from the revolving fund.
31 Sec. 1875. Section 91D.1, subsection 1, paragraph c, Code
32 2023, is amended to read as follows:
33 *c.* For purposes of determining whether an employee of a

restaurant, hotel, motel, inn, or cabin, who customarily and regularly receives more than thirty dollars a month in tips is receiving the minimum hourly wage rate prescribed by this section, the amount paid the employee by the employer shall be deemed to be increased on account of the tips by an amount determined by the employer, not to exceed forty percent of the applicable minimum wage. An employee may file a written appeal with the ~~labor commissioner~~ director of the department of inspections, appeals, and licensing if the amount of tips received by the employee is less than the amount determined by the employer under this subsection.

Sec. 1876. Section 91D.1, subsection 3, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) The franchisor has been found by the ~~labor commissioner~~ director to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

Sec. 1877. Section 91D.1, subsection 5, Code 2023, is amended to read as follows:

5. The ~~labor commissioner~~ director shall adopt rules to implement and administer this section.

Sec. 1878. Section 91E.1, subsection 1, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

1. *"Director"* means the director of the department of inspections, appeals, and licensing.

Sec. 1879. Section 91E.2, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If a Spanish-speaking interpreter is needed, the employer shall select an interpreter from a list of interpreters developed by the department of ~~workforce development~~ inspections, appeals, and licensing.

Sec. 1880. Section 91E.5, Code 2023, is amended to read as follows:

91E.5 Duties and authority of the ~~commissioner~~ director.

1. The ~~commissioner~~ director shall adopt rules to implement and enforce this chapter and shall provide further exemptions from the provisions of this chapter where reasonable.

2. In order to carry out the purposes of this chapter, the ~~commissioner~~ director or the ~~commissioner's~~ director's representative, upon presenting appropriate credentials to the owner, operator, or agent in charge, may:

a. Inspect employment records relating to the total number of employees and non-English speaking employees, and the services provided to non-English speaking employees.

b. Interview an employer, owner, operator, agent, or employee, during working hours or at other reasonable times.

Sec. 1881. Section 92.1, Code 2023, is amended to read as follows:

92.1 Street occupations — migratory labor.

1. No person under ten years of age shall be employed or permitted to work with or without compensation at any time within this state in street occupations of peddling, shoe polishing, the distribution or sale of newspapers, magazines, periodicals or circulars, nor in any other occupations in any street or public place. The ~~labor commissioner~~ director shall, when ordered by a judge of the juvenile court, issue a work permit as provided in this chapter to a person under ten years of age.

2. No person under twelve years of age shall be employed or permitted to work with or without compensation at any time within this state in connection with migratory labor, except that the ~~labor commissioner~~ director may upon sufficient showing by a judge of the juvenile court, issue a work permit as provided in this chapter to a person under twelve years of age.

Sec. 1882. NEW SECTION. **92.1B Definition.**

For purposes of this chapter, *"director"* means the director of the department of inspections, appeals, and licensing.

Sec. 1883. Section 92.4, subsection 1, Code 2023, is amended to read as follows:

1. Those persons legally out of school, if such status is verified by the submission of written proof to the ~~labor commissioner~~ director.

Sec. 1884. Section 92.6, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. Occupations prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

Sec. 1885. Section 92.8, subsection 21, Code 2023, is amended to read as follows:

21. Occupations prohibited by rules adopted pursuant to chapter 17A by the ~~labor commissioner~~ director.

Sec. 1886. Section 92.11, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A work permit, except for migrant laborers, shall be issued only by the ~~labor commissioner~~ director upon the application of the parent, guardian, or custodian of the child desiring such permit. The application shall include the following:

Sec. 1887. Section 92.12, subsections 2 and 3, Code 2023, are amended to read as follows:

2. Work permits for migrant workers shall be issued by the ~~labor commissioner~~ director upon application of the parent or head of the migrant family. The application shall include documentation of proof of age as described in section 92.11, subsection 2.

3. One copy of the permit issued shall be given to the employer to be kept on file for the length of employment and upon termination of employment shall be returned to the ~~labor commissioner~~ director. The blank forms for the application for a work permit for migratory workers and the work permit for migratory workers shall be formulated by the ~~commissioner~~ director.

Sec. 1888. Section 92.13, Code 2023, is amended to read as follows:

92.13 Optional refusal of permit.

The ~~labor commissioner~~ director may refuse to grant a permit if, in the ~~commissioner's~~ director's judgment, the best interests of the minor would be served by such refusal and the ~~commissioner~~ director shall keep a record of such refusals, and the reasons therefor.

Sec. 1889. Section 92.15, Code 2023, is amended to read as follows:

92.15 Application to ~~labor commissioner~~ director.

An application for a work permit pursuant to section 92.11 or section 92.12 shall be submitted to the office of the ~~labor commissioner~~ director within three days after the child begins work.

Sec. 1890. Section 92.16, Code 2023, is amended to read as follows:

92.16 Forms for permits formulated.

The proper forms for the application for a work permit, the work permit, the certificate of age, and the physician's certificate shall be formulated by the ~~labor commissioner~~ director.

Sec. 1891. Section 92.21, Code 2023, is amended to read as follows:

92.21 Rules and orders of ~~labor commissioner~~ director.

1. The ~~labor commissioner~~ director may adopt rules pursuant to chapter 17A to more specifically define the occupations and equipment permitted or prohibited in this chapter, to determine occupations for which work permits are required, and to issue general and special orders prohibiting or allowing the employment of persons under eighteen years of age in any place of employment defined in this chapter as hazardous to the health, safety, and welfare of the persons.

2. The ~~labor commissioner~~ director shall adopt rules pursuant to chapter 17A specifically defining the civil penalty amount to be assessed for violations of this chapter.

Sec. 1892. Section 92.22, Code 2023, is amended to read as

34 follows:

35 **92.22 ~~Labor commissioner~~ Director to enforce —— civil penalty**
1 **—— judicial review.**

2 1. The ~~labor commissioner~~ director shall enforce this
3 chapter. An employer who violates this chapter or the rules
4 adopted pursuant to this chapter is subject to a civil penalty
5 of not more than ten thousand dollars for each violation.

6 2. The ~~commissioner~~ director shall notify the employer
7 of a proposed civil penalty by service in the same manner as
8 an original notice or by certified mail. If, within fifteen
9 working days from the receipt of the notice, the employer fails
10 to file a notice of contest in accordance with rules adopted by
11 the ~~commissioner~~ director pursuant to chapter 17A, the penalty,
12 as proposed, shall be deemed final agency action for purposes
13 of judicial review.

14 3. The ~~commissioner~~ director shall notify the department of
15 revenue upon final agency action regarding the assessment of a
16 penalty against an employer. Interest shall be calculated from
17 the date of final agency action.

18 4. Judicial review of final agency action pursuant to
19 this section may be sought in accordance with the terms of
20 section 17A.19. If no petition for judicial review is filed
21 within sixty days after service of the final agency action
22 of the ~~commissioner~~ director, the ~~commissioner's~~ director's
23 findings of fact and final agency action shall be conclusive in
24 connection with any petition for enforcement which is filed by
25 the ~~commissioner~~ director after the expiration of the sixty-day
26 period. In any such case, the clerk of court, unless otherwise
27 ordered by the court, shall forthwith enter a decree enforcing
28 the final agency action and shall transmit a copy of the decree
29 to the ~~commissioner~~ director and the employer named in the
30 petition.

31 5. Any penalties recovered pursuant to this section shall be
32 remitted by the ~~commissioner~~ director to the treasurer of state
33 for deposit in the general fund of the state.

6. Mayors and police officers, sheriffs, school superintendents, and school truant and attendance officers, within their several jurisdictions, shall cooperate in the enforcement of this chapter and furnish the ~~commissioner~~ director and the ~~commissioner's~~ director's designees with all information coming to their knowledge regarding violations of this chapter. All such officers and any person authorized in writing by a court of record shall have the authority to enter, for the purpose of investigation, any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of this chapter.

7. County attorneys shall investigate all complaints made to them of violations of this chapter, and prosecute all such cases of violation within their respective counties.

Sec. 1893. Section 96.1A, subsection 23, Code 2023, is amended to read as follows:

23. *"Hospital"* means an institution which has been licensed, certified, or approved by the department of inspections, ~~and~~ appeals, and licensing as a hospital.

Sec. 1894. Section 97B.20A, Code 2023, is amended to read as follows:

97B.20A Appeal procedure.

Members and third-party payees may appeal any decision made by the system that affects their rights under this chapter. The appeal shall be filed with the system within thirty days after the notification of the decision was mailed to the party's last known mailing address, or the decision of the system is final. If the party appeals the decision of the system, the system shall conduct an internal review of the decision and the chief executive officer shall notify the individual who has filed the appeal in writing of the system's decision. The individual who has filed the appeal may file an appeal of the system's final decision with the system under chapter 17A by notifying the system of the appeal in writing within thirty days after the notification of its final decision

was mailed to the party's last known mailing address. Once notified, the system shall forward the appeal to the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1895. Section 97B.20B, Code 2023, is amended to read as follows:

97B.20B Hearing by administrative law judge.

If an appeal is filed and is not withdrawn, an administrative law judge in the department of inspections, ~~and~~ appeals, and licensing, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify, or reverse the decision of the system. The hearing shall be recorded by mechanical means and a transcript of the hearing shall be made. The transcript shall then be made available for use by the employment appeal board and by the courts at subsequent judicial review proceedings under the Iowa administrative procedure Act, chapter 17A, if any. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons. The decision is final unless, within thirty days after the date of notification or mailing of the decision, review by the employment appeal board is initiated pursuant to section 97B.27.

Sec. 1896. Section 97B.27, Code 2023, is amended to read as follows:

97B.27 Review of decision.

Anyone aggrieved by the decision of the administrative law judge may, at any time before the administrative law judge's decision becomes final, petition the department of inspections, ~~and~~ appeals, and licensing for review by the employment appeal board established in section 10A.601. The appeal board shall review the record made before the administrative law judge, but no additional evidence shall be heard. On the basis of the record the appeal board shall affirm, modify, or reverse the decision of the administrative law judge and shall determine the rights of the appellant. It shall promptly notify the appellant and any other interested party by written decision.

Sec. 1897. Section 99B.1, subsection 13, Code 2023, is amended to read as follows:

13. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1898. Section 99B.6, Code 2023, is amended to read as follows:

99B.6 Attorney general and county attorney — prosecution.

Upon request of the department of inspections, ~~and~~ appeals, and licensing or the division of criminal investigation of the department of public safety, the attorney general shall institute in the name of the state the proper proceedings against a person charged by either department with violating this chapter, and a county attorney, at the request of the attorney general, shall appear and prosecute an action when brought in the county attorney's county.

Sec. 1899. Section 99B.7, Code 2023, is amended to read as follows:

99B.7 Division of criminal investigation.

The division of criminal investigation of the department of public safety may investigate to determine licensee compliance with the requirements of this chapter. Investigations may be conducted either on the criminal investigation division's own initiative or at the request of the department of inspections, ~~and~~ appeals, and licensing. The criminal investigation division and the department of inspections, ~~and~~ appeals, and licensing shall cooperate to the maximum extent possible on an investigation.

Sec. 1900. Section 99B.58, Code 2023, is amended to read as follows:

99B.58 Electrical or mechanical amusement devices — special fund.

Fees collected by the department pursuant to sections 99B.53 and 99B.56 shall be deposited in a special fund created in the state treasury. Moneys in the fund are appropriated to the department of inspections, ~~and~~ appeals, and licensing

and the department of public safety for administration and enforcement of this subchapter, including employment of necessary personnel. The distribution of moneys in the fund to the department of inspections, ~~and~~ appeals, and licensing and the department of public safety shall be pursuant to a written policy agreed upon by the departments. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state.

Sec. 1901. Section 99D.5, subsection 1, Code 2023, is amended to read as follows:

1. A state racing and gaming commission is created within the department of inspections, ~~and~~ appeals, and licensing consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.

Sec. 1902. Section 99F.4B, Code 2023, is amended to read as follows:

99F.4B Rules.

The department of inspections, ~~and~~ appeals, and licensing shall cooperate to the maximum extent possible with the division of criminal investigation in adopting rules relating to the gaming operations in this chapter and chapters 99D and 99E.

Sec. 1903. Section 99F.20, subsection 1, Code 2023, is amended to read as follows:

1. A gaming regulatory revolving fund is created in the state treasury under the control of the department of inspections, ~~and~~ appeals, and licensing. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph *"c"*, fees paid by licensees pursuant to section

99E.5, subsection 4, paragraph *"c"*, regulatory fees paid by licensees pursuant to section 99F.4, subsection 27, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph *"c"*. All costs relating to racetrack, excursion boat, gambling structure, internet fantasy sports contests as defined in section 99E.1, and sports wagering regulation shall be paid from the fund as provided in appropriations made for this purpose by the general assembly. The department shall provide quarterly reports to the department of management and the legislative services agency specifying revenues billed and collected and expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

Sec. 1904. Section 123.3, subsection 23, Code 2023, is amended to read as follows:

23. *"Hotel"* or *"motel"* means premises licensed by the department of inspections, ~~and~~ appeals, and licensing and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

Sec. 1905. Section 123.10, subsection 15, Code 2023, is amended to read as follows:

15. Prescribing the uniform fee, not to exceed one hundred dollars, to be assessed against a licensee or permittee for a contested case hearing conducted by the division or by an administrative law judge from the department of inspections, ~~and~~ appeals, and licensing which results in administrative action taken against the licensee or permittee by the division.

Sec. 1906. Section 123.17, subsection 4, Code 2023, is amended to read as follows:

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department

34 of management, the department of inspections, ~~and~~ appeals,
35 and licensing, and the department of commerce shall take
1 appropriate actions to provide that the sum of the amount of
2 gaming revenues available to be deposited into the revenue
3 bonds debt service fund and the revenue bonds federal subsidy
4 holdback fund during a fiscal year and the amount of moneys to
5 be deposited in the beer and liquor control fund available to
6 be deposited into the revenue bonds debt service fund and the
7 revenue bonds federal subsidy holdback fund during such fiscal
8 year will be sufficient to cover any anticipated deficiencies.
9 Sec. 1907. Section 123.30, subsection 1, paragraph b, Code
10 2023, is amended to read as follows:
11 *b.* As a condition for issuance of a retail alcohol license
12 or wine or beer permit, the applicant must give consent
13 to members of the fire, police, and health departments and
14 the building inspector of cities; the county sheriff or
15 deputy sheriff; members of the department of public safety;
16 representatives of the division and of the department of
17 inspections, ~~and~~ appeals, and licensing; certified police
18 officers; and any official county health officer to enter upon
19 areas of the premises where alcoholic beverages are stored,
20 served, or sold, without a warrant during business hours of
21 the licensee or permittee to inspect for violations of this
22 chapter or ordinances and regulations that cities and boards
23 of supervisors may adopt. However, a subpoena issued under
24 section 421.17 or a warrant is required for inspection of
25 private records, a private business office, or attached living
26 quarters. Persons who are not certified peace officers shall
27 limit the scope of their inspections of licensed premises
28 to the regulatory authority under which the inspection is
29 conducted. All persons who enter upon a licensed premises to
30 conduct an inspection shall present appropriate identification
31 to the owner of the establishment or the person who appears
32 to be in charge of the establishment prior to commencing
33 an inspection; however, this provision does not apply to

34 undercover criminal investigations conducted by peace officers.
35 Sec. 1908. Section 123.32, subsection 6, paragraph b, Code
1 2023, is amended to read as follows:
2 *b.* Upon receipt of an application having been approved by
3 the local authority, the division shall make an investigation
4 as the administrator deems necessary to determine that the
5 applicant complies with all requirements for holding a license,
6 and may require the applicant to appear to be examined under
7 oath to demonstrate that the applicant complies with all of the
8 requirements to hold a license. If the administrator requires
9 the applicant to appear and to testify under oath, a record
10 shall be made of all testimony or evidence and the record
11 shall become a part of the application. The administrator
12 may appoint a member of the division or may request an
13 administrative law judge of the department of inspections, ~~and~~
14 appeals, and licensing to receive the testimony under oath
15 and evidence, and to issue a proposed decision to approve or
16 disapprove the application for a license. The administrator
17 may affirm, reverse, or modify the proposed decision to
18 approve or disapprove the application for the license. If
19 the application is approved by the administrator, the license
20 shall be issued. If the application is disapproved by the
21 administrator, the applicant shall be so notified by certified
22 mail or personal service and the appropriate local authority
23 shall be notified electronically, or in a manner prescribed by
24 the administrator.
25 Sec. 1909. Section 123.32, subsections 7 and 9, Code 2023,
26 are amended to read as follows:
27 7. *Appeal to administrator.* An applicant for a retail
28 alcohol license may appeal from the local authority's
29 disapproval of an application for a license or permit to the
30 administrator. In the appeal the applicant shall be allowed
31 the opportunity to demonstrate in an evidentiary hearing
32 conducted pursuant to chapter 17A that the applicant complies
33 with all of the requirements for holding the license or permit.

34 The administrator may appoint a member of the division or
35 may request an administrative law judge from the department
1 of inspections, ~~and~~ appeals, and licensing to conduct the
2 evidentiary hearing and to render a proposed decision to
3 approve or disapprove the issuance of the license or permit.
4 The administrator may affirm, reverse, or modify the proposed
5 decision. If the administrator determines that the applicant
6 complies with all of the requirements for holding a license
7 or permit, the administrator shall order the issuance of the
8 license or permit. If the administrator determines that the
9 applicant does not comply with the requirements for holding
10 a license or permit, the administrator shall disapprove the
11 issuance of the license or permit.
12 9. *Suspension by local authority.* A retail alcohol licensee
13 whose license has been suspended or revoked or a civil penalty
14 imposed by a local authority for a violation of this chapter
15 or suspended by a local authority for violation of a local
16 ordinance may appeal the suspension, revocation, or civil
17 penalty to the administrator. The administrator may appoint
18 a member of the division or may request an administrative
19 law judge from the department of inspections, ~~and~~ appeals,
20 and licensing to hear the appeal which shall be conducted in
21 accordance with chapter 17A and to issue a proposed decision.
22 The administrator may review the proposed decision upon the
23 motion of a party to the appeal or upon the administrator's
24 own motion in accordance with chapter 17A. Upon review of the
25 proposed decision, the administrator may affirm, reverse, or
26 modify the proposed decision. A retail alcohol licensee or a
27 local authority aggrieved by a decision of the administrator
28 may seek judicial review of the decision pursuant to chapter
29 17A.
30 Sec. 1910. Section 123.39, subsection 1, paragraph e, Code
31 2023, is amended to read as follows:
32 *e.* Before suspension, revocation, or imposition of a
33 civil penalty by the administrator, the license, permit,

or certificate holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections, ~~and~~ appeals, and licensing to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.

Sec. 1911. Section 125.18, Code 2023, is amended to read as follows:

125.18 Hearing before board.

If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation, or refusal to renew a license, a hearing before the board shall be expeditiously arranged by the department of inspections, ~~and~~ appeals, and licensing whose decision is subject to review by the board. The board shall issue a written statement of the board's findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation, or refusal to renew a license. Action involving suspension, revocation, or refusal to renew a license shall not be taken by the board unless a quorum is present at the meeting. A copy of the board's decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the board in accordance with the terms of chapter 17A.

Sec. 1912. Section 135.11, subsection 10, Code 2023, is amended to read as follows:

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

~~chapter 155~~.

Sec. 1913. Section 135.16A, subsection 1, paragraph d, Code 2023, is amended to read as follows:

d. *"Grocery store"* means a food establishment as defined in section 137F.1 licensed by the department of inspections, ~~and~~ appeals, and licensing pursuant to section 137F.4, to sell food or food products to customers intended for preparation or consumption off premises.

Sec. 1914. Section 135.16A, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The department of inspections, ~~and~~ appeals, and licensing shall assist the Iowa department of public health in adopting rules necessary to implement and administer this section.

Sec. 1915. Section 135.63, subsection 2, paragraph g, subparagraph (1), subparagraph division (a), Code 2023, is amended to read as follows:

(a) The institutional health facility reports to the department the number and type of beds reduced on a form prescribed by the department at least thirty days before the reduction. In the case of a health care facility, the new bed total must be consistent with the number of licensed beds at the facility. In the case of a hospital, the number of beds must be consistent with bed totals reported to the department of inspections, ~~and~~ appeals, and licensing for purposes of licensure and certification.

Sec. 1916. Section 135B.1, subsection 1, Code 2023, is amended to read as follows:

1. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1917. Section 135C.1, subsections 4, 6, and 20, Code 2023, are amended to read as follows:

4. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

6. *"Director"* means the director of the department of inspections, ~~and~~ appeals, and licensing, or the director's

34 designee.
35 20. *"Residential care facility"* means any institution,
1 place, building, or agency providing for a period exceeding
2 twenty-four consecutive hours accommodation, board, personal
3 assistance and other essential daily living activities to
4 three or more individuals, not related to the administrator or
5 owner thereof within the third degree of consanguinity, who by
6 reason of illness, disease, or physical or mental infirmity
7 are unable to sufficiently or properly care for themselves but
8 who do not require the services of a registered or licensed
9 practical nurse except on an emergency basis or who by reason
10 of illness, disease, or physical or mental infirmity are unable
11 to sufficiently or properly care for themselves but who do not
12 require the services of a registered or licensed practical
13 nurse except on an emergency basis if home and community-based
14 services, other than nursing care, as defined by this chapter
15 and departmental rule, are provided. For the purposes of
16 this definition, the home and community-based services to be
17 provided are limited to the type included under the medical
18 assistance program provided pursuant to chapter 249A, are
19 subject to cost limitations established by the department of
20 human services under the medical assistance program, and except
21 as otherwise provided by the department of inspections, ~~and~~
22 appeals, and licensing with the concurrence of the department
23 of human services, are limited in capacity to the number of
24 licensed residential care facilities and the number of licensed
25 residential care facility beds in the state as of December 1,
26 2003.
27 Sec. 1918. Section 135C.4, subsection 3, Code 2023, is
28 amended to read as follows:
29 3. For the purposes of this section, the home and
30 community-based services to be provided shall be limited to the
31 type included under the medical assistance program provided
32 pursuant to chapter 249A, shall be subject to cost limitations
33 established by the department of human services under the

34 medical assistance program, and except as otherwise provided by
35 the department of inspections, ~~and~~ appeals, and licensing with
1 the concurrence of the department of human services, shall be
2 limited in capacity to the number of licensed residential care
3 facilities and the number of licensed residential care facility
4 beds in the state as of December 1, 2003.
5 Sec. 1919. Section 135C.19, subsection 3, Code 2023, is
6 amended to read as follows:
7 3. If the facility cited subsequently advises the
8 department of human services that the violation has been
9 corrected to the satisfaction of the department of inspections,
10 ~~and~~ appeals, and licensing, the department of human services
11 shall maintain this advisory in the same file with the copy
12 of the citation. The department of human services shall
13 not disseminate to the public any information regarding
14 citations issued by the department of inspections, ~~and~~ appeals,
15 and licensing, but shall forward or refer inquiries to the
16 department of inspections, ~~and~~ appeals, and licensing.
17 Sec. 1920. Section 135C.31A, subsection 1, Code 2023, is
18 amended to read as follows:
19 1. A health care facility shall assist the Iowa department
20 of veterans affairs in identifying, upon admission of a
21 resident, the resident's eligibility for benefits through the
22 United States department of veterans affairs. The department
23 of inspections, ~~and~~ appeals, and licensing, in cooperation
24 with the department of human services, shall adopt rules to
25 administer this section, including a provision that ensures
26 that if a resident is eligible for benefits through the United
27 States department of veterans affairs or other third-party
28 payor, the payor of last resort for reimbursement to the
29 health care facility is the medical assistance program.
30 The rules shall also require the health care facility to
31 request information from a resident or resident's personal
32 representative regarding the resident's veteran status and to
33 report to the Iowa department of veterans affairs only the

34 names of residents identified as potential veterans along with
35 the names of their spouses and any dependents. Information
1 reported by the health care facility shall be verified by the
2 Iowa department of veterans affairs. This section shall not
3 apply to the admission of an individual to a state mental
4 health institute for acute psychiatric care or to the admission
5 of an individual to the Iowa veterans home.
6 Sec. 1921. Section 135C.31A, subsection 2, paragraph b,
7 Code 2023, is amended to read as follows:
8 *b.* The department of inspections, ~~and~~ appeals, and
9 licensing, the department of veterans affairs, and the
10 department of human services shall identify any barriers
11 to residents in accessing such prescription drug benefits
12 and shall assist health care facilities in adjusting their
13 procedures for medication administration to comply with this
14 subsection.
15 Sec. 1922. Section 135C.33, subsection 7, paragraph a, Code
16 2023, is amended to read as follows:
17 *a.* The department of inspections, ~~and~~ appeals, and
18 licensing, in conjunction with other departments and agencies
19 of state government involved with criminal history and
20 abuse registry information, shall establish a single contact
21 repository for facilities and other providers to have
22 electronic access to data to perform background checks for
23 purposes of employment, as required of the facilities and other
24 providers under this section.
25 Sec. 1923. Section 135C.34, Code 2023, is amended to read
26 as follows:
27 **135C.34 Medication aide —— certification.**
28 The department of inspections, ~~and~~ appeals, and licensing,
29 in cooperation with other appropriate agencies, shall establish
30 a procedure to allow a person who is certified as a medication
31 aide in another state to become certified in this state upon
32 completion and passage of both the certified nurse aide and
33 certified medication aide challenge examinations, without

34 additional requirements for certification, including but
35 not limited to, required employment in this state prior to
1 certification. The department shall adopt rules pursuant to
2 chapter 17A to administer this section.
3 Sec. 1924. Section 135G.1, subsection 2, Code 2023, is
4 amended to read as follows:
5 2. *"Department"* means the department of inspections, ~~and~~
6 appeals, and licensing.
7 Sec. 1925. Section 135G.10, subsection 1, unnumbered
8 paragraph 1, Code 2023, is amended to read as follows:
9 The department of inspections, ~~and~~ appeals, and licensing
10 and the department of human services shall collaborate
11 in establishing standards for licensing of subacute care
12 facilities to achieve all of the following objectives:
13 Sec. 1926. Section 135G.10, subsection 3, Code 2023, is
14 amended to read as follows:
15 3. The department of inspections, ~~and~~ appeals, and
16 licensing, in consultation with the department of human
17 services and affected professional groups, shall adopt and
18 enforce rules setting out the standards for a subacute care
19 facility and the rights of the residents admitted to a subacute
20 care facility. The department of inspections, ~~and~~ appeals, and
21 licensing and the department of human services shall coordinate
22 the adoption of rules and the enforcement of the rules in order
23 to prevent duplication of effort by the departments and of
24 requirements of the licensee.
25 Sec. 1927. Section 135G.11, subsection 2, Code 2023, is
26 amended to read as follows:
27 2. Upon receipt of a complaint made in accordance with
28 subsection 1, the department shall make a preliminary review
29 of the complaint. Unless the department concludes that the
30 complaint is intended to harass a subacute care facility or
31 a licensee or is without reasonable basis, it shall within
32 twenty working days of receipt of the complaint make or cause
33 to be made an on-site inspection of the subacute care facility

34 which is the subject of the complaint. The department of
35 inspections, ~~and~~ appeals, and licensing may refer to the
1 department of human services any complaint received by the
2 department of inspections, ~~and~~ appeals, and licensing if the
3 complaint applies to rules adopted by the department of human
4 services. The complainant shall also be notified of the name,
5 address, and telephone number of the designated protection and
6 advocacy agency if the alleged violation involves a facility
7 with one or more residents with a developmental disability or
8 mental illness. In any case, the complainant shall be promptly
9 informed of the result of any action taken by the department
10 in the matter.
11 Sec. 1928. Section 135H.1, subsection 1, Code 2023, is
12 amended to read as follows:
13 1. *"Department"* means the department of inspections, ~~and~~
14 appeals, and licensing.
15 Sec. 1929. Section 135H.10, subsection 1, Code 2023, is
16 amended to read as follows:
17 1. The department ~~of inspections and appeals~~, in
18 consultation with the department of human services and affected
19 professional groups, shall adopt and enforce rules setting
20 out the standards for a psychiatric medical institution
21 for children and the rights of the residents admitted to a
22 psychiatric institution. The department ~~of inspections and~~
23 ~~appeals~~ and the department of human services shall coordinate
24 the adoption of rules and the enforcement of the rules in order
25 to prevent duplication of effort by the departments and of
26 requirements of the licensee.
27 Sec. 1930. Section 135H.12, subsection 1, Code 2023, is
28 amended to read as follows:
29 1. Upon receipt of a complaint made in accordance with
30 section 135H.11, the department shall make a preliminary review
31 of the complaint. Unless the department concludes that the
32 complaint is intended to harass a psychiatric institution or a
33 licensee or is without reasonable basis, it shall within twenty

34 working days of receipt of the complaint make or cause to be
35 made an on-site inspection of the psychiatric institution which
1 is the subject of the complaint. The department ~~of inspections~~
2 ~~and appeals~~ may refer to the department of human services any
3 complaint received by the department if the complaint applies
4 to rules adopted by the department of human services. The
5 complainant shall also be notified of the name, address, and
6 telephone number of the designated protection and advocacy
7 agency if the alleged violation involves a facility with one
8 or more residents with developmental disabilities or mental
9 illness. In any case, the complainant shall be promptly
10 informed of the result of any action taken by the department
11 in the matter.
12 Sec. 1931. Section 135J.1, subsection 3, Code 2023, is
13 amended to read as follows:
14 3. *"Department"* means the department of inspections, ~~and~~
15 appeals, and licensing.
16 Sec. 1932. Section 135J.2, subsection 2, Code 2023, is
17 amended to read as follows:
18 2. The hospice program shall meet the criteria pursuant
19 to section 135J.3 before a license is issued. The department
20 ~~of inspections and appeals~~ is responsible to provide the
21 necessary personnel to inspect the hospice program, the home
22 care and inpatient care provided and the hospital or facility
23 used by the hospice to determine if the hospice complies with
24 necessary standards before a license is issued. Hospices that
25 are certified as Medicare hospice providers by the department
26 ~~of inspections and appeals~~ or are accredited as hospices by
27 the joint commission on the accreditation of health care
28 organizations, shall be licensed without inspection by the
29 department of inspections, ~~and~~ appeals, and licensing.
30 Sec. 1933. Section 135J.4, Code 2023, is amended to read as
31 follows:
32 **135J.4 Inspection.**
33 The department ~~of inspections and appeals~~ shall make or be

34 responsible for inspections of the hospice program, the home
35 care and the inpatient care provided in the hospice program,
1 and the hospital or facility before a license is issued. The
2 department ~~of inspections and appeals~~ shall inspect the hospice
3 program periodically after initial inspection.
4 Sec. 1934. Section 135O.1, subsections 1 and 2, Code 2023,
5 are amended to read as follows:
6 1. *"Boarding home"* means a premises used by its owner
7 or lessee for the purpose of letting rooms for rental to
8 three or more persons not related within the third degree of
9 consanguinity to the owner or lessee where supervision or
10 assistance with activities of daily living is provided to such
11 persons. A boarding home does not include a facility, home,
12 or program otherwise subject to licensure or regulation by the
13 department of health and human services~~,~~ or the department ~~of~~
14 ~~inspections and appeals, or department of public health~~.
15 2. *"Department"* means the department of inspections, ~~and~~
16 appeals, and licensing.
17 Sec. 1935. Section 135O.2, subsection 2, Code 2023, is
18 amended to read as follows:
19 2. The department ~~of inspections and appeals~~ shall adopt
20 rules to administer this chapter in consultation with the
21 departments of human services and public safety.
22 Sec. 1936. Section 135O.3, subsection 2, paragraph a, Code
23 2023, is amended to read as follows:
24 *a.* The interagency approach may involve a multidisciplinary
25 team consisting of employees of the department ~~of inspections~~
26 ~~and appeals~~, the department of human services, ~~the state fire~~
27 ~~marshal,~~ and the division of criminal investigation of the
28 department of public safety, or other local, state, and federal
29 agencies.
30 Sec. 1937. Section 135O.3, subsection 4, Code 2023, is
31 amended to read as follows:
32 4. If the department or a multidisciplinary team has
33 probable cause to believe that a boarding home is in violation

of this chapter or licensing or other regulatory requirements of the department of human services, department ~~of inspections and appeals~~, or department of public health, or that dependent adult abuse of any individual living in a boarding home has occurred, and upon producing proper identification, is denied entry to the boarding home or access to any individual living in the boarding home for the purpose of making an inspection or conducting an investigation, the department or multidisciplinary team may, with the assistance of the county attorney of the county in which the boarding home is located, apply to the district court for an order requiring the owner or lessee to permit entry to the boarding home and access to the individuals living in the boarding home.

Sec. 1938. Section 135Q.1, subsection 1, Code 2023, is amended to read as follows:

1. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1939. Section 137C.2, subsections 2 and 3, Code 2023, are amended to read as follows:

2. *"Director"* means the director of the department of inspections, ~~and~~ appeals, and licensing or the director's designee.

3. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1940. Section 137D.1, subsection 1, Code 2023, is amended to read as follows:

1. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1941. Section 137F.1, subsections 4 and 5, Code 2023, are amended to read as follows:

4. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

5. *"Director"* means the director of the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1942. Section 137F.3A, Code 2023, is amended to read

34 as follows:

35 **137F.3A Municipal corporation inspections —— contingent**
1 **appropriation.**

2 1. *a.* The department ~~of inspections and appeals~~ may employ
3 additional full-time equivalent positions to enforce the
4 provisions of this chapter and chapters 137C and 137D, with
5 the approval of the department of management, if either of the
6 following apply:

7 (1) A municipal corporation operating pursuant to a chapter
8 28E agreement with the department ~~of inspections and appeals~~
9 to enforce the chapters either fails to renew the agreement
10 effective after April 1, 2007, or discontinues, after April
11 1, 2007, enforcement activities in one or more jurisdictions
12 during the agreement time frame.

13 (2) The department ~~of inspections and appeals~~ cancels an
14 agreement after April 1, 2007, due to noncompliance with the
15 terms of the agreement.

16 *b.* Before approval may be given, the director of the
17 department of management must have determined that the expenses
18 exceed the funds budgeted by the general assembly for food
19 inspections to the department ~~of inspections and appeals~~. The
20 department ~~of inspections and appeals~~ may hire no more than one
21 full-time equivalent position for each six hundred inspections
22 required pursuant to this chapter and chapters 137C and 137D.

23 2. Notwithstanding chapter 137D, and sections 137C.9 and
24 137F.6, if the conditions described in this section are met,
25 fees imposed pursuant to that chapter and those sections
26 shall be retained by and are appropriated to the department
27 ~~of inspections and appeals~~ each fiscal year to provide for
28 salaries, support, maintenance, and miscellaneous purposes
29 associated with the additional inspections. The appropriation
30 made in this subsection is not applicable in a fiscal year for
31 which the general assembly enacts an appropriation made for the
32 purposes described in this subsection.

33 Sec. 1943. Section 147.77, subsection 1, paragraph g,

34 unnumbered paragraph 1, Code 2023, is amended to read as
35 follows:
1 The department of inspections, ~~and~~ appeals, and licensing,
2 with respect to rules relating to the following:
3 Sec. 1944. Section 147.77, subsection 1, paragraph g, Code
4 2023, is amended by adding the following new subparagraphs:
5 NEW SUBPARAGRAPH. (6) For applications for a license to
6 practice asbestos removal, that except as noted in rule, only
7 worker and contractor/supervisor license applicants must submit
8 the respiratory protection and physician's certification forms.
9 NEW SUBPARAGRAPH. (7) For documentation held by persons
10 licensed for asbestos abatement in an area that is subject to
11 a disaster emergency proclamation, that the director of the
12 department of inspections, appeals, and licensing deems an
13 individual contractor, supervisor, or worker to be licensed
14 and authorized for asbestos abatement if the individual, in
15 addition to other specified conditions, makes immediately
16 available on the work site a copy of a physician's statement
17 indicating that, consistent with federal law, a licensed
18 physician has examined the individual within the past twelve
19 months and approved the individual to work while wearing a
20 respirator.
21 NEW SUBPARAGRAPH. (8) That the contents of an application
22 for an event license for a covered athletic event other than a
23 professional wrestling event shall contain, along with other
24 requirements, a copy of the medical license of the ringside
25 physician and the date, time, and location of the ringside
26 physician's examination of the contestants.
27 NEW SUBPARAGRAPH. (9) For the responsibilities of the
28 promoter of an athletic event, that the promoter submit test
29 results to the ringside physician no later than at the time of
30 the physical showing that each contestant scheduled for the
31 event tested negative for the human immunodeficiency, hepatitis
32 B, and hepatitis C viruses within the one-year period prior to
33 the event, and that the contestant shall not participate and

34 the physician shall notify the promoter that the contestant is
35 prohibited from participating for medical reasons if specified
1 circumstances occur.
2 NEW SUBPARAGRAPH. (10) For injuries during a professional
3 boxing match, that if a contestant claims to be injured during
4 the bout, the referee shall stop the bout and request the
5 attending physician to make an examination. If the physician
6 decides that the contestant has been injured as the result of a
7 foul, the physician shall advise the referee of the injury. If
8 the physician is of the opinion that the injured contestant may
9 be able to continue, the physician shall order an intermission,
10 after which the physician shall make another examination and
11 again advise the referee of the injured contestant's condition.
12 It shall be the duty of the promoter to have an approved
13 physician in attendance during the entire duration of all
14 bouts.
15 NEW SUBPARAGRAPH. (11) For persons allowed in a ring during
16 a professional boxing match, that no person other than the
17 contestants and the referee shall enter the ring during the
18 bout, excepting the seconds between the rounds or the attending
19 physician if asked by the referee to examine an injury to a
20 contestant.
21 NEW SUBPARAGRAPH. (12) For the weighing of contestants in
22 a professional boxing match, that contestants shall be weighed
23 and examined on the day of the scheduled match by the attending
24 ring physician at a time and place to be determined by the
25 state commissioner of athletics.
26 NEW SUBPARAGRAPH. (13) For attending ring physicians
27 during a professional boxing match, that when a boxer has been
28 injured seriously, knocked out, or technically knocked out, the
29 referee shall immediately summon the attending ring physician
30 to aid the stricken boxer, and that managers, handlers, and
31 seconds shall not attend to the stricken boxer, except at the
32 request of the physician.
33 NEW SUBPARAGRAPH. (14) For the keeping of time during a

34 professional boxing match, that the timekeeper shall keep an
35 exact record of time taken out at the request of a referee for
1 an examination of a contestant by the physician.
2 NEW SUBPARAGRAPH. (15) For the suspension of contestants
3 during a professional boxing match that is an elimination
4 tournament, that a contestant who for specified reasons is not
5 permitted to box in the state for a period of time shall be
6 examined by a physician approved by the state commissioner of
7 athletics before being permitted to fight again.
8 NEW SUBPARAGRAPH. (16) For the designation of officials for
9 professional kickboxing, that the designation of physicians is
10 subject to the approval of the state commissioner of athletics
11 or designee.
12 NEW SUBPARAGRAPH. (17) For officials for a mixed martial
13 arts event, that officials shall include a physician.
14 NEW SUBPARAGRAPH. (18) For the keeping of time for a mixed
15 martial arts event, that the timekeeper shall keep an exact
16 record of time taken out at the request of a referee for an
17 examination of a contestant by the physician.
18 NEW SUBPARAGRAPH. (19) For persons allowed in the cage
19 during a mixed martial arts event, that a physician may enter
20 the cage to examine a contestant upon the request of the
21 referee.
22 NEW SUBPARAGRAPH. (20) For the decorum of persons involved
23 in a mixed martial arts event, that a contestant is exempt
24 from prohibitions on specified conduct while interacting with
25 the contestant's opponent during a round, but if the round
26 is stopped by the physician or referee for a time out, the
27 prohibitions shall apply to the contestant.
28 NEW SUBPARAGRAPH. (21) For the examination of contestants
29 in a mixed martial arts event, that on the day of the event,
30 at a time and place to be approved by the state commissioner
31 of athletics, the ringside physician shall conduct a rigorous
32 physical examination to determine the contestant's fitness
33 to participate in a mixed martial arts match, and that

a contestant deemed not fit by the physician shall not participate in the event.

NEW SUBPARAGRAPH. (22) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician.

Sec. 1945. Section 147.77, subsection 1, paragraph p, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The labor services division of the department of ~~workforce development~~ inspections, appeals, and licensing, with respect to rules relating to the following:

Sec. 1946. Section 147.77, subsection 1, paragraph p, subparagraphs (3) through (19), Code 2023, are amended by striking the subparagraphs.

Sec. 1947. Section 147.87, Code 2023, is amended to read as follows:

147.87 Enforcement.

A board shall enforce the provisions of this chapter and the board's enabling statute and for that purpose may request the department of inspections, ~~and~~ appeals, and licensing to make necessary investigations. Every licensee and member of a board shall furnish the board or the department of inspections, ~~and~~ appeals, and licensing such evidence as the member or licensee may have relative to any alleged violation which is being

34 investigated.
35 Sec. 1948. Section 147.88, Code 2023, is amended to read as
1 follows:
2 **147.88 Inspections and investigations.**
3 The department of inspections, ~~and~~ appeals, and licensing
4 may perform inspections and investigations as required by this
5 subtitle, except inspections and investigations for the board
6 of medicine, board of pharmacy, board of nursing, and the
7 dental board. The department of inspections, ~~and~~ appeals, and
8 licensing shall employ personnel related to the inspection and
9 investigative functions.
10 Sec. 1949. Section 155A.13, subsection 4, paragraph b, Code
11 2023, is amended to read as follows:
12 *b.* To the maximum extent possible, the board shall
13 coordinate the rules with the standards and conditions
14 described in paragraph *"a"*, subparagraph (4), and shall
15 coordinate its inspections of hospital pharmacies with the
16 Medicare surveys of the department of inspections, ~~and~~ appeals,
17 and licensing and with the board's inspections with respect to
18 controlled substances conducted under contract with the federal
19 government.
20 Sec. 1950. Section 155A.15, subsection 2, paragraph d,
21 subparagraph (5), Code 2023, is amended to read as follows:
22 (5) A licensed health care facility which is furnished
23 the drug or device by a pharmacy for storage in secured
24 emergency pharmaceutical supplies containers maintained within
25 the facility in accordance with rules of the department of
26 inspections, ~~and~~ appeals, and licensing and rules of the board.
27 Sec. 1951. Section 169.14, subsection 1, Code 2023, is
28 amended to read as follows:
29 1. The board, upon its own motion or upon a verified
30 complaint in writing, may request the department of
31 inspections, ~~and~~ appeals, and licensing to conduct an
32 investigation of the charges contained in the complaint. The
33 department of inspections, ~~and~~ appeals, and licensing shall

report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

Sec. 1952. Section 190B.102, subsection 3, Code 2023, is amended to read as follows:

3. The department of agriculture and land stewardship, the department of public health, the department of human services, and the department of inspections, ~~and~~ appeals, and licensing shall cooperate with the department of revenue to administer this subchapter.

Sec. 1953. Section 204.7, subsection 8, paragraph a, subparagraph (3), Code 2023, is amended to read as follows:

(3) The consumable hemp product complies with packaging and labeling requirements, which shall be established by the department of inspections, ~~and~~ appeals, and licensing by rule.

Sec. 1954. Section 204.7, subsection 8, paragraphs b and c, Code 2023, are amended to read as follows:

b. A person manufacturing a consumable hemp product in this state shall register with the department of inspections, ~~and~~ appeals, and licensing on a form prescribed by the department of inspections, ~~and~~ appeals, and licensing by rule. The department of inspections, ~~and~~ appeals, and licensing may impose a fee, established by the department of inspections, ~~and~~ appeals, and licensing by rule, on a registrant not to exceed the cost of processing the registration. The department of inspections, ~~and~~ appeals, and licensing shall adopt rules for the revocation of a registration issued to a manufacturer who manufactures a consumable hemp product not in compliance with this chapter.

c. A person selling a consumable hemp product in this state shall register with the department of inspections,

34 ~~and~~ appeals, and licensing on a form prescribed by the
35 department of inspections, ~~and~~ appeals, and licensing by
1 rule and shall keep on the premises of the person's business
2 a copy of the certificate of analysis issued pursuant to
3 section 204.8 for the hemp contained in the consumable hemp
4 products sold by the person. The department of inspections,
5 ~~and~~ appeals, and licensing may impose a fee, established by
6 the department of inspections, ~~and~~ appeals, and licensing by
7 rule, on a registrant not to exceed the cost of processing the
8 registration. The department of inspections, ~~and~~ appeals,
9 and licensing shall adopt rules for the revocation of a
10 registration issued to a person who sells a consumable hemp
11 product not in compliance with this section.
12 Sec. 1955. Section 217.34, Code 2023, is amended to read as
13 follows:
14 **217.34 Debt setoff.**
15 The investigations division of the department of
16 inspections, ~~and~~ appeals, and licensing and the department of
17 human services shall provide assistance to set off against a
18 person's or provider's income tax refund or rebate any debt
19 which has accrued through written contract, nonpayment of
20 premiums pursuant to section 249A.3, subsection 2, paragraph
21 *"a"*, subparagraph (1), subrogation, departmental recoupment
22 procedures, or court judgment and which is in the form of a
23 liquidated sum due and owing the department of human services.
24 The department of inspections, ~~and~~ appeals, and licensing,
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 and the foster care recovery
35 unit.
1 Sec. 1956. Section 217.35, unnumbered paragraph 1, Code
2 2023, is amended to read as follows:
3 Notwithstanding the requirement for deposit of recovered
4 moneys under section 239B.14, recovered moneys generated
5 through fraud and recoupment activities are appropriated to
6 the department of human services to be used for additional
7 fraud and recoupment activities performed by the department of
8 human services or the department of inspections, ~~and~~ appeals,
9 and licensing. The department of human services may use
10 the recovered moneys appropriated to add not more than five
11 full-time equivalent positions, in addition to those funded
12 by annual appropriations. The appropriation of the recovered
13 moneys is subject to both of the following conditions:
14 Sec. 1957. Section 225C.4, subsection 1, paragraphs t and u,
15 Code 2023, are amended to read as follows:
16 *t.* In cooperation with the department of inspections, ~~and~~
17 appeals, and licensing, recommend minimum standards under
18 section 227.4 for the care of and services to persons with
19 mental illness or an intellectual disability residing in county
20 care facilities. The administrator shall also cooperate with
21 the department of inspections, ~~and~~ appeals, and licensing
22 in recommending minimum standards for care of and services
23 provided to persons with mental illness or an intellectual
24 disability living in a residential care facility regulated
25 under chapter 135C.
26 *u.* In cooperation with the Iowa department of public health,
27 recommend minimum standards for the maintenance and operation
28 of public or private facilities offering disability services,
29 which are not subject to licensure by the department or the
30 department of inspections, ~~and~~ appeals, and licensing.
31 Sec. 1958. Section 225C.6, subsection 1, paragraph e, Code
32 2023, is amended to read as follows:
33 *e.* Unless another governmental body sets standards for a

service available to persons with disabilities, adopt state standards for that service. The commission shall review the licensing standards used by the department of human services or department of inspections, ~~and~~ appeals, and licensing for those facilities providing disability services.

Sec. 1959. Section 225C.6, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. The department shall coordinate with the department of inspections, ~~and~~ appeals, and licensing in the establishment of facility-based and community-based, subacute mental health services.

Sec. 1960. Section 225C.6C, subsections 1 and 3, Code 2023, are amended to read as follows:

1. The departments of inspections, ~~and~~ appeals, and licensing, human services, and public health shall comply with the requirements of this section in their efforts to improve the regulatory requirements applied to the mental health and disability regional service system administration and service providers.

3. The departments ~~of human services and inspections and appeals~~ shall jointly review the standards and inspection process applicable to residential care facilities.

Sec. 1961. Section 227.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The director of inspections, ~~and~~ appeals, and licensing shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the administrator of the division or the director of the department of inspections, ~~and~~ appeals, and licensing, in cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private or county institution where persons with mental illness or an intellectual disability reside. A licensure inspection or a review shall be made by a competent and disinterested person who is acquainted with

34 and interested in the care of persons with mental illness
35 and persons with an intellectual disability. The objective
1 of a licensure inspection or a review shall be an evaluation
2 of the programming and treatment provided by the facility.
3 After each licensure inspection of a county care facility,
4 the person who made the inspection shall consult with the
5 regional administrator for the county in which the facility
6 is located on plans and practices that will improve the care
7 given patients. The person shall also make recommendations
8 to the administrator of the division and the director of
9 public health for coordinating and improving the relationships
10 between the administrators of county care facilities, the
11 administrator of the division, the director of public health,
12 the superintendents of state mental health institutes and
13 resource centers, community mental health centers, mental
14 health and disability services regions, and other cooperating
15 agencies, to cause improved and more satisfactory care of
16 patients. A written report of each licensure inspection of a
17 county care facility under this section shall be filed by the
18 person with the administrator of the division and the director
19 of public health and shall include:
20 Sec. 1962. Section 227.2, subsection 3, Code 2023, is
21 amended to read as follows:
22 3. The department of inspections, ~~and~~ appeals, and
23 licensing shall inform the administrator of the division of an
24 action by the department to suspend, revoke, or deny renewal of
25 a 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 Sec. 1963. Section 227.4, Code 2023, is amended to read as
29 follows:
30 **227.4 Standards for care of persons with mental illness or an**
31 **intellectual disability in county care facilities.**
32 The administrator, in cooperation with the department of
33 inspections, ~~and~~ appeals, and licensing, shall recommend

34 and the mental health and disability services commission
35 created in section 225C.5 shall adopt, or amend and adopt,
1 standards for the care of and services to persons with mental
2 illness or an intellectual disability residing in county care
3 facilities. The standards shall be enforced by the department
4 of inspections, ~~and~~ appeals, and licensing as a part of the
5 licensure inspection conducted pursuant to chapter 135C. The
6 objective of the standards is to ensure that persons with
7 mental illness or an intellectual disability who are residents
8 of county care facilities are not only adequately fed, clothed,
9 and housed, but are also offered reasonable opportunities for
10 productive work and recreational activities suited to their
11 physical and mental abilities and offering both a constructive
12 outlet for their energies and, if possible, therapeutic
13 benefit. When recommending standards under this section,
14 the administrator shall designate an advisory committee
15 representing administrators of county care facilities, regional
16 administrators, mental health and disability services region
17 governing boards, and county care facility certified volunteer
18 long-term care ombudsmen to assist in the establishment of
19 standards.
20 Sec. 1964. Section 231.42, subsections 4 and 10, Code 2023,
21 are amended to read as follows:
22 4. *Referrals of abuse, neglect, or exploitation.*
23 *a.* If abuse, neglect, or exploitation of a resident or
24 tenant is suspected, the state or a local long-term care
25 ombudsman shall, with the permission of the resident or tenant
26 as applicable under federal law, make an immediate referral to
27 the department of inspections, ~~and~~ appeals, and licensing, the
28 department of human services, the department on aging, or the
29 appropriate law enforcement agency, as applicable.
30 *b.* If the department of inspections, ~~and~~ appeals, and
31 licensing responds to a complaint referred by the state or
32 a local long-term care ombudsman against a long-term care
33 facility, assisted living program, elder group home, or an

34 employee of such entity, copies of related inspection reports,
35 plans of correction, and notice of any citations and sanctions
1 levied against the facility, program, or home shall be
2 forwarded to the office of long-term care ombudsman.
3 10. *Change in operations.* A long-term care facility,
4 assisted living program, or elder group home shall inform the
5 office of long-term care ombudsman in writing at least thirty
6 days prior to any change in operations, programs, services,
7 licensure, or certification that affects residents or tenants,
8 including but not limited to the intention to close, decertify,
9 or change ownership. In an emergency situation, or when a
10 long-term care facility, assisted living program, or elder
11 group home is evacuated, the department of inspections, ~~and~~
12 appeals, and licensing shall notify the office of long-term
13 care ombudsman.
14 Sec. 1965. Section 231.58, Code 2023, is amended to read as
15 follows:
16 **231.58 Long-term living coordination.**
17 The director may convene meetings, as necessary, of the
18 director and the directors of human services, public health,
19 and inspections, ~~and~~ appeals, and licensing, to assist in
20 the coordination of policy, service delivery, and long-range
21 planning relating to the long-term living system and older
22 Iowans in the state. The group may consult with individuals,
23 institutions and entities with expertise in the area of the
24 long-term living system and older Iowans, as necessary, to
25 facilitate the group's efforts.
26 Sec. 1966. Section 231B.1, subsection 1, Code 2023, is
27 amended to read as follows:
28 1. *"Department"* means the department of inspections, ~~and~~
29 appeals, and licensing or the department's designee.
30 Sec. 1967. Section 231C.2, subsection 4, Code 2023, is
31 amended to read as follows:
32 4. *"Department"* means the department of inspections, ~~and~~
33 appeals, and licensing or the department's designee.

Sec. 1968. Section 231C.5A, Code 2023, is amended to read as follows:

231C.5A Assessment of tenants — program eligibility.

An assisted living program receiving reimbursement through the medical assistance program under chapter 249A shall assist the department of veterans affairs in identifying, upon admission of a tenant, the tenant's eligibility for benefits through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections, ~~and~~ appeals, and licensing, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

Sec. 1969. Section 231D.1, subsection 3, Code 2023, is amended to read as follows:

3. *"Department"* means the department of inspections, ~~and~~ appeals, and licensing.

Sec. 1970. Section 232.142, subsection 5, Code 2023, is amended to read as follows:

5. The director, the director of the department of human rights, or a designee of the director of the department of human rights shall approve annually all such homes established

34 and maintained under the provisions of this chapter. A home
35 shall not be approved unless it complies with minimal rules and
1 standards adopted by the director and has been inspected by the
2 department of inspections, ~~and~~ appeals, and licensing. The
3 statewide number of beds in the homes approved by the director
4 shall not exceed two hundred seventy-two beds beginning July 1,
5 2017. This subsection is repealed July 1, 2023.
6 Sec. 1971. Section 234.12, subsection 3, Code 2023, is
7 amended to read as follows:
8 3. Upon request by the department of human services, the
9 department of inspections, ~~and~~ appeals, and licensing shall
10 conduct investigations into possible fraudulent practices,
11 as described in section 234.13, relating to food programs
12 administered by the department of human services.
13 Sec. 1972. Section 235.5, Code 2023, is amended to read as
14 follows:
15 **235.5 Inspections.**
16 The department of inspections, ~~and~~ appeals, and licensing
17 shall conduct inspections of private institutions for the care
18 of dependent, neglected, and delinquent children in accordance
19 with procedures established pursuant to chapters 10A and 17A.
20 Sec. 1973. Section 235A.15, subsection 2, paragraph e,
21 subparagraph (17), Code 2023, is amended to read as follows:
22 (17) To the department of inspections, ~~and~~ appeals, and
23 licensing for purposes of record checks of applicants for
24 employment with the department of inspections, ~~and~~ appeals, and
25 licensing.
26 Sec. 1974. Section 235A.16, subsection 2, paragraph b, Code
27 2023, is amended to read as follows:
28 *b.* The department of inspections, ~~and~~ appeals, and licensing
29 may provide access to the single contact repository established
30 under section 135C.33, subsection 7, for criminal and abuse
31 history checks made by those employers, agencies, and other
32 persons that are authorized access to child abuse information
33 under section 235A.15 and are required by law to perform such

34 checks.
35 Sec. 1975. Section 235B.1, subsection 4, paragraph a,
1 subparagraph (1), Code 2023, is amended to read as follows:
2 (1) Advise the director of human services, the director
3 of the department on aging, the director of inspections, ~~and~~
4 appeals, and licensing, the director of public health, the
5 director of the department of corrections, and the director of
6 human rights regarding dependent adult abuse.
7 Sec. 1976. Section 235B.1, subsection 4, paragraph b,
8 subparagraph (1), Code 2023, is amended to read as follows:
9 (1) The advisory council shall consist of twelve members.
10 Eight members shall be appointed by and serve at the pleasure
11 of the governor. Four of the members appointed shall be
12 appointed on the basis of knowledge and skill related to
13 expertise in the area of dependent adult abuse including
14 professionals practicing in the disciplines of medicine, public
15 health, mental health, long-term care, social work, law,
16 and law enforcement. Two of the members appointed shall be
17 members of the general public with an interest in the area of
18 dependent adult abuse and two of the members appointed shall
19 be members of the Iowa caregivers association. In addition,
20 the membership of the council shall include the director or the
21 director's designee of the department of human services, the
22 department on aging, the Iowa department of public health, and
23 the department of inspections, ~~and~~ appeals, and licensing.
24 Sec. 1977. Section 235B.3, subsection 1, paragraph a,
25 subparagraphs (2), (3), and (4), Code 2023, are amended to read
26 as follows:
27 (2) However, the department of inspections, ~~and~~ appeals,
28 and licensing is solely responsible for the evaluation and
29 disposition of dependent adult abuse cases within facilities
30 and programs pursuant to chapter 235E and shall inform
31 the department of human services of such evaluations and
32 dispositions pursuant to section 235E.2.
33 (3) If, in the course of an assessment or evaluation of

34 a report of dependent adult abuse, the department of human
35 services or the department of inspections, ~~and~~ appeals, and
1 licensing determines the case involves wages, workplace safety,
2 or other labor and employment matters under the jurisdiction
3 of the department of inspections, appeals, and licensing or
4 the division of labor services of the department of ~~workforce~~
5 ~~development~~ inspections, appeals, and licensing, the relevant
6 portions of the case shall be referred to the department
7 of inspections, appeals, and licensing or the division, as
8 applicable.
9 (4) If, in the course of an assessment or evaluation of
10 a report of dependent adult abuse, the department of human
11 services or the department of inspections, ~~and~~ appeals, and
12 licensing determines that the case involves discrimination
13 under the jurisdiction of the civil rights commission,
14 the relevant portions of the case shall be referred to the
15 commission.
16 Sec. 1978. Section 235B.3, subsection 10, paragraph a, Code
17 2023, is amended to read as follows:
18 *a.* If, upon completion of the evaluation or upon referral
19 from the department of inspections, ~~and~~ appeals, and
20 licensing, the department determines that the best interests
21 of the dependent adult require court action, the department
22 shall initiate action for the appointment of a guardian or
23 conservator or for admission or commitment to an appropriate
24 institution or facility pursuant to the applicable procedures
25 under chapter 125, 222, 229, or 633, or shall pursue other
26 remedies provided by law. The appropriate county attorney
27 shall assist the department in the preparation of the necessary
28 papers to initiate the action and shall appear and represent
29 the department at all district court proceedings.
30 Sec. 1979. Section 235B.3, subsection 14, Code 2023, is
31 amended to read as follows:
32 14. The department of inspections, ~~and~~ appeals, and
33 licensing shall adopt rules which require facilities or

34 programs to separate an alleged dependent adult abuser from a
35 victim following an allegation of perpetration of abuse and
1 prior to the completion of an investigation of the allegation.
2 Sec. 1980. Section 235B.5, subsection 5, Code 2023, is
3 amended to read as follows:
4 5. An oral report of suspected dependent adult abuse
5 initially made to the central registry regarding a facility or
6 program as defined in section 235E.1 shall be transmitted by
7 the department to the department of inspections, ~~and~~ appeals,
8 and licensing on the first working day following the submitting
9 of the report.
10 Sec. 1981. Section 235B.6, subsection 2, paragraph e,
11 subparagraph (9), Code 2023, is amended to read as follows:
12 (9) The department of inspections, ~~and~~ appeals, and
13 licensing for purposes of record checks of applicants for
14 employment with the department of inspections, ~~and~~ appeals, and
15 licensing.
16 Sec. 1982. Section 235B.7, subsection 2, paragraph b, Code
17 2023, is amended to read as follows:
18 *b.* The department of inspections, ~~and~~ appeals, and licensing
19 may provide access to the single contact repository established
20 under section 135C.33, subsection 7, for criminal and abuse
21 history checks made by those employers, agencies, and other
22 persons that are authorized access to dependent adult abuse
23 information under section 235B.6 and are required by law to
24 perform such checks.
25 Sec. 1983. Section 235B.16, subsections 2 and 4, Code 2023,
26 are amended to read as follows:
27 2. The department, in cooperation with the department
28 on aging and the department of inspections, ~~and~~ appeals, and
29 licensing, shall institute a program of education and training
30 for persons, including members of provider groups and family
31 members, who may come in contact with dependent adult abuse.
32 The program shall include but is not limited to instruction
33 regarding recognition of dependent adult abuse and the

34 procedure for the reporting of suspected abuse.
35 4. The department of inspections, ~~and~~ appeals, and
1 licensing shall provide training to investigators regarding
2 the collection and preservation of evidence in the case of
3 suspected dependent adult abuse.
4 Sec. 1984. Section 235B.16A, subsection 4, Code 2023, is
5 amended to read as follows:
6 4. The department of human services shall cooperate with
7 the department on aging, the departments of inspections, ~~and~~
8 appeals, and licensing, public health, public safety, and
9 workforce development, the civil rights commission, and other
10 state and local agencies performing inspections or otherwise
11 visiting residential settings where dependent adults live,
12 to regularly provide training to the appropriate staff in
13 the agencies concerning each agency's procedures involving
14 dependent adults, and to build awareness concerning dependent
15 adults and reporting of dependent adult abuse.
16 Sec. 1985. Section 235E.1, subsection 3, Code 2023, is
17 amended to read as follows:
18 3. *"Department"* means the department of inspections, ~~and~~
19 appeals, and licensing.
20 Sec. 1986. Section 235E.2, subsection 5, Code 2023, is
21 amended to read as follows:
22 5. Any other person who believes that a dependent adult
23 has suffered dependent adult abuse may report the suspected
24 dependent adult abuse to the department of inspections, ~~and~~
25 appeals, and licensing. The department of inspections, ~~and~~
26 appeals, and licensing shall transfer any reports received
27 of dependent adult abuse in the community to the department
28 of human services. The department of human services shall
29 transfer any reports received of dependent adult abuse in
30 facilities or programs to the department of inspections, ~~and~~
31 appeals, and licensing.
32 Sec. 1987. Section 235F.6, subsection 4, Code 2023, is
33 amended to read as follows:

34 4. The court may approve a consent agreement between the
35 parties entered into to bring about the cessation of elder
1 abuse. A consent agreement approved under this section shall
2 not contain any of the following:
3 *a.* A provision that prohibits any party to the action
4 from contacting or cooperating with any government agency
5 including the department of human services, the department of
6 inspections, ~~and~~ appeals, and licensing, the department on
7 aging, the department of justice, law enforcement, and the
8 office of long-term care ombudsman; a licensing or regulatory
9 agency that has jurisdiction over any license or certification
10 held by the defendant; a protection and advocacy agency
11 recognized in section 135C.2; or the defendant's current
12 employer if the defendant's professional responsibilities
13 include contact with vulnerable elders, dependent adults, or
14 minors, if the party contacting or cooperating has a good-faith
15 belief that the information is relevant to the duties or
16 responsibilities of the entity.
17 *b.* A provision that prohibits any party to the action
18 from filing a complaint with or reporting a violation of law
19 to any government agency including the department of human
20 services, the department of inspections, ~~and~~ appeals, and
21 licensing, the department on aging, the department of justice,
22 law enforcement, and the office of long-term care ombudsman; a
23 licensing or regulatory agency that has jurisdiction over any
24 license or certification held by the defendant; a protection
25 and advocacy agency recognized in section 135C.2; or the
26 defendant's current employer.
27 *c.* A provision that requires any party to the action
28 to withdraw a complaint filed with or a violation reported
29 to any government agency including the department of human
30 services, the department of inspections, ~~and~~ appeals, and
31 licensing, the department on aging, the department of justice,
32 law enforcement, and the office of long-term care ombudsman; a
33 licensing or regulatory agency that has jurisdiction over any

license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

Sec. 1988. Section 237.7, Code 2023, is amended to read as follows:

237.7 Reports and inspections.

The administrator may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections, ~~and~~ appeals, and licensing. The director of the department of inspections, ~~and~~ appeals, and licensing may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this chapter.

Sec. 1989. Section 237.16, Code 2023, is amended to read as follows:

237.16 Child advocacy board.

1. The child advocacy board is created within the department of inspections, ~~and~~ appeals, and licensing. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members

34 deem necessary. The members may be entitled to receive
35 reimbursement for actual and necessary expenses incurred in
1 the performance of their duties, subject to available funding.
2 Each member of the board may also be eligible to receive
3 compensation as provided in section 7E.6. The state board
4 shall meet at least twice a year.
5 3. An employee of the department or of the department of
6 inspections, ~~and~~ appeals, and licensing, an employee of a
7 child-placing agency, an employee of an agency with which the
8 department contracts for services for children under foster
9 care, a foster parent providing foster care, or an employee of
10 the district court is not eligible to serve on the state board.
11 However, the judicial branch employee or judicial officer
12 appointed from nominees submitted by the judicial branch in
13 accordance with subsection 1 shall be eligible to serve on the
14 state board.
15 4. The department and the department of inspections,
16 ~~and~~ appeals, and licensing shall jointly develop written
17 protocols detailing the responsibilities of each department
18 with regard to children under the purview of the state board.
19 The protocols shall be reviewed by the departments on an annual
20 basis.
21 Sec. 1990. Section 237.21, subsection 5, Code 2023, is
22 amended to read as follows:
23 5. Members of the state board and local boards, court
24 appointed special advocates, and the employees of the
25 department and the department of inspections, ~~and~~ appeals,
26 and licensing are subject to standards of confidentiality
27 pursuant to sections 217.30, 228.6, subsection 1, sections
28 235A.15, 600.16, and 600.16A. Members of the state and local
29 boards, court appointed special advocates, and employees of the
30 department and the department of inspections, ~~and~~ appeals, and
31 licensing who disclose information or records of the board or
32 department, other than as provided in subsections 2, 3, and 4,
33 section 232.126, and section 237.20, subsection 2, are guilty

of a simple misdemeanor.

Sec. 1991. Section 237A.1, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections, ~~and~~ appeals, and licensing pursuant to chapter 135B.

Sec. 1992. Section 237A.8, Code 2023, is amended to read as follows:

237A.8 Violations — actions against license or registration.

The administrator, after notice and opportunity for an evidentiary hearing before the department of inspections, ~~and~~ appeals, and licensing, may suspend or revoke a license or certificate of registration issued under this chapter or may reduce a license to a provisional license if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child care facility to the administrator or a designee of the administrator. The administrator shall notify the parent, guardian, or legal custodian of each child for whom the person provides child care at the time of action to suspend or revoke a license or certificate of registration.

Sec. 1993. Section 237A.29, subsection 2, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A child care provider that has been found by the department of inspections, ~~and~~ appeals, and licensing in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph *"a"*, shall be subject to sanction in accordance with this subsection. Such child

34 care provider shall be subject to a period during which receipt
35 of public funding for provision of child care is conditioned
1 upon no further violations and to one or more of the following
2 sanctions as determined by the department of human services:
3 Sec. 1994. Section 237C.3, subsection 1, Code 2023, is
4 amended to read as follows:
5 1. The department of human services shall consult with
6 the department of education, the department of inspections,
7 ~~and~~ appeals, and licensing, the department of public health,
8 ~~the state fire marshal,~~ and other agencies as determined by
9 the department of human services to establish certification
10 standards for children's residential facilities in accordance
11 with this chapter.
12 Sec. 1995. Section 237C.8, Code 2023, is amended to read as
13 follows:
14 **237C.8 Reports and inspections.**
15 The administrator may require submission of reports by a
16 certificate of approval holder and shall cause at least one
17 annual unannounced inspection of a children's residential
18 facility to assess compliance with applicable requirements
19 and standards. The inspections shall be conducted by the
20 department of inspections, ~~and~~ appeals, and licensing in
21 addition to initial, renewal, and other inspections that result
22 from complaints or self-reported incidents. The department of
23 inspections, ~~and~~ appeals, and licensing and the department of
24 human services may examine records of a children's residential
25 facility and may inquire into matters concerning the children's
26 residential facility and its employees, volunteers, and
27 subcontractors relating to requirements and standards for
28 children's residential facilities under this chapter.
29 Sec. 1996. Section 238.19, Code 2023, is amended to read as
30 follows:
31 **238.19 Inspection generally.**
32 Authorized employees of the department of inspections, ~~and~~
33 appeals, and licensing may inspect the premises and conditions

of the agency at any time and examine every part of the agency; and may inquire into all matters concerning the agency and the children in the care of the agency.

Sec. 1997. Section 238.20, Code 2023, is amended to read as follows:

238.20 Minimum inspection — record.

Authorized employees of the department of inspections, ~~and~~ appeals, and licensing shall visit and inspect the premises of licensed child-placing agencies at least once every twelve months and make and preserve written reports of the conditions found.

Sec. 1998. Section 239B.16, Code 2023, is amended to read as follows:

239B.16 Appeal — judicial review.

If an applicant's application is not acted upon within a reasonable time, if it is denied in whole or in part, or if a participant's assistance or other benefits under this chapter are modified, suspended, or canceled under a provision of this chapter, the applicant or participant may appeal to the department of human services which shall request the department of inspections, ~~and~~ appeals, and licensing to conduct a hearing. Upon completion of a hearing, the department of inspections, ~~and~~ appeals, and licensing shall issue a decision which is subject to review by the department of human services. Judicial review of the actions of the department of human services may be sought in accordance with chapter 17A. Upon receipt of a notice of the filing of a petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 1999. Section 249.5, Code 2023, is amended to read as follows:

249.5 Judicial review.

If an application is not acted upon within a reasonable

34 time, if it is denied in whole or in part, or if an award
35 of assistance is modified, suspended, or canceled under a
1 provision of this chapter, the applicant or recipient may
2 appeal to the department of human services, which shall request
3 the department of inspections, ~~and~~ appeals, and licensing
4 to conduct a hearing. Upon completion of a hearing, the
5 department of inspections, ~~and~~ appeals, and licensing shall
6 issue a decision which is subject to review by the department
7 of human services. Judicial review of the actions of the
8 department of human services may be sought in accordance with
9 chapter 17A. Upon receipt of the petition for judicial review,
10 the department of human services shall furnish the petitioner
11 with a copy of any papers filed by the petitioner in support of
12 the petitioner's position, a transcript of any testimony taken,
13 and a copy of the department's decision.
14 Sec. 2000. Section 249.11, subsection 2, Code 2023, is
15 amended to read as follows:
16 2. The department of inspections, ~~and~~ appeals, and
17 licensing shall conduct investigations and audits as deemed
18 necessary to ensure compliance with state supplementary
19 assistance programs administered under this chapter. The
20 department of inspections, ~~and~~ appeals, and licensing shall
21 cooperate with the department of human services on the
22 development of procedures relating to such investigations and
23 audits to ensure compliance with federal and state single state
24 agency requirements.
25 Sec. 2001. Section 249A.4, subsection 11, Code 2023, is
26 amended to read as follows:
27 11. Shall provide an opportunity for a fair hearing before
28 the department of inspections, ~~and~~ appeals, and licensing
29 to an individual whose claim for medical assistance under
30 this chapter is denied or is not acted upon with reasonable
31 promptness. Upon completion of a hearing, the department of
32 inspections, ~~and~~ appeals, and licensing shall issue a decision
33 which is subject to review by the department of human services.

34 Judicial review of the decisions of the department of human
35 services may be sought in accordance with chapter 17A. If
1 a petition for judicial review is filed, the department of
2 human services shall furnish the petitioner with a copy of
3 the application and all supporting papers, a transcript of
4 the testimony taken at the hearing, if any, and a copy of its
5 decision.
6 Sec. 2002. Section 249A.50, subsection 2, Code 2023, is
7 amended to read as follows:
8 2. The department of inspections, ~~and~~ appeals, and
9 licensing shall conduct investigations and audits as deemed
10 necessary to ensure compliance with the medical assistance
11 program administered under this chapter. The department
12 of inspections, ~~and~~ appeals, and licensing shall cooperate
13 with the department of human services on the development of
14 procedures relating to such investigations and audits to
15 ensure compliance with federal and state single state agency
16 requirements.
17 Sec. 2003. Section 249A.50, subsection 3, paragraph a, Code
18 2023, is amended to read as follows:
19 *a.* A Medicaid fraud fund is created in the state treasury
20 under the authority of the department of inspections, ~~and~~
21 appeals, and licensing. Moneys from penalties, investigative
22 costs recouped by the Medicaid fraud control unit, and other
23 amounts received as a result of prosecutions involving
24 the department of inspections, ~~and~~ appeals, and licensing
25 investigations and audits to ensure compliance with the medical
26 assistance program that are not credited to the program shall
27 be credited to the fund.
28 Sec. 2004. Section 321.11, subsections 3 and 4, Code 2023,
29 are amended to read as follows:
30 3. Notwithstanding other provisions of this section to the
31 contrary, the department shall not release personal information
32 to a person, other than to an officer or employee of a law
33 enforcement agency, an employee of a federal or state agency

34 or political subdivision in the performance of the employee's
35 official duties, a contract employee of the department of
1 inspections, ~~and~~ appeals, and licensing in the conduct of an
2 investigation, or a licensed private investigation agency
3 or a licensed security service or a licensed employee of
4 either, if the information is requested by the presentation
5 of a registration plate number. In addition, an officer or
6 employee of a law enforcement agency may release the name,
7 address, and telephone number of a motor vehicle registrant to
8 a person requesting the information by the presentation of a
9 registration plate number if the officer or employee of the law
10 enforcement agency believes that the release of the information
11 is necessary in the performance of the officer's or employee's
12 duties.
13 4. The department shall not release personal information
14 that is in the form of a person's photograph or digital
15 image or a digital reproduction of a person's photograph to a
16 person other than an officer or employee of a law enforcement
17 agency, an employee of a federal or state agency or political
18 subdivision in the performance of the employee's official
19 duties, a contract employee of the department of inspections,
20 ~~and~~ appeals, and licensing in the conduct of an investigation,
21 or a licensed private investigation agency or a licensed
22 security service or a licensed employee of either, regardless
23 of whether a person has provided express written consent to
24 disclosure of the information. The department may collect
25 reasonable fees for copies of records or other services
26 provided pursuant to this section or section 22.3, 321.10, or
27 622.46.
28 Sec. 2005. 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 licensing, and the

department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

Sec. 2006. Section 321.211, subsection 1, Code 2023, is amended to read as follows:

1. Upon suspending the license of a person as authorized, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the department of inspections, ~~and~~ appeals, and licensing as early as practical within thirty days after receipt of the request. The hearing shall be held by telephone conference unless the licensee and the department of inspections, ~~and~~ appeals, and licensing agree to hold the hearing in the county in which the licensee resides or in some other county. Upon the hearing the department of inspections, ~~and~~ appeals, and licensing may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon the hearing and issuance of a recommendation by the department of inspections, ~~and~~ appeals, and licensing, the state department of transportation shall either rescind its order of suspension or for good cause may extend the suspension of the license or revoke the license. This section does not preclude the director from attempting to effect an informal settlement under chapter 17A.

Sec. 2007. Section 322.9, subsection 1, Code 2023, is amended to read as follows:

1. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, ~~and~~ appeals, and licensing, it finds that the licensee has been guilty of an act which would be a ground for the denial of a license under section 322.6.

Sec. 2008. Section 322.9, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department may revoke or suspend the license of a retail

34 motor vehicle dealer if, after notice and hearing by the
35 department of inspections, ~~and~~ appeals, and licensing, it finds
1 that the licensee has been convicted or has forfeited bail on
2 three charges of:
3 Sec. 2009. Section 322.24, subsection 1, Code 2023, is
4 amended to read as follows:
5 1. The state department of transportation and the
6 department of inspections, ~~and~~ appeals, and licensing may
7 issue subpoenas to compel the attendance of witnesses and the
8 production of documents, papers, books, records, and other
9 evidence in any matter over which the respective department
10 has jurisdiction, control, or supervision pertaining to this
11 chapter.
12 Sec. 2010. Section 322A.3A, subsection 4, paragraph b, Code
13 2023, is amended to read as follows:
14 *b.* After a hearing held as described in this subsection,
15 the department of inspections, ~~and~~ appeals, and licensing
16 may affirm, deny, or modify the proposed alteration of a
17 franchisee's community, may enter any other orders necessary
18 to ensure that an alteration of the franchisee's community is
19 reasonable in light of all the relevant circumstances, and
20 may assess the costs of the hearing among the parties to the
21 hearing as appropriate.
22 Sec. 2011. Section 322A.5, subsection 2, paragraph b,
23 subparagraph (3), subparagraph division (b), Code 2023, is
24 amended to read as follows:
25 (b) Within thirty days of receiving the franchisee's
26 submission, the franchiser may choose to audit the submitted
27 orders. The franchiser shall then approve or deny the
28 establishment of the franchisee's average percentage markup
29 or labor rate. If the franchiser approves the establishment
30 of the franchisee's average percentage markup or labor rate,
31 the markup or rate calculated under this subparagraph shall go
32 into effect forty-five days after the date of the franchiser's
33 approval. If the franchiser denies the establishment of the

34 franchisee's average percentage markup or labor rate, the
35 franchisee may file a complaint with the department and a
1 hearing shall be held before the department of inspections,
2 ~~and~~ appeals, and licensing. The franchiser shall have the
3 burden of proof to establish that the franchiser's denial was
4 reasonable. If the department of inspections, ~~and~~ appeals,
5 and licensing finds the denial was not reasonable, the denial
6 shall be deemed a violation of this chapter and the department
7 of inspections, ~~and~~ appeals, and licensing shall determine
8 the franchisee's average percentage markup or labor rate for
9 purposes of calculating a reasonable schedule of compensation.
10 In making such a determination, the department of inspections,
11 ~~and~~ appeals, and licensing shall not consider retail service
12 orders or portions of retail service orders attributable to
13 routine maintenance such as tire service or oil service.
14 Sec. 2012. Section 322A.6, subsection 2, Code 2023, is
15 amended to read as follows:
16 2. An applicant seeking permission to enter into a franchise
17 for additional representation of the same line-make in a
18 community shall deposit with the department at the time the
19 application is filed, an amount of money to be determined by
20 the department of inspections, ~~and~~ appeals, and licensing to
21 pay the costs of the hearing.
22 Sec. 2013. Section 322A.7, subsection 1, Code 2023, is
23 amended to read as follows:
24 1. Upon receiving an application, the department shall
25 notify the department of inspections, ~~and~~ appeals, and
26 licensing which shall enter an order fixing a time, which
27 shall be within ninety days of the date of the order, and
28 place of hearing, and shall send by certified or registered
29 mail, with return receipt requested, a copy of the order
30 to the franchisee whose franchise the franchiser seeks to
31 terminate or not continue, or to the franchiser who is seeking
32 to alter a franchisee's community, as applicable. If the
33 application requests permission to establish an additional

34 motor vehicle dealership, a copy of the order shall be sent to
35 all franchisees in the community who are then engaged in the
1 business of offering to sell or selling the same line-make. If
2 the application challenges the reasonableness of a proposed
3 alteration to a franchisee's community, a copy of the order
4 shall be sent to all franchisees located in Iowa surrounding
5 the affected community which are then engaged in the business
6 of offering to sell or selling the same line-make. Copies of
7 orders shall be addressed to the franchisee at the place where
8 the business is conducted. The department of inspections, ~~and~~
9 appeals, and licensing may also give notice of the franchiser's
10 application to any other parties deemed interested persons, the
11 notice to be in the form and substance and given in the manner
12 the department of inspections, ~~and~~ appeals, and licensing deems
13 appropriate.
14 Sec. 2014. Section 322A.8, Code 2023, is amended to read as
15 follows:
16 **322A.8 Continuation.**
17 If the department of inspections, ~~and~~ appeals, and licensing
18 finds it desirable it may upon request continue the date of
19 hearing for a period of ninety days, and may upon application,
20 but not ex parte, continue the date of hearing for an
21 additional period of ninety days.
22 Sec. 2015. Section 322A.9, subsection 2, Code 2023, is
23 amended to read as follows:
24 2. Nothing contained in this chapter shall be construed to
25 require or authorize any investigation by the department of any
26 matter before the department under this chapter. Upon hearing,
27 the department of inspections, ~~and~~ appeals, and licensing shall
28 hear the evidence introduced by the parties and shall make its
29 decision solely upon the record so made.
30 Sec. 2016. Section 322A.10, Code 2023, is amended to read
31 as follows:
32 **322A.10 Rules of evidence.**
33 1. The rules of civil procedure relating to discovery and

34 inspection shall apply to hearings held under the provisions of
35 this chapter, and the department of inspections, ~~and~~ appeals,
1 and licensing may issue orders to give effect to such rules.
2 2. In the event issues are raised which would involve
3 violations of any state or federal antitrust or price-fixing
4 law, all discovery and inspection proceedings which would be
5 available under such issues in a state or federal court action
6 shall be available to the parties to the hearing, and the
7 department of inspections, ~~and~~ appeals, and licensing may issue
8 orders to give effect to such proceedings.
9 3. Evidence which would be admissible under the issues in a
10 state or federal court action is admissible in a hearing held
11 by the department of inspections, ~~and~~ appeals, and licensing.
12 The department of inspections, ~~and~~ appeals, and licensing shall
13 apportion all costs between the parties.
14 Sec. 2017. Section 322A.13, Code 2023, is amended to read
15 as follows:
16 **322A.13 Compulsory attendance at hearings.**
17 The department of inspections, ~~and~~ appeals, and licensing
18 may issue subpoenas, administer oaths, compel the attendance of
19 witnesses and production of books, papers, documents, and all
20 other evidence. The department of inspections, ~~and~~ appeals,
21 and licensing may apply to the district court of the county
22 wherein the hearing is being held for a court order enforcing
23 this section.
24 Sec. 2018. Section 322A.15, subsection 1, unnumbered
25 paragraph 1, Code 2023, is amended to read as follows:
26 In determining whether good cause has been established for
27 terminating or not continuing a franchise, the department
28 of inspections, ~~and~~ appeals, and licensing shall take into
29 consideration the existing circumstances, including, but not
30 limited to:
31 Sec. 2019. Section 322A.15, subsection 1, paragraphs g and
32 h, Code 2023, are amended to read as follows:
33 *g.* Except as provided in section 322A.11, failure by the

34 franchisee to substantially comply with those requirements
35 of the franchise which are determined by the department of
1 inspections, ~~and~~ appeals, and licensing to be reasonable and
2 material.
3 *h.* Except as provided in section 322A.11, bad faith by the
4 franchisee in complying with those terms of the franchise which
5 are determined by the department of inspections, ~~and~~ appeals,
6 and licensing to be reasonable and material.
7 Sec. 2020. Section 322A.16, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:
9 In determining whether good cause has been established for
10 entering into an additional franchise for the same line-make,
11 the department of inspections, ~~and~~ appeals, and licensing shall
12 take into consideration the existing circumstances, including,
13 but not limited to:
14 Sec. 2021. Section 322A.17, subsection 1, Code 2023, is
15 amended to read as follows:
16 1. A decision of the department of inspections, ~~and~~ appeals,
17 and licensing is subject to review by the state department of
18 transportation, whose decision is final agency action for the
19 purpose of judicial review.
20 Sec. 2022. Section 322C.6, unnumbered paragraph 1, Code
21 2023, is amended to read as follows:
22 A license issued under section 322C.4 or 322C.9 may be
23 denied, revoked, or suspended, after opportunity for a
24 hearing before the department of inspections, ~~and~~ appeals, and
25 licensing in accordance with chapters 10A and 17A, if it is
26 determined that the licensee or applicant has done any of the
27 following:
28 Sec. 2023. Section 323.1, subsection 4, Code 2023, is
29 amended to read as follows:
30 4. *"Department"* means the department of inspections, ~~and~~
31 appeals, and licensing.
32 Sec. 2024. Section 324A.5, subsection 2, paragraph c, Code
33 2023, is amended to read as follows:

34 *c.* The department of inspections, ~~and~~ appeals, and licensing
35 shall establish an appeal process pursuant to chapters 10A and
1 17A which allows those agencies or organizations determined
2 to not be in compliance with this chapter an opportunity for
3 a timely hearing before the department of inspections, ~~and~~
4 appeals, and licensing. A decision by the department of
5 inspections, ~~and~~ appeals, and licensing is subject to review by
6 the state department of transportation. The state department
7 of transportation's decision is the final agency action.
8 Judicial review of the action of the department may be sought
9 in accordance with chapter 17A.
10 Sec. 2025. Section 327C.8, Code 2023, is amended to read as
11 follows:
12 **327C.8 Objections —— hearing.**
13 A person directly affected by the proposed discontinuance
14 of an agency may file written objections with the department
15 stating the grounds for the objections, within fifteen days
16 from the time of the publication of the notice as provided in
17 section 327C.7. Upon the filing of objections the department
18 shall request the department of inspections, ~~and~~ appeals, and
19 licensing to hold a hearing, which shall be held within sixty
20 days from the filing of the objections. Written notice of the
21 time and place of the hearing shall be mailed by the department
22 of inspections, ~~and~~ appeals, and licensing to the railroad
23 corporation and the person filing objections at least ten days
24 prior to the date fixed for the hearing.
25 Sec. 2026. Section 327C.12, Code 2023, is amended to read
26 as follows:
27 **327C.12 Aid from courts.**
28 The department or the department of inspections, ~~and~~
29 appeals, and licensing may invoke the aid of any court of
30 record in the state in requiring the attendance and testimony
31 of witnesses and the production of books, papers, tariff
32 schedules, agreements, and other documents. If a person
33 refuses to obey a subpoena or other process, a court having

34 jurisdiction of the inquiry shall issue an order requiring any
35 of the officers, agents, or employees of a carrier or other
1 person to appear before either department and produce all books
2 and papers required by the order and testify in relation to any
3 matter under investigation.
4 Sec. 2027. Section 327C.17, Code 2023, is amended to read
5 as follows:
6 **327C.17 Penalty.**
7 If a railroad fails or refuses to comply with a rule or
8 order made by the state department of transportation or the
9 department of inspections, ~~and~~ appeals, and licensing within
10 the time specified, the railroad is, for each day of such
11 failure, subject to a schedule "two" penalty.
12 Sec. 2028. Section 327C.19, subsection 1, Code 2023, is
13 amended to read as follows:
14 1. A decision of the department of inspections, ~~and~~ appeals,
15 and licensing is subject to review by the state department of
16 transportation.
17 Sec. 2029. Section 327C.20, Code 2023, is amended to read
18 as follows:
19 **327C.20 Remitting penalty.**
20 If a common carrier fails in a judicial review proceeding
21 to secure a vacation of the order objected to, it may apply to
22 the court in which the review proceeding is finally adjudicated
23 for an order remitting the penalty which has accrued during
24 the review proceeding. Upon a satisfactory showing that the
25 petition for judicial review was filed in good faith and not
26 for the purpose of delay, and that there were reasonable
27 grounds to believe that the order was unreasonable or unjust
28 or that the power of the department of transportation or the
29 department of inspections, ~~and~~ appeals, and licensing to make
30 the order was doubtful, the court may remit the penalty that
31 has accrued during the review proceeding.
32 Sec. 2030. Section 327C.25, Code 2023, is amended to read
33 as follows:

34 **327C.25 Complaints.**
35 A person may file with the department a petition setting
1 forth any particular in which a common carrier has violated the
2 law to which it is subject and the amount of damages sustained
3 by reason of the violation. The department shall furnish a
4 copy of the complaint to the carrier against which a complaint
5 is filed. The department shall request the department
6 of inspections, ~~and~~ appeals, and licensing to schedule a
7 hearing in which the carrier shall answer the petition or
8 satisfy the demands of the complaint. If the carrier fails
9 to satisfy the complaint within the time fixed or there
10 appears to be reasonable grounds for investigating the matters
11 set forth in the petition, the department of inspections,
12 ~~and~~ appeals, and licensing shall hear and determine the
13 questions involved and make orders it finds proper. If the
14 department of transportation has reason to believe that a
15 carrier is violating any of the laws to which it is subject,
16 the department may institute an investigation and request
17 the department of inspections, ~~and~~ appeals, and licensing to
18 conduct a hearing in relation to the matters as if a petition
19 had been filed.
20 Sec. 2031. Section 327C.26, Code 2023, is amended to read
21 as follows:
22 **327C.26 Reports.**
23 When a hearing has been held before the department of
24 inspections, ~~and~~ appeals, and licensing after notice, it shall
25 make a report in writing setting forth the findings of fact
26 and its conclusions together with its recommendations as to
27 what reparation, if any, the offending carrier shall make to a
28 party who has suffered damage. The findings of fact are prima
29 facie evidence in all further legal proceedings of every fact
30 found. All reports of hearings and investigations made by the
31 department of inspections, ~~and~~ appeals, and licensing shall be
32 entered of record and a copy furnished to the carrier against
33 which the complaint was filed, to the party complaining, and

34 to any other person having a direct interest in the matter. A
35 reasonable fee not to exceed the actual duplication costs may
1 be charged for the copies.
2 Sec. 2032. Section 327C.28, Code 2023, is amended to read
3 as follows:
4 **327C.28 Violation of order — petition — notice.**
5 If a person violates or fails to obey a lawful order
6 or requirement of the department of transportation or the
7 department of inspections, ~~and~~ appeals, and licensing, the
8 department of transportation or the department of inspections,
9 ~~and~~ appeals, and licensing shall apply by petition in the
10 name of the state against the person, to the district court,
11 alleging the violation or failure to obey. The court shall
12 hear and determine the matter set forth in the petition on
13 reasonable notice to the person, to be fixed by the court and
14 to be served in the same manner as an original notice for the
15 commencement of action.
16 Sec. 2033. Section 327C.29, Code 2023, is amended to read
17 as follows:
18 **327C.29 Interested party may begin proceedings.**
19 A person interested in enforcing an order or requirement
20 of the department of transportation or the department of
21 inspections, ~~and~~ appeals, and licensing, may file a petition
22 against the violator, alleging the failure to comply with
23 the order or requirement and asking for summary relief to
24 the same extent and in the same manner as the department of
25 transportation or the department of inspections, ~~and~~ appeals,
26 and licensing may under section 327C.28, and the proceedings
27 after the filing of the petition shall be the same as in
28 section 327C.28.
29 Sec. 2034. Section 327D.4, Code 2023, is amended to read as
30 follows:
31 **327D.4 Connections.**
32 If a railroad corporation in this state refuses to connect by
33 proper switches or tracks with the tracks of another railroad

corporation or refuses to receive, transport, load, discharge, reload, or return cars furnished by another connecting railroad corporation, a petition requesting resolution of the dispute may be filed with the department. The department shall notify the department of inspections, ~~and~~ appeals, and licensing which shall hold a hearing on the dispute. Upon conclusion of the hearing, the department of inspections, ~~and~~ appeals, and licensing shall issue an order to resolve the dispute. The order may include the allocation of costs between the parties. The order is subject to review by the department which review shall be the final agency action.

Sec. 2035. Section 327D.53, Code 2023, is amended to read as follows:

327D.53 Division of joint rates.

Before the adoption of the rates, the department shall notify the railroad corporations interested in the schedule of joint rates fixed, and give them a reasonable time to agree upon a division of the charges provided. If the corporations fail to agree upon a division, and to notify the department of their agreement, the department shall, after a hearing conducted by the department of inspections, ~~and~~ appeals, and licensing, decide the rates, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by it is, in all controversies or actions between the railroad corporations interested, prima facie evidence of a just and reasonable division.

Sec. 2036. Section 327D.83, Code 2023, is amended to read as follows:

327D.83 Rate hearing.

If a schedule is filed with the department stating a rate, the department may, either upon complaint or upon its own motion, request the department of inspections, ~~and~~ appeals, and licensing to conduct a hearing concerning the propriety of the rate.

Sec. 2037. Section 327D.85, Code 2023, is amended to read as follows:

327D.85 Rate proposal — review.

At the hearing the department of inspections, ~~and~~ appeals, and licensing shall propose the rates on the schedule, in whole or in part, or others in lieu thereof, which the department of inspections, ~~and~~ appeals, and licensing finds are just and reasonable rates. The action of the department of inspections, ~~and~~ appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

Sec. 2038. Section 327D.89, Code 2023, is amended to read as follows:

327D.89 Complaint of violation.

When a person complains to the department that the rate charged or published by a railway corporation, or the maximum rate fixed by law, is unreasonably high or discriminating, the department may investigate the matter, and request the department of inspections, ~~and~~ appeals, and licensing to conduct a hearing. The department of inspections, ~~and~~ appeals, and licensing shall give the parties notice of the time and place of the hearing.

Sec. 2039. Section 327D.90, Code 2023, is amended to read as follows:

327D.90 Hearing — evidence.

At the time of the hearing the department of inspections, ~~and~~ appeals, and licensing shall receive any evidence and listen to any arguments presented by either party relevant to the matter under investigation, and the burden of proof is not upon the person making the complaint. The complainant shall add to the showing made at the hearing whatever information the complainant then has, or can obtain from any source. The department of inspections, ~~and~~ appeals, and licensing shall propose just and reasonable rates, which may be adopted in whole or in part or modified as the state department of

34 transportation determines.
35 Sec. 2040. Section 327D.128, Code 2023, is amended to read
1 as follows:
2 **327D.128 Weighing —— disagreement.**
3 If a railroad corporation and the owner, consignor,
4 or consignee of car lots of bulk commodities cannot reach
5 agreement relative to the weighing of the commodities, appeal
6 may be made to the state department of transportation. The
7 state department of transportation, after a hearing by the
8 department of inspections, ~~and~~ appeals, and licensing, shall
9 issue an order equitable to all parties including but not
10 limited to allocation of costs and specification of the place
11 and manner of weighing.
12 Sec. 2041. Section 327G.12, Code 2023, is amended to read
13 as follows:
14 **327G.12 Overhead, underground, or more than one crossing.**
15 The owner of land may serve upon the railroad corporation
16 a request in writing for more than one private crossing, or
17 for an overhead or underground crossing, accompanied by a plat
18 of the owner´s land designating the location and character
19 of crossing desired. If the railroad corporation refuses or
20 neglects to comply within thirty days of a written request,
21 the owner of the land may make written application to the
22 department to determine the owner´s rights. The department
23 of inspections, ~~and~~ appeals, and licensing, after notice to
24 the railroad corporation, shall hear the application and all
25 objections to the application, and make an order which is
26 reasonable and just, and if it requires the railroad company to
27 construct any crossing or roadway, fix the time for compliance
28 with the order and apportion the costs as appropriate. The
29 order of the department of inspections, ~~and~~ appeals, and
30 licensing is subject to review by the state department of
31 transportation. The decision of the state department of
32 transportation is the final agency action.
33 Sec. 2042. Section 327G.16, Code 2023, is amended to read

as follows:

327G.16 Disagreement — application — notice.

If the persons specified in section 327G.15 cannot reach an agreement, either party may make written application to the department requesting resolution of the disagreement. The department shall request the department of inspections, ~~and~~ appeals, and licensing to set a date for hearing. The department of inspections, ~~and~~ appeals, and licensing shall give ten days' written notice of the hearing date.

Sec. 2043. Section 327G.17, Code 2023, is amended to read as follows:

327G.17 Hearing — order.

1. The department of inspections, ~~and~~ appeals, and licensing shall hear the evidence of each party to the controversy and shall make an order, which may include, pursuant to chapters 6A and 6B, authority to condemn, resolving the controversy. The order shall include the portion of the expense to be paid by each party to the controversy. In determining what portion of the expense shall be paid by each party, the department of inspections, ~~and~~ appeals, and licensing may consider the ratio of the benefits accruing to the railroad or the governmental unit or both, to the general public use and benefit.

2. The order of the department of inspections, ~~and~~ appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

Sec. 2044. Section 327G.31, Code 2023, is amended to read as follows:

327G.31 Disagreement resolved.

If a railroad corporation and the jurisdiction having authority cannot reach agreement on grade crossing surface repair and maintenance, either party may appeal to the department of inspections, ~~and~~ appeals, and licensing if prior to disagreement both parties have filed a statement with the

34 state department of transportation to the effect that they have
35 entered into negotiations on grade crossing surface repair
1 and maintenance of a particular crossing. The department of
2 inspections, ~~and~~ appeals, and licensing shall resolve the
3 dispute in the manner provided in sections 327G.16 and 327G.17,
4 except for the allocation of costs.
5 Sec. 2045. Section 327G.32, subsections 3 and 4, Code 2023,
6 are amended to read as follows:
7 3. Other portions of this section notwithstanding, a
8 political subdivision may pass an ordinance regulating the
9 length of time a specific crossing may be blocked if the
10 political subdivision demonstrates that an ordinance is
11 necessary for public safety or convenience. If an ordinance
12 is passed, the political subdivision shall, within thirty days
13 of the effective date of the ordinance, notify the department
14 and the railroad corporation using the crossing affected by the
15 ordinance. The ordinance does not become effective unless the
16 department and the railroad corporation are notified within
17 thirty days. The ordinance becomes effective thirty days
18 after notification unless a person files an objection to the
19 ordinance with the department. If an objection is filed the
20 department shall notify the department of inspections, ~~and~~
21 appeals, and licensing which shall hold a hearing. After
22 a hearing by the department of inspections, ~~and~~ appeals,
23 and licensing, the state department of transportation may
24 disapprove the ordinance if public safety or convenience
25 does not require the ordinance. The decision of the state
26 department of transportation is final agency action. The
27 ordinance approved by the political subdivision is prima facie
28 evidence that the ordinance is adopted to preserve public
29 safety or convenience.
30 4. The department of inspections, ~~and~~ appeals, and
31 licensing when considering rebuttal evidence shall weigh the
32 benefits accruing to the political subdivision as they affect
33 the general public use compared to the burden placed on the

34 railroad operation. Public safety or convenience may include,
35 but is not limited to, high traffic density at a specific
1 crossing of a main artery or interference with the flow of
2 authorized emergency vehicles.
3 Sec. 2046. Section 327G.62, Code 2023, is amended to read
4 as follows:
5 **327G.62 Controversies — hearing — order — review.**
6 When a disagreement arises between a railroad corporation,
7 its grantee, or its successor in interest, and the owner,
8 lessee, or licensee of a building or other improvement,
9 including trackage, used for receiving, storing, transporting,
10 or manufacturing an article of commerce transported or to
11 be transported, situated on a present or former railroad
12 right-of-way or on land owned or controlled by the railroad
13 corporation, its grantee, or its successor in interest, as
14 to the terms and conditions on which the article is to be
15 continued or removed, the railway corporation, its grantee, or
16 its successor in interest, or the owner, lessee, or licensee
17 may make written application to the department. The department
18 shall notify the department of inspections, ~~and~~ appeals, and
19 licensing which shall hear and determine the controversy and
20 make an order which is just and equitable between the parties.
21 That order is subject to review by the state department of
22 transportation. The decision of the state department of
23 transportation is final agency action.
24 Sec. 2047. Section 327G.65, Code 2023, is amended to read
25 as follows:
26 **327G.65 Cost of construction.**
27 The railroad corporation may require the person primarily to
28 be served to pay the legitimate cost and expense of acquiring,
29 by condemnation or purchase, the necessary right-of-way for the
30 spur track and of constructing it, as determined in separate
31 items by the department. Except as provided in section
32 327G.66, the total cost as ascertained by the department
33 shall be deposited with the railroad corporation before it is

34 required to incur expense. If an agreement cannot be reached,
35 the question shall be referred to the department which may,
1 after a hearing conducted by the department of inspections, ~~and~~
2 appeals, and licensing, issue an order.
3 Sec. 2048. Section 327G.78, subsection 1, Code 2023, is
4 amended to read as follows:
5 1. Subject to section 6A.16 and 327G.77, when a railroad
6 corporation, its trustee, or its successor in interest has
7 interests in real property adjacent to a railroad right-of-way
8 that are abandoned by order of the surface transportation
9 board, reorganization court, bankruptcy court, or the
10 department, or when a railroad corporation, its trustee, or
11 its successor in interest seeks to sell its interests in
12 that property under any other circumstance, the railroad
13 corporation, its trustee, or its successor in interest shall
14 extend a written offer to sell at a fair market value price to
15 the persons holding leases, licenses, or permits upon those
16 properties, allowing sixty days from the time of receipt for a
17 written response. If a disagreement arises between the parties
18 concerning the price or other terms of the sale transaction,
19 either or both parties may make written application to the
20 department to resolve the disagreement. The application shall
21 be made within sixty days from the time an initial written
22 response is served upon the railroad corporation, trustee,
23 or successor in interest by the person wishing to purchase
24 the property. The department shall notify the department of
25 inspections, ~~and~~ appeals, and licensing which shall hear the
26 controversy and make a final determination of the fair market
27 value of the property and the other terms of the transaction
28 which were in dispute, within ninety days after the application
29 is filed. The determination is subject to review by the
30 department and the department's decision is the final agency
31 action. All correspondence shall be by certified mail.
32 Sec. 2049. Section 327G.79, subsections 1 and 2, Code 2023,
33 are amended to read as follows:

1. The department of inspections ~~and appeals'~~, appeals, and licensing's determination and order shall be just and equitable and, in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties.

2. The department of inspections ~~and appeals'~~, appeals, and licensing's determination and order is final for the purpose of administrative review to the district court as provided in chapter 17A. The district court's scope of review shall be confined to whether there is substantial evidence to support the department of inspections ~~and appeals'~~, appeals, and licensing's determination and order.

Sec. 2050. Section 331.324, subsection 1, paragraph e, Code 2023, is amended to read as follows:

e. Cooperate with the workers' compensation commissioner and comply with requirements imposed upon counties under ~~chapters 86~~ chapter 10A, subchapter III, and chapter 87.

Sec. 2051. Section 331.394, subsection 5, paragraph c, Code 2023, is amended to read as follows:

c. The county or region that received the notification, as applicable, shall respond to the party that provided the notification within forty-five days of receiving the notification. If the parties cannot agree to a settlement as to the person's residency status within ninety days of the date of notification, on motion of any of the parties, the matter shall be referred to the department of inspections, ~~and~~ appeals, and licensing for a contested case hearing under

34 chapter 17A before an administrative law judge assigned in
35 accordance with section 10A.801 to determine the person's
1 residency status.
2 Sec. 2052. Section 331.394, subsection 5, paragraph d,
3 subparagraph (1), Code 2023, is amended to read as follows:
4 (1) The administrative law judge's determination of the
5 person's residency status shall be considered final agency
6 action, notwithstanding contrary provisions of section 17A.15.
7 The party that does not prevail in the determination or
8 subsequent judicial review is liable for costs associated with
9 the proceeding, including reimbursement of the department of
10 inspections ~~and appeals'~~, appeals, and licensing's actual costs
11 associated with the administrative proceeding. Judicial review
12 of the determination may be sought in accordance with section
13 17A.19.
14 Sec. 2053. Section 331.394, subsection 6, paragraph c, Code
15 2023, is amended to read as follows:
16 *c.* The department, county, or region that received the
17 notification, as applicable, shall respond to the party
18 that provided the notification within forty-five days of
19 receiving the notification. If the parties cannot agree to a
20 settlement as to the dispute within ninety days of the date of
21 notification, on motion of any of the parties, the matter shall
22 be referred to the department of inspections, ~~and~~ appeals, and
23 licensing for a contested case hearing under chapter 17A before
24 an administrative law judge assigned in accordance with section
25 10A.801 to determine facts and issue a decision to resolve the
26 dispute.
27 Sec. 2054. Section 331.394, subsection 6, paragraph d,
28 subparagraph (1), Code 2023, is amended to read as follows:
29 (1) The administrative law judge's decision is a final
30 agency action, notwithstanding contrary provisions of section
31 17A.15. The party that does not prevail in the decision or
32 subsequent judicial review is liable for costs associated with
33 the proceeding, including reimbursement of the department of

34 inspections ~~and appeals'~~, appeals, and licensing's actual
35 costs associated with the administrative proceeding. Judicial
1 review of the decision may be sought in accordance with section
2 17A.19.
3 Sec. 2055. Section 331.653, subsection 10, Code 2023, is
4 amended to read as follows:
5 10. Cooperate with the ~~division of labor services of the~~
6 department of ~~workforce development~~ inspections, appeals, and
7 licensing in the enforcement of child labor laws as provided
8 in section 92.22.
9 Sec. 2056. Section 331.756, subsections 16 and 55, Code
10 2023, are amended to read as follows:
11 16. Institute legal proceedings against persons who
12 violate laws administered ~~by the division of labor services~~
13 ~~of the department of workforce development~~ under chapter 10A,
14 subchapter II, as provided in section ~~91.11~~ 10A.210.
15 55. Make a written report to the department of inspections,
16 ~~and~~ appeals, and licensing within fifteen days of the end of
17 each calendar quarter of the amount of funds which were owed to
18 the state for indigent defense services and which were recouped
19 pursuant to subsection 5.
20 Sec. 2057. Section 423.3, subsection 18, paragraph a, Code
21 2023, is amended to read as follows:
22 *a.* Residential care facilities and intermediate care
23 facilities for persons with an intellectual disability and
24 residential care facilities for persons with mental illness
25 licensed by the department of inspections, ~~and~~ appeals, and
26 licensing under chapter 135C.
27 Sec. 2058. Section 425.28, subsection 4, Code 2023, is
28 amended to read as follows:
29 4. In addition to the sharing of information under
30 subsection 3, the department of human services may release
31 information pertaining to a person's eligibility or claim
32 for or receipt of rent reimbursement to an employee of the
33 department of inspections, ~~and~~ appeals, and licensing in the

34 employee's official conduct of an audit or investigation.
35 Sec. 2059. Section 453A.2, subsection 6, Code 2023, is
1 amended to read as follows:
2 6. If a county or a city has not assessed a penalty pursuant
3 to section 453A.22, subsection 2, for a violation of subsection
4 1, within sixty days of the adjudication of the violation,
5 the matter shall be transferred to and be the exclusive
6 responsibility of the alcoholic beverages division of the
7 department of commerce. Following transfer of the matter, if
8 the violation is contested, the alcoholic beverages division
9 of the department of commerce shall request an administrative
10 hearing before an administrative law judge, assigned by the
11 division of administrative hearings of the department of
12 inspections, ~~and~~ appeals, and licensing in accordance with
13 the provisions of section 10A.801, to adjudicate the matter
14 pursuant to chapter 17A.
15 Sec. 2060. Section 455B.135, Code 2023, is amended to read
16 as follows:
17 **455B.135 Limit on authority.**
18 Nothing contained in this subchapter II or chapter 459,
19 subchapter II, shall be deemed to grant to the department or
20 the director any authority or jurisdiction with respect to
21 air pollution existing solely within residences; or solely
22 within commercial and industrial plants, works, or shops under
23 the jurisdiction of ~~chapters~~ chapter 10A, subchapter II, and
24 chapter 88 ~~and 91~~; or to affect the relations between employers
25 and employees with respect to, or arising out of, any condition
26 of air pollution.
27 Sec. 2061. Section 455B.145, subsection 2, paragraphs b and
28 c, Code 2023, are amended to read as follows:
29 *b.* The director shall promptly investigate the application
30 and approve or disapprove the application. The director may
31 conduct a public hearing before action is taken to approve or
32 disapprove. If the director disapproves issuing a certificate,
33 the political subdivision may appeal the action to the

department of inspections, ~~and~~ appeals, and licensing. At the hearing on appeal, the department of inspections, ~~and~~ appeals, and licensing shall decide whether the local program is substantially consistent with the provisions of this subchapter II, or rules adopted under this subchapter II, and whether the local program is being enforced. The burden of proof shall be upon the political subdivision.

c. If the director determines at any time that a local air pollution program is being conducted in a manner inconsistent with the substantive provisions of this subchapter II or the rules adopted under this subchapter II, the director shall notify the political subdivision, citing the deviations from the acceptable standards and the corrective measures to be completed within a reasonable amount of time. If the corrective measures are not implemented as prescribed, the director shall suspend in whole or in part the certificate of acceptance of such political subdivision and shall administer the regulatory provisions of this subchapter II in whole or in part within the political subdivision until the appropriate standards are met. Upon receipt of evidence that necessary corrective action has been taken, the director shall reinstate the suspended certificate of acceptance, and the political subdivision shall resume the administration of the local air pollution control program within its jurisdiction. In cases where the certificate of acceptance is suspended, the political subdivision may appeal the suspension to the department of inspections, ~~and~~ appeals, and licensing.

Sec. 2062. Section 455B.271, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to appeal to the department of inspections, ~~and~~ appeals, and licensing, a permit may be modified or canceled by the director if any of the following occur:

Sec. 2063. Section 455B.390, subsection 1, Code 2023, is amended to read as follows:

1. Hazardous conditions existing solely within and which

will probably continue to exist solely within commercial and industrial plants, works, or shops under the jurisdiction of ~~chapters~~ chapter 10A, subchapter II, and chapter 88 ~~and 91~~.

Sec. 2064. Section 515B.5, subsection 2, paragraph h, Code 2023, is amended to read as follows:

h. Request that all future payments of workers' compensation weekly benefits, medical expenses, or other payments under chapter 10A, subchapter III, chapter 85, 85A, 85B, ~~86,~~ or 87 be commuted to a present lump sum and upon the payment of which, either to the claimant or to a licensed insurer for purchase of an annuity or other periodic payment plan for the benefit of the claimant, the employer and the association shall be discharged from all further liability for the workers' compensation claim. Notwithstanding the provisions of section 85.45, any future payment of medical expenses, weekly compensation benefits, or other payment by the association under this chapter pursuant to chapter 10A, subchapter III, chapter 85, 85A, 85B, ~~86,~~ or 87, is deemed an undue expense, hardship, or inconvenience upon the employer for purposes of a full commutation pursuant to section 85.45, subsection 1, paragraph *"b"*, and the workers' compensation commissioner shall fix the lump sum of the probable future medical expenses and weekly compensation benefits capitalized at their present value upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees.

Sec. 2065. Section 524.208, Code 2023, is amended to read as follows:

524.208 Examiners and other employees.

The superintendent may appoint examiners and other employees, including for the banking division's internal information technology group, as the superintendent deems necessary to the proper discharge of the duties imposed upon the superintendent by the laws of this state. Pay plans shall be established for employees, other than clerical employees ~~or employees of the professional licensing and regulation bureau~~

~~of the banking division~~, who examine the accounts and affairs of state banks and who examine the accounts and affairs of other persons, subject to supervision and regulation by the superintendent, which are substantially equivalent to those paid by the federal deposit insurance corporation and other federal supervisory agencies in this area of the United States.

Sec. 2066. Section 524.211, subsection 5, Code 2023, is amended to read as follows:

5. An employee of the banking division, other than the superintendent or a member of the state banking council ~~or one of the boards in the professional licensing and regulation bureau of the division~~, shall not perform any services for, and shall not be a shareholder, member, partner, owner, director, officer, or employee of, any enterprise, person, or affiliate subject to the regulatory purview of the banking division.

Sec. 2067. Section 542B.22, Code 2023, is amended to read as follows:

542B.22 Procedure.

Proceedings for any action under section 542B.21 shall be begun by filing with the board written charges against the accused. Upon the filing of charges the board may request the department of inspections, ~~and~~ appeals, and licensing to conduct an investigation into the charges. The department of inspections, ~~and~~ appeals, and licensing shall report its findings to the board, and the board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused has the right to appear personally or by counsel, to cross-examine witnesses, and to produce witnesses in defense.

Sec. 2068. Section 543C.4, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The commission may request the department of inspections, ~~and~~ appeals, and licensing to conduct an investigation and inspection to be made of any subdivided land

34 proposed to be offered for sale or lease in this state pursuant
35 to this chapter. The department of inspections, ~~and~~ appeals,
1 and licensing shall make a report of its findings.
2 2. If an inspection is to be made of subdivided land
3 situated outside of this state and offered for sale in this
4 state, the inspection as authorized by subsection 1 shall
5 be made by the department of inspections, ~~and~~ appeals,
6 and licensing at the expense of the subdivider. After the
7 application required by section 543C.2 is filed and after
8 the filing fee required by section 543C.8 is received, the
9 commission may decide whether an inspection pursuant to this
10 subsection is to be made. If the commission requires an
11 inspection, the department of inspections, ~~and~~ appeals, and
12 licensing shall so notify the subdivider and the subdivider
13 shall remit to the department an amount equivalent to the
14 round trip cost of travel from this state to the location
15 of the project, as estimated by the department and a further
16 amount estimated to be necessary to cover the additional
17 expenses of inspection but not to exceed fifty dollars a day
18 for each day incurred in the inspection. The costs of any
19 subsequent inspections deemed necessary shall be paid for by
20 the subdivider. At the completion of an inspection trip the
21 department shall furnish the subdivider a statement as to the
22 costs of the inspection trip, and if the costs are less than
23 the amount advanced by the subdivider to the department, the
24 remaining balance shall be refunded to the subdivider.
25 Sec. 2069. Section 544B.16, Code 2023, is amended to read
26 as follows:
27 **544B.16 Complaints — procedure.**
28 A person may file a complaint with the board against a
29 professional landscape architect or the board may initiate
30 a complaint. Unless the complaint is dismissed by the
31 board as unfounded or trivial, the board may request the
32 department of inspections, ~~and~~ appeals, and licensing to
33 conduct an investigation into the complaint. The department

34 of inspections, ~~and~~ appeals, and licensing shall report its
35 findings to the board, and the board shall hold a hearing
1 within sixty days after the date on which the complaint is
2 filed. The board shall fix the time and place for such hearing
3 and shall cause a copy of the complaint, together with a notice
4 of the time and place fixed for the hearing, to be served on
5 the accused at least thirty days before the date fixed for the
6 hearing. Where personal service cannot be effected, service
7 may be effected by publication. At such hearing, the accused
8 shall have the right to appear personally or by counsel, to
9 cross-examine witnesses against the accused, and to produce
10 evidence and witnesses in defense. After the hearing, the
11 board may suspend or revoke the certificate of licensure. The
12 board may restore the certificate of licensure to any person
13 whose certificate of licensure has been revoked. Application
14 for the restoration of a certificate of licensure shall be made
15 in such manner, form, and content as the board may prescribe.
16 Sec. 2070. Section 546.2, subsection 6, unnumbered
17 paragraph 1, Code 2023, is amended to read as follows:
18 Each division is responsible for policymaking and
19 enforcement duties assigned to the division under the law.
20 ~~Except as provided in section 546.10, subsection 3:~~
21 Sec. 2071. Section 546.3, subsection 1, Code 2023, is
22 amended to read as follows:
23 1. The banking division shall regulate and supervise banks
24 under chapter 524, debt management licensees under chapter
25 533A, money services under chapter 533C, delayed deposit
26 services under chapter 533D, mortgage bankers and brokers
27 under chapter 535B, regulated loan companies under chapter
28 536, and industrial loan companies under chapter 536A, ~~real~~
29 ~~estate appraisers under chapter 543D, and appraisal management~~
30 ~~companies under chapter 543E,~~ and shall perform other duties
31 assigned to the division by law. The division is headed by the
32 superintendent of banking who is appointed pursuant to section
33 524.201. The state banking council shall render advice within

the division when requested by the superintendent.

Sec. 2072. Section 600.2, subsection 2, Code 2023, is amended to read as follows:

2. *"Investigator"* means a natural person who is certified or approved by the department of human services, after inspection by the department of inspections, ~~and~~ appeals, and licensing, as being capable of conducting an investigation under section 600.8.

Sec. 2073. Section 600A.2, subsection 5, Code 2023, is amended to read as follows:

5. *"Certified adoption investigator"* means a person who is certified and approved by the department of human services, after inspection by the department of inspections, ~~and~~ appeals, and licensing, as being capable of conducting an investigation under section 600.8.

Sec. 2074. Section 626.29, Code 2023, is amended to read as follows:

626.29 Distress warrant by director of revenue, director of inspections, ~~and~~ appeals, and licensing, or director of workforce development.

In the service of a distress warrant issued by the director of revenue for the collection of taxes administered by or debts to be collected by the department of revenue, in the service of a distress warrant issued by the director of inspections, ~~and~~ appeals, and licensing for the collection of overpayment debts owed to the department of human services, or in the service of a distress warrant issued by the director of the department of workforce development for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due the taxpayer or the employer, may be reached by garnishment.

Sec. 2075. Section 626.30, Code 2023, is amended to read as follows:

626.30 Expiration or return of distress warrant.

Proceedings by garnishment under a distress warrant issued

by the director of revenue or the director of inspections, ~~and~~ appeals, and licensing shall not be affected by the expiration or return of the warrant.

Sec. 2076. Section 626.31, Code 2023, is amended to read as follows:

626.31 Return of garnishment — action docketed — distress action.

Where parties have been garnished under a distress warrant issued by the director of revenue or the director of inspections, ~~and~~ appeals, and licensing, the officer shall make return thereof to the court in the county where the garnishee lives, if the garnishee lives in Iowa, otherwise in the county where the taxpayer resides, if the taxpayer lives in Iowa; and if neither the garnishee nor the taxpayer lives in Iowa, then to the district court in Polk county, Iowa; the officer shall make return in the same manner as a return is made on a garnishment made under a writ of execution so far as they relate to garnishments, and the clerk of the district court shall docket an action thereon without fee the same as if a judgment had been recovered against the taxpayer in the county where the return is made, an execution issued thereon, and garnishment made thereunder, and thereafter the proceedings shall conform to proceedings in garnishment under attachments as nearly as may be. The warrant shall be considered in all respects as a final judgment.

Sec. 2077. Section 626.76, Code 2023, is amended to read as follows:

626.76 ~~Labor commissioner~~ Department of inspections, appeals, and licensing director to represent.

The ~~labor commissioner, appointed pursuant to section 91.2~~ director of the department of inspections, appeals, and licensing, may, at the ~~labor commissioner's~~ director's discretion, represent laborers or employees seeking payment for labor or wage claims from the receiver, trustee, or assignee, or the court, or the person charged with the property, in

accordance with and subject to the provisions of sections 626.69 and 626.71.

Sec. 2078. Section 724.21A, subsections 1 and 6, Code 2023, are amended to read as follows:

1. In any case where the sheriff or the commissioner of public safety denies an application for or suspends or revokes a permit to carry weapons or a permit to acquire pistols or revolvers, the sheriff or commissioner shall provide a written statement of the reasons for the denial, suspension, or revocation and the applicant or permit holder shall have the right to appeal the denial, suspension, or revocation to an administrative law judge in the department of inspections, ~~and~~ appeals, and licensing within thirty days of receiving written notice of the denial, suspension, or revocation.

6. The department of inspections, ~~and~~ appeals, and licensing shall adopt rules pursuant to chapter 17A as necessary to carry out the provisions of this section.

Sec. 2079. Section 729.6, subsection 9, paragraph a, Code 2023, is amended to read as follows:

a. Investigating a workers' compensation claim under chapter 10A, subchapter III, and chapters 85, 85A, and 85B~~, and 86~~.

Sec. 2080. Section 815.11, subsection 1, Code 2023, is amended to read as follows:

1. Costs incurred for legal representation by a court-appointed attorney under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph *"d"*, or section 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or 815.10 on behalf of an indigent shall be paid from moneys appropriated by the general assembly to the office of the state public defender in the department of inspections, ~~and~~ appeals, and licensing and deposited in an account to be known as the indigent defense fund, except as provided in subsection 2. Costs incurred representing an indigent defendant in a contempt action, representing an indigent juvenile in a juvenile court proceeding, or representing a person pursuant to section 13B.13

are also payable from the fund. However, costs incurred in any administrative proceeding or in any other proceeding under this chapter or chapter 598, 600, 600A, 633, 633A, 814, or 915 or other provisions of the Code or administrative rules are not payable from the fund.

Sec. 2081. Section 915.83, subsection 4, Code 2023, is amended to read as follows:

4. Request from the department of human services, the department of workforce development ~~and its~~, the division of workers' compensation of the department of inspections, appeals, and licensing, the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

Sec. 2082. 2020 Iowa Acts, chapter 1064, section 16, subsection 4, is amended to read as follows:

4. *Priority.* In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the ~~investigations division of the~~ department of inspections, ~~and~~ appeals, and licensing relating to investigations by the department, next priority shall be given to claims that will be deposited into the state general fund, and last priority shall be given to claims filed by other public agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the department.

Sec. 2083. CODE EDITOR DIRECTIVE.

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

a. Section 92.1 to section 92.1A.

b. Section 92.1B to section 92.1.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2084. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing 2020 Iowa Acts, chapter 1064, other than transitional rules:

The section of this division of this Act amending 2020 Iowa Acts, chapter 1064.

DIVISION IV

DEPARTMENT OF JUSTICE

Sec. 2085. Section 6B.18, subsection 3, Code 2023, is amended to read as follows:

3. In case of condemnation proceedings instituted by the state department of transportation, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general~~, or the department general counsel to the state department of transportation,~~ or the chief highway engineer for the department.

Sec. 2086. Section 8A.412, subsection 11, Code 2023, is amended to read as follows:

11. Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board. ~~However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, and administrative law judges appointed or employed by the public employment relations board are subject to the merit system.~~

Sec. 2087. Section 13.2, subsection 1, paragraphs b and o, Code 2023, are amended to read as follows:

b. Prosecute and defend in any other court or tribunal, all actions and proceedings, civil or criminal, in which the state may be a party or interested, when, in the attorney

general's judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly. The attorney general may prosecute a criminal proceeding on behalf of the state even if a county attorney does not request the attorney general to act as a county attorney in a proceeding under section 331.754, subsection 7.

o. Submit a report by January 15 of each year to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, to the executive council, and to the legislative services agency detailing ~~the amount of annual money receipts generated by each settlement or judgment in excess of two hundred fifty thousand dollars collected pursuant to legal proceedings under chapters 455B, 553, and 714~~ all money settlement awards and court money awards that were awarded to the state of Iowa. The report shall ~~include the name of the civil or criminal case involved, the~~ specify the parties to each settlement or court proceeding, any court of jurisdiction, the settlement amount, the state's share of the settlement amount, the name of the fund in which the receipts were deposited, and the planned use of the moneys.

Sec. 2088. Section 13.4, Code 2023, is amended to read as follows:

13.4 Assistant and deputy attorneys general.

The attorney general may appoint a ~~first assistant~~ chief deputy attorney general and such other deputy and assistant attorneys general as may be authorized by law, who shall devote their entire time to the duties of their positions. The deputy and assistant attorneys general shall, subject to the direction of the attorney general, have the same power and authority as the attorney general.

Sec. 2089. Section 13.6, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

13.6 Agency reimbursement for legal services.

The attorney general may charge departments, agencies, and

other state governmental entities for the cost of performing legal services for the department, agency, or governmental entity. Upon request of the attorney general, a department or agency shall provide and equip a suitable office for an assistant attorney general or other staff providing legal services exclusively for that department or agency.

Sec. 2090. Section 13.7, subsection 1, Code 2023, is amended to read as follows:

1. ~~Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head of an executive department of state government, or to a state board or commission~~ A department, agency, or other state governmental entity shall not contract for legal services to be provided by a private attorney unless authorized by the executive council under this section or section 13.3. ~~However, the~~ The executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the executive council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. ~~This subsection does not affect the general counsel for the utilities board of the department of commerce, the legal counsel of the department of workforce development,~~

34 ~~or the general counsel for the property assessment appeal~~
35 ~~board.~~
1 Sec. 2091. Section 13.9, Code 2023, is amended to read as
2 follows:
3 **13.9 Salary.**
4 The salary of the attorney general shall be as fixed by
5 the general assembly, and the salaries of the ~~first assistant~~
6 chief deputy attorney general and other deputy and assistant
7 attorneys general shall be such as may be fixed by law.
8 Sec. 2092. Section 13.11, Code 2023, is amended by striking
9 the section and inserting in lieu thereof the following:
10 **13.11 Exclusive criminal jurisdiction over election crimes.**
11 Notwithstanding any provision of law to the contrary, the
12 attorney general shall have exclusive jurisdiction to prosecute
13 all criminal proceedings under chapter 39A.
14 Sec. 2093. Section 20.4, subsection 9, Code 2023, is amended
15 to read as follows:
16 9. Persons employed by the state department of justice~~,~~
17 ~~except nonsupervisory employees of the consumer advocate~~
18 ~~division who are employed primarily for the purpose of~~
19 ~~performing technical analysis of nonlegal issues~~.
20 Sec. 2094. Section 25.1, subsection 2, unnumbered paragraph
21 1, Code 2023, is amended to read as follows:
22 The state appeal board shall make a record of the receipt
23 of claims received from the director of the department of
24 management, notify the ~~special assistant~~ attorney general ~~for~~
25 ~~claims~~, and deliver a copy to the state official or agency
26 against whom the claim is made, if any.
27 Sec. 2095. Section 25.1, subsection 2, paragraph a, Code
28 2023, is amended to read as follows:
29 *a.* The official or agency shall report its recommendations
30 concerning the claim to the ~~special assistant~~ attorney general
31 ~~for claims~~ who, with a view to determining the merits and
32 legality of the claim, shall investigate the claim and report
33 the findings and conclusions of the investigation to the state

appeal board.

Sec. 2096. Section 25.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state appeal board with the recommendation of the ~~special assistant~~ attorney general ~~for claims~~ may approve or reject claims against the state of less than five years involving the following:

Sec. 2097. Section 25.3, Code 2023, is amended to read as follows:

25.3 Filing with general assembly — testimony.

On the second day after the convening of each regular session of the general assembly, the state appeal board shall file with the clerk of the house of representatives and the secretary of the senate a list of all claims rejected by the state appeal board together with a copy of the report made to it by the ~~special assistant~~ attorney general ~~for claims~~ and its recommendation thereon for each claim, which report and recommendation shall be delivered to the claims committee of the house and senate. Any testimony taken by the ~~special assistant~~ attorney general ~~for claims~~ shall be preserved by the state appeal board and made available to the claims committee of the general assembly.

Sec. 2098. Section 25.4, Code 2023, is amended to read as follows:

25.4 ~~Assistant attorney~~ Attorney general ~~— salary~~.

The attorney general shall ~~appoint a special assistant attorney general for claims who shall, under the direction of the attorney general,~~ investigate and report on all claims between the state and other parties, which may be referred to the state appeal board, and on any other claims or matters which the state appeal board ~~or the attorney general may direct~~.

Sec. 2099. Section 25.5, Code 2023, is amended to read as follows:

25.5 Testimony — filing with board.

The ~~special assistant~~ attorney general ~~for claims~~ shall fully investigate each claim and the facts upon which same is based and may take testimony in the form of affidavits or otherwise, and in connection therewith shall ex officio be empowered to administer oaths, to compel the attendance of witnesses and certify to any district court for contempt. All testimony, affidavits, and other papers in connection with a claim, obtained by the ~~special assistant~~ attorney general ~~for claims~~ in making an investigation shall be filed with the report to the state appeal board.

Sec. 2100. Section 25.6, Code 2023, is amended to read as follows:

25.6 Claims by state against municipalities.

The state appeal board may investigate and collect claims which the state has against municipal or political corporations in the state including counties, cities, townships, and school corporations. The board shall refer any such claim to the ~~special assistant~~ attorney general ~~for claims~~, when the claim has not been promptly paid, and if the ~~special assistant~~ attorney general ~~for claims~~ is not able to collect the full amount of the claim, the ~~special assistant~~ attorney general shall fully investigate and report to the state appeal board findings of fact and conclusions of law, together with any recommendation as to the claim. Thereafter the state appeal board may effect a compromise settlement with the debtor in an amount and under terms as the board deems just and equitable in view of the findings and conclusions reported to it. If the state appeal board is unable to collect a claim in full or effect what it has determined to be a fair compromise, it shall deliver the claim to the attorney general for action as the attorney general shall determine ~~and the special assistant attorney general for claims is specifically charged with carrying out the directions of the attorney general with reference to the claim~~. When a claim is compromised by the state appeal board, the board shall file with the department

of management and the department of administrative services a statement as to the settlement, together with a true copy of the agreement of settlement, and if in settlement an amount less than the face amount is accepted in full, the proper entries shall be made in the books of the department of management, the department of administrative services, and the auditor of state showing the amount of the claim, the amount of the settlement, and the amount charged off.

Sec. 2101. Section 39A.6, subsection 4, Code 2023, is amended to read as follows:

4. Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general ~~and relevant county attorney~~ if the apparent violation constitutes or may constitute election misconduct under this chapter.

Sec. 2102. Section 39A.7, Code 2023, is amended to read as follows:

39A.7 Election misconduct — investigation.

1. The attorney general ~~or county attorney~~ shall investigate allegations of election misconduct reported to the attorney general ~~or county attorney~~. Election misconduct by an election official shall also be investigated for prosecution under chapter 721.

2. Upon the completion of an investigation required by this section, the attorney general ~~or county attorney~~ shall submit the results of the investigation to the state commissioner and explain whether the attorney general ~~or county attorney~~ will pursue charges.

Sec. 2103. Section 48A.41, subsection 2, Code 2023, is amended to read as follows:

2. If in the course of an audit under this section the state registrar of voters finds that a commissioner of registration has failed to perform required voter list maintenance, the state registrar of voters shall submit the audit to the ~~relevant county attorney and~~ attorney general within twenty-four hours for investigation of a violation of section

39A.3, subsection 1, paragraph *"b"*, subparagraph (9), or other provision of law.

Sec. 2104. Section 80.1, Code 2023, is amended to read as follows:

80.1 Department created.

There is hereby created a department of the state government which shall be known and designated as the department of public safety, which shall consist of a commissioner of public safety and of such officers and employees as may be required~~, one of whom shall be an attorney admitted to practice law in this state. Such attorney shall be an assistant attorney general appointed by the attorney general who shall fix the assistant's salary. The department shall reimburse the attorney general for the salary and expense of such assistant attorney general and furnish the assistant a suitable office if requested by the attorney general.~~

Sec. 2105. Section 307.23, Code 2023, is amended to read as follows:

307.23 ~~General~~ Legal counsel.

1. ~~The general counsel shall be a special assistant attorney general appointed by the attorney general who shall act as the attorney for the department. The general counsel shall have the following duties and responsibilities~~ It shall be the duty of the attorney general to do all of the following:

a. Act as legal advisor to the department, commission, and ~~the~~ director.

b. Provide all legal services for the department.

2. The attorney general shall appoint ~~additional~~ assistant attorneys general as ~~the director deems~~ necessary to carry out ~~the~~ these duties ~~assigned to the office of the general counsel~~. ~~The salary of the general counsel shall be fixed by the director, subject to the approval of the attorney general. The director shall provide and furnish a suitable office for the general counsel upon request of the attorney general.~~

Sec. 2106. Section 327C.30, Code 2023, is amended to read

as follows:

327C.30 Duty of department, ~~general counsel~~ attorney general, and county attorney.

When any proceeding has been instituted under sections 327C.28 and 327C.29, the ~~department~~ attorney general ~~counsel~~ shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall render such assistance as the ~~department~~ attorney general ~~counsel~~ may require.

Sec. 2107. Section 331.756, subsection 49, Code 2023, is amended to read as follows:

49. Assist, upon request, the ~~department of transportation's~~ attorney general ~~counsel~~ in the prosecution of violations of common carrier laws and regulations as provided in section 327C.30.

Sec. 2108. Section 475A.1, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *Appointment.* The attorney general shall appoint ~~a competent attorney to~~ the ~~office of~~ consumer advocate, who shall serve at the pleasure of the attorney general, subject to confirmation by the senate, no less frequently than once every four years, in accordance with section 2.32. The consumer advocate is the chief administrator of the consumer advocate division of the department of justice. ~~The advocate's term of office is for four years. The term begins and ends in the same manner as set forth in section 69.19.~~

2. *Vacancy.* If a vacancy occurs in the office of consumer advocate, the vacancy shall be filled ~~for the unexpired term~~ in the same manner as an original appointment under the procedures of section 2.32.

Sec. 2109. Section 475A.1, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2110. Section 475A.2, subsections 2 and 5, Code 2023, are amended to read as follows:

2. ~~Act as attorney for and represent~~ Represent the interests

of all consumers generally and the public generally in all proceedings before the utilities board.

5. ~~Act as attorney for and represent~~ Represent the interests of all consumers generally and the public generally in proceedings before federal and state agencies and related judicial review proceedings and appeals, at the discretion of the consumer advocate.

Sec. 2111. Section 475A.3, subsection 2, Code 2023, is amended to read as follows:

2. *Employees.* The ~~consumer advocate~~ attorney general may employ attorneys, legal assistants, secretaries, clerks, and other employees ~~the consumer advocate finds~~ necessary for the full and efficient discharge of the duties and responsibilities of the ~~office~~ consumer advocate division. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract as the consumer advocate finds necessary for the full and efficient discharge of the duties of the office. ~~Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment, except as provided in section 8A.412.~~

Sec. 2112. REPEAL. Section 13.5, Code 2023, is repealed.

Sec. 2113. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V

ECONOMIC DEVELOPMENT AUTHORITY

CULTURAL AFFAIRS

Sec. 2114. Section 7E.5, subsection 1, paragraph g, Code 2023, is amended to read as follows:

g. The economic development authority, created in section 15.105, which has responsibility for ensuring that the economic development policies of the state are effectively and efficiently carried out, and for managing the state's interest in the areas of the arts, history, and other cultural matters.

Sec. 2115. Section 7E.5, subsection 1, paragraph l, Code

2023, is amended by striking the paragraph.

Sec. 2116. Section 8A.412, subsection 14, Code 2023, is amended to read as follows:

14. Professional employees ~~of~~ engaged in activities related to the arts ~~division of~~ under the supervision of the ~~department of cultural affairs~~ economic development authority.

Sec. 2117. Section 15.108, subsection 5, paragraph c, Code 2023, is amended to read as follows:

c. Coordinate and develop with the department of transportation, the department of natural resources, ~~the department of cultural affairs,~~ the enhance Iowa board, other state agencies, and local and regional entities public interpretation, marketing, and education programs that encourage Iowans and out-of-state visitors to participate in the recreational and leisure opportunities available in Iowa. The authority shall establish and administer a program that helps connect both Iowa residents and residents of other states to new and existing Iowa experiences as a means to enhance the economic, social, and cultural well-being of the state. The program shall include a broad range of new opportunities, both rural and urban, including main street destinations, green space initiatives, and artistic and cultural attractions.

Sec. 2118. Section 15.108, subsection 5, paragraph l, Code 2023, is amended by striking the paragraph.

Sec. 2119. Section 15.108, subsection 9, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

9. *Cultural affairs.* To develop the state's interest in the areas of the arts, history, and other cultural matters. To carry out this responsibility, the authority shall:

a. Accept, receive, and administer grants or other funds or gifts from public or private agencies, including the federal government, for the authority.

b. Administer the Iowa cultural trust, as advised and assisted by the Iowa arts council, as provided in chapter 303A,

34 and do all of the following:
35 (1) Develop and adopt by rule criteria for the issuance
1 of trust fund credits by measuring the efforts of qualified
2 organizations to increase their endowment or other resources
3 for the promotion of the arts, history, or the sciences and
4 humanities in Iowa. For purposes of this paragraph, *"qualified*
5 *organization"* means a tax-exempt, nonprofit organization
6 whose primary mission is to promote the arts, history, or the
7 sciences and humanities in Iowa. If the authority determines
8 that a qualified organization has increased the amount of the
9 qualified organization's endowment and other resources, the
10 authority shall certify the amount of increase in the form of
11 trust fund credits to the treasurer, who shall deposit in the
12 Iowa cultural trust fund, from moneys received for purposes
13 of the trust fund as provided in section 303A.4, subsection
14 2, an amount equal to the trust fund credits. If the amount
15 of the trust fund credits issued by the authority exceeds the
16 amount of moneys available to be deposited in the trust fund as
17 provided in section 303A.4, subsection 2, the outstanding trust
18 fund credits shall not expire but shall be available to draw
19 down additional moneys which become available to be deposited
20 in the trust fund as provided in section 303A.4, subsection 2.
21 (2) Develop and implement, in accordance with subchapter
22 II, part 30, a grant application process for grants issued to
23 qualified organizations.
24 (3) Develop and adopt by rule criteria for the approval of
25 Iowa cultural trust grants. The criteria shall include but
26 shall not be limited to the future stability and sustainability
27 of a qualified organization.
28 (4) Compile, in consultation with the Iowa arts council,
29 a list of grant applications recommended for funding in
30 accordance with the amount available for distribution as
31 provided in section 303A.6, subsection 3. The list of
32 recommended grant applications shall be submitted to the Iowa
33 cultural trust board of trustees for approval.

34 (5) Monitor the allocation and use of grant moneys by all
35 qualified organizations to determine whether moneys are used
1 in accordance with the provisions of this paragraph *"b"* and
2 subchapter II, part 30. The authority shall annually submit
3 a report with the authority's findings and recommendations to
4 the Iowa cultural trust board of trustees prior to final board
5 action in approving grants for the next succeeding fiscal year.
6 *c.* Design a comprehensive, statewide, long-range plan with
7 the assistance of the Iowa arts council to develop the arts
8 in Iowa. The authority is designated as the state agency for
9 carrying out the plan.
10 *d.* By rule, establish advisory groups as necessary for the
11 receipt of federal funds or grants or the administration of any
12 of the authority's programs.
13 *e.* Develop and implement fee-based educational programming
14 opportunities, including preschool programs, related to arts,
15 history, and other cultural matters for Iowans of all ages.
16 *f.* Conduct surveys of existing art and cultural programs
17 and activities within the state, including but not limited to
18 music, theater, dance, painting, sculpture, architecture, and
19 allied arts and crafts. The authority shall submit a report
20 on the survey to the governor and to the general assembly no
21 later than ten calendar days after the commencement of each
22 first session of the general assembly recommending appropriate
23 legislation or other action as the authority deem appropriate.
24 *g.* Establish and administer a film office. The purpose
25 of the film office is to assist legitimate film, television,
26 and video producers in the production of film, television, and
27 video projects in the state, and to increase the fiscal impact
28 on the state's economy of film, television, and video projects
29 produced in the state.
30 Sec. 2120. Section 15.108, Code 2023, is amended by adding
31 the following new subsection:
32 NEW SUBSECTION. 12. *Miscellaneous.* To provide other
33 necessary services, the authority shall do all of the

34 following:
35 *a.* Collect and assemble, or cause to have collected and
1 assembled, all pertinent information available regarding the
2 industrial, agricultural, and public and private recreation
3 and tourism opportunities and possibilities of the state
4 of Iowa, including raw materials and products that may be
5 produced from the raw materials; power and water resources;
6 transportation facilities; available markets; the banking and
7 financing facilities; the availability of industrial sites; the
8 advantages of the state as a whole, and particular sections
9 of the state, as industrial locations; the development of a
10 grain alcohol motor fuel industry and its related products;
11 and other fields of research and study as the board deems
12 necessary. This information shall consider the encouragement
13 of new industrial enterprises in the state and the expansion
14 of industries now existing within the state, and allied fields
15 to those industries. The information shall also consider the
16 changing composition of the Iowa family, the level of poverty
17 among different age groups, and different family structures in
18 Iowa society and their impact on Iowa families.
19 *b.* Apply for, receive, contract for, and expend federal
20 funds and grants, and funds and grants from other sources.
21 *c.* Except as otherwise provided in sections 8A.110, 260C.14,
22 and 262.9, provide that an inventor whose research is funded
23 in whole or in part by the state shall assign to the state a
24 proportionate part of the inventor´s rights to a letter patent
25 resulting from that research. The state's portion of the
26 royalties or earnings derived from a letter patent shall be
27 paid to the treasurer of state and credited by the treasurer to
28 the general fund of the state. The authority, in conjunction
29 with other state agencies including the board of regents,
30 shall provide incentives to inventors whose research is funded
31 in whole or in part by the state to encourage the inventors
32 to have the invented products produced in the state. The
33 incentives may include the state receiving a smaller portion of

the inventor's royalties or earnings than would otherwise occur under this paragraph or other provisions of law.

d. Administer or oversee federal rural economic development programs in the state.

e. At the director's discretion, accept payment by credit card of any fees, interest, penalties, subscriptions, registrations, purchases, or other payments, or any portion of such payments, which are due or collected by the authority. The authority may adjust the amount of the payment to reflect the costs of processing the payment as determined by the treasurer of state. Payment by credit card shall include, in addition to all other charges, any discount charged by the credit card issuer.

f. Provide technical assistance to individuals who are pursuing the purchase and operation of employee-owned businesses.

g. Administer the Iowa energy center established in section 15.120. This paragraph "*g*" is repealed July 1, 2027.

h. Administer the partner state program created in section 15.421.

Sec. 2121. Section 15.274, Code 2023, is amended to read as follows:

15.274 Promotional program for national historic landmarks and cultural and entertainment districts.

The economic development authority, in cooperation with the state department of transportation ~~and the department of cultural affairs~~, shall establish and administer a program designed to promote knowledge of and access to buildings, sites, districts, structures, and objects located in this state that have been designated by the secretary of the interior of the United States as a national historic landmark, unless the national historic landmark is protected under section 22.7, subsection 20, and certified cultural and entertainment districts, as established pursuant to section 303.3B. The program shall be designed to maximize the visibility and

visitation of national historic landmarks in this state and buildings, sites, structures, and objects located in certified cultural and entertainment districts, as established pursuant to section 303.3B. Methods used to maximize the visibility and visitation of such locations may include the use of tourism literature, signage on highways, maps of the state and cities, and internet sites. For purposes of this section, *"highway"* means the same as defined in section 325A.1.

Sec. 2122. Section 99F.11, subsection 4, paragraph d, subparagraph (1), Code 2023, is amended to read as follows:

(1) Five hundred twenty thousand dollars is appropriated each fiscal year to the ~~department of cultural affairs~~ economic development authority with one-half of the moneys allocated for operational support grants and the remaining one-half allocated for the community cultural grants program established under section 303.3.

Sec. 2123. Section 103A.45, subsection 4, Code 2023, is amended to read as follows:

4. Consult with state agencies, including the state fire marshal and the ~~department of cultural affairs~~ economic development authority, governmental subdivisions, architects, engineers, and others who have knowledge of or interest in the rehabilitation, preservation, restoration, and relocation of historic buildings, with respect to matters relating to the state historic building code.

Sec. 2124. Section 303.3, subsections 1 and 2, Code 2023, are amended to read as follows:

1. The ~~department~~ authority shall establish a grant program for cities and nonprofit, tax-exempt community organizations for the development of community programs that provide local jobs for Iowa residents and also promote Iowa's historic, ethnic, and cultural heritages through the development of festivals, music, drama, cultural programs, or tourist attractions. A city or nonprofit, tax-exempt community organization may submit an application to the ~~department~~

34 authority for review. The ~~department~~ authority shall establish
35 criteria for the review and approval of grant applications.
1 The amount of a grant shall not exceed fifty percent of
2 the cost of the community program. Each application shall
3 include information demonstrating that the city or nonprofit,
4 tax-exempt community organization will provide matching funds
5 of fifty percent of the cost of the program. The matching
6 funds requirement may be met by substituting in-kind services,
7 based on the value of the services, for actual dollars.
8 2. The ~~department~~ authority shall establish a grant program
9 which provides general operating budget support to major,
10 ~~multidisciplined~~ multidisciplinary cultural organizations
11 ~~which~~ that demonstrate cultural and managerial excellence
12 on a continuing basis to the citizens of Iowa. Applicant
13 organizations must be incorporated under chapter 504, be exempt
14 from federal taxation, and not be attached or affiliated with
15 an educational institution. Eligible organizations shall
16 be operated on a year-round basis and employ at least one
17 full-time, paid professional staff member. The ~~department~~
18 authority shall establish criteria for review and approval
19 of grant applications. Criteria established shall include,
20 but are not limited to, a matching funds requirement. The
21 matching funds requirement shall permit an applicant to meet
22 the matching requirement by demonstrating that the applicant's
23 budget contains funds, other than state and federal funds, in
24 excess of the grant award.
25 Sec. 2125. Section 303.3A, subsection 1, paragraph c, Code
26 2023, is amended by striking the paragraph.
27 Sec. 2126. Section 303.3A, subsections 2 and 3, Code 2023,
28 are amended to read as follows:
29 2. The ~~department~~ authority shall administer regional
30 conferences and a statewide caucus on arts and cultural
31 enhancement. The purpose of the conferences and caucus is to
32 encourage the development of the arts and culture in the state
33 ~~by~~ in all of the following ways:

34 *a.* By identifying opportunities for programs involving
35 education, outreach, and enhancement~~; by~~.
1 *b.* By reviewing possible changes in enhancement program
2 policies, programs, and funding~~; and by~~.
3 *c.* By making recommendations to the ~~department~~ authority
4 regarding funding allocations and priorities for arts and
5 cultural enhancement.
6 3. *a.* Every four years beginning in June ~~2001~~ 2025, the
7 ~~department~~ authority shall convene a statewide caucus on arts
8 and cultural enhancement.
9 ~~*a.*~~ *b.* Prior to the statewide caucus, the ~~department~~
10 authority shall make arrangements to hold a conference in each
11 of several regions of the state as determined by the Iowa arts
12 council. The ~~department~~ authority shall promote attendance
13 of interested persons at each conference. ~~A designee of~~
14 ~~the department shall serve as temporary chairperson until~~
15 ~~persons attending the conference elect a chairperson.~~ The
16 ~~department~~ authority shall provide persons attending the
17 conference with current information regarding cultural programs
18 and expenditures. Persons attending the conference shall
19 identify opportunities for programs in the areas of education,
20 outreach, and enhancement, and make recommendations in the
21 form of a resolution. The persons attending the conference
22 shall elect six persons from among the attendees to serve
23 as regional, voting delegates to the statewide caucus. The
24 conference attendees shall elect a chairperson from among the
25 six representatives. Other interested persons are encouraged
26 to attend the statewide caucus as nonvoting attendees.
27 ~~*b.*~~ *c.* The ~~department~~ authority shall charge a reasonable
28 fee for attendance at the statewide caucus on arts and cultural
29 enhancement.
30 ~~*c.*~~ *d.* A designee of the ~~department~~ authority shall call the
31 statewide caucus to order and serve as temporary chairperson
32 until persons attending the caucus elect a chairperson.
33 Persons attending the caucus shall discuss the recommendations

34 of the regional conferences and decide upon recommendations to
35 be made to the ~~department~~ authority and the general assembly.
1 Elected chairpersons of the regional conferences shall meet
2 with representatives of the ~~department~~ authority and present
3 the recommendations of the caucus.
4 Sec. 2127. Section 303.3B, Code 2023, is amended to read as
5 follows:
6 **303.3B Cultural and entertainment districts.**
7 1. The ~~department of cultural affairs~~ authority shall
8 establish and administer a cultural and entertainment district
9 certification program. The program shall encourage the growth
10 of communities through the development of areas within a city
11 or county for public and private uses related to cultural and
12 entertainment purposes.
13 2. A city or county may create and designate a cultural
14 and entertainment district subject to certification
15 by the ~~department of cultural affairs, in consultation~~
16 ~~with the economic development~~ authority. A cultural and
17 entertainment district is encouraged to include a unique form
18 of transportation within the district and for transportation
19 between the district and recreational trails. A cultural and
20 entertainment district certification shall remain in effect for
21 ten years following the date of certification. Two or more
22 cities or counties may apply jointly for certification of a
23 district that extends across a common boundary. Through the
24 adoption of ~~administrative~~ rules, the ~~department of cultural~~
25 ~~affairs~~ authority shall develop a certification application
26 for use in the certification process. The provisions of this
27 subsection relating to the adoption of ~~administrative~~ rules
28 shall be construed narrowly.
29 3. The ~~department of cultural affairs~~ authority shall
30 encourage development projects and activities located in
31 certified cultural and entertainment districts through
32 incentives under cultural grant programs pursuant to section
33 303.3, ~~chapter 303A~~ part 30, and any other applicable grant

34 programs.
35 Sec. 2128. Section 303.3C, subsection 1, paragraphs a, d,
1 and f, Code 2023, are amended to read as follows:
2 *a.* The ~~department of cultural affairs~~ authority shall
3 establish and administer an Iowa great places program for
4 purposes of combining resources of state government in an
5 effort to showcase the unique and authentic qualities of
6 communities, regions, neighborhoods, and districts that
7 make such places exceptional places to work and live. The
8 ~~department of cultural affairs~~ authority shall provide
9 administrative assistance to the Iowa great places board. The
10 ~~department of cultural affairs~~ authority shall coordinate
11 the efforts of the Iowa great places board with the efforts
12 of state agencies participating in the program which shall
13 include~~,~~ but not be limited to~~, the economic development~~
14 ~~authority,~~ the Iowa finance authority, the department of
15 human rights, the department of natural resources, the state
16 department of transportation, and the department of workforce
17 development.
18 *d.* The ~~department of cultural affairs~~ authority shall work
19 in cooperation with the vision Iowa and community attraction
20 and tourism programs for purposes of maximizing and leveraging
21 moneys appropriated to identified Iowa great places.
22 *f.* The ~~department of cultural affairs~~ authority shall
23 account for any funds appropriated from the endowment for
24 Iowa's health restricted capitals fund for an identified Iowa
25 great place.
26 Sec. 2129. Section 303.3C, subsection 2, paragraph a, Code
27 2023, is amended to read as follows:
28 *a.* The Iowa great places board is established consisting of
29 twelve members. The board shall be located for administrative
30 purposes within the ~~department of cultural affairs~~ authority
31 and the director shall provide office space, staff assistance,
32 and necessary supplies and equipment for the board. The
33 director shall budget moneys to pay the compensation and

expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

Sec. 2130. Section 303.3D, subsections 1 and 3, Code 2023, are amended to read as follows:

1. An Iowa great places program fund is created under the authority ~~of the department of cultural affairs~~. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the Iowa great places program fund shall be credited to the Iowa great places program fund.

3. In awarding moneys the ~~department of cultural affairs~~ authority shall give consideration to the particular needs of each identified Iowa great place.

Sec. 2131. Section 303.3E, Code 2023, is amended to read as follows:

303.3E Culture, history, and arts teams program.

1. The ~~department of cultural affairs~~ authority shall establish and administer a statewide program facilitating the promotion of culture, history, and arts in Iowa. The program's purpose shall be to encourage cooperation and collaboration among the various state and local organizations working in these areas to improve Iowa's quality of life.

2. The ~~department~~ authority shall implement the program by working with the local organizations to establish local committees. Each committee shall:

a. Include representatives from local organizations dedicated to promoting culture, history, and arts.

b. Gather and disseminate information on the cultural, historical, and arts opportunities in the regions.

c. Enhance communication among the local organizations.

d. Assist the staff members of local organizations in obtaining technical and professional training.

3. The ~~department~~ authority shall assist local organizations in the delivery of technical services, professional training, and programming opportunities by working with these committees.

Sec. 2132. Section 303.20, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~subchapter of this chapter~~ part, unless the context otherwise requires:

Sec. 2133. Section 303.20, subsections 2 and 3, Code 2023, are amended to read as follows:

2. *"Commission"* is the five-person body, elected by the registered voters in the historical preservation district from persons living in the district for the purpose of administering this ~~subchapter of this chapter~~ part.

3. *"District"* means a historical preservation district established under this ~~subchapter of this chapter~~ part.

Sec. 2134. Section 303.20, subsection 4, Code 2023, is amended by striking the subsection.

Sec. 2135. Section 303.21, Code 2023, is amended to read as follows:

303.21 Petition.

1. The eligible voters in an area of asserted historical significance may petition the ~~department~~ authority for a referendum for the establishment of a district.

2. The petition must be signed by not less than ten percent of the eligible voters ~~of~~ in the area of asserted historical significance and shall contain both a description of the property suggested for inclusion in the district and the reasons justifying the creation of the district.

Sec. 2136. Section 303.22, Code 2023, is amended to read as follows:

303.22 Action by ~~department~~ the authority.

1. The ~~department~~ authority shall hold a hearing not less than thirty days ~~or~~ and not more than sixty days after the petition is received. The ~~department~~ authority shall publish

notice of the hearing, at a reasonable time before the hearing is to take place, and shall post notice of the hearing in a reasonable number of places within the suggested district. The cost of notification shall be paid by the persons who petition for the establishment of a district.

2. At the hearing the ~~department~~ authority shall hear interested persons, accept written presentations, and shall determine whether the suggested district is an area of historical significance which may properly be established as a historical preservation district pursuant to ~~the provisions of this subchapter of~~ this ~~chapter~~ part. The ~~department~~ authority may determine the boundaries which shall be established for the district. The ~~department~~ authority shall not include property which is not included in the suggested district unless the owner of the property is given an opportunity to be heard.

3. ~~The department, if it~~ If the authority determines that the suggested district meets the criteria for establishment as a historical preservation district, the authority shall indicate the owners of the property and residents included and shall forward a list of owners and residents to the county commissioner of elections.

4. If the ~~department~~ authority determines that the suggested district does not meet the criteria for establishment as a historical preservation district, ~~it~~ the authority shall so notify the petitioners.

Sec. 2137. Section 303.23, Code 2023, is amended to read as follows:

303.23 Referendum.

Within thirty days after the receipt of the list of owners of property and residents within the suggested historical preservation district, the ~~department~~ authority shall fix a date not more than forty-five days from the receipt of the petition seeking a referendum on the question of establishment of a historical preservation district. The ~~department~~ authority, after consultation with the county commissioner of

elections, shall specify the polling place within the suggested district that will best serve the convenience of the voters and shall appoint ~~from residents of the proposed district~~ three judges and two clerks of election from residents of the proposed district.

Sec. 2138. Section 303.24, Code 2023, is amended to read as follows:

303.24 Notice.

The ~~department~~ authority, after consultation with the county commissioner of elections, shall post notice of the referendum in a reasonable number of places within the suggested district a reasonable time before ~~it~~ the referendum is to take place. The notice shall state the purpose of the referendum, a description of the district, the date of the referendum, the location of the polling place, and the hours ~~when~~ the polls will be open ~~and close~~.

Sec. 2139. Section 303.26, subsection 3, Code 2023, is amended to read as follows:

3. Of the initial commission, the person receiving the highest number of votes shall ~~receive~~ serve a five-year term of office, the next highest shall serve a four-year term, the next highest shall serve a three-year term, the next highest shall serve a two-year term, and the fifth highest shall serve a one-year term. Thereafter, an election shall be held annually in the district to elect a member to a five-year term as each term expires.

Sec. 2140. Section 303.29, Code 2023, is amended to read as follows:

303.29 Use of structures.

~~No~~ A change in the use of any structure or property within a designated historical district shall not be permitted until ~~after~~ an application for a certificate of appropriateness has been submitted to, and been approved by the commission. For purposes of this section *"use"* means the legal enjoyment of property that consists in its employment, exercise, or

practice.

Sec. 2141. Section 303.32, Code 2023, is amended to read as follows:

303.32 Ordinary maintenance and repair.

~~Nothing in this subchapter of this chapter~~ This part shall not be construed to prevent the ordinary maintenance or repair of any exterior feature in a district which does not involve a change in design, material or outer appearance, nor ~~to~~ prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which is required ~~by~~ for public safety ~~because of~~ reasons due to an unsafe or dangerous condition.

Sec. 2142. Section 303.34, subsections 1 and 4, Code 2023, are amended to read as follows:

1. An area of historical significance shall be proposed by the governing body of the city on ~~its~~ the governing body's own motion or upon ~~the~~ receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the ~~historical division which~~ state historic preservation officer who shall determine if the proposed area meets the criteria in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the ~~division~~ state historic preservation officer shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

4. An area shall be designated an area of historical significance upon enactment of an ordinance ~~of~~ by the city. ~~Before~~ Prior to enactment of the ordinance or enactment of an amendment to the ordinance ~~is enacted~~, the governing body of the city shall submit the ordinance or amendment to the ~~historical division~~ state historic preservation officer for ~~its~~ review and recommendations.

Sec. 2143. Section 303.87, Code 2023, is amended to read as follows:

303.87 Duties of Iowa arts council.

The Iowa arts council shall~~:~~

~~1. Advise the director with respect to policies, programs, and procedures for carrying out the administrator's functions, duties, or responsibilities.~~

~~2. Review~~ review programs to be supported and make recommendations on the programs to the director.

Sec. 2144. Section 303.88, Code 2023, is amended to read as follows:

303.88 ~~Administrator's~~ Authority's powers ~~and authority~~.

The ~~arts division administrator may~~ authority shall:

1. ~~Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.~~

~~2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.~~

~~3.~~ Accept any federal funds granted~~,~~ by Act of Congress or by executive order~~,~~ for ~~all or~~ any purposes of this ~~subchapter~~ part, and receive and disburse as the official agent of the state any funds made available by the national endowment for the arts.

~~4.~~ 2. Accept gifts, contributions, endowments, bequests, or other moneys available for ~~all or~~ any ~~of the~~ purposes of ~~the division~~ this part. Interest earned on the gifts, contributions, endowments, bequests, or other moneys accepted under this ~~subsection~~ part shall be credited to the fund or funds to which the gifts, contributions, endowments, bequests, or other moneys have been deposited, and is available for ~~all or~~ any ~~of the~~ purposes of the ~~division~~ authority under this part.

Sec. 2145. Section 303A.1, Code 2023, is amended to read as follows:

303A.1 Short title.

This ~~chapter~~ part shall be known and may be cited as the *"Iowa Cultural Trust Act"*.

Sec. 2146. Section 303A.3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

For purposes of this ~~chapter~~ part, unless the context otherwise requires:

Sec. 2147. Section 303A.3, subsections 2 and 3, Code 2023, are amended by striking the subsections.

Sec. 2148. Section 303A.4, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

1. The Iowa cultural trust is created as a public body corporate organized for the purposes, with the powers, and subject to the restrictions, set forth in this ~~chapter~~ part.

2. An Iowa cultural trust fund is created in the office of the treasurer of state for the purpose of receiving moneys appropriated by the general assembly and any other moneys available to the trust fund due to the issuance of trust fund credits by the director as provided in section ~~303.1A~~ 15.108, subsection ~~1~~ 9, paragraph ~~*"f"*~~ *"b"*, subparagraph (1).

4. ~~*a.*~~ The treasurer of state shall act as custodian of the fund, shall invest moneys in the trust fund, and shall transfer the interest attributable to the investment of trust fund moneys to the grant account created in section 303A.7. The trust fund's principal shall not be used or accessed by the department or the board for any purpose.

~~*b.* Notwithstanding paragraph *"a"*, for each of the following fiscal years, the treasurer of state shall transfer the following amounts from the principal of the trust fund to the grant account created in section 303A.7:~~

~~(1) For the fiscal year beginning July 1, 2013, and ending June 30, 2014, fifty thousand dollars.~~

~~(2) For the fiscal year beginning July 1, 2014, and ending June 30, 2015, fifty thousand dollars.~~

Sec. 2149. Section 303A.5, subsections 1 and 6, Code 2023,

are amended to read as follows:

1. A board of trustees of the Iowa cultural trust is created. The general responsibility for the proper operation of the trust is vested in the board of trustees, which shall consist of ~~thirteen~~ twelve members as follows:

a. Nine public members, five of whom shall be appointed by the governor, subject to confirmation by the senate. The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives shall each appoint one public member. A public member of the board appointed in accordance with this section shall not also serve concurrently as a member of the state historical society board of trustees or the Iowa ~~state~~ arts council.

b. ~~Four~~ Three ex officio, nonvoting members, consisting of the treasurer of state or the treasurer's designee, the director of ~~the department of cultural affairs~~ the authority or the director's designee, ~~the chairperson of the state historical society board of trustees elected pursuant to section 303.6,~~ and the chairperson of the Iowa arts council designated pursuant to section 303.86.

6. The board shall be located for administrative purposes within the ~~department~~ authority. The ~~department~~ authority, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the income derived from the Iowa cultural trust fund and to perform specific powers and duties as provided in section 303A.6. The director shall budget funds to pay the expenses of the board and administer this ~~chapter~~ part.

Sec. 2150. Section 303A.6, subsections 1 and 2, Code 2023, are amended to read as follows:

1. Enter into agreements with any qualified organization, the state, or any federal or other state agency, or other entity as required to administer this ~~chapter~~ part.

2. Approve or disapprove the grants recommended for

approval by the director, in consultation with the Iowa arts council and the state historical society of Iowa, in accordance with section ~~303.1A~~ 15.108, subsection ~~1~~ 9, paragraph ~~"f",~~ ~~subparagraph (3)~~ "b". The board may ~~delete~~ remove any recommendation from the list, but shall not add to or otherwise amend the list of recommended grants.

Sec. 2151. Section 306D.2, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement, and identification of highways and secondary roads which pass through unusually scenic areas of the state as identified in section 306D.1. The department of natural resources, ~~department of~~ the economic development authority, ~~and department of cultural affairs,~~ private organizations, county conservation boards, city park and recreation departments, and the federal agencies having jurisdiction over land in the state shall be encouraged to assist in preparing the plan. The plan shall be coordinated with the state's open space plan if a state open space plan has been approved by the general assembly. The plan shall include, but is not limited to, the following elements:

Sec. 2152. Section 321.252, subsection 3, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) The tourist signing committee shall be made up of the directors or ~~their~~ the directors' designees of the departments of agriculture and land stewardship, natural resources, ~~cultural affairs,~~ and transportation, the director or the director's designee of the economic development authority, the chairperson or the chairperson's designee of the Iowa travel council, and a member of the outdoor advertising association of Iowa. The director or the director's designee of the economic development authority shall be the chairperson of the committee.

Sec. 2153. Section 404A.1, subsection 3, Code 2023, is

34 amended by striking the subsection.
35 Sec. 2154. Section 404A.1, subsection 8, paragraph b, Code
1 2023, is amended to read as follows:
2 *b.* The property meets the physical criteria and standards
3 for rehabilitation established by the ~~department~~ authority by
4 rule. To the extent applicable, the physical standards and
5 criteria shall be consistent with the United States secretary
6 of the interior's standards for rehabilitation.
7 Sec. 2155. Section 404A.3, subsection 1, paragraphs c and e,
8 Code 2023, are amended to read as follows:
9 *c.* The application shall include any information deemed
10 necessary by the authority~~, in consultation with the~~
11 ~~department,~~ to evaluate the eligibility under the program
12 of the applicant and the rehabilitation project, the amount
13 of projected qualified rehabilitation expenditures of a
14 rehabilitation project, and the amount and source of all
15 funding for a rehabilitation project. An applicant shall
16 have the burden of proof to demonstrate to the authority that
17 the applicant is an eligible taxpayer and the project is a
18 qualified rehabilitation project under the program.
19 *e.* (1) The authority may charge application and other fees
20 to eligible taxpayers who apply to participate in the program.
21 The amount of such fees shall be determined based on the costs
22 ~~of~~ to the authority ~~and the department associated with~~ of
23 administering the program.
24 (2) Fees collected by the authority pursuant to this
25 paragraph shall be deposited with the authority notwithstanding
26 section 303.9, subsection 1.
27 ~~(3) A portion of the fees collected shall be directed by the~~
28 ~~authority to the department.~~
29 Sec. 2156. Section 404A.3, subsection 3, paragraph b,
30 subparagraph (2), Code 2023, is amended to read as follows:
31 (2) The rehabilitation work to be performed. An eligible
32 taxpayer shall perform the rehabilitation work consistent with
33 the United States secretary of the interior's standards for

34 rehabilitation, as determined by the ~~department~~ authority.
35 Sec. 2157. Section 404A.3, subsection 4, paragraph c,
1 subparagraph (3), subparagraph division (b), Code 2023, is
2 amended to read as follows:
3 (b) *"Prohibited activity"* means a breach or default under
4 the agreement with the ~~department~~ authority, the violation
5 of any warranty provided by the eligible taxpayer to the
6 ~~department~~ authority or the department of revenue, the claiming
7 of a tax credit issued under this chapter for expenditures that
8 are not qualified rehabilitation expenditures, the violation of
9 any requirements of this chapter or rules adopted pursuant to
10 this chapter, misrepresentation, fraud, or any other unlawful
11 act or omission.
12 Sec. 2158. Section 404A.4, subsection 2, paragraph c, Code
13 2023, is amended to read as follows:
14 *c.* The amount of a tax credit that was available for
15 approval by the state historical preservation office of the
16 department of cultural affairs under section 404A.4, Code 2014,
17 in a fiscal year beginning on or after July 1, 2010, but before
18 July 1, 2014, that was required to be allocated to new projects
19 with final qualified rehabilitation costs of five hundred
20 thousand dollars or less, or seven hundred fifty thousand
21 dollars or less, as the case may be, and that was not finally
22 approved by the state historical preservation office, may be
23 awarded under section 404A.3 during the fiscal years beginning
24 on or after July 1, 2014, but before July 1, 2016.
25 Sec. 2159. Section 404A.6, Code 2023, is amended to read as
26 follows:
27 **404A.6 Rules.**
28 The authority~~, department,~~ and the department of revenue
29 shall each adopt rules as necessary for the administration of
30 this chapter.
31 Sec. 2160. Section 427.16, subsection 15, Code 2023, is
32 amended to read as follows:
33 15. The ~~department of cultural affairs~~ economic development

34 authority shall adopt rules pursuant to chapter 17A to
35 administer this section.
1 Sec. 2161. Section 465A.2, subsection 1, paragraph b,
2 unnumbered paragraph 1, Code 2023, is amended to read as
3 follows:
4 Prepare a statewide, long-range plan for the acquisition
5 and protection of significant open space lands throughout
6 the state as identified in section 465A.1. The department
7 of transportation, ~~department of~~ the economic development
8 authority, ~~and department of cultural affairs,~~ private
9 organizations, county conservation boards, city park and
10 recreation departments, and the federal agencies with lands in
11 the state shall be directly involved in preparing the plan.
12 The plan shall include, but is not limited to, the following
13 elements:
14 Sec. 2162. Section 465B.2, subsection 2, paragraph a, Code
15 2023, is amended to read as follows:
16 *a.* The state department of transportation may enter
17 into contracts for the preparation of the trails plan. The
18 department shall involve the department of natural resources~~,~~
19 and the ~~Iowa department of~~ economic development~~, and the~~
20 ~~department of cultural affairs~~ authority in the preparation of
21 the plan. The recommendations and comments of organizations
22 representing different types of trail users and others with
23 interests in this program shall also be incorporated in the
24 preparation of the trails plan and shall be submitted with the
25 plan to the general assembly. ~~The plan shall be submitted to~~
26 ~~the general assembly no later than January 15, 1988.~~ Existing
27 trail projects involving acquisition or development may receive
28 funding prior to the completion of the trails plan.
29 Sec. 2163. Section 465B.3, Code 2023, is amended to read as
30 follows:
31 **465B.3 Involvement of other agencies.**
32 The department of natural resources~~,~~ and the economic
33 development authority~~, and the department of cultural~~

34 ~~affairs~~ shall assist the state department of transportation
35 in developing the statewide plan for recreation trails, in
1 acquiring property, and in the development, promotion, and
2 management of recreation trails.
3 Sec. 2164. REPEAL. Sections 303.1, 303.1A, 303.2, and
4 303.95, Code 2023, are repealed.
5 Sec. 2165. CODE EDITOR DIRECTIVE.
6 1. The Code editor is directed to make the following
7 transfers:
8 a. Section 303.3 to section 15.436.
9 b. Section 303.3A to section 15.437.
10 c. Section 303.3B to section 15.438.
11 d. Section 303.3C to section 15.439.
12 e. Section 303.3D to section 15.440.
13 f. Section 303.3E to section 15.441.
14 g. Section 303.20 to section 15.445.
15 h. Section 303.21 to section 15.446.
16 i. Section 303.22 to section 15.447.
17 j. Section 303.23 to section 15.448.
18 k. Section 303.24 to section 15.449.
19 l. Section 303.25 to section 15.450.
20 m. Section 303.26 to section 15.451.
21 n. Section 303.27 to section 15.452.
22 o. Section 303.28 to section 15.453.
23 p. Section 303.29 to section 15.454.
24 q. Section 303.30 to section 15.455.
25 r. Section 303.31 to section 15.456.
26 s. Section 303.32 to section 15.457.
27 t. Section 303.33 to section 15.458.
28 u. Section 303.34 to section 15.459.
29 v. Section 303.86 to section 15.465.
30 w. Section 303.87 to section 15.466.
31 x. Section 303.88 to section 15.467.
32 y. Section 303.89 to section 15.470.
33 z. Section 303A.1 to section 15.476.

34 aa. Section 303A.2 to section 15.477.
35 ab. Section 303A.3 to section 15.478.
1 ac. Section 303A.4 to section 15.479.
2 ad. Section 303A.5 to section 15.480.
3 ae. Section 303A.6 to section 15.481.
4 af. Section 303A.7 to section 15.482.
5 2. The Code editor shall correct internal references in the
6 Code and in any enacted legislation as necessary due to the
7 enactment of this section.
8 3. The Code editor shall designate the following new parts
9 in subchapter II of chapter 15:
10 a. Sections 15.436 through 15.441 as part 26.
11 b. Sections 15.445 through 15.459 as part 27.
12 c. Sections 15.465 through 15.467 as part 28.
13 d. Section 15.470 as part 29.
14 e. Sections 15.476 through 15.482 as part 30.
15 STATE HISTORIC PRESERVATION OFFICER
16 Sec. 2166. NEW SECTION. **15.121 State historic preservation**
17 **officer.**
18 1. The governor shall appoint and designate the state
19 historic preservation officer pursuant to federal requirements.
20 The recommendations and decisions of the state historic
21 preservation officer shall be subject to the review and
22 approval of the director of the economic development authority.
23 2. The state historic preservation officer shall conduct
24 historic preservation activities pursuant to federal and
25 state requirements, including but not limited to all of the
26 following:
27 *a.* Identifying and documenting historic properties.
28 *b.* Preparing and maintaining a state register of historic
29 places, including those listed on the national register of
30 historic places.
31 *c.* Conducting historic preservation activities pursuant to
32 federal and state requirements.
33 *d.* Publishing matters of historical value to the public,

and pursuing historical, architectural, and archaeological research and development which may include but are not limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

3. Pursuant to section 103A.42, the state historic preservation officer, in response to an adequately documented request, shall issue an opinion stating whether a property is either included in or appears to meet criteria for inclusion in the national register of historic places.

4. Pursuant to section 303.16, subsection 6, paragraph *"h"*, the state historic preservation officer must approve a city or county government as a certified local government prior to a grant or loan fund award to the city or county government for a project in the historic preservation category.

5. Pursuant to section 303.18, the state historic preservation officer shall require that a rural electric cooperative or a municipal utility that is constructing an electric distribution and transmission facility for which it is receiving federal funding conduct an archeological site survey.

6. Pursuant to section 427.16, subsections 4 and 12, the state historic preservation officer shall be responsible for approving applications for certified substantial rehabilitation.

Sec. 2167. Section 457A.1, Code 2023, is amended to read as follows:

457A.1 Acquisition by other than condemnation.

The department of natural resources, soil and water conservation districts as provided in chapter 161A, the ~~historical division of the department of cultural affairs~~ state historic preservation officer, the state archaeologist appointed by the state board of regents pursuant to section 263B.1, any county conservation board, and any city or agency of a city may acquire by purchase, gift, contract, or other

voluntary means, but not by eminent domain, conservation easements in land to preserve scenic beauty, wildlife habitat, riparian lands, wetlands, or forests; promote outdoor recreation, agriculture, soil or water conservation, or open space; or otherwise conserve for the benefit of the public the natural beauty, natural and cultural resources, and public recreation facilities of the state.

Sec. 2168. Section 470.5, Code 2023, is amended to read as follows:

470.5 Exceptions.

This chapter does not apply to buildings used on January 1, 1980, by the division of adult corrections of the department of human services as maximum security detention facilities or to the renovation of property nominated to, or entered in the national register of historic places, designated by statute, or included in an established list of historic places compiled by the ~~historical division of the department of cultural affairs~~ state historic preservation officer.

Sec. 2169. CODE EDITOR DIRECTIVE.

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

Section 303.18 to section 15.122.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

IOWA FINANCE AUTHORITY

Sec. 2170. Section 7C.4A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. However, at any time during the calendar year the ~~executive~~ director of the Iowa finance authority may determine that a lesser amount need be allocated to the Iowa finance authority and on that date this lesser amount shall be the amount allocated to the authority and the excess shall be allocated under subsection 7.

Sec. 2171. Section 15.106C, subsection 1, Code 2023, is

34 amended to read as follows:
35 1. *a.* The operations of the authority shall be administered
1 by a director who shall be appointed by the governor, subject
2 to confirmation by the senate, and who shall serve ~~for a~~
3 ~~four-year term beginning and ending as provided in section~~
4 ~~69.19~~ at the pleasure of the governor. ~~An appointment by the~~
5 ~~governor to fill a vacancy in the office of the director shall~~
6 ~~be for the balance of the unexpired four-year term.~~
7 *b.* The director of the economic development authority
8 under paragraph *"a"* shall also serve as the director of, and
9 administer the operations of, the Iowa finance authority
10 pursuant to section 16.6.
11 Sec. 2172. Section 16.1, Code 2023, is amended by adding the
12 following new subsection:
13 NEW SUBSECTION. 6A. *"Director"* means the director of the
14 economic development authority who also serves as the director
15 of, and administers the operations of, the Iowa finance
16 authority pursuant to section 15.106C, subsection 1, paragraph
17 *"b"*.
18 Sec. 2173. Section 16.1, subsection 9, Code 2023, is amended
19 by striking the subsection.
20 Sec. 2174. Section 16.1A, subsection 5, Code 2023, is
21 amended to read as follows:
22 5. The board may, by resolution, delegate to the
23 agricultural development board, title guaranty division
24 board, ~~executive~~ director, or other authority employee such
25 of its powers, under such terms and conditions, as it deems
26 appropriate.
27 Sec. 2175. Section 16.2, subsections 6 and 8, Code 2023, are
28 amended to read as follows:
29 6. Members of the authority and the ~~executive~~ director shall
30 give bond as required for public officers in chapter 64.
31 8. Members shall elect a chairperson and vice chairperson
32 annually, and other officers as ~~they~~ the members determine,
33 ~~but~~ and the ~~executive~~ director shall serve as secretary to the

34 authority.
35 Sec. 2176. Section 16.2A, subsections 1, 5, and 7, Code
1 2023, are amended to read as follows:
2 1. A title guaranty division is created within the
3 authority. The division may also be referred to as Iowa title
4 guaranty. The powers of the division relating to the issuance
5 of title guaranties are vested in and shall be exercised by a
6 title guaranty division board of five members appointed by the
7 governor subject to confirmation by the senate. The membership
8 of the title guaranty division board shall include an attorney,
9 an abstractor, a real estate broker, a representative of a
10 lending institution that engages in mortgage lending, and
11 a representative of the housing development industry. The
12 ~~executive~~ director of the authority shall appoint an attorney
13 as director of the title guaranty division, who shall serve
14 as an ex officio member of the title guaranty division board.
15 The appointment of and compensation for the division director
16 are exempt from the merit system provisions of chapter 8A,
17 subchapter IV.
18 5. Members of the title guaranty division board and the
19 director of the title guaranty division board shall give bond
20 as required for public officers in chapter 64.
21 7. Members shall elect a chair and vice chair annually and
22 other officers as ~~they~~ the members determine. The ~~executive~~
23 director or the ~~executive~~ director's designee shall serve as
24 secretary to the title guaranty division board.
25 Sec. 2177. Section 16.2B, subsection 2, Code 2023, is
26 amended to read as follows:
27 2. The agricultural development division shall be
28 administered in accordance with the policies of the
29 agricultural development board created in section 16.2C.
30 The ~~executive~~ director of the authority may organize the
31 agricultural development division and employ necessary
32 qualified personnel to administer subchapter VIII.
33 Sec. 2178. Section 16.2C, subsection 3, Code 2023, is

34 amended to read as follows:
35 3. The agricultural development board consists of five
1 members appointed by the governor subject to confirmation by
2 the senate. The ~~executive~~ director of the authority or the
3 ~~executive~~ director's designee shall serve as an ex officio,
4 nonvoting member.
5 Sec. 2179. Section 16.2C, subsection 5, paragraph c, Code
6 2023, is amended to read as follows:
7 *c.* The appointed members shall elect a chairperson and vice
8 chairperson annually, and other officers as ~~they~~ the members
9 determine. The ~~executive~~ director of the authority or the
10 ~~executive~~ director's designee shall serve as secretary to the
11 board.
12 Sec. 2180. Section 16.2D, subsection 2, paragraph b,
13 subparagraph (8), Code 2023, is amended to read as follows:
14 (8) The ~~executive~~ director of the Iowa finance authority or
15 the ~~executive~~ director's designee.
16 Sec. 2181. Section 16.5, subsection 4, Code 2023, is amended
17 to read as follows:
18 4. Notwithstanding any other provision of law, the
19 authority may elect whether to utilize any or all of the goods
20 or services available from other state agencies in the conduct
21 of its affairs. Departments, boards, commissions, or other
22 agencies of the state shall provide reasonable assistance and
23 services to the authority upon the request of the ~~executive~~
24 director.
25 Sec. 2182. Section 16.6, Code 2023, is amended to read as
26 follows:
27 **16.6 ~~Executive director~~ Director — responsibilities.**
28 1. ~~The governor, subject to confirmation by the senate,~~
29 ~~shall appoint an executive director of the authority, who~~
30 ~~shall serve at the pleasure of the governor. The executive~~
31 ~~director shall be selected primarily for administrative~~
32 ~~ability and knowledge in the field, without regard to political~~
33 ~~affiliation.~~ The director of the economic development

34 authority shall also serve as the director of, and administer
35 the operations of, the authority pursuant to section 15.106C,
1 subsection 1, paragraph "*b*". The ~~executive~~ director shall not,
2 directly or indirectly, exert influence to induce any other
3 officers or employees of the state to adopt a political view,
4 or to favor a political candidate for office.
5 2. The ~~executive~~ director shall advise the authority on
6 matters relating to housing and housing finance, carry out
7 all directives from the authority, and hire and supervise the
8 authority's staff pursuant to ~~its~~ the authority's directions.
9 All employees of the authority are exempt from the merit system
10 provisions of chapter 8A, subchapter IV.
11 3. The ~~executive~~ director, as secretary of the authority,
12 shall keep a record of the proceedings of the authority and
13 shall be custodian of all books, documents, and papers filed
14 with the authority and of its minute book and seal. The
15 ~~executive~~ director shall have authority to cause to be made
16 copies of all minutes and other records and documents of the
17 authority and to give certificates under the seal of the
18 authority to the effect that such copies are true copies and
19 all persons dealing with the authority may rely upon such
20 certificates.
21 4. The ~~executive~~ director may establish administrative
22 divisions within the authority in order to most efficiently
23 and effectively carry out the authority's responsibilities,
24 provided that any creation or modification of authority
25 divisions be established only after consultation with the board
26 of the authority.
27 Sec. 2183. Section 16.13, subsection 2, paragraph a, Code
28 2023, is amended to read as follows:
29 *a.* If a member or employee of the authority other than the
30 ~~executive~~ director of the authority has an interest, either
31 direct or indirect, in a contract to which the authority is,
32 or is to be, a party, or in a mortgage lender requesting a loan
33 from, or offering to sell mortgage loans to, the authority,

34 the interest shall be disclosed to the authority in writing
35 and shall be set forth in the minutes of the authority. The
1 member or employee having the interest shall not participate
2 in any action of the authority with respect to that contract
3 or mortgage lender.
4 Sec. 2184. Section 16.13, subsections 3 and 4, Code 2023,
5 are amended to read as follows:
6 3. Nothing in this section shall be deemed to limit the
7 right of a member, officer, or employee of the authority to
8 acquire an interest in bonds or notes of the authority or to
9 limit the right of a member, officer, or employee other than
10 the ~~executive~~ director to have an interest in a financial
11 institution, including a lending institution, in which the
12 funds of the authority are, or are to be, deposited or which
13 is, or is to be, acting as trustee or paying agent under a trust
14 indenture to which the authority is a party.
15 4. The ~~executive~~ director shall not have an interest in
16 a financial institution, including a lending institution, in
17 which the funds of the authority are, or are to be, deposited
18 or which is, or is to be, acting as trustee or paying agent
19 under a trust indenture to which the authority is a party. The
20 ~~executive~~ director shall not receive, in addition to fixed
21 salary or compensation, any money or valuable thing, either
22 directly or indirectly, or through any substantial interest
23 in any other corporation or business unit, for negotiating,
24 procuring, recommending, or aiding in any purchase or sale
25 of property, or loan, made by the authority, nor shall the
26 ~~executive~~ director be pecuniarily interested, either as
27 principal, coprincipal, agent, or beneficiary, either directly
28 or indirectly, or through any substantial interest in any other
29 corporation or business unit, in any such purchase, sale, or
30 loan.
31 Sec. 2185. Section 16.57A, subsection 2, Code 2023, is
32 amended to read as follows:
33 2. Notwithstanding section 8.39, and any other law to

the contrary, with the prior written consent and approval of the governor, the ~~executive~~ director of the authority may transfer any unobligated and unencumbered moneys in any fund created pursuant to section 16.5, subsection 1, paragraph *"s"*, for deposit in the disaster recovery housing assistance fund created in section 16.57B. The prior written consent and approval of the director of the department of management shall not be required to transfer the unobligated and unencumbered moneys.

Sec. 2186. Section 16.134, subsection 9, paragraph b, subparagraph (3), Code 2023, is amended to read as follows:

(3) The ~~executive~~ director of the authority or the ~~executive~~ director's designee.

Sec. 2187. Section 16.134, subsection 10, paragraph a, Code 2023, is amended to read as follows:

a. A water quality financing review committee is created consisting of the secretary of agriculture or the secretary's designee, the ~~executive~~ director of the authority or the ~~executive~~ director's designee, and the director of the department of natural resources or the director's designee.

Sec. 2188. Section 257C.7, Code 2023, is amended to read as follows:

257C.7 Staff.

The ~~executive~~ director and staff of the Iowa finance authority, pursuant to chapter 16, shall also serve as ~~executive~~ director and staff of the advance funding authority, respectively. The ~~executive~~ director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec. 2189. Section 257C.12, subsections 1 and 3, Code 2023, are amended to read as follows:

1. If a member or employee other than the ~~executive~~ director of the authority has an interest, either direct or indirect, in a contract to which the authority is or is to be

a party, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of a meeting of the authority. The member having the interest shall not participate in action by the board with respect to that contract.

3. The ~~executive~~ director shall not have an interest in a bank or other financial institution in which the funds of the authority are deposited or which is acting as trustee or paying agent under a trust indenture to which the authority is a party. The ~~executive~~ director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending, or aiding in any loan made by the authority, nor shall the ~~executive~~ director be pecuniarily interested, either as principal, co-principal, agent, or beneficiary, either directly or indirectly or through any substantial interest in any other corporation or business unit, in any loan.

Sec. 2190. Section 418.5, subsection 2, paragraph f, Code 2023, is amended to read as follows:

f. The ~~executive~~ director of the Iowa finance authority or the ~~executive~~ director's designee.

Sec. 2191. Section 466B.3, subsection 4, paragraph j, Code 2023, is amended to read as follows:

j. The ~~executive~~ director of the Iowa finance authority or the ~~executive~~ director's designee.

DIVISION VI

ECONOMIC DEVELOPMENT AUTHORITY —— PARTNER STATE PROGRAM

Sec. 2192. NEW SECTION. **15.421 Partner state program.**

1. *a.* A partner state program is created which shall be administered by the authority. The purpose of the partner state program is to establish and maintain relationships between the state and foreign countries, provinces, states, regions, oblasts, municipalities, districts, divisions,

34 counties, prefectures, towns, cities, villages, boroughs,
35 and any other similar political subdivisions to facilitate
1 mutually beneficial exchanges, collaboration, and cooperation
2 with regard to agriculture, culture, education, manufacturing,
3 science and technology, sports and recreation, tourism, and the
4 arts.
5 *b.* A partner state relationship must be formalized in a
6 partner state agreement by executive order of the governor.
7 *c.* A partner state agreement may be modified or terminated
8 only by executive order of the governor.
9 2. *a.* A partner state program fund is created in the state
10 treasury under the control of the authority and consisting of
11 any moneys appropriated to the fund by the general assembly
12 and any other moneys available and obtained or accepted by the
13 authority for placement in the fund. The fund shall be used
14 to administer the partner state program. The authority shall
15 use any moneys specifically appropriated for purposes of this
16 section only for the purposes of this section.
17 *b.* Notwithstanding section 12C.7, subsection 2, interest
18 or earnings on moneys in the fund shall accrue to the
19 authority and shall be used for purposes of this section.
20 Notwithstanding section 8.33, moneys in the fund at the end of
21 each fiscal year shall not revert to any other fund but shall
22 remain in the fund for expenditure for subsequent fiscal years.
23 Sec. 2193. EFFECTIVE DATE. This division of this Act, being
24 deemed of immediate importance, takes effect upon enactment.
25 Sec. 2194. APPLICABILITY. This division of this Act applies
26 to all of the following:
27 1. Sister state agreements entered into by the state before
28 the effective date of this division of this Act including
29 agreements with the following:
30 a. China, Hebei Province.
31 b. Italy, Veneto Region.
32 c. Japan, Yamanashi Prefecture.
33 d. Republic of Kosovo.

e. Mexico, Yucatan.

f. Taiwan.

g. Ukraine, Cherkasy Oblast.

2. Partner state agreement entered into by the state on or after the effective date of this division of this Act.

DIVISION VII

PUBLIC EMPLOYMENT RELATIONS BOARD

Sec. 2195. Section 7E.6, subsection 5, Code 2023, is amended to read as follows:

5. Any position of membership on the board of parole, ~~the public employment relations board,~~ the utilities board, the employment appeal board, and the property assessment appeal board shall be compensated as otherwise provided in law.

Sec. 2196. Section 20.1, subsection 2, paragraph g, Code 2023, is amended by striking the paragraph.

Sec. 2197. Section 20.5, Code 2023, is amended to read as follows:

20.5 Public employment relations board.

1. There is established a board to be known as the "Public Employment Relations Board".

a. The board shall consist of three members appointed by the governor, subject to confirmation by the senate. ~~In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of labor-management relations.~~ No more than two members shall be of the same political affiliation~~,~~ and no member shall engage in any political activity while holding office ~~and the members shall devote full time to their duties~~.

b. The members shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19.

c. The member first appointed for a term of four years shall serve as chairperson and each of the member's successors shall also serve as chairperson.

d. Any vacancy occurring shall be filled in the same manner as regular appointments are made.

2. The governor shall appoint an executive director of the board, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The executive director shall serve as the executive officer of the board. In selecting the executive director, consideration shall be given to the person's knowledge, ability, and experience in the field of labor-management relations. The governor shall set the salary of the executive director within the applicable salary range established by the general assembly.

~~2.~~ 3. The board may employ such persons as are necessary for the performance of its functions. Personnel of the board shall be employed pursuant to the provisions of chapter 8A, subchapter IV.

~~3.~~ 4. ~~The chairperson and the remaining two members shall be compensated as provided in section 7E.6, subsection 5.~~ Members of the board ~~and employees of the board~~ shall be allowed their actual and necessary expenses incurred in the performance of their duties and may be entitled to per diem compensation as authorized under section 7E.6. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.

5. The board shall meet at least quarterly and at the call of the chairperson.

Sec. 2198. Section 20.6, subsection 1, Code 2023, is amended to read as follows:

1. Administer the provisions of this chapter and delegate the powers and duties of the board to the executive director or persons employed by the board, as appropriate.

Sec. 2199. Section 20.11, subsection 5, Code 2023, is amended to read as follows:

5. The board's review of proposed decisions and the rehearing ~~or judicial review~~ of final decisions is governed by the provisions of chapter 17A.

Sec. 2200. Section 20.13, subsection 3, Code 2023, is

34 amended by striking the subsection.
35 Sec. 2201. NEW SECTION. **20.34 Judicial review.**
1 Notwithstanding chapter 17A, in a petition for judicial
2 review of a decision of the board in a contested case under
3 this chapter, the opposing party shall be named the respondent,
4 and the board shall not be named as a respondent. Judicial
5 review of agency action by the board under this chapter is not
6 subject to chapter 17A.
7 DIVISION VIII
8 DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
9 Sec. 2202. Section 16.57B, subsection 4, Code 2023, is
10 amended to read as follows:
11 4. *Registration required.* To be considered for a forgivable
12 loan or grant under the program, a homeowner or renter must
13 register for the disaster case ~~management~~ advocacy program
14 established pursuant to section 29C.20B. The disaster case
15 manager may refer the homeowner or renter to the appropriate
16 local program administrator.
17 Sec. 2203. Section 29C.8, subsection 1, Code 2023, is
18 amended to read as follows:
19 1. The department of homeland security and emergency
20 management shall be under the management of a director who
21 shall be appointed by the governor, subject to confirmation
22 by the senate, and who shall serve at the pleasure of the
23 governor.
24 Sec. 2204. Section 29C.20A, subsections 2, 4, and 5, Code
25 2023, are amended to read as follows:
26 2. The grant funds shall be administered by the department
27 ~~of human services~~. The department shall adopt rules to create
28 the Iowa disaster aid individual assistance grant program. The
29 rules shall specify the eligibility of applicants and eligible
30 items for grant funding. The executive council shall use
31 grant funds to reimburse the department ~~of human services~~ for
32 its actual expenses associated with the administration of the
33 grants. The department ~~of human services~~ may implement an

34 ongoing contract with a provider or providers of a statewide
35 program with local offices throughout the state to serve as the
1 local administrative entity for the grant program so that the
2 program can be implemented with minimal delay when a disaster
3 occurs in a local area. The rules adopted by the department
4 ~~of human services~~ for the program shall include but are not
5 limited to all of the following:
6 *a.* If a local administrative entity is under contract with
7 the state to provide other services or is implementing a state
8 or federal program and the contract contains a sufficient
9 surety bond or other adequate financial responsibility
10 provision, the department shall accept the existing surety
11 bond or financial responsibility provision in lieu of applying
12 a new or additional surety bond or financial responsibility
13 requirement.
14 *b.* If the president of the United States has declared a
15 major disaster to exist in this state and federal aid is made
16 available to provide assistance grants to individuals similar
17 to that provided by the Iowa disaster aid individual assistance
18 grant program, the Iowa program shall be discontinued.
19 *c.* Authorization for the local administrative entity to draw
20 grant funding to pay valid claims on at least a weekly basis.
21 4. A recipient of grant funding shall receive reimbursement
22 for expenses upon presenting a receipt for an eligible expense
23 or shall receive a voucher through a voucher system developed
24 by the department ~~of human services~~ and administered locally
25 within the designated disaster area. A voucher system shall
26 ensure sufficient data collection to discourage and prevent
27 fraud. The department shall consult with long-term disaster
28 recovery committees and disaster recovery case management
29 committees in developing a voucher system.
30 5. The department ~~of human services~~ shall submit an annual
31 report, by January 1 of each year, to the legislative fiscal
32 committee and the general assembly's standing committees on
33 government oversight concerning the activities of the grant

program in the previous fiscal year.

Sec. 2205. Section 29C.20B, Code 2023, is amended to read as follows:

29C.20B Disaster case ~~management~~ advocacy grant fund and program.

1. *a.* A disaster case ~~management~~ advocacy grant fund is created in the state treasury for the use of the executive council. Moneys in the fund shall be ~~expended if grants are awarded pursuant to section 29C.20A~~ available following the governor's proclamation of a state of disaster emergency or the declaration of a major disaster by the president of the United States.

b. The executive council may make financial grants to meet disaster-related case ~~management~~ advocacy needs of disaster-affected individuals. The aggregate total of grants awarded shall not be more than one million dollars during a fiscal year. However, within the same fiscal year, additional funds may be specifically authorized by the executive council to meet additional needs. Upon request of the department ~~of human services~~, the executive council may make available up to one hundred thousand dollars, or so much as is necessary, for contract entity staff support and case management training.

c. The department ~~of human services~~ shall work with ~~the department of homeland security and emergency management and, as selected by the department of human services, a representative~~ representatives of selected nonprofit, voluntary, and faith-based organizations active in disaster recovery and response to establish a statewide system of disaster case ~~management~~ advocacy to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes.

2. The department ~~of human services~~ shall administer disaster case ~~management~~ advocacy grants. The department ~~of human services, in conjunction with the department of~~

34 ~~homeland security and emergency management,~~ shall establish
35 a disaster case ~~management~~ advocacy program and adopt rules
1 pursuant to chapter 17A necessary to administer the program.
2 The executive council shall use grant moneys to reimburse the
3 department ~~of human services~~ for actual expenses associated
4 with the administration of the grants. Under the program, the
5 department ~~of human services~~ shall coordinate case ~~management~~
6 advocacy services locally through one or more contracted
7 entities. The department ~~of human services shall~~ may implement
8 an ongoing contract with a provider of a statewide program
9 with local offices throughout the state to serve as the
10 local administrative entity for the grant program to allow
11 implementation of the program with minimal delay ~~if grants are~~
12 ~~awarded pursuant to section 29C.20A~~ following a governor's
13 proclamation of a state of disaster emergency or a declaration
14 of a major disaster by the president of the United States.
15 3. The department ~~of human services, in conjunction with the~~
16 ~~department of homeland security and emergency management and~~
17 ~~a representative~~ in consultation with representatives of the
18 Iowa voluntary organizations active in disaster, shall adopt
19 rules pursuant to chapter 17A to create coordination mechanisms
20 and standards for the establishment and implementation of
21 a statewide system of disaster case ~~management~~ advocacy.
22 The rules adopted by the department ~~of human services~~ for
23 the program shall include but are not limited to all of the
24 following:
25 *a.* If a local administrative entity is under contract with
26 the state to provide other services or is implementing a state
27 or federal program and the contract contains ~~a sufficient~~
28 ~~surety bond or other~~ adequate financial responsibility
29 provisions, the department shall accept the existing surety
30 bond or financial responsibility provisions in lieu of applying
31 a new or additional ~~surety bond or~~ financial responsibility
32 requirement.
33 *b.* Authorization for the local administrative entity to draw

down grant funding to pay valid claims on at least a weekly basis.

c. Disaster case ~~management~~ advocacy standards.

d. Disaster case ~~management~~ advocacy policies.

e. Reporting requirements.

f. Eligibility criteria.

g. Coordination mechanisms necessary to carry out the services provided.

h. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case ~~management~~ advocacy services.

i. Establishment of nonduplication of benefits policies and mechanisms ~~for the exchange of information between agencies to ensure compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996)~~.

j. Referral to all known available services for individuals from multiple agencies in coordinated service locations.

4. By January 1 of each year, the department ~~of human services~~ shall submit an annual written report to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program during the previous fiscal year.

DIVISION IX

DEPARTMENT OF VETERANS AFFAIRS

Sec. 2206. Section 7E.5, subsection 1, paragraph v, Code 2023, is amended to read as follows:

v. The department of veterans affairs~~. However, the commission of veterans affairs created in section 35A.2 shall have~~ created in section 35A.4, which has primary responsibility for state veterans affairs.

Sec. 2207. Section 11.5B, subsection 7, Code 2023, is amended to read as follows:

7. ~~Iowa veterans home~~ Department of veterans affairs.

Sec. 2208. Section 16.2D, subsection 2, paragraph b, subparagraph (9), Code 2023, is amended to read as follows:

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

Sec. 2209. Section 35A.1, subsection 1, Code 2023, is amended to read as follows:

1. *"Commandant"* means the commandant ~~of the Iowa veterans home appointed in section 35D.13~~ appointed pursuant to section 35A.8.

Sec. 2210. Section 35A.1, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2211. Section 35A.2, subsections 1 and 3, Code 2023, are amended to read as follows:

1. A commission of veterans affairs is created consisting of eleven persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years beginning and ending as provided in section 69.19. The governor shall fill a vacancy for the unexpired portion of the term. In addition to the members appointed by the governor, ~~the director of the department and~~ the commandant ~~of the Iowa veterans home~~ shall serve as a nonvoting, ex officio ~~members~~ member of the commission.

3. *a.* The commissioners are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

b. The ~~executive director,~~ commandant~~,~~ and employees of the department ~~and the Iowa veterans home~~ are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties.

c. All out-of-state travel by commissioners shall be approved by the chairperson of the commission.

Sec. 2212. Section 35A.3, subsection 4, Code 2023, is amended by striking the subsection and inserting in lieu

34 thereof the following:
35 4. Review and approve applications for distributions
1 of moneys from the veterans license fee fund pursuant to
2 section 35A.11 and the veterans trust fund pursuant to section
3 35A.13 for the benefit of veterans, spouses of veterans, and
4 dependents of veterans.
5 Sec. 2213. Section 35A.4, Code 2023, is amended to read as
6 follows:
7 **35A.4 Department established.**
8 There is established an Iowa department of veterans affairs
9 which shall consist of a commandant, a commission, ~~an executive~~
10 ~~director,~~ and any additional personnel as employed by the
11 ~~executive director~~ commandant.
12 Sec. 2214. Section 35A.5, subsection 10, paragraph d, Code
13 2023, is amended to read as follows:
14 *d.* The department through the ~~director~~ commandant shall have
15 the authority to accept suitable cemetery land, in accordance
16 with federal veterans cemetery grant guidelines, from the
17 federal government, state government, state subdivisions,
18 private sources, and any other source wishing to transfer land
19 for use as a veterans cemetery.
20 Sec. 2215. Section 35A.5, subsection 12, Code 2023, is
21 amended to read as follows:
22 12. Adopt rules pursuant to chapter 17A and establish policy
23 for the management and operation of the department, for the
24 facilitation of programs under the department's authority, and
25 for the performance of duties established under this section.
26 Prior to adopting rules, the department shall submit proposed
27 rules to the commission for review and approval pursuant to the
28 requirements of section 35A.3.
29 Sec. 2216. Section 35A.8, Code 2023, is amended to read as
30 follows:
31 **35A.8 ~~Executive director~~ Commandant — term — duties.**
32 1. The governor shall appoint ~~an executive director~~ a
33 commandant, subject to confirmation by the senate, who shall

34 serve at the pleasure of the governor. The ~~executive director~~
35 commandant is responsible for administering the duties of the
1 department and the commission ~~other than those related to the~~
2 ~~Iowa veterans home~~.
3 2. The ~~executive director~~ commandant shall be a resident
4 of the state of Iowa and an honorably discharged veteran ~~who~~
5 ~~served in the armed forces of the United States during a~~
6 ~~conflict or war. As used in this section, the dates of service~~
7 ~~in a conflict or war shall coincide with the dates of service~~
8 ~~established by the Congress of the United States~~.
9 3. ~~Except for the employment duties and responsibilities~~
10 ~~assigned to the commandant for the Iowa veterans home, the~~
11 ~~executive director~~ The commandant shall employ such personnel
12 as are necessary for the performance of the duties and
13 responsibilities assigned to the department and the commission.
14 All employees shall be selected on a basis of fitness for
15 the work to be performed with due regard to training and
16 experience and shall be subject to the provisions of chapter
17 8A, subchapter IV.
18 Sec. 2217. Section 35D.1, subsection 2, Code 2023, is
19 amended to read as follows:
20 2. As used in this chapter:
21 *a.* *"Commandant"* means the commandant ~~of the Iowa veterans~~
22 ~~home~~ appointed pursuant to section ~~35D.13~~ 35A.8.
23 *b.* *"Commission"* means the commission of veterans affairs
24 established in section 35A.2.
25 *c.* *"Department"* means the department of veterans affairs
26 established in section 35A.4.
27 ~~*c.*~~ *d.* *"Member"* means a patient or resident of the home.
28 Sec. 2218. Section 35D.5, Code 2023, is amended to read as
29 follows:
30 **35D.5 Surviving spouses of veterans.**
31 If a deceased veteran, who would be entitled to admission
32 to the home if the deceased veteran were living, has left a
33 surviving spouse, the spouse is entitled to admission to the

34 home with the same rights, privileges, and benefits as if the
35 veteran were living and a member of the home, if the spouse
1 was married to the veteran for at least one year immediately
2 prior to the veteran's death, is found by the ~~commandant~~
3 department to be disabled, meets the qualifications for nursing
4 or residential level of care, and is a resident of the state of
5 Iowa on the date of the application and immediately preceding
6 the date the application is accepted.
7 Sec. 2219. Section 35D.7, Code 2023, is amended to read as
8 follows:
9 **35D.7 Contributing to own support.**
10 1. Except as otherwise provided in chapter 249A and other
11 provisions of this chapter, a member of the home who receives
12 a pension, compensation, or gratuity from the United States
13 government, or income from any source of more than one hundred
14 forty dollars per month, shall contribute to the member's own
15 maintenance or support while a member of the home. The amount
16 of the contribution and the method of collection shall be
17 determined by the ~~commandant~~ department, but the amount shall
18 in no case exceed the actual cost of keeping and maintaining
19 the person in the home.
20 2. Sums paid to and received by the ~~commandant~~ department
21 for the support of members of the home shall be considered
22 repayment receipts as defined in section 8.2 and credited to
23 the Iowa veterans home account referred to in section 35D.18,
24 subsection 3.
25 3. The ~~commandant~~ department may allow any member of the
26 home to render assistance in the care of the home and its
27 grounds as the member's psychosocial and physical condition
28 permit, as a phase of that member's rehabilitation program.
29 The ~~commandant~~ department shall compensate each member who
30 furnishes assistance at rates approved by the commission.
31 Sec. 2220. Section 35D.10, Code 2023, is amended to read as
32 follows:
33 **35D.10 Payment to spouse.**

34 Except as otherwise provided in chapter 249A and other
35 provisions of this chapter, a member of the home who receives a
1 pension or compensation and who has a spouse shall deposit with
2 the ~~commandant~~ department on receipt of the member's pension or
3 compensation check one-half of its amount, which shall be sent
4 by the eighth day of the month or at once if any such pension
5 or compensation is received after the eighth day of the month
6 to the spouse.
7 Sec. 2221. Section 35D.11, Code 2023, is amended to read as
8 follows:
9 **35D.11 Handling of pension money and other funds.**
10 1. Pension money deposited with the ~~commandant~~ department
11 is not assignable for any purpose except as provided in section
12 35D.10, or in accordance with subsection 2 of this section.
13 2. The ~~commandant~~ department, if authorized by a member of
14 the home~~,~~ and pursuant to policies adopted by the commission,
15 may act on behalf of that member in receiving, disbursing, and
16 accounting for personal funds of the member received from any
17 source. The authorization may be given by the member at any
18 time and shall not be a condition of admission to the home.
19 Sec. 2222. Section 35D.12, Code 2023, is amended to read as
20 follows:
21 **35D.12 Bank account for members' deposits.**
22 1. *a.* The Iowa veterans home, for the convenience of its
23 members, may maintain a commercial account with a federally
24 insured bank for the individual personal deposits of its
25 members. The account shall be known as the Iowa veterans
26 home membership account. The ~~commandant~~ department shall
27 record each member's personal deposits individually and shall
28 deposit the funds in the membership account, where the members'
29 deposits shall be held in the aggregate.
30 *b.* The Iowa veterans home may withdraw moneys from the
31 account maintained pursuant to this subsection to establish
32 certificates of deposit for the benefit of all members. The
33 ~~commission~~ department shall adopt rules pursuant to chapter 17A

for the administration of this paragraph.

2. The ~~commandant~~ department, if authorized by a member of the home~~,~~ and pursuant to policies adopted by the commission, may make withdrawals against that member's personal account to pay regular bills and other expenses incurred by the member. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. 2223. Section 35D.15, subsection 1, Code 2023, is amended to read as follows:

1. The commandant shall administer and enforce all rules adopted by the commission, including rules of discipline and, subject to these rules, may immediately suspend the membership of and discharge any person from the home for infraction of the rules when the ~~commandant~~ department determines that the health, safety, or welfare of the residents of the home is in immediate danger and other reasonable alternatives have been exhausted. The suspension and discharge are temporary pending action by the commission. Judicial review of the action of the commission may be sought in accordance with chapter 17A.

Sec. 2224. Section 35D.15, subsection 2, paragraphs a, b, d, and f, Code 2023, are amended to read as follows:

a. The ~~commandant~~ department shall, with the input and recommendation of the interdisciplinary resident care committee, involuntarily discharge a member for any of the following reasons:

(1) (a) The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met:

(i) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(ii) The member has been notified of the member's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

34 (A) Being given the opportunity to receive the appropriate
35 level of treatment in accordance with best practices for
1 standards of care.
2 (B) By having been placed on probation by the Iowa veterans
3 home for a second offense.
4 (b) Notwithstanding the member's meeting the criteria
5 for discharge under this subparagraph (1), if the member
6 has demonstrated progress toward the goals established in
7 the member's collaborative care plan, the interdisciplinary
8 resident care committee and the ~~commandant~~ department may
9 exercise discretion regarding the discharge. Notwithstanding
10 any provision to the contrary, the member may be immediately
11 discharged under this subparagraph (1) if the member's actions
12 or behavior jeopardizes the life or safety of other members or
13 staff.
14 (2) (a) The member refuses to utilize the resources
15 available to address issues identified in the member's
16 collaborative care plan, and all of the following conditions
17 are met:
18 (i) The member has been provided sufficient notice of any
19 changes in the member's collaborative care plan.
20 (ii) The member has been notified of the member's commission
21 of three offenses and the member has been placed on probation
22 by the Iowa veterans home for a second offense.
23 (b) Notwithstanding the member's meeting the criteria
24 for discharge under this subparagraph (2), if the member
25 has demonstrated progress toward the goals established in
26 the member's collaborative care plan, the interdisciplinary
27 resident care committee and the ~~commandant~~ department may
28 exercise discretion regarding the discharge. Notwithstanding
29 any provision to the contrary, the member may be immediately
30 discharged if the member's actions or behavior jeopardizes the
31 life or safety of other members or staff.
32 (3) The member no longer requires a residential or nursing
33 level of care, as determined by the interdisciplinary resident

34 care committee.
35 (4) The member requires a level of licensed care not
1 provided at the Iowa veterans home.
2 *b.* (1) If a member is discharged under this subsection,
3 the discharge plan shall include placement in a suitable
4 living situation which may include but is not limited to
5 a transitional living program approved by the commission
6 or a living program provided by the United States veterans
7 administration.
8 (2) If a member is involuntarily discharged under this
9 subsection, the ~~commission~~ department shall, to the greatest
10 extent possible, ensure against the veteran being homeless and
11 ensure that the domicile to which the veteran is discharged is
12 fit and habitable and offers a safe and clean environment which
13 is free from health hazards and provides appropriate heating,
14 ventilation, and protection from the elements.
15 *d.* Annually, by the fourth Monday of each session of the
16 general assembly, the ~~commandant~~ department shall submit a
17 report to the veterans affairs committees of the senate and
18 house of representatives specifying the number, circumstances,
19 and placement of each member involuntarily discharged from the
20 Iowa veterans home under this subsection during the previous
21 calendar year.
22 *f.* Any involuntary discharge by the ~~commandant~~ department
23 under this subsection shall comply with the rules adopted by
24 the commission under this subsection and by the department of
25 inspections and appeals pursuant to section 135C.14, subsection
26 8, paragraph *"f"*.
27 Sec. 2225. Section 35D.17, Code 2023, is amended to read as
28 follows:
29 **35D.17 Report by ~~commandant~~ department.**
30 The ~~commandant~~ department shall, biennially, make a full
31 and detailed report to the governor, the commission, and the
32 general assembly, showing the condition of the home, the
33 number of members in the Iowa veterans home, the order and

discipline enforced, and the needs of the home financially and otherwise, together with an itemized statement of all receipts and disbursements and any other matters of importance in the management and control of the Iowa veterans home.

Sec. 2226. REPEAL. Sections 35D.13 and 35D.14, Code 2023, are repealed.

DIVISION X

OFFICE OF DRUG CONTROL POLICY

Sec. 2227. Section 80.4, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* Office of drug control policy.

Sec. 2228. Section 80.5, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The department shall receive and review the budget submitted by the drug policy director and assist the drug policy director in directing the office of drug control's policy pursuant to section 80E.1.

Sec. 2229. Section 80E.1, Code 2023, is amended to read as follows:

80E.1 Drug policy ~~coordinator~~ director.

1. The office of drug control policy is established in the department of public safety. A drug policy ~~coordinator~~ director shall be appointed by the ~~governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor~~ commissioner of the department of public safety. ~~The governor shall fill a vacancy in the office in the same manner as the original appointment was made.~~ The ~~coordinator~~ director shall be selected primarily for administrative ability. The ~~coordinator~~ director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding the office. ~~The salary of the coordinator shall be fixed by the governor.~~

2. The ~~coordinator~~ director shall:

a. Direct the ~~governor's~~ office of drug control policy, and coordinate and monitor all statewide drug enforcement

34 efforts, coordinate and monitor all state and federal substance
35 use disorder treatment grants and programs, coordinate and
1 monitor all statewide substance ~~abuse~~ use prevention and
2 education programs in communities and schools, and engage
3 in such other related activities as required by law. The
4 ~~coordinator~~ director shall work in coordinating the efforts of
5 the department of corrections, the department of education,
6 ~~the Iowa department of public health, the department of public~~
7 ~~safety,~~ and the department of health and human services. The
8 ~~coordinator~~ director shall assist in the development and
9 implementation of local and community strategies to fight
10 substance abuse, including local law enforcement, education,
11 and treatment activities.
12 *b.* Submit an annual report to the governor and general
13 assembly by November 1 of each year concerning the activities
14 and programs of the ~~coordinator~~ director and other departments
15 related to drug enforcement, substance use disorder treatment
16 programs, and substance ~~abuse~~ use prevention and education
17 programs. The report shall include an assessment of needs with
18 respect to programs related to substance use disorder treatment
19 and drug enforcement.
20 *c.* Submit an advisory budget recommendation to the governor
21 and general assembly concerning enforcement programs, treatment
22 programs, and education programs related to drugs within the
23 various departments. The ~~coordinator~~ director shall work
24 with these departments in developing the departmental budget
25 requests to be submitted to the legislative services agency and
26 the general assembly.
27 3. ~~The governor's office of drug control policy shall be~~
28 ~~an independent office, located at the same location as the~~
29 ~~department of public safety.~~ Administrative support services
30 ~~may~~ shall be provided to the ~~governor's~~ office of drug control
31 policy by the department of public safety.
32 Sec. 2230. Section 80E.2, subsection 1, paragraphs a and f,
33 Code 2023, are amended to read as follows:

34 *a.* The drug policy ~~coordinator~~ director, who shall serve as
35 chairperson of the council.
1 *f.* The director of the department of health and human
2 services, or the director's designee.
3 Sec. 2231. Section 80E.4, Code 2023, is amended to read as
4 follows:
5 **80E.4 Drug abuse resistance education fund.**
6 A drug abuse resistance education fund is created as a
7 separate fund in the state treasury under the control of the
8 ~~governor's office~~ department of public safety for the office
9 of drug control policy for use by the drug abuse resistance
10 education program and other programs with a similar purpose.
11 The fund shall consist of appropriations made to the fund
12 and transfers of interest, moneys collected from the crime
13 services surcharge established in section 911.1, and earnings.
14 All moneys in the fund are appropriated to the ~~governor's~~
15 ~~office of drug control policy~~ department of public safety.
16 Notwithstanding section 8.33, any balance in the fund on June
17 30 of any fiscal year shall not revert to any other fund of the
18 state but shall remain available for the purposes described in
19 this section.
20 Sec. 2232. Section 124.101, subsection 22, Code 2023, is
21 amended to read as follows:
22 22. *"Office"* means the ~~governor's~~ office of drug control
23 policy, as referred to in section 80E.1.
24 DIVISION XI
25 DEPARTMENT OF WORKFORCE DEVELOPMENT
26 PRIMARY DEPARTMENT RESPONSIBILITIES
27 Sec. 2233. Section 84A.5, subsection 3, Code 2023, is
28 amended to read as follows:
29 3. The department of workforce development is responsible
30 for administration of unemployment compensation benefits
31 and collection of employer contributions under chapter 96,
32 providing for the delivery of free public employment services
33 established pursuant to chapter 96, other job placement and

34 training programs established pursuant to section 84A.6,
35 employment agencies under chapter 84H, and the delivery of
1 services located throughout the state.
2 Sec. 2234. Section 84A.5, subsection 7, Code 2023, is
3 amended by adding the following new paragraphs:
4 NEW PARAGRAPH. *f.* The statewide work-based learning
5 intermediary network program under section 84A.16.
6 NEW PARAGRAPH. *g.* The new jobs training program under
7 chapter 260E, in consultation with the community colleges.
8 NEW PARAGRAPH. *h.* The Iowa jobs training act under chapter
9 260F.
10 NEW PARAGRAPH. *i.* The workforce development fund program
11 under chapter 84F.
12 NEW PARAGRAPH. *j.* The accelerated career education
13 program under chapter 260G, in coordination with the community
14 colleges.
15 NEW PARAGRAPH. *k.* The older American community service
16 employment program under section 84A.17.
17 NEW PARAGRAPH. *l.* The apprenticeship training program under
18 chapter 84D.
19 NEW PARAGRAPH. *m.* The future ready Iowa registered
20 apprenticeship development program under section 84E.1.
21 NEW PARAGRAPH. *n.* The future ready Iowa expanded registered
22 apprenticeship opportunities program under section 84E.2.
23 NEW PARAGRAPH. *o.* Adult education and literacy programs
24 under section 84A.19.
25 REGIONAL INDUSTRY SECTOR PARTNERSHIPS
26 Sec. 2235. Section 260H.2, subsection 2, Code 2023, is
27 amended to read as follows:
28 2. *a.* A pathways for academic career and employment fund is
29 created for the community colleges in the state treasury to be
30 administered by the department of education and the department
31 of workforce development. ~~The moneys in the pathways for~~
32 ~~academic career and employment fund are appropriated to the~~
33 ~~department of education for the pathways for academic career~~

34 ~~and employment program.~~
35 *b.* Commencing with the fiscal year beginning July 1,
1 2023, of the moneys in the pathways for academic career and
2 employment fund, there is annually appropriated two hundred
3 thousand dollars to the department of workforce development for
4 the development and implementation of regional industry sector
5 partnerships under section 260H.7B, and the remaining moneys in
6 the fund shall be appropriated to the department of education
7 for the pathways for academic career and employment program.
8 ~~*b.*~~ *c.* The aggregate total of grants awarded from the
9 pathways for academic career and employment fund during a
10 fiscal year shall not be more than five million dollars.
11 ~~*c.*~~ *d.* Moneys in the fund appropriated to the department of
12 education under paragraph *"b"* shall be allocated pursuant to
13 the formula established in section 260C.18C. Notwithstanding
14 section 8.33, moneys in the fund at the close of the fiscal
15 year shall not revert to the general fund of the state but
16 shall remain available for expenditure for the purpose
17 designated for subsequent fiscal years. Notwithstanding
18 section 12C.7, subsection 2, interest or earnings on moneys in
19 the fund shall be credited to the fund.
20 Sec. 2236. Section 260H.7B, Code 2023, is amended to read
21 as follows:
22 **260H.7B Regional industry sector partnerships.**
23 1. A community college and the department of workforce
24 development may use moneys for the pathways for academic career
25 and employment program to provide staff and support for the
26 development and implementation of a regional industry sector
27 ~~partnerships~~ partnership within ~~the~~ each region served by
28 ~~the~~ each community college. For purposes of this section,
29 *"community college"* means the same as defined in section 260C.2.
30 2. ~~Regional,~~ A regional industry sector ~~partnerships~~
31 partnership may ~~include but are~~ engage in but is not limited to
32 the following activities:
33 *a.* ~~Bringing together~~ Collaborating with representatives

34 from industry sectors, government, education, local workforce
35 boards, community-based organizations, labor, economic
1 development organizations, and other stakeholders within the
2 regional labor market to determine how pathways for academic
3 career and employment projects should address workforce skills
4 gaps, occupational shortages, and wage gaps.
5 *b.* Integrating pathways for academic career and employment
6 projects and other existing supply-side strategies with
7 workforce needs within the region served by the community
8 college in that region.
9 *c.* Developing pathways for academic career and employment
10 projects that focus on the workforce skills, from entry level
11 to advanced, required by industry sectors within the region
12 served by the community college.
13 *d.* Structuring pathways so that instruction and learning ~~of~~
14 workforce skills are aligned with industry-recognized standards
15 where such standards exist.
16 Sec. 2237. Section 260H.8, Code 2023, is amended to read as
17 follows:
18 **260H.8 Rules.**
19 The department of education, in consultation with the
20 community colleges, the economic development authority, and the
21 department of workforce development, shall adopt rules pursuant
22 to chapter 17A ~~and this chapter~~ to implement ~~the provisions of~~
23 this chapter. Local workforce development boards established
24 pursuant to section 84A.4 shall be consulted in the development
25 and implementation of rules ~~to be~~ adopted pursuant to this
26 ~~chapter~~ section.
27 Sec. 2238. CODE EDITOR DIRECTIVE.
28 1. The Code editor is directed to make the following
29 transfer:
30 Section 260H.7B to section 84A.15.
31 2. The Code editor shall correct internal references in the
32 Code and in any enacted legislation as necessary due to the
33 enactment of this section.

Sec. 2239. TRANSITION PROVISIONS. A regional industry sector partnership entered into by a community college prior to the effective date of this division of this Act shall be valid and continue per the terms of the agreement between the community college and the partnership.

STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK

Sec. 2240. Section 256.40, Code 2023, is amended to read as follows:

256.40 Statewide work-based learning intermediary network — fund — steering committee — regional networks.

1. A statewide work-based learning intermediary network program is established in the department of workforce development and shall be administered by the department. A separate, statewide work-based learning intermediary network fund is created in the state treasury under the control of the department of workforce development. The fund shall consist of all moneys deposited in the fund, including any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department of workforce development from federal or private sources for purposes of the program. Notwithstanding section 8.33, moneys in the fund at the end of a fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. The purpose of the program shall be to prepare students for the workforce by ~~connecting business and the education system~~ facilitating cooperation and collaboration between businesses and entities within the state system of education, as that state system of education is described in section 256.1, subsection 1, and ~~offering~~ to offer relevant, work-based learning activities to students and teachers. The program shall do all of the following:

a. ~~Better prepare~~ Prepare students to make informed postsecondary education and career decisions.

34 *b.* Provide communication and coordination in order to build
35 and sustain relationships between employers and local youth,
1 the state system of education ~~system~~, and the community at
2 large.
3 *c.* Connect students to ~~local~~ career opportunities within the
4 state, creating economic capital for the ~~region~~ state using a
5 skilled and available workforce.
6 *d.* Provide a one-stop contact point for information
7 useful to both educators and employers, including information
8 ~~on~~ related to internships, job shadowing experiences,
9 apprenticeable occupations as defined in section 15B.2,
10 and other workplace learning opportunities for students~~,~~
11 ~~particularly~~ including those related to occupations in
12 science, technology, engineering, ~~or~~ mathematics ~~occupations~~,
13 ~~occupations related to~~ critical infrastructure, ~~and~~ commercial
14 and residential construction, ~~or~~ and targeted industries as
15 defined in section 15.102.
16 *e.* Integrate services provided through the program with
17 other career exploration-related activities, which may include
18 but are not limited to ~~the~~ a student's career and academic
19 plans and career information and decision-making systems
20 ~~utilized in accordance with~~ under section 279.61.
21 *f.* Facilitate the attainment of portable credentials of
22 value to employers such as the national career readiness
23 certificate, where appropriate.
24 *g.* Develop work-based capacity with employers.
25 *h.* Provide core services, which may include student job
26 shadowing, student internships, and teacher or student tours.
27 3. *a.* The department of workforce development shall
28 establish and facilitate a steering committee comprised of
29 representatives from the department of ~~workforce development~~
30 education, the economic development authority, the community
31 colleges, the institutions under the control of the state board
32 of regents, accredited private institutions, area education
33 agencies, school districts, the workplace learning connection,

34 and an apprenticeship sponsor as defined in section 15B.2. The
35 steering committee shall be responsible for the development
1 and implementation of the statewide work-based learning
2 intermediary network.
3 ~~4.~~ *b.* The steering committee shall develop a design for
4 a statewide network comprised of fifteen regional work-based
5 learning intermediary networks. The design shall include
6 network specifications, strategic functions, and desired
7 outcomes. The steering committee shall recommend program
8 parameters and reporting requirements to the department of
9 workforce development.
10 ~~5.~~ 4. Each regional network shall establish an advisory
11 council to provide advice and assistance to the regional
12 network. The advisory council shall include representatives of
13 business and industry, including construction trade industry
14 professionals, and shall meet at least annually.
15 ~~6.~~ 5. Each regional network or consortium of networks shall
16 annually submit a work-based learning plan to the department of
17 workforce development. Each plan shall include provisions to
18 provide core services referred to in subsection 2, paragraph
19 *"h"*, to all school districts within the region and for the
20 integration of job shadowing and other work-based learning
21 activities into secondary career and technical education
22 programs.
23 ~~7.~~ 6. *a.* ~~Moneys~~ Upon approval by the department of
24 workforce development of a region's work-based learning plan
25 submitted pursuant to subsection 5, moneys deposited in the
26 statewide work-based learning intermediary network fund created
27 in subsection 1 shall be distributed annually by the department
28 of workforce development to each region for the implementation
29 of the statewide work-based learning intermediary network ~~upon~~
30 ~~approval by the department of the region's work-based learning~~
31 ~~plan submitted pursuant to subsection 6~~.
32 *b.* If the balance in the statewide work-based learning
33 intermediary network fund on July 1 of a fiscal year is one

34 million five hundred thousand dollars or less, the department
35 of workforce development shall distribute moneys in the fund to
1 regions or consortiums of regions on a competitive basis. If
2 the balance in the statewide work-based learning intermediary
3 network fund on July 1 of a fiscal year is greater than one
4 million five hundred thousand dollars, the department of
5 workforce development shall distribute one hundred thousand
6 dollars to each region and distribute the remaining moneys
7 pursuant to the same formula established for distribution of
8 funds by the department of education in section 260C.18C.
9 ~~8.~~ 7. The department of workforce development shall provide
10 oversight of the statewide work-based learning intermediary
11 network. The department of workforce development shall require
12 each region to submit an annual report on ~~its~~ the region's
13 ongoing implementation of the statewide work-based learning
14 intermediary network program ~~to the department~~.
15 ~~9.~~ 8. Each regional network shall match the moneys received
16 pursuant to subsection ~~7~~ 6 with financial resources equal to at
17 least twenty-five percent of the amount of the moneys received
18 pursuant to subsection ~~7~~ 6. The financial resources used
19 to provide the match may include private donations, in-kind
20 contributions, or public moneys other than the moneys received
21 pursuant to subsection ~~7~~ 6.
22 ~~10.~~ 9. The ~~state board of education~~ department of workforce
23 development shall adopt rules under chapter 17A for the
24 administration of this section.
25 Sec. 2241. CODE EDITOR DIRECTIVE.
26 1. The Code editor is directed to make the following
27 transfer:
28 Section 256.40, as amended in this division of this Act, to
29 section 84A.16.
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 INDUSTRIAL NEW JOBS TRAINING

Sec. 2242. Section 15A.7, subsection 3, Code 2023, is amended to read as follows:

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the laborshed wage~~, as calculated by the authority pursuant to section 15.327, subsection 15~~. For purposes of this subsection, *"laborshed wage"* means the wage level represented by those wages within two standard deviations from the mean wage within the laborshed area in which the eligible business is located, as calculated by the department of workforce development by rule, using the most current covered wage and employment data available to the department for the laborshed area. Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

Sec. 2243. Section 260E.7, Code 2023, is amended to read as follows:

260E.7 Program review by ~~economic development authority~~ department of workforce development.

1. The ~~economic development authority~~ department of workforce development, in consultation with the department of education~~,~~ and the department of revenue, ~~and the department of workforce development,~~ shall coordinate and review the new jobs training program. The ~~economic development authority~~ department of workforce development shall adopt, amend, and repeal rules under chapter 17A that the community college will use in developing projects with new and expanding industrial new jobs training proposals and that the ~~economic development authority~~ department of workforce development shall use to review and report on the new jobs training program as required in this section.

2. *a.* The ~~authority~~ department of workforce development, in consultation with the community colleges participating in the new jobs training program pursuant to this chapter, shall identify the information necessary to effectively coordinate and review the program, and the community colleges

34 shall provide such information to the ~~authority~~ department.
35 Using the information provided, the ~~authority~~ department, in
1 consultation with the community colleges, shall issue a report
2 on the effectiveness of the program.
3 *b.* In coordinating and reviewing the program, the department
4 of workforce development shall give due regard ~~shall be given~~
5 to the confidentiality of certain information provided by the
6 community colleges~~, and the authority shall comply with the~~
7 ~~provisions of section 15.118 to the extent that such provisions~~
8 ~~are applicable to the new jobs training program~~.
9 3. The ~~authority~~ department of workforce development
10 is authorized to make any rule that is adopted, amended,
11 or repealed effective immediately upon filing with the
12 administrative rules coordinator or at a subsequent stated date
13 prior to indexing and publication, or at a stated date less
14 than thirty-five days after filing, indexing, and publication.
15 Sec. 2244. Section 403.21, subsections 2 and 3, Code 2023,
16 are amended to read as follows:
17 2. The community college shall send a copy of the final
18 agreement prepared pursuant to section 260E.3 to the ~~economic~~
19 ~~development authority~~ department of workforce development.
20 For each year in which incremental property taxes are used to
21 pay job training certificates issued for a project creating
22 new jobs, the community college shall provide to the ~~economic~~
23 ~~development authority~~ department of workforce development
24 a report of the incremental property taxes and new jobs
25 credits from withholding generated for that year, a specific
26 description of the training conducted, the number of employees
27 provided program services under the project, the median
28 wage of employees in the new jobs in the project, and the
29 administrative costs directly attributable to the project.
30 3. For each year in which incremental property taxes are
31 used to retire debt service on a jobs training advance issued
32 for a project creating new jobs, the community college shall
33 provide to the ~~economic development authority~~ department of

34 workforce development a report of the incremental property
35 taxes and new jobs credits from withholding generated for that
1 year, a specific description of the training conducted, the
2 number of employees provided services under the project, the
3 median wage of employees in the new jobs in the project, and
4 the administrative costs directly attributable to the project.
5 Sec. 2245. Section 422.16A, Code 2023, is amended to read
6 as follows:
7 **422.16A Job training withholding —— certification and**
8 **transfer.**
9 Upon the completion by a business of its repayment
10 obligation for a training project funded under chapter 260E,
11 including a job training project funded under section 15A.8
12 or repaid in whole or in part by the supplemental new jobs
13 credit from withholding under section 15A.7 or section 15E.197,
14 Code 2014, the sponsoring community college shall report to
15 the ~~economic development authority~~ department of workforce
16 development the amount of withholding paid by the business
17 to the community college during the final twelve months of
18 withholding payments. The ~~economic development authority~~
19 department of workforce development shall notify the department
20 of revenue of that amount. The department of revenue shall
21 credit to the workforce development fund account established in
22 section 15.342A twenty-five percent of that amount each quarter
23 for a period of ten years. If the amount of withholding from
24 the business or employer is insufficient, the department of
25 revenue shall prorate the quarterly amount credited to the
26 workforce development fund account. The maximum amount from
27 all employers which shall be transferred to the workforce
28 development fund account in any year is seven million seven
29 hundred fifty thousand dollars.
30 Sec. 2246. REPEAL. Sections 15.251 and 15.252, Code 2023,
31 are repealed.
32 Sec. 2247. CODE EDITOR DIRECTIVE.
33 1. The Code editor is directed to make the following

transfers:

a. Section 15A.7 to section 260J.1.

b. Section 15A.8 to section 260J.2.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

JOB TRAINING

Sec. 2248. Section 260F.2, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 2249. Section 260F.2, subsections 4, 5, and 11, Code 2023, are amended to read as follows:

4. *"Date of commencement of the project"* means the date of the preliminary agreement or the date an application for assistance is received by the ~~authority~~ department.

5. *"Eligible business"* or *"business"* means a business training employees which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes retail, health, or professional services and which meets the other criteria established by the ~~authority~~ department. *"Eligible business"* does not include a business whose training costs can be economically funded under chapter 260E, a business which closes or substantially reduces its employment base in order to relocate substantially the same operation to another area of the state, or a business which is involved in a strike, lockout, or other labor dispute in Iowa.

11. *"Project"* means a training arrangement which is the subject of an agreement entered into between the community college and a business to provide program services. *"Project"* also means a training arrangement which is sponsored by the ~~authority~~ department and administered under sections 260F.6A and 260F.6B.

Sec. 2250. Section 260F.2, Code 2023, is amended by adding the following new subsection:

34 NEW SUBSECTION. 4A. *"Department"* means the department of
35 workforce development.
1 Sec. 2251. Section 260F.3, subsection 5, Code 2023, is
2 amended to read as follows:
3 5. Other criteria established by the department of
4 education.
5 Sec. 2252. Section 260F.6, subsections 1 and 2, Code 2023,
6 are amended to read as follows:
7 1. There is established for the community colleges a job
8 training fund in the ~~economic development authority~~ department
9 of workforce development in the workforce development fund
10 established in section 15.342A. The job training fund consists
11 of moneys appropriated for the purposes of this chapter plus
12 the interest and principal from repayment of advances made to
13 businesses for program costs, plus the repayments, including
14 interest, of loans made from that retraining fund, and interest
15 earned from moneys in the job training fund.
16 2. To provide funds for the present payment of the costs
17 of a training program by the business, the community college
18 may provide to the business an advance of the moneys to be used
19 to pay for the program costs as provided in the agreement.
20 To receive the funds for this advance from the job training
21 fund established in subsection 1, the community college shall
22 submit an application to the ~~authority~~ department. The amount
23 of the advance shall not exceed fifty thousand dollars for
24 any business site, or one hundred thousand dollars within
25 a three-fiscal-year period for any business site. If the
26 project involves a consortium of businesses, the maximum award
27 per project shall not exceed one hundred thousand dollars.
28 Participation in a consortium does not affect a business
29 site's eligibility for individual project assistance. Prior
30 to approval a business shall agree to match program amounts
31 in accordance with criteria established by the ~~authority~~
32 department.
33 Sec. 2253. Section 260F.6A, Code 2023, is amended to read

as follows:

260F.6A Business network training projects.

The community colleges and the ~~authority~~ department are authorized to fund business network training projects which include five or more businesses and are located in two or more community college districts. A business network training project must have a designated organization or lead business to serve as the administrative entity that will coordinate the training program. The businesses must have common training needs and develop a plan to meet those needs. The ~~authority~~ department shall adopt rules governing this section's operation and participant eligibility.

Sec. 2254. Section 260F.6B, Code 2023, is amended to read as follows:

260F.6B High technology apprenticeship program.

The community colleges and the ~~authority~~ department are authorized to fund high technology apprenticeship programs which comply with the requirements specified in section 260C.44 and which may include both new and statewide apprenticeship programs. Notwithstanding the provisions of section 260F.6, subsection 2, relating to maximum award amounts, moneys allocated to the community colleges with high technology apprenticeship programs shall be distributed to the community colleges based upon contact hours under the programs administered during the prior fiscal year as determined by the department of education. The ~~authority~~ department shall adopt rules governing this section's operation and participant eligibility.

Sec. 2255. Section 260F.7, Code 2023, is amended to read as follows:

260F.7 ~~Authority to coordinate~~ Coordination — department of workforce development.

The ~~authority~~ department, in consultation with the department of education ~~and the department of workforce development~~, shall coordinate the jobs training program. A

project shall not be funded under this chapter unless the ~~authority~~ department approves the project. The ~~authority~~ department shall adopt rules pursuant to chapter 17A governing the program's operation and eligibility for participation in the program. The ~~authority~~ department shall establish by rule criteria for determining what constitutes an eligible business.

Sec. 2256. Section 260F.8, subsection 1, Code 2023, is amended to read as follows:

1. For each fiscal year, the ~~authority~~ department shall make funds available to the community colleges. The ~~authority~~ department shall allocate by formula from the moneys in the fund an amount for each community college to be used to provide the financial assistance for proposals of businesses whose applications have been approved by the ~~authority~~ department. The financial assistance shall be provided by the ~~authority~~ department from the amount set aside for that community college. If any portion of the moneys set aside for a community college have not been used or committed by May 1 of the fiscal year, that portion is available for use by the ~~authority~~ department to provide financial assistance to businesses applying to other community colleges. The ~~authority~~ department shall adopt by rule a formula for this set-aside.

Sec. 2257. TRANSITION PROVISIONS.

1. A project that is entered into by a community college and a business under section 260F.3 prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

2. A project sponsored by and administered under section 260F.6A or 260F.6B by the economic development authority prior to the effective date of this division of this Act shall be valid and continue as provided by the terms of the training arrangement.

WORKFORCE DEVELOPMENT FUND PROGRAM

Sec. 2258. Section 15.108, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 2259. Section 15.341, Code 2023, is amended to read as follows:

15.341 Workforce development fund program.

This ~~part~~ chapter shall be known as the *"Workforce Development Fund"* program.

Sec. 2260. Section 15.342, Code 2023, is amended to read as follows:

15.342 Purpose.

The purpose of this ~~part~~ chapter shall be to provide a mechanism for funding workforce development programs listed in section 15.343, subsection 2, in order to more efficiently meet the needs identified within those individual programs.

Sec. 2261. Section 15.342A, Code 2023, is amended to read as follows:

15.342A Workforce development fund account.

1. A workforce development fund account is established in the office of the treasurer of state under the control of the ~~authority~~ department of workforce development. The account shall receive funds pursuant to section 422.16A.

2. For the fiscal year beginning July 1, ~~2014~~ 2023, and for each fiscal year thereafter, there is annually appropriated from the workforce development fund account to the apprenticeship training program fund created in section 15B.3 three million dollars for the purposes of chapter 15B.

3. For the fiscal year beginning July 1, ~~2014~~ 2023, and for each fiscal year thereafter, there is annually appropriated from the workforce development fund account to the job training fund created in section 260F.6 four million seven hundred fifty thousand dollars for the purposes of chapter 260F.

Sec. 2262. Section 15.343, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *a.* A workforce development fund is created as a revolving fund in the state treasury under the control of the ~~authority~~ department of workforce development consisting of any moneys appropriated by the general assembly for that purpose

34 and any other moneys available to and obtained or accepted by
35 the ~~authority~~ department of workforce development from the
1 federal government or private sources for placement in the
2 fund. The fund shall also include moneys appropriated to the
3 fund from the workforce development fund account established
4 in section 15.342A.
5 *b.* Notwithstanding section 8.33, moneys in the workforce
6 development fund at the end of each fiscal year shall not
7 revert to any other fund but shall remain in the workforce
8 development fund for expenditure for subsequent fiscal years.
9 2. The assets of the fund shall be used by the ~~authority~~
10 department of workforce development for the following programs
11 and purposes:
12 *a.* Projects under chapter 260F. The ~~authority~~ department of
13 workforce development shall require a match from all businesses
14 participating in a training project under chapter 260F.
15 *b.* Apprenticeship programs under section 260C.44, including
16 new or statewide building trades apprenticeship programs.
17 *c.* ~~To cover the costs of the administration of workforce~~
18 ~~development programs and services available through the~~
19 ~~authority. A portion of these funds may be used to~~ To support
20 efforts by the community colleges to provide workforce services
21 to Iowa employers.
22 Sec. 2263. Section 15.344, Code 2023, is amended to read as
23 follows:
24 **15.344 Common system —— assessment and tracking.**
25 The ~~authority~~ department of workforce development shall use
26 information from the customer tracking system ~~administered by~~
27 ~~the department of workforce development~~ under section 84A.5 to
28 determine the economic impact of the programs. To the extent
29 possible, the ~~authority~~ department shall track individuals and
30 businesses who have received assistance or services through
31 the fund to determine whether the assistance or services have
32 resulted in increased wages paid to the individuals or paid by
33 the businesses.

34 Sec. 2264. CODE EDITOR DIRECTIVE.
35 1. The Code editor is directed to make the following
1 transfers:
2 a. Section 15.341 to section 84F.1.
3 b. Section 15.342 to section 84F.2.
4 c. Section 15.342A to section 84F.3.
5 d. Section 15.343 to section 84F.4.
6 e. Section 15.344 to section 84F.5.
7 2. The Code editor shall correct internal references in the
8 Code and in any enacted legislation as necessary due to the
9 enactment of this section.
10 ACCELERATED CAREER EDUCATION PROGRAM
11 Sec. 2265. Section 260G.3, subsection 2, unnumbered
12 paragraph 1, Code 2023, is amended to read as follows:
13 An agreement may include reasonable and necessary provisions
14 to implement the accelerated career education program. If
15 an agreement is entered into, the community college and the
16 employer shall notify the department of revenue as soon as
17 possible. The community college shall also file a copy of the
18 agreement with the ~~economic development authority~~ department
19 of workforce development as required in section 260G.4B. The
20 agreement shall provide for program costs, including deferred
21 costs, which may be paid from any of the following sources:
22 Sec. 2266. Section 260G.4B, Code 2023, is amended to read
23 as follows:
24 **260G.4B Maximum statewide program job credit.**
25 1. The total amount of program job credits from all
26 employers which shall be allocated for all accelerated career
27 education programs in the state in any one fiscal year shall
28 not exceed five million four hundred thousand dollars. A
29 community college shall file a copy of each agreement with
30 the ~~economic development authority~~ department of workforce
31 development. The ~~authority~~ department of workforce development
32 shall maintain an annual record of the proposed program job
33 credits under each agreement for each fiscal year. Upon

34 receiving a copy of an agreement, the ~~authority~~ department of
35 workforce development shall allocate any available amount of
1 program job credits to the community college according to the
2 agreement sufficient for the fiscal year and for the term of
3 the agreement. When the total available program job credits
4 are allocated for a fiscal year, the ~~authority~~ department of
5 workforce development shall notify all community colleges that
6 the maximum amount has been allocated and that further program
7 job credits will not be available for the remainder of the
8 fiscal year. Once program job credits have been allocated to
9 a community college, the full allocation shall be received by
10 the community college throughout the fiscal year and for the
11 term of the agreement even if the statewide program job credit
12 maximum amount is subsequently allocated and used.
13 2. ~~For the fiscal years beginning July 1, 2000, and~~
14 ~~July 1, 2001, the department of economic development shall~~
15 ~~allocate eighty thousand dollars of the first one million two~~
16 ~~hundred thousand dollars of program job credits authorized and~~
17 ~~available for that fiscal year to each community college. This~~
18 ~~allocation shall be used by each community college to provide~~
19 ~~funding for approved programs.~~ For the fiscal year beginning
20 July 1, ~~2002~~ 2023, and for every fiscal year thereafter,
21 the ~~economic development authority~~ department of workforce
22 development shall divide equally among the community colleges
23 thirty percent of the program job credits available for that
24 fiscal year for allocation to each community college to be used
25 to provide funding for approved programs. If any portion of
26 the allocation to a community college under this subsection
27 has not been committed by April 1 of the fiscal year for which
28 the allocation is made, the uncommitted portion is available
29 for use by other community colleges. Once a community college
30 has committed its allocation for any fiscal year under this
31 subsection, the community college may receive additional
32 program job credit allocations from those program job credits
33 authorized and still available for that fiscal year.

Sec. 2267. Section 260G.4C, Code 2023, is amended to read as follows:

260G.4C ~~Facilitator~~ Administration and reporting.

The ~~economic development authority~~ department of workforce development shall administer the statewide allocations of program job credits to accelerated career education programs. The ~~authority~~ department of workforce development shall provide information about the accelerated career education programs ~~in accordance with its annual reporting requirements in section 15.107B~~ to the general assembly annually on or before March 15.

Sec. 2268. Section 260G.6, subsection 1, Code 2023, is amended to read as follows:

1. An accelerated career education fund is established in the state treasury under the control of the department of workforce development consisting of moneys appropriated to the fund for purposes of funding the cost of accelerated career education program capital projects.

Sec. 2269. TRANSITION PROVISIONS.

1. On the effective date of this division of this Act, all unencumbered and unobligated moneys remaining in the accelerated career education fund established in section 260G.6 shall be under the control of the department of workforce development.

2. a. All agreements entered into by a community college under section 260G.3 prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

b. Job credits shall be honored per an agreement entered into under paragraph "a" that includes a provision for program job credits.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

Sec. 2270. Section 231.23A, subsection 2, Code 2023, is amended by striking the subsection.

Sec. 2271. Section 231.51, Code 2023, is amended to read as follows:

34 **231.51 Older American community service employment program.**
35 1. The department of workforce development shall direct
1 and administer the older American community service employment
2 program as authorized by the federal ~~Act in coordination with~~
3 ~~the department of workforce development~~ Older Americans Act of
4 1965, 42 U.S.C. §3001 et seq., as amended.
5 2. The purpose of the program is to foster individual
6 economic self-sufficiency and to increase the number of
7 participants placed in unsubsidized employment in the public
8 and private sectors while maintaining the community service
9 focus of the program.
10 3. Funds appropriated to the department of workforce
11 development from the United States department of labor shall
12 be distributed to subgrantees in accordance with federal
13 requirements.
14 4. The department of workforce development shall require
15 such uniform reporting and financial accounting by subgrantees
16 as may be necessary to fulfill the purposes of this section.
17 5. The older American community service employment program
18 shall be coordinated with the federal Workforce Innovation and
19 Opportunity Act administered by the department of workforce
20 development.
21 Sec. 2272. REPEAL. Section 231.53, Code 2023, is repealed.
22 Sec. 2273. CODE EDITOR DIRECTIVE.
23 1. The Code editor is directed to make the following
24 transfer:
25 Section 231.51 to section 84A.17.
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 Sec. 2274. TRANSITION PROVISIONS. On the effective date
30 of this division of this Act, all unencumbered and unobligated
31 moneys remaining in any account or fund under the control of
32 the department on aging and relating to this division of this
33 Act shall be transferred to a comparable fund or account under

34 the control of the department of workforce development for
35 purposes of this division of this Act. Notwithstanding section
1 8.33, the moneys transferred in accordance with this subsection
2 shall not revert to the account or fund from which the moneys
3 are appropriated or transferred.

4 VOCATIONAL REHABILITATION

5 Sec. 2275. Section 84A.1, subsection 4, Code 2023, is
6 amended to read as follows:
7 4. The department of workforce development shall include
8 the division of ~~labor services, the division of workers'~~
9 ~~compensation,~~ vocational rehabilitation services, and other
10 divisions as appropriate.
11 Sec. 2276. Section 256.1, subsection 1, paragraph d, Code
12 2023, is amended by striking the paragraph.
13 Sec. 2277. Section 256.35A, subsection 2, paragraph b, Code
14 2023, is amended to read as follows:
15 *b.* In addition, representatives of the department of
16 ~~education~~ workforce development, the division of vocational
17 rehabilitation of the department of education, the department
18 of public health, the department of human services, the Iowa
19 developmental disabilities council, the division of insurance
20 of the department of commerce, and the state board of regents
21 shall serve as ex officio members of the advisory council. Ex
22 officio members shall work together in a collaborative manner
23 to serve as a resource to the advisory council. The council
24 may also form workgroups as necessary to address specific
25 issues within the technical purview of individual members.
26 Sec. 2278. Section 259.2, Code 2023, is amended to read as
27 follows:
28 **259.2 Custodian of funds.**
29 1. The treasurer of state is custodian of moneys received
30 by the state from appropriations made by the Congress of the
31 United States for the vocational rehabilitation of individuals
32 with disabilities, and may receive and provide for the proper
33 custody of the moneys and make disbursement of ~~them~~ the moneys

upon the requisition of the director of the department of ~~education~~ workforce development.

2. The treasurer of state is appointed custodian of moneys paid by the federal government to the state for the purpose of carrying out the agreement relative to making determinations of disability under Tit. II and Tit. XVI of the federal Social Security Act as amended, 42 U.S.C. ch. 7, and may receive the moneys and make disbursements of ~~them~~ the moneys upon the requisition of the director of the department of ~~education~~ workforce development.

Sec. 2279. Section 259.3, Code 2023, is amended to read as follows:

259.3 ~~Board and division~~ Division of vocational rehabilitation services.

The division of vocational rehabilitation services is established in the department of ~~education~~ workforce development. The director of the department of ~~education~~ workforce development shall cooperate with the United States secretary of education in carrying out the federal law cited in sections 259.1 and 259.2 providing for the vocational rehabilitation of individuals with disabilities. ~~The state board of education shall adopt rules under chapter 17A for the administration of this chapter.~~

Sec. 2280. Section 259.5, Code 2023, is amended to read as follows:

259.5 Report to governor.

The division of vocational rehabilitation services shall report biennially to the governor the condition of vocational rehabilitation within the state, designating the educational institutions, establishments, plants, factories, and other agencies in which training is being given, and include a detailed statement of expenditures of the state and federal funds in the rehabilitation of individuals with disabilities.

Sec. 2281. Section 259.6, Code 2023, is amended to read as follows:

259.6 Gifts and donations.

The division of vocational rehabilitation services may receive gifts and donations from either public or private sources offered unconditionally or under conditions related to the vocational rehabilitation of individuals with disabilities that are consistent with this chapter.

Sec. 2282. Section 259.7, Code 2023, is amended to read as follows:

259.7 Fund.

All the moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of individuals with disabilities, to be used by the director of the department of ~~education~~ workforce development in carrying out the provisions of this chapter or for related purposes.

Sec. 2283. Section 259.8, Code 2023, is amended to read as follows:

259.8 Report of gifts.

A ~~full~~ report of all gifts and donations offered and accepted, together with the ~~names of the donors~~ name of each donor and the ~~respective amounts~~ amount contributed by each donor, and all disbursements from the special fund for the vocational rehabilitation of individuals with disabilities shall be submitted ~~at call or~~ biennially to the governor ~~of the state~~ by the ~~division~~ department of workforce development.

Sec. 2284. NEW SECTION. **259.10 Rules.**

The department of workforce development shall adopt rules under chapter 17A for the administration of this chapter.

Sec. 2285. CODE EDITOR DIRECTIVE.

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

a. Section 259.1 to section 84G.1.

b. Section 259.2 to section 84G.2.

c. Section 259.3 to section 84G.3.

d. Section 259.4 to section 84G.4.

e. Section 259.5 to section 84G.5.

f. Section 259.6 to section 84G.6.

g. Section 259.7 to section 84G.7.

h. Section 259.8 to section 84G.8.

i. Section 259.9 to section 84G.9.

j. Section 259.10 to section 84G.10.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

Sec. 2286. TRANSITION PROVISION. The agreement between the director of the department of education and the commissioner of the United States social security administration under section 259.9 shall remain in full force and effect until amended, repealed, or supplemented by the United States social security administration or by the department of workforce development.

APPRENTICESHIP TRAINING PROGRAM

Sec. 2287. Section 15.106A, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. That through this section and section 15.106B, the authority has been granted broad general powers and specific program powers over all of the authority's statutory programs, including but not limited to the programs created pursuant to chapters 15, 15A, ~~15B, 15C,~~ 15E, and 15J.

Sec. 2288. Section 15B.2, subsection 5, Code 2023, is amended by striking the subsection.

Sec. 2289. Section 15B.2, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. *"Department"* means the department of workforce development.

NEW SUBSECTION. 9A. *"Targeted industries"* means the industries of advanced manufacturing, biosciences, and information technology.

Sec. 2290. Section 15B.2, subsection 7, Code 2023, is amended to read as follows:

34 7. *"Financial assistance"* means assistance provided only
35 from the funds, rights, and assets legally available to
1 the ~~authority~~ department and includes but is not limited to
2 assistance in the forms of grants, loans, forgivable loans, and
3 royalty payments.
4 Sec. 2291. Section 15B.3, subsections 1, 2, 3, and 4, Code
5 2023, are amended to read as follows:
6 1. An apprenticeship training program fund is created as a
7 revolving fund in the state treasury under the control of the
8 ~~authority~~ department.
9 2. The fund shall consist of moneys appropriated for
10 purposes of the apprenticeship training program, and any other
11 moneys lawfully available to the ~~authority~~ department for
12 purposes of this chapter.
13 3. Moneys in the fund are appropriated to the ~~authority~~
14 department for the purposes of this chapter.
15 4. No more than two percent of the total moneys deposited
16 in the fund on July 1 of a fiscal year is appropriated to the
17 ~~authority~~ department for the purposes of administering this
18 chapter.
19 Sec. 2292. Section 15B.3, subsection 6, Code 2023, is
20 amended by striking the subsection.
21 Sec. 2293. Section 15B.4, subsection 1, paragraph a, Code
22 2023, is amended to read as follows:
23 *a.* An apprenticeship sponsor or lead apprenticeship
24 sponsor that conducts an apprenticeship program that is
25 registered with the United States department of labor, office
26 of apprenticeship, through Iowa, for apprentices who will
27 be employed at worksites located in this state may apply to
28 the ~~authority~~ department for financial assistance under this
29 section if the apprenticeship program includes a minimum of one
30 hundred contact hours per apprentice for each training year of
31 the apprenticeship program.
32 Sec. 2294. Section 15B.4, subsection 2, unnumbered
33 paragraph 1, Code 2023, is amended to read as follows:

34 The ~~authority~~ department shall provide financial assistance
35 in the form of training grants to eligible apprenticeship
1 sponsors or lead apprenticeship sponsors in the following
2 manner:
3 Sec. 2295. Section 15B.4, subsection 3, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:
5 An apprenticeship sponsor or lead apprenticeship sponsor
6 seeking financial assistance under this section shall provide
7 the following information to the ~~authority~~ department:
8 Sec. 2296. Section 15B.4, subsection 3, paragraph e, Code
9 2023, is amended to read as follows:
10 *e.* Any other information the ~~authority~~ department reasonably
11 determines is necessary.
12 Sec. 2297. Section 15B.4, subsection 4, Code 2023, is
13 amended to read as follows:
14 4. The apprenticeship sponsor or lead apprenticeship
15 sponsor and the ~~authority~~ department shall enter into an
16 agreement regarding the provision of any financial assistance
17 to the apprenticeship sponsor or lead apprenticeship sponsor.
18 Sec. 2298. NEW SECTION. **15B.5 Rules.**
19 The department shall adopt rules to administer this chapter.
20 Sec. 2299. 2021 Iowa Acts, chapter 45, section 5, is amended
21 to read as follows:
22 SEC. 5. APPLICABILITY. This Act applies to financial
23 assistance provided by the economic development authority to
24 apprenticeship sponsors and lead apprenticeship sponsors that
25 apply for financial assistance on or after July 1, 2021, and on
26 or before June 30, 2023.
27 Sec. 2300. CODE EDITOR DIRECTIVE.
28 1. The Code editor is directed to make the following
29 transfers:
30 a. Section 15B.1 to section 84D.1.
31 b. Section 15B.2 to section 84D.2.
32 c. Section 15B.3 to section 84D.3.
33 d. Section 15B.4 to section 84D.4.

34 e. Section 15B.5 to section 84D.5.
35 2. The Code editor shall correct internal references in the
1 Code and in any enacted legislation as necessary due to the
2 enactment of this section.
3 Sec. 2301. TRANSITION PROVISION. All agreements entered
4 into by an apprenticeship sponsor or lead apprenticeship
5 sponsor and the economic development authority regarding the
6 provision of any financial assistance to the apprenticeship
7 sponsor or lead apprenticeship sponsor prior to the effective
8 date of this division of this Act shall be valid and continue
9 as provided in the terms of the agreement.
10 FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAM
11 Sec. 2302. Section 15C.1, subsection 1, paragraph f, Code
12 2023, is amended by striking the paragraph and inserting in
13 lieu thereof the following:
14 *f. "Department"* means the department of workforce
15 development.
16 Sec. 2303. Section 15C.1, subsection 1, paragraphs g and h,
17 Code 2023, are amended to read as follows:
18 *g. "Eligible apprenticeable occupation"* means an
19 apprenticeable occupation identified by the workforce
20 development board or a community college pursuant to section
21 84A.1B, subsection 14, as a high-demand job~~, after consultation~~
22 ~~with the authority~~.
23 *h. "Financial assistance"* means assistance provided only
24 from the funds, rights, and assets legally available to
25 the ~~authority~~ department and includes but is not limited
26 to assistance in the form of a reimbursement grant to
27 support the costs associated with establishing a new
28 eligible apprenticeable occupation or an additional eligible
29 apprenticeable occupation in an applicant's apprenticeship
30 program.
31 Sec. 2304. Section 15C.1, subsection 2, Code 2023, is
32 amended to read as follows:
33 2. *Program created.* Subject to an appropriation of funds

34 by the general assembly for this purpose, a future ready Iowa
35 registered apprenticeship development program is created
1 which shall be administered by the ~~authority~~ department. The
2 purpose of the program is to provide financial assistance to
3 incentivize small and medium-sized apprenticeship sponsors to
4 establish new or additional eligible apprenticeable occupations
5 in the apprenticeship sponsor's apprenticeship program in order
6 to support the growth of apprenticeship programs and expand
7 high-quality work-based learning experiences in high-demand
8 fields and careers for persons who are employed in eligible
9 apprenticeable occupations in Iowa.
10 Sec. 2305. Section 15C.1, subsection 3, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:
12 An apprenticeship sponsor may apply to the ~~authority~~
13 department, on forms provided by the ~~authority~~ department and
14 in accordance with the ~~authority's~~ department's instructions,
15 to receive financial assistance under the program. The
16 ~~authority~~ department shall provide upon request and on the
17 ~~authority's~~ department's internet site information about the
18 program, the application, application instructions, and the
19 application period established each year for funding available
20 under the program. The application shall include a description
21 of how the financial assistance awarded under this section
22 would be used to establish an apprenticeship program or add new
23 or additional apprenticeable occupations to the apprenticeship
24 sponsor's apprenticeship program and the anticipated program
25 expenses identified by the applicant.
26 Sec. 2306. Section 15C.1, subsection 3, paragraph a,
27 subparagraphs (1) and (2), Code 2023, are amended to read as
28 follows:
29 (1) Twenty or fewer apprentices are registered in the
30 existing apprenticeship program as of December 31 of the
31 calendar year prior to the date the ~~authority~~ department
32 receives the apprenticeship sponsor's application.
33 (2) More than seventy percent of the applicant's

34 apprentices ~~shall be~~ are residents of Iowa, and the remainder
35 of the applicant's apprentices ~~shall be~~ are residents of states
1 contiguous to Iowa. In determining the number of apprentices
2 in an applicant's apprenticeship program, the ~~authority~~
3 department may calculate the average number of apprentices in
4 the program within the most recent two-year period.
5 Sec. 2307. Section 15C.1, subsections 4 and 5, Code 2023,
6 are amended to read as follows:
7 4. *Rules.* The ~~authority~~ department shall adopt rules
8 pursuant to chapter 17A establishing a staff review and
9 application approval process, application scoring criteria, the
10 minimum score necessary for approval of financial assistance,
11 procedures for notification of an award of financial
12 assistance, the terms of agreement between the apprenticeship
13 sponsor and the ~~authority~~ department, and any other rules
14 deemed necessary for the implementation and administration of
15 this section.
16 5. *Agreement.* Prior to distributing financial assistance
17 under this section, the ~~authority~~ department shall enter
18 into an agreement with the apprenticeship sponsor awarded
19 financial assistance in accordance with this section, and the
20 financial assistance recipient shall confirm the expenses for
21 establishing the program or adding the additional occupations
22 as identified in the approved application, and shall meet all
23 terms established by the ~~authority~~ department for receipt of
24 financial assistance under this section.
25 Sec. 2308. Section 15C.1, subsection 6, paragraph b, Code
26 2023, is amended to read as follows:
27 *b.* Notwithstanding section 8.33, moneys appropriated to the
28 ~~authority~~ department by the general assembly for purposes of
29 this section that remain unencumbered or unobligated at the
30 end of the fiscal year shall not revert to the general fund
31 but shall remain available for expenditure for the purposes
32 designated in subsequent fiscal years.
33 Sec. 2309. CODE EDITOR DIRECTIVE.

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

Section 15C.1 to section 84E.1.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section, including references to chapter 15C.

Sec. 2310. TRANSITION PROVISION. All agreements entered into by an apprenticeship sponsor and the economic development authority under section 15C.1, subsection 5, prior to the effective date of this division of this Act shall be valid and continue as provided in the terms of the agreement.

FUTURE READY IOWA EXPANDED REGISTERED APPRENTICESHIP OPPORTUNITIES PROGRAM

Sec. 2311. Section 15C.2, subsection 1, paragraph e, Code 2023, is amended by striking the paragraph and inserting in lieu thereof the following:

e. "Department" means the department of workforce development.

Sec. 2312. Section 15C.2, subsection 1, paragraph h, Code 2023, is amended to read as follows:

h. "Financial assistance" means assistance provided only from the funds, rights, and assets legally available to the ~~authority~~ department and includes but is not limited to assistance in the form of a reimbursement grant of one thousand dollars per apprentice in an eligible apprenticeable occupation.

Sec. 2313. Section 15C.2, subsection 2, Code 2023, is amended to read as follows:

2. *Program created.* Subject to an appropriation of funds by the general assembly for this purpose, a future ready Iowa expanded registered apprenticeship opportunities program is created which shall be administered by the ~~authority~~ department. The purpose of the program is to provide financial assistance to encourage apprenticeship sponsors of apprenticeship programs with twenty or fewer apprentices to

34 maintain apprenticeship programs in high-demand occupations.
35 Sec. 2314. Section 15C.2, subsection 3, unnumbered
1 paragraph 1, Code 2023, is amended to read as follows:
2 An eligible apprenticeship sponsor may apply to the
3 ~~authority~~ department, on forms provided by the ~~authority~~
4 department and in accordance with the ~~authority's~~ department's
5 instructions, to receive financial assistance under the
6 program. The ~~authority~~ department shall provide upon request
7 and on the ~~authority's~~ department's internet site information
8 about the program, the application, application instructions,
9 and the application period established each year for funding
10 available under the program.
11 Sec. 2315. Section 15C.2, subsection 3, paragraph a,
12 subparagraphs (1) and (2), Code 2023, are amended to read as
13 follows:
14 (1) Twenty or fewer apprentices are registered in the
15 apprenticeship program as of December 31 of the calendar
16 year prior to the date the ~~authority~~ department receives the
17 eligible apprenticeship sponsor's application.
18 (2) More than seventy percent of the applicant's
19 apprentices are residents of Iowa, and the remainder of the
20 applicant's apprentices are residents of states contiguous
21 to Iowa. In determining the number of apprentices in an
22 applicant's apprenticeship program, the ~~authority~~ department
23 may calculate the average number of apprentices in the program
24 within the most recent two-year period.
25 Sec. 2316. Section 15C.2, subsections 4 and 5, Code 2023,
26 are amended to read as follows:
27 4. *Rules.* The ~~authority~~ department shall adopt rules
28 pursuant to chapter 17A establishing a staff review and
29 application approval process, application scoring criteria, the
30 minimum score necessary for approval of financial assistance,
31 procedures for notification of an award of financial
32 assistance, the terms of agreement between the apprenticeship
33 sponsor and the ~~authority~~ department, and any other rules

34 deemed necessary for the implementation and administration of
35 this section.
1 5. *Agreement.* Prior to distributing financial assistance
2 under this section, the ~~authority~~ department shall enter into
3 an agreement with the eligible apprenticeship sponsor awarded
4 financial assistance in accordance with this section, and
5 the financial assistance recipient shall confirm the number
6 of apprentices in eligible apprenticeable occupations as
7 identified in the approved application, and shall meet all
8 terms established by the ~~authority~~ department for receipt of
9 financial assistance under this section.
10 Sec. 2317. Section 15C.2, subsection 7, paragraph b, Code
11 2023, is amended to read as follows:
12 *b.* Notwithstanding section 8.33, moneys appropriated to the
13 ~~authority~~ department by the general assembly for purposes of
14 this section that remain unencumbered or unobligated at the
15 end of the fiscal year shall not revert to the general fund
16 but shall remain available for expenditure for the purposes
17 designated in subsequent fiscal years.
18 Sec. 2318. CODE EDITOR DIRECTIVE.
19 1. The Code editor is directed to make the following
20 transfer:
21 Section 15C.2 to section 84E.2.
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, including references to chapter 15C.
25 Sec. 2319. TRANSITION PROVISION. All agreements entered
26 into by an apprenticeship sponsor and the economic development
27 authority under section 15C.2, subsection 5, regarding the
28 provision of any financial assistance to the apprenticeship
29 sponsor prior to the effective date of this division of this
30 Act shall be valid and continue as provided in the terms of the
31 agreement.
32 EMPLOYMENT AGENCIES
33 Sec. 2320. Section 94A.1, subsection 2, Code 2023, is

amended to read as follows:

2. ~~*"Commissioner"*~~ *"Director"* means the ~~labor commissioner, appointed pursuant to section 91.2,~~ director of the department of workforce development or the ~~labor commissioner's~~ director's designee.

Sec. 2321. Section 94A.2, Code 2023, is amended to read as follows:

94A.2 Licensing.

1. An employment agency shall obtain a license from the ~~commissioner~~ director prior to transacting any business. Licenses expire on June 30 of each year.

2. A license application shall be in the form prescribed by the ~~commissioner~~ director and shall be accompanied by all of the following:

a. A surety company bond in the sum of thirty thousand dollars, to be approved by the ~~commissioner~~ director and conditioned to pay any damages that may accrue to any person due to a wrongful act or violation of law on the part of the applicant in the conduct of business.

b. The schedule of fees to be charged by the employment agency.

c. All contract forms to be signed by an employee.

d. An application fee of seventy-five dollars.

3. The ~~commissioner~~ director shall grant or deny a license within thirty days from the filing date of a completed application.

4. The ~~commissioner~~ director may revoke, suspend, or annul a license ~~in accordance with chapter 17A~~ upon good cause pursuant to rules adopted by the director.

Sec. 2322. Section 94A.4, subsection 4, paragraph d, Code 2023, is amended to read as follows:

d. Charge an employee any fee greater than the fee schedule on file with the ~~commissioner~~ director without prior consent of the ~~commissioner~~ director.

Sec. 2323. Section 94A.5, Code 2023, is amended to read as

34 follows:

35 **94A.5 Powers ~~and duties~~ of the ~~commissioner~~ director.**

1 ~~1. At any time, the commissioner~~ The director may examine
2 the records, books, and any papers relating to the conduct and
3 operation of an employment agency at any time.

4 ~~2. The commissioner shall adopt rules pursuant to chapter~~
5 ~~17A to administer this chapter.~~

6 Sec. 2324. Section 94A.6, Code 2023, is amended to read as
7 follows:

8 **94A.6 Violations.**

9 1. A person who violates a provision of this chapter or who
10 refuses the ~~commissioner~~ director access to records, books, and
11 papers pursuant to an examination under section 94A.5 shall be
12 guilty of a simple misdemeanor.

13 2. If a person violates a provision of this chapter or
14 refuses the ~~commissioner~~ director access to records, books,
15 and papers pursuant to an examination under section 94A.5, the
16 ~~commissioner~~ director shall assess a civil penalty against the
17 person in an amount not greater than two thousand dollars.

18 Sec. 2325. NEW SECTION. **94A.7 Rules.**

19 1. The director shall adopt rules pursuant to chapter 17A to
20 administer this chapter.

21 2. The director may establish rules pursuant to chapter
22 17A to assess and collect interest on fees and penalties owed
23 to the department of workforce development. The director may
24 delay or, following written notice, deny the issuance of a
25 license, if the applicant for the license owes a debt to the
26 department of workforce development.

27 Sec. 2326. CODE EDITOR DIRECTIVE.

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

30 a. Section 94A.1 to section 84H.1.

31 b. Section 94A.2 to section 84H.2.

32 c. Section 94A.3 to section 84H.3.

33 d. Section 94A.4 to section 84H.4.

34 e. Section 94A.5 to section 84H.5.
35 f. Section 94A.6 to section 84H.6.
1 g. Section 94A.7 to section 84H.7.
2 2. The Code editor shall correct internal references in the
3 Code and in any enacted legislation as necessary due to the
4 enactment of this section.
5 REPORTS AND RECORDS
6 Sec. 2327. Section 91.12, Code 2023, is amended to read as
7 follows:
8 **91.12 Reports and records ~~to division of labor services~~.**
9 1. An owner, operator, or manager of every factory,
10 mill, workshop, mine, store, railway, business house, public
11 or private work, or any other establishment where labor is
12 employed, shall submit to the ~~division of labor services~~
13 department of workforce development reports in the form
14 and manner prescribed by the ~~commissioner~~ director of the
15 department of workforce development by rule, for the purpose of
16 compiling labor statistics. The owner, operator, or business
17 manager shall submit the reports within sixty days from receipt
18 of notice, and shall certify under oath the accuracy of the
19 reports. For purposes of this section, *"factory"*, *"mill"*,
20 *"workshop"*, *"mine"*, *"store"*, *"railway"*, *"business house"*, and
21 *"public or private work"* shall mean any factory, mill, workshop,
22 mine, store, railway, business house, or public or private work
23 where wage earners are employed for compensation.
24 2. Notwithstanding chapter 22, records ~~containing~~ submitted
25 under subsection 1 that contain identifiable financial
26 institution or credit card account numbers ~~obtained by the~~
27 ~~commissioner~~ shall be kept confidential.
28 3. *a.* Any officer or employee of the department of
29 workforce development who makes unlawful use of a report
30 submitted under subsection 1 shall be guilty of a serious
31 misdemeanor.
32 *b.* Any person who has access to a report submitted under
33 subsection 1 who makes unlawful use of the report shall be

34 guilty of a serious misdemeanor.
35 *c.* Any owner, operator, or manager of a factory, mill,
1 workshop, mine, store, railway, business house, or public or
2 private work who fails to submit the report required under
3 subsection 1 shall be guilty of a simple misdemeanor.
4 4. The director of the department of workforce development
5 shall adopt rules pursuant to chapter 17A to administer this
6 section.
7 Sec. 2328. CODE EDITOR DIRECTIVE.
8 1. The Code editor is directed to make the following
9 transfer:
10 Section 91.12 to section 84A.18.
11 2. The Code editor shall correct internal references in the
12 Code and in any enacted legislation as necessary due to the
13 enactment of this section.
14 ADULT EDUCATION
15 Sec. 2329. NEW SECTION. **84A.19 Adult education and literacy**
16 **programs.**
17 1. For purposes of this section, unless the context
18 otherwise requires:
19 *a. "Adult education and literacy programs"* means adult basic
20 education, adult education leading to a high school equivalency
21 diploma under chapter 259A, English as a second language
22 instruction, and workplace and family literacy instruction.
23 *b. "Community colleges"* means the same as defined in section
24 260C.2.
25 2. The department of workforce development and community
26 colleges shall jointly implement adult education and literacy
27 programs to assist adults and youths sixteen years of age and
28 older who are not in school in obtaining the knowledge and
29 skills necessary for further education, work, and community
30 involvement.
31 3. The department of workforce development, in consultation
32 with community colleges, shall prescribe standards for adult
33 education and literacy programs including but not limited

to contextualized and integrated instruction, assessments, instructor qualification and professional development, data collection and reporting, and performance benchmarks.

4. The department of workforce development, in consultation with community colleges, shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2330. Section 260C.50, Code 2023, is amended to read as follows:

260C.50 Adult education ~~and literacy programs~~.

1. For purposes of this section, *"adult education ~~and literacy programs~~"* means ~~adult basic education, adult education leading to a high school equivalency diploma under chapter 259A, English as a second language instruction, workplace and family literacy instruction, or~~ integrated basic education and technical skills instruction.

2. The department and the community colleges shall jointly implement adult education ~~and literacy programs~~ to assist adults and youths sixteen years of age and older who are not in school in obtaining the knowledge and skills necessary for further education, work, and community involvement.

3. The state board, in consultation with the community colleges, shall prescribe standards for adult education ~~and literacy programs~~ including but not limited to contextualized and integrated instruction, assessments, instructor qualification and professional development, data collection and reporting, and performance benchmarks.

4. The state board, in consultation with the community colleges, shall adopt rules pursuant to chapter 17A to administer this section.

DIVISION XII

DEPARTMENT OF REVENUE

IOWA LOTTERY

Sec. 2331. Section 7E.6, subsection 3, Code 2023, is amended to read as follows:

3. Any position of membership on the ~~board of the~~ Iowa

34 lottery ~~authority~~ board created in section 99G.8 shall receive
35 compensation of fifty dollars per day and expenses.
1 Sec. 2332. Section 68B.35, subsection 2, paragraph e, Code
2 2023, is amended to read as follows:
3 *e.* Members of the state banking council, the Iowa ethics
4 and campaign disclosure board, the credit union review board,
5 the economic development authority, the employment appeal
6 board, the environmental protection commission, the health
7 facilities council, the Iowa finance authority, the Iowa public
8 employees' retirement system investment board, the ~~board of~~
9 ~~the~~ Iowa lottery ~~authority~~ board created in section 99G.8, the
10 natural resource commission, the board of parole, the petroleum
11 underground storage tank fund board, the public employment
12 relations board, the state racing and gaming commission, the
13 state board of regents, the transportation commission, the
14 office of consumer advocate, the utilities board, the Iowa
15 telecommunications and technology commission, and any full-time
16 members of other boards and commissions as defined under
17 section 7E.4 who receive an annual salary for their service
18 on the board or commission. The Iowa ethics and campaign
19 disclosure board shall conduct an annual review to determine
20 if members of any other board, commission, or authority should
21 file a statement and shall require the filing of a statement
22 pursuant to rules adopted pursuant to chapter 17A.
23 Sec. 2333. Section 99B.1, subsection 22, Code 2023, is
24 amended to read as follows:
25 22. *"Merchandise"* means goods or services that are bought
26 and sold in the regular course of business. *"Merchandise"*
27 includes lottery tickets or shares sold or authorized under
28 chapter 99G. The value of the lottery ticket or share is the
29 price of the lottery ticket or share as established by the ~~Iowa~~
30 ~~lottery authority~~ department of revenue pursuant to chapter
31 99G. *"Merchandise"* includes a gift card if the gift card is not
32 redeemable for cash.
33 Sec. 2334. Section 99G.1, Code 2023, is amended to read as

34 follows:
35 **99G.1 Title.**
1 This chapter may be cited as the *"Iowa Lottery ~~Authority~~*
2 *Act"*.
3 Sec. 2335. Section 99G.2, subsection 2, Code 2023, is
4 amended by striking the subsection.
5 Sec. 2336. Section 99G.3, subsections 2 and 4, Code 2023,
6 are amended by striking the subsections.
7 Sec. 2337. Section 99G.3, Code 2023, is amended by adding
8 the following new subsections:
9 NEW SUBSECTION. 4A. *"Department"* means the department of
10 revenue.
11 NEW SUBSECTION. 4B. *"Director"* means the director of the
12 department of revenue or the director's designee.
13 Sec. 2338. Section 99G.3, subsections 3, 7, 14, and 18, Code
14 2023, are amended to read as follows:
15 3. *"Board"* means the board of directors of the ~~authority~~
16 Iowa lottery created in section 99G.8.
17 7. *"Lottery"*, *"lotteries"*, *"lottery game"*, *"lottery games"*,
18 or *"lottery products"* means any game of chance approved ~~by the~~
19 ~~board~~ and operated pursuant to this chapter and games using
20 mechanical or electronic devices, provided that the ~~authority~~
21 department shall not authorize a monitor vending machine or
22 a player-activated gaming machine that utilizes an internal
23 randomizer to determine winning and nonwinning plays and that
24 upon random internal selection of a winning play dispenses
25 coins, currency, or a ticket, credit, or token to the player
26 that is redeemable for cash or a prize, and excluding gambling
27 or gaming conducted pursuant to chapter 99B, 99D, or 99F.
28 14. *"Retailer"* means a person who sells lottery tickets
29 or shares on behalf of the ~~authority~~ department pursuant to a
30 license issued by the ~~authority~~ department.
31 18. *"Vendor"* means a person who provides or proposes to
32 provide goods or services to the ~~authority~~ department pursuant
33 to a major procurement contract, but does not include an

34 employee of the ~~authority~~ department under this chapter, a
35 retailer, or a state agency or instrumentality thereof.
1 Sec. 2339. Section 99G.4, Code 2023, is amended to read as
2 follows:
3 **99G.4 Iowa lottery ~~authority~~ created.**
4 1. An Iowa lottery ~~authority~~ is created~~, effective~~
5 ~~September 1, 2003,~~ which shall ~~administer the state lottery~~
6 be administered by the department. ~~The authority shall be~~
7 ~~deemed to be a public authority and an instrumentality of the~~
8 ~~state, and not a state agency. However, the authority shall be~~
9 ~~considered a state agency for purposes of chapters 17A, 21, 22,~~
10 ~~28E, 68B, 91B, 97B, 509A, and 669.~~
11 2. The income and property of the ~~authority~~ department under
12 this chapter shall be exempt from all state and local taxes,
13 and the sale of lottery tickets and shares issued and sold by
14 the ~~authority~~ department and its retail licensees shall be
15 exempt from all state and local sales taxes.
16 Sec. 2340. Section 99G.5, Code 2023, is amended by striking
17 the section and inserting in lieu thereof the following:
18 **99G.5 Lottery administrator.**
19 1. An administrator of the lottery under this chapter shall
20 be appointed by the governor subject to confirmation by the
21 senate and shall serve at the pleasure of the governor. The
22 administrator shall be qualified by training and experience to
23 manage a lottery.
24 2. The salary of the lottery administrator shall be set by
25 the governor within the applicable salary range established by
26 the general assembly.
27 3. The lottery administrator shall be an employee of the
28 department and shall direct the day-to-day operations and
29 management of the lottery under this chapter as specified by
30 the director and department.
31 Sec. 2341. Section 99G.6, Code 2023, is amended to read as
32 follows:
33 **99G.6 Power to administer oaths and take testimony —**

subpoena.

The ~~chief executive officer~~ director or the ~~chief executive officer's~~ director's designee if authorized to conduct an inquiry, investigation, or hearing under this chapter may administer oaths and take testimony under oath relative to the matter of inquiry, investigation, or hearing. At a hearing ordered by the ~~chief executive officer~~ director, the ~~chief executive officer~~ director or the designee may subpoena witnesses and require the production of records, paper, or documents pertinent to the hearing.

Sec. 2342. Section 99G.7, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~chief executive officer of the authority~~ director shall direct and supervise all administrative and technical activities in accordance with the provisions of this chapter and with the administrative rules, policies, and procedures adopted by the ~~board~~ department. The ~~chief executive officer~~ director shall do all of the following:

Sec. 2343. Section 99G.7, subsection 1, paragraphs b, d, e, f, g, and i, Code 2023, are amended to read as follows:

b. Employ ~~an executive vice president, who shall act as chief executive officer in the absence of the chief executive officer, and employ~~ and direct ~~other~~ such personnel as deemed necessary.

d. Promote or provide for promotion of the lottery and any functions related to the ~~authority~~ department under this chapter.

e. Prepare a budget for the ~~approval of the board~~ activities of the department under this chapter.

f. Require bond from such retailers and vendors in such amounts as required by the ~~board~~ department.

g. Report semiannually to the general assembly's standing committees on government oversight regarding the operations of the ~~authority~~ department under this chapter.

i. Perform other duties ~~generally associated with a chief~~

34 ~~executive officer of an authority of an entrepreneurial nature~~
35 as necessary to administer this chapter.
1 Sec. 2344. Section 99G.7, subsections 2, 3, and 4, Code
2 2023, are amended to read as follows:
3 2. The ~~chief executive officer~~ director shall conduct an
4 ongoing study of the operation and administration of lottery
5 laws similar to this chapter in other states or countries,
6 of available literature on the subject, of federal laws and
7 regulations which may affect the operation of the lottery
8 and of the reaction of citizens of this state to existing
9 or proposed features of lottery games with a view toward
10 implementing improvements that will tend to serve the purposes
11 of this chapter.
12 3. The ~~chief executive officer~~ director may for good cause
13 suspend, revoke, or refuse to renew any contract entered into
14 in accordance with the provisions of this chapter or the
15 administrative rules, policies, and procedures of the board.
16 4. The ~~chief executive officer or the chief executive~~
17 ~~officer's designee~~ director may conduct hearings and administer
18 oaths to persons for the purpose of assuring the security
19 or integrity of lottery operations or to determine the
20 qualifications of or compliance by vendors and retailers.
21 Sec. 2345. Section 99G.8, subsections 1, 4, 6, and 13, Code
22 2023, are amended to read as follows:
23 1. ~~The authority shall be administered by a~~ A board of
24 directors comprised of five members appointed by the governor
25 subject to confirmation by the senate is created within
26 the department. Board members appointed when the senate is
27 not in session shall serve only until the end of the next
28 regular session of the general assembly, unless confirmed
29 by the senate. The board shall provide the director with
30 private-sector perspectives of a large marketing enterprise.
31 4. No officer or employee of the ~~authority~~ department under
32 this chapter shall be a member of the board.
33 6. A majority of members in office shall constitute a quorum

for the transaction of any business and for the exercise of any power or function of the ~~authority~~ board.

13. Board members shall not have any direct or indirect interest in an undertaking that puts their personal interest in conflict with that of the ~~authority~~ department under this chapter including but not limited to an interest in a major procurement contract or a participating retailer.

Sec. 2346. Section 99G.8, subsection 15, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

15. The board shall adopt game-specific rules. The promulgation of game-specific rules shall not be subject to the requirements of chapter 17A. However, game-specific rules shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the department.

Sec. 2347. Section 99G.9, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

99G.9 Department duties — rules.

1. The department, in consultation with the board, shall adopt policies and procedures and promulgate administrative rules pursuant to chapter 17A relating to the management and operation of the department under this chapter.

2. Administrative rules promulgated pursuant to this section may include but shall not be limited to the following:

a. The type of games to be conducted.

b. The sale price of tickets or shares and the manner of sale, including but not limited to authorization of sale of tickets or shares at a discount for marketing purposes; provided, however, that a retailer may accept payment by cash, check, money order, debit card, or electronic funds transfer and shall not extend or arrange credit for the purchase of a ticket or share. As used in this section, *"cash"* means United States currency.

c. The number and amount of prizes, including but not

34 limited to prizes of free tickets or shares in lottery games
35 conducted by the department and merchandise prizes. The
1 department shall maintain and make available for public
2 inspection at its offices during regular business hours a
3 detailed listing of the estimated number of prizes of each
4 particular denomination that are expected to be awarded in
5 any game that is on sale or the estimated odds of winning the
6 prizes and, after the end of the claim period, shall maintain
7 and make available a listing of the total number of tickets
8 or shares sold in a game and the number of prizes of each
9 denomination that were awarded.
10 *d.* The method and location of selecting or validating
11 winning tickets or shares.
12 *e.* The manner and time of payment of prizes, which may
13 include lump-sum payments or installments over a period of
14 years.
15 *f.* The manner of payment of prizes to the holders of winning
16 tickets or shares after performing validation procedures
17 appropriate to the game and as specified by the board.
18 *g.* The frequency of games and drawings or selection of
19 winning tickets or shares.
20 *h.* The means of conducting drawings, provided that drawings
21 shall be open to the public and witnessed by an independent
22 certified public accountant. Equipment used to select winning
23 tickets or shares or participants for prizes shall be examined
24 by an independent certified public accountant prior to and
25 after each drawing.
26 *i.* The manner and amount of compensation to lottery
27 retailers.
28 *j.* Any and all other matters necessary, desirable, or
29 convenient toward ensuring the efficient and effective
30 operation of lottery games, the continued entertainment and
31 convenience of the public, and the integrity of the lottery.
32 3. The department shall perform such other functions as
33 specified by this chapter.

34 Sec. 2348. Section 99G.10, Code 2023, is amended by striking
35 the section and inserting in lieu thereof the following:
1 **99G.10 Lottery personnel.**
2 1. The director shall have the sole power to designate
3 particular employees as key personnel, but may take advice
4 from the department of administrative services in making any
5 such designations. All key personnel shall be exempt from
6 the merit system described in chapter 8A, subchapter IV. The
7 director shall have the sole power to employ, classify, and fix
8 the compensation of key personnel. All other employees shall
9 be employed, classified, and compensated in accordance with
10 chapter 8A, subchapter IV, and chapter 20.
11 2. An employee of the department under this chapter shall
12 not have a financial interest in any vendor doing business
13 or proposing to do business with the department under this
14 chapter. However, an employee may own shares of a mutual fund
15 which may hold shares of a vendor corporation provided the
16 employee does not have the ability to influence the investment
17 functions of the mutual fund.
18 3. An employee of the department with decision-making
19 authority under this chapter shall not participate in any
20 decision involving a retailer with whom the employee has a
21 financial interest.
22 4. A background investigation shall be conducted by
23 the department of public safety, division of criminal
24 investigation, on each applicant who has reached the final
25 selection process prior to employment by the department under
26 this chapter. For positions not designated as sensitive by the
27 department, the investigation may consist of a state criminal
28 history background check, work history, and financial review.
29 The department shall identify those sensitive positions of the
30 department under this chapter which require full background
31 investigations, which positions shall include, at a minimum,
32 any officer of the department under this chapter, and any
33 employee with operational management responsibilities, security

34 duties, or system maintenance or programming responsibilities
35 related to the department's data processing or network
1 hardware, software, communication, or related systems under
2 this chapter. In addition to a work history and financial
3 review, a full background investigation may include a
4 national criminal history check through the federal bureau of
5 investigation. The screening of employees through the federal
6 bureau of investigation shall be conducted by submission of
7 fingerprints through the state criminal history repository to
8 the federal bureau of investigation. The results of background
9 investigations conducted pursuant to this section shall not be
10 considered public records under chapter 22.
11 5. A person who has been convicted of a felony or bookmaking
12 or other form of illegal gambling or of a crime involving moral
13 turpitude shall not be employed by the department under this
14 chapter.
15 6. The department shall bond employees with access to
16 authority funds or lottery revenue under this chapter in such
17 an amount as provided by the department and may bond other
18 employees under this chapter as deemed necessary.
19 Sec. 2349. Section 99G.11, subsections 1, 2, and 3, Code
20 2023, are amended to read as follows:
21 1. A member of the board, any officer, or other employee of
22 the ~~authority~~ department under this chapter shall not directly
23 or indirectly, individually, as a member of a partnership or
24 other association, or as a shareholder, director, or officer
25 of a corporation have an interest in a business that contracts
26 for the operation or marketing of the lottery as authorized by
27 this chapter, unless the business is controlled or operated by
28 a consortium of lotteries in which the ~~authority~~ department has
29 an interest.
30 2. Notwithstanding the provisions of chapter 68B, a person
31 contracting or seeking to contract with the state to supply
32 gaming equipment or materials for use in the operation of the
33 lottery, an applicant for a license to sell tickets or shares

34 in the lottery, or a retailer shall not offer a member of
35 the board, any officer, or other employee of the ~~authority~~
1 department under this chapter, or a member of their immediate
2 family a gift, gratuity, or other thing having a value of
3 more than the limits established in chapter 68B, other than
4 food and beverage consumed at a meal. For purposes of this
5 subsection, *"member of their immediate family"* means a spouse,
6 child, stepchild, brother, brother-in-law, stepbrother,
7 sister, sister-in-law, stepsister, parent, parent-in-law, or
8 step-parent of the board member, the officer, or other employee
9 who resides in the same household in the same principal
10 residence of the board member, officer, or other employee.
11 3. If a board member, officer, or other employee of the
12 ~~authority~~ department under this chapter violates a provision of
13 this section, the board member, officer, or employee shall be
14 immediately removed from the office or position.
15 Sec. 2350. Section 99G.12, subsection 2, paragraphs a and b,
16 Code 2023, are amended to read as follows:
17 *a.* The self-service kiosk shall be owned or leased by the
18 ~~authority~~ department.
19 *b.* The self-service kiosk shall only be located in a retail
20 location licensed by the ~~authority~~ department pursuant to this
21 chapter. The ~~authority~~ department shall determine, in its sole
22 discretion, the placement of the self-service kiosk.
23 Sec. 2351. Section 99G.21, subsections 1, 3, 4, and 5, Code
24 2023, are amended to read as follows:
25 1. Funds of the state shall not be used or obligated to pay
26 the expenses or prizes of the ~~authority~~ department under this
27 chapter.
28 3. Notwithstanding any other provision of law, any
29 purchase of real property and any borrowing of more than one
30 million dollars by the ~~authority~~ department for purposes of
31 this chapter shall require written notice from the ~~authority~~
32 department to the general assembly's standing committees on
33 government oversight and the prior approval of the executive

34 council.
35 4. The powers enumerated in this section are cumulative of
1 and in addition to those powers enumerated elsewhere in this
2 chapter and no such powers limit or restrict any other powers
3 of the ~~authority~~ department under this chapter.
4 5. Departments, boards, commissions, or other agencies of
5 this state shall provide reasonable assistance and services to
6 the ~~authority~~ department for purposes of this chapter upon the
7 request of the ~~chief executive officer~~ director.
8 Sec. 2352. Section 99G.21, subsection 2, unnumbered
9 paragraph 1, Code 2023, is amended to read as follows:
10 The ~~authority~~ department shall have any and all powers
11 necessary or convenient to carry out and effectuate the
12 purposes and provisions of this chapter which are not in
13 conflict with the Constitution of the State of Iowa, including,
14 but without limiting the generality of the foregoing, the
15 following powers:
16 Sec. 2353. Section 99G.21, subsection 2, paragraphs f, l, p,
17 and q, Code 2023, are amended to read as follows:
18 *f.* To enter into written agreements with one or more other
19 states or territories of the United States, or one or more
20 political subdivisions of another state or territory of the
21 United States, or any entity lawfully operating a lottery
22 outside the United States for the operation, marketing, and
23 promotion of a joint lottery or joint lottery game. For
24 the purposes of this subsection, any lottery with which the
25 authority reaches an agreement or compact shall meet the
26 criteria for security, integrity, and finance set by the ~~board~~
27 department.
28 *l.* To enter into contracts of any and all types on such
29 terms and conditions as the ~~authority~~ department may determine
30 necessary.
31 *p.* Notwithstanding any other provision of law to the
32 contrary, to purchase meals for attendees at ~~authority~~ business
33 meetings of the department pursuant to this chapter.

34 *q.* To exercise all powers ~~generally exercised by private~~
35 ~~businesses engaged in entrepreneurial pursuits~~ necessary to
1 administer this chapter, unless the exercise of such a power
2 would violate the terms of this chapter or of the Constitution
3 of this state.
4 Sec. 2354. Section 99G.22, subsections 1, 3, 5, and 6, Code
5 2023, are amended to read as follows:
6 1. The ~~authority~~ department shall investigate the financial
7 responsibility, security, and integrity of any lottery system
8 vendor who is a finalist in submitting a bid, proposal, or
9 offer as part of a major procurement contract. Before a major
10 procurement contract is awarded, the division of criminal
11 investigation of the department of public safety shall
12 conduct a background investigation of the vendor to whom the
13 contract is to be awarded. The ~~chief executive officer and~~
14 ~~board~~ director shall consult with the division of criminal
15 investigation and shall provide for the scope of the background
16 investigation and due diligence to be conducted in connection
17 with major procurement contracts. At the time of submitting
18 a bid, proposal, or offer to the ~~authority~~ department on a
19 major procurement contract, the ~~authority~~ department shall
20 require that each vendor submit to the division of criminal
21 investigation appropriate investigation authorization to
22 facilitate this investigation, together with an advance
23 of funds to meet the anticipated investigation costs. If
24 the division of criminal investigation determines that
25 additional funds are required to complete an investigation,
26 the vendor will be so advised. The background investigation
27 by the division of criminal investigation may include a
28 national criminal history check through the federal bureau of
29 investigation. The screening of vendors or their employees
30 through the federal bureau of investigation shall be conducted
31 by submission of fingerprints through the state criminal
32 history repository to the federal bureau of investigation.
33 3. A major procurement contract shall not be entered into

with any lottery system vendor who has not complied with the disclosure requirements described in this section, and any contract with such a vendor is voidable at the option of the ~~authority~~ department. Any contract with a vendor that does not comply with the requirements for periodically updating such disclosures during the tenure of the contract as may be specified in such contract may be terminated by the ~~authority~~ department. The provisions of this section shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the ~~authority~~ department of the competence, integrity, background, and character of vendors for major procurements.

5. A major procurement contract shall not be entered into with any vendor if such vendor has an ownership interest in an entity that had supplied consultation services under contract to the ~~authority~~ department under this chapter regarding the request for proposals pertaining to those particular goods or services.

6. If, based on the results of a background investigation, the ~~board~~ department determines that the best interests of the ~~authority~~ department, including but not limited to the ~~authority's~~ department's reputation for integrity, would be served thereby, the ~~board~~ department may disqualify a potential vendor from contracting with the ~~authority~~ department for a major procurement contract or from acting as a subcontractor in connection with a contract for a major procurement contract.

Sec. 2355. Section 99G.23, Code 2023, is amended to read as follows:

99G.23 Vendor bonding, tax filing, and competitive bidding.

1. The ~~authority~~ department may purchase, lease, or lease-purchase such goods or services as are necessary for effectuating the purposes of this chapter. The ~~authority~~ department may make procurements that integrate functions such as lottery game design, lottery ticket distribution to

34 retailers, supply of goods and services, and advertising. In
35 all procurement decisions under this chapter, the ~~authority~~
1 department shall take into account the particularly sensitive
2 nature of the lottery and shall act to promote and ensure
3 security, honesty, fairness, and integrity in the operation and
4 administration of the lottery and the objectives of raising net
5 proceeds for state programs.
6 2. Each vendor shall, at the execution of the contract
7 with the ~~authority~~ department pursuant to this chapter, post
8 a performance bond or letter of credit from a bank or credit
9 provider acceptable to the ~~authority~~ department in an amount
10 as deemed necessary by the ~~authority~~ department for that
11 particular bid or contract.
12 3. Each vendor shall be qualified to do business in this
13 state and shall file appropriate tax returns as provided by the
14 laws of this state.
15 4. All major procurement contracts must be competitively
16 bid pursuant to policies and procedures approved by the ~~board~~
17 department unless there is only one qualified vendor and that
18 vendor has an exclusive right to offer the service or product.
19 Sec. 2356. Section 99G.24, Code 2023, is amended to read as
20 follows:
21 **99G.24 Retailer compensation — licensing.**
22 1. The general assembly recognizes that to conduct a
23 successful lottery, the ~~authority~~ department must develop and
24 maintain a statewide network of lottery retailers that will
25 serve the public convenience and promote the sale of tickets
26 or shares and the playing of lottery games while ensuring the
27 integrity of the lottery operations, games, and activities.
28 2. The ~~board~~ department shall determine the compensation
29 to be paid to licensed retailers. Compensation may include
30 provision for variable payments based on sales volume or
31 incentive considerations.
32 3. The ~~authority~~ department shall issue a license
33 certificate to each person with whom it contracts as a retailer

34 for purposes of display as provided in this section. Every
35 lottery retailer shall post its license certificate, or a
1 facsimile thereof, and keep it conspicuously displayed in a
2 location on the premises accessible to the public. No license
3 shall be assignable or transferable. Once issued, a license
4 shall remain in effect until canceled, suspended, or terminated
5 by the ~~authority~~ department.
6 4. A licensee under this section shall cooperate with the
7 ~~authority~~ department by using point-of-purchase materials,
8 posters, and other marketing material when requested to do so
9 by the ~~authority~~ department. Lack of cooperation is sufficient
10 cause for revocation of a retailer's license.
11 5. The ~~board~~ department shall develop a list of objective
12 criteria upon which the qualification of lottery retailers
13 shall be based. Separate criteria shall be developed to govern
14 the selection of retailers of instant tickets and on-line
15 retailers. In developing these criteria, the ~~board~~ department
16 shall consider such factors as the applicant's financial
17 responsibility, security of the applicant's place of business
18 or activity, accessibility to the public, integrity, and
19 reputation. The criteria shall include but not be limited to
20 the volume of expected sales and the sufficiency of existing
21 licensees to serve the public convenience.
22 6. The applicant shall be current in filing all applicable
23 tax returns to the state of Iowa and in payment of all taxes,
24 interest, and penalties owed to the state of Iowa, excluding
25 items under formal appeal pursuant to applicable statutes. The
26 department ~~of revenue~~ is authorized and directed to provide
27 this information to ~~the authority~~ those employees of the
28 department performing duties pursuant to this chapter and
29 designated to receive this information.
30 7. A person, partnership, unincorporated association,
31 authority, or other business entity shall not be selected as
32 a lottery retailer if the person or entity meets any of the
33 following conditions:

a. Has been convicted of a criminal offense related to the security or integrity of the lottery in this or any other jurisdiction.

b. Has been convicted of any illegal gambling activity, false statements, perjury, fraud, or a felony in this or any other jurisdiction.

c. Has been found to have violated the provisions of this chapter or any regulation, policy, or procedure of the ~~authority or of the lottery division~~ department for purposes of this chapter unless either ten years have passed since the violation or the ~~board~~ department finds the violation both minor and unintentional in nature.

d. Is a vendor or any employee or agent of any vendor doing business with the ~~authority~~ department under this chapter.

e. Resides in the same household as an officer of the ~~authority~~ department under this chapter.

f. Is less than eighteen years of age.

g. Does not demonstrate financial responsibility sufficient to adequately meet the requirements of the proposed enterprise.

h. Has not demonstrated that the applicant is the true owner of the business proposed to be licensed and that all persons holding at least a ten percent ownership interest in the applicant's business have been disclosed.

i. Has knowingly made a false statement of material fact to the ~~authority~~ department.

8. Persons applying to become lottery retailers may be charged a uniform application fee for each lottery outlet.

9. Any lottery retailer contract executed pursuant to this section may, for good cause, be suspended, revoked, or terminated by the ~~chief executive officer~~ director or the ~~chief executive officer's~~ director's designee if the retailer is found to have violated any provision of this chapter or objective criteria established by the ~~board~~ department. Cause for suspension, revocation, or termination may include, but is not limited to, sale of tickets or shares to a person under the

age of twenty-one and failure to pay for lottery products in a timely manner.

Sec. 2357. Section 99G.25, Code 2023, is amended to read as follows:

99G.25 License not assignable.

Any lottery retailer license certificate or contract shall not be transferable or assignable. The ~~authority~~ department may issue a temporary license when deemed in the best interests of the state. A lottery retailer shall not contract with any person for lottery goods or services, except with the approval of the ~~board~~ department.

Sec. 2358. Section 99G.26, Code 2023, is amended to read as follows:

99G.26 Retailer bonding.

The ~~authority~~ department may require any retailer to post an appropriate bond, as determined by the ~~authority~~ department, using a cash bond or an insurance company acceptable to the ~~authority~~ department.

Sec. 2359. Section 99G.27, Code 2023, is amended to read as follows:

99G.27 Lottery retail licenses — cancellation, suspension, revocation, or termination.

1. A lottery retail license issued by the ~~authority~~ department pursuant to this chapter may be canceled, suspended, revoked, or terminated by the ~~authority~~ department for reasons including~~,~~ but not limited to~~,~~ any of the following:

a. A violation of this chapter, a regulation, or a policy or procedure of the ~~authority~~ department under this chapter.

b. Failure to accurately or timely account or pay for lottery products, lottery games, revenues, or prizes as required by the ~~authority~~ department.

c. Commission of any fraud, deceit, or misrepresentation.

d. Insufficient sales.

e. Conduct prejudicial to public confidence in the lottery.

f. The retailer filing for or being placed in bankruptcy or

34 receivership.
35 *g.* Any material change as determined in the sole discretion
1 of the ~~authority~~ department in any matter considered by
2 the ~~authority~~ department in executing the contract with the
3 retailer.
4 *h.* Failure to meet any of the objective criteria established
5 by the ~~authority~~ department pursuant to this chapter.
6 *i.* Other conduct likely to result in injury to the property,
7 revenue, or reputation of the ~~authority~~ department under this
8 chapter.
9 2. A lottery retailer license may be temporarily suspended
10 by the ~~authority~~ department without prior notice if the
11 ~~chief executive officer~~ director or designee determines that
12 further sales by the licensed retailer are likely to result in
13 immediate injury to the property, revenue, or reputation of the
14 ~~authority~~ department.
15 3. The ~~board~~ department shall adopt administrative rules
16 governing appeals of lottery retailer licensing disputes.
17 Sec. 2360. Section 99G.28, Code 2023, is amended to read as
18 follows:
19 **99G.28 Proceeds held in trust.**
20 All proceeds from the sale of the lottery tickets or shares
21 shall constitute a trust fund until paid to the ~~authority~~
22 department directly, through electronic funds transfer to the
23 ~~authority~~ department, or through the ~~authority's~~ department's
24 authorized collection representative. A lottery retailer
25 and officers of a lottery retailer's business shall have a
26 fiduciary duty to preserve and account for lottery proceeds and
27 lottery retailers shall be personally liable for all proceeds.
28 Proceeds shall include unsold products received but not paid
29 for by a lottery retailer and cash proceeds of the sale of any
30 lottery products net of allowable sales commissions and credit
31 for lottery prizes paid to winners by lottery retailers. Sales
32 proceeds of pull-tab tickets shall include the sales price
33 of the lottery product net of allowable sales commission and

34 prizes contained in the product. Sales proceeds and unused
35 instant tickets shall be delivered to the ~~authority~~ department
1 or its authorized collection representative upon demand.
2 Sec. 2361. Section 99G.29, Code 2023, is amended to read as
3 follows:
4 **99G.29 Retailer rental calculations —— lottery ticket sales**
5 **treatment.**
6 If a lottery retailer's rental payments for the business
7 premises are contractually computed, in whole or in part, on
8 the basis of a percentage of retail sales and such computation
9 of retail sales is not explicitly defined to include sales
10 of tickets or shares in a state-operated or state-managed
11 lottery, only the compensation received by the lottery retailer
12 from the ~~authority~~ department may be considered the amount of
13 the lottery retail sale for purposes of computing the rental
14 payment.
15 Sec. 2362. Section 99G.30, Code 2023, is amended to read as
16 follows:
17 **99G.30 Ticket sales requirements —— penalties.**
18 1. Lottery tickets or shares may be distributed by the
19 ~~authority~~ department for promotional purposes.
20 2. A ticket or share shall not be sold at a price other than
21 that fixed by the ~~authority~~ department and a sale shall not be
22 made other than by a retailer or an employee of the retailer
23 who is authorized by the retailer to sell tickets or shares. A
24 person who violates a provision of this subsection is guilty
25 of a simple misdemeanor.
26 3. A ticket or share shall not be sold to a person who has
27 not reached the age of twenty-one. Any person who knowingly
28 sells a lottery ticket or share to a person under the age of
29 twenty-one shall be guilty of a simple misdemeanor. It shall
30 be an affirmative defense to a charge of a violation under this
31 section that the retailer reasonably and in good faith relied
32 upon presentation of proof of age in making the sale. A prize
33 won by a person who has not reached the age of twenty-one but

34 who purchases a winning ticket or share in violation of this
35 subsection shall be forfeited. This section does not prohibit
1 the lawful purchase of a ticket or share for the purpose
2 of making a gift to a person who has not reached the age of
3 twenty-one. The ~~board~~ department shall adopt administrative
4 rules governing the payment of prizes to persons who have not
5 reached the age of twenty-one.
6 4. Except for the ~~authority~~ department, a retailer shall
7 only sell lottery products on the licensed premises and not
8 through the mail or by technological means except as the
9 ~~authority~~ department may provide or authorize.
10 5. The retailer may accept payment by cash, check, money
11 order, debit card, or electronic funds transfer. The retailer
12 shall not extend or arrange credit for the purchase of a ticket
13 or share. As used in this subsection, *"cash"* means United
14 States currency.
15 6. Nothing in this chapter shall be construed to prohibit
16 the ~~authority~~ department from designating certain of its
17 agents and employees to sell or give lottery tickets or shares
18 directly to the public.
19 7. No elected official's name shall be printed on tickets.
20 Sec. 2363. Section 99G.31, subsections 1 and 2, Code 2023,
21 are amended to read as follows:
22 1. The ~~chief executive officer~~ director shall award the
23 designated prize to the holder of the ticket or share upon
24 presentation of the winning ticket or confirmation of a winning
25 share. The prize shall be given to only one person as provided
26 in this section; however, a prize shall be divided between
27 holders of winning tickets if there is more than one winning
28 ticket.
29 2. The ~~authority~~ department shall only pay prizes for
30 lottery tickets or shares that the ~~authority~~ department
31 determines were legally purchased, legally possessed, and
32 legally presented.
33 Sec. 2364. Section 99G.31, subsection 3, unnumbered

34 paragraph 1, Code 2023, is amended to read as follows:
35 The ~~authority~~ department shall adopt administrative rules,
1 policies, and procedures to establish a system of verifying
2 the validity of tickets or shares claimed to win prizes and
3 to effect payment of such prizes, subject to the following
4 requirements:
5 Sec. 2365. Section 99G.31, subsection 3, paragraphs b, d, f,
6 g, h, and i, Code 2023, are amended to read as follows:
7 *b.* A prize shall not be paid arising from claimed tickets
8 that are stolen, counterfeit, altered, fraudulent, unissued,
9 produced or issued in error, unreadable, not received, or
10 not recorded by the ~~authority~~ department within applicable
11 deadlines; lacking in captions that conform and agree with the
12 play symbols as appropriate to the particular lottery game
13 involved; or not in compliance with such additional specific
14 administrative rules, policies, and public or confidential
15 validation and security tests of the ~~authority~~ department
16 appropriate to the particular lottery game involved.
17 *d.* Unclaimed prize money for the prize on a winning ticket
18 or share shall be retained for a period deemed appropriate by
19 the ~~chief executive officer, subject to approval by the board~~
20 director. If a valid claim is not made for the money within the
21 applicable period, the unclaimed prize money shall be added to
22 the pool from which future prizes are to be awarded or used for
23 special prize promotions. Notwithstanding this subsection, the
24 disposition of unclaimed prize money from multijurisdictional
25 games shall be made in accordance with the rules of the
26 multijurisdictional game.
27 *f.* The ~~authority~~ department is discharged of all liability
28 upon payment of a prize pursuant to this section.
29 *g.* No ticket or share issued by the ~~authority~~ department
30 shall be purchased by and no prize shall be paid to any member
31 of the board of directors; any officer or employee of the
32 ~~authority~~ department under this chapter; or to any spouse,
33 child, brother, sister, or parent residing as a member of the

same household in the principal place of residence of any such person.

h. No ticket or share issued by the ~~authority~~ department shall be purchased by and no prize shall be paid to any officer, employee, agent, or subcontractor of any vendor or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such person if such officer, employee, agent, or subcontractor has access to confidential information which may compromise the integrity of the lottery.

i. The proceeds of any lottery prize shall be subject to state and federal income tax laws. An amount deducted from the prize for payment of a state tax, pursuant to section 422.16, subsection 1, shall be transferred ~~by the authority~~ to the department ~~of revenue~~ on behalf of the prize winner.

Sec. 2366. Section 99G.32, Code 2023, is amended to read as follows:

99G.32 ~~Authority~~ Department legal representation — lottery.

The ~~authority~~ department shall retain the services of legal counsel to advise the ~~authority~~ department and the board under this chapter and to provide representation in legal proceedings. The ~~authority~~ department may retain the attorney general or a full-time assistant attorney general in that capacity and provide reimbursement for the cost of advising and representing the board and the ~~authority~~ department.

Sec. 2367. Section 99G.33, Code 2023, is amended to read as follows:

99G.33 Law enforcement investigations.

The department of public safety, division of criminal investigation, shall be the primary state agency responsible for investigating criminal violations under this chapter. The ~~chief executive officer~~ director shall contract with the department of public safety for investigative services, including the employment of special agents and support personnel, and procurement of necessary equipment to carry out

the responsibilities of the division of criminal investigation under the terms of the contract and this chapter.

Sec. 2368. Section 99G.34, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The records of the ~~authority~~ department under this chapter shall be governed by the provisions of chapter 22, provided that, in addition to records that may be kept confidential pursuant to section 22.7, the following records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

Sec. 2369. Section 99G.34, subsections 1, 4, and 7, Code 2023, are amended to read as follows:

1. Marketing plans, research data, and proprietary intellectual property owned or held by the ~~authority~~ department for purposes of this chapter under contractual agreements.

4. Security records pertaining to investigations and intelligence-sharing information between lottery security officers and those of other lotteries and law enforcement agencies, the security portions or segments of lottery requests for proposals, proposals by vendors to conduct lottery operations, and records of the security division of the ~~authority~~ department under this chapter pertaining to game security data, ticket validation tests, and processes.

7. Security reports and other information concerning bids or other contractual data, the disclosure of which would impair the efforts of the ~~authority~~ department to contract for goods or services on favorable terms under this chapter.

Sec. 2370. Section 99G.35, Code 2023, is amended to read as follows:

99G.35 Security.

1. The ~~authority's~~ department's chief security officer and investigators under this chapter shall be qualified by training and experience in law enforcement to perform their respective duties in support of the activities of the security

office. The chief security officer and investigators shall not have sworn peace officer status. The lottery security office shall perform all of the following activities in support of the ~~authority~~ mission of the department under this chapter:

a. Supervise ticket or share validation and lottery drawings, provided that the ~~authority~~ department may enter into cooperative agreements with multijurisdictional lottery administrators for shared security services at drawings and game show events involving more than one participating lottery.

b. Inspect at times determined solely by the ~~authority~~ department the facilities of any vendor or lottery retailer in order to determine the integrity of the vendor's product or the operations of the retailer in order to determine whether the vendor or the retailer is in compliance with its contract.

c. Report any suspected violations of this chapter to the appropriate county attorney or the attorney general and to any law enforcement agencies having jurisdiction over the violation.

d. Upon request, provide assistance to any county attorney, the attorney general, the department of public safety, or any other law enforcement agency.

e. Upon request, provide assistance to retailers in meeting their licensing contract requirements and in detecting retailer employee theft.

f. Monitor ~~authority~~ division operations for compliance with internal security requirements.

g. Provide physical security at the ~~authority's~~ central operations facilities used by the department for purposes of this chapter.

h. Conduct on-press product production surveillance, testing, and quality approval for printed scratch and pull-tab tickets.

i. Coordinate employee and retailer background investigations conducted by the department of public safety, division of criminal investigation.

2. The ~~authority~~ department may enter into intelligence-sharing, reciprocal use, or restricted use agreements for purposes of this chapter with the federal government, law enforcement agencies, lottery regulation agencies, and gaming enforcement agencies of other jurisdictions which provide for and regulate the use of information provided and received pursuant to the agreement.

3. Records, documents, and information in the possession of the ~~authority~~ department received under this chapter pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement entered into by the ~~authority~~ department with a federal department or agency, any law enforcement agency, or the lottery regulation or gaming enforcement agency of any jurisdiction shall be considered investigative records of a law enforcement agency and are not subject to chapter 22 and shall not be released under any condition without the permission of the person or agency providing the record or information.

Sec. 2371. Section 99G.36, subsection 5, Code 2023, is amended to read as follows:

5. No person shall knowingly or intentionally make a material false statement in any lottery prize claim, make a material false statement in any application for a license or proposal to conduct lottery activities, or make a material false entry in any book or record which is compiled or maintained or submitted to the ~~authority or the board~~ department pursuant to the provisions of this chapter. Any person who violates the provisions of this subsection shall be guilty of a class "D" felony.

Sec. 2372. Section 99G.37, Code 2023, is amended to read as follows:

99G.37 Competitive bidding.

1. The ~~authority~~ department shall enter into a major procurement contract pursuant to competitive bidding. The requirement for competitive bidding does not apply in the case of a single vendor having exclusive rights to offer a

34 particular service or product. The ~~board~~ department shall
35 adopt procedures for competitive bidding. Procedures adopted
1 by the ~~board~~ department shall be designed to allow the
2 selection of proposals that provide the greatest long-term
3 benefit to the state, the greatest integrity for the ~~authority~~
4 department, and the best service and products for the public.
5 2. In any bidding process under this chapter, the ~~authority~~
6 department may administer its own bidding and procurement or
7 may utilize the services of the department of administrative
8 services or other state agency.
9 Sec. 2373. 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 to facilitate
30 receipt of funds owed to the ~~authority~~ department under this
31 chapter.
32 Sec. 2374. Section 99G.39, subsections 1 and 3, Code 2023,
33 are amended to read as follows:

1. Upon receipt of any revenue, the ~~chief executive officer~~ director shall deposit the moneys in the lottery fund created pursuant to section 99G.40. At least fifty percent of the projected annual revenue accruing from the sale of tickets or shares shall be allocated for payment of prizes to the holders of winning tickets. After the payment of prizes, the expenses of conducting the lottery shall be deducted from the ~~authority's~~ department's revenue under this chapter prior to disbursement. Expenses for advertising production and media purchases shall not exceed four percent of the ~~authority's~~ department's gross revenue under this chapter for the year.

3. Two million five hundred thousand dollars in lottery revenues shall be transferred each fiscal year to the veterans trust fund established pursuant to section 35A.13 prior to deposit of the lottery revenues in the general fund pursuant to section 99G.40. However, if the balance of the veterans trust fund is fifty million dollars or more, the moneys shall be appropriated to the department ~~of revenue~~ for distribution to county directors of veteran affairs, with fifty percent of the moneys to be distributed equally to each county and fifty percent of the moneys to be distributed to each county based upon the population of veterans in the county, so long as the moneys distributed to a county do not supplant moneys appropriated by that county for the county director of veteran affairs.

Sec. 2375. Section 99G.39, subsection 6, paragraph b, Code 2023, is amended to read as follows:

b. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and lottery revenues that will become available during the remainder of the appropriate fiscal year for the purposes described in paragraph *"a"*. The department of management and the department ~~of revenue~~ shall take appropriate actions to provide that the amount of gaming revenues and lottery revenues that will be available during the remainder of the appropriate fiscal year is sufficient to cover

34 any anticipated deficiencies.
35 Sec. 2376. 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~~

~~be deposited into the general fund during the succeeding fiscal year. This budget shall be on forms prescribed by the department of management. A copy of the information required to be submitted to the department of management pursuant to this subsection shall be submitted to the general assembly's standing committees on government oversight and the legislative services agency by October 1 of each year.~~

~~5.~~ 4. The ~~authority shall adopt the same fiscal year as that used by state government and~~ activities of the department under this chapter shall be audited ~~annually~~ as part of the audit of the department by the auditor of state or a certified public accounting firm appointed by the auditor. The auditor of state or a designee conducting an audit of the activities of the department under this chapter shall have access and authority to examine any and all records of licensees necessary to determine compliance with this chapter and the rules adopted pursuant to this chapter. The cost of audits and examinations conducted by the auditor of state or a designee shall be paid ~~for by the authority~~ as provided in chapter 11.

Sec. 2377. Section 99G.41, Code 2023, is amended to read as follows:

99G.41 Prize offsets — garnishments.

1. Any claimant agency may submit to the ~~authority~~ department a list of the names of all persons indebted to such claimant agency or to persons on whose behalf the claimant agency is acting. The full amount of the debt shall be collectible from any lottery winnings due the debtor without regard to limitations on the amounts that may be collectible in increments through garnishment or other proceedings. Such list shall constitute a valid lien upon and claim of lien against the lottery winnings of any debtor named in such list. The list shall contain the names of the debtors, their social security numbers if available, and any other information that assists the ~~authority~~ department in identifying the debtors named in the list.

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.

Sec. 2378. Section 99G.42, Code 2023, is amended to read as follows:

99G.42 Compulsive gamblers — treatment program information.

The ~~authority~~ department shall cooperate with the gambling treatment program administered by the Iowa department of public health to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the ~~authority~~ department pursuant to this chapter.

Sec. 2379. IOWA LOTTERY — TRANSITION PROVISIONS.

1. For purposes of this section, unless the context otherwise requires:

a. "Department" means the department of revenue.

b. "Iowa lottery authority" means the Iowa lottery authority established pursuant to 2003 Iowa Acts, chapter 178, section 66.

2. The department shall be the legal successor to the Iowa lottery authority and, as such, shall assume all rights, privileges, obligations, and responsibilities of the Iowa lottery authority. The promulgated rules of the Iowa lottery authority shall remain in full force and effect as the rules of the department until amended or repealed by the department. In addition, the department may continue the security practices and procedures utilized by the Iowa lottery authority until amended or repealed by the department.

3. At 12:01 a.m. on July 1, 2023, the department shall become the legal successor to the Iowa lottery authority.

4. Personnel of the Iowa lottery authority employed on July 1, 2023, shall transition to the department as department employees under chapter 99G. The chief executive officer of the Iowa lottery authority on July 1, 2023, shall be the lottery administrator, as provided in this Act, on that date without the requirement to be reappointed by the governor.

5. The department shall function as the legal successor to the Iowa lottery authority and shall assume all of the assets

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. 2380. Section 123.3, subsections 1, 15, and 19, Code
33 2023, are amended by striking the subsections.

Sec. 2381. Section 123.3, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 16A. *"Council"* means the alcoholic beverages council established by this chapter.

NEW SUBSECTION. 16B. *"Department"* means the department of revenue.

NEW SUBSECTION. 17A. *"Director"* means the director of the department of revenue or the director's designee.

Sec. 2382. Section 123.3, subsections 6, 14, 16, 26, 29, 30, and 38, Code 2023, are amended to read as follows:

6. *"Application"* means a written request for the issuance of a permit, license, or certificate that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the ~~administrator~~ director.

14. *"Commercial establishment"* means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the ~~division~~ department.

16. *"Completed application"* means an application where all necessary fees have been paid in full, any required bonds have been submitted, the applicant has provided all information requested by the ~~division~~ department, and the application meets the requirements of section 123.92, subsection 2, if applicable.

26. The terms *"in accordance with the provisions of this chapter"*, *"pursuant to the provisions of this title"*, or similar terms shall include all rules and regulations of the ~~division~~ department adopted to aid in the administration or enforcement of those provisions.

29. *"Licensed premises"* or *"premises"* means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the ~~administrator~~ director where alcoholic beverages, wine, or beer is sold or consumed under authority of a retail alcohol license, wine permit, or beer

permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds.

30. *"Local authority"* means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail alcohol licenses; empowered to recommend that such licenses be granted and issued by the ~~division~~ department; and empowered to take other actions reserved to them by this chapter.

38. *"Permit"* or *"license"* means an express written authorization issued by the ~~division~~ department for the manufacture or sale, or both, of alcoholic liquor, wine, or beer.

Sec. 2383. Section 123.3, subsection 40, paragraphs a and d, Code 2023, are amended to read as follows:

a. The person has such financial standing and good reputation as will satisfy the ~~administrator~~ director that the person will comply with this chapter and all laws, ordinances, and regulations applicable to the person's operations under this chapter. However, the ~~administrator~~ director shall not require the person to post a bond to meet the requirements of this paragraph.

d. The person has not been convicted of a felony. However, if the person's conviction of a felony occurred more than five years before the date of the application for a license or permit, and if the person's rights of citizenship have been restored by the governor, the ~~administrator~~ director may determine that the person is of good moral character notwithstanding such conviction.

Sec. 2384. Section 123.4, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

123.4 Alcoholic beverage control.

The department of revenue shall administer and enforce the laws of this state concerning alcoholic beverage control.

Sec. 2385. Section 123.5, Code 2023, is amended to read as follows:

123.5 Alcoholic beverages ~~commission~~ council created — appointment — removal — vacancies.

1. An alcoholic beverages ~~commission~~ council is created within the ~~division~~ department. The ~~commission~~ council is composed of five members, not more than three of whom shall belong to the same political party.

2. Members shall be appointed by the governor, subject to confirmation by the senate. Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19. A member may be reappointed for one additional term.

3. Members of the ~~commission~~ council shall be chosen on the basis of managerial ability and experience as business executives. Not more than two members of the ~~commission~~ council may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail.

4. Any ~~commission~~ council member shall be subject to removal for any of the causes and in the manner provided by chapter 66 relating to removal from office. Removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

5. Any vacancy on the ~~commission~~ council shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

Sec. 2386. Section 123.6, Code 2023, is amended to read as follows:

123.6 ~~Commission~~ Council meetings.

The ~~commission~~ council shall meet on or before July 1 of each year for the purpose of selecting one of its members as chairperson for the succeeding year. The ~~commission~~ council shall otherwise meet quarterly or at the call of the chairperson or ~~administrator~~ director or when three members

file a written request for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the ~~commission~~ council members shall constitute a quorum.

Sec. 2387. Section 123.7, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

123.7 Duties of director.

The director shall supervise the daily operations of the department under this chapter and shall execute the alcoholic beverage control policies of the department.

Sec. 2388. Section 123.8, Code 2023, is amended to read as follows:

123.8 Duties of ~~commission and administrator~~ council.

1. The ~~commission~~ council, in addition to the duties specifically enumerated in this chapter, shall act ~~as a division policy-making body and serve~~ in an advisory capacity to the ~~administrator~~ director and department. ~~The administrator shall supervise the daily operations of the division and shall execute the policies of the division as determined by the commission.~~

2. The ~~commission~~ council may advise and review ~~and affirm, reverse, or amend~~ all actions of the ~~administrator~~ director under this chapter, including but not limited to the following instances:

a. Purchases of alcoholic liquor for resale by the ~~division~~ department.

b. The establishment of wholesale prices of alcoholic liquor.

Sec. 2389. Section 123.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director, in executing ~~divisional~~ the alcoholic beverage control functions of the department, shall have the following duties and powers:

Sec. 2390. Section 123.9, subsections 1, 4, and 7, Code 2023, are amended to read as follows:

1. To receive alcoholic liquors on a bailment system for resale by the ~~division~~ department in the manner set forth in this chapter.

4. To appoint clerks, agents, or other employees required for carrying out the provisions of this chapter; to dismiss employees for cause; to assign employees to bureaus as created by the ~~administrator~~ director within the ~~division~~ department; and to designate their title, duties, and powers. All employees of the ~~division~~ department appointed for purposes of this chapter are subject to chapter 8A, subchapter IV, unless exempt under section 8A.412.

7. To accept alcoholic liquors ordered delivered to the ~~alcoholic beverages division~~ department pursuant to chapter 809A, and offer for sale and deliver the alcoholic liquors to class "E" retail alcohol licensees, unless the ~~administrator~~ director determines that the alcoholic liquors may be adulterated or contaminated. If the ~~administrator~~ director determines that the alcoholic liquors may be adulterated or contaminated, the ~~administrator~~ director shall order their destruction.

Sec. 2391. Section 123.10, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director, ~~with the approval of the commission and~~ subject to chapter 17A, may adopt rules as necessary to carry out this chapter. The ~~administrator's~~ director's authority under this chapter extends to, but is not limited to, the following:

Sec. 2392. Section 123.10, subsections 1, 6, 14, and 15, Code 2023, are amended to read as follows:

1. Prescribing the duties of officers, clerks, agents, or other employees of the ~~division~~ department under this chapter and regulating their conduct while in the discharge of their duties.

6. Providing for the issuance and electronic distribution of price lists which show the price to be paid by class

34 "E" retail alcohol licensees for each brand, class, or
35 variety of liquor kept for sale by the ~~division~~ department,
1 providing for the filing or posting of prices charged in sales
2 between class "A" beer and class "A" wine permit holders and
3 retailers, as provided in this chapter, and establishing or
4 controlling the prices based on minimum standards of fill,
5 quantity, or alcoholic content for each individual sale of
6 alcoholic beverages as deemed necessary for retail or consumer
7 protection. However, the ~~division~~ department shall not
8 regulate markups, prices, discounts, allowances, or other terms
9 of sale at which alcoholic liquor may be purchased by the
10 retail public or retail alcohol licensees from class "E" retail
11 alcohol licensees or at which wine may be purchased and sold
12 by class "A" and retail wine permittees, or change, nullify,
13 or vary the terms of an agreement between a holder of a vintner
14 certificate of compliance and a class "A" wine permittee.
15 14. Prescribing the uniform fee to be assessed against
16 a retail alcohol licensee, except a class "B", special class
17 "B", or class "E" retail alcohol licensee, to cover the
18 administrative costs incurred by the ~~division~~ department
19 resulting from the failure of the licensee to maintain dramshop
20 liability insurance coverage pursuant to section 123.92,
21 subsection 2, paragraph *"a"*.
22 15. Prescribing the uniform fee, not to exceed one hundred
23 dollars, to be assessed against a licensee or permittee under
24 this chapter for a contested case hearing conducted by the
25 ~~division~~ department or by an administrative law judge from
26 the department of inspections and appeals which results in
27 administrative action taken against the licensee or permittee
28 by the ~~division~~ department.
29 Sec. 2393. Section 123.11, Code 2023, is amended to read as
30 follows:
31 **123.11 Compensation and expenses.**
32 Members of the ~~commission~~ council, the ~~administrator~~
33 director, and other employees of the ~~division~~ department shall

be allowed their actual and necessary expenses while traveling on business of the ~~division~~ department under this chapter outside of their place of residence, however, an itemized account of such expenses shall be verified by the claimant and approved by the ~~administrator~~ director. If such account is paid, the same shall be filed with the ~~division~~ department and be and remain a part of its permanent records. Each member appointed to the ~~commission~~ council is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the ~~commission~~ council may also be eligible to receive compensation as provided in section 7E.6. All expenses and salaries of ~~commission~~ council members, the ~~administrator~~ director, and other employees shall be paid from appropriations for such purposes and the ~~division~~ department shall be subject to the budget requirements of chapter 8.

Sec. 2394. Section 123.12, Code 2023, is amended to read as follows:

123.12 Exemption from suit.

~~No commission~~ A council member or officer or employee of the ~~division~~ department shall not be personally liable for damages sustained by any person due to the act of such member, officer, or employee performed in the reasonable discharge of the member's, officer's, or employee's duties as enumerated in this chapter.

Sec. 2395. Section 123.13, Code 2023, is amended to read as follows:

123.13 Prohibitions on ~~commission~~ council members and employees.

1. ~~Commission~~ Council members, officers, and employees of the ~~division~~ department under this chapter shall not, while holding such office or position, do any of the following:

a. Hold any other office or position under the laws of this state, or any other state or territory or of the United States.

b. Engage in any occupation, business, endeavor, or activity which would or does conflict with their duties under this

34 chapter.
35 *c.* Directly or indirectly, use their office or employment
1 to influence, persuade, or induce any other officer, employee,
2 or person to adopt their political views or to favor any
3 particular candidate for an elective or appointive public
4 office.
5 *d.* Directly or indirectly, solicit or accept, in any manner
6 or way, any money or other thing of value for any person
7 seeking an elective or appointive public office, or to any
8 political party or any group of persons seeking to become a
9 political party.
10 2. Except as provided in section 123.5, subsection 3, a
11 ~~commission~~ council member or ~~division~~ department employee
12 under this chapter shall not, directly or indirectly,
13 individually, or as a member of a partnership or shareholder
14 in a corporation, have any interest in dealing in or in the
15 manufacture of alcoholic liquor, wine, or beer, and shall
16 not receive any kind of profit nor have any interest in the
17 purchase or sale of alcoholic liquor, wine, or beer by persons
18 so authorized under this chapter. However, this subsection
19 does not prohibit any member or employee from lawfully
20 purchasing and keeping alcoholic liquor, wine, or beer in the
21 member's or employee's possession for personal use.
22 3. Any officer or employee violating this section or any
23 other provisions of this chapter shall, in addition to any
24 other penalties provided by law, be subject to suspension or
25 discharge from employment. Any ~~commission~~ council member
26 shall, in addition to any other penalties provided by law, be
27 subject to removal from office as provided by chapter 66.
28 Sec. 2396. Section 123.14, Code 2023, is amended to read as
29 follows:
30 **123.14 Alcoholic beverage control law enforcement.**
31 1. The department of public safety is the primary alcoholic
32 beverage control law enforcement authority for this state.
33 2. The county attorney, the county sheriff and the sheriff's

34 deputies, and the police department of every city, and the
35 ~~alcoholic beverages division of the~~ department ~~of commerce~~,
1 shall be supplementary aids to the department of public safety
2 for purposes of alcoholic beverage control law enforcement.
3 Any neglect, misfeasance, or malfeasance shown by any peace
4 officer included in this section shall be sufficient cause
5 for the peace officer's removal as provided by law. This
6 section shall not be construed to affect the duties and
7 responsibilities of any county attorney or peace officer with
8 respect to law enforcement.
9 3. The department of public safety shall have full access
10 to all records, reports, audits, tax reports and all other
11 documents and papers in the ~~alcoholic beverages division~~
12 department pertaining to liquor licensees and wine and beer
13 permittees and their business.
14 Sec. 2397. Section 123.16, unnumbered paragraph 1, Code
15 2023, is amended to read as follows:
16 The ~~commission~~ department shall cause to be prepared an
17 annual report to the governor of the state, ending with June 30
18 of each fiscal year, on the operation and financial position of
19 the ~~division~~ department under this chapter for the preceding
20 fiscal year. The report shall include but is not limited to
21 the following information:
22 Sec. 2398. Section 123.16, subsections 1 and 7, Code 2023,
23 are amended to read as follows:
24 1. Amount of profit or loss from ~~division~~ department
25 operations under this chapter.
26 7. Amount of fees paid to the ~~division~~ department from
27 retail alcohol licenses, wine permits, and beer permits, in
28 gross, and the amount of retail alcohol license fees returned
29 to local subdivisions of government as provided under this
30 chapter.
31 Sec. 2399. Section 123.17, Code 2023, is amended to read as
32 follows:
33 **123.17 Beer and liquor control fund — allocations to**

34 **substance abuse programs — use of civil penalties.**
35 1. There shall be established within the office of
1 the treasurer of state a fund to be known as the beer and
2 liquor control fund. The fund shall consist of any moneys
3 appropriated by the general assembly for deposit in the fund
4 and moneys received from the sale of alcoholic liquors by the
5 ~~division~~ department, from the issuance of permits and licenses,
6 and of moneys and receipts received by the ~~division~~ department
7 from any other source under this chapter.
8 2. *a.* The director of the department of administrative
9 services shall periodically transfer from the beer and liquor
10 control fund to the general fund of the state those revenues
11 of the ~~division~~ department which are not necessary for the
12 purchase of liquor for resale by the ~~division~~ department,
13 or for remittances to local authorities or other sources as
14 required by this chapter, or for other obligations and expenses
15 of the ~~division~~ department which are paid from such fund.
16 *b.* All moneys received by the ~~division~~ department from
17 the issuance of vintner's certificates of compliance and wine
18 permits shall be transferred by the director of the department
19 of administrative services to the general fund of the state.
20 3. Notwithstanding subsection 2, if gaming revenues under
21 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
22 meet the total amount of such revenues directed to be deposited
23 in the revenue bonds debt service fund and the revenue bonds
24 federal subsidy holdback fund during the fiscal year pursuant
25 to section 8.57, subsection 5, paragraph *"e"*, the difference
26 shall be paid from moneys deposited in the beer and liquor
27 control fund prior to transfer of such moneys to the general
28 fund pursuant to subsection 2 and prior to the transfer of such
29 moneys pursuant to subsections 5 and 6. If moneys deposited in
30 the beer and liquor control fund are insufficient during the
31 fiscal year to pay the difference, the remaining difference
32 shall be paid from moneys deposited in the beer and liquor
33 control fund in subsequent fiscal years as such moneys become

available.

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department ~~of commerce~~ shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

5. After any transfer provided for in subsection 3 is made, the department ~~of commerce~~ shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the ~~division~~ department from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 for substance abuse treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

6. After any transfers provided for in subsections 3 and 5, the department ~~of commerce~~ shall receive a transfer ~~to the division~~ from the beer and liquor control fund and before any

34 other transfer to the general fund, an amount sufficient to pay
35 the costs incurred by the ~~division~~ department for collecting
1 and properly disposing of the liquor containers.
2 7. After any transfers provided for in subsections 3, 5,
3 and 6, and before any other transfer to the general fund,
4 the department ~~of commerce~~ shall transfer to the economic
5 development authority from the beer and liquor control fund
6 two million dollars annually for statewide tourism marketing
7 services and efforts pursuant to section 15.275.
8 8. After any transfers provided for in subsections 3, 5, 6,
9 and 7, and before any other transfer to the general fund, the
10 department ~~of commerce~~ shall transfer from the beer and liquor
11 control fund one million dollars to the Iowa department of
12 public health for distribution pursuant to section 125.59.
13 9. Civil penalties imposed and collected by the ~~division~~
14 department under this chapter shall be credited to the general
15 fund of the state. The moneys from the civil penalties shall
16 be used by the ~~division~~ department, subject to appropriation by
17 the general assembly, for the purposes of providing educational
18 programs, information and publications for alcoholic
19 beverage licensees and permittees, local authorities, and law
20 enforcement agencies regarding the laws and rules which govern
21 the alcoholic beverages industry, and for promoting compliance
22 with alcoholic beverage laws and rules.
23 Sec. 2400. Section 123.18, Code 2023, is amended to read as
24 follows:
25 **123.18 Appropriations.**
26 ~~Division~~ Department appropriations for purposes of this
27 chapter shall be paid by the treasurer of state upon the orders
28 of the ~~administrator~~ director, in such amounts and at such
29 times as the ~~administrator~~ director deems necessary to carry on
30 operations in accordance with the terms of this chapter.
31 Sec. 2401. Section 123.22, subsection 1, Code 2023, is
32 amended to read as follows:
33 1. The ~~division~~ department has the exclusive right of

34 importation into the state of all forms of alcoholic liquor,
35 except as otherwise provided in this chapter, and a person
1 shall not import alcoholic liquor, except that an individual of
2 legal age may import and have in the individual's possession
3 an amount of alcoholic liquor not exceeding nine liters per
4 calendar month that the individual personally obtained outside
5 the state. Alcoholic liquor imported by an individual pursuant
6 to this subsection shall be for personal consumption only in
7 a private home or other private accommodation. A distillery
8 shall not sell alcoholic liquor within the state to any person
9 but only to the ~~division~~ department, except as otherwise
10 provided in this chapter. This section vests in the ~~division~~
11 department exclusive control within the state as purchaser of
12 all alcoholic liquor sold by distilleries within the state
13 or imported, except beer and wine, and except as otherwise
14 provided in this chapter. The ~~division~~ department shall
15 receive alcoholic liquor on a bailment system for resale by the
16 ~~division~~ department in the manner set forth in this chapter.
17 The ~~division~~ department shall act as the sole wholesaler of
18 alcoholic liquor to class "E" retail alcohol licensees.
19 Sec. 2402. Section 123.23, subsections 1, 2, 3, and 5, Code
20 2023, are amended to read as follows:
21 1. Any manufacturer, distiller, or importer of alcoholic
22 liquors shipping, selling, or having alcoholic liquors brought
23 into this state for resale by the state shall, as a condition
24 precedent to the privilege of so trafficking in alcoholic
25 liquors in this state, annually make application for and hold
26 a distiller's certificate of compliance which shall be issued
27 by the ~~administrator~~ director for that purpose. No brand of
28 alcoholic liquor shall be sold by the ~~division~~ department
29 in this state unless the manufacturer, distiller, importer,
30 and all other persons participating in the distribution of
31 that brand in this state have obtained a certificate. The
32 certificate of compliance shall expire at the end of one year
33 from the date of issuance and shall be renewed for a like

34 period upon application to the ~~administrator~~ director unless
35 otherwise suspended or revoked for cause. Each completed
1 application for a certificate of compliance or renewal shall
2 be submitted electronically, or in a manner prescribed by the
3 ~~administrator~~ director, and shall be accompanied by a fee
4 of two hundred dollars payable to the ~~division~~ department.
5 However, this subsection need not apply to a manufacturer,
6 distiller, or importer who ships or sells in this state no more
7 than eleven gallons or its case equivalent during any fiscal
8 year as a result of "special orders" which might be placed, as
9 defined and allowed by ~~divisional~~ departmental rules adopted
10 under this chapter.
11 2. At the time of applying for a certificate of compliance,
12 each applicant shall submit to the ~~division~~ department
13 electronically, or in a manner prescribed by the ~~administrator~~
14 director, the name and address of its authorized agent
15 for service of process which shall remain effective until
16 changed for another, and a list of names and addresses of all
17 representatives, employees, or attorneys whom the applicant has
18 appointed in the state of Iowa to represent it for any purpose.
19 The listing shall be amended by the certificate holder as
20 necessary to keep the listing current with the ~~division~~
21 department.
22 3. The ~~administrator~~ director and the attorney general
23 are authorized to require any certificate holder or person
24 listed as the certificate holder's representative, employee,
25 or attorney to disclose such financial and other records and
26 transactions as may be considered relevant in discovering
27 violations of this chapter or of rules and regulations of
28 the ~~division~~ department under this chapter or of any other
29 provision of law by any person.
30 5. This section shall not require the listing of those
31 persons who are employed on premises where alcoholic liquors
32 are manufactured, processed, bottled, or packaged in Iowa or
33 persons who are thereafter engaged in the transporting of such

34 alcoholic liquors to the ~~division~~ department.
35 Sec. 2403. Section 123.24, Code 2023, is amended to read as
1 follows:
2 **123.24 Alcoholic liquor sales by the ~~division~~ department —**
3 **dishonored payments — liquor prices.**
4 1. The ~~division~~ department shall sell alcoholic liquor at
5 wholesale only. The ~~division~~ department shall sell alcoholic
6 liquor to class "E" retail alcohol licensees only. The
7 ~~division~~ department shall offer the same price on alcoholic
8 liquor to all class "E" retail alcohol licensees without regard
9 for the quantity of purchase or the distance for delivery.
10 2. The price of alcoholic liquor sold by the ~~division~~
11 department shall consist of the following:
12 *a.* The manufacturer's price.
13 *b.* A markup of up to fifty percent of the wholesale price
14 paid by the ~~division~~ department for the alcoholic liquor.
15 The ~~division~~ department may increase the markup on selected
16 kinds of alcoholic liquor sold by the ~~division~~ department if
17 the average return to the ~~division~~ department on all sales of
18 alcoholic liquor does not exceed the wholesale price paid by
19 the ~~division~~ department and the fifty percent markup.
20 *c.* A split case charge in an amount determined by the
21 ~~division~~ department when alcoholic liquor is sold in quantities
22 which require a case to be split.
23 *d.* A bottle surcharge in an amount sufficient, when added to
24 the amount not refunded to class "E" retail alcohol licensees
25 pursuant to section 455C.2, to pay the costs incurred by the
26 ~~division~~ department for collecting and properly disposing of
27 the liquor containers. The amount collected pursuant to this
28 paragraph, in addition to any amounts not refunded to class "E"
29 retail alcohol licensees pursuant to section 455C.2, shall be
30 deposited in the beer and liquor control fund established under
31 section 123.17.
32 3. *a.* The ~~division~~ department may accept from a class
33 "E" retail alcohol licensee electronic funds transferred by

34 automated clearing house, wire transfer, or another method
35 deemed acceptable by the ~~administrator~~ director, in payment of
1 alcoholic liquor. If a payment is subsequently dishonored,
2 the ~~division~~ department shall cause a notice of nonpayment
3 and penalty to be served upon the class "E" retail alcohol
4 licensee or upon any person in charge of the licensed premises.
5 The notice shall state that if payment or satisfaction for
6 the dishonored payment is not made within ten days of the
7 service of notice, the licensee's retail alcohol license may
8 be suspended under section 123.39. The notice of nonpayment
9 and penalty shall be in a form prescribed by the ~~administrator~~
10 director, and shall be sent by certified mail.
11 *b.* If upon notice and hearing under section 123.39 and
12 pursuant to the provisions of chapter 17A concerning a
13 contested case hearing, the ~~administrator~~ director determines
14 that the class "E" retail alcohol licensee failed to satisfy
15 the obligation for which the payment was issued within ten days
16 after the notice of nonpayment and penalty was served on the
17 licensee as provided in paragraph *"a"* of this subsection, the
18 ~~administrator~~ director may suspend the licensee's class "E"
19 retail alcohol license for a period not to exceed ten days.
20 4. The ~~administrator~~ director may refuse to sell alcoholic
21 liquor to a class "E" retail alcohol licensee who tenders a
22 payment which is subsequently dishonored until the outstanding
23 obligation is satisfied.
24 Sec. 2404. Section 123.25, Code 2023, is amended to read as
25 follows:
26 **123.25 Consumption on premises.**
27 An officer, clerk, agent, or employee of the ~~division~~
28 department employed in a state-owned warehouse under this
29 chapter shall not allow any alcoholic beverage to be consumed
30 on the premises, nor shall a person consume any alcoholic
31 liquor on the premises except for testing or sampling purposes
32 only.
33 Sec. 2405. Section 123.26, Code 2023, is amended to read as

34 follows:

35 **123.26 Restrictions on sales — seals — labeling.**

1 Alcoholic liquor shall not be sold by a class "E" retail
2 alcohol licensee except in a sealed container with identifying
3 markers as prescribed by the ~~administrator~~ director and affixed
4 in the manner prescribed by the ~~administrator~~ director, and no
5 such container shall be opened upon the premises of a state
6 warehouse. The ~~division~~ department shall cooperate with the
7 department of natural resources so that only one identifying
8 marker or mark is needed to satisfy the requirements of this
9 section and section 455C.5, subsection 1. Possession of
10 alcoholic liquors which do not carry the prescribed identifying
11 markers is a violation of this chapter except as provided in
12 section 123.22.

13 Sec. 2406. Section 123.27, Code 2023, is amended to read as
14 follows:

15 **123.27 Sales and deliveries prohibited.**

16 It is unlawful to transact the sale or delivery of alcoholic
17 liquor in, on, or from the premises of a state warehouse:

18 1. After the closing hour as established by the
19 ~~administrator~~ director.

20 2. On any legal holiday except those designated by the
21 ~~administrator~~ director.

22 3. During other periods or days as designated by the
23 ~~administrator~~ director.

24 Sec. 2407. Section 123.28, subsections 1 and 2, Code 2023,
25 are amended to read as follows:

26 1. It is lawful to transport, carry, or convey alcoholic
27 liquors from the place of purchase by the ~~division~~ department
28 to a state warehouse or depot established by the ~~division~~
29 department or from one such place to another and, when so
30 permitted by this chapter, it is lawful for the ~~division~~
31 department, a common carrier, or other person to transport,
32 carry, or convey alcoholic liquor sold from a state warehouse,
33 depot, or point of purchase by the state to any place to which

the liquor may be lawfully delivered under this chapter.

2. The ~~division~~ department shall deliver alcoholic liquor purchased by class "E" retail alcohol licensees. Class "E" retail alcohol licensees may deliver alcoholic liquor purchased by class "C", class "D", or class "F" retail alcohol licensees, and class "C", class "D", or class "F" retail alcohol licensees may transport alcoholic liquor purchased from class "E" retail alcohol licensees.

Sec. 2408. Section 123.29, subsection 1, Code 2023, is amended to read as follows:

1. This chapter does not prohibit the sale of patent and proprietary medicines, tinctures, food products, extracts, toiletries, perfumes, and similar products, which are not susceptible of use as a beverage, but which contain alcoholic liquor, wine, or beer as one of their ingredients. These products may be sold through ordinary wholesale and retail businesses without a license or permit issued by the ~~division~~ department.

Sec. 2409. Section 123.30, subsections 1 and 2, Code 2023, are amended to read as follows:

1. *a.* A retail alcohol license may be issued to any person who is of good moral character as defined by this chapter.

b. As a condition for issuance of a retail alcohol license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the ~~division~~ department and of the department of inspections and appeals; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under

34 section 421.17 or a warrant is required for inspection of
35 private records, a private business office, or attached living
1 quarters. Persons who are not certified peace officers shall
2 limit the scope of their inspections of licensed premises
3 to the regulatory authority under which the inspection is
4 conducted. All persons who enter upon a licensed premises to
5 conduct an inspection shall present appropriate identification
6 to the owner of the establishment or the person who appears
7 to be in charge of the establishment prior to commencing
8 an inspection; however, this provision does not apply to
9 undercover criminal investigations conducted by peace officers.
10 *c.* As a further condition for the issuance of a class "E"
11 retail alcohol license, the applicant shall post a bond in
12 a sum of not less than five thousand nor more than fifteen
13 thousand dollars as determined on a sliding scale established
14 by the ~~division~~ department; however, a bond shall not be
15 required if all purchases of alcoholic liquor from the ~~division~~
16 department by the licensee are made by means that ensure that
17 the ~~division~~ department will receive full payment in advance of
18 delivery of the alcoholic liquor.
19 *d.* A class "E" retail alcohol license may be issued to a
20 city council for premises located within the limits of the city
21 if there are no class "E" retail alcohol licensees operating
22 within the limits of the city and no other applications for a
23 class "E" license for premises located within the limits of
24 the city at the time the city council's application is filed.
25 If a class "E" retail alcohol license is subsequently issued
26 to a private person for premises located within the limits of
27 the city, the city council shall surrender its license to the
28 ~~division~~ department within one year of the date that the class
29 "E" retail alcohol licensee begins operating, liquidate any
30 remaining assets connected with the liquor store, and cease
31 operating the liquor store.
32 2. A retail alcohol license shall not be issued for premises
33 which do not constitute a safe and proper place or building

and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the ~~administrator~~ director in the form of a living quarters permit.

Sec. 2410. Section 123.30, subsection 3, paragraph d, subparagraphs (1) and (5), Code 2023, are amended to read as follows:

(1) A class "E" retail alcohol license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the ~~division~~ department only, wine from a class "A" wine permittee only, and beer from a class "A" beer permittee only; to sell alcoholic liquor, wine, and beer in original unopened containers at retail to patrons for consumption off the licensed premises; and to sell alcoholic liquor and high alcoholic content beer at wholesale to other retail alcohol licensees, provided the holder has filed with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(5) The ~~division~~ department may issue a class "E" retail alcohol license for premises covered by a retail alcohol license for on-premises consumption under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class "E" retail alcohol license has been issued by the ~~division~~ department, and no other application for a class "E" retail alcohol license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of this chapter to the contrary, the premises covered by a retail alcohol license is a grocery store that is at least five thousand square feet.

Sec. 2411. Section 123.31, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a retail alcohol license shall submit a completed application electronically, or in a manner prescribed by the ~~administrator~~ director, which shall set forth under oath the following:

Sec. 2412. Section 123.31, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the ~~administrator~~ director, and in such form and containing such information as the ~~administrator~~ director may require, a description of the premises where the applicant intends to use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

g. Any other information as required by the ~~administrator~~ director.

Sec. 2413. Section 123.31, subsection 2, paragraph d, Code 2023, is amended to read as follows:

d. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building and that the applicant shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the ~~administrator~~ director in the form of a living quarters permit.

Sec. 2414. Section 123.31A, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Subject to the rules of the ~~division~~ department, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

Sec. 2415. Section 123.31A, subsection 3, paragraph d, Code 2023, is amended to read as follows:

d. The container to be sold shall be securely sealed by a method authorized by the ~~division~~ department that is designed so that if the sealed container is reopened or the

seal tampered with, it is visibly apparent that the seal on the container of beer or wine has been tampered with or the sealed container has otherwise been reopened.

Sec. 2416. Section 123.31A, subsection 4, Code 2023, is amended to read as follows:

4. A container of beer or wine other than the original container that is sold and sealed in compliance with the requirements of subsection 3 and the ~~division's~~ department's rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Sec. 2417. Section 123.32, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A completed application for a class "D" retail alcohol license and for any of the following certificates, licenses, or permits shall be submitted to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, which shall proceed in the same manner as in the case of an application approved by local authorities:

Sec. 2418. Section 123.32, subsections 2, 6, 7, 8, and 9, Code 2023, are amended to read as follows:

2. *Action by local authorities.* The local authority shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the ~~division~~ department. There is no limit upon the number of retail alcohol licenses which may be approved for issuance by local authorities.

6. *Action by ~~administrator~~ director.*

a. Upon receipt of an application having been disapproved by the local authority, the ~~administrator~~ director shall notify

34 the applicant that the applicant may appeal the disapproval of
35 the application to the ~~administrator~~ director. The applicant
1 shall be notified by certified mail or personal service, and
2 the application, the fee, and any bond shall be returned to the
3 applicant.
4 *b.* Upon receipt of an application having been approved by
5 the local authority, the ~~division~~ department shall make an
6 investigation as the ~~administrator~~ director deems necessary to
7 determine that the applicant complies with all requirements
8 for holding a license, and may require the applicant to appear
9 to be examined under oath to demonstrate that the applicant
10 complies with all of the requirements to hold a license. If
11 the ~~administrator~~ director requires the applicant to appear
12 and to testify under oath, a record shall be made of all
13 testimony or evidence and the record shall become a part of the
14 application. The ~~administrator~~ director may appoint a member
15 of the ~~division~~ department or may request an administrative
16 law judge of the department of inspections and appeals to
17 receive the testimony under oath and evidence, and to issue a
18 proposed decision to approve or disapprove the application for
19 a license. The ~~administrator~~ director may affirm, reverse,
20 or modify the proposed decision to approve or disapprove the
21 application for the license. If the application is approved by
22 the ~~administrator~~ director, the license shall be issued. If
23 the application is disapproved by the ~~administrator~~ director,
24 the applicant shall be so notified by certified mail or
25 personal service and the appropriate local authority shall
26 be notified electronically, or in a manner prescribed by the
27 ~~administrator~~ director.
28 7. *Appeal to ~~administrator~~ director.* An applicant for a
29 retail alcohol license may appeal from the local authority's
30 disapproval of an application for a license or permit to the
31 ~~administrator~~ director. In the appeal the applicant shall
32 be allowed the opportunity to demonstrate in an evidentiary
33 hearing conducted pursuant to chapter 17A that the applicant

complies with all of the requirements for holding the license or permit. The ~~administrator~~ director may appoint a member of the ~~division~~ department or may request an administrative law judge from the department of inspections and appeals to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license or permit. The ~~administrator~~ director may affirm, reverse, or modify the proposed decision. If the ~~administrator~~ director determines that the applicant complies with all of the requirements for holding a license or permit, the ~~administrator~~ director shall order the issuance of the license or permit. If the ~~administrator~~ director determines that the applicant does not comply with the requirements for holding a license or permit, the ~~administrator~~ director shall disapprove the issuance of the license or permit.

8. *Judicial review.* The applicant or the local authority may seek judicial review of the action of the ~~administrator~~ director in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, petitions for judicial review may be filed in the district court of the county where the premises covered by the application are situated.

9. *Suspension by local authority.* A retail alcohol licensee whose license has been suspended or revoked or a civil penalty imposed by a local authority for a violation of this chapter or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the ~~administrator~~ director. The ~~administrator~~ director may appoint a member of the ~~division~~ department or may request an administrative law judge from the department of inspections and appeals to hear the appeal which shall be conducted in accordance with chapter 17A and to issue a proposed decision. The ~~administrator~~ director may review the proposed decision upon the motion of a party to the appeal or

upon the ~~administrator's~~ director's own motion in accordance with chapter 17A. Upon review of the proposed decision, the ~~administrator~~ director may affirm, reverse, or modify the proposed decision. A retail alcohol licensee or a local authority aggrieved by a decision of the ~~administrator~~ director may seek judicial review of the decision pursuant to chapter 17A.

Sec. 2419. Section 123.33, Code 2023, is amended to read as follows:

123.33 Records.

Every holder of a license or permit under this chapter shall maintain records, in printed or electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the ~~administrator~~ director may require. The records required and the premises of the licensee or permittee shall be accessible and open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee or permittee.

Sec. 2420. Section 123.34, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The ~~administrator~~ director may issue eight-month seasonal class "C", special class "C", class "D", and class "F" retail alcohol licenses.

Sec. 2421. Section 123.34, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The ~~administrator~~ director may issue fourteen-day class "C", special class "C", class "D", and class "F" retail alcohol licenses.

Sec. 2422. Section 123.34, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. The ~~administrator~~ director may issue five-day class "C", special class "C", class "D", and class "F" retail alcohol licenses.

Sec. 2423. Section 123.35, subsection 2, unnumbered

34 paragraph 1, Code 2023, is amended to read as follows:
35 Notwithstanding section 123.31 and any other provision
1 of this chapter to the contrary, a class "E" retail alcohol
2 license shall automatically renew without the endorsement of
3 a local authority or approval by the ~~administrator~~ director
4 upon collection of the annual fee by the ~~division~~ department,
5 provided all of the following conditions are met since the
6 preceding license was issued:
7 Sec. 2424. Section 123.35, subsection 2, paragraphs a, e,
8 and h, Code 2023, are amended to read as follows:
9 *a.* The licensee has given written consent to the ~~division~~
10 department to have the license automatically renewed as
11 provided in this section.
12 *e.* The licensee has not submitted payment for alcoholic
13 liquor to the ~~division~~ department that was subsequently
14 dishonored.
15 *h.* A local authority has not notified the ~~division~~
16 department, in a manner established by the ~~division~~ department
17 and made available to local authorities, that automatic renewal
18 should not occur and that further review of the licensee by
19 the ~~division~~ department and the applicable local authority is
20 warranted.
21 Sec. 2425. Section 123.35, subsection 3, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:
23 Notwithstanding sections 123.23, 123.135, 123.180, and any
24 other provision of this chapter to the contrary, a distiller's,
25 brewer's, or vintner's certificate of compliance shall
26 automatically renew without approval by the ~~administrator~~
27 director upon collection of the annual fee by the ~~division~~
28 department, provided all of the following conditions are met
29 since the preceding certificate was issued:
30 Sec. 2426. Section 123.35, subsection 3, paragraph a, Code
31 2023, is amended to read as follows:
32 *a.* The certificate holder has given written consent to
33 the ~~division~~ department to have the certificate automatically

34 renewed as provided in this section.
35 Sec. 2427. Section 123.35, subsection 4, unnumbered
1 paragraph 1, Code 2023, is amended to read as follows:
2 Notwithstanding section 123.187 and any other provision of
3 this chapter to the contrary, a wine direct shipper's permit
4 shall automatically renew without approval by the ~~administrator~~
5 director upon collection of the annual fee by the ~~division~~
6 department, provided all of the following conditions are met
7 since the preceding permit was issued:
8 Sec. 2428. Section 123.35, subsection 4, paragraph a, Code
9 2023, is amended to read as follows:
10 *a.* The permittee has given written consent to the ~~division~~
11 department to have the permit automatically renewed as provided
12 in this section.
13 Sec. 2429. Section 123.36, subsection 1, unnumbered
14 paragraph 1, Code 2023, is amended to read as follows:
15 The following fees shall be paid to the ~~division~~ department
16 annually for retail alcohol licenses issued under section
17 123.30:
18 Sec. 2430. Section 123.36, subsection 2, Code 2023, is
19 amended to read as follows:
20 2. The ~~division~~ department shall credit all fees to the beer
21 and liquor control fund. The ~~division~~ department shall remit
22 to the appropriate local authority a sum equal to sixty-five
23 percent of the fees collected for each class "B", class "C",
24 or class "F" license except special class "C" licenses or
25 class "E" licenses, covering premises located within the local
26 authority's jurisdiction. The ~~division~~ department shall remit
27 to the appropriate local authority a sum equal to seventy-five
28 percent of the fees collected for each special class "C"
29 license covering premises located within the local authority's
30 jurisdiction. Those fees collected for each class "E" retail
31 alcohol license shall be credited to the beer and liquor
32 control fund.
33 Sec. 2431. Section 123.37, subsections 2, 3, and 4, Code

2023, are amended to read as follows:

2. The ~~administrator~~ director may compromise and settle doubtful and disputed claims for taxes imposed under this chapter or for taxes of doubtful collectibility, notwithstanding section 7D.9. The ~~administrator~~ director may enter into informal settlements pursuant to section 17A.10 to compromise and settle doubtful and disputed claims for taxes imposed under this chapter. The ~~administrator~~ director may make a claim under a licensee's or permittee's penal bond for taxes of doubtful collectibility. Whenever a compromise or settlement is made, the ~~administrator~~ director shall make a complete record of the case showing the tax assessed, reports and audits, if any, the licensee's or permittee's grounds for dispute or contest, together with all evidence of the dispute or contest, and the amounts, conditions, and settlement or compromise of the dispute or contest.

3. A licensee or permittee who disputes the amount of tax imposed must pay all tax and penalty pertaining to the disputed tax liability prior to appealing the disputed tax liability to the ~~administrator~~ director.

4. The ~~administrator~~ director shall adopt rules establishing procedures for payment of disputed taxes imposed under this chapter. If it is determined that the tax is not due in whole or in part, the ~~division~~ department shall promptly refund the part of the tax payment which is determined not to be due.

Sec. 2432. Section 123.38, subsection 1, Code 2023, is amended to read as follows:

1. A retail alcohol license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the ~~administrator of the division~~ director may in the ~~administrator's~~ director's discretion allow the executor or ~~administrator~~ director of the

34 estate of a permittee or licensee to operate the business of
35 the decedent for a reasonable time not to exceed the expiration
1 date of the permit or license. Every permit or license shall
2 be issued in the name of the applicant and no person holding a
3 permit or license shall allow any other person to use it.
4 Sec. 2433. Section 123.38, subsection 2, paragraph a,
5 unnumbered paragraph 1, Code 2023, is amended to read as
6 follows:
7 Any licensee or permittee, or the executor or ~~administrator~~
8 director of the estate of a licensee or permittee, or any
9 person duly appointed by the court to take charge of and
10 administer the property or assets of the licensee or permittee
11 for the benefit of the licensee's or permittee's creditors,
12 may voluntarily surrender a license or permit to the ~~division~~
13 department. When a license or permit is surrendered, the
14 ~~division~~ department shall notify the local authority, and the
15 ~~division~~ department or the local authority shall refund to the
16 person surrendering the license or permit, a proportionate
17 amount of the fee received by the ~~division~~ department or the
18 local authority for the license or permit as follows:
19 Sec. 2434. Section 123.38, subsection 2, paragraphs b and c,
20 Code 2023, are amended to read as follows:
21 *b.* For purposes of this subsection, any portion of license
22 or permit fees used for the purposes authorized in section
23 331.424, subsection 1, paragraph *"a"*, subparagraphs (1) and
24 (2), shall not be deemed received either by the ~~division~~
25 department or by a local authority.
26 *c.* No refund shall be made to any licensee or permittee upon
27 the surrender of the license or permit if there is at the time
28 of surrender a complaint filed with the ~~division~~ department
29 or local authority charging the licensee or permittee with a
30 violation of this chapter.
31 Sec. 2435. Section 123.38, subsection 3, Code 2023, is
32 amended to read as follows:
33 3. The local authority may in its discretion authorize a

34 licensee or permittee to transfer the license or permit from
35 one location to another within the same incorporated city,
1 or within a county outside the corporate limits of a city,
2 provided that the premises to which the transfer is to be made
3 would have been eligible for a license or permit in the first
4 instance and such transfer will not result in the violation
5 of any law. All transfers authorized, and the particulars
6 of same, shall be reported to the ~~administrator~~ director
7 by the local authority. The ~~administrator~~ director may by
8 rule establish a uniform transfer fee to be assessed by all
9 local authorities upon licensees or permittees to cover the
10 administrative costs of such transfers, such fee to be retained
11 by the local authority involved.
12 Sec. 2436. Section 123.38A, Code 2023, is amended to read
13 as follows:
14 **123.38A Confidential investigative records.**
15 In order to assure a free flow of information for
16 accomplishing the purposes of section 123.4 and section
17 123.9, subsection 6, all complaint information, investigation
18 files, audit files, and inspection files, other investigation
19 reports, and other investigative information in the possession
20 of the ~~division~~ department or employees acting under the
21 authority of the ~~administrator~~ director under this chapter
22 are privileged and confidential, and are not subject to
23 discovery, subpoena, or other means of legal compulsion for
24 their release before administrative or criminal charges are
25 filed. However, investigative information in the possession
26 of ~~division~~ department employees under this chapter may be
27 disclosed to the licensing authorities of a city or county
28 within this state, in another state, the District of Columbia,
29 or territory or county in which the licensee or permittee is
30 licensed or permitted or has applied for a license or permit.
31 In addition, the investigative information can be shared with
32 any law enforcement agency or other state agency that also
33 has investigative, regulatory, or enforcement jurisdiction

34 authorized by law. Records received by the ~~division~~ department
35 for purposes of this chapter from other agencies which would
1 be confidential if created by the ~~division~~ department are
2 considered confidential.
3 Sec. 2437. Section 123.39, subsections 1 and 4, Code 2023,
4 are amended to read as follows:
5 1. *a.* (1) The ~~administrator~~ director or the local
6 authority may suspend a class "B", special class "B" native
7 wine, class "C", special class "C", class "E", or class "F"
8 retail alcohol license, or charity beer, spirits, and wine
9 special event license for a period not to exceed one year,
10 revoke the license, or impose a civil penalty not to exceed one
11 thousand dollars per violation.
12 (2) The ~~administrator~~ director may suspend a certificate
13 of compliance, a class "D" retail alcohol license, a
14 manufacturer's license, a broker's permit, a class "A" native
15 distilled spirits license, a class "A" or special class "A"
16 beer permit, a class "A" wine permit, a wine direct shipper's
17 permit, or a wine carrier permit for a period not to exceed one
18 year, revoke the license, permit, or certificate, or impose a
19 civil penalty not to exceed one thousand dollars per violation.
20 *b.* A license, permit, or certificate of compliance issued
21 under this chapter may be suspended or revoked, or a civil
22 penalty may be imposed for any of the following causes:
23 (1) Misrepresentation of any material fact in the
24 application for the license, permit, or certificate.
25 (2) Violation of any of the provisions of this chapter.
26 (3) Any change in the ownership or interest in the business
27 operated under a retail alcohol license which change was not
28 previously reported in a manner prescribed by the ~~administrator~~
29 director within thirty days of the change and subsequently
30 approved by the local authority, when applicable, and the
31 ~~division~~ department.
32 (4) An event which would have resulted in disqualification
33 from receiving the license, permit, or certificate when

originally issued.

(5) Any sale, hypothecation, or transfer of the license, permit, or certificate.

(6) The failure or refusal on the part of any license, permit, or certificate holder to render any report or remit any taxes to the ~~division~~ department under this chapter when due.

c. A criminal conviction is not a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to this section.

d. A local authority which acts pursuant to this section, section 123.32, or section 123.50 shall notify the ~~division~~ department in writing of the action taken, and shall notify the license or permit holder of the right to appeal a suspension, revocation, or imposition of a civil penalty to the ~~division~~ department.

e. Before suspension, revocation, or imposition of a civil penalty by the ~~administrator~~ director, the license, permit, or certificate holder shall be given written notice and an opportunity for a hearing. The ~~administrator~~ director may appoint a member of the ~~division~~ department or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the ~~administrator's~~ director's own motion, the ~~administrator~~ director may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the ~~administrator~~ director may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the ~~administrator~~ director may seek judicial review of the ~~administrator's~~ director's decision in accordance with chapter 17A.

f. Civil penalties imposed and collected by the local authority under this section shall be retained by the local authority. Civil penalties imposed and collected by the ~~division~~ department under this section shall be credited to

the general fund of the state pursuant to section 123.17, subsection 9.

4. If the cause for suspension is a first offense violation of section 123.49, subsection 2, paragraph *"h"*, the ~~administrator~~ director or local authority shall impose a civil penalty in the amount of five hundred dollars in lieu of suspension of the license or permit.

Sec. 2438. Section 123.41, subsections 1, 2, 3, and 4, Code 2023, are amended to read as follows:

1. Each completed application to obtain or renew a manufacturer's license shall be submitted to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, and shall be accompanied by a fee of three hundred dollars payable to the ~~division~~ department. The ~~administrator~~ director may in accordance with this chapter grant and issue to a manufacturer a manufacturer's license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the ~~division~~ department and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and a statement under oath that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer's license from the ~~division~~ department.

4. A person who holds a manufacturer's license shall file

34 with the ~~division~~ department, on or before the fifteenth day of
35 each calendar month, all documents filed by the manufacturer
1 with the alcohol and tobacco tax and trade bureau of the United
2 States department of the treasury, including all production,
3 storage, and processing reports.
4 Sec. 2439. Section 123.42, subsections 1 and 2, Code 2023,
5 are amended to read as follows:
6 1. Prior to representing or promoting alcoholic liquor
7 products in the state, the broker shall submit a completed
8 application to the ~~division~~ department electronically, or in a
9 manner prescribed by the ~~administrator~~ director, for a broker's
10 permit. The ~~administrator~~ director may in accordance with this
11 chapter issue a broker's permit which shall be valid for one
12 year from the date of issuance unless it is sooner suspended or
13 revoked for a violation of this chapter.
14 2. At the time of applying for a broker's permit, each
15 applicant shall submit to the ~~division~~ department a list of
16 names and addresses of all manufacturers, distillers, and
17 importers whom the applicant has been appointed to represent
18 in the state of Iowa for any purpose. The listing shall be
19 amended by the broker as necessary to keep the listing current
20 with the ~~division~~ department.
21 Sec. 2440. Section 123.43, subsection 1, unnumbered
22 paragraph 1, Code 2023, is amended to read as follows:
23 A person applying for a class "A" native distilled spirits
24 license shall submit an application electronically, or in a
25 manner prescribed by the ~~administrator~~ director, which shall
26 set forth under oath the following:
27 Sec. 2441. Section 123.43, subsection 1, paragraphs e and g,
28 Code 2023, are amended to read as follows:
29 *e.* When required by the ~~administrator~~ director, and in
30 such form and containing such information as the ~~administrator~~
31 director may require, a description of the premises where the
32 applicant intends to use the license, to include a sketch or
33 drawing of the premises and, if applicable, the number of

34 square feet of interior floor space which comprises the retail
35 sales area of the premises.
1 *g.* Any other information as required by the ~~administrator~~
2 director.
3 Sec. 2442. Section 123.43, subsection 2, unnumbered
4 paragraph 1, Code 2023, is amended to read as follows:
5 Except as otherwise provided in this chapter, the
6 ~~administrator~~ director shall issue a class "A" native distilled
7 spirits license to any applicant who establishes all of the
8 following:
9 Sec. 2443. Section 123.43, subsection 2, paragraph d, Code
10 2023, is amended to read as follows:
11 *d.* That the applicant has filed with the ~~division~~ department
12 a basic permit issued by the alcohol and tobacco tax and trade
13 bureau of the United States department of the treasury, and
14 that the applicant will faithfully observe and comply with all
15 laws, rules, and regulations governing the manufacture and sale
16 of alcoholic liquor.
17 Sec. 2444. Section 123.43A, subsections 1, 3, 4, and 5, Code
18 2023, are amended to read as follows:
19 1. Subject to rules of the ~~division~~ department, a native
20 distillery holding a class "A" native distilled spirits license
21 issued pursuant to section 123.43 may sell or offer for sale
22 native distilled spirits. As provided in this section, sales
23 of native distilled spirits manufactured on the premises may
24 be made at retail for off-premises consumption when sold on
25 the premises of the native distillery that manufactures native
26 distilled spirits. All sales intended for resale in this
27 state shall be made through the state's wholesale distribution
28 system.
29 3. A native distillery shall not sell native distilled
30 spirits other than as permitted in this chapter and shall
31 not allow native distilled spirits sold for consumption off
32 the premises to be consumed upon the premises of the native
33 distillery. However, native distilled spirits may be tasted

pursuant to the rules of the ~~division~~ department on the premises where fermented, distilled, or matured, when no charge is made for the tasting.

4. The sale of native distilled spirits to the ~~division~~ department for wholesale disposition and sale by the ~~division~~ department shall be subject to the requirements of this chapter regarding such disposition and sale.

5. A native distillery issued a class "A" native distilled spirits license shall file with the ~~division~~ department, on or before the fifteenth day of each calendar month, all documents filed by the native distillery with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

Sec. 2445. Section 123.44, Code 2023, is amended to read as follows:

123.44 Gifts prohibited.

A manufacturer or broker shall not give away alcoholic liquor at any time in connection with the manufacturer's or broker's business except for testing or sampling purposes only. A manufacturer, distiller, vintner, brewer, broker, wholesaler, or importer, organized as a corporation pursuant to the laws of this state or any other state, who deals in alcoholic beverages subject to regulation under this chapter shall not offer or give anything of value to a ~~commission~~ council member, official or employee of the ~~division~~ department under this chapter, or directly or indirectly contribute in any manner any money or thing of value to a person seeking a public or appointive office or a recognized political party or a group of persons seeking to become a recognized political party.

Sec. 2446. Section 123.46A, subsection 2, Code 2023, is amended to read as follows:

2. Licensees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the

34 wine, beer, or mixed drinks or cocktails to a home or other
35 designated location in this state only if the container other
1 than the original container has been sold and securely sealed
2 in compliance with this chapter or the rules of the ~~division~~
3 department. Deliveries shall be limited to alcoholic beverages
4 authorized by the licensee's license or permit.
5 Sec. 2447. Section 123.46A, subsection 3, paragraph g, Code
6 2023, is amended to read as follows:
7 *g.* Delivery of alcoholic liquor, wine, beer, or mixed drinks
8 or cocktails shall be made by the licensee, the licensee's
9 employee, or a third party, provided the licensee has entered
10 into a written agreement with the third party that authorizes
11 the third party to act as an agent of the licensee for the
12 purpose of delivering alcoholic liquor, wine, beer, or mixed
13 drinks or cocktails. Each licensee shall submit to the
14 ~~division~~ department electronically, or in a manner prescribed
15 by the ~~administrator~~ director, a list of names and addresses of
16 all third parties it has authorized to act as its agent for the
17 purpose of delivering alcoholic liquor, wine, beer, or mixed
18 drinks or cocktails. The licensee shall provide the ~~division~~
19 department with amendments to the list as necessary to ensure
20 the ~~division~~ department possesses an accurate, current list.
21 Sec. 2448. Section 123.49, subsection 2, paragraph d,
22 subparagraphs (1), (2), and (3), Code 2023, are amended to read
23 as follows:
24 (1) Keep on premises covered by a retail alcohol license any
25 alcoholic liquor in any container except the original package
26 purchased from the ~~division~~ department, and except mixed drinks
27 or cocktails mixed on the premises for immediate consumption
28 on the licensed premises or as otherwise provided by this
29 paragraph *"d"*. This prohibition does not apply to holders
30 of a class "D" retail alcohol license or to alcoholic liquor
31 delivered in accordance with section 123.46A.
32 (2) Mixed drinks or cocktails mixed on the premises that are
33 not for immediate consumption may be consumed on the licensed

34 premises subject to the requirements of this subparagraph
35 pursuant to rules adopted by the ~~division~~ department. The
1 rules shall provide that the mixed drinks or cocktails be
2 stored, for no longer than seventy-two hours, in a labeled
3 container in a quantity that does not exceed three gallons.
4 The rules shall also provide that added flavors and other
5 nonbeverage ingredients included in the mixed drinks or
6 cocktails shall not include hallucinogenic substances or added
7 caffeine or other added stimulants including but not limited to
8 guarana, ginseng, and taurine. The rules shall also require
9 that the licensee keep records as to when the contents in
10 a particular container were mixed and the recipe used for
11 that mixture. In addition, mixed drinks or cocktails mixed
12 on the premises pursuant to this subparagraph may be sold
13 for consumption off the licensed premises as provided in and
14 subject to the requirements of subparagraph (3).
15 (3) Mixed drinks or cocktails mixed on premises covered
16 by a class "C" retail alcohol license for consumption off the
17 licensed premises may be sold if the mixed drink or cocktail is
18 immediately filled in a sealed container and is promptly taken
19 from the licensed premises prior to consumption of the mixed
20 drink or cocktail. A mixed drink or cocktail that is sold in a
21 sealed container in compliance with the requirements of this
22 subparagraph and rules adopted by the ~~division~~ department shall
23 not be deemed an open container subject to the requirements
24 of sections 321.284 and 321.284A if the sealed container is
25 unopened and the seal has not been tampered with, and the
26 contents of the container have not been partially removed.
27 Sec. 2449. Section 123.50, subsection 2, Code 2023, is
28 amended to read as follows:
29 2. The conviction of any retail alcohol licensee for a
30 violation of any of the provisions of section 123.49, subject
31 to subsection 3 of this section, is grounds for the suspension
32 or revocation of the license or permit by the ~~division~~
33 department or the local authority. However, if any retail

34 alcohol licensee is convicted of any violation of section
35 123.49, subsection 2, paragraph *"a"* or *"e"*, or any retail
1 alcohol licensee, excluding a special class "B" or class "D"
2 retail alcohol licensee, is convicted of a violation of section
3 123.49, subsection 2, paragraph *"d"*, the retail alcohol license
4 shall be revoked and shall immediately be surrendered by the
5 holder, and the bond, if any, of the license holder shall be
6 forfeited to the ~~division~~ department. However, the ~~division~~
7 department shall retain only that portion of the bond equal
8 to the amount the ~~division~~ department determines the license
9 holder owes the ~~division~~ department.
10 Sec. 2450. Section 123.50, subsection 3, unnumbered
11 paragraph 1, Code 2023, is amended to read as follows:
12 If any retail alcohol licensee or employee of a licensee is
13 convicted or found in violation of section 123.49, subsection
14 2, paragraph *"h"*, the ~~administrator~~ director or local authority
15 shall, in addition to criminal penalties fixed for violations
16 by this section, assess a civil penalty as follows:
17 Sec. 2451. Section 123.50, subsection 4, Code 2023, is
18 amended to read as follows:
19 4. In addition to any other penalties imposed under this
20 chapter, the ~~division~~ department shall assess a civil penalty
21 up to the amount of five thousand dollars upon a class "E"
22 retail alcohol licensee when the class "E" retail alcohol
23 license is revoked for a violation of section 123.59. Failure
24 to pay the civil penalty as required under this subsection
25 shall result in forfeiture of the bond to the ~~division~~
26 department. However, the ~~division~~ department shall retain
27 only that portion of the bond equal to the amount the ~~division~~
28 department determines the license or permit holder owes the
29 ~~division~~ department.
30 Sec. 2452. Section 123.50A, subsections 1, 2, and 4, Code
31 2023, are amended to read as follows:
32 1. If sufficient funding is appropriated, the ~~division~~
33 department shall develop an alcohol compliance employee

34 training program, not to exceed two hours in length for
35 employees and prospective employees of licensees and
1 permittees, to inform the employees about state laws and
2 regulations regarding the sale of alcoholic beverages to
3 persons under legal age, and compliance with and the importance
4 of laws regarding the sale of alcoholic beverages to persons
5 under legal age. In developing the alcohol compliance employee
6 training program, the ~~division~~ department may consult with
7 stakeholders who have expertise in the laws and regulations
8 regarding the sale of alcoholic beverages to persons under
9 legal age.
10 2. The alcohol compliance employee training program shall
11 be made available to employees and prospective employees
12 of licensees and permittees at no cost to the employee,
13 the prospective employee, or the licensee or permittee, and
14 in a manner which is as convenient and accessible to the
15 extent practicable throughout the state so as to encourage
16 attendance. Contingent upon the availability of specified
17 funds for provision of the program, the ~~division~~ department
18 shall schedule the program on at least a monthly basis and the
19 program shall be available at a location in at least a majority
20 of counties.
21 4. The ~~division~~ department shall also offer periodic
22 continuing employee training and recertification for employees
23 who have completed initial training and received an initial
24 certificate of completion as part of the alcohol compliance
25 employee training program.
26 Sec. 2453. Section 123.56, subsections 3 and 4, Code 2023,
27 are amended to read as follows:
28 3. Upon filing a suit in equity in district court pursuant
29 to subsection 2, the county attorney or city attorney shall
30 notify the ~~administrator~~ director of the action. Upon
31 receiving notice, the ~~administrator~~ director shall issue an
32 order reducing the hours during which alcoholic beverages may
33 be sold or consumed at retail on the licensed premises to

34 between 6:00 a.m. and 10:00 p.m. each day of the week during
35 the pendency of the action in equity. The county attorney or
1 city attorney shall notify the ~~administrator~~ director of any
2 final action or judgment entered resulting from the action.
3 4. In an action seeking abatement of a public safety
4 nuisance as provided in this section, evidence of other
5 current violations of this chapter may be received by the
6 court and considered in determining the remedial provisions
7 of any abatement order. In addition, evidence of prior
8 sanctions, violations of law, nuisance behavior, or general
9 reputation relating to the licensed premises may be admissible
10 in determining the reasonableness of remedial provisions of an
11 abatement order. However, evidence of a prior conviction of
12 the licensee, managers, employees, or contemporaneous patrons
13 and guests is not necessary for purposes of considering or
14 issuing an abatement order under this section. In an action
15 under this section, the ~~administrator~~ director may submit
16 to the court a report as evidence on behalf of the ~~division~~
17 department regarding the compliance history of the licensee or
18 permittee for consideration by the court.
19 Sec. 2454. Section 123.57, Code 2023, is amended to read as
20 follows:
21 **123.57 Examination of accounts.**
22 The financial condition and transactions of all offices,
23 departments, warehouses, and depots ~~of~~ concerning the ~~division~~
24 alcohol beverage control activities of the department shall be
25 examined at least once each year by the state auditor and at
26 shorter periods if requested by the ~~administrator~~ director,
27 governor, ~~commission~~ council, or the general assembly's
28 standing committees on government oversight.
29 Sec. 2455. Section 123.58, Code 2023, is amended to read as
30 follows:
31 **123.58 Auditing.**
32 All provisions of sections 11.6, 11.11, 11.14, 11.21,
33 11.31, and 11.41, relating to auditing of financial records

of governmental subdivisions which are not inconsistent with this chapter are applicable to the ~~division~~ department and its offices, warehouses, and depots under this chapter.

Sec. 2456. Section 123.92, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. Subject to the limitation amount specified in paragraph *"c"*, if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly against any licensee or permittee, whether or not the license or permit was issued by the ~~division~~ department or by the licensing authority of any other state, who sold and served any alcoholic beverage directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service.

Sec. 2457. Section 123.92, subsection 2, paragraphs a and c, Code 2023, are amended to read as follows:

a. Every retail alcohol licensee, except a class "B", special class "B", or class "E" retail alcohol licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the ~~division~~ department. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee at that location during that thirty-month period of time.

c. The purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as

a result of licensees serving patrons any alcoholic beverage to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee shall meet the minimum insurance coverage requirements as determined by the ~~division~~ department and is a mandatory condition for holding a license.

Sec. 2458. Section 123.95, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. The holder of an annual class "C" retail alcohol license may act as the agent of a private social host for the purpose of providing and serving alcoholic beverages as part of a food catering service for a private social gathering in a private place, provided the licensee has applied for and been granted a catering privilege by the ~~division~~ department. The holder of an annual special class "C" retail alcohol license shall not act as the agent of a private social host for the purpose of providing and serving wine and beer as part of a food catering service for a private social gathering in a private place. An applicant for a class "C" retail alcohol license shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license.

Sec. 2459. Section 123.125, Code 2023, is amended to read as follows:

123.125 Issuance of beer permits.

The ~~administrator~~ director shall issue class "A" and special class "A" beer permits and may suspend or revoke permits for cause as provided in this chapter.

Sec. 2460. Section 123.126A, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding any provision of this chapter to the

contrary, a manufacturer of beer may obtain and possess alcoholic liquor from the ~~division~~ department for the purpose of manufacturing canned cocktails.

Sec. 2461. Section 123.127, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a class "A" or special class "A" beer permit shall submit a completed application electronically, or in a manner prescribed by the ~~administrator~~ director, which shall set forth under oath the following:

Sec. 2462. Section 123.127, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the ~~administrator~~ director, and in such form and containing such information as the ~~administrator~~ director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

g. Any other information as required by the ~~administrator~~ director.

Sec. 2463. Section 123.127, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director shall issue a class "A" or special class "A" beer permit to any applicant who establishes all of the following:

Sec. 2464. Section 123.127, subsection 2, paragraphs d and g, Code 2023, are amended to read as follows:

d. That the applicant has filed with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of beer.

g. That the applicant has submitted a bond in the amount of ten thousand dollars in a manner prescribed by the

34 ~~administrator~~ director with good and sufficient sureties to be
35 approved by the ~~division~~ department conditioned upon compliance
1 with this chapter.
2 Sec. 2465. Section 123.130, subsection 1, paragraph a, Code
3 2023, is amended to read as follows:
4 *a.* Any person holding a class "A" beer permit issued by
5 the ~~division~~ department shall be authorized to manufacture
6 and sell, or sell at wholesale, beer for consumption off the
7 premises, such sales within the state to be made only to
8 persons holding a subsisting class "A" beer permit, or retail
9 alcohol licenses, excluding a special class "B" retail native
10 wine license, issued in accordance with the provisions of this
11 chapter. However, a person holding a class "A" beer permit
12 issued by the ~~division~~ department who also holds a brewer's
13 notice issued by the alcohol and tobacco tax and trade bureau
14 of the United States department of the treasury shall be
15 authorized to sell, at wholesale, no more than thirty thousand
16 barrels of beer on an annual basis for consumption off the
17 premises to a licensee authorized under this chapter to sell
18 beer at retail.
19 Sec. 2466. Section 123.130, subsection 5, Code 2023, is
20 amended to read as follows:
21 5. A manufacturer of beer issued a class "A" or special
22 class "A" beer permit shall file with the ~~division~~ department,
23 on or before the fifteenth day of each calendar month, all
24 documents filed with the alcohol and tobacco tax and trade
25 bureau of the United States department of the treasury,
26 including all brewer's operation and excise tax return reports.
27 Sec. 2467. Section 123.135, subsections 1, 2, and 3, Code
28 2023, are amended to read as follows:
29 1. A manufacturer, brewer, bottler, importer, or vendor of
30 beer, or any agent thereof, desiring to ship or sell beer, or
31 have beer brought into this state for resale by a class "A"
32 beer permittee, shall first make application for and be issued
33 a brewer's certificate of compliance by the ~~administrator~~

34 director for that purpose. The certificate of compliance
35 expires at the end of one year from the date of issuance and
1 shall be renewed for a like period upon application to the
2 ~~administrator~~ director unless otherwise revoked for cause.
3 Each completed application for a certificate of compliance or
4 renewal of a certificate shall be submitted electronically,
5 or in a manner prescribed by the ~~administrator~~ director, and
6 shall be accompanied by a fee of two hundred dollars payable
7 to the ~~division~~ department. Each holder of a certificate
8 of compliance shall furnish the information in a manner the
9 ~~administrator~~ director requires.
10 2. At the time of applying for a certificate of compliance,
11 each applicant shall file with the ~~division~~ department a list
12 of all class "A" beer permittees with whom it intends to do
13 business and shall designate the geographic area in which its
14 products are to be distributed by such permittee. The listing
15 of class "A" beer permittees and geographic area as filed with
16 the ~~division~~ department shall be amended by the holder of a
17 certificate of compliance as necessary to keep the listing
18 current with the ~~division~~ department.
19 3. All class "A" beer permit holders shall sell only
20 those brands of beer which are manufactured, brewed,
21 bottled, shipped, or imported by a person holding a current
22 certificate of compliance. Any employee or agent working for
23 or representing the holder of a certificate of compliance
24 within this state shall submit electronically, or in a manner
25 prescribed by the ~~administrator~~ director, the employee's or
26 agent's name and address with the ~~division~~ department.
27 Sec. 2468. Section 123.137, subsection 1, Code 2023, is
28 amended to read as follows:
29 1. A person holding a class "A" or special class "A" beer
30 permit shall, on or before the tenth day of each calendar month
31 commencing on the tenth day of the calendar month following
32 the month in which the person is issued a beer permit, make a
33 report under oath to the ~~division~~ department electronically, or

34 in a manner prescribed by the ~~administrator~~ director, showing
35 the exact number of barrels of beer, or fractional parts of
1 barrels, sold by the beer permit holder during the preceding
2 calendar month. The report shall also state information the
3 ~~administrator~~ director requires, and beer permit holders shall
4 at the time of filing a report pay to the ~~division~~ department
5 the amount of tax due at the rate fixed in section 123.136.
6 Sec. 2469. Section 123.138, Code 2023, is amended to read
7 as follows:
8 **123.138 Records required — keg identification label.**
9 1. Each class "A" or special class "A" beer permittee shall
10 keep proper records showing the amount of beer sold by the
11 permittee, and these records shall be at all times open to
12 inspection by the ~~administrator~~ director and to other persons
13 pursuant to section 123.30, subsection 1. Each retail alcohol
14 licensee as described in section 123.30 shall keep proper
15 records showing each purchase of beer made by the licensee, and
16 the date and the amount of each purchase and the name of the
17 person from whom each purchase was made, which records shall be
18 open to inspection pursuant to section 123.30, subsection 1,
19 during normal business hours of the licensee.
20 2. *a.* Each retail alcohol licensee who sells beer for
21 off-premises consumption shall affix to each keg of beer an
22 identification label provided by the ~~administrator~~ director.
23 The label provided shall allow for its full removal when
24 common external keg cleaning procedures are performed. For
25 the purposes of this subsection, *"keg"* means all durable and
26 disposable containers with a liquid capacity of five gallons or
27 more. Each retail alcohol licensee shall also keep a record
28 of the identification label number of each keg of beer sold by
29 the licensee with the name and address of the purchaser and
30 the number of the purchaser's driver's license, nonoperator's
31 identification card, or military identification card, if
32 the military identification card contains a picture and
33 signature. This information shall be retained by the licensee

34 for a minimum of ninety days. The records kept pursuant to
35 this subsection shall be available for inspection by any law
1 enforcement officer during normal business hours.
2 *b.* (1) The ~~division~~ department shall provide the keg
3 identification labels described in paragraph *"a"* and shall,
4 prior to utilizing a label, notify licensed brewers and
5 licensed beer importers of the type of label to be utilized.
6 Each label shall contain a number and the following statement:
7 It is unlawful to sell, give, or otherwise supply any
8 alcoholic beverage, wine, or beer to any person under legal
9 age. Any person who defaces this label shall be guilty of
10 criminal mischief punishable pursuant to section 716.6.
11 (2) The identification label shall be placed on the keg at
12 the time of retail sale. The licensee shall obtain the labels
13 referred to in this subsection from the ~~division~~ department.
14 The cost of the labels to licensees shall not exceed the
15 ~~division's~~ department's cost of producing and distributing
16 the labels. The moneys collected by the ~~division~~ department
17 relating to the sale of labels shall be credited to the beer
18 and liquor control fund.
19 *c.* The provisions of this subsection shall be implemented
20 uniformly throughout the state. The provisions of this
21 subsection shall preempt any local county or municipal
22 ordinance regarding keg registration or the sale of beer in
23 kegs. In addition, a county or municipality shall not adopt or
24 continue in effect an ordinance regarding keg registration or
25 the sale of beer in kegs.
26 Sec. 2470. Section 123.143, subsection 1, Code 2023, is
27 amended to read as follows:
28 1. All permit fees collected by the ~~division~~ department
29 under this subchapter shall accrue to the beer and liquor
30 control fund, except as otherwise provided. All taxes
31 collected by the ~~division~~ department under this subchapter
32 shall accrue to the state general fund, except as otherwise
33 provided.

Sec. 2471. Section 123.173, subsection 3, Code 2023, is amended to read as follows:

3. A class "A" wine permittee shall be required to deliver wine to a retail alcohol licensee, and a retail alcohol licensee shall be required to accept delivery of wine from a class "A" wine permittee, only at the licensed premises of the retail alcohol licensee. Except as specifically permitted by the ~~division~~ department upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail alcohol licensee's premises, or from one licensed retail alcohol licensee's premises to another licensed retail alcohol licensee's premises, even if there is common ownership of all of the premises by one retail permittee, is prohibited.

Sec. 2472. Section 123.173A, subsection 2, Code 2023, is amended to read as follows:

2. Upon application to the ~~division~~ department and receipt of a charity beer, spirits, and wine special event license, an authorized nonprofit entity may conduct a charity special event subject to the requirements of this section.

Sec. 2473. Section 123.173A, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. The charity event shall be conducted on a premises covered by a valid retail alcohol license issued by the ~~division~~ department.

Sec. 2474. Section 123.173A, subsection 5, paragraph b, Code 2023, is amended to read as follows:

b. The retail alcohol license number issued by the ~~division~~ department for the premises where a charity event is to be conducted, if applicable.

Sec. 2475. Section 123.174, Code 2023, is amended to read as follows:

123.174 Issuance of wine permits.

The ~~administrator~~ director shall issue wine permits as provided in this chapter, and may suspend or revoke a wine permit for cause as provided in this chapter.

Sec. 2476. Section 123.175, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person applying for a class "A" wine permit shall submit a completed application electronically, or in a manner prescribed by the ~~administrator~~ director, which shall set forth under oath the following:

Sec. 2477. Section 123.175, subsection 1, paragraphs e and g, Code 2023, are amended to read as follows:

e. When required by the ~~administrator~~ director, and in such form and containing such information as the ~~administrator~~ director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises.

g. Any other information as required by the ~~administrator~~ director.

Sec. 2478. Section 123.175, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~administrator~~ director shall issue a class "A" wine permit to any applicant who establishes all of the following:

Sec. 2479. Section 123.175, subsection 2, paragraphs d and g, Code 2023, are amended to read as follows:

d. That the applicant has filed with the ~~division~~ department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all the laws, rules, and regulations governing the manufacture and sale of wine.

g. That the applicant has submitted a bond in the amount of five thousand dollars in a manner prescribed by the ~~administrator~~ director with good and sufficient sureties to be approved by the ~~division~~ department conditioned upon compliance with this chapter.

Sec. 2480. Section 123.176, subsections 1, 2, 7, and 8, Code 2023, are amended to read as follows:

1. Subject to rules of the ~~division~~ department,

manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class "A" wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. Notwithstanding section 123.24, subsection 2, paragraph *"b"*, or any other provision of this chapter, manufacturers of native wine may obtain and possess grape brandy from the ~~division~~ department for the sole purpose of manufacturing wine.

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail alcohol licensees as authorized by sections 123.30 and 123.177. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the ~~division~~ department on the premises where made, when no charge is made for the tasting.

7. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class "A" wine permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the ~~division~~ department. Notwithstanding subsection 5, not more than one class "C" retail alcohol license shall be issued to a premises with alternating proprietorships.

8. A manufacturer of native wines shall file with the ~~division~~ department, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of

34 the treasury, including all wine premises operations and excise
35 tax return reports.
1 Sec. 2481. Section 123.180, subsections 1, 2, and 3, Code
2 2023, are amended to read as follows:
3 1. A manufacturer, vintner, bottler, importer, or vendor of
4 wine, or an agent thereof, desiring to ship, sell, or have wine
5 brought into this state for sale at wholesale by a class "A"
6 permittee shall first make application for and shall be issued
7 a vintner's certificate of compliance by the ~~administrator~~
8 director for that purpose. The vintner's certificate of
9 compliance shall expire at the end of one year from the
10 date of issuance and shall be renewed for a like period upon
11 application to the ~~administrator~~ director unless otherwise
12 revoked for cause. Each completed application for a vintner's
13 certificate of compliance or renewal of a certificate shall
14 be submitted electronically, or in a manner prescribed by the
15 ~~administrator~~ director, and shall be accompanied by a fee of
16 two hundred dollars payable to the ~~division~~ department. Each
17 holder of a vintner's certificate of compliance shall furnish
18 the information required by the ~~administrator~~ director in the
19 form the ~~administrator~~ director requires. A vintner or wine
20 bottler whose plant is located in Iowa and who otherwise holds
21 a class "A" wine permit to sell wine at wholesale is exempt
22 from the fee, but not the other terms and conditions. The
23 holder of a vintner's certificate of compliance may also hold a
24 class "A" wine permit.
25 2. At the time of applying for a vintner's certificate
26 of compliance, each applicant shall file with the ~~division~~
27 department a list of all class "A" wine permittees with
28 whom it intends to do business. The listing of class "A"
29 wine permittees as filed with the ~~division~~ department shall
30 be amended by the holder of the certificate of compliance
31 as necessary to keep the listing current with the ~~division~~
32 department.
33 3. All class "A" wine permit holders shall sell only those

brands of wine which are manufactured, bottled, fermented, shipped, or imported by a person holding a current vintner's certificate of compliance. An employee or agent working for or representing the holder of a vintner's certificate of compliance within this state shall register the employee's or agent's name and address with the ~~division~~ department. These names and addresses shall be filed with the ~~division's~~ department's copy of the certificate of compliance issued except that this provision does not require the listing of those persons who are employed on the premises of a bottling plant, or winery where wine is manufactured, fermented, or bottled in Iowa or the listing of those persons who are thereafter engaged in the transporting of the wine.

Sec. 2482. Section 123.184, Code 2023, is amended to read as follows:

123.184 Report of gallonage sales — penalty.

1. Each class "A" wine permit holder on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, shall make a report under oath to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, showing the exact number of gallons of wine and fractional parts of gallons sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the ~~administrator~~ director requires. The permit holder at the time of filing this report shall pay to the ~~division~~ department the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of the amount of the tax shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this subsection.

2. Each wine direct shipper license holder shall make a report under oath to the ~~division~~ department electronically, or in a manner prescribed by the ~~administrator~~ director, on

34 or before the tenth day of the calendar months of June and
35 December, showing the exact number of gallons of wine and
1 fractional parts of gallons sold and shipped pursuant to
2 section 123.187 during the preceding six-month calendar period.
3 The report shall also state whatever reasonable additional
4 information the ~~administrator~~ director requires. The license
5 holder at the time of filing this report shall pay to the
6 ~~division~~ department the amount of tax due at the rate fixed
7 in section 123.183. A penalty of ten percent of this amount
8 shall be assessed and collected if the report required to be
9 filed pursuant to this subsection is not filed and the tax paid
10 within the time required by this subsection.
11 Sec. 2483. Section 123.186, subsections 1 and 2, Code 2023,
12 are amended to read as follows:
13 1. The ~~division~~ department shall adopt as rules the
14 substance of the federal regulations
27 C.F.R. pt. 6, 27 C.F.R.
15 pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11.
16 2. The ~~division~~ department shall adopt as rules the
17 substance of 27 C.F.R. §6.88, to permit a manufacturer of
18 alcoholic beverages, wine, or beer, or an agent of such
19 manufacturer, to provide to a retailer without charge wine and
20 beer coil cleaning services, including carbon dioxide filters
21 and other necessary accessories to properly clean the coil and
22 affix carbon dioxide filters. The rules shall provide that the
23 manufacturer shall be responsible for paying the costs of any
24 filters provided.
25 Sec. 2484. Section 123.187, subsection 2, paragraphs b and
26 d, Code 2023, are amended to read as follows:
27 *b.* A wine manufacturer applying for a wine direct
28 shipper permit shall submit an application for the permit
29 electronically, or in a manner prescribed by the ~~administrator~~
30 director, accompanied by a true copy of the manufacturer's
31 current alcoholic beverage license or permit issued by the
32 state where the manufacturer is primarily located and a copy

of the manufacturer's basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

d. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the ~~administrator~~ director in a manner prescribed by the ~~administrator~~ director, accompanied by the twenty-five dollar permit fee.

Sec. 2485. Section 123.187, subsection 3, paragraph c, Code 2023, is amended to read as follows:

c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or shall be conspicuously labeled with alternative wording preapproved by the ~~administrator~~ director.

Sec. 2486. Section 123.187, subsections 4 and 5, Code 2023, are amended to read as follows:

4. A wine direct shipper permittee shall remit to the ~~division~~ department an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the time and in the manner provided in section 123.184, subsection 2, and the ten percent penalty specified therein shall be applicable.

5. A wine direct shipper permittee shall be deemed to have consented to the jurisdiction of the ~~division~~ department or any other agency or court in this state concerning enforcement of this section and any related laws, rules, or regulations. A permit holder shall allow the ~~division~~ department to perform an audit of shipping records upon request.

Sec. 2487. Section 123.188, subsections 1, 2, and 3, Code 2023, are amended to read as follows:

1. A person desiring to deliver wine subject to direct shipment within this state pursuant to section 123.187 shall

submit an application for a wine carrier permit electronically, or in a manner prescribed by the ~~administrator~~ director, which shall be accompanied by a fee in the amount of one hundred dollars.

2. The ~~administrator~~ director may in accordance with this chapter issue a wine carrier permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter.

3. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the ~~administrator~~ director in a manner prescribed by the ~~administrator~~ director, accompanied by the one hundred dollar permit fee.

Sec. 2488. Section 123.188, subsection 4, paragraph c, Code 2023, is amended to read as follows:

c. A wine carrier permittee shall maintain records of wine shipped which include the permit number and name of the wine manufacturer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. Records shall be submitted to the ~~division~~ department on a monthly basis in a form and manner to be determined by the ~~division~~ department.

Sec. 2489. Section 321.19, subsection 1, paragraph c, subparagraph (3), Code 2023, is amended to read as follows:

(3) Persons in the department of justice, ~~the alcoholic beverages division of the department of commerce,~~ disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

Sec. 2490. Section 453A.2, subsections 4, 6, and 7, Code 2023, are amended to read as follows:

4. The ~~alcoholic beverages division of the~~ department ~~of commerce~~, a county, or a city may directly enforce this section

in district court and initiate proceedings pursuant to section 453A.22 before a permit-issuing authority which issued the permit against a permit holder violating this section.

6. If a county or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the ~~alcoholic beverages division of the~~ department ~~of commerce~~. Following transfer of the matter, if the violation is contested, the ~~alcoholic beverages division of the~~ department ~~of commerce~~ shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections and appeals in accordance with the provisions of section 10A.801, to adjudicate the matter pursuant to chapter 17A.

7. A tobacco compliance employee training fund is created in the office of the treasurer of state. The fund shall consist of civil penalties assessed by the ~~alcoholic beverages division of the~~ department ~~of commerce~~ under section 453A.22 for violations of this section. Moneys in the fund are appropriated to the ~~alcoholic beverages division of the~~ department ~~of commerce~~ and shall be used to develop and administer the tobacco compliance employee training program under section 453A.5. Moneys deposited in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the fund.

Sec. 2491. Section 453A.5, subsection 1, Code 2023, is amended to read as follows:

1. The ~~alcoholic beverages division of the~~ department ~~of commerce~~ shall develop a tobacco compliance employee training program not to exceed two hours in length for employees and

prospective employees of retailers, as defined in sections 453A.1 and 453A.42, to inform the employees about state and federal laws and regulations regarding the sale of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes to persons under twenty-one years of age and compliance with and the importance of laws regarding the sale of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes to persons under twenty-one years of age.

Sec. 2492. Section 453A.13, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. ~~The department, or a~~ A city or county~~,~~ shall submit a duplicate of any application for a retail permit to the ~~alcoholic beverages division of the~~ department ~~of commerce~~ within thirty days of the issuance. The ~~alcoholic beverages division of the~~ department ~~of commerce~~ shall submit the current list of all retail permits issued to the Iowa department of public health by the last day of each quarter of a state fiscal year.

Sec. 2493. Section 453A.22, subsection 2, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If a retailer or employee of a retailer has violated section 453A.2 or section 453A.36, subsection 6, the department or local authority, or the ~~alcoholic beverages division of the~~ department ~~of commerce~~ following transfer of the matter to the ~~alcoholic beverages division of the~~ department ~~of commerce~~ pursuant to section 453A.2, subsection 6, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in subsection 1 as follows:

Sec. 2494. Section 453A.22, subsection 6, Code 2023, is amended to read as follows:

6. The ~~department or~~ local authority shall report the suspension or revocation of a retail permit under this section to the ~~alcoholic beverages division of the~~ department ~~of~~

33 ~~commerce~~ within thirty days of the suspension or revocation of
34 the retail permit.
35 Sec. 2495. Section 453A.47A, subsection 6, Code 2023, is
1 amended to read as follows:
2 6. *Issuance.* Cities may issue retail permits to retailers
3 located within their respective limits. County boards of
4 supervisors may issue retail permits to retailers located in
5 their respective counties, outside of the corporate limits of
6 cities. The city or county shall submit a duplicate of any
7 application for a retail permit to the ~~alcoholic beverages~~
8 ~~division of the~~ department ~~of commerce~~ within thirty days of
9 issuance of a permit. The ~~alcoholic beverages division of the~~
10 department ~~of commerce~~ shall submit the current list of all
11 retail permits issued to the Iowa department of public health
12 by the last day of each quarter of a state fiscal year.
13 Sec. 2496. Section 455C.3, subsections 2 and 5, Code 2023,
14 are amended to read as follows:
15 2. A distributor shall accept and pick up from a
16 participating dealer served by the distributor or a redemption
17 center for a dealer served by the distributor at least weekly,
18 or when the distributor delivers the beverage product if
19 deliveries are less frequent than weekly, any empty beverage
20 container of the kind, size, and brand sold by the distributor,
21 and shall pay to the participating dealer or redemption center
22 the refund value of a beverage container and the reimbursement
23 as provided under section 455C.2 within one week following
24 pickup of the containers or when the participating dealer
25 normally pays the distributor for the deposit on beverage
26 products purchased from the distributor if less frequent than
27 weekly. A distributor or employee or agent of a distributor is
28 not in violation of this subsection if a redemption center is
29 closed when the distributor attempts to make a regular pickup
30 of empty beverage containers. This subsection does not apply
31 to a distributor selling alcoholic liquor to the ~~alcoholic~~
32 ~~beverages division of the~~ department of ~~commerce~~ revenue.

5. The ~~alcoholic beverages division of the~~ department of ~~commerce~~ revenue shall provide for the disposal of empty beverage containers as required under subsection 2. The ~~division~~ department of revenue shall give priority consideration to the recycling of the empty beverage containers to the extent possible, before any other appropriate disposal method is considered or implemented.

CONFORMING CHANGES

Sec. 2497. Section 7E.5, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. The department of revenue, created in section 421.2, which has primary responsibility for revenue collection and revenue law compliance, the Iowa lottery, and alcoholic beverage control.

Sec. 2498. Section 421.17, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 39. Administer chapters 99G and 123.

Sec. 2499. REPEAL. Section 546.9, Code 2023, is repealed.

DIVISION XIII

DEPARTMENT FOR THE BLIND

Sec. 2500. Section 216B.2, subsection 1, Code 2023, is amended to read as follows:

1. The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. ~~The members of the commission shall appoint officers for the commission.~~ A majority of the members of the commission shall constitute a quorum.

Sec. 2501. NEW SECTION. **216B.3A Director — duties.**

1. The director of the department shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly.

2. The director shall be the executive officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.

Sec. 2502. Section 216B.5, Code 2023, is amended to read as follows:

216B.5 Commission employees.

The commission may employ staff who shall be qualified by experience to assume the responsibilities of the offices. ~~The director shall be the administrative officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.~~

DIVISION XIV

DEPARTMENT OF EDUCATION

IOWA BRAILLE AND SIGHT SAVING SCHOOL AND IOWA SCHOOL FOR THE DEAF

Sec. 2503. Section 70A.14, subsection 3, paragraph c, Code 2023, is amended by striking the paragraph.

Sec. 2504. Section 70A.17A, subsection 1, paragraph d, subparagraph (3), Code 2023, is amended by striking the subparagraph.

Sec. 2505. NEW SECTION. **256.95 Iowa braille and sight saving school and Iowa school for the deaf.**

The department shall do all of the following:

1. Govern the Iowa braille and sight saving school.

2. Govern the Iowa school for the deaf.

3. Establish a hall of fame for distinguished graduates at the Iowa braille and sight saving school and at the Iowa school for the deaf.

Sec. 2506. NEW SECTION. **256.103 Employees — contracts — termination and discharge procedures.**

Sections 279.12 through 279.19 and section 279.27 apply to employees of the Iowa braille and sight saving school and the Iowa school for the deaf, who are licensed pursuant to

subchapter VII, part 3. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the department.

Sec. 2507. NEW SECTION. **256.104 Students residing on state-owned land.**

The department shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the department. Such payments shall be made from moneys appropriated to the department.

Sec. 2508. NEW SECTION. **256.105 Transfer of a student to the university of Iowa hospitals and clinics.**

The department may send any student of the Iowa braille and sight saving school or the Iowa school for the deaf to the university of Iowa hospitals and clinics for treatment and care. The department shall pay the traveling expenses of such student, and when necessary the traveling expenses of an attendant for the student, out of funds appropriated for the use of the department.

Sec. 2509. NEW SECTION. **256.107 Administrative rules.**

The state board shall adopt rules pursuant to chapter 17A to administer this subchapter.

Sec. 2510. Section 256B.2, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under ~~chapters~~ chapter 263~~, 269, and 270~~ or chapter 256, subchapter V, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the ~~board of regents~~ department of education to provide the services required by this chapter.

Sec. 2511. Section 256B.10, subsection 1, paragraph a, Code 2023, is amended to read as follows:

a. The department ~~of education~~ shall work with the ~~state~~ Iowa school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Iowa department of public health for purposes of coordinating, developing, and disseminating resources for use by parents or guardians, early hearing detection and intervention programs, the ~~state~~ Iowa school for the deaf, area education agencies, school districts, and accredited nonpublic schools to inform deaf and hard-of-hearing children's expressive and receptive language acquisition or development.

Sec. 2512. Section 256B.10, subsection 1, paragraph b, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The duties of the department ~~of education~~ shall, at a minimum, include all of the following:

Sec. 2513. Section 256B.10, subsection 3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The department ~~of education~~, in consultation with the ~~state~~ Iowa school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Iowa department of public health, shall select existing tools or assessments that may be used by qualified educators to assess American sign language and English language and literacy development of deaf and hard-of-hearing children from birth through age eight.

Sec. 2514. Section 256B.10, subsections 4 and 7, Code 2023, are amended to read as follows:

4. The department ~~of education~~ shall disseminate the parent resource developed pursuant to this section to parents and guardians of deaf and hard-of-hearing children and, consistent with federal law, shall disseminate the educator tools and assessments selected pursuant to subsection 3 to early hearing detection and intervention programs, area education agencies,

33 school districts, accredited nonpublic schools, and the
34 ~~state~~ Iowa school for the deaf for use in the development and
35 modification of individualized family service or individualized
1 education program plans, and shall provide materials and
2 training on the use of such materials to assist deaf and
3 hard-of-hearing children in kindergarten readiness using
4 American sign language or English, or both, from birth through
5 age eight.
6 7. The department ~~of education~~ shall annually compile,
7 and publish on the department's internet site, a report using
8 existing data reported in compliance with the state performance
9 plan on pupils with disabilities, required under federal law,
10 that is specific to language and literacy development in deaf
11 and hard-of-hearing children from birth through age eight,
12 including those children who are deaf or hard of hearing and
13 have other disabilities, relative to the children's peers who
14 are not deaf or hard of hearing.
15 Sec. 2515. Section 256B.10, subsection 5, paragraphs a, b,
16 and e, Code 2023, are amended to read as follows:
17 *a.* If moneys are appropriated by the general assembly for
18 a fiscal year for the purpose provided in this subsection,
19 the department ~~of education~~ shall develop guidelines for a
20 comprehensive family support mentoring program that meets the
21 language and communication needs of families.
22 *b.* The department ~~of education~~ shall work with the early
23 hearing detection and intervention program in the Iowa
24 department of public health, the ~~state~~ Iowa school for the
25 deaf, and the area education agencies when developing the
26 guidelines. The department ~~of education~~, in consultation with
27 the Iowa school for the deaf, shall administer the family
28 support mentoring program for deaf or hard-of-hearing children.
29 *e.* The department ~~of education~~ shall coordinate family
30 support mentoring activities with the early hearing detection
31 and intervention program in the Iowa department of public
32 health, the ~~state~~ Iowa school for the deaf, the area education

33 agencies, and nonprofit organizations that provide family
34 support mentoring to parents with deaf or hard-of-hearing
35 children.
1 Sec. 2516. Section 256B.10, subsection 5, paragraph d,
2 unnumbered paragraph 1, Code 2023, is amended to read as
3 follows:
4 In establishing the family support mentoring program, the
5 department ~~of education~~ may do all of the following:
6 Sec. 2517. Section 261E.2, subsection 8, Code 2023, is
7 amended to read as follows:
8 8. *"Student"* means any individual enrolled in grades nine
9 through twelve in a school district who meets the criteria in
10 section 261E.3, subsection 1. *"Student"* includes an individual
11 attending an accredited nonpublic school or the Iowa school
12 for the deaf ~~or the Iowa braille and sight saving school~~ for
13 purposes of sections 261E.4 and 261E.6.
14 Sec. 2518. Section 261E.6, subsections 3, 4, and 6, Code
15 2023, are amended to read as follows:
16 3. *Authorization.* To participate in this program, an
17 eligible student shall make application to an eligible
18 postsecondary institution to allow the eligible student to
19 enroll for college credit in a nonsectarian course offered at
20 the institution. A comparable course, as defined in rules
21 adopted by the board of directors of the school district
22 consistent with department administrative rule, must not be
23 offered by the school district or accredited nonpublic school
24 the student attends. A course is ineligible for purposes
25 of this section if the school district has a contractual
26 agreement with the eligible postsecondary institution under
27 section 261E.8 that meets the requirements of section 257.11,
28 subsection 3, and the course may be delivered through such an
29 agreement in accordance with section 257.11, subsection 3.
30 If the postsecondary institution accepts an eligible student
31 for enrollment under this section, the institution shall send
32 written notice to the student, the student's parent or legal

guardian in the case of a minor child, and the student's school district or accredited nonpublic school and the school district in the case of a nonpublic school student, or the Iowa school for the deaf ~~or the Iowa braille and sight saving school~~. The notice shall list the course, the clock hours the student will be attending the course, and the number of hours of college credit that the eligible student will receive from the eligible postsecondary institution upon successful completion of the course.

4. *Credits.*

a. A school district, the Iowa school for the deaf, ~~the Iowa braille and sight saving school,~~ or accredited nonpublic school shall grant high school credit to an eligible student enrolled in a course under this chapter if the eligible student successfully completes the course as determined by the eligible postsecondary institution. The board of directors of the school district, the ~~board of regents~~ department of education for the Iowa school for the deaf ~~and the Iowa braille and sight saving school~~, or authorities in charge of an accredited nonpublic school shall determine the number of high school credits that shall be granted to an eligible student who successfully completes a course. Eligible students may take up to seven semester hours of credit during the summer months when school is not in session and receive credit for that attendance, if the student pays the cost of attendance for those summer credit hours.

b. The high school credits granted to an eligible student under this section shall count toward the graduation requirements and subject area requirements of the school district of residence, the Iowa school for the deaf, ~~the Iowa braille and sight saving school,~~ or accredited nonpublic school of the eligible student. Evidence of successful completion of each course and high school credits and college credits received shall be included in the student's high school transcript.

6. *Definition.* For purposes of this section and section 261E.7, unless the context otherwise requires, *"eligible student"* means a student classified by the board of directors of a school district, by the ~~state board of regents~~ department of education for pupils of the Iowa school for the deaf ~~and the Iowa braille and sight saving school~~, or by the authorities in charge of an accredited nonpublic school as a ninth or tenth grade student who is identified according to the school district's gifted and talented criteria and procedures, pursuant to section 257.43, as a gifted and talented child, or an eleventh or twelfth grade student, during the period the student is participating in the postsecondary enrollment options program.

Sec. 2519. Section 261E.7, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to a postsecondary institution that has enrolled its resident eligible students under this chapter, unless the eligible student is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the date specified in section 257.6, subsection 1, or the district in which the child was counted under section 257.6, subsection 1, paragraph *"a"*, subparagraph (6). For students enrolled at the Iowa school for the deaf ~~and the Iowa braille and sight saving school~~, the ~~state board of regents~~ department of education shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

Sec. 2520. Section 262.7, subsections 4 and 5, Code 2023, are amended by striking the subsections.

Sec. 2521. Section 262.9, subsection 2, Code 2023, is

amended to read as follows:

2. Elect a president of each of the institutions of higher learning; ~~a superintendent of each of the other institutions;~~ a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation. ~~Sections 279.12 through 279.19 and section 279.27 apply to employees of the Iowa braille and sight saving school and the Iowa school for the deaf, who are licensed pursuant to chapter 272. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the board of regents.~~

Sec. 2522. Section 262.9, subsection 21, Code 2023, is amended by striking the subsection.

Sec. 2523. Section 262.43, Code 2023, is amended to read as follows:

262.43 Students residing on state-owned land.

The state board of regents shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the state board of regents. Such payments for the three institutions of higher learning, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, shall be made from the funds of the respective institutions other than state appropriations~~, and for the two noncollegiate institutions, the Iowa braille and sight saving school and the Iowa school for the deaf, the payments and costs shall be paid from moneys appropriated to the state board of regents~~.

Sec. 2524. Section 263.21, Code 2023, is amended to read as follows:

263.21 Transfer of patients from state institutions.

The director of the department of human services, in respect to institutions under the director's control, the administrator

of any of the divisions of the department, in respect to the institutions under the administrator's control, and the director of the department of corrections, in respect to the institutions under the department's control, ~~and the state board of regents, in respect to the Iowa braille and sight saving school and the Iowa school for the deaf,~~ may send any inmate, student, or patient of an institution, or any person committed or applying for admission to an institution, to the university of Iowa hospitals and clinics for treatment and care. The department of human services~~,~~ and the department of corrections~~, and the state board of regents~~ shall respectively pay the traveling expenses of such patient, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

Sec. 2525. Section 269.1, Code 2023, is amended to read as follows:

269.1 Admission — Iowa braille and sight saving school.

Any resident of the state under twenty-one years of age who has a visual disability too severe to acquire a satisfactory education in a regular educational environment shall be entitled to an education in the Iowa braille and sight saving school at the expense of the state. Nonresidents also may be admitted to the Iowa braille and sight saving school if their presence would not be prejudicial to the interests of residents, upon such terms as may be fixed by the ~~state board of regents~~ department.

Sec. 2526. Section 270.3, Code 2023, is amended to read as follows:

270.3 Admission — Iowa school for the deaf.

Any resident of the state less than twenty-one years of age who has a hearing loss which is too severe to acquire an education in the public schools is eligible to attend the Iowa school for the deaf. Nonresidents similarly situated may be admitted to ~~an education therein~~ the Iowa school for the deaf

upon such terms as may be fixed by the ~~state board of regents~~ department. The fee for nonresidents shall be set by the ~~state board of regents~~ department.

Sec. 2527. Section 270.4, Code 2023, is amended to read as follows:

270.4 Clothing and prescriptions.

The superintendent of the Iowa school for the deaf shall provide students, who would otherwise be without, with clothing or prescription refills, and shall bill the student's parent or guardian, if the student is a minor, or the student if the student has attained the age of majority, for any clothing or prescription refills provided. The bill shall be presumptive evidence in all courts.

Sec. 2528. Section 270.8, Code 2023, is amended to read as follows:

270.8 Residence during vacation.

The residence of indigent or homeless children may, by order of the ~~state board of regents~~ department, be continued during vacation months.

Sec. 2529. Section 270.9, Code 2023, is amended to read as follows:

270.9 Iowa school for the deaf and the Iowa braille and sight saving school — transportation reimbursement.

Funds appropriated to the Iowa school for the deaf and the Iowa braille and sight saving school for payments to the parents or guardians of pupils in either institution shall be expended as follows:

1. Transportation reimbursement at a rate established annually by the ~~state board of regents~~ department to the parents or guardians of children who do not reside in the institution, but are transported to the institution on a daily basis.

2. Transportation reimbursement at a rate established annually by the ~~state board of regents~~ department to the parents or guardians for transportation from the institution

33 to the residence of the parent or guardian and return to the
34 institution for children who reside in the institution.
35 Sec. 2530. Section 331.381, subsection 9, Code 2023, is
1 amended to read as follows:
2 9. Comply with ~~chapters 269 and 270~~ chapter 256, subchapter
3 V, in regard to the payment of costs for pupils at the Iowa
4 braille and sight saving school and the Iowa school for the
5 deaf.
6 Sec. 2531. REPEAL. Section 270.10, Code 2023, is repealed.
7 Sec. 2532. CODE EDITOR DIRECTIVE.
8 1. The Code editor is directed to make the following
9 transfers:
10 a. Section 256B.10 to section 256.106.
11 b. Section 269.1 to section 256.96.
12 c. Section 269.2 to section 256.97.
13 d. Section 270.1 to section 256.99.
14 e. Section 270.3 to section 256.98.
15 f. Section 270.4 to section 256.100.
16 g. Section 270.8 to section 256.101.
17 h. Section 270.9 to section 256.102.
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 3. The Code editor may designate sections 256.95 through
22 256.107, as amended or enacted in this division of this Act, as
23 new subchapter V within chapter 256, entitled "Iowa braille and
24 sight saving school and Iowa school for the deaf".
25 Sec. 2533. TRANSITION PROVISIONS.
26 1. The property and records in the custody of the state
27 board of regents relating to the Iowa braille and sight saving
28 school, the Iowa school for the deaf, the hall of fame for
29 distinguished graduates at the Iowa braille and sight saving
30 school, and the hall of fame for distinguished graduates at the
31 Iowa school for the deaf shall be transferred to the department
32 of education.

2. All employees of the Iowa braille and sight saving school established pursuant to chapter 269 and the Iowa school for the deaf established pursuant to chapter 270 shall be considered employees of the department of education on the effective date of this division of this Act without incurring any loss in salary, benefits, or accrued years of service.

INNOVATION DIVISION

Sec. 2534. Section 268.7, Code 2023, is amended to read as follows:

268.7 ~~Science,~~ Innovation division — science, technology, engineering, and mathematics collaborative initiative.

1. The innovation division of the department of education is created. The chief administrative officer of the division is the administrator who shall be a highly qualified science, technology, engineering, and mathematics advocate and shall be appointed by the director.

2. The administrator shall do all of the following:

a. Direct and organize the activities of the division, including the science, technology, engineering, and mathematics collaborative initiative created in subsection 3.

b. Control all property of the division.

c. Perform other duties imposed by law.

~~1.~~ 3. A science, technology, engineering, and mathematics collaborative initiative is established ~~at the university of northern Iowa~~ within the innovation division for purposes of supporting activities directly related to recruitment of prekindergarten through grade twelve mathematics and science teachers for ongoing mathematics and science programming for students enrolled in prekindergarten through grade twelve.

~~2.~~ 4. The collaborative initiative shall prioritize student interest in achievement in science, technology, engineering, and mathematics; reach every student and teacher in every school district in the state; identify, recruit, prepare, and support the best mathematics and science teachers; and sustain exemplary programs ~~through the university's Iowa~~

33 ~~mathematics and science education partnership~~. The ~~university~~
34 innovation division shall collaborate with the community
35 colleges to develop science, technology, engineering, and
1 mathematics professional development programs for community
2 college instructors and for purposes of science, technology,
3 engineering, and mathematics curricula development.
4 ~~3.~~ 5. Subject to an appropriation of ~~funds~~ moneys by the
5 general assembly, the ~~initiative~~ innovation division shall
6 administer the following:
7 *a.* Regional science, technology, engineering, and
8 mathematics networks for Iowa, the purpose of which is to
9 equalize science, technology, engineering, and mathematics
10 education enrichment opportunities available to learners
11 statewide. The ~~initiative~~ innovation division shall establish
12 six geographically similar regional science, technology,
13 engineering, and mathematics networks across Iowa that
14 complement and leverage existing resources, including ~~but~~
15 ~~not limited to~~ extension service assets, area education
16 agencies, state accredited postsecondary institutions,
17 informal educational centers, school districts, economic
18 development zones, and existing public and private science,
19 technology, engineering, and mathematics partnerships. Each
20 network shall be managed by a highly qualified science,
21 technology, engineering, and mathematics advocate positioned
22 at a network hub to be determined through a competitive
23 application process. Oversight for each regional network
24 shall be provided by a regional advisory board. Members of
25 the board shall be appointed by the governor. The membership
26 shall represent prekindergarten through grade twelve school
27 districts and schools, and higher education, business,
28 nonprofit organizations, youth agencies, and other appropriate
29 stakeholders.
30 *b.* A focused array of the best science, technology,
31 engineering, and mathematics enrichment opportunities, selected
32 through a competitive application process, that can be expanded

33 to meet future needs. A limited, focused list of selected
34 exemplary programs shall be made available to each regional
35 network.
1 *c.* Statewide science, technology, engineering, and
2 mathematics programming designed to increase participation of
3 students and teachers in successful learning experiences; to
4 increase the number of science, technology, engineering, and
5 mathematics-related teaching majors offered by the state's
6 universities; to elevate public awareness of the opportunities;
7 and to increase collaboration and partnerships.
8 ~~4.~~ 6. The ~~initiative~~ innovation division shall evaluate the
9 effectiveness of programming to document best practices.
10 7. The state board shall adopt rules pursuant to chapter 17A
11 to administer this section.
12 Sec. 2535. CODE EDITOR DIRECTIVE.
13 1. The Code editor is directed to make the following
14 transfer:
15 Section 268.7 to section 256.111.
16 2. The Code editor shall correct internal references in the
17 Code and in any enacted legislation as necessary due to the
18 enactment of this section.
19 3. The Code editor may designate section 256.111, as enacted
20 in this division of this Act, as new subchapter VI within
21 chapter 256, entitled "Innovation Division".
22 Sec. 2536. TRANSITION PROVISIONS.
23 1. The property and records in the custody of the state
24 board of regents or the university of northern Iowa relating
25 to the science, technology, engineering, and mathematics
26 collaborative initiative shall be transferred to the department
27 of education on or before the effective date of this division
28 of this Act.
29 2. All employees of the university of northern Iowa whose
30 primary workplace is located at the university of northern Iowa
31 under the science, technology, engineering, and mathematics
32 collaborative initiative established pursuant to section 268.7

33 shall be considered employees of the innovation division of the
34 department of education on the effective date of this division
35 of this Act without incurring any loss in salary, benefits, or
1 accrued years of service.
2 3. The state board of regents and the university of
3 northern Iowa shall assist the department of education in
4 implementing this division of this Act by providing for an
5 effective transition of powers and duties from one entity
6 to another under section 268.7, chapters 256 and 262, and
7 related administrative rules. To the extent requested by
8 the department of education, such assistance shall include
9 assisting in cooperating with federal agencies such as the
10 United States department of education.
11 4. Any contract issued or entered into by the state board
12 of regents or the university of northern Iowa relating to the
13 provisions of section 268.7, in effect on the effective date
14 of this division of this Act, shall continue in full force and
15 effect pending transfer of such contract to the innovation
16 division of the department of education.
17 5. Federal funds utilized by the state board of regents or
18 the university of northern Iowa prior to the effective date of
19 this division of this Act to employ personnel necessary for
20 the administration of the science, technology, engineering,
21 and mathematics collaborative initiative established pursuant
22 to section 268.7 shall be applied to and be available for the
23 transfer of such personnel from the state board of regents or
24 the university of northern Iowa to the innovation division of
25 the department of education.
26 HIGHER EDUCATION DIVISION AND MISCELLANEOUS CHANGES
27 Sec. 2537. Section 256.1, subsection 1, Code 2023, is
28 amended by adding the following new paragraphs:
29 NEW PARAGRAPH. *g.* The Iowa braille and sight saving school.
30 NEW PARAGRAPH. *h.* The Iowa school for the deaf.
31 NEW PARAGRAPH. *i.* The science, technology, engineering,
32 and mathematics collaborative initiative within the innovation

33 division of the department.
34 NEW PARAGRAPH. *j.* The college student aid commission within
35 the higher education division of the department.
1 NEW PARAGRAPH. *k.* The board of educational examiners within
2 the higher education division of the department.
3 NEW PARAGRAPH. *l.* Career and technical education programs
4 offered by school districts or community colleges.
5 Sec. 2538. Section 256.7, unnumbered paragraph 1, Code
6 2023, is amended to read as follows:
7 Except for the ~~college student aid commission,~~ higher
8 education division; the bureaus, boards, and commissions within
9 the higher education division; the commission of libraries and
10 division of library services~~,~~; and the public broadcasting
11 board and division, the state board shall:
12 Sec. 2539. Section 256.9, unnumbered paragraph 1, Code
13 2023, is amended to read as follows:
14 Except for the ~~college student aid commission,~~ higher
15 education division; the bureaus, boards, and commissions within
16 the higher education division; the commission of libraries and
17 division of library services~~,~~; and the public broadcasting
18 board and division, the director shall:
19 Sec. 2540. NEW SECTION. **256.121 Higher education division**
20 **created.**
21 1. The higher education division of the department of
22 education is created. The chief administrative officer of the
23 division is the administrator who shall be appointed by the
24 director.
25 2. The administrator shall do all of the following:
26 *a.* Administer and coordinate all of the following bureaus,
27 boards, and commissions within the higher education division:
28 (1) The career and technical education bureau under part 2.
29 (2) The board of educational examiners under part 3.
30 (3) The college student aid commission under part 4.
31 (4) The community colleges bureau under chapter 260C.
32 *b.* Direct and organize the activities of the division.

c. Control all property of the division.

d. Hire and control the personnel employed by the division, including personnel under the control of the board of educational examiners or the college student aid commission.

e. Perform other duties imposed by law.

Sec. 2541. CODE EDITOR DIRECTIVE. The Code editor may designate section 256.121 as new subchapter VII within chapter 256, entitled "Higher Education Division", and new part 1 within new subchapter VII entitled "General Provisions".

CAREER AND TECHNICAL EDUCATION BUREAU

Sec. 2542. Section 256.7, subsection 2, Code 2023, is amended to read as follows:

2. Constitute the state board for career and technical education under ~~chapter 258~~ subchapter VII, part 2.

Sec. 2543. Section 256.11, subsection 5, paragraph h, subparagraph (2), Code 2023, is amended to read as follows:

(2) Instructional programs provided under subparagraph (1) shall comply with the provisions of ~~chapter 258~~ subchapter VII, part 2, relating to career and technical education, and shall be articulated with postsecondary programs of study and include field, laboratory, or on-the-job training. Each sequential unit shall contain a portion of a career and technical education program approved by the department. Standards for instructional programs shall include but not be limited to new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills.

Sec. 2544. Section 257.51, subsection 3, Code 2023, is amended to read as follows:

3. The department of education shall adopt rules to establish and administer a career academy grant program to provide for the allocation of money in the fund in the form of competitive grants, not to exceed one million dollars per grant, to school corporations for career academy

33 infrastructure, career academy equipment, or both, in
34 accordance with the goals of this section and to further the
35 goals of the establishment and operation of career academies
1 under section 258.15. The rules adopted by the department
2 of education shall specify the eligibility of applicants
3 and eligible items for grant funding. Priority for grants
4 shall first be given to applications to establish new career
5 academies that are organized as regional centers pursuant to
6 chapter ~~258~~ 256, subchapter VII, part 2. Subsequent priority
7 shall be given to applications for expanding existing career
8 academies.
9 Sec. 2545. Section 258.3, Code 2023, is amended to read as
10 follows:
11 **258.3 ~~Personnel~~ Career and technical education bureau —
12 personnel.**
13 The director of the department ~~of education~~ shall appoint
14 the bureau chief of the career and technical education bureau,
15 and the bureau chief shall direct the work of personnel as
16 necessary to carry out this ~~chapter~~ part.
17 Sec. 2546. Section 258.3A, subsection 3, Code 2023, is
18 amended to read as follows:
19 3. Adopt rules prescribing standards for approval of school
20 district career and technical education programs; and community
21 colleges with career and technical education programs; and
22 practitioner preparation schools, departments, and classes,
23 applying for federal and state moneys under this ~~chapter~~ part.
24 Sec. 2547. Section 258.4, Code 2023, is amended to read as
25 follows:
26 **258.4 Duties of ~~director~~ bureau chief.**
27 The ~~director~~ bureau chief of the ~~department of education~~
28 career and technical education bureau shall do all of the
29 following:
30 1. Develop and submit to the state board for approval the
31 multiyear state plan developed in accordance with federal laws
32 and regulations governing career and technical education.

2. Provide for making studies and investigations relating to career and technical education.

3. Promote and aid in the establishment of career and technical education programs in local communities, school districts, and community colleges.

4. Cooperate with local communities, school districts, and community colleges in the maintenance of career and technical education programs.

5. Make recommendations to the board of educational examiners relating to the enforcement of rules prescribing standards for teachers of career and technical education service areas.

6. Cooperate in the maintenance of practitioner preparation schools, departments, and classes, supported and controlled by the public, for the training of career and technical education teachers and supervisors.

7. Review and approve career and technical education programs to ensure that the programs meet standards adopted by the state board pursuant to section 258.3A. The ~~director~~ bureau chief shall annually review at least twenty percent of the approved career and technical programs as a basis for continuing approval to ensure that the programs meet board standards and are compatible with educational reform efforts, are capable of responding to technological change and innovation, and meet the educational needs of students and the employment community. The review shall include an assessment of the extent to which the competencies in the program are being mastered by the students enrolled, the costs are proportionate to educational benefits received, the career and technical education curriculum is articulated and integrated with other curricular offerings required of all students, the programs would permit students with career and technical education backgrounds to pursue other educational interests in a postsecondary institutional setting, and the programs remove barriers for both traditional and nontraditional students to

access educational and employment opportunities.

8. Facilitate the process established by the state board for the implementation of a statewide system of regional career and technical education planning partnerships that utilize the services of local school districts, community colleges, sector partnerships, and other resources to assist local school districts in meeting career and technical education standards while avoiding unnecessary duplication of services. The ~~director~~ bureau chief shall also review and approve regional planning partnerships and regional centers to ensure that the partnerships and centers meet the standards adopted by the state board pursuant to section 258.3A, subsection 5.

9. Enforce rules adopted by the state board pursuant to section 258.3A.

10. Notwithstanding the accreditation process contained in section 256.11, permit school districts that provide a program which does not meet the standards for accreditation for career and technical education to cooperate with the regional career and technical education planning partnership and contract for an approved program under this ~~chapter~~ part without losing accreditation. A school district that fails to cooperate with the regional career and technical education planning partnership and contract for an approved program shall, however, be subject to section 256.11.

11. Prescribe standards and procedures for the approval of career academies as defined in section 258.6.

Sec. 2548. Section 258.5, subsection 3, Code 2023, is amended to read as follows:

3. The ~~director~~ bureau chief may use federal funds to reimburse approved practitioner preparation schools, departments, or classes for the training of teachers of agriculture, food, and natural resources; arts, communications, and information systems; applied sciences, technology, engineering, and manufacturing; health sciences; human services; and business, finance, marketing, and management.

The ~~director~~ bureau chief may also use such funds to reimburse approved practitioner preparation schools, departments, or classes for the training of guidance counselors.

Sec. 2549. Section 258.6, Code 2023, is amended to read as follows:

258.6 Definitions.

As used in this ~~chapter~~ part:

1. *"Approved career and technical education program"* means a career and technical education program offered by a school district or community college and approved by the ~~department~~ bureau which meets the standards for career and technical education programs adopted by the state board under this ~~chapter~~ part.

2. *"Approved practitioner preparation school, department, or class"* means a school, department, or class approved by the state board as entitled under this ~~chapter~~ part to federal moneys for the training of teachers of career and technical education subjects.

3. *"Approved regional career and technical education planning partnership"* means a regional entity that meets the standards for regional career and technical education planning partnerships adopted by the state board pursuant to section 258.3A and section 258.14.

4. *"Career academy"* means a career academy established under section 258.15.

5. *"Career and technical education service area"* means any one of the service areas specified in section 256.11, subsection 5, paragraph *"h"*.

~~6. *"Department"* means the department of education.~~

~~7. *"Director"* means the director of the department of education.~~

~~8.~~ 6. *"Sector partnership"* means a regional industry sector partnership established pursuant to section 260H.7B.

~~9.~~ 7. *"State board"* means the state board for career and technical education as provided in section 258.2.

33 ~~10.~~ 8. *"Work-based learning"* means opportunities and
34 experiences that include but are not limited to tours, job
35 shadowing, rotations, mentoring, entrepreneurship, service
1 learning, internships, and apprenticeships.
2 ~~11.~~ 9. *"Work-based learning intermediary network"* means the
3 statewide work-based learning intermediary network established
4 pursuant to section 256.40.
5 Sec. 2550. Section 258.9, subsections 1 and 2, Code 2023,
6 are amended to read as follows:
7 1. The board of directors of a school district or community
8 college that maintains a career and technical education
9 program receiving federal or state funds under this ~~chapter~~
10 part shall, as a condition of approval by the state board,
11 appoint a local advisory council for each career and technical
12 education program offered by the school district or community
13 college. However, a school district and a community college
14 that maintain a career and technical education program
15 receiving federal or state funds may create a joint local
16 advisory council. The membership of each local advisory
17 council shall consist of public members with expertise in
18 the occupation or occupational field related to the career
19 and technical education program. The local advisory council
20 shall give advice and assistance to the board of directors,
21 administrators, and instructors in the establishment and
22 maintenance of the career and technical education program.
23 2. Notwithstanding subsection 1, a regional advisory
24 council established by a regional career and technical
25 education planning partnership approved by the ~~department~~
26 bureau pursuant to section 258.4 may serve in place of a local
27 advisory council.
28 Sec. 2551. Section 258.11, Code 2023, is amended to read as
29 follows:
30 **258.11 Salary and expenses for administration.**
31 The ~~director~~ bureau chief may make expenditures for salaries
32 and other expenses as necessary to the proper administration of

33 this ~~chapter~~ part.
34 Sec. 2552. Section 258.14, subsection 3, paragraph d, Code
35 2023, is amended to read as follows:
1 *d.* Reviewing career and technical education programs of
2 school districts within the region based on standards adopted
3 by the state board, and recommending to the ~~department~~ bureau
4 career and technical education programs for approval.
5 Sec. 2553. Section 258.15, subsection 1, unnumbered
6 paragraph 1, Code 2023, is amended to read as follows:
7 A career academy may be established under an agreement
8 between a single school district and a community college, or
9 by multiple school districts and a community college organized
10 into a regional career and technical education planning
11 partnership pursuant to section 258.14. A career academy
12 established under this section shall be a career-oriented or
13 occupation-oriented program of study that includes a minimum
14 of two years of secondary education, which may fulfill the
15 sequential unit requirement in one of the four service areas
16 required under section 256.11, subsection 5, paragraph *"h"*,
17 is articulated with a postsecondary education program, and is
18 approved by the ~~director~~ bureau chief under section 258.4. A
19 career academy shall do all of the following:
20 Sec. 2554. Section 260C.14, subsection 1, Code 2023, is
21 amended to read as follows:
22 1. Determine the curriculum to be offered in such school or
23 college subject to approval of the director and ensure that all
24 career and technical education offerings are competency-based,
25 provide any minimum competencies required by the department
26 of education, comply with any applicable requirements in
27 chapter ~~258~~ 256, subchapter VII, part 2, and are articulated
28 with local school district career and technical education
29 programs. If an existing private educational institution or an
30 existing vocational institution offering a career and technical
31 education program within the merged area has facilities and
32 curriculum of adequate size and quality which would duplicate

33 the functions of the area school, the board of directors shall
34 discuss with the institution the possibility of entering into
35 contracts to have the existing institution offer facilities
1 and curriculum to students of the merged area. The board of
2 directors shall consider any proposals submitted by the private
3 institution for providing such facilities and curriculum. The
4 board of directors may enter into such contracts. In approving
5 curriculum, the director shall ascertain that all courses
6 and programs submitted for approval are needed and that the
7 curriculum being offered by an area school does not duplicate
8 programs provided by existing public or private facilities in
9 the area. In determining whether duplication would actually
10 exist, the director shall consider the needs of the area
11 and consider whether the proposed programs are competitive
12 as to size, quality, tuition, purposes, and area coverage
13 with existing public and private educational or vocational
14 institutions within the merged area. If the board of directors
15 of the merged area chooses not to enter into contracts with
16 private institutions under this subsection, the board shall
17 submit a list of reasons why contracts to avoid duplication
18 were not entered into and an economic impact statement relating
19 to the board's decision.
20 Sec. 2555. Section 598.21B, subsection 2, paragraph e,
21 subparagraph (1), subparagraph division (c), Code 2023, is
22 amended to read as follows:
23 (c) The parent is attending a career and technical education
24 program approved pursuant to chapter ~~258~~ 256, subchapter VII,
25 part 2.
26 Sec. 2556. EMERGENCY RULES. The state board of education
27 may adopt emergency rules under section 17A.4, subsection 3,
28 and section 17A.5, subsection 2, paragraph "b", to implement
29 the provisions of this division of this Act pertaining to the
30 career and technical education bureau and the rules shall
31 be effective immediately upon filing unless a later date is
32 specified in the rules. Any rules adopted in accordance with

33 this section shall also be published as a notice of intended
34 action as provided in section 17A.4.
35 Sec. 2557. CODE EDITOR DIRECTIVE.
1 1. The Code editor is directed to make the following
2 transfers:
3 a. Section 258.1 to section 256.126.
4 b. Section 258.2 to section 256.127.
5 c. Section 258.3 to section 256.128.
6 d. Section 258.3A to section 256.129.
7 e. Section 258.4 to section 256.130.
8 f. Section 258.5 to section 256.131.
9 g. Section 258.6 to section 256.125.
10 h. Section 258.9 to section 256.132.
11 i. Section 258.10 to section 256.133.
12 j. Section 258.11 to section 256.134.
13 k. Section 258.12 to section 256.135.
14 l. Section 258.14 to section 256.136.
15 m. Section 258.15 to section 256.137.
16 2. The Code editor shall correct internal references in the
17 Code and in any enacted legislation as necessary due to the
18 enactment of this section.
19 3. The Code editor may designate sections 256.125 through
20 256.137, as amended or enacted in this division of this Act,
21 as new part 2 entitled "Career and Technical Education Bureau"
22 within the subchapter entitled "Higher Education Division" as
23 enacted by another division of this Act.
24 Sec. 2558. TRANSITION PROVISIONS.
25 1. Any contract issued or entered into by the state board
26 of education or the department of education relating to the
27 provisions of chapter 258, in effect on the effective date
28 of this division of this Act, shall continue in full force
29 and effect pending transfer of such contract to the higher
30 education division of the department of education.
31 2. All employees of the department of education who work
32 under the career and technical education program established

33 pursuant to chapter 258 shall be considered employees of the
34 career and technical education bureau of the higher education
35 division of the department of education on the effective date
1 of this division of this Act without incurring any loss in
2 salary, benefits, or accrued years of service.
3 BOARD OF EDUCATIONAL EXAMINERS
4 Sec. 2559. Section 20.17, subsection 10, paragraph a, Code
5 2023, is amended to read as follows:
6 *a.* In the absence of an impasse agreement negotiated
7 pursuant to section 20.19 which provides for a different
8 completion date, public employees represented by a certified
9 employee organization who are teachers licensed under chapter
10 ~~272~~ 256, subchapter VII, part 3, and who are employed by a
11 public employer which is a school district or area education
12 agency shall complete the negotiation of a proposed collective
13 bargaining agreement not later than May 31 of the year
14 when the agreement is to become effective. The board shall
15 provide, by rule, a date on which impasse items in such cases
16 must be submitted to binding arbitration and for such other
17 procedures as deemed necessary to provide for the completion
18 of negotiations of proposed collective bargaining agreements
19 not later than May 31. The date selected for the mandatory
20 submission of impasse items to binding arbitration in such
21 cases shall be sufficiently in advance of May 31 to ensure that
22 the arbitrator's award can be reasonably made by May 31.
23 Sec. 2560. Section 20.19, subsection 1, Code 2023, is
24 amended to read as follows:
25 1. As the first step in the performance of their duty to
26 bargain, the public employer and the employee organization
27 shall endeavor to agree upon impasse procedures. Such
28 agreement shall provide for implementation of these impasse
29 procedures not later than one hundred twenty days prior to
30 the certified budget submission date of the public employer.
31 However, if public employees represented by the employee
32 organization are teachers licensed under chapter ~~272~~ 256,

33 subchapter VII, part 3, and the public employer is a school
34 district or area education agency, the agreement shall provide
35 for implementation of impasse procedures not later than one
1 hundred twenty days prior to May 31 of the year when the
2 collective bargaining agreement is to become effective. If the
3 public employer is a community college, the agreement shall
4 provide for implementation of impasse procedures not later than
5 one hundred twenty days prior to May 31 of the year when the
6 collective bargaining agreement is to become effective. If
7 the public employer is not subject to the budget certification
8 requirements of section 24.17 and other applicable sections,
9 the agreement shall provide for implementation of impasse
10 procedures not later than one hundred twenty days prior
11 to the date the next fiscal or budget year of the public
12 employer commences. If the parties fail to agree upon impasse
13 procedures under the provisions of this section, the impasse
14 procedures provided in sections 20.20 and 20.22 shall apply.
15 Sec. 2561. Section 20.20, Code 2023, is amended to read as
16 follows:
17 **20.20 Mediation.**
18 In the absence of an impasse agreement negotiated pursuant
19 to section 20.19 or the failure of either party to utilize its
20 procedures, one hundred twenty days prior to the certified
21 budget submission date, or one hundred twenty days prior to
22 May 31 of the year when the collective bargaining agreement
23 is to become effective if public employees represented by the
24 employee organization are teachers licensed under chapter
25 ~~272~~ 256, subchapter VII, part 3, and the public employer is
26 a school district or area education agency, the board shall,
27 upon the request of either party, appoint an impartial and
28 disinterested person to act as mediator. If the public
29 employer is a community college, and in the absence of an
30 impasse agreement negotiated pursuant to section 20.19 or
31 the failure of either party to utilize its procedures, one
32 hundred twenty days prior to May 31 of the year when the

33 collective bargaining agreement is to become effective, the
34 board, upon the request of either party, shall appoint an
35 impartial and disinterested person to act as mediator. If the
1 public employer is not subject to the budget certification
2 requirements of section 24.17 or other applicable sections and
3 in the absence of an impasse agreement negotiated pursuant
4 to section 20.19, or the failure of either party to utilize
5 its procedures, one hundred twenty days prior to the date the
6 next fiscal or budget year of the public employer commences,
7 the board, upon the request of either party, shall appoint an
8 impartial and disinterested person to act as a mediator. It
9 shall be the function of the mediator to bring the parties
10 together to effectuate a settlement of the dispute, but the
11 mediator may not compel the parties to agree.
12 Sec. 2562. Section 235A.15, subsection 2, paragraph e,
13 subparagraph (9), Code 2023, is amended to read as follows:
14 (9) To the board of educational examiners created under
15 chapter ~~272~~ 256 for purposes of determining whether a license,
16 certificate, or authorization should be issued, denied, or
17 revoked.
18 Sec. 2563. Section 235B.6, subsection 2, paragraph e,
19 subparagraph (13), Code 2023, is amended to read as follows:
20 (13) To the board of educational examiners created under
21 chapter ~~272~~ 256 for purposes of determining whether a license,
22 certificate, or authorization should be issued, denied, or
23 revoked.
24 Sec. 2564. Section 256.7, subsection 26, paragraph a,
25 subparagraph (2), Code 2023, is amended to read as follows:
26 (2) The rules shall allow a school district or accredited
27 nonpublic school to award high school credit to an enrolled
28 student upon the demonstration of required competencies for
29 a course or content area, as approved by a teacher licensed
30 under ~~chapter 272~~ subchapter VII, part 3. The school district
31 or accredited nonpublic school shall determine the assessment
32 methods by which a student demonstrates sufficient evidence of

33 the required competencies.
34 Sec. 2565. Section 256.7, subsection 32, paragraph c, Code
35 2023, is amended to read as follows:
1 *c.* Rules adopted pursuant to this subsection shall require
2 that online learning coursework offered by school districts,
3 accredited nonpublic schools, and area education agencies be
4 rigorous, high-quality, aligned with the Iowa core and core
5 content requirements and standards and the national standards
6 of quality for online courses issued by an internationally
7 recognized association for kindergarten through grade twelve
8 online learning, and taught by a teacher licensed under ~~chapter~~
9 ~~272~~ subchapter VII, part 3, who has specialized training or
10 experience in online learning, including but not limited to an
11 online-learning-for-Iowa-educators-professional-development
12 project offered by area education agencies, a teacher
13 preservice program, or comparable coursework.
14 Sec. 2566. Section 256.9, subsection 55, Code 2023, is
15 amended to read as follows:
16 55. Develop and maintain a list of approved online
17 providers that provide course content through an online
18 learning platform taught by a teacher licensed under ~~chapter~~
19 ~~272~~ subchapter VII, part 3, who has specialized training or
20 experience in online learning including but not limited to an
21 online-learning-for-Iowa-educators-professional-development
22 project offered by area education agencies, a teacher
23 preservice program, or comparable coursework, and whose online
24 learning coursework meets the requirements established by
25 rule pursuant to section 256.7, subsection 32, paragraph *"c"*.
26 Providers shall apply for approval annually or as determined
27 by the department.
28 Sec. 2567. Section 256.11, subsections 9, 9A, and 9B, Code
29 2023, are amended to read as follows:
30 9. Beginning July 1, 2006, each school district shall have a
31 qualified teacher librarian who shall be licensed by the board
32 of educational examiners under ~~chapter 272~~ subchapter VII,

33 part 3. The state board shall establish in rule a definition
34 of and standards for an articulated sequential kindergarten
35 through grade twelve media program. A school district that
1 entered into a contract with an individual for employment as a
2 media specialist or librarian prior to June 1, 2006, shall be
3 considered to be in compliance with this subsection until June
4 30, 2011, if the individual is making annual progress toward
5 meeting the requirements for a teacher librarian endorsement
6 issued by the board of educational examiners under ~~chapter~~
7 ~~272~~ subchapter VII, part 3. A school district that entered
8 into a contract with an individual for employment as a media
9 specialist or librarian who holds at least a master's degree in
10 library and information studies shall be considered to be in
11 compliance with this subsection until the individual leaves the
12 employ of the school district.
13 9A. Beginning July 1, 2007, each school district shall have
14 a qualified guidance counselor who shall be licensed by the
15 board of educational examiners under ~~chapter 272~~ subchapter
16 VII, part 3. Each school district shall work toward the
17 goal of having one qualified guidance counselor for every
18 three hundred fifty students enrolled in the school district.
19 The state board shall establish in rule a definition of and
20 standards for an articulated sequential kindergarten through
21 grade twelve guidance and counseling program.
22 9B. Beginning July 1, 2007, each school district shall have
23 a school nurse to provide health services to its students.
24 Each school district shall work toward the goal of having one
25 school nurse for every seven hundred fifty students enrolled in
26 the school district. For purposes of this subsection, *"school*
27 *nurse"* means a person who holds an endorsement or a statement of
28 professional recognition for school nurses issued by the board
29 of educational examiners under ~~chapter 272~~ subchapter VII, part
30 3.
31 Sec. 2568. Section 256.11, subsection 17, paragraph a,
32 subparagraph (1), subparagraph division (a), Code 2023, is

33 amended to read as follows:
34 (a) The school district or accredited nonpublic school
35 makes every reasonable and good faith effort to employ a
1 teacher licensed under ~~chapter 272~~ subchapter VII, part 3, for
2 the specified subject and is unable to employ such a teacher.
3 Sec. 2569. Section 256.11, subsection 17, paragraph c,
4 subparagraphs (1) and (3), Code 2023, are amended to read as
5 follows:
6 (1) An online learning platform if the course is developed
7 by the school district or accredited nonpublic school itself
8 or is developed by a partnership or consortium of schools
9 that have developed the course individually or cooperatively,
10 provided the course is taught and supervised by a teacher
11 licensed under ~~chapter 272~~ subchapter VII, part 3, who has
12 online learning experience and the course content meets the
13 requirements established by rule pursuant to section 256.7,
14 subsection 32, paragraph *"c"*. A partnership or consortium of
15 schools may include two or more school districts or accredited
16 nonpublic schools, or any combination thereof.
17 (3) An online learning platform offered, subject to the
18 initial availability of federal funds, by the department in
19 collaboration with one or more area education agencies or in
20 partnership with school districts and accredited nonpublic
21 schools. The online learning platform may deliver distance
22 education to students, including students receiving competent
23 private instruction under chapter 299A, provided such students
24 register with the school district of residence and the
25 coursework offered by the online learning platform is taught
26 and supervised by a teacher licensed under ~~chapter 272~~
27 subchapter VII, part 3, who has online learning experience and
28 the course content meets the requirements established by rule
29 pursuant to section 256.7, subsection 32, paragraph *"c"*. The
30 department and the area education agencies operating online
31 learning programs pursuant to section 273.16 shall coordinate
32 to ensure the most effective use of resources and delivery

33 of services. Federal funds, if available, may be used to
34 offset what would otherwise be costs to school districts for
35 participation in the program.
1 Sec. 2570. Section 256.16, subsection 2, Code 2023, is
2 amended to read as follows:
3 2. A person initially applying for a license shall
4 successfully complete a practitioner preparation program
5 approved under section 256.7, subsection 3, and containing the
6 subject matter specified in this section, before the initial
7 action by the board of educational examiners under ~~chapter 272~~
8 subchapter VII, part 3, takes place.
9 Sec. 2571. Section 256.41, subsection 2, Code 2023, is
10 amended to read as follows:
11 2. Online learning curricula shall be provided and
12 supervised by a teacher licensed under ~~chapter 272~~ subchapter
13 VII, part 3.
14 Sec. 2572. Section 256.43, subsection 1, paragraph d, Code
15 2023, is amended to read as follows:
16 *d.* High-quality online instruction taught by teachers
17 licensed under ~~chapter 272~~ subchapter VII, part 3.
18 Sec. 2573. Section 256.43, subsection 2, paragraph a, Code
19 2023, is amended to read as follows:
20 *a.* At the discretion of the school board or authorities in
21 charge of an accredited nonpublic school, after consideration
22 of circumstances created by necessity, convenience, and
23 cost-effectiveness, courses developed by private providers may
24 be utilized by the school district or school in implementing a
25 high-quality online learning program. Courses obtained from
26 private providers shall be taught by teachers licensed under
27 ~~chapter 272~~ subchapter VII, part 3.
28 Sec. 2574. Section 256.43, subsection 3, Code 2023, is
29 amended to read as follows:
30 3. *Grading.* Grades in online courses shall be based,
31 at a minimum, on whether a student mastered the subject,
32 demonstrated competency, and met the standards established

33 by the school district. Grades shall be conferred only by
34 teachers licensed under ~~chapter 272~~ subchapter VII, part 3.
35 Sec. 2575. Section 256C.3, subsection 2, paragraph a,
1 subparagraph (2), Code 2023, is amended to read as follows:
2 (2) The individual is appropriately licensed under chapter
3 ~~272~~ 256, subchapter VII, part 3, and meets requirements under
4 chapter 284.
5 Sec. 2576. Section 256E.7, subsection 4, paragraph b,
6 subparagraphs (1), (2), and (3), Code 2023, are amended to read
7 as follows:
8 (1) An administrator who holds a valid license under chapter
9 ~~272~~ 256, subchapter VII, part 3.
10 (2) A teacher who holds a valid license under chapter ~~272~~
11 256, subchapter VII, part 3.
12 (3) An individual who holds an authorization to be a
13 charter school administrator issued by the board of educational
14 examiners under chapter ~~272~~ 256, subchapter VII, part 3. The
15 board of educational examiners shall adopt rules for the
16 issuance of such authorizations not later than December 31,
17 2021, and such authorizations shall only be valid for service
18 or employment as a charter school administrator.
19 Sec. 2577. Section 257.11, subsection 3, paragraph c,
20 subparagraph (1), Code 2023, is amended to read as follows:
21 (1) The school district has made every reasonable and good
22 faith effort to employ a teacher licensed under chapter ~~272~~
23 256, subchapter VII, part 3, for the science or mathematics
24 unit, as applicable, and is unable to employ such a teacher.
25 For purposes of this paragraph *"c"*, *"good faith effort"* means
26 the same as defined in section 279.19A, subsection 9.
27 Sec. 2578. Section 260C.48, subsection 1, paragraph a,
28 subparagraph (2), Code 2023, is amended to read as follows:
29 (2) For purposes of subparagraph (1), subparagraph
30 divisions (b) and (c), if the instructor is a licensed
31 practitioner who holds a career and technical endorsement
32 under chapter ~~272~~ 256, subchapter VII, part 3, relevant work

33 experience in the occupational area includes but is not limited
34 to classroom instruction in a career and technical education
35 subject area offered by a school district or accredited
1 nonpublic school.
2 Sec. 2579. Section 261.1, subsection 2, paragraph d,
3 subparagraph (5), Code 2023, is amended to read as follows:
4 (5) One member shall represent practitioners licensed under
5 chapter ~~272~~ 256, subchapter VII, part 3. When appointing
6 this member, the governor shall give careful consideration to
7 any person nominated by an Iowa teacher association or other
8 education stakeholder organization.
9 Sec. 2580. Section 261E.4, subsection 3, Code 2023, is
10 amended to read as follows:
11 3. A school district shall ensure that advanced placement
12 course teachers or instructors are appropriately licensed
13 by the board of educational examiners in accordance with
14 chapter ~~272~~ 256, subchapter VII, part 3, and meet the minimum
15 certification requirements of the national organization that
16 administers the advanced placement program.
17 Sec. 2581. Section 261H.2, subsection 3, paragraph b, Code
18 2023, is amended to read as follows:
19 *b.* If it is determined, after exhaustion of all available
20 administrative and judicial appeals, that a faculty member
21 knowingly and intentionally restricts the protected speech or
22 otherwise penalizes a student in violation of this subsection,
23 the faculty member shall be subject to discipline by the
24 institution through the normal disciplinary processes of the
25 institution, and such discipline may include termination
26 depending on the totality of the facts. If the faculty member
27 is licensed by the board of educational examiners under chapter
28 ~~272~~ 256, subchapter VII, part 3, the board of educational
29 examiners shall conduct a hearing pursuant to section 272.13,
30 and the faculty member may be subject to disciplinary action
31 by the board.
32 Sec. 2582. Section 272.1, Code 2023, is amended to read as

33 follows:
34 **272.1 Definitions.**
35 As used in this part, unless the context otherwise requires:
1 1. *"Administrator"* means a person who is licensed to
2 coordinate, supervise, or direct an educational program or the
3 activities of other practitioners.
4 2. *"Board"* means the board of educational examiners.
5 3. *"Certificate"* means limited recognition to perform
6 instruction and instruction-related duties in school, other
7 than those duties for which practitioners are licensed. A
8 certificate is nonexclusive recognition and does not confer the
9 exclusive authority of a license.
10 ~~4. *"Department"* means the state department of education.~~
11 ~~5.~~ 4. *"License"* means the authority that is given to allow
12 a person to legally serve as a practitioner, a school, an
13 institution, or a course of study to legally offer professional
14 development programs, other than those programs offered by
15 practitioner preparation schools, institutions, courses of
16 study, or area education agencies. A license is the exclusive
17 authority to perform these functions.
18 ~~6.~~ 5. *"Offense directly relates"* refers to either of the
19 following:
20 *a.* The actions taken in furtherance of an offense are
21 actions customarily performed within the scope of practice of
22 a licensed profession.
23 *b.* The circumstances under which an offense was committed
24 are circumstances customary to a licensed profession.
25 ~~7.~~ 6. *"Para-educator"* means a person who is certified to
26 assist a teacher in the performance of instructional tasks to
27 support and assist classroom instruction and related school
28 activities.
29 ~~8.~~ 7. *"Practitioner"* means an administrator, teacher,
30 or other licensed professional, including an individual who
31 holds a statement of professional recognition, who provides
32 educational assistance to students.

33 ~~9.~~ 8. *"Practitioner preparation program"* means a program
34 approved by the state board of education which prepares a
35 person to obtain a license as a practitioner.
1 ~~10.~~ 9. *"Principal"* means a licensed member of a school's
2 instructional staff who serves as an instructional leader,
3 coordinates the process and substance of educational and
4 instructional programs, coordinates the budget of the school,
5 provides formative evaluation for all practitioners and other
6 persons in the school, recommends or has effective authority
7 to appoint, assign, promote, or transfer personnel in a school
8 building, implements the local school board's policy in a
9 manner consistent with professional practice and ethics, and
10 assists in the development and supervision of a school's
11 student activities program.
12 ~~11.~~ 10. *"Professional development program"* means a course or
13 program which is offered by a person or agency for the purpose
14 of providing continuing education for the renewal or upgrading
15 of a practitioner's license.
16 ~~12.~~ 11. *"School"* means a school under section 280.2, an
17 area education agency, and a school operated by a state agency
18 for special purposes.
19 ~~13.~~ 12. *"School administration manager"* means a person
20 who is authorized to assist a school principal in performing
21 noninstructional administrative duties.
22 ~~14.~~ 13. *"School service personnel"* means those persons
23 holding a practitioner's license who provide support services
24 for a student enrolled in school or to practitioners employed
25 in a school.
26 ~~15.~~ 14. *"Student"* means a person who is enrolled in
27 a course of study at a school or practitioner preparation
28 program, or who is receiving direct or indirect assistance from
29 a practitioner.
30 ~~16.~~ 15. *"Superintendent"* means an administrator
31 who promotes, demotes, transfers, assigns, or evaluates
32 practitioners or other personnel, and carries out the policies

33 of a governing board in a manner consistent with professional
34 practice and ethics.
35 ~~17.~~ 16. *"Teacher"* means a licensed member of a school's
1 instructional staff who diagnoses, prescribes, evaluates,
2 and directs student learning in a manner which is consistent
3 with professional practice and school objectives, shares
4 responsibility for the development of an instructional program
5 and any coordinating activities, evaluates or assesses student
6 progress before and after instruction, and who uses the student
7 evaluation or assessment information to promote additional
8 student learning.
9 ~~18.~~ 17. *"Work-based learning program supervisor"* means a
10 person who is certified pursuant to section 272.16 to supervise
11 students' opportunities and experiences related to workplace
12 tours, job shadowing, rotations, mentoring, entrepreneurship,
13 service learning, internships, and apprenticeships.
14 Sec. 2583. Section 272.2, unnumbered paragraph 1, Code
15 2023, is amended to read as follows:
16 The board ~~of educational examiners~~ is created within the
17 higher education division of the department of education to
18 exercise the exclusive authority to:
19 Sec. 2584. Section 272.2, subsection 1, paragraph a, Code
20 2023, is amended to read as follows:
21 *a.* License practitioners, which includes the authority to
22 ~~establish~~ do all of the following:
23 (1) Establish criteria for the licenses~~; establish~~.
24 (2) Establish issuance and renewal requirements, provided
25 that a continuing education requirement may be completed by
26 electronic means~~; create~~.
27 (3) Create application and renewal forms~~; create~~.
28 (4) Create licenses that authorize different instructional
29 functions or specialties~~; develop~~.
30 (5) Develop a code of professional rights and
31 responsibilities, practices, and ethics, which shall, among
32 other things, address ~~the~~ all of the following:

33 (a) The failure of a practitioner to fulfill contractual
34 obligations under section 279.13~~, the~~. In addressing the
35 failure of a practitioner to fulfill contractual obligations,
1 the board shall consider factors beyond the practitioner's
2 control.
3 (b) The failure of an administrator to protect the safety of
4 staff and students~~, the~~.
5 (c) The failure of an administrator to meet mandatory
6 reporter obligations~~, the~~.
7 (d) The refusal of a practitioner to implement provisions of
8 an individualized education program or behavioral intervention
9 plan~~, and habitual~~.
10 (e) Habitual nonparticipation in professional development~~;~~
11 ~~and develop~~.
12 (f) The development of any other classifications,
13 distinctions, and procedures which may be necessary to exercise
14 licensing duties. ~~In addressing the failure of a practitioner~~
15 ~~to fulfill contractual obligations, the board shall consider~~
16 ~~factors beyond the practitioner's control.~~
17 Sec. 2585. Section 272.2, subsections 4 and 24, Code 2023,
18 are amended to read as follows:
19 4. Enforce rules adopted by the board through revocation
20 or suspension of a license, or by other disciplinary action
21 against a practitioner or professional development program
22 licensed by the board ~~of educational examiners~~. The
23 board shall designate who may or shall initiate a licensee
24 disciplinary investigation and a licensee disciplinary
25 proceeding, and who shall prosecute a disciplinary proceeding
26 and under what conditions, and shall state the procedures for
27 review by the board of findings of fact if a majority of the
28 board does not hear the disciplinary proceeding. However, in a
29 case alleging failure of a practitioner to fulfill contractual
30 obligations, the person who files a complaint with the board,
31 or the complainant's designee, shall represent the complainant
32 in a disciplinary hearing conducted in accordance with this

33 ~~chapter~~ part.
34 24. By August 1, 2021, adopt rules pursuant to chapter 17A~~,~~
35 ~~developed in consultation with the department,~~ establishing a
1 statement of professional recognition for behavior analysts
2 licensed under chapter 154D.
3 Sec. 2586. Section 272.2, subsection 7, Code 2023, is
4 amended by striking the subsection.
5 Sec. 2587. Section 272.2, subsection 14, paragraph d, Code
6 2023, is amended to read as follows:
7 *d.* An applicant for a license or certificate under this
8 ~~chapter~~ part shall demonstrate that the requirements of
9 the license or certificate have been met and the burden of
10 proof shall be on the applicant. However, if the executive
11 director of the board receives notice from the director of the
12 department ~~of education~~ under section 256.9, subsection 17,
13 that an error in the basic education data survey submission
14 resulted in an incorrect determination relating to licensure
15 of a practitioner, the executive director shall initiate
16 corrective action with the board and the findings of the
17 director of the department ~~of education~~ shall be sufficient
18 evidence to correct such error.
19 Sec. 2588. Section 272.3, subsection 1, unnumbered
20 paragraph 1, Code 2023, is amended to read as follows:
21 The board ~~of educational examiners~~ consists of twelve
22 members. Two ~~must~~ shall be members of the general public, one
23 ~~must~~ shall be the director ~~of the department of education~~ or
24 the director's designee, and the remaining nine members ~~must~~
25 shall be licensed practitioners. One of the public members
26 shall have served on a school board. The public members shall
27 never have held a practitioner's license, but shall have a
28 demonstrated interest in education. The nine practitioners
29 shall be selected from the following areas and specialties of
30 the teaching profession:
31 Sec. 2589. Section 272.3, subsection 2, Code 2023, is
32 amended to read as follows:

2. A majority of the licensed practitioner members shall be nonadministrative practitioners. Four of the members shall be administrators. Membership of the board shall comply with the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of six members. Members shall elect a chairperson of the board. Members, except for the director of the department ~~of education~~ or the director's designee, shall be appointed by the governor subject to confirmation by the senate.

Sec. 2590. Section 272.4, subsection 1, unnumbered paragraph 1, Code 2023, is amended to read as follows:

Members, except for the director ~~of the department of education~~ or the director's designee, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director ~~of the department of education~~ or the director's designee, who shall serve until the director's term of office expires. A member of the board, except for the two public members and the director ~~of the department of education~~ or the director's designee, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

Sec. 2591. Section 272.5, subsection 2, Code 2023, is amended to read as follows:

2. The ~~governor~~ director shall appoint an executive director of the board ~~of educational examiners subject to confirmation by the senate~~. The executive director shall possess a background in education licensure and administrative experience ~~and shall serve at the pleasure of the governor~~. The ~~board of educational examiners~~ director shall set the salary of the executive director ~~within the range established for the position by the general assembly~~.

Sec. 2592. Section 272.9, subsection 1, Code 2023, is amended to read as follows:

1. A certificate which was issued by the board ~~of~~

33 ~~educational examiners~~ to a practitioner before July 1, 1989,
34 continues to be in force as long as the certificate complies
35 with the rules and statutes in effect on July 1, 1989.
1 Requirements for the renewal of licenses, under this ~~chapter~~
2 part, do not apply retroactively to renewal of certificates.
3 However, this section does not limit the duties or powers of
4 a school board to select or discharge practitioners or to
5 terminate practitioners' contracts.
6 Sec. 2593. Section 272.9A, subsection 3, Code 2023, is
7 amended to read as follows:
8 3. An administrator formerly employed by an accredited
9 nonpublic school or formerly employed as an administrator in
10 another state or country is exempt from the mentoring and
11 induction requirement under subsection 1 if the administrator
12 can document two years of successful administrator experience
13 and meet or exceed the requirements contained in rules adopted
14 pursuant to this ~~chapter~~ part for endorsement and licensure.
15 However, if an administrator cannot document two years of
16 successful administrator experience when hired by a school
17 district, the administrator shall meet the requirements of
18 subsection 1.
19 Sec. 2594. Section 272.10, subsections 1, 2, and 5, Code
20 2023, are amended to read as follows:
21 1. It is the intent of the general assembly that licensing
22 fees established by the board ~~of educational examiners~~ be
23 sufficient to finance the activities of the board under this
24 ~~chapter~~ part.
25 2. Licensing fees are payable to the treasurer of state and
26 shall be deposited with the executive director of the board.
27 The executive director shall deposit twenty-five percent of
28 the fees collected annually with the treasurer of state and
29 the fees shall be credited to the general fund of the state.
30 The remaining licensing fees collected during the fiscal year
31 shall be retained by and are appropriated to the board for
32 the purposes related to the board's duties. Notwithstanding

33 section 8.33, licensing fees retained by and appropriated to
34 the board pursuant to this section that remain unencumbered or
35 unobligated at the close of the fiscal year shall not revert
1 but shall remain available for expenditure for the activities
2 of the board as provided in this ~~chapter~~ part until the close
3 of the succeeding fiscal year.
4 5. The fees established by the board for the administrative
5 costs of processing complaints and conducting hearings pursuant
6 to section 272.2, subsection 23, may include a fee for personal
7 service by a sheriff, a fee for legal notice when placed in a
8 newspaper, transcription service or court reporter fee, and
9 other fees assessed as costs by the board. The fees collected
10 annually in accordance with this subsection shall be retained
11 by and are appropriated to the board for the purposes related
12 to the board's duties. Notwithstanding section 8.33, fees
13 retained by and appropriated to the board pursuant to this
14 subsection that remain unencumbered or unobligated at the close
15 of the fiscal year shall not revert but shall remain available
16 for expenditure for the activities of the board as provided
17 in this ~~chapter~~ part until the close of the succeeding fiscal
18 year.
19 Sec. 2595. Section 272.11, Code 2023, is amended to read as
20 follows:
21 **272.11 Expenditures and refunds.**
22 Expenditures and refunds made by the board under this
23 ~~chapter~~ part shall be certified by the executive director of
24 the board to the director of the department of administrative
25 services, and if found correct, the director of the department
26 of administrative services shall approve the expenditures and
27 refunds and draw warrants upon the treasurer of state from the
28 funds appropriated for that purpose.
29 Sec. 2596. Section 272.12, Code 2023, is amended to read as
30 follows:
31 **272.12 Para-educator certificates.**
32 The board ~~of educational examiners~~ shall adopt rules

33 pursuant to chapter 17A relating to a voluntary certification
34 system for para-educators. The rules shall specify rights,
35 responsibilities, levels, and qualifications for the
1 certificate. Applicants shall be disqualified for any reason
2 specified in section 272.2, subsection 14, or in administrative
3 rule. Notwithstanding section 272.2, subsection 14, paragraph
4 *"b"*, subparagraph (2), the board may issue a para-educator
5 certificate to a person who is at least eighteen years of age.
6 A person holding a para-educator certificate shall not perform
7 the duties of a licensed practitioner. A certificate issued
8 pursuant to this ~~chapter~~ part shall not be considered a teacher
9 or administrator license for any purpose specified by law,
10 including the purposes specified under this ~~chapter~~ part or
11 chapter 279.
12 Sec. 2597. Section 272.15, subsections 2 and 4, Code 2023,
13 are amended to read as follows:
14 2. If, in the course of performing official duties, an
15 employee of the department becomes aware of any alleged
16 misconduct by an individual licensed under this ~~chapter~~ part,
17 the employee shall report the alleged misconduct to the board
18 ~~of educational examiners~~ under rules adopted pursuant to
19 subsection 1.
20 4. If the executive director of the board verifies through
21 a review of official records that a teacher who holds a
22 practitioner's license under this ~~chapter~~ part is assigned
23 instructional duties for which the teacher does not hold the
24 appropriate license or endorsement, either by grade level or
25 subject area, by a school district or accredited nonpublic
26 school, the executive director may initiate a complaint
27 against the teacher and the administrator responsible for the
28 inappropriate assignment of instructional duties.
29 Sec. 2598. Section 272.16, subsections 1, 2, and 3, Code
30 2023, are amended to read as follows:
31 1. The board ~~of educational examiners~~ shall adopt rules
32 pursuant to chapter 17A relating to a certification system

33 for work-based learning program supervisors. The rules shall
34 specify rights, responsibilities, levels, and qualifications
35 for the certificate. The certificate shall not require more
1 than fifteen contact hours, which shall be available over
2 the internet and which shall provide instruction related to
3 fundamentals in career education, curriculum, assessment, and
4 the evaluation of student participation.
5 2. Applicants shall be disqualified for any reason
6 specified in section 272.2, subsection 14, or in rules adopted
7 by the board ~~of educational examiners~~.
8 3. A certificate issued pursuant to this section shall
9 not be considered a teacher or administrator license for any
10 purpose specified by law, including the purposes specified
11 under this ~~chapter~~ part or chapter 279.
12 Sec. 2599. Section 272.20, Code 2023, is amended to read as
13 follows:
14 **272.20 National certification.**
15 The board ~~of educational examiners~~ shall review the
16 standards for teacher's certificates adopted by the national
17 board for professional teaching standards, a nonprofit
18 corporation created as a result of recommendations of the
19 task force on teaching as a profession of the Carnegie
20 forum on education and the economy. In those cases in
21 which the standards required by the national board for an
22 Iowa endorsement or license meet or exceed the requirements
23 contained in rules adopted under this ~~chapter~~ part for that
24 endorsement or license, the board ~~of educational examiners~~
25 shall issue endorsements or licenses to holders of certificates
26 issued by the national board who request the endorsement or
27 license.
28 Sec. 2600. Section 272.28, subsection 2, Code 2023, is
29 amended to read as follows:
30 2. A teacher from an accredited nonpublic school or another
31 state or country is exempt from the requirement of subsection 1
32 if the teacher can document three years of successful teaching

33 experience and meet or exceed the requirements contained in
34 rules adopted under this ~~chapter~~ part for endorsement and
35 licensure.
1 Sec. 2601. Section 272.29, Code 2023, is amended to read as
2 follows:
3 **272.29 Annual administrative rules review —— triennial**
4 **report.**
5 The executive director of the board shall annually review
6 the administrative rules adopted pursuant to this ~~chapter~~ part
7 and related state laws. The executive director shall submit
8 the executive director's findings and recommendations in a
9 report every three years to the board and the general assembly
10 by January 15.
11 Sec. 2602. Section 272C.15, subsection 1, Code 2023, is
12 amended to read as follows:
13 1. Notwithstanding any other provision of law to the
14 contrary, except for chapter ~~272~~ 256, subchapter VII, part 3, a
15 person's conviction of a crime may be grounds for the denial,
16 revocation, or suspension of a license only if an unreasonable
17 risk to public safety exists because the offense directly
18 relates to the duties and responsibilities of the profession
19 and the appropriate licensing board, agency, or department does
20 not grant an exception pursuant to subsection 4.
21 Sec. 2603. Section 273.3, subsections 11 and 25, Code 2023,
22 are amended to read as follows:
23 11. Employ personnel to carry out the functions of the
24 area education agency which shall include the employment of an
25 administrator who shall possess a license issued under chapter
26 ~~272~~ 256, subchapter VII, part 3. The administrator shall
27 be employed pursuant to section 279.20 and sections 279.23,
28 279.24, and 279.25. The salary for an area education agency
29 administrator shall be established by the board based upon
30 the previous experience and education of the administrator.
31 Section 279.13 applies to the area education agency board
32 and to all teachers employed by the area education agency.

33 Sections 279.23, 279.24, and 279.25 apply to the area education
34 board and to all administrators employed by the area education
35 agency. Section 279.69 applies to the area education agency
1 board and employees of the board, including part-time,
2 substitute, or contract employees, who provide services to a
3 school or school district.
4 25. Require, by July 1, 2024, any person employed by
5 the area education agency who holds a license, certificate,
6 statement of recognition, or authorization other than a
7 coaching authorization, issued by the board of educational
8 examiners under chapter ~~272~~ 256, subchapter VII, part 3, to
9 complete the Iowa reading research center dyslexia overview
10 module. Such persons employed after July 1, 2024, shall
11 complete the module within one year of the employee's initial
12 date of hire.
13 Sec. 2604. Section 279.13, subsection 1, paragraph b,
14 subparagraph (1), Code 2023, is amended to read as follows:
15 (1) Prior to entering into an initial contract with a
16 teacher who holds a license other than an initial license
17 issued by the board of educational examiners under chapter ~~272~~
18 256, subchapter VII, part 3, the school district shall initiate
19 a state criminal history record check of the applicant through
20 the division of criminal investigation of the department of
21 public safety, submit the applicant's fingerprints to the
22 division for submission to the federal bureau of investigation
23 for a national criminal history record check, and review the
24 sex offender registry information under section 692A.121
25 available to the general public, the central registry for
26 child abuse information established under section 235A.14, and
27 the central registry for dependent adult abuse information
28 established under section 235B.5 for information regarding the
29 applicant for employment as a teacher.
30 Sec. 2605. Section 279.19B, subsection 1, paragraph a,
31 unnumbered paragraph 1, Code 2023, is amended to read as
32 follows:

33 The board of directors of a school district may employ for
34 head coach of any interscholastic athletic activities or for
35 assistant coach of any interscholastic athletic activity, an
1 individual who possesses a coaching authorization issued by the
2 board of educational examiners or possesses a teaching license
3 with a coaching endorsement issued pursuant to chapter ~~272~~ 256,
4 subchapter VII, part 3. However, a board of directors of a
5 school district shall consider applicants with qualifications
6 described below, in the following order of priority:
7 Sec. 2606. Section 279.50A, subsection 1, paragraph a, Code
8 2023, is amended to read as follows:
9 *a.* The school district has made every reasonable and
10 good faith effort to employ a teacher licensed under chapter
11 ~~272~~ 256, subchapter VII, part 3, for the unit of science or
12 mathematics, as applicable, and is unable to employ such a
13 teacher. For purposes of this subsection, *"good faith effort"*
14 means the same as defined in section 279.19A, subsection 9.
15 Sec. 2607. Section 279.72, Code 2023, is amended to read as
16 follows:
17 **279.72 Training on dyslexia.**
18 By July 1, 2024, the board of directors of a school
19 district shall require all persons employed by the school
20 district who hold a teaching license with an endorsement
21 for prekindergarten, prekindergarten or elementary special
22 education, or prekindergarten through grade three levels
23 issued under chapter ~~272~~ 256, subchapter VII, part 3, all
24 practitioners and paraprofessionals assigned as Title I
25 teachers and Title I paraprofessionals under the federal Every
26 Student Succeeds Act, Pub. L. No. 114-95, and all practitioners
27 endorsed to teach English as a second language to complete the
28 Iowa reading research center dyslexia overview module. Such
29 persons employed by the school district after July 1, 2024,
30 shall complete the module within one year of the employee's
31 initial date of hire.
32 Sec. 2608. Section 279.73, subsection 2, Code 2023, is

33 amended to read as follows:
34 2. If the board of directors of the school district or
35 a court finds that an employee of the school district who
1 holds a license, certificate, statement of recognition, or
2 authorization issued by the board of educational examiners
3 under chapter ~~272~~ 256, subchapter VII, part 3, discriminated
4 against a student or employee in violation of this section,
5 the employee found to be in violation under this section shall
6 be subject to a hearing conducted by the board of educational
7 examiners pursuant to section 272.2, subsection 14, which may
8 result in disciplinary action and the employee's employment may
9 be terminated.
10 Sec. 2609. Section 284.2, subsections 1, 7, and 11, Code
11 2023, are amended to read as follows:
12 1. *"Beginning teacher"* means an individual serving under
13 an initial or intern license, issued under chapter ~~272~~ 256,
14 subchapter VII, part 3, who is assuming a position as a
15 teacher. *"Beginning teacher"* includes an individual who is
16 an initial teacher. For purposes of the beginning teacher
17 mentoring and induction program created pursuant to section
18 284.5, *"beginning teacher"* also includes preschool teachers
19 who are licensed under chapter ~~272~~ 256, subchapter VII, part
20 3, and are employed by a school district or area education
21 agency. *"Beginning teacher"* does not include a teacher whose
22 employment with a school district or area education agency is
23 probationary unless the teacher is serving under an initial or
24 teacher intern license issued under chapter ~~272~~ 256, subchapter
25 VII, part 3.
26 7. *"Mentor"* means an individual employed by a school
27 district or area education agency as a teacher or a retired
28 teacher who holds a valid license issued under chapter ~~272~~ 256,
29 subchapter VII, part 3. The individual must have a record of
30 three years of successful teaching practice, must be employed
31 on a nonprobationary basis, and must demonstrate professional
32 commitment to both the improvement of teaching and learning and

33 the development of beginning teachers.
34 11. *"Teacher"* means an individual who holds a practitioner's
35 license issued under chapter ~~272~~ 256, subchapter VII, part
1 3, or a statement of professional recognition issued under
2 chapter ~~272~~ 256, subchapter VII, part 3, who is employed in
3 a nonadministrative position by a school district or area
4 education agency pursuant to a contract issued by a board of
5 directors under section 279.13. A teacher may be employed in
6 both an administrative and a nonadministrative position by a
7 board of directors and shall be considered a part-time teacher
8 for the portion of time that the teacher is employed in a
9 nonadministrative position.
10 Sec. 2610. Section 284.10, subsection 2, Code 2023, is
11 amended to read as follows:
12 2. An administrator licensed under chapter ~~272~~ 256,
13 subchapter VII, part 3, who conducts evaluations of teachers
14 for purposes of this chapter shall complete the evaluator
15 training program. A practitioner licensed under chapter ~~272~~
16 256, subchapter VII, part 3, who is not an administrator
17 may enroll in the evaluator training program. Enrollment
18 preference shall be given to administrators. Upon successful
19 completion, the provider shall certify that the administrator
20 or other practitioner is qualified to conduct evaluations
21 for employment, make recommendations for licensure, and make
22 recommendations that a teacher is qualified to advance from one
23 career path level to the next career path level pursuant to
24 this chapter. Certification is for a period of five years and
25 may be renewed.
26 Sec. 2611. Section 284.15, subsection 2, paragraph a,
27 subparagraph (1), Code 2023, is amended to read as follows:
28 (1) The salary for an initial teacher who has successfully
29 completed an approved practitioner preparation program as
30 defined in section 272.1 or holds an initial or intern teacher
31 license issued under chapter ~~272~~ 256, subchapter VII, part 3,
32 shall be at least thirty-three thousand five hundred dollars,

33 which shall also constitute the minimum salary for an Iowa
34 teacher.
35 Sec. 2612. Section 284.15, subsection 2, paragraph b,
1 unnumbered paragraph 1, Code 2023, is amended to read as
2 follows:
3 A career teacher is a teacher who holds a statement of
4 professional recognition issued under chapter ~~272~~ 256,
5 subchapter VII, part 3, or who meets all of the following
6 requirements:
7 Sec. 2613. Section 284.15, subsection 2, paragraph b,
8 subparagraph (2), Code 2023, is amended to read as follows:
9 (2) Holds a valid license issued under chapter ~~272~~ 256,
10 subchapter VII, part 3.
11 Sec. 2614. Section 284.15, subsection 2, paragraphs d and e,
12 Code 2023, are amended to read as follows:
13 *d. Mentor teacher.* A mentor teacher is a teacher who
14 is evaluated by the school district as demonstrating the
15 competencies and superior teaching skills of a mentor teacher,
16 and has been recommended for a one-year assignment as a mentor
17 teacher by a site-based review council appointed pursuant to
18 subsection 4. In addition, a mentor teacher shall hold a
19 valid license issued under chapter ~~272~~ 256, subchapter VII,
20 part 3, participate in teacher professional development as
21 outlined in this chapter, demonstrate continuous improvement in
22 teaching, and possess the skills and qualifications to assume
23 leadership roles. A mentor teacher shall have a teaching load
24 of not more than seventy-five percent student instruction to
25 allow the teacher to mentor other teachers. A school district
26 shall designate at least ten percent of its teachers as mentor
27 teachers, though the district may enter into an agreement with
28 one or more other districts or an area education agency to meet
29 this requirement through a collaborative arrangement. The
30 terms of the teaching contracts issued under section 279.13 to
31 mentor teachers shall exceed by ten days the terms of teaching
32 contracts issued under section 279.13 to career teachers, and

33 the ten additional contract days shall be used to strengthen
34 instructional leadership in accordance with this subsection. A
35 mentor teacher shall receive annually a salary supplement of
1 at least five thousand dollars.
2 *e. Lead teacher.* A lead teacher is a teacher who holds a
3 valid license issued under chapter ~~272~~ 256, subchapter VII,
4 part 3, and has been recommended for a one-year assignment
5 as a lead teacher by a site-based review council appointed
6 pursuant to subsection 4. The recommendation from the council
7 must assert that the teacher possesses superior teaching
8 skills and the ability to lead adult learners. A lead
9 teacher shall assume leadership roles that may include but
10 are not limited to the planning and delivery of professional
11 development activities designed to improve instructional
12 strategies; the facilitation of an instructional leadership
13 team within the lead teacher's building, school district, or
14 other school districts; the mentoring of other teachers; and
15 participation in the evaluation of student teachers. A lead
16 teacher shall have a teaching load of not more than fifty
17 percent student instruction to allow the lead teacher to spend
18 time on co-teaching; co-planning; peer reviews; observing
19 career teachers, model teachers, and mentor teachers; and other
20 duties mutually agreed upon by the superintendent and the lead
21 teacher. A school district shall designate at least five
22 percent of its teachers as lead teachers, though the district
23 may enter into an agreement with one or more other districts
24 or an area education agency to meet this requirement through a
25 collaborative arrangement. The terms of the teaching contracts
26 issued under section 279.13 to lead teachers shall exceed by
27 fifteen days the terms of teaching contracts issued under
28 section 279.13 to career teachers, and the fifteen additional
29 contract days shall be used to strengthen instructional
30 leadership in accordance with this subsection. A lead teacher
31 shall receive annually a salary supplement of at least ten
32 thousand dollars.

33 Sec. 2615. Section 284.16, subsection 1, paragraph a,
34 subparagraphs (1) and (2), Code 2023, are amended to read as
35 follows:
1 (1) Has successfully completed an approved practitioner
2 preparation program as defined in section 272.1 or holds an
3 intern teacher license issued under chapter ~~272~~ 256, subchapter
4 VII, part 3.
5 (2) Holds an initial or intern teacher license issued under
6 chapter ~~272~~ 256, subchapter VII, part 3.
7 Sec. 2616. Section 284.16, subsection 1, paragraph b,
8 unnumbered paragraph 1, Code 2023, is amended to read as
9 follows:
10 A career teacher is a teacher who holds a statement
11 of professional recognition issued under chapter ~~272~~
12 256, subchapter VII, part 3, or who meets the following
13 requirements:
14 Sec. 2617. Section 284.16, subsection 1, paragraph b,
15 subparagraph (3), Code 2023, is amended to read as follows:
16 (3) Holds a valid license issued under chapter ~~272~~ 256,
17 subchapter VII, part 3.
18 Sec. 2618. Section 284A.2, subsections 1, 2, and 7, Code
19 2023, are amended to read as follows:
20 1. *"Administrator"* means an individual holding a
21 professional administrator license issued under chapter ~~272~~
22 256, subchapter VII, part 3, who is employed in a school
23 district administrative position by a school district or area
24 education agency pursuant to a contract issued by a board of
25 directors under section 279.23 and is engaged in instructional
26 leadership. An administrator may be employed in both an
27 administrative and a nonadministrative position by a board of
28 directors and shall be considered a part-time administrator
29 for the portion of time that the individual is employed in an
30 administrative position.
31 2. *"Beginning administrator"* means an individual serving
32 under an administrator license, issued by the board of

33 educational examiners under chapter ~~272~~ 256, subchapter VII,
34 part 3, who is assuming a position as a school district
35 principal or superintendent for the first time.
1 7. *"Mentor"* means an individual employed by a school
2 district or area education agency as a school district
3 administrator or a retired administrator who holds a valid
4 license issued under chapter ~~272~~ 256, subchapter VII, part 3.
5 The individual must have a record of four years of successful
6 administrative experience and must demonstrate professional
7 commitment to both the improvement of teaching and learning and
8 the development of beginning administrators.
9 Sec. 2619. Section 284A.6, subsection 2, Code 2023, is
10 amended to read as follows:
11 2. In cooperation with the administrator's evaluator, the
12 administrator who has a professional administrator license
13 issued by the board of educational examiners pursuant to
14 chapter ~~272~~ 256, subchapter VII, part 3, and is employed
15 by a school district or area education agency in a school
16 district administrative position shall develop an individual
17 administrator professional development plan. The purpose
18 of the plan is to promote individual and group professional
19 development. The individual plan shall be based, at a minimum,
20 on the needs of the administrator, the Iowa standards for
21 school administrators adopted pursuant to section 256.7,
22 subsection 27, and the student achievement goals of the
23 attendance center and the school district as outlined in the
24 comprehensive school improvement plan.
25 Sec. 2620. Section 284A.7, Code 2023, is amended to read as
26 follows:
27 **284A.7 Evaluation requirements for administrators.**
28 A school district shall conduct an annual evaluation of an
29 administrator who holds a professional administrator license
30 issued under chapter ~~272~~ 256, subchapter VII, part 3, for
31 purposes of assisting the administrator in making continuous
32 improvement, documenting continued competence in the Iowa

33 standards for school administrators adopted pursuant to
34 section 256.7, subsection 27, or to determine whether the
35 administrator's practice meets school district expectations.
1 The evaluation shall include, at a minimum, an assessment of
2 the administrator's competence in meeting the Iowa standards
3 for school administrators and the goals of the administrator's
4 individual professional development plan, including supporting
5 documentation or artifacts aligned to the Iowa standards for
6 school administrators and the individual administrator's
7 professional development plan.
8 Sec. 2621. Section 299A.2, Code 2023, is amended to read as
9 follows:
10 **299A.2 Competent private instruction by licensed**
11 **practitioner.**
12 If a licensed practitioner provides competent instruction
13 to a school-age child, the practitioner shall possess a valid
14 license or certificate which has been issued by the state board
15 of educational examiners under chapter ~~272~~ 256, subchapter VII,
16 part 3, and which is appropriate to the ages and grade levels
17 of the children to be taught. Competent private instruction
18 may include but is not limited to a home school assistance
19 program which provides instruction or instructional supervision
20 offered through an accredited nonpublic school or public school
21 district by a teacher, who is employed by the accredited
22 nonpublic school or public school district, who assists and
23 supervises a parent, guardian, or legal custodian in providing
24 instruction to a child. If competent private instruction is
25 provided through a public school district, the child shall be
26 enrolled and included in the basic enrollment of the school
27 district as provided in section 257.6. Sections 299A.3 through
28 299A.7 do not apply to competent private instruction provided
29 by a licensed practitioner under this section. However, the
30 reporting requirement contained in section 299A.3, subsection
31 1, shall apply to competent private instruction provided by
32 licensed practitioners that is not part of a home school

33 assistance program offered through an accredited nonpublic
34 school or public school district.
35 Sec. 2622. Section 622.10, subsection 8, Code 2023, is
1 amended to read as follows:
2 8. A qualified school guidance counselor, who is licensed
3 by the board of educational examiners under chapter ~~272~~ 256,
4 subchapter VII, part 3, and who obtains information by reason
5 of the counselor's employment as a qualified school guidance
6 counselor, shall not be allowed, in giving testimony, to
7 disclose any confidential communications properly entrusted
8 to the counselor by a pupil or the pupil's parent or guardian
9 in the counselor's capacity as a qualified school guidance
10 counselor and necessary and proper to enable the counselor to
11 perform the counselor's duties as a qualified school guidance
12 counselor.
13 Sec. 2623. Section 709.15, subsection 1, paragraph g,
14 subparagraph (1), subparagraph divisions (a) and (b), Code
15 2023, are amended to read as follows:
16 (a) A person who holds a license, certificate, or statement
17 of professional recognition issued under chapter ~~272~~ 256,
18 subchapter VII, part 3.
19 (b) A person who holds an authorization issued under chapter
20 ~~272~~ 256, subchapter VII, part 3.
21 Sec. 2624. Section 714.19, subsection 4, Code 2023, is
22 amended to read as follows:
23 4. Private and nonprofit elementary or secondary schools
24 recognized by the department of education or the board of
25 directors of a school district for the purpose of complying
26 with chapter 299 and employing teachers licensed under chapter
27 ~~272~~ 256, subchapter VII, part 3.
28 Sec. 2625. CODE EDITOR DIRECTIVE.
29 1. The Code editor is directed to make the following
30 transfers:
31 a. Section 272.1 to section 256.145.
32 b. Section 272.2 to section 256.146.

33 c. Section 272.3 to section 256.147.
34 d. Section 272.4 to section 256.148.
35 e. Section 272.5 to section 256.149.
1 f. Section 272.6 to section 256.150.
2 g. Section 272.7 to section 256.151.
3 h. Section 272.8 to section 256.152.
4 i. Section 272.9 to section 256.153.
5 j. Section 272.9A to section 256.154.
6 k. Section 272.10 to section 256.155.
7 l. Section 272.11 to section 256.156.
8 m. Section 272.12 to section 256.157.
9 n. Section 272.13 to section 256.158.
10 o. Section 272.14 to section 256.159.
11 p. Section 272.15 to section 256.160.
12 q. Section 272.16 to section 256.161.
13 r. Section 272.20 to section 256.162.
14 s. Section 272.28 to section 256.163.
15 t. Section 272.29 to section 256.164.
16 u. Section 272.31 to section 256.165.
17 2. The Code editor shall correct internal references in the
18 Code and in any enacted legislation as necessary due to the
19 enactment of this section.
20 3. The Code editor may designate sections 256.145 through
21 256.165, as enacted in this division of this Act, as new part 3
22 entitled "Board of Educational Examiners" within the subchapter
23 entitled "Higher Education Division" as enacted by another
24 division of this Act.
25 Sec. 2626. TRANSITION PROVISIONS.
26 1. Any license, certificate, or authorization issued by
27 the board of education examiners pursuant to chapter 272 prior
28 to the effective date of this division of this Act is valid
29 and shall continue as provided in the terms of the license,
30 certificate, or authorization.
31 2. Federal funds utilized by the board of educational
32 examiners prior to the effective date of this division of this

Act to employ personnel necessary for the administration of the board of educational examiners' programs shall be applied to and be available for the transfer of such personnel from the board of educational examiners to the higher education division of the department of education.

Sec. 2627. APPLICABILITY. This division of this Act applies to individuals appointed as the executive director of the board of educational examiners before, on, or after the effective date of this division of this Act.

COLLEGE STUDENT AID COMMISSION

Sec. 2628. Section 8A.504, subsection 1, paragraph d, subparagraph (2), Code 2023, is amended to read as follows:

(2) An amount that is due because of a default on a loan under chapter ~~261~~ 256, subchapter VII, part 4.

Sec. 2629. Section 8A.504, subsection 4, Code 2023, is amended to read as follows:

4. The director shall have the authority to enter into reciprocal agreements with the departments of revenue of other states that have enacted legislation that is substantially equivalent to the setoff procedure provided in this section for the recovery of an amount due because of a default on a loan under chapter ~~261~~ 256, subchapter VII, part 4. A reciprocal agreement shall also be approved by the college student aid commission. The agreement shall authorize the department to provide by rule for the setoff of state income tax refunds or rebates of defaulters from states with which Iowa has a reciprocal agreement and to provide for sending lists of names of Iowa defaulters to the states with which Iowa has a reciprocal agreement for setoff of that state's income tax refunds.

Sec. 2630. Section 261.1, subsection 1, Code 2023, is amended to read as follows:

1. There is hereby created within the higher education division of the department a commission to be known as the *"College Student Aid Commission"* of the state of Iowa.

Sec. 2631. Section 261.1, subsection 2, paragraphs a and b, Code 2023, are amended to read as follows:

a. A member of the state board of regents to be named by the state board of regents, or the executive director of the state board of regents if so appointed by the state board of regents, who shall serve for a four-year term or until the expiration of the member's term of office.

b. The director of the department ~~of education~~ or the director's designee.

Sec. 2632. Section 261.1, subsection 4, paragraph a, Code 2023, is amended to read as follows:

a. Vacancies on the commission shall be filled for the unexpired term of such vacancies, if applicable, in the same manner as the original appointment.

Sec. 2633. Section 261.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The director shall appoint an executive director of the commission. The director shall set the salary of the executive director.

Sec. 2634. Section 261.2, subsection 2, Code 2023, is amended to read as follows:

2. Administer the tuition grant program under this ~~chapter~~ part.

Sec. 2635. Section 261.3, Code 2023, is amended to read as follows:

261.3 Organization — bylaws.

~~1. The commission is an autonomous state agency which is attached to the department of education for organizational purposes only.~~

~~2.~~ 1. The commission, under the authority of the higher education division of the department, shall ~~determine its own organization,~~ draw up its own bylaws, adopt rules under chapter 17A, and do such other things as may be necessary and incidental in the administration of this ~~chapter~~ part, including the housing~~, employment,~~ and fixing the ~~compensation~~

33 ~~and~~ bond of persons required to carry out its functions and
34 responsibilities. A decision of the commission is final agency
35 action under chapter 17A.
1 ~~3.~~ 2. The commission shall function at the seat of
2 government or such other place as ~~it~~ the commission might
3 designate.
4 Sec. 2636. Section 261.5, subsection 2, unnumbered
5 paragraph 1, Code 2023, is amended to read as follows:
6 Notwithstanding any other provision of this ~~chapter~~ part, in
7 the event of a national emergency declared by the president of
8 the United States by reason of terrorist attack, the commission
9 may waive or modify any statutory or regulatory provision
10 applicable to state financial aid programs established pursuant
11 to this ~~chapter~~ part to ensure, with regard to affected
12 individuals, that the following occurs:
13 Sec. 2637. Section 261.5, subsection 3, Code 2023, is
14 amended to read as follows:
15 3. Notwithstanding any other provision of this ~~chapter~~
16 part, in the event of a national emergency declared by the
17 president of the United States by reason of terrorist attack,
18 the commission may grant temporary relief from requirements
19 rendered infeasible or unreasonable, including due diligence
20 requirements and reporting deadlines, by the national
21 emergency, to an institution of higher education under the
22 state board of regents, a community college, an accredited
23 private institution as defined in section 261.9, eligible
24 lenders, and other entities participating in the state student
25 assistance programs in accordance with this ~~chapter~~ part, that
26 are located in, or whose operations are directly affected
27 by, areas that are declared disaster areas by any federal,
28 state, or local official in connection with the national
29 emergency. If the commission issues a waiver in accordance
30 with this section, the report prepared by the commission
31 pursuant to section 17A.9A, subsection 5, shall include
32 examples of measures that a postsecondary institution may take

in the appropriate exercise of discretion, as provided in 20 U.S.C. §1087tt, to adjust financial need and aid eligibility determinations for affected individuals.

Sec. 2638. Section 261.9, unnumbered paragraph 1, Code 2023, is amended to read as follows:

When used in this ~~subchapter~~ subpart, unless the context otherwise requires:

Sec. 2639. Section 261.9, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Is accredited by the higher learning commission, is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and annually provides a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received in a fiscal year by the institution's students for Iowa tuition grant assistance under this ~~chapter~~ part. Commencing with the fiscal year beginning July 1, 2006, the matching aggregate amount of institutional financial aid shall increase by the percentage of increase each fiscal year of funds appropriated for Iowa tuition grants under section 261.25, subsection 1, to a maximum match of one hundred percent. The institution shall file annual reports with the commission prior to receipt of tuition grant moneys under this ~~chapter~~ part. An institution whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant money in the fiscal year beginning July 1, 2003, shall meet the match requirements of this paragraph no later than June 30, 2005.

Sec. 2640. Section 261.9, subsection 8, Code 2023, is amended to read as follows:

8. *"Tuition grant"* means an award by the state of Iowa to a qualified student under this ~~subchapter~~ subpart.

Sec. 2641. Section 261.15, subsection 2, Code 2023, is amended to read as follows:

2. Adopt rules and regulations for determining financial

need, defining tuition and mandatory fees, defining residence for the purposes of this ~~subchapter~~ subpart, processing and approving applications for tuition grants, and determining priority of grants. The commission may provide for proration of funds if the available funds are insufficient to pay all approved grants. Such proration shall take primary account of the financial need of the applicant. In determining who is a resident of Iowa, the commission's rules shall be at least as restrictive as those of the board of regents.

Sec. 2642. Section 261.16A, subsection 7, Code 2023, is amended to read as follows:

7. *Reports to commission.* An eligible institution shall file annual reports with the commission, as required by the commission and under section 261.9, prior to receipt of tuition grant moneys under this ~~chapter~~ part.

Sec. 2643. Section 261.17, subsection 5, Code 2023, is amended to read as follows:

5. A vocational-technical tuition grant shall be awarded on an annual basis, requiring reapplication by the student for each year. Payments under the grant shall be allocated equally among the semesters or quarters of the year upon certification by the institution that the student is in full-time or part-time attendance in a vocational-technical or career option program, as defined under rules of the department ~~of education~~. If the student discontinues attendance before the end of any term after receiving payment of the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the institution to the state.

Sec. 2644. Section 261.20, subsection 1, Code 2023, is amended to read as follows:

1. A scholarship and tuition grant reserve fund is created to assure that financial assistance will be available to all students who are awarded scholarships or tuition grants through programs funded under this ~~chapter~~ part. The fund is created

as a separate fund in the state treasury, and moneys in the fund shall not revert to the general fund unless, and then only to the extent that, the funds exceed the maximum allowed balance.

Sec. 2645. Section 261.35, unnumbered paragraph 1, Code 2023, is amended to read as follows:

As used in this ~~subchapter~~ subpart, unless the context otherwise requires:

Sec. 2646. Section 261.36, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The commission shall have necessary powers to carry out its purposes and duties under this ~~subchapter~~ subpart, including but not limited to the power to:

Sec. 2647. Section 261.37, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The duties of the commission under this ~~subchapter~~ subpart shall be as follows:

Sec. 2648. Section 261.37, subsections 5 and 7, Code 2023, are amended to read as follows:

5. To adopt rules pursuant to chapter 17A to implement the provisions of this ~~subchapter~~ subpart, including establishing standards for educational institutions, lenders, and individuals to become eligible institutions, lenders, and borrowers. Notwithstanding any contrary provisions in chapter 537, the rules and standards established shall be consistent with the requirements provided in the Higher Education Act of 1965.

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of administrative services to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a loan made under this ~~subchapter~~ subpart. The commission shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the student loan setoff program as

33 established under section 8A.504. The commission shall apply
34 administrative wage garnishment procedures authorized under the
35 federal Higher Education Act of 1965, as amended and codified
1 in 20 U.S.C. §1071 et seq., for all delinquent loans, including
2 loans authorized under section 261.38, when a defaulter who is
3 financially capable of paying fails to voluntarily enter into a
4 reasonable payment agreement. In no case shall the commission
5 garnish more than the amount authorized by federal law for
6 all loans being collected by the commission, including those
7 authorized under section 261.38.
8 Sec. 2649. Section 261.42, Code 2023, is amended to read as
9 follows:
10 **261.42 Short title.**
11 This ~~subchapter~~ subpart shall be known and may be cited as
12 the *"Iowa Guaranteed Loan Program"*.
13 Sec. 2650. Section 261.43A, Code 2023, is amended to read
14 as follows:
15 **261.43A Security interest in education loans.**
16 A nonprofit organization qualifying for tax-exempt status
17 under the Internal Revenue Code, as defined in section 422.3,
18 that provides or acquires education loans in the organization's
19 normal course of business shall, notwithstanding any contrary
20 provision of chapter 554 or other state law, establish and
21 perfect a security interest and establish priority over other
22 security interests in such education loans by filing in the
23 same manner as provided for perfecting a security interest in
24 a student loan pursuant to 20 U.S.C. §1082(m)(1)(E). This
25 section applies to education loans provided under this ~~chapter~~
26 part by such nonprofit organizations and other education loans
27 provided by such nonprofit organizations.
28 Sec. 2651. Section 261.87, subsection 1, unnumbered
29 paragraph 1, Code 2023, is amended to read as follows:
30 As used in this ~~subchapter~~ subpart, unless the context
31 otherwise requires:
32 Sec. 2652. Section 261.102, subsection 7, Code 2023, is

33 amended to read as follows:
34 7. *"Program"* means the Iowa minority academic grants
35 for economic success program established in this ~~subchapter~~
1 subpart.
2 Sec. 2653. Section 261.110, subsections 1 and 5, Code 2023,
3 are amended to read as follows:
4 1. A teach Iowa scholar program is established to provide
5 teach Iowa scholar grants to selected high-caliber teachers.
6 ~~The commission shall administer the program in collaboration~~
7 ~~with the department of education.~~
8 5. The commission~~, in collaboration with the department~~
9 ~~of education,~~ shall adopt rules pursuant to chapter 17A to
10 administer this section. The rules shall include but shall not
11 be limited to a process for use by the commission to determine
12 which eligible applicants will receive teach Iowa scholar
13 grants.
14 Sec. 2654. Section 261.110, subsection 3, paragraph a, Code
15 2023, is amended to read as follows:
16 *a.* The applicant was in the top twenty-five percent
17 academically of students exiting a teacher preparation program
18 approved by the state board ~~of education~~ pursuant to section
19 256.7, subsection 3, or a similar teacher preparation program
20 in another state, or had earned other comparable academic
21 credentials.
22 Sec. 2655. Section 261.111, subsection 2, Code 2023, is
23 amended to read as follows:
24 2. The director ~~of the department of education~~ shall
25 annually designate the areas in which teacher shortages are
26 anticipated. The director shall periodically conduct a survey
27 of school districts, accredited nonpublic schools, and approved
28 practitioner preparation programs to determine current shortage
29 areas and predict future shortage areas.
30 Sec. 2656. Section 261.112, subsections 1 and 2, Code 2023,
31 are amended to read as follows:
32 1. A teacher shortage loan forgiveness program is

33 established to be administered by the commission. A teacher
34 is eligible for the program if the teacher is practicing in
35 a teacher shortage area as designated by the department ~~of~~
1 ~~education~~ pursuant to subsection 2. A person is ineligible
2 for this program if the person receives a grant under section
3 261.110 or a forgivable loan under section 261.111. For
4 purposes of this section, *"teacher"* means an individual holding
5 a practitioner's license issued under ~~chapter 272~~ part 3, who
6 is employed in a nonadministrative position in a designated
7 shortage area by a school district or area education agency
8 pursuant to a contract issued by a board of directors under
9 section 279.13.
10 2. The director ~~of the department of education~~ shall
11 annually designate the geographic or subject areas experiencing
12 teacher shortages. The director shall periodically conduct a
13 survey of school districts, accredited nonpublic schools, and
14 approved practitioner preparation programs to determine current
15 shortage areas.
16 Sec. 2657. Section 261.130, subsection 2, Code 2023, is
17 amended to read as follows:
18 2. Skilled workforce shortage tuition grants shall be
19 awarded only to students pursuing a career-technical or career
20 option program in an industry identified as having a shortage
21 of skilled workers by a community college after conducting a
22 regional skills gap analysis or as being a high-demand job by
23 the department of workforce development in the ~~department's~~
24 department of workforce development's most recent list of
25 high-demand jobs. If a community college no longer identifies
26 the industry as having a shortage of skilled workers or the
27 department of workforce development no longer identifies the
28 industry as a high-demand job, an eligible student who received
29 a grant for a career-technical or career option program based
30 on that identification shall continue to receive the grant
31 until achieving a postsecondary credential, up to an associate
32 degree, as long as the student is continuously enrolled in

that program and continues to meet all other eligibility requirements.

Sec. 2658. Section 261.131, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. "Approved state-recognized work-based learning program" means a structured educational and training program that includes authentic worksite training and is approved by the department ~~of education~~ according to a process established under rules adopted pursuant to section 256.7, subsection 34.

Sec. 2659. Section 261.132, subsection 1, paragraph c, Code 2023, is amended to read as follows:

c. "Eligible program" means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with the eligible institution, that leads to a bachelor's degree aligned with a high-demand job designated by the workforce development board pursuant to section 84A.1B, subsection 14. If the department of workforce development removes a high-demand job from the list created under section 84A.1B, subsection 14, an eligible student who received a grant for a program based on that high-demand job shall continue to receive the grant until achieving a bachelor's degree as long as the student continues to meet all other eligibility requirements.

Sec. 2660. Section 261B.11A, subsection 1, Code 2023, is amended to read as follows:

1. Students attending schools required to register under this chapter are ineligible for state student financial aid programs established under chapter ~~261~~ 256, subchapter VII, part 4.

Sec. 2661. Section 261F.1, subsection 5, paragraph e, Code 2023, is amended to read as follows:

e. State education grants, scholarships, or financial aid funds administered under chapter ~~261~~ 256, subchapter VII, part 4.

Sec. 2662. Section 261G.4, subsections 1, 2, and 5, Code

33 2023, are amended to read as follows:
34 1. Notwithstanding any other provision of law to the
35 contrary, a participating nonresident institution shall not
1 be required to register under chapter 261B or to comply with
2 the registration and disclosure requirements of chapter ~~261~~
3 256, subchapter VII, part 4, or chapter 261B or section 714.17,
4 subsections 2 and 3, or sections 714.18, 714.20, 714.21, and
5 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or
6 section 714.25, if the provisions of an interstate reciprocity
7 agreement prohibit such registration or compliance.
8 2. Notwithstanding any other provision of law to the
9 contrary, a participating resident institution shall be
10 required to register under chapter 261B or to comply with the
11 registration and disclosure requirements of chapter ~~261~~ 256,
12 subchapter VII, part 4, or chapter 261B or section 714.17,
13 subsections 2 and 3, or sections 714.18, 714.20, 714.21, and
14 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or
15 section 714.25, if the provisions of the interstate reciprocity
16 agreement require such registration or compliance.
17 5. Students attending a participating nonresident
18 institution are ineligible for state student financial aid
19 programs established under ~~chapter 261~~ 256, subchapter VII,
20 part 4.
21 Sec. 2663. CODE EDITOR DIRECTIVE.
22 1. The Code editor is directed to make the following
23 transfers:
24 a. Section 261.1 to section 256.176.
25 b. Section 261.2 to section 256.177.
26 c. Section 261.3 to section 256.178.
27 d. Section 261.4 to section 256.179.
28 e. Section 261.5 to section 256.180.
29 f. Section 261.7 to section 256.181.
30 g. Section 261.8 to section 256.182.
31 h. Section 261.9 to section 256.183.
32 i. Section 261.10 to section 256.184.

j. Section 261.11 to section 256.185.
k. Section 261.12 to section 256.186.
l. Section 261.13 to section 256.187.
m. Section 261.14 to section 256.188.
n. Section 261.15 to section 256.189.
o. Section 261.16 to section 256.190.
p. Section 261.16A to section 256.191.
q. Section 261.17 to section 256.192.
r. Section 261.20 to section 256.193.
s. Section 261.25 to section 256.194.
t. Section 261.35 to section 256.195.
u. Section 261.36 to section 256.196.
v. Section 261.37 to section 256.197.
w. Section 261.38 to section 256.198.
x. Section 261.42 to section 256.199.
y. Section 261.43 to section 256.200.
z. Section 261.43A to section 256.201.
aa. Section 261.62 to section 256.202.
ab. Section 261.71 to section 256.203.
ac. Section 261.72 to section 256.204.
ad. Section 261.73 to section 256.205.
ae. Section 261.81 to section 256.206.
af. Section 261.83 to section 256.207.
ag. Section 261.84 to section 256.208.
ah. Section 261.85 to section 256.209.
ai. Section 261.86 to section 256.210.
aj. Section 261.86A to section 256.211.
ak. Section 261.87 to section 256.212.
al. Section 261.101 to section 256.213.
am. Section 261.102 to section 256.214.
an. Section 261.103 to section 256.215.
ao. Section 261.104 to section 256.216.
ap. Section 261.105 to section 256.217.
aq. Section 261.110 to section 256.218.
ar. Section 261.111 to section 256.219.

as. Section 261.112 to section 256.220.
at. Section 261.113 to section 256.221.
au. Section 261.114 to section 256.222.
av. Section 261.115 to section 256.223.
aw. Section 261.116 to section 256.224.
ax. Section 261.117 to section 256.225.
ay. Section 261.120 to section 256.226.
az. Section 261.130 to section 256.227.
ba. Section 261.131 to section 256.228.
bb. Section 261.132 to section 256.229.

2. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

3. a. The Code editor may designate sections 256.176 through 256.229, as enacted in this division of this Act, as new part 4 entitled "College Student Aid Commission" within the subchapter entitled "Higher education division" as enacted by another division of this Act.

b. The Code editor shall designate sections 256.176 through 256.229 into the following subparts:

(1) Sections 256.176 through 256.182 shall be designated as subpart A and entitled "General Provisions".

(2) Sections 256.183 through 256.194 shall be designated as subpart B and entitled "Tuition Grants to Students".

(3) Sections 256.195 through 256.201 shall be designated as subpart C and entitled "Iowa Guaranteed Loan Program".

(4) Section 256.202 shall be designated as subpart D and entitled "Iowa State Fair Scholarship".

(5) Sections 256.203 through 256.205 shall be designated as subpart E and entitled "Chiropractic Graduate Student Forgivable Loan Program".

(6) Sections 256.206 through 256.209 shall be designated as subpart F and entitled "Work-Study Program".

(7) Sections 256.210 through 256.211 shall be designated as subpart G and entitled "National Guard Educational Assistance".

33 (8) Section 256.212 shall be designated as subpart H and
34 entitled "All Iowa Opportunity Scholarships".
35 (9) Sections 256.213 through 256.217 shall be designated as
1 subpart I and entitled "Minority Academic Grants for Economic
2 Success".
3 (10) Sections 256.218 through 256.220 shall be designated
4 as subpart J and entitled "Teach Iowa Scholar Grants and
5 Teacher Shortage Forgivable Loan and Loan Forgiveness
6 Programs".
7 (11) Sections 256.221 through 256.226 shall be designated
8 as subpart K and entitled "Other Loan Repayment and Forgiveness
9 Programs — Health Professions".
10 (12) Sections 256.227 through 256.229 shall be designated
11 as subpart L and entitled "Skilled Workforce Shortage Tuition
12 Grant Program".
13 Sec. 2664. TRANSITION PROVISIONS.
14 1. Any scholarship, loan, or grant awarded under a
15 program administered by the college student aid commission in
16 accordance with chapter 261 prior to the effective date of this
17 division of this Act is valid and shall continue as provided in
18 the terms of the scholarship, loan, or grant.
19 2. Federal funds utilized by the college student aid
20 commission prior to the effective date of this division of this
21 Act to employ personnel necessary for the administration of the
22 college student aid commission's programs shall be applied to
23 and be available for the transfer of such personnel from the
24 college student aid commission to the higher education division
25 of the department of education.
26 Sec. 2665. APPLICABILITY. This division of this Act
27 applies to individuals appointed as the executive director of
28 the college student aid commission before, on, or after the
29 effective date of this division of this Act.
30 COMMUNITY COLLEGES BUREAU
31 Sec. 2666. Section 256.9, subsection 36, Code 2023, is
32 amended by striking the subsection.

Sec. 2667. Section 260C.2, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *"Bureau"* means the community colleges bureau of the higher education division of the department established under section 260C.6.

NEW SUBSECTION. 001. *"Bureau chief"* means the bureau chief of the community colleges bureau of the higher education division of the department.

Sec. 2668. Section 260C.5, Code 2023, is amended to read as follows:

260C.5 ~~Duties of director~~ Community colleges bureau — duties of bureau chief.

The director shall appoint the bureau chief, and the bureau chief shall direct the work of the personnel as necessary to carry out this chapter. The bureau chief shall do all of the following:

1. Designate a community college as an "area career and technical education school" within the meaning of, and for the purpose of administering, the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006. A community college shall not be so designated by the ~~director~~ bureau chief for the expenditure of funds under 20 U.S.C. §2301 et seq., as amended, which has not been designated and classified as a community college by the state board.

2. Change boundaries of director districts in a merged area when the board fails to change boundaries as required by law.

3. Make changes in boundaries of merged areas with the approval of the board of directors of each merged area affected by the change. When the boundaries of a merged area are changed, the ~~director of the department of education~~ bureau chief may authorize the board of directors of the merged area to levy additional taxes upon the property within the merged area, or any part of the merged area, and distribute the taxes so that all parts of the merged area are paying their share toward the support of the college.

4. Administer, allocate, and disburse federal or state funds made available to pay a portion of the cost of acquiring sites for and constructing, acquiring, or remodeling facilities for community colleges, and establish priorities for the use of such funds.

5. Administer, allocate, and disburse federal or state funds available to pay a portion of the operating costs of community colleges.

6. Propose administrative rules to carry out this chapter subject to approval of the state board.

7. Enter into contracts with local school boards within the area that have and maintain a career and technical education program and with private schools or colleges in the cooperative or merged areas to provide courses or programs of study in addition to or as a part of the curriculum made available in the community college.

8. Make arrangements with boards of merged areas and local school districts to permit students attending high school to participate in career and technical education programs and advanced college placement courses and obtain credit for such participation for application toward the completion of a high school diploma. The granting of credit is subject to the approval of the ~~director of the department of education~~ bureau chief.

9. Prescribe a uniform system of accounting for community colleges.

10. Ensure that community colleges that provide intercollegiate athletics as a part of their program comply with section 216.9.

11. Develop an application and review process for approval of administrative and program sharing agreements between two or more community colleges or a community college and an institution of higher education under the board of regents entered into pursuant to section 260C.46.

Sec. 2669. Section 260C.6, Code 2023, is amended to read as

33 follows:

34 **260C.6 Community colleges ~~division in department~~ bureau in**
35 **the higher education division.**

1 A community colleges ~~division~~ bureau shall be established
2 within the higher education division of the department ~~of~~
3 ~~education~~. The ~~division~~ bureau shall exercise the powers and
4 perform the duties conferred by law upon the department with
5 respect to community colleges.

6 Sec. 2670. Section 260C.14, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. Have authority to determine tuition rates for
9 instruction. Tuition for residents of Iowa shall not exceed
10 the lowest tuition rate per semester, or the equivalent,
11 charged by an institution of higher education under the state
12 board of regents for a full-time resident student. However,
13 except for students enrolled under section 261E.6, if a local
14 school district pays tuition for a resident pupil of high
15 school age, the limitation on tuition for residents of Iowa
16 shall not apply, the amount of tuition shall be determined
17 by the board of directors of the community college with the
18 consent of the local school board, and the pupil shall not
19 be included in the full-time equivalent enrollment of the
20 community college for the purpose of computing general aid to
21 the community college. Tuition for nonresidents of Iowa shall
22 not be less than the marginal cost of instruction of a student
23 attending the college. A lower tuition for nonresidents may be
24 permitted under a reciprocal tuition agreement between a merged
25 area and an educational institution in another state, if the
26 agreement is approved by the ~~director~~ bureau chief. The board
27 may designate that a portion of the tuition moneys collected
28 from students be used for student aid purposes.

29 Sec. 2671. Section 260C.14, subsection 21, paragraph a,
30 unnumbered paragraph 1, Code 2023, is amended to read as
31 follows:

32 Annually, by October 1, submit to the ~~department of~~

33 ~~education~~ bureau through the management information system, at
34 a minimum, in the manner prescribed by the ~~department~~ bureau
35 the following information for the previous fiscal year:
1 Sec. 2672. Section 260C.14, subsection 21, paragraph b,
2 Code 2023, is amended to read as follows:
3 *b.* The ~~department of education~~ bureau shall define the
4 annual supplemental financial reporting required of all
5 community colleges regarding revenues received through the
6 delivery of college credit courses to high school students.
7 The board of directors of each community college shall
8 incorporate into their student management information systems
9 the unique student identifier used by school districts as
10 provided by the department of education to school districts.
11 Sec. 2673. Section 260C.18, subsection 1, Code 2023, is
12 amended to read as follows:
13 1. Federal funds made available and administered by the
14 director of the department ~~of education~~, for purposes provided
15 by federal laws, rules, and regulations.
16 Sec. 2674. Section 260C.28, subsection 2, Code 2023, is
17 amended to read as follows:
18 2. However, the board of directors may annually certify
19 for levy a tax on taxable property in the merged area at a
20 rate in excess of the three cents per thousand dollars of
21 assessed valuation specified under subsection 1 if the excess
22 tax levied does not cause the total rate certified to exceed a
23 rate of nine cents per thousand dollars of assessed valuation,
24 and the excess revenue generated is used for purposes of
25 program sharing between community colleges or for the purchase
26 of instructional equipment. Programs that are shared shall
27 be designed to increase student access to community college
28 programs and to achieve efficiencies in program delivery at the
29 community colleges, including, but not limited to, the programs
30 described under section 260C.46. Prior to expenditure of the
31 excess revenues generated under this subsection, the board of
32 directors shall obtain the approval of the ~~director of the~~

~~department of education~~ bureau chief.

Sec. 2675. Section 260C.35, Code 2023, is amended to read as follows:

260C.35 Limitation on land.

1. A merged area shall not purchase land which will increase the aggregate of land owned by the merged area, excluding land acquired by donation or gift, to more than three hundred twenty acres without the approval of the ~~director of the department of education~~ bureau chief. The limitation does not apply to a merged area owning more than three hundred twenty acres, excluding land acquired by donation or gift, prior to January 1, 1969.

2. With the approval of the ~~director of the department of education~~ bureau chief, the board of directors of a merged area at any time may sell any land in excess of one hundred sixty acres owned by the merged area, and an election is not necessary in connection with the sale. The proceeds of the sale may be used for any of the purposes stated in section 260C.22. This subsection is in addition to any authority under other provisions of law.

Sec. 2676. Section 260C.36, subsection 2, Code 2023, is amended to read as follows:

2. The committee shall submit the plan to the board of directors, which shall consider the plan and, once approved, submit the plan to the ~~department of education~~ bureau and implement the plan not later than July 1, 2003.

Sec. 2677. Section 260C.36, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

The ~~department of education~~ bureau shall establish the following committees:

Sec. 2678. Section 260C.36, subsection 4, paragraphs a and c, Code 2023, are amended to read as follows:

a. An ad hoc accreditation quality faculty plan protocol committee to advise the ~~department~~ bureau in the development of protocols related to the quality faculty planning process

33 to be used by the accreditation teams during site visits. The
34 committee shall, at a minimum, determine what types of evidence
35 need to be provided, develop interview procedures and visit
1 goals, and propose accreditation protocol revisions.
2 *c.* A community college faculty advisory committee consisting
3 of one member and one alternate from each community college,
4 appointed by the committee established pursuant to subsection
5 1. The committee membership shall be equally represented by
6 individuals from the liberal arts and sciences faculty and
7 the career and technical faculty. The committee shall, at a
8 minimum, keep faculty informed of higher education issues,
9 facilitate communication between the faculty and the ~~department~~
10 bureau on an ongoing basis, and serve as an advisory committee
11 to the ~~department~~ bureau and community colleges on faculty
12 issues.
13 Sec. 2679. Section 260C.36, subsection 4, paragraph b,
14 subparagraph (4), Code 2023, is amended to read as follows:
15 (4) Assist the ~~department~~ bureau and community colleges in
16 developing professional development consortia.
17 Sec. 2680. Section 260C.39, subsection 2, Code 2023, is
18 amended to read as follows:
19 2. If the vote is favorable in each merged area, the boards
20 of each area shall proceed to transfer the assets, liabilities,
21 and facilities of the areas to the combined merged area, and
22 shall serve as the acting board of the combined merged area
23 until a new board of directors is elected. The acting board
24 shall submit to the ~~director of the department of education~~
25 bureau chief a plan for redistricting the combined merged area,
26 and upon receiving approval from the ~~director~~ bureau chief,
27 shall provide for the election of a director from each new
28 district at the next regular school election. The directors
29 elected from each new district shall determine their terms by
30 lot so that the terms of one-third of the members, as nearly
31 as may be, expire each year. Election of directors for the
32 combined merged area shall follow the procedures established

for election of directors of a merged area. A combined merged area is subject to all provisions of law and rules governing merged areas.

Sec. 2681. Section 260C.46, Code 2023, is amended to read as follows:

260C.46 Program and administrative sharing.

~~By September 1, 1990, the department~~ The bureau shall establish guidelines and an approval process for program sharing agreements and for administrative sharing agreements entered into by two or more community colleges or by a community college and a higher education institution under the control of the board of regents. Guidelines established shall be designed to increase student access to programs, enhance educational program offerings throughout the state, and enhance interinstitutional cooperation in program offerings.

DIVISION XV

COMMERCE

CONSUMER ADVOCATE

Sec. 2682. Section 475A.3, subsections 1 and 3, Code 2023, are amended to read as follows:

1. *Office.* The office of consumer advocate shall be a separate division of the department of justice and located at the same location as the utilities ~~division of the department of commerce~~ board. Administrative support services may be provided to the consumer advocate division by the ~~department of commerce~~ utilities board.

3. *Salaries, expenses, and appropriation.* The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the ~~department of~~

commerce revolving fund created in section 546.12.

Sec. 2683. Section 475A.4, Code 2023, is amended to read as follows:

475A.4 Utilities ~~division~~ board records.

The consumer advocate has free access to all the files, records, and documents in the office of the utilities ~~division~~ board except:

1. Personal information in confidential personnel records of the utilities ~~division~~ board.

2. Records which represent and constitute the work product of the general counsel of the utilities board, and records of confidential communications between utilities board members and their general counsel, where the records relate to a proceeding before the board in which the consumer advocate is a party or a proceeding in any state or federal court in which both the board and the consumer advocate are parties.

3. Customer information of a confidential nature which could jeopardize the customer's competitive status and is provided by the utility to the ~~division~~ board. Such information shall be provided to the consumer advocate by the ~~division~~ board, if the board determines it to be in the public interest.

Sec. 2684. Section 475A.6, Code 2023, is amended to read as follows:

475A.6 Certification of expenses to utilities ~~division~~ board.

1. *a.* The consumer advocate shall determine the advocate's expenses, including a reasonable allocation of general office expenses, directly attributable to the performance of the advocate's duties involving specific persons subject to direct assessment, and shall certify the expenses to the utilities ~~division~~ board not less than quarterly. The expenses shall then be includable in the expenses of the ~~division~~ board subject to direct assessment under section 476.10.

b. The consumer advocate shall annually, within ninety days after the close of each fiscal year, determine the

33 advocate's expenses, including a reasonable allocation of
34 general office expenses, attributable to the performance of the
35 advocate's duties generally, and shall certify the expenses
1 to the utilities ~~division~~ board. The expenses shall then be
2 includable in the expenses of the ~~division~~ board subject to
3 remainder assessment under section 476.10.
4 2. The consumer advocate is entitled to notice and
5 opportunity to be heard in any utilities board proceeding
6 on objection to an assessment for expenses certified by the
7 consumer advocate. Expenses assessed under this section shall
8 not exceed the amount appropriated for the consumer advocate
9 division of the department of justice.
10 3. The office of consumer advocate may expend additional
11 funds, including funds for outside consultants, if those
12 additional expenditures are actual expenses which exceed
13 the funds budgeted for the performance of the advocate's
14 duties. Before the office expends or encumbers an amount in
15 excess of the funds budgeted, the director of the department
16 of management shall approve the expenditure or encumbrance.
17 Before approval is given, the director of the department of
18 management shall determine that the expenses exceed the funds
19 budgeted by the general assembly to the office of consumer
20 advocate and that the office does not have other funds from
21 which such expenses can be paid. Upon approval of the director
22 of the department of management, the office may expend and
23 encumber funds for excess expenses. The amounts necessary
24 to fund the excess expenses shall be collected from those
25 utilities or persons which caused the excess expenditures,
26 and the collections shall be treated as repayment receipts as
27 defined in section 8.2, subsection 8.
28 IOWA UTILITIES BOARD
29 Sec. 2685. Section 6A.21, subsection 2, Code 2023, is
30 amended to read as follows:
31 2. The limitation on the definition of public use,
32 public purpose, or public improvement does not apply to the

establishment, relocation, or improvement of a road pursuant to chapter 306, or to the establishment of a railway under the supervision of the department of transportation as provided in section 327C.2, or to an airport as defined in section 328.1, or to land acquired in order to replace or mitigate land used in a road project when federal law requires replacement or mitigation. This limitation also does not apply to utilities, persons, companies, or corporations under the jurisdiction of the Iowa utilities board ~~in the department of commerce~~ or to any other utility conferred the right by statute to condemn private property or to otherwise exercise the power of eminent domain, except to the extent such purpose includes construction of aboveground merchant lines.

Sec. 2686. Section 6B.42, subsection 2, paragraphs b and d, Code 2023, are amended to read as follows:

b. A person aggrieved by a determination made by a utility as to eligibility for relocation assistance, a payment, or the amount of the payment, upon application, may have the matter reviewed by the utilities ~~division of the department of commerce~~ board.

d. A utility or railroad subject to this section that proposes to displace a person shall inform the person of the person's right to receive relocation assistance and payments, and of an aggrieved person's right to appeal to the utilities ~~division of the department of commerce~~ board or the state department of transportation.

Sec. 2687. Section 6B.45, subsection 1, Code 2023, is amended to read as follows:

1. When any real property or interest in real property is to be purchased, or in lieu thereof to be condemned, the acquiring agency or its agent shall submit to the person, corporation, or entity whose property or interest in the property is to be taken, by ordinary mail, at least ten days prior to the date upon which the acquiring agency or its agent contacts the property owner to commence negotiations, a copy

33 of the appraisal in its entirety upon such real property or
34 interest in such real property prepared for the acquiring
35 agency or its agent, which shall include, at a minimum, an
1 itemization of the appraised value of the real property or
2 interest in the property, any buildings on the property, all
3 other improvements including fences, severance damages, and
4 loss of access. In determining fair market value of property,
5 the acquiring agency shall not consider only the assessed value
6 assigned to such property for purposes of property taxation.
7 The appraisal sent to the condemnee shall be that appraisal
8 upon which the condemnor will rely to establish an amount
9 which the condemnor believes to be just compensation for the
10 real property. All other appraisals made on the property as a
11 result of the condemnation proceeding shall be made available
12 to the condemnee upon request. In lieu of an appraisal, a
13 utility or person under the jurisdiction of the utilities board
14 ~~of the department of commerce~~, or any other utility conferred
15 the right by statute to condemn private property, shall provide
16 in writing by certified mail to the owner of record thirty
17 days prior to negotiations, the methods and factors used in
18 arriving at an offered price for voluntary easements including
19 the range of cash amount of each component. An acquiring
20 agency may obtain a signed written waiver from the landowner to
21 allow negotiations to commence prior to the expiration of the
22 applicable waiting period for the commencement of negotiations.
23 Sec. 2688. Section 6B.54, subsections 2 and 3, Code 2023,
24 are amended to read as follows:
25 2. Real property shall be appraised as required by section
26 6B.45 before the initiation of negotiations, and the owner
27 or the owner´s designated representative shall be given
28 an opportunity to accompany at least one appraiser of the
29 acquiring agency during an inspection of the property, except
30 that an acquiring agency may prescribe a procedure to waive the
31 appraisal in cases involving the acquisition of property with
32 a low fair market value. In lieu of an appraisal, a utility

33 or person under the jurisdiction of the utilities board ~~of the~~
34 ~~department of commerce~~, or any other utility conferred the
35 right by statute to condemn private property, shall provide in
1 writing by certified mail to the owner of record thirty days
2 before negotiations, the methods and factors used in arriving
3 at an offered price for voluntary easements including the range
4 of cash amount of each component.
5 3. Before the initiation of negotiations for real property,
6 the acquiring agency shall establish an amount which it
7 believes to be just compensation for the real property, and
8 shall make a prompt offer to acquire the property for the full
9 amount established by the agency. In no event shall the amount
10 be less than the fair market value the acquiring agency has
11 established for the property or property interest pursuant
12 to the appraisal required in section 6B.45 or less than the
13 value determined under the acquiring agency's waiver procedure
14 established pursuant to subsection 2. A purchase offer made
15 by an acquiring agency shall include provisions for payment to
16 the owner of expenses, including relocation expenses, expenses
17 listed in subsection 10, and other expenses required by law
18 to be paid by an acquiring agency to a condemnee. However,
19 in the alternative, the acquiring agency may make, and the
20 owner may accept, a purchase offer from the acquiring agency
21 that is an amount equal to one hundred thirty percent of the
22 appraisal amount plus payment to the owner of expenses listed
23 in subsection 10, once those expenses have been determined. If
24 the owner accepts such a purchase offer, the owner is barred
25 from claiming payment from the acquiring agency for any other
26 expenses allowed by law. In the case of a utility or person
27 under the jurisdiction of the utilities board ~~of the department~~
28 ~~of commerce~~, or any other utility conferred the right by
29 statute to condemn private property, the amount shall not be
30 less than the amount indicated by the methods and factors used
31 in arriving at an offered price for a voluntary easement. The
32 option to make an alternative purchase offer does not apply

33 when property is being acquired for street and highway projects
34 undertaken by the state, a county, or a city.
35 Sec. 2689. Section 8C.2, subsection 3, paragraph b, Code
1 2023, is amended to read as follows:
2 *b.* The utilities ~~division of the department of commerce~~
3 board.
4 Sec. 2690. Section 12.10, Code 2023, is amended to read as
5 follows:
6 **12.10 Deposits by state officers.**
7 Except as otherwise provided, all elective and appointive
8 state officers, boards, commissions, and departments shall,
9 within ten days succeeding the collection, deposit with the
10 treasurer of state, or to the credit of the treasurer of state
11 in any depository designated by the treasurer of state, ninety
12 percent of all fees, commissions, and moneys collected or
13 received. The balance actually collected in cash, remaining
14 in the hands of any officer, board, or department shall not
15 exceed the sum of five thousand dollars and money collected
16 shall not be held more than thirty days. This section does not
17 apply to the state fair board, the state board of regents, the
18 utilities board ~~of the department of commerce~~, the director of
19 the department of human services, the Iowa finance authority or
20 to the funds received by the state racing and gaming commission
21 under sections 99D.7 and 99D.14.
22 Sec. 2691. Section 13.7, subsection 1, Code 2023, is amended
23 to read as follows:
24 1. Compensation shall not be allowed to any person for
25 services as an attorney or counselor to an executive department
26 of the state government, or the head of an executive department
27 of state government, or to a state board or commission.
28 However, the executive council may authorize employment of
29 legal assistance, at a reasonable compensation, in a pending
30 action or proceeding to protect the interests of the state,
31 but only upon a sufficient showing, in writing, made by the
32 attorney general, that the department of justice cannot for

33 reasons stated by the attorney general perform the service.
34 The reasons and action of the executive council shall be
35 entered upon its records. If the attorney general determines
1 that the department of justice cannot perform legal service
2 in an action or proceeding, the executive council shall
3 request the department involved in the action or proceeding
4 to recommend legal counsel to represent the department. If
5 the attorney general concurs with the department that the
6 person recommended is qualified and suitable to represent the
7 department, the person recommended shall be employed. If the
8 attorney general does not concur in the recommendation, the
9 department shall submit a new recommendation. This subsection
10 does not affect the general counsel for the utilities board ~~of~~
11 ~~the department of commerce~~, the legal counsel of the department
12 of workforce development, or the general counsel for the
13 property assessment appeal board.
14 Sec. 2692. Section 15H.6, subsection 1, Code 2023, is
15 amended to read as follows:
16 1. The commission, in collaboration with the department of
17 natural resources, the department of workforce development,
18 and the utilities board ~~of the department of commerce~~, shall
19 establish an Iowa green corps program. The commission shall
20 work with the collaborating agencies and nonprofit agencies
21 in developing a strategy for attracting additional financial
22 resources for the program from other sources which may include
23 but are not limited to utilities, private sector, and local,
24 state, and federal government funding sources. The financial
25 resources received shall be credited to the community programs
26 account created pursuant to section 15H.5.
27 Sec. 2693. Section 22.7, subsection 71, Code 2023, is
28 amended to read as follows:
29 71. Information and records related to cyber security
30 information or critical infrastructure, the disclosure of which
31 may expose or create vulnerability to critical infrastructure
32 systems, held by the utilities board ~~of the department of~~

~~commerce~~ or the department of homeland security and emergency management for purposes relating to the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, hazardous liquid, natural gas, or other critical infrastructure systems. For purposes of this subsection, *"cyber security information"* includes but is not limited to information relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

Sec. 2694. Section 313.4, subsection 4, paragraph b, Code 2023, is amended to read as follows:

b. The costs of serving freeway lighting for each utility providing the service shall be determined by the utilities ~~division of the department of commerce~~ board, and rates for such service shall be no higher than necessary to recover these costs. Funds received under the provisions of this subsection shall be used solely for the operation and maintenance of a freeway lighting system.

Sec. 2695. Section 320.4, subsection 1, Code 2023, is amended to read as follows:

1. To lay gas mains in highways outside cities to local municipal distributing plants or companies, but not to pipeline companies. This section shall not apply to or include pipeline companies required to obtain a license from the utilities ~~division of the department of commerce~~ board.

Sec. 2696. Section 357A.19, Code 2023, is amended to read as follows:

357A.19 Not exempt from other requirements.

This chapter does not exempt any district from the requirements of any other statute, whether enacted prior to or subsequent to July 1, 1970, under which the district is required to obtain the permission or approval of, or to notify, the department, the utilities ~~division of the department of commerce~~ board, or any other agency of this state or of any of its political subdivisions prior to proceeding with

construction, acquisition, operation, enlargement, extension, or alteration of any works or facilities which the district is authorized to undertake pursuant to this chapter.

Sec. 2697. Section 364.3, subsection 13, paragraph b, subparagraph (2), Code 2023, is amended to read as follows:

(2) Paragraph *"a"* does not apply to an ordinance, motion, resolution, or amendment relating to the rates, services, or governance of a public utility providing gas service to the public for compensation and subject to the jurisdiction of the utilities board ~~of the department of commerce~~ pursuant to section 476.1B.

Sec. 2698. Section 364.23, Code 2023, is amended to read as follows:

364.23 Energy-efficient lighting required.

All city-owned exterior flood lighting, including but not limited to street and security lighting but not including era or period lighting which has a minimum efficiency rating of fifty-eight lumens per watt and not including stadium or ball park lighting, shall be replaced, when worn-out, exclusively with high pressure sodium lighting or lighting with equivalent or better energy efficiency as approved in rules adopted by the utilities board ~~within the utilities division of the department of commerce~~. In lieu of the requirements established for replacement lighting under this section, stadium or ball park lighting shall be replaced, when worn-out, with the most energy-efficient lighting available at the time of replacement which may include metal halide, high-pressure sodium, or other light sources which may be developed.

Sec. 2699. Section 384.84, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. A city utility or enterprise service to a property or premises, including services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, may be discontinued or disconnected if the account for the service

33 becomes delinquent. Gas or electric service provided by a city
34 utility or enterprise shall be discontinued or disconnected
35 only as provided by section 476.20, subsections 1 through
1 4, and discontinuance or disconnection of those services
2 is subject to rules adopted by the utilities board ~~of the~~
3 ~~department of commerce~~.
4 Sec. 2700. Section 422.93, Code 2023, is amended to read as
5 follows:
6 **422.93 Public utility accounting method.**
7 Nothing in this chapter shall be construed to require the
8 utilities board ~~of the department of commerce~~ to allow or
9 require the use of any particular method of accounting by
10 any public utility to compute its tax expense, depreciation
11 expense, or operating expense for purposes of establishing its
12 cost of service for rate-making purposes and for reflecting
13 operating results in its regulated books of account.
14 Sec. 2701. Section 474.1, Code 2023, is amended to read as
15 follows:
16 **474.1 Creation of ~~division and~~ board — organization.**
17 1. A utilities ~~division~~ board is created ~~within the~~
18 ~~department of commerce~~. ~~The policymaking body for the division~~
19 ~~is the utilities board which is created within the division.~~
20 The board ~~is composed~~ shall consist of three members appointed
21 by the governor and subject to confirmation by the senate, not
22 more than two of whom shall be from the same political party.
23 Each member appointed shall serve for six-year staggered terms
24 beginning and ending as provided by section 69.19. Vacancies
25 shall be filled for the unexpired portion of the term in the
26 same manner as full-term appointments are made.
27 2. *a.* Subject to confirmation by the senate, the governor
28 shall appoint a member as the chairperson of the board. The
29 chairperson shall be the administrator of the utilities
30 ~~division~~ board. The appointment as chairperson shall be for
31 a two-year term which begins and ends as provided in section
32 69.19.

33 *b.* The board shall appoint a chief operating officer to
34 manage the operations of the utilities ~~division as directed~~
35 ~~by the~~ board. The board shall set the salary of the chief
1 operating officer within the limits of the pay plan for exempt
2 positions provided for in section 8A.413, subsection 3, unless
3 otherwise provided by the general assembly. The board may
4 employ additional personnel as it finds necessary.
5 3. The utilities board shall regulate and supervise public
6 utilities operating in the state. The board shall enforce and
7 implement chapters 476, 476A, 477C, 478, 479, 479A, and 479B
8 and shall perform other duties assigned to it by law.
9 ~~3.~~ 4. As used in this chapter and chapters 475A, 476,
10 476A, 477C, 478, 479, 479A, and 479B, ~~*"division"*~~ *"board"* and
11 ~~*"utilities division"*~~ *"utilities board"* mean the Iowa utilities
12 ~~division of the department of commerce~~ board.
13 Sec. 2702. Section 476.1, subsection 1, Code 2023, is
14 amended to read as follows:
15 1. The utilities board ~~within the utilities division of the~~
16 ~~department of commerce~~ shall regulate the rates and services of
17 public utilities to the extent and in the manner hereinafter
18 provided.
19 Sec. 2703. Section 476.1, subsection 2, Code 2023, is
20 amended by striking the subsection.
21 Sec. 2704. Section 476.1A, subsection 1, paragraph a, Code
22 2023, is amended to read as follows:
23 *a.* Assessment of fees for the support of the ~~division~~
24 board and the office of consumer advocate, pursuant to section
25 476.10.
26 Sec. 2705. Section 476.1B, subsection 1, paragraph a, Code
27 2023, is amended to read as follows:
28 *a.* Assessment of fees for the support of the ~~division~~ board
29 and the office of consumer advocate, as set forth in section
30 476.10.
31 Sec. 2706. Section 476.3, subsection 2, Code 2023, is
32 amended to read as follows:

2. If, as a result of a review procedure conducted under section 476.31, a review conducted under section 476.32, a special audit, an investigation by ~~division~~ board staff, or an investigation by the consumer advocate, a petition is filed with the board by the consumer advocate, alleging that a utility's rates are excessive, the disputed amount shall be specified in the petition. The public utility shall, within the time prescribed by the board, file a bond or undertaking approved by the board conditioned upon the refund in a manner prescribed by the board of amounts collected after the date of filing of the petition in excess of rates or charges finally determined by the board to be lawful. If upon hearing the board finds that the utility's rates are unlawful, the board shall order a refund, with interest, of amounts collected after the date of filing of the petition that are determined to be in excess of the amounts which would have been collected under the rates finally approved. However, the board shall not order a refund that is greater than the amount specified in the petition, plus interest, and if the board fails to render a decision within ten months following the date of filing of the petition, the board shall not order a refund of any excess amounts that are collected after the expiration of that ten-month period and prior to the date the decision is rendered.

Sec. 2707. Section 476.10, Code 2023, is amended to read as follows:

476.10 Investigations — expense — appropriation.

1. *a.* In order to carry out the duties imposed upon it by law, the board may, at its discretion, allocate and charge directly the expenses attributable to its duties to the person bringing a proceeding before the board, to persons participating in matters before the board, or to persons subject to inspection by the board. The board shall ascertain the certified expenses incurred and directly chargeable by the consumer advocate division of the department of justice

33 in the performance of its duties. The board and the consumer
34 advocate separately may decide not to charge expenses to
35 persons who, without expanding the scope of the proceeding
1 or matter, intervene in good faith in a board proceeding
2 initiated by a person subject to the board's jurisdiction,
3 the consumer advocate, or the board on its own motion. For
4 assessments in any proceedings or matters before the board, the
5 board and the consumer advocate separately may consider the
6 financial resources of the person, the impact of assessment on
7 participation by intervenors, the nature of the proceeding or
8 matter, and the contribution of a person's participation to the
9 public interest. The board may present a bill for expenses
10 under this subsection to the person, either at the conclusion
11 of a proceeding or matter, or from time to time during its
12 progress. Presentation of a bill for expenses under this
13 subsection constitutes notice of direct assessment and request
14 for payment in accordance with this section.
15 *b.* The board shall ascertain the total of the ~~division's~~
16 board's expenses incurred during each fiscal year in the
17 performance of its duties under law. The board shall add to
18 the total of the ~~division's~~ board's expenses the certified
19 expenses of the consumer advocate as provided under section
20 475A.6. The board shall deduct all amounts charged directly
21 to any person from the total expenses of the board and the
22 consumer advocate. The board may assess the amount remaining
23 after the deduction to all persons providing service over which
24 the board has jurisdiction in proportion to the respective
25 gross operating revenues of such persons from intrastate
26 operations during the last calendar year over which the board
27 has jurisdiction. For purposes of determining gross operating
28 revenues under this section, the board shall not include gross
29 receipts received by a cooperative corporation or association
30 for wholesale transactions with members of the cooperative
31 corporation or association, provided that the members are
32 subject to assessment by the board based upon the members'

33 gross operating revenues, or provided that such a member is
34 an association whose members are subject to assessment by the
35 board based upon the members' gross operating revenues. If
1 any portion of the remainder can be identified with a specific
2 type of utility service, the board shall assess those expenses
3 only to the entities providing that type of service over which
4 the board has jurisdiction. The board may make the remainder
5 assessments under this paragraph to some or all persons
6 providing service over which the board has jurisdiction, based
7 upon estimates of the expenditures for the fiscal year for
8 the utilities ~~division~~ board and the consumer advocate. Not
9 more than ninety days following the close of the fiscal year,
10 the utilities ~~division~~ board shall conform the amount of the
11 prior fiscal year's assessments to the requirements of this
12 paragraph. For gas and electric public utilities exempted from
13 rate regulation pursuant to this chapter, and for providers
14 of telecommunications service required to register with the
15 board pursuant to section 476.95A that are exempted from rate
16 regulation pursuant to this chapter, the remainder assessments
17 under this paragraph shall be computed at one-half the rate
18 used in computing the assessment for other persons.
19 2. *a.* A person subject to a charge or assessment shall
20 pay the ~~division~~ board the amount charged or assessed against
21 the person within thirty days from the time the ~~division~~ board
22 provides notice to the person of the amount due, unless the
23 person files an objection in writing with the board setting out
24 the grounds upon which the person claims that such charge or
25 assessment is excessive, unreasonable, erroneous, unlawful, or
26 invalid. Upon receipt of an objection, the board shall set the
27 matter for hearing and issue its order in accordance with its
28 findings in the proceeding.
29 *b.* The order shall be subject to review in the manner
30 provided in this chapter. All amounts collected by the
31 ~~division~~ board pursuant to the provisions of this section
32 shall be deposited with the treasurer of state and credited to

33 the ~~department of~~ commerce revolving fund created in section
34 546.12. Such amounts shall be spent in accordance with the
35 provisions of chapter 8.
1 3. Whenever the board shall deem it necessary in order
2 to carry out the duties imposed upon it in connection with
3 rate regulation under section 476.6, investigations under
4 section 476.3, or review proceedings under section 476.31,
5 the board may employ additional temporary or permanent staff,
6 or may contract with persons who are not state employees for
7 engineering, accounting, or other professional services, or
8 both. The costs of these additional employees and contract
9 services shall be paid by the public utility whose rates
10 are being reviewed in the same manner as other expenses are
11 paid under this section. Beginning on July 1, 1991, there
12 is appropriated out of any funds in the state treasury not
13 otherwise appropriated, such sums as may be necessary to enable
14 the board to hire additional staff and contract for services
15 under this section. The board shall increase quarterly
16 assessments specified in subsection 1, paragraph *"b"*, by
17 amounts necessary to enable the board to hire additional staff
18 and contract for services under this section. The authority to
19 hire additional temporary or permanent staff that is granted to
20 the board by this section shall not be subject to limitation
21 by any administrative or executive order or decision that
22 restricts the number of state employees or the filling of
23 employee vacancies, and shall not be subject to limitation
24 by any law of this state that restricts the number of state
25 employees or the filling of employee vacancies unless that
26 law is made applicable to this section by express reference
27 to this section. Before the board expends or encumbers an
28 amount in excess of the funds budgeted for rate regulation and
29 before the board increases quarterly assessments pursuant to
30 this subsection, the director of the department of management
31 shall approve the expenditure or encumbrance. Before approval
32 is given, the director of the department of management shall

33 determine that the expenses exceed the funds budgeted by the
34 general assembly to the board for rate regulation and that
35 the board does not have other funds from which the expenses
1 can be paid. Upon approval of the director of the department
2 of management the board may expend and encumber funds for
3 the excess expenses, and increase quarterly assessments to
4 raise the additional funds. The board and the office of
5 consumer advocate may add additional personnel or contract
6 for additional assistance to review and evaluate energy
7 efficiency plans and the implementation of energy efficiency
8 programs including, but not limited to, professionally trained
9 engineers, accountants, attorneys, skilled examiners and
10 inspectors, and secretaries and clerks. The board and the
11 office of consumer advocate may also contract for additional
12 assistance in the evaluation and implementation of issues
13 relating to telecommunication competition. The board and the
14 office of the consumer advocate may expend additional sums
15 beyond those sums appropriated. However, the authority to add
16 additional personnel or contract for additional assistance
17 must first be approved by the department of management. The
18 additional sums for energy efficiency shall be provided to the
19 board and the office of the consumer advocate by the utilities
20 subject to the energy efficiency requirements in this chapter.
21 Telephone companies shall pay any additional sums needed for
22 assistance with telecommunication competition issues. The
23 assessments shall be in addition to and separate from the
24 quarterly assessment.
25 4. *a.* Fees paid to the utilities ~~division~~ board shall be
26 deposited in the ~~department of~~ commerce revolving fund created
27 in section 546.12. These funds shall be used for the payment,
28 upon appropriation by the general assembly, of the expenses of
29 the utilities ~~division~~ board and the consumer advocate division
30 of the department of justice.
31 *b.* The administrator and consumer advocate shall account
32 for receipts and disbursements according to the separate duties

33 imposed upon the utilities board and the consumer advocate
34 ~~divisions~~ division by the laws of this state and each separate
35 duty shall be fiscally self-sustaining.
1 *c.* All fees and other moneys collected under this section
2 and sections 478.4, 479.16, and 479A.9 shall be deposited into
3 the ~~department of~~ commerce revolving fund created in section
4 546.12 and expenses required to be paid under this section
5 shall be paid from funds appropriated for those purposes.
6 Sec. 2708. Section 476.48, subsections 2 and 6, Code 2023,
7 are amended to read as follows:
8 2. *Program established.*
9 *a.* The utilities ~~division~~ board shall establish and
10 administer a small wind innovation zone program to optimize
11 local, regional, and state benefits from wind energy and
12 to facilitate and expedite interconnection of small wind
13 energy systems with electric utilities throughout this state.
14 Pursuant to the program, the owner of a small wind energy
15 system located within a small wind innovation zone desiring
16 to interconnect with an electric utility shall benefit
17 from a streamlined application process, may utilize a model
18 interconnection agreement, and can qualify under a model
19 ordinance.
20 *b.* A political subdivision seeking to be designated a small
21 wind innovation zone shall apply to the ~~division~~ board upon a
22 form developed by the ~~division~~ board. The ~~division~~ board shall
23 approve an application which documents that the applicable
24 local government has adopted the model ordinance or is in the
25 process of amending an existing zoning ordinance to comply with
26 the model ordinance and that an electric utility operating
27 within the political subdivision has agreed to utilize the
28 model interconnection agreement to contract with the small wind
29 energy system owners who agree to its terms.
30 6. *Reporting requirements.* The ~~division~~ board shall prepare
31 a report summarizing the number of applications received from
32 political subdivisions seeking to be designated a small wind

innovation zone, the number of applications granted, the number of small wind energy systems generating electricity within each small wind innovation zone, and the amount of wind energy produced, and shall submit the report to the members of the general assembly by January 1 annually.

Sec. 2709. Section 476.51, subsection 5, Code 2023, is amended to read as follows:

5. Civil penalties collected pursuant to this section from utilities providing water, electric, or gas service shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Civil penalties collected pursuant to this section from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the ~~department of~~ commerce revolving fund created in section 546.12 to be used only for consumer education programs administered by the board. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Sec. 2710. Section 476.63, Code 2023, is amended to read as follows:

476.63 Energy efficiency programs.

The ~~division~~ board shall consult with the economic development authority in the development and implementation of public utility energy efficiency programs.

Sec. 2711. Section 476.87, subsection 3, Code 2023, is amended to read as follows:

3. The board shall allocate the costs and expenses reasonably attributable to certification and dispute resolution

33 in this section to persons identified as parties to such
34 proceeding who are engaged in or who seek to engage in
35 providing natural gas services or other persons identified as
1 participants in such proceeding. The funds received for the
2 costs and the expenses of certification and dispute resolution
3 shall be remitted to the treasurer of state for deposit in the
4 ~~department of~~ commerce revolving fund created in section 546.12
5 as provided in section 476.10.
6 Sec. 2712. Section 476.95B, subsection 2, Code 2023, is
7 amended to read as follows:
8 2. In proceedings under 47 U.S.C. §251 — 254, the board
9 shall allocate the costs and expenses of the proceedings to
10 persons identified as parties in the proceeding who are engaged
11 in or who seek to engage in providing telecommunications
12 service or other persons identified as participants in the
13 proceeding. The funds received for the costs and the expenses
14 shall be remitted to the treasurer of state for deposit in the
15 ~~department of~~ commerce revolving fund created in section 546.12
16 as provided in section 476.10.
17 Sec. 2713. Section 476.103, subsection 4, paragraph c, Code
18 2023, is amended to read as follows:
19 *c.* A civil penalty collected pursuant to this subsection
20 shall be forwarded by the chief operating officer of the board
21 to the treasurer of state to be credited to the ~~department of~~
22 commerce revolving fund created in section 546.12 and to be
23 used only for consumer education programs administered by the
24 board.
25 Sec. 2714. Section 476A.1, subsection 2, Code 2023, is
26 amended to read as follows:
27 2. *"Board"* means the utilities board ~~within the utilities~~
28 ~~division of the department of commerce~~.
29 Sec. 2715. Section 476A.10, Code 2023, is amended to read
30 as follows:
31 **476A.10 Costs of proceeding.**
32 The applicant for a certificate, or an amendment to

33 certificate, shall pay all the costs and expenses incurred by
34 the ~~division~~ board in reaching a decision on the application
35 including the costs of examinations of the site, the hearing,
1 publishing of notice, ~~division~~ board staff salaries, the cost
2 of consultants employed by the ~~division~~ board, and other
3 expenses reasonably attributable to the proceeding.
4 Sec. 2716. Section 476A.14, subsection 1, Code 2023, is
5 amended to read as follows:
6 1. Any person who commences to construct a facility as
7 provided in this subchapter without having first obtained a
8 certificate, or who constructs, operates, or maintains any
9 facility other than in compliance with a certificate issued by
10 the board or a certificate amended pursuant to this subchapter,
11 or who causes any of these acts to occur, shall be liable
12 for a civil penalty of not more than ten thousand dollars
13 for each violation or for each day of continuing violation.
14 Civil penalties collected pursuant to this subsection shall be
15 forwarded by the clerk of court to the treasurer of state for
16 deposit in the ~~department of~~ commerce revolving fund created
17 in section 546.12.
18 Sec. 2717. Section 476B.1, subsection 1, Code 2023, is
19 amended to read as follows:
20 1. *"Board"* means the utilities board ~~within the utilities~~
21 ~~division of the department of commerce~~.
22 Sec. 2718. Section 476C.1, subsection 4, Code 2023, is
23 amended to read as follows:
24 4. *"Board"* means the utilities board ~~within the utilities~~
25 ~~division of the department of commerce~~.
26 Sec. 2719. Section 477A.1, subsection 1, Code 2023, is
27 amended to read as follows:
28 1. *"Board"* means the utilities board ~~within the utilities~~
29 ~~division of the department of commerce~~.
30 Sec. 2720. Section 477C.2, subsection 1, Code 2023, is
31 amended to read as follows:
32 1. *"Board"* means the utilities board ~~within the department~~

33 ~~of commerce~~ created in section 474.1.
34 Sec. 2721. Section 478.1, subsection 1, Code 2023, is
35 amended to read as follows:
1 1. A person shall not construct, erect, maintain, or
2 operate a transmission line, wire, or cable that is capable
3 of operating at an electric voltage of sixty-nine kilovolts
4 or more along, over, or across any public highway or grounds
5 outside of cities for the transmission, distribution, or sale
6 of electric current without first procuring from the utilities
7 board ~~within the utilities division of the department of~~
8 ~~commerce~~ a franchise granting authority as provided in this
9 chapter.
10 Sec. 2722. Section 478.4, Code 2023, is amended to read as
11 follows:
12 **478.4 Franchise — hearing.**
13 The utilities board shall consider the petition and any
14 objections filed to it in the manner provided. It shall
15 examine the proposed route or cause any engineer selected
16 by it to do so. If a hearing is held on the petition it may
17 hear testimony as may aid it in determining the propriety of
18 granting the franchise. It may grant the franchise in whole or
19 in part upon the terms, conditions, and restrictions, and with
20 the modifications as to location and route as may seem to it
21 just and proper. Before granting the franchise, the utilities
22 board shall make a finding that the proposed line or lines are
23 necessary to serve a public use and represents a reasonable
24 relationship to an overall plan of transmitting electricity in
25 the public interest. A franchise shall not become effective
26 until the petitioners shall pay, or file an agreement to pay,
27 all costs and expenses of the franchise proceeding, whether
28 or not objections are filed, including costs of inspections
29 or examinations of the route, hearing, salaries, publishing
30 of notice, and any other expenses reasonably attributable to
31 it. The funds received for the costs and the expenses of the
32 franchise proceeding shall be remitted to the treasurer of

33 state for deposit in the ~~department of~~ commerce revolving fund
34 created in section 546.12 as provided in section 476.10.
35 Sec. 2723. Section 478A.7, subsection 4, Code 2023, is
1 amended to read as follows:
2 4. Notwithstanding subsection 1, commencing January 1,
3 1990, a person may sell or offer for sale in this state a
4 decorative gas lamp manufactured after December 31, 1978,
5 if the utilities board ~~within the utilities division of~~
6 ~~the department of commerce~~ determines, after notice and an
7 opportunity for interested persons to comment at an oral
8 presentation, that the sale or offer for sale of decorative gas
9 lamps does not violate the public interest.
10 Sec. 2724. Section 479.2, subsection 1, Code 2023, is
11 amended to read as follows:
12 1. *"Board"* means the utilities board ~~within the utilities~~
13 ~~division of the department of commerce~~.
14 Sec. 2725. Section 479.16, Code 2023, is amended to read as
15 follows:
16 **479.16 Receipt of funds.**
17 All moneys received under this chapter shall be remitted
18 monthly to the treasurer of state and credited to the
19 ~~department of~~ commerce revolving fund created in section 546.12
20 as provided in section 476.10.
21 Sec. 2726. Section 479A.2, subsection 1, Code 2023, is
22 amended to read as follows:
23 1. *"Board"* means the utilities board ~~within the utilities~~
24 ~~division of the department of commerce~~.
25 Sec. 2727. Section 479A.9, Code 2023, is amended to read as
26 follows:
27 **479A.9 Deposit of funds.**
28 Moneys received under this chapter shall be credited to the
29 ~~department of~~ commerce revolving fund created in section 546.12
30 as provided in section 476.10.
31 Sec. 2728. Section 479B.2, subsection 1, Code 2023, is
32 amended to read as follows:

1. *"Board"* means the utilities board ~~within the utilities division of the department of commerce~~.

Sec. 2729. Section 479B.2, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 2730. Section 479B.12, Code 2023, is amended to read as follows:

479B.12 Use of funds.

All moneys received under this chapter, other than civil penalties collected pursuant to section 479B.21, shall be remitted monthly to the treasurer of state and credited to the ~~department of~~ commerce revolving fund created in section 546.12.

Sec. 2731. Section 657.1, subsection 2, Code 2023, is amended to read as follows:

2. Notwithstanding subsection 1, in an action to abate a nuisance against an electric utility, an electric utility may assert a defense of comparative fault as set out in section 668.3 if the electric utility demonstrates that in the course of providing electric services to its customers it has complied with engineering and safety standards as adopted by the utilities board ~~of the department of commerce~~, and if the electric utility has secured all permits and approvals, as required by state law and local ordinances, necessary to perform activities alleged to constitute a nuisance.

Sec. 2732. Section 714D.2, subsection 9, Code 2023, is amended to read as follows:

9. *"Unfair practice"* means the same as defined in section 714.16, subsection 1, and also means any failure of a person to comply with the Telecommunications Act or with any statute or rule enforced by the utilities board ~~within the utilities division of the department of commerce~~ relating to a telecommunications service selection or change.

Sec. 2733. Section 714D.6, subsection 2, Code 2023, is amended to read as follows:

2. A cause of action under this section shall not apply

33 unless, prior to filing the action, the consumer has submitted
34 a complaint to the utilities board ~~within the utilities~~
35 ~~division of the department of commerce~~, the utilities board has
1 failed to resolve the complaint to the consumer's satisfaction
2 within one hundred twenty days of the date the complaint was
3 submitted, and the consumer dismisses the complaint before the
4 utilities board. The requirement that a consumer complaint be
5 submitted to the utilities board and resolved by the utilities
6 board to the consumer's satisfaction within one hundred twenty
7 days of filing before the consumer may file an action pursuant
8 to this section shall not apply to an action by the attorney
9 general to recover moneys for the consumer pursuant to section
10 714D.7 or any other law. A finding by the utilities board
11 that a respondent has complied with rules governing carrier
12 selection procedures adopted by the utilities board shall be
13 an affirmative defense to any claim brought under this section
14 or section 476.103 or 714D.7 that an unauthorized change in
15 service has occurred.
16 Sec. 2734. Section 714D.7, subsection 4, Code 2023, is
17 amended to read as follows:
18 4. The attorney general shall not file a civil enforcement
19 action under this chapter or under section 714.16 against a
20 person for an act which is the subject of an administrative
21 proceeding to impose a civil penalty which has been initiated
22 against the person by the utilities board ~~within the utilities~~
23 ~~division of the department of commerce~~. This subsection shall
24 not be construed to limit the authority of the attorney general
25 to file a civil enforcement or other enforcement action against
26 a person for violating a prior agreement entered into by the
27 person with the attorney general or a court order obtained
28 by the attorney general against the person. This subsection
29 shall not be construed to limit the authority of the attorney
30 general to file a civil enforcement or other enforcement action
31 against the person for acts which are not the subject of an
32 administrative proceeding which has been initiated against the

33 person by the utilities board.
34 Sec. 2735. REPEAL. Section 546.7, Code 2023, is repealed.
35 DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
1 Sec. 2736. Section 7E.5, subsection 1, paragraph f, Code
2 2023, is amended to read as follows:
3 *f.* The department of ~~commerce~~ insurance and financial
4 services, created in section 546.2, which has primary
5 responsibility for ~~business and professional regulatory,~~
6 ~~service, and licensing~~ insurance and financial services
7 functions.
8 Sec. 2737. Section 7E.5, subsection 2, paragraph a, Code
9 2023, is amended to read as follows:
10 *a.* There is a civil rights commission, a public employment
11 relations board, an interstate cooperation commission, an Iowa
12 ethics and campaign disclosure board, an Iowa utilities board,
13 and an Iowa law enforcement academy.
14 Sec. 2738. Section 8A.412, subsections 18 and 19, Code 2023,
15 are amended to read as follows:
16 18. The ~~administrator and the deputy administrator~~
17 superintendent and deputy superintendent of the credit union
18 division of the department of ~~commerce~~ insurance and financial
19 services, all members of the credit union review board, and all
20 employees of the credit union division.
21 19. The superintendent of the banking division of the
22 department of ~~commerce~~ insurance and financial services, all
23 members of the state banking council, and all employees of
24 the banking division except for employees of the professional
25 licensing and regulation bureau of the division.
26 Sec. 2739. Section 8A.438, subsection 1, Code 2023, is
27 amended to read as follows:
28 1. The director may establish a tax-sheltered investment
29 program for eligible employees. The director may arrange for
30 the provision of investment vehicles authorized under section
31 403(b) of the Internal Revenue Code, as defined in section
32 422.3. The tax-sheltered investment program shall include

33 investment vehicles authorized under section 403(b) of the
34 Internal Revenue Code provided by any insurance company or
35 investment company that is recommended for inclusion in the
1 program by a person licensed as an insurance producer under
2 chapter 522B, or registered as a securities agent or investment
3 adviser representative under chapter 502, by the insurance
4 division of the department of ~~commerce~~ insurance and financial
5 services. The director shall require each insurance company
6 and investment company included in the program to utilize the
7 third party administrator selected by the department and a
8 common remitter, and shall limit the total number of insurance
9 companies and investment companies in the program to no more
10 than thirty. To be eligible for inclusion in the program, an
11 insurance company shall have filed with, and had the company's
12 contract and forms approved by, the insurance division of the
13 department of ~~commerce~~ insurance and financial services, and
14 an investment company shall be registered with the federal
15 securities and exchange commission. The department may
16 offer the tax-sheltered investment program to eligible public
17 employers in the state of Iowa.
18 Sec. 2740. Section 8E.103, subsection 1, paragraph b, Code
19 2023, is amended to read as follows:
20 *b.* Each division within the department of ~~commerce~~ insurance
21 and financial services is considered an agency, and each bureau
22 within a division of the department of ~~commerce~~ insurance and
23 financial services is considered a division, as otherwise
24 provided in chapter 7E.
25 Sec. 2741. Section 8F.2, subsection 8, paragraph b,
26 subparagraph (3), Code 2023, is amended to read as follows:
27 (3) A contract concerning an entity that has contracted
28 with the state and is licensed and regulated by the insurance
29 division of the department of ~~commerce~~ insurance and financial
30 services.
31 Sec. 2742. Section 11.5B, subsection 1, Code 2023, is
32 amended to read as follows:

1. Department of ~~commerce~~ insurance and financial services.

Sec. 2743. Section 11.6, subsection 1, paragraph c, subparagraph (6), Code 2023, is amended to read as follows:

(6) A joint investment trust organized pursuant to chapter 28E shall file the audit reports required by this chapter with the administrator of the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services within ten days of receipt from the auditor. The auditor of a joint investment trust shall provide written notice to the administrator of the time of delivery of the reports to the joint investment trust.

Sec. 2744. Section 15E.17, subsection 4, Code 2023, is amended to read as follows:

4. Subsections 2 and 3 do not apply to the following:

a. The utilities ~~division of the department of commerce~~ board insofar as the information relates to public utilities.

b. The banking division of the department of ~~commerce~~ insurance and financial services.

c. The credit union division of the department of ~~commerce~~ insurance and financial services.

Sec. 2745. Section 16.45, subsection 5, Code 2023, is amended to read as follows:

5. For purposes of this section, *"financial institutions"* means the same as defined in section 12C.1, *"lender"* means a lender as defined in section 537.1301 that is licensed by the banking division of the department of ~~commerce~~ insurance and financial services, and *"manufactured home"* or *"manufactured housing"* means the same as the definition of manufactured home in section 435.1.

Sec. 2746. Section 16.91, subsection 3, Code 2023, is amended to read as follows:

3. With the approval of the authority board the division and its board shall consult with the insurance division of the department of ~~commerce~~ insurance and financial services in developing a guaranty contract acceptable to the secondary

33 market and developing any other feature of the program with
34 which the insurance division may have special expertise.
35 Except as provided in this subsection, the Iowa title guaranty
1 program is not subject to the jurisdiction of or regulation by
2 the insurance division or the commissioner of insurance.
3 Sec. 2747. Section 20.4, subsections 10 and 11, Code 2023,
4 are amended to read as follows:
5 10. Persons employed by the credit union division of the
6 department of ~~commerce~~ insurance and financial services.
7 11. Persons employed by the banking division of the
8 department of ~~commerce~~ insurance and financial services.
9 Sec. 2748. Section 68B.2, subsection 23, Code 2023, is
10 amended to read as follows:
11 23. *"Regulatory agency"* means the department of agriculture
12 and land stewardship, department of workforce development,
13 department of ~~commerce~~ insurance and financial services,
14 Iowa department of public health, department of public
15 safety, department of education, state board of regents,
16 department of human services, department of revenue, department
17 of inspections and appeals, department of administrative
18 services, public employment relations board, state department
19 of transportation, civil rights commission, department of
20 public defense, department of homeland security and emergency
21 management, Iowa ethics and campaign disclosure board,
22 utilities board, and department of natural resources.
23 Sec. 2749. Section 85.70, subsection 2, paragraph f, Code
24 2023, is amended to read as follows:
25 *f.* Beginning on or before December 1, 2018, the department
26 of workforce development, in cooperation with the department of
27 education, the insurance division of the department of ~~commerce~~
28 insurance and financial services, and all community colleges
29 that are participating in the new career vocational training
30 and education program, shall prepare an annual report for
31 submission to the general assembly that provides information
32 about the status of the program including but not limited to

33 the utilization of and participants in the program, program
34 completion rates, employment rates after completion of the
35 program and the types of employment obtained by the program
1 participants, and the effects of the program on workers'
2 compensation premium rates.
3 Sec. 2750. Section 87.11, subsection 2, Code 2023, is
4 amended to read as follows:
5 2. An employer seeking relief from the insurance
6 requirements of this chapter shall pay to the insurance
7 division of the department of ~~commerce~~ insurance and financial
8 services the following fees:
9 *a.* A fee of one hundred dollars, to be submitted annually
10 along with an application for relief.
11 *b.* A fee of one hundred dollars for issuance of the
12 certificate relieving the employer from the insurance
13 requirements of this chapter.
14 *c.* A fee of fifty dollars, to be submitted with each filing
15 required by the commissioner of insurance, including but not
16 limited to the annual and quarterly financial statements, and
17 material change statements.
18 Sec. 2751. Section 97B.49B, subsection 1, paragraph e,
19 subparagraph (13), Code 2023, is amended to read as follows:
20 (13) An employee of the insurance division of the department
21 of ~~commerce~~ insurance and financial services who as a condition
22 of employment is required to be certified by the Iowa law
23 enforcement academy and who is required to perform the duties
24 of a peace officer as provided in section 507E.8.
25 Sec. 2752. Section 100A.1, subsection 1, paragraph j, Code
26 2023, is amended to read as follows:
27 *j.* The fraud bureau within the insurance division of the
28 department of ~~commerce~~ insurance and financial services.
29 Sec. 2753. Section 256.35A, subsection 2, paragraph b, Code
30 2023, is amended to read as follows:
31 *b.* In addition, representatives of the department of
32 education, the division of vocational rehabilitation of the

department of education, the department of public health, the department of human services, the Iowa developmental disabilities council, the division of insurance of the department of ~~commerce~~ insurance and financial services, and the state board of regents shall serve as ex officio members of the advisory council. Ex officio members shall work together in a collaborative manner to serve as a resource to the advisory council. The council may also form workgroups as necessary to address specific issues within the technical purview of individual members.

Sec. 2754. Section 502.102, subsection 27A, Code 2023, is amended to read as follows:

27A. *"Securities and regulated industries bureau"* means the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services.

Sec. 2755. Section 502.321A, subsection 8, paragraph b, subparagraph (3), Code 2023, is amended to read as follows:

(3) An offer in which the target company is an insurance company or insurance holding company subject to regulation by the commissioner of insurance, a financial institution subject to regulation by the superintendent of banking ~~or the superintendent of savings and loan associations,~~ or a public utility subject to regulation by the utilities ~~division of the department of commerce~~ board.

Sec. 2756. Section 502.601, subsection 1, Code 2023, is amended to read as follows:

1. *Administration.* This chapter shall be administered by the commissioner of insurance of this state. The administrator shall appoint a deputy administrator who shall be exempt from the merit system provisions of chapter 8A, subchapter IV. The deputy administrator is the principal operations officer of the securities and regulated industries bureau of the insurance division of the department of ~~commerce~~ insurance and financial services. The deputy administrator is responsible to the

33 administrator for the routine administration of this chapter
34 and the management of the securities and regulated industries
35 bureau. In the absence of the administrator, whether because
1 of vacancy in the office, by reason of absence, physical
2 disability, or other cause, the deputy administrator shall be
3 the acting administrator and shall, for that period, have and
4 exercise the authority conferred upon the administrator. The
5 administrator may by order delegate to the deputy administrator
6 any or all of the functions assigned to the administrator
7 under this chapter. The administrator shall employ officers,
8 attorneys, accountants, and other employees as needed for the
9 administration of this chapter.
10 Sec. 2757. Section 502A.1, subsection 1, Code 2023, is
11 amended to read as follows:
12 1. *"Administrator"* means the administrator of the securities
13 and regulated industries bureau of the insurance division of
14 the department of ~~commerce~~ insurance and financial services.
15 Sec. 2758. Section 502A.15, subsection 1, Code 2023, is
16 amended to read as follows:
17 1. This chapter shall be administered by the administrator
18 of the securities and regulated industries bureau of the
19 insurance division of the department of ~~commerce~~ insurance and
20 financial services.
21 Sec. 2759. Section 505.1, Code 2023, is amended to read as
22 follows:
23 **505.1 Insurance division created.**
24 An insurance division is created within the department
25 of ~~commerce~~ insurance and financial services to regulate and
26 supervise the conducting of the business of insurance in the
27 state. The commissioner of insurance is the chief executive
28 officer of the division. As used in this subtitle and chapter
29 502, *"division"* means the insurance division.
30 Sec. 2760. Section 505.2, Code 2023, is amended to read as
31 follows:
32 **505.2 Appointment and term of commissioner.**

1. The governor shall appoint subject to confirmation by the senate, a commissioner of insurance, who shall be selected solely with regard to qualifications and fitness to discharge the duties of this position, devote the entire time to such duties, and serve for four years beginning and ending as provided by section 69.19. The governor may remove the commissioner for malfeasance in office, or for any cause that renders the commissioner ineligible, incapable, or unfit to discharge the duties of the office.

2. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the regular term.

3. The commissioner of insurance shall also serve as the director of the department of insurance and financial services pursuant to section 546.2.

Sec. 2761. Section 505.5, Code 2023, is amended to read as follows:

505.5 Expenses ~~— salary~~.

The commissioner shall be entitled to reimbursement of actual necessary expenses in attending meetings of insurance commissioners of other states, and in the performance of the duties of the office. ~~The commissioner's salary shall be as fixed by the general assembly.~~

Sec. 2762. Section 505.7, subsections 1 and 3, Code 2023, are amended to read as follows:

1. All fees and charges which are required by law to be paid by insurance companies, associations, and other regulated entities shall be payable to the commissioner of the insurance division of the department of ~~commerce~~ insurance and financial services or department of revenue, as provided by law, whose duty it shall be to account for and pay over the same to the treasurer of state at the time and in the manner provided by law for deposit in the ~~department of~~ commerce revolving fund created in section 546.12.

3. Forty percent of the nonexamination revenues payable to the division of insurance or the department of revenue in

33 connection with the regulation of insurance companies or other
34 entities subject to the regulatory jurisdiction of the division
35 shall be deposited in the ~~department of~~ commerce revolving
1 fund created in section 546.12 and shall be subject to annual
2 appropriation to the division for its operations and is also
3 subject to expenditure under subsection 6. The remaining
4 nonexamination revenues payable to the division of insurance
5 or the department of revenue shall be deposited in the general
6 fund of the state.
7 Sec. 2763. Section 507.1, subsection 2, paragraph c, Code
8 2023, is amended to read as follows:
9 *c. "Division"* means the division of insurance of the
10 department of ~~commerce~~ insurance and financial services.
11 Sec. 2764. Section 507E.8, Code 2023, is amended to read as
12 follows:
13 **507E.8 Law enforcement authority.**
14 1. An individual employed by the division and designated as
15 a peace officer shall be considered a law enforcement officer
16 as that term is defined in section 80B.3, and shall exercise
17 the powers of a law enforcement officer as follows:
18 *a.* For purposes of an arrest resulting from a criminal
19 violation of any provision of the Code subject to the
20 jurisdiction of the commissioner established as a result of an
21 investigation pursuant to this chapter or chapter 502, 502A,
22 507A, 523A, 523C, 523D, or 523I.
23 *b.* While conducting an investigation or engaged in an
24 assignment authorized by this chapter or ~~ordered by the~~
25 ~~commissioner~~ chapter 502, 502A, 507A, 523A, 523C, 523D, or
26 523I.
27 *c.* To protect life if a public offense is committed in the
28 presence of the peace officer.
29 *d.* While providing assistance to a law enforcement agency or
30 another law enforcement officer.
31 ~~*e.* While providing assistance at the request of a member of~~
32 ~~the public.~~

2. Laws applicable to an arrest of an individual by a law enforcement officer of the state shall apply to an individual employed by the division and designated as a peace officer. An individual employed by the division and designated as a peace officer shall have the power to execute arrest warrants and search warrants, serve subpoenas issued for the examination, investigation, and trial of all offenses identified through the course of an investigation conducted pursuant to this section, and arrest upon probable cause without warrant a person found in the act of committing a violation of ~~this chapter or~~ a law of this state.

Sec. 2765. Section 514H.2, subsection 2, Code 2023, is amended to read as follows:

2. The insurance division of the department of ~~commerce~~ insurance and financial services shall administer the program in cooperation with the division responsible for medical services within the department of human services. Each agency shall take all necessary actions, including filing an appropriate medical assistance state plan amendment to the state Medicaid plan to take full advantage of the benefits and features of the Deficit Reduction Act of 2005.

Sec. 2766. Section 514H.9, Code 2023, is amended to read as follows:

514H.9 Rules.

The insurance division of the department of ~~commerce~~ insurance and financial services in cooperation with the department of human services shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Sec. 2767. Section 514I.2, subsection 9, paragraph a, Code 2023, is amended to read as follows:

a. An entity licensed by the division of insurance of the department of ~~commerce~~ insurance and financial services to provide health insurance in Iowa that has contracted with the department to provide health insurance coverage to eligible children under this chapter.

33 Sec. 2768. Section 515A.6, subsection 7, paragraph a, Code
34 2023, is amended to read as follows:
35 *a.* The commissioner shall provide notice of the filing of
1 the proposed rates at least thirty days before the effective
2 date of the proposed rates by publishing a notice on the
3 internet site of the insurance division of the department of
4 ~~commerce~~ insurance and financial services.
5 Sec. 2769. Section 521H.6, subsection 1, Code 2023, is
6 amended to read as follows:
7 1. Documents, materials, or other information, including
8 a corporate governance annual disclosure, in the possession
9 or control of the insurance division of the department of
10 ~~commerce~~ insurance and financial services, that is obtained
11 by, created by, or disclosed to the commissioner or to any
12 other person pursuant to this chapter, is recognized in this
13 state as being proprietary and containing trade secrets. All
14 such documents, materials, or other information, including the
15 disclosure, shall be confidential and privileged, shall not be
16 subject to chapter 22, shall be considered confidential under
17 chapter 507, shall not be subject to subpoena, and shall not be
18 subject to discovery or admissible in evidence in any private
19 civil action. However, the commissioner is authorized to use
20 such documents, materials, or other information, including
21 the disclosure, in the furtherance of any regulatory or legal
22 action brought as a part of the commissioner's official duties.
23 The commissioner shall not otherwise make the documents,
24 materials, or other information, including the disclosure,
25 public without the prior written consent of the insurer or
26 insurance group that provided the documents, materials, or
27 other information, including the disclosure. Nothing in this
28 section shall be construed to require written consent of
29 the insurer or insurance group before the commissioner may
30 share or receive confidential documents, materials, or other
31 information related to governance of an insurer or insurance
32 group pursuant to subsection 3 to assist in the performance of

33 the commissioner's regular duties.
34 Sec. 2770. Section 522.8, subsection 1, Code 2023, is
35 amended to read as follows:
1 1. Documents, materials, or other information, including
2 an own risk and solvency assessment summary report, in
3 the possession or control of the insurance division of the
4 department of ~~commerce~~ insurance and financial services, that
5 are obtained by, created by, or disclosed to the commissioner
6 or to any other person pursuant to this chapter, are recognized
7 in this state as being proprietary and containing trade
8 secrets. All such documents, materials, or other information,
9 including the summary report, shall be confidential and
10 privileged, shall not be subject to chapter 22, shall not be
11 subject to subpoena, and shall not be subject to discovery
12 or admissible in evidence in any private civil action.
13 However, the commissioner is authorized to use such documents,
14 materials, or other information, including the summary report,
15 in the furtherance of any regulatory or legal action brought as
16 a part of the commissioner's official duties. The commissioner
17 shall not otherwise make the documents, materials, or other
18 information, including the summary report, public without
19 the prior written consent of the insurer that provided the
20 documents, materials, or other information, including the
21 summary report.
22 Sec. 2771. Section 523A.807, subsection 4, Code 2023, is
23 amended to read as follows:
24 4. The commissioner shall post on the internet site of the
25 division of insurance of the department of ~~commerce~~ insurance
26 and financial services a list of all persons licensed under
27 this chapter and an index of orders issued by the commissioner
28 pertaining to such persons.
29 Sec. 2772. Section 524.201, Code 2023, is amended to read
30 as follows:
31 **524.201 Superintendent of banking.**
32 1. The governor shall appoint, subject to confirmation by

the senate, a superintendent of banking. The appointee shall be selected solely with regard to qualification and fitness to discharge the duties of office, and a person shall not be appointed who has not had at least five years' experience as an executive officer in a bank. The superintendent shall serve at the pleasure of the governor.

2. ~~The superintendent shall have an office at the seat of government. The regular term of office shall be four years beginning and ending as provided by section 69.19~~ The superintendent shall receive a salary set by the governor within a range established by the general assembly.

Sec. 2773. Section 524.206, Code 2023, is amended to read as follows:

524.206 Banking division created.

The banking division is created within the department of ~~commerce~~ insurance and financial services.

Sec. 2774. Section 524.207, subsections 1, 2, 5, and 6, Code 2023, are amended to read as follows:

1. Except as otherwise provided by statute, all expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of ~~commerce~~ insurance and financial services, the superintendent, and the state banking council by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~department of~~ commerce revolving fund created in section 546.12. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the ~~department of~~ commerce revolving fund created in section 546.12.

2. All fees and assessments generated as the result of a national bank or federal savings association converting to a state bank on or after December 31, 2015, and thereafter, are

33 payable to the superintendent. The superintendent shall pay
34 all the fees and assessments received by the superintendent
35 pursuant to this subsection to the treasurer of state within
1 the time required by section 12.10 and the fees and assessments
2 shall be deposited into the ~~department of~~ commerce revolving
3 fund created in section 546.12. An amount equal to such fees
4 and assessments deposited into the ~~department of~~ commerce
5 revolving fund is appropriated from the ~~department of~~ commerce
6 revolving fund to the banking division of the department of
7 ~~commerce~~ insurance and financial services for the fiscal
8 year in which a national bank or federal savings association
9 converted to a state bank and an amount equal to such
10 annualized fees and assessments deposited into the ~~department~~
11 ~~of~~ commerce revolving fund in succeeding years is appropriated
12 from the ~~department of~~ commerce revolving fund to the banking
13 division of the department of ~~commerce~~ insurance and financial
14 services for succeeding fiscal years for purposes related to
15 the discharge of the duties and responsibilities imposed upon
16 the banking division of the department of ~~commerce~~ insurance
17 and financial services, the superintendent, and the state
18 banking council by the laws of this state. This appropriation
19 shall be in addition to the appropriation of moneys otherwise
20 described in this section. If a state bank converts to a
21 national bank or federal savings association, any appropriation
22 made pursuant to this subsection for the following fiscal
23 year shall be reduced by the amount of the assessment paid by
24 the state bank during the fiscal year in which the state bank
25 converted to a national bank or federal savings association.
26 5. All fees and moneys collected shall be deposited into the
27 ~~department of~~ commerce revolving fund created in section 546.12
28 and expenses required to be paid under this section shall be
29 paid from moneys in the ~~department of~~ commerce revolving fund
30 and appropriated for those purposes.
31 6. All moneys received by the superintendent pursuant to a
32 multi-state settlement with a provider of financial services

33 such as a mortgage lender, a mortgage servicer, or any other
34 person regulated by the banking division of the department of
35 ~~commerce~~ insurance and financial services shall be deposited
1 into the ~~department of~~ commerce revolving fund created in
2 section 546.12 and an amount equal to the amount deposited
3 into the fund is appropriated to the banking division of the
4 department of ~~commerce~~ insurance and financial services for the
5 fiscal year in which such moneys are received and in succeeding
6 fiscal years for the purpose of promoting financial-related
7 education and supporting those duties of the banking
8 division related to financial regulation that are limited to
9 nonrecurring expenses such as equipment purchases, training,
10 technology, and retirement payouts related to the oversight of
11 mortgage lending, state banks, and other financial services
12 regulated by the banking division. This appropriation shall be
13 in addition to the appropriation of moneys otherwise described
14 in this section. The superintendent shall submit a report to
15 the department of management and to the legislative services
16 agency detailing the expenditure of moneys appropriated to the
17 banking division pursuant to this subsection during each fiscal
18 year. The initial report shall be submitted on or before
19 September 15, 2016, and each September 15 thereafter. Moneys
20 appropriated pursuant to this subsection are not subject to
21 section 8.33 and shall not be transferred, used, obligated,
22 appropriated, or otherwise encumbered except as provided in
23 this subsection.
24 Sec. 2775. Section 527.2, subsection 2, Code 2023, is
25 amended to read as follows:
26 2. *"Administrator"* means and includes the superintendent
27 of banking and the superintendent of credit unions within
28 the department of ~~commerce~~ insurance and financial services
29 and the supervisor of industrial loan companies within the
30 office of the superintendent of banking. However, the powers
31 of administration and enforcement of this chapter shall be
32 exercised only as provided in sections 527.3, 527.5, subsection

7, sections 527.11, 527.12, and any other pertinent provision of this chapter.

Sec. 2776. Section 528.2, subsection 1, Code 2023, is amended to read as follows:

1. *"Administrator"* means the superintendent of banking and the superintendent of credit unions within the department of ~~commerce~~ insurance and financial services.

Sec. 2777. Section 533.102, subsection 4, Code 2023, is amended to read as follows:

4. *"Credit union service organization"* means a corporation, limited partnership, or limited liability company organized under state law to provide financial and financial-related services for one or more credit unions, each of which owns part of the capital stock of the credit union service organization, as authorized under section 533.301, subsection 5, paragraph *"f"*, and which corporation, limited partnership, or limited liability company is subject to examination by the credit union division of the Iowa department of ~~commerce~~ insurance and financial services or a federal supervisory agency.

Sec. 2778. Section 533.103, Code 2023, is amended to read as follows:

533.103 Credit union division created.

A credit union division of the department of ~~commerce~~ insurance and financial services is created to administer this chapter.

Sec. 2779. Section 533.104, Code 2023, is amended to read as follows:

533.104 Superintendent of credit unions.

1. A superintendent of credit unions shall be appointed by the governor to serve at the pleasure of the governor, subject to confirmation by the senate, to regulate credit unions.

~~*a.*~~ The appointee shall be selected solely with regard to qualification and fitness to discharge the duties of office~~.~~

~~*b.* The~~ and the individual appointed shall have at least five years' experience as a director or executive officer of

a credit union, or comparable experience in the regulation or examination of credit unions. For purposes of this ~~paragraph~~ subsection, credit union membership does not qualify as credit union experience.

2. ~~The superintendent shall have an office at the seat of government. The superintendent's term of office shall be four years beginning and ending as provided by section 69.19. The governor may remove the superintendent for malfeasance in office, or for any cause that renders the superintendent ineligible, incapable, or unfit to discharge the duties of the office.~~

~~3.~~ The superintendent shall receive a salary set by the governor within a range established by the general assembly.

~~4. A vacancy in the office of superintendent shall be filled for the unexpired portion of the regular term.~~

~~5.~~ 3. The superintendent may adopt rules as necessary or appropriate to administer this chapter~~, subject to the prior approval of the rules by the review board~~.

Sec. 2780. Section 533.111, subsections 1, 4, and 5, Code 2023, are amended to read as follows:

1. *a.* All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the review board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the ~~department of~~ commerce revolving fund created in section 546.12.

b. All fees imposed under this chapter are payable to the superintendent, who shall pay all fees and other moneys received to the treasurer of state within the time required by section 12.10. The treasurer of state shall deposit such funds in the ~~department of~~ commerce revolving fund created in section 546.12.

4. *a.* All fees and other moneys collected shall be deposited into the ~~department of~~ commerce revolving fund

33 created in section 546.12 and expenses required to be paid
34 under this section shall be paid from moneys in the ~~department~~
35 ~~of~~ commerce revolving fund and appropriated for those purposes.
1 *b.* Funds appropriated to the credit union division shall
2 be subject at all times to the warrant of the director
3 of the department of administrative services, drawn upon
4 written requisition of the superintendent or a designated
5 representative, for the payment of all salaries and other
6 expenses necessary to carry out the duties of the credit union
7 division.
8 5. The credit union division may accept reimbursement of
9 expenses related to the examination of a state credit union
10 from the national credit union administration or any other
11 guarantor or insurance plan authorized by this chapter. These
12 reimbursements shall be deposited into the ~~department of~~
13 commerce revolving fund created in section 546.12.
14 Sec. 2781. Section 533A.10, subsection 1, Code 2023, is
15 amended to read as follows:
16 1. The superintendent may examine the condition and
17 affairs of a licensee. In connection with any examination,
18 the superintendent may examine on oath any licensee, and any
19 director, officer, employee, customer, creditor, or stockholder
20 of a licensee concerning the affairs and business of the
21 licensee. The superintendent shall ascertain whether the
22 licensee transacts its business in the manner prescribed by
23 the law and applicable rules. The licensee shall pay the cost
24 of the examination as determined by the superintendent based
25 on the actual cost of the operation of the finance bureau of
26 the banking division of the department of ~~commerce~~ insurance
27 and financial services, including the proportionate share of
28 the administrative expenses in the operation of the banking
29 division attributable to the finance bureau, as determined by
30 the superintendent, incurred in the discharge of duties imposed
31 upon the superintendent by this chapter. Failure to pay the
32 examination fee within thirty days of receipt of demand from

the superintendent shall subject the licensee to a late fee of up to five percent per day of the amount of the examination fee for each day the payment is delinquent.

Sec. 2782. Section 533A.14, Code 2023, is amended to read as follows:

533A.14 Fees to state treasurer.

All moneys received by the superintendent from fees, licenses, and examinations pursuant to this chapter shall be deposited by the superintendent with the treasurer of state for deposit in the ~~department of~~ commerce revolving fund created in section 546.12.

Sec. 2783. Section 533C.902, subsection 1, Code 2023, is amended to read as follows:

1. A financial services licensing fund is created as a separate fund in the state treasury under the authority of the banking division of the department of ~~commerce~~ insurance and financial services. Moneys deposited in the fund shall be used to pay for staffing necessary to perform examinations, audits, and other duties required of the superintendent and the banking division under this chapter.

Sec. 2784. Section 533D.11, subsection 3, Code 2023, is amended to read as follows:

3. The superintendent shall determine the cost of the examination or investigation based upon the actual cost of the operation of the finance bureau of the banking division of the department of ~~commerce~~ insurance and financial services, including the proportionate share of administrative expenses in the operation of the banking division attributable to the finance bureau as determined by the superintendent, incurred in the discharge of duties imposed upon the superintendent by this chapter.

Sec. 2785. Section 535B.1, subsection 1, Code 2023, is amended to read as follows:

1. *"Administrator"* means the superintendent of the division of banking of the department of ~~commerce~~ insurance and

33 financial services.
34 Sec. 2786. Section 535B.10, subsection 5, paragraph a, Code
35 2023, is amended to read as follows:
1 *a.* The licensee shall pay the cost of the examination or
2 investigation as determined by the administrator based on
3 the actual cost of the operation of the finance bureau of
4 the banking division of the department of ~~commerce~~ insurance
5 and financial services, including the proportionate share
6 of administrative expenses in the operation of the banking
7 division attributable to the finance bureau as determined by
8 the administrator, incurred in the discharge of duties imposed
9 upon the administrator by this chapter.
10 Sec. 2787. Section 535C.11, unnumbered paragraph 1, Code
11 2023, is amended to read as follows:
12 This chapter does not apply to activities or arrangements
13 expressly approved or regulated by the department of ~~commerce~~
14 insurance and financial services.
15 Sec. 2788. Section 535D.11, subsection 2, Code 2023, is
16 amended to read as follows:
17 2. The payment of application and renewal fees for licenses
18 through the nationwide mortgage licensing system and registry
19 and any additional fees as determined by the superintendent
20 based on the actual cost of the operation of the finance bureau
21 of the banking division of the department of ~~commerce~~ insurance
22 and financial services, including the proportionate share
23 of administrative expenses in the operation of the banking
24 division attributable to the finance bureau as determined by
25 the superintendent, incurred in the discharge of duties imposed
26 by this chapter.
27 Sec. 2789. Section 536.10, subsection 3, Code 2023, is
28 amended to read as follows:
29 3. A licensee subject to examination, supervision,
30 and regulation by the superintendent shall pay to the
31 superintendent an examination fee based on the actual cost
32 of the operation of the regulated loan bureau of the banking

33 division of the department of ~~commerce~~ insurance and financial
34 services and the proportionate share of administrative expenses
35 in the operation of the banking division attributable to the
1 regulated loan bureau as determined by the superintendent.
2 The fee shall apply equally to all licenses and shall not be
3 changed more frequently than annually. A fee change shall be
4 effective on January 1 of the year following the year in which
5 the change is approved.
6 Sec. 2790. Section 536A.2, subsection 9, Code 2023, is
7 amended to read as follows:
8 9. *"Superintendent"* means the superintendent of banking
9 within the banking division of the department of ~~commerce~~
10 insurance and financial services.
11 Sec. 2791. Section 536A.15, subsection 4, Code 2023, is
12 amended to read as follows:
13 4. The licensee shall be charged and shall pay the actual
14 costs of the examination as determined by the superintendent
15 based on the actual cost of the operation of the finance bureau
16 of the banking division of the department of ~~commerce~~ insurance
17 and financial services including the proportionate share
18 of administrative expenses in the operation of the banking
19 division attributable to the finance bureau as determined by
20 the superintendent incurred in the discharge of the duties
21 imposed upon the superintendent by this chapter. Failure to
22 pay the examination fee within thirty days of receipt of demand
23 from the superintendent shall subject the licensee to a late
24 fee of five percent of the amount of the examination fee for
25 each day the payment is delinquent.
26 Sec. 2792. Section 537.2501, subsection 2, paragraph b,
27 subparagraph (3), unnumbered paragraph 1, Code 2023, is amended
28 to read as follows:
29 The premium rates have been affirmatively approved by the
30 insurance division of the department of ~~commerce~~ insurance and
31 financial services. In approving or establishing the rates,
32 the division shall review the insurance company's actuarial

33 data to assure that the rates are fair and reasonable. The
34 insurance commissioner shall either hire or contract with a
35 qualified actuary to review the data. The insurance division
1 shall obtain reimbursement from the insurance company for the
2 cost of the actuarial review prior to approving the rates.
3 In addition, the rates shall be made in accordance with the
4 following provisions:
5 Sec. 2793. Section 546.1, subsections 1 and 2, Code 2023,
6 are amended to read as follows:
7 1. *"Department"* means the department of ~~commerce~~ insurance
8 and financial services.
9 2. *"Director"* means the director of the department of
10 ~~commerce~~ insurance and financial services.
11 Sec. 2794. Section 546.2, subsections 1, 2, and 3, Code
12 2023, are amended to read as follows:
13 1. A department of ~~commerce~~ insurance and financial
14 services is created to coordinate and administer the various
15 regulatory, service, and licensing functions of the state
16 relating to the conducting of business or commerce in the
17 state.
18 2. The chief administrative officer of the department is the
19 director. The director shall be ~~appointed by the governor from~~
20 ~~among those individuals who serve as heads of the divisions~~
21 ~~within the department~~ the commissioner of insurance appointed
22 pursuant to section 505.2. ~~A division head appointed to be the~~
23 The director shall fulfill the responsibilities and duties of
24 the director of the department in addition to the ~~individual's~~
25 director's responsibilities and duties as the head of ~~a~~ the
26 insurance division. The director shall serve at the pleasure
27 of the governor. ~~If the office of director becomes vacant,~~
28 ~~the vacancy shall be filled in the same manner as the original~~
29 ~~appointment was made.~~
30 3. The department is administratively organized into the
31 following divisions:
32 *a.* Banking.

33 *b.* Credit union.
34 ~~*c.* Utilities.~~
35 ~~*d.*~~ *c.* Insurance.
1 ~~*e.* Alcoholic beverages.~~
2 Sec. 2795. Section 546.12, Code 2023, is amended to read as
3 follows:
4 **546.12 Department of insurance and financial services**
5 **commerce revolving fund.**
6 1. A ~~department of~~ commerce revolving fund is created in
7 the state treasury. The fund shall consist of moneys collected
8 by the banking division; credit union division; utilities
9 ~~division~~ board, including moneys collected on behalf of the
10 office of consumer advocate established in section 475A.3;
11 and the insurance division of the department; and deposited
12 into an account for that division, board, or office within
13 the fund on a monthly basis. Except as otherwise provided
14 by statute, all costs for operating the office of consumer
15 advocate and the banking division, the credit union division,
16 the utilities ~~division~~ board, and the insurance division of the
17 department shall be paid from the division's accounts within
18 the fund, subject to appropriation by the general assembly.
19 The insurance division shall administer the fund and all other
20 divisions shall work with the insurance division to make sure
21 the fund is properly accounted and reported to the department
22 of management and the department of administrative services.
23 The divisions shall provide quarterly reports to the department
24 of management and the legislative services agency on revenues
25 billed and collected and expenditures from the fund in a format
26 as determined by the department of management in consultation
27 with the legislative services agency.
28 2. To meet cash flow needs for the office of consumer
29 advocate and the banking division, credit union division,
30 utilities ~~division~~ board, or the insurance division of the
31 department, the administrative head of that division, board,
32 or office may temporarily use funds from the general fund of

33 the state to pay expenses in excess of moneys available in
34 the revolving fund for that division, board, or office if
35 those additional expenditures are fully reimbursable and the
1 division, board, or office reimburses the general fund of the
2 state and ensures all moneys are repaid in full by the close
3 of the fiscal year. Notwithstanding any provision to the
4 contrary, the divisions shall, to the fullest extent possible,
5 make an estimate of billings and make such billings as early as
6 possible in each fiscal year, so that the need for the use of
7 general fund moneys is minimized to the lowest extent possible.
8 Periodic billings shall be deemed sufficient to satisfy this
9 requirement. Because any general fund moneys used shall be
10 fully reimbursed, such temporary use of funds from the general
11 fund of the state shall not constitute an appropriation for
12 purposes of calculating the state general fund expenditure
13 limitation pursuant to section 8.54.
14 3. Section 8.33 does not apply to any moneys credited or
15 appropriated to the commerce revolving fund from any other
16 fund.
17 4. The establishment of the commerce revolving fund
18 pursuant to this section shall not be interpreted in any
19 manner to compromise or impact the accountability of, or limit
20 authority with respect to, an agency or entity under state
21 law. Any provision applicable to, or responsibility of, a
22 division, board, or office collecting moneys for deposit into
23 the fund established pursuant to this section shall not be
24 altered or impacted by the existence of the fund and shall
25 remain applicable to the same extent as if the division, board,
26 or office were receiving moneys pursuant to a general fund
27 appropriation. The divisions of the department of ~~commerce~~
28 insurance and financial services shall comply with directions
29 by the governor to executive branch departments regarding
30 restrictions on out-of-state travel, hiring justifications,
31 association memberships, equipment purchases, consulting
32 contracts, and any other expenditure efficiencies that the

33 governor deems appropriate.
34 Sec. 2796. Section 714E.6, subsection 4, Code 2023, is
35 amended to read as follows:
1 4. Notwithstanding any other provision of this section,
2 an action shall not be brought on the basis of a violation of
3 this chapter, except by an owner against whom the violation was
4 committed or by the attorney general. This limitation does not
5 apply to administrative action by either the attorney general
6 or the superintendent of the banking division of the department
7 of ~~commerce~~ insurance and financial services.
8 Sec. 2797. Section 714F.8, subsection 3, paragraph b,
9 subparagraph (1), Code 2023, is amended to read as follows:
10 (1) Make a payment to the foreclosed homeowner such that the
11 foreclosed homeowner has received consideration in an amount
12 of at least eighty-two percent of the fair market value of the
13 property, as the property was when the foreclosed homeowner
14 vacated the property, within ninety days of either the eviction
15 or voluntary relinquishment of possession of the property by
16 the foreclosed homeowner. The foreclosure purchaser shall make
17 a detailed accounting of the basis for the payment amount, or
18 a detailed accounting of the reasons for failure to make a
19 payment, including providing written documentation of expenses,
20 within this ninety-day period. The accounting shall be on a
21 form prescribed by the attorney general, in consultation with
22 the superintendent of the banking division of the department of
23 ~~commerce~~ insurance and financial services without being subject
24 to the rulemaking procedures of chapter 17A.
25 Sec. 2798. Section 714F.8, subsection 3, paragraph b,
26 subparagraph (2), subparagraph division (b), Code 2023, is
27 amended to read as follows:
28 (b) The time for determining the fair market value amount
29 shall be determined in the foreclosure reconveyance contract
30 as either at the time of the execution of the foreclosure
31 reconveyance contract or at resale. If the contract states
32 that the fair market value shall be determined at the time

33 of resale, the fair market value shall be the resale price
34 if it is sold within sixty days of the eviction or voluntary
35 relinquishment of the property by the foreclosed homeowner.
1 If the contract states that the fair market value shall
2 be determined at the time of resale, and the resale is not
3 completed within sixty days of the eviction or voluntary
4 relinquishment of the property by the foreclosed homeowner, the
5 fair market value shall be determined by an appraisal conducted
6 within one hundred eighty days of the eviction or voluntary
7 relinquishment of the property by the foreclosed homeowner
8 and payment, if required, shall be made to the foreclosed
9 homeowner, but the fair market value shall be recalculated as
10 the resale price on resale and an additional payment amount,
11 if appropriate, based on the resale price, shall be made to
12 the foreclosed homeowner within fifteen days of resale, and
13 a detailed accounting of the basis for the payment amount,
14 or a detailed accounting of the reasons for failure to make
15 additional payment, shall be made within fifteen days of
16 resale, including providing written documentation of expenses.
17 The accounting shall be on a form prescribed by the attorney
18 general, in consultation with the superintendent of the banking
19 division of the department of ~~commerce~~ insurance and financial
20 services, without being subject to the rulemaking procedures
21 of chapter 17A.
22 Sec. 2799. Section 714F.9, subsection 1, Code 2023, is
23 amended to read as follows:
24 1. *Remedies.* A violation of this chapter is an unlawful
25 practice pursuant to section 714.16, and all the remedies of
26 section 714.16 are available for such an action. A private
27 cause of action brought under this chapter by a foreclosed
28 homeowner is in the public interest. A foreclosed homeowner
29 may bring an action for a violation of this chapter. If
30 the court finds a violation of this chapter, the court shall
31 award to the foreclosed homeowner actual damages, appropriate
32 equitable relief, and the costs of the action, and shall

33 award reasonable fees to the foreclosed homeowner's attorney.
34 Notwithstanding any other provision of this section, an action
35 shall not be brought on the basis of a violation of this
1 chapter except by a foreclosed homeowner against whom the
2 violation was committed or by the attorney general. This
3 limitation does not apply to administrative action by the
4 superintendent of the banking division of the department of
5 ~~commerce~~ insurance and financial services.
6 Sec. 2800. REPEAL. Section 524.202, Code 2023, is repealed.
7 DIVISION XVI
8 DEPARTMENT OF CORRECTIONS — JUDICIAL DISTRICT DEPARTMENTS OF
9 CORRECTIONAL SERVICES AND COMMUNITY-BASED CORRECTIONAL PROGRAMS
10 Sec. 2801. Section 7E.5, subsection 1, paragraph n, Code
11 2023, is amended to read as follows:
12 *n.* The department of corrections, created in section
13 904.102, which has primary responsibility for corrections
14 administration, corrections institutions, prison industries,
15 judicial district departments of correctional services and
16 the development, funding, and monitoring of community-based
17 corrections programs.
18 Sec. 2802. Section 8D.2, subsection 5, paragraph a, Code
19 2023, is amended to read as follows:
20 *a.* *"Public agency"* means a state agency, an institution
21 under the control of the board of regents, the judicial
22 branch as provided in section 8D.13, subsection 14, a school
23 corporation, a city library, a county library as provided in
24 chapter 336, ~~or a judicial district department of correctional~~
25 ~~services established in section 905.2, to the extent provided~~
26 ~~in section 8D.13, subsection 12,~~ an agency of the federal
27 government, or a United States post office which receives a
28 federal grant for pilot and demonstration projects.
29 Sec. 2803. Section 80D.1, subsection 1, Code 2023, is
30 amended to read as follows:
31 1. The governing body of a city, a county, the state
32 of Iowa, or ~~a judicial district department of correctional~~

33 ~~services~~ the Iowa department of corrections may provide, either
34 separately or collectively through a chapter 28E agreement, for
35 the establishment of a force of reserve peace officers, and may
1 limit the size of the reserve force. In the case of the state,
2 the department of public safety shall act as the governing
3 body.
4 Sec. 2804. Section 80D.6, subsection 1, Code 2023, is
5 amended to read as follows:
6 1. Reserve peace officers shall serve as peace officers
7 on the orders and at the discretion of the chief of police,
8 sheriff, commissioner of public safety or the commissioner's
9 designee, or director of the ~~judicial district department of~~
10 ~~correctional services~~ Iowa department of corrections or the
11 director's designee, as the case may be.
12 Sec. 2805. Section 80D.7, Code 2023, is amended to read as
13 follows:
14 **80D.7 Carrying weapons.**
15 A member of a reserve force shall not carry a weapon in
16 the line of duty until the member has been approved by the
17 governing body and certified by the Iowa law enforcement
18 academy council to carry weapons. After approval and
19 certification, a reserve peace officer may carry a weapon in
20 the line of duty only when authorized by the chief of police,
21 sheriff, commissioner of public safety or the commissioner's
22 designee, or director of the ~~judicial district department of~~
23 ~~correctional services~~ Iowa department of corrections or the
24 director's designee, as the case may be.
25 Sec. 2806. Section 80D.9, Code 2023, is amended to read as
26 follows:
27 **80D.9 Supervision of reserve peace officers.**
28 1. Reserve peace officers shall be subordinate to regular
29 peace officers, shall not serve as peace officers unless
30 under the direction of regular peace officers, and shall
31 wear a uniform prescribed by the chief of police, sheriff,
32 commissioner of public safety, or director of the ~~judicial~~

33 ~~district department of correctional services~~ Iowa department of
34 corrections unless that superior officer designates alternate
35 apparel for use when engaged in assignments involving special
1 investigation, civil process, court duties, jail duties, and
2 the handling of mental patients. The reserve peace officer
3 shall not wear an insignia of rank.
4 2. Each department for which a reserve force is established
5 shall appoint a certified peace officer as the reserve force
6 coordinating and supervising officer. A reserve peace
7 officer force established ~~in a judicial district department of~~
8 ~~correctional services~~ by the Iowa department of corrections
9 must be directly supervised by a certified peace officer who is
10 on duty. That certified peace officer shall report directly
11 to the chief of police, sheriff, commissioner of public safety
12 or the commissioner's designee, or director of the ~~judicial~~
13 ~~district department of correctional services~~ Iowa department of
14 corrections or the director's designee, as the case may be.
15 Sec. 2807. Section 80D.11, Code 2023, is amended to read as
16 follows:
17 **80D.11 Employee — pay.**
18 While performing official duties, each reserve peace officer
19 shall be considered an employee of the governing body which the
20 officer represents and shall be paid a minimum of one dollar
21 per year. The governing body of a city, a county, the state,
22 or ~~a judicial district department of correctional services~~ the
23 Iowa department of corrections may provide additional monetary
24 assistance for the purchase and maintenance of uniforms and
25 equipment used by reserve peace officers.
26 Sec. 2808. Section 97B.49B, subsection 3, paragraph f, Code
27 2023, is amended by striking the paragraph.
28 Sec. 2809. Section 331.211, subsection 1, Code 2023, is
29 amended to read as follows:
30 1. The board, at its first meeting in each year, shall~~:~~
31 ~~*a.* Organize by choosing~~ choose one of its members as
32 chairperson who shall preside at all of its meetings during the

year. The board may also select a vice chairperson who shall serve during the absence of the chairperson.

~~*b.* Choose one of its members to be a member of the board of directors of the judicial district department of correctional services as provided in section 905.3, subsection 1, paragraph *"a"*, subparagraph (1).~~

Sec. 2810. Section 331.321, subsection 1, paragraph x, Code 2023, is amended by striking the paragraph.

Sec. 2811. Section 904.108, subsection 1, paragraph l, Code 2023, is amended to read as follows:

l. Adopt rules, policies, and procedures, subject to the approval of the board, pertaining to community-based correctional programs, and the supervision of parole and work release.

Sec. 2812. NEW SECTION. **904.301A Appointment of directors.**

The director shall appoint, subject to the approval of the board, a director for each judicial district department of correctional services established in section 905.2.

Sec. 2813. Section 905.1, Code 2023, is amended to read as follows:

905.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. *"Administrative agent"* means the county selected by the district board to perform accounting, budgeting, personnel, facilities management, insurance, payroll and other supportive services on the behalf of the district board, or the district department itself, if so designated by the district board.~~

~~2.~~ 1. *"Community-based correctional program"* means correctional programs and services, under the direction of a director and the Iowa department of corrections, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in section 901B.1, designed to supervise and assist individuals who are charged with or have been convicted of a felony, an

aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release. A community-based correctional program shall be designed by a district department, under the direction and control of the Iowa department of corrections, in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.

~~3.~~ 2. *"Director"* means the director of a judicial district department of correctional services, appointed by the director of the Iowa department of corrections, and employed by the Iowa department of corrections.

~~4.~~ 3. *"District advisory board"* means the advisory board ~~of directors~~ of a judicial district department of correctional services.

~~5.~~ 4. *"District department"* means a judicial district department of correctional services, under the direction and control of the Iowa department of corrections, established as required by section 905.2.

~~6. *"Project"* means a locally functioning part of a community-based correctional program, officed and operating in a physical location separate from the offices of the district department.~~

~~7. *"Project advisory committee"* means a committee of no more than seven persons which shall act in an advisory capacity to the director on matters pertaining to the planning, operation, and other pertinent functions of each project in the judicial district. The members of the project advisory committee for each project shall be initially appointed by the director from among the general public. Not more than one half of the project advisory committee shall hold public office or public employment during membership on the committee. A person who holds public office as a county supervisor and serves on the~~

~~board of directors under section 905.3 shall not be a member of a project advisory committee under this section. The terms of the initial members of the project advisory committee shall be staggered to permit the terms of just over half of the members to expire in two years and those of the remaining members to expire in one year. Subsequent appointments to the project advisory committee shall be by vote of a majority of the whole project advisory committee for two-year terms.~~

Sec. 2814. Section 905.2, Code 2023, is amended to read as follows:

905.2 District departments established.

1. There is established in each judicial district in this state a ~~public agency to be known as the "..... judicial~~ district department of correctional services.~~"~~ Each district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the ~~needs of that judicial district~~ requirements of the Iowa department of corrections.

2. The district department is under the direction of ~~a board of directors~~ the Iowa department of corrections, ~~selected as provided in section 905.3,~~ and shall be administered by a director employed by the ~~board~~ Iowa department of corrections. A district department is a state agency for purposes of chapter 669.

3. All employees of a district department shall be employees of the Iowa department of corrections.

Sec. 2815. Section 905.3, Code 2023, is amended to read as follows:

905.3 ~~Board of directors — executive committee~~ District advisory board — expenses reimbursed.

1. *a.* ~~The board of directors of~~ A district advisory board is established for each district department, which shall serve in an advisory capacity to a director without compensation, and shall be composed as follows:

(1) One member shall be ~~chosen~~ appointed annually by a

director from ~~and by~~ the board of supervisors of each county in the judicial district ~~and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section 331.211~~.

(2) ~~One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January 15, by and from the project advisory committee. However, in lieu of the designation of project advisory committee members as members of the district board, the district board may~~ The director shall on or before December 31 appoint two citizen members to serve on the district advisory board for the following calendar year.

(3) A number of members ~~equal to the number of authorized board members from project advisory committees or~~ equal to the number of citizen members shall be appointed by the chief judge of the judicial district ~~no later than January 15 of each year~~ on or before December 31 to serve on the district advisory board for the following calendar year.

b. ~~Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson, and members of the executive committee as required by subsection 2.~~ The district advisory board shall meet ~~at least~~ not more often than quarterly during the calendar year ~~but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection 4, of the members of the board~~.

~~2. Each district board shall have an executive committee consisting of the chairperson and vice chairperson and at least one but no more than five other members of the district board. Either the chairperson or the vice chairperson shall be a supervisor, and the remaining representation on the executive committee shall be divided as equally as possible among supervisor members, project advisory committee members or citizen members, and judicially appointed members. The~~

~~executive committee may exercise all of the powers and discharge all of the duties of the district board, as prescribed by this chapter, except those specifically withheld from the executive committee by action of the district board.~~

~~3.~~ 2. The members of the district advisory board ~~and of the executive committee~~ shall be reimbursed from funds of the district department for travel and other expenses necessarily incurred in attending meetings ~~of those bodies, or while otherwise engaged on business of the district department~~.

~~4. Each member of the district board shall have one vote on the board. However, upon the request of any supervisory member, the vote on any matter before the board shall be taken by weighted vote. In each such case, the vote of the supervisor representative of the least populous county in the judicial district shall have a weight of one unit, and the vote of each of the other supervisor members shall have a weight which bears the same proportion to one unit as the population of the county that supervisor member represents bears to the population of the least populous county in the district. In the event of weighted vote, the vote of each member appointed from a project advisory committee or of each citizen member and of each judicially appointed member shall have a weight of one unit.~~

Sec. 2816. Section 905.4, Code 2023, is amended to read as follows:

905.4 Duties of the district advisory board.

The district advisory board shall:

1. Adopt bylaws and rules for the conduct of its own business ~~and for the government of the district department's community-based correctional program~~.

~~2. Employ a director having the qualifications required by section 905.6 to head the district department's community-based correctional program and, within a range established by the Iowa department of corrections, fix the compensation of and have control over the director and the district department's~~

~~staff. For purposes of collective bargaining under chapter 20, employees of the district board who are not exempt from chapter 20 are employees of the state, and the employees of all of the district boards shall be included within one collective bargaining unit.~~

~~3. Designate one of the counties in the judicial district to serve as the district department's administrative agent to provide, in that capacity, all accounting, personnel, facilities management and supportive services needed by the district department, on terms mutually agreeable in regard to advancement of funds to the county for the added expense it incurs as a result of being so designated. However, the district board may designate the district department itself as the district department's administrative agent, if the district board determines that it would be more efficient and less costly than designating a county as the administrative agent.~~

~~4. File with the board of supervisors of each county in the district and with the Iowa department of corrections, within ninety days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.~~

~~5.~~ 2. ~~Arrange for, by contract or on such alternative basis as may be mutually acceptable, and equip~~ Advise the director concerning suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program~~, provided that the board shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation and repair of facilities to a minimum. The district board shall not enter into lease-purchase agreements for the purposes of constructing, renovating, expanding, or otherwise improving a community-based correctional facility or office unless express authorization has been granted by the general assembly, and current funding is adequate to meet the lease-purchase obligation~~.

~~6. Have authority to accept property by gift, devise, bequest or otherwise and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in subsection 5.~~

~~7.~~ 3. Recruit~~,~~ and promote~~, accept and use~~ local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies and other lawful sources.

~~8. Accept and expend state and federal funds available directly to the district department for all or any part of the cost of its community-based correctional program.~~

~~9. Arrange, by contract or on an alternative basis mutually acceptable, and with approval of the director of the Iowa department of corrections or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special, or remedial education; psychiatric and marriage counseling; and alcohol and drug abuse treatment and counseling. It is the intent of this chapter that a district board shall approve the development and maintenance of such resources by its own staff only if the resources are otherwise unavailable to the district department within reasonable proximity to the community where these services are needed in connection with the community-based correctional program.~~

~~10. Establish a project advisory committee to act in an advisory capacity on matters pertaining to the planning, operation, and other pertinent functions of each project in the judicial district.~~

~~11. Have authority to establish a force of reserve peace officers, either separately or collectively through a chapter 28E agreement, as provided in chapter 80D.~~

Sec. 2817. Section 905.6, Code 2023, is amended to read as follows:

905.6 Duties of director.

The director employed by the ~~district board under section 905.4, subsection 2,~~ Iowa department of corrections shall be qualified in the administration of correctional programs. The director shall:

1. Perform the duties and have the responsibilities delegated ~~by the district board~~ or specified by the Iowa department of corrections ~~pursuant to this chapter~~.

2. Manage the district department's community-based correctional program, in accordance with the policies of the ~~district board and the~~ Iowa department of corrections.

3. Employ, with approval of the ~~district board~~ Iowa department of corrections, and supervise the employees of the district department, including reserve peace officers, if a force of reserve peace officers has been established.

4. Prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department. ~~The director may invest funds which are not needed for current expenses, jointly with one or more cities, city utilities, counties, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investment of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.~~

5. Act as secretary to the district advisory board, prepare its agenda and record its proceedings. The district shall provide a copy of minutes from each meeting of the district advisory board to the legislative services agency.

6. Develop and submit to the ~~district board~~ Iowa department of corrections a plan for the establishment, implementation, and operation of a community-based correctional program in that judicial district, which program conforms to the guidelines drawn up by the Iowa department of corrections under this chapter and which conform to rules, policies, and procedures pertaining to the supervision of parole and work release adopted by the director of the Iowa department of corrections

concerning the community-based correctional program.

7. Negotiate and, upon approval by the ~~district board~~ Iowa department of corrections, implement contracts or other arrangements for utilization of local treatment and service resources authorized by ~~section 905.4,~~ subsection ~~9~~ 15.

8. Administer the batterers' treatment program for domestic abuse offenders required in section 708.2B.

9. Notify the board of parole, thirty days prior to release, of the release from a residential facility operated by the district department of a person serving a sentence under section 902.12.

10. File with the director of the Iowa department of corrections, within ninety days after the close of each fiscal year, a report covering the district advisory board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

11. Arrange for, upon approval of the Iowa department of corrections, by contract or on such alternative basis as may be mutually acceptable, and equip suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the director shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation, and repair of facilities to a minimum. The director shall not enter into lease-purchase agreements for the purposes of constructing, renovating, expanding, or otherwise improving a community-based correctional facility or office unless express authorization has been granted by the general assembly, and current funding is adequate to meet the lease-purchase obligation.

12. Have authority to accept property by gift, devise, bequest, or otherwise, and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in subsection 11.

33 13. Recruit, promote, accept, and use local financial
34 support for the district department's community-based
35 correctional program from private sources such as community
1 service funds, business, industrial and private foundations,
2 voluntary agencies, and other lawful sources.
3 14. Accept and expend state and federal funds available
4 directly to the district department for all or any part of the
5 cost of its community-based correctional program.
6 15. Arrange, by contract or on an alternative basis mutually
7 acceptable, and with approval of the director of the Iowa
8 department of corrections or that director's designee for
9 utilization of existing local treatment and service resources,
10 including but not limited to employment, job training,
11 general, special, or remedial education; psychiatric and
12 marriage counseling; and alcohol and drug abuse treatment and
13 counseling.
14 16. Have authority to establish a force of reserve peace
15 officers, either separately or collectively through a chapter
16 28E agreement, as provided in chapter 80D.
17 Sec. 2818. Section 905.9, Code 2023, is amended to read as
18 follows:
19 **905.9 Report of review — sanction.**
20 Upon completion of a review of a district community-based
21 correctional program, made under section 905.8, the Iowa
22 department of corrections shall submit its findings to the
23 district advisory board in writing. If the Iowa department
24 of corrections concludes that the district department's
25 community-based correctional program fails to meet any of the
26 requirements of this chapter and of the guidelines adopted
27 under section 905.7, it shall also request in writing a
28 response to this finding from the district advisory board.
29 If a response is not received within sixty days after the
30 date of that request, or if the response is unsatisfactory,
31 the Iowa department of corrections may call a public hearing
32 on the matter. If after the hearing, the Iowa department

33 of corrections is not satisfied that the district's
34 community-based correctional program will expeditiously be
35 brought into compliance with the requirements of this chapter
1 and of the guidelines adopted under section 905.7, it may
2 assume responsibility for administration of the district's
3 community-based correctional program on an interim basis.
4 Sec. 2819. REPEAL. Section 905.5, Code 2023, is repealed.
5 Sec. 2820. TRANSITION PROVISIONS.
6 1. Any rule promulgated by a district board of a judicial
7 district department of correctional services as required to
8 administer and enforce the provisions of chapter 905 shall
9 continue in full force and effect until amended, repealed, or
10 supplemented by affirmative action of the Iowa department of
11 corrections.
12 2. Any contract entered into by a district board of a
13 judicial district department of correctional services relating
14 to the provisions of chapter 905 in effect on the effective
15 date of this Act shall continue in full force and effect
16 pending transfer of such contract to the Iowa department of
17 corrections.
18 3. Any moneys remaining in any account or fund under the
19 control of a district board of a judicial district department
20 of correctional services on the effective date of this division
21 of this Act and relating to the provisions of this division of
22 this Act shall be transferred to a comparable fund or account
23 under the control of the Iowa department of corrections.
24 Notwithstanding section 8.33, the moneys transferred in
25 accordance with this subsection shall not revert to the account
26 or fund from which appropriated or transferred.
27 Sec. 2821. TRANSITION —— APPOINTMENT AND TERM OF DISTRICT
28 BOARD MEMBERS. This division of this Act shall not affect the
29 appointment or term of a member serving on a district board
30 of a judicial district department of correctional services
31 immediately prior to the effective date of this division of
32 this Act.

DIVISION XVII

BOARD OF PAROLE

Sec. 2822. Section 904A.1, Code 2023, is amended to read as follows:

904A.1 Board of parole — organization.

1. The board of parole is created to consist of five members. Each member~~, except the chairperson and the vice chairperson, shall be compensated on a day-to-day basis~~ shall be appointed by the governor subject to confirmation by the senate. Each member shall serve a term of four years beginning and ending as provided by section 69.19, except for members appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms shall be staggered. ~~The chairperson and vice chairperson~~ All members of the board shall be full-time, salaried members ~~of the board~~. A majority of the members of the board constitutes a quorum to transact business.

2. The governor shall appoint a member of the board as the chairperson and vice chairperson of the board, each subject to confirmation by the senate. The appointments as chairperson and vice chairperson shall serve at the pleasure of the governor.

Sec. 2823. Section 904A.6, Code 2023, is amended to read as follows:

904A.6 Salaries and expenses.

Each member~~, except the chairperson and the vice chairperson, of the board shall be paid per diem as determined by the general assembly. The chairperson and vice chairperson~~ of the board shall be paid a salary as determined by the general assembly. Each member of the board and all employees are entitled to receive, in addition to their ~~per diem or~~ salary, their necessary maintenance and travel expenses while engaged in official business.

Sec. 2824. REPEAL. Sections 904A.2A and 904A.3, Code 2023, are repealed.

Sec. 2825. TRANSITION — APPOINTMENT AND TERM OF BOARD OF

33 PAROLE MEMBERS. This division of this Act shall not affect the
34 appointment or term of a member serving on the board of parole
35 immediately prior to the effective date of this division of
1 this Act.

2 DIVISION XVIII

3 SALARIES OF APPOINTED STATE OFFICERS

4 Sec. 2826. APPOINTED STATE OFFICERS —— SALARY RANGES.

5 1. Unless otherwise provided by law, the governor shall
6 establish a salary for nonelected persons appointed by the
7 governor within the executive branch of state government.
8 In establishing a salary for a person holding a position
9 enumerated in subsection 3 within the range provided, the
10 governor may consider, among other items, the experience of
11 the person in the position, changes in the duties of the
12 position, the incumbent´s performance of assigned duties,
13 and subordinates´ salaries. However, the attorney general
14 shall establish the salary of the consumer advocate, the
15 chief justice of the supreme court shall establish the salary
16 of the state court administrator, the ethics and campaign
17 disclosure board shall establish the salary of the executive
18 director, the Iowa public information board shall establish
19 the salary of the executive director, the board of regents
20 shall establish the salary of the executive director, and the
21 Iowa public broadcasting board shall establish the salary of
22 the administrator of the public broadcasting division of the
23 department of education, each within the salary range provided
24 in subsection 3.

25 2. A person whose salary is established pursuant to this
26 section and who is a full-time, year-round employee of the
27 state shall not receive any other remuneration from the state
28 or from any other source for the performance of that person´s
29 duties unless the additional remuneration is first approved by
30 the governor or authorized by law. However, this subsection
31 does not apply to reimbursement for necessary travel and
32 expenses incurred in the performance of duties or fringe

33 benefits normally provided to employees of the state.
34 3. a. The following annual salary ranges for appointed
35 state officers are effective for the positions specified in
1 this subsection for the fiscal year beginning July 1, 2023,
2 effective for the pay period beginning June 23, 2023, and
3 for subsequent fiscal years until otherwise provided by the
4 general assembly. The governor or other person designated
5 in subsection 1 shall determine the salary to be paid to the
6 person indicated at a rate within the applicable salary range
7 from moneys appropriated by the general assembly for that
8 purpose.

	SALARY RANGE	Minimum	Maximum
9			
10	(1) Range 4	$ 63,690	$ 97,460
11	(2) Range 5	$ 73,250	$112,070
12	(3) Range 6	$ 84,240	$128,890
13	(4) Range 7	$100,840	$154,300

14 b. The following are range 4 positions: chairperson and
15 members of the employment appeal board of the department of
16 inspections, appeals, and licensing, director of the Iowa state
17 civil rights commission, director of the department for the
18 blind, executive director of the ethics and campaign disclosure
19 board, executive director of the Iowa public information board,
20 and chairperson, vice chairperson, and members of the board of
21 parole.
22 c. The following are range 5 positions: state public
23 defender, labor commissioner, workers' compensation
24 commissioner, director of the law enforcement academy, and
25 executive director of the public employment relations board.
26 d. The following are range 6 positions: superintendent of
27 banking, superintendent of credit unions, consumer advocate,
28 and chairperson and members of the utilities board.
29 e. The following are range 7 positions: administrator
30 of the public broadcasting division of the department of
31 education, executive director of the Iowa telecommunications
32 and technology commission, executive director of the state

board of regents, lottery administrator of the department of revenue, and state court administrator.

Sec. 2827. Section 8A.102, subsection 2, Code 2023, is amended to read as follows:

2. The person appointed as director shall be professionally qualified by education and have no less than five years' experience in the field of management, public or private sector personnel administration including the application of merit principles in employment, financial management, and policy development and implementation. The appointment shall be made without regard for political affiliation. The director shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The director is subject to the restrictions on political activity provided in section 8A.416. The governor shall set the salary of the director ~~within pay grade nine~~.

Sec. 2828. Section 80.2, Code 2023, is amended to read as follows:

80.2 Commissioner — appointment.

The chief executive officer of the department of public safety is the commissioner of public safety. The governor shall appoint, subject to confirmation by the senate, a commissioner of public safety, who shall be a person of high moral character, of good standing in the community in which the commissioner lives, of recognized executive and administrative capacity, and who shall not be selected on the basis of political affiliation. The commissioner of public safety shall devote full time to the duties of this office; the commissioner shall not engage in any other trade, business, or profession, nor engage in any partisan or political activity. The commissioner shall serve at the pleasure of the governor~~, at an annual salary as fixed by the general assembly~~.

Sec. 2829. Section 84A.1, subsection 2, paragraph b, Code

2023, is amended to read as follows:

b. The governor shall set the salary of the director ~~within the applicable salary range established by the general assembly~~.

Sec. 2830. Section 256.10, subsection 1, Code 2023, is amended to read as follows:

1. The salary of the director shall be fixed by the governor ~~within a range established by the general assembly~~.

Sec. 2831. Section 307.11, subsection 2, Code 2023, is amended to read as follows:

2. The director shall receive a salary as fixed by the governor ~~within a salary range set by the general assembly~~.

Sec. 2832. Section 455A.3, Code 2023, is amended to read as follows:

455A.3 Director — qualifications.

The chief administrative officer of the department is the director who shall be appointed by the governor, subject to confirmation of the senate, and serve at the governor's pleasure. The governor shall make the appointment based on the appointee's training, experience, and capabilities. The director shall be knowledgeable in the general field of natural resource management and environmental protection. The salary of the director shall be fixed by the governor ~~within salary guidelines or a range established by the general assembly~~.

Sec. 2833. EFFECTIVE DATE. This division of this Act takes effect June 23, 2023.

DIVISION XIX

BOARDS AND COMMISSIONS

Sec. 2834. BOARDS AND COMMISSIONS REVIEW COMMITTEE — REPORT.

1. A boards and commissions review committee shall be established to study the efficiency and effectiveness of each board, council, commission, committee, or other similar entity of the state established by the Code. The committee shall evaluate the extent to which the goals and objectives of those

33 entities are currently being met and make recommendations for
34 the continuation, elimination, consolidation, or reorganization
35 of those entities as needed.
1 2. The committee shall consist of six voting members and
2 four ex officio, nonvoting members.
3 a. The voting members of the committee shall be composed of
4 all of the following:
5 (1) One staff member of the governor's office, appointed by
6 the governor.
7 (2) The administrative rules coordinator or the
8 coordinator's designee.
9 (3) The director of the department of management or the
10 director's designee.
11 (4) The director of the department of inspections, appeals,
12 and licensing or the director's designee.
13 (5) One assistant attorney general, appointed by the
14 governor upon recommendation of the attorney general.
15 (6) One member of the public, appointed by the governor.
16 b. The ex officio, nonvoting members of the committee shall
17 be two state representatives, one appointed by the speaker of
18 the house of representatives and one by the minority leader
19 of the house of representatives, and two state senators, one
20 appointed by the majority leader of the senate and one by the
21 minority leader of the senate.
22 3. The office of the governor shall provide staffing for
23 the committee. The committee may seek the expertise and
24 services of individuals or entities outside of its membership
25 for research, advice, consultation, support, or other needs in
26 furtherance of its responsibilities.
27 4. The committee shall submit a report containing its
28 findings and recommendations to the governor and the general
29 assembly on or before September 30, 2023.
30 5. All departments, agencies, boards, councils,
31 commissions, committees, or other similar entity of the
32 state established by the Code shall cooperate fully with the

33 committee in its review process.

34 DIVISION XX

35 MISCELLANEOUS PROVISIONS

1 Sec. 2835. IRRECONCILABLE AMENDMENTS. If an amendment
2 to a statute in this Act is irreconcilable with an amendment
3 made to the same statute that is contained in division I of
4 this Act that implements the transition of the department of
5 human services and the department of public health into the
6 department of health and human services as required in 2022
7 Iowa Acts, chapter 1131, section 51, the amendment to the
8 statute that is not contained in division I of this Act shall
9 prevail over and shall be codified instead of the amendment
10 to the same statute that is contained in division I of this
11 Act that implements the transition of the department of
12 human services and the department of public health into the
13 department of health and human services.

14 Sec. 2836. TRANSITION PROVISIONS.

15 1. Administrative rules.

16 a. Any rule, regulation, form, order, or directive
17 promulgated by any state agency mentioned in this Act,
18 including any agency abolished, merged, or altered in this Act,
19 and in effect on July 1, 2023, shall continue in full force and
20 effect until amended, repealed, or supplemented by affirmative
21 action of the appropriate state agency under the duties and
22 powers of state agencies as established in this Act and under
23 the procedure established in paragraph "b", if applicable.

24 b. In regard to updating references and format in the
25 Iowa administrative code in order to correspond to the
26 restructuring of state government as established in this Act,
27 the administrative rules coordinator and the administrative
28 rules review committee, in consultation with the administrative
29 code editor, shall jointly develop a schedule for the necessary
30 updating of the Iowa administrative code.

31 2. Legal obligations.

32 a. Any license or permit issued by any state agency

33 mentioned in this Act, including any agency abolished, merged,
34 or altered in this Act, and in effect on July 1, 2023, shall
35 continue in full force and effect until expiration or renewal.
1 b. Any loan, grant, or item of value awarded, or contract
2 entered into, as of July 1, 2023, by any state agency mentioned
3 in this Act, including any agency abolished, merged, or altered
4 in this Act, shall continue in full force and effect pursuant
5 to the terms of the award of such loan, grant, item of value,
6 or contract.
7 3. Personnel. Any personnel in the state merit system of
8 employment who are mandatorily transferred due to the effect of
9 this Act shall be so transferred without any loss in salary,
10 benefits, or accrued years of service.
11 4. Funds. Any funds in any account or fund that is
12 altered in this Act, or of a state agency abolished, merged,
13 or altered in this Act, shall be transferred to the comparable
14 fund or account or state agency as provided by this Act.
15 Notwithstanding section 8.33, moneys transferred in accordance
16 with this subsection shall not revert to the account or fund
17 from which appropriated or transferred.
18 5. Litigation. Any administrative hearing, cause of
19 action, or statute of limitation relating to a state agency
20 transferred to another state agency as provided by this Act
21 shall not be affected as a result of the transfer and such
22 cause or statute of limitation shall apply to the successor
23 state agency.
24 6. Boards and commissions. The holder of any position of
25 membership on any board, committee, commission, or council in
26 state government shall continue to hold such position until
27 the end of the member´s term of office, notwithstanding any
28 change in the name or organizational location of such board,
29 committee, commission, or council that is made by this Act.
30 7. Signs and insignia. Any replacement of signs, logos,
31 stationery, insignia, uniforms, and related items that is made
32 due to the effect of this Act should be done as part of the

33 normal replacement cycle for such items.
34 Sec. 2837. APPLICABILITY. The transition provisions in
35 this division of this Act, to the extent not inconsistent with
1 alternative provisions specifically provided by law or this
2 Act, shall apply to this Act.
3 EXPLANATION

4 **The inclusion of this explanation does not constitute agreement with**
5 **the explanation's substance by the members of the general assembly.**

6 This bill relates to the organization, structure, and
7 functions of state government. The bill is organized by
8 divisions.
9 DIVISION I —— DEPARTMENT OF HEALTH AND HUMAN SERVICES. This
10 division provides the legislative changes for the realignment
11 of the department of human services (DHS) and department of
12 public health (DPH) into the department of health and human
13 services (HHS), as necessary, for consideration by the general
14 assembly during the 2023 legislative session to implement the
15 realignment effective July 1, 2023, as required by 2022 Iowa
16 Acts, chapter 1131, section 51, subsection 6, paragraph "a".
17 In addition, the bill incorporates into HHS the department
18 on aging (DOA), the department of human rights (DHR), early
19 childhood Iowa, and the Iowa commission on volunteer services.
20 The bill eliminates references to the subunit structure
21 and the heads of such subunits of HHS and other agencies
22 incorporated into HHS below the department level, including
23 divisions, bureaus, and administrators. Some of these include
24 the center for rural health and primary care, the center
25 for congenital and inherited disorders, the oral health and
26 delivery systems bureau, the division of tobacco use prevention
27 and control, the division for records and statistics, the
28 bureau of professional licensure, the division of acute disease
29 prevention and emergency response, the division of mental
30 health and disability services, the administrator assigned to
31 control the state mental health institutes and state resource
32 centers, the administrator of mental health and disability

33 services, the division to which the director of DHS had
34 assigned responsibility for income and service programs, the
35 administrator of the child support recovery unit, and the
1 division of adult, children, and family services. Instead,
2 the references are changed so that HHS, the director of HHS,
3 or a designee is responsible for these functions. The bill
4 authorizes the director of HHS to organize HHS into subunits as
5 necessary to most efficiently carry out the responsibilities
6 of HHS.
7 The bill restructures the membership of boards, commissions,
8 and other entities to avoid duplicative representation by more
9 than one person representing HHS following the incorporation of
10 other agencies and units of government into HHS.
11 The bill changes current Code references to "child support
12 recovery unit" to "child support services" and the reference to
13 "foster care recovery unit" to "foster care services".
14 The bill changes current Code references to "substance
15 abuse", "drug abuse", and similar terms, to "substance use
16 disorder".
17 The bill designates "record check evaluation system" to
18 refer to the process used by HHS to perform child and dependent
19 adult abuse record checks and to evaluate criminal history and
20 abuse records.
21 The bill changes current Code references to "food stamps" to
22 "supplemental nutrition assistance program".
23 The bill eliminates the state board of health and replaces
24 the board with the council on health and human services, but
25 retains local boards of health and local health departments.
26 The bill amends the membership of the HHS council to expand
27 voting membership from seven to nine members, and requires
28 that at least one of these members is a physician licensed to
29 practice medicine in Iowa.
30 Through incorporation of DHR into HHS, the bill eliminates
31 the division of community advocacy and services, the division
32 of community action agencies, and the division of criminal and

33 juvenile justice planning, and assigns the functions of these
34 former divisions to HHS while retaining the underlying offices,
35 commissions, councils, and the human rights board.
1 The bill eliminates current Code references to "service
2 area" and "service area manager" for the delivery of services,
3 but retains references to county offices and advisory boards.
4 The bill moves the Code provision establishing the child
5 abuse prevention advisory committee from a general provision
6 under Code chapter 217 (DHS) to a new provision under Code
7 chapter 235A (child abuse).
8 The bill changes current Code references to the "hawk-i"
9 program and related terms to the "Hawki" program and related
10 terms to reflect current program branding.
11 The bill also moves the function of the Iowa child death
12 review team from the office of the state medical examiner
13 to HHS; establishes the Iowa domestic abuse death review
14 team under HHS rather than as an independent agency of
15 state government; eliminates the reference to Iowa Medicaid
16 enterprise and assigns those functions to the Medicaid program;
17 moves the responsibility for regulation of consumable hemp to
18 HHS from the department of inspections and appeals (DIA); and
19 moves the creation of the child advocacy board from DIA to HHS.
20 The bill updates or eliminates outdated Code provisions.
21 The bill repeals Code chapter 136 (state board of health)
22 and incorporates the functions of the board of health into the
23 council on health and human services.
24 The bill repeals Code sections 135.2 (appointment of
25 director and acting director) under the former DPH; 135.3
26 (disqualifications) relating to the former director of DPH;
27 135.6 (assistants and employees) relating to the former
28 DPH; 135.7 (bonds) relating to bond requirements for certain
29 employees of the former DPH; 135.8 (seal) relating to the
30 official seal of DPH; 135.9 (expenses) relating to travel
31 expenses for employees of the former DPH; 135.10 (office)
32 relating to the location of the former DPH at the seat of

33 government; 216A.2 (appointment of department director,
34 deputy director, and administrators —— duties) relating to
35 appointments for the former DHR; 217.7 (administration of
1 divisions); 217.9 (additional duties); 217.10 (administrator
2 of division of mental health and disability services);
3 217.15 (administrator of division of administration)
4 relating to the administrator position under the former DHS;
5 217.16 (cooperation with other divisions) relating to the
6 administrator of the division of administration with others
7 under the former DHS; 217.17 (administrator of division of
8 planning) relating to the administrator under the former
9 DHS; 218.19 (districts) relating to the administrator of
10 institutions having control of an institution under control
11 of the former DHS; 218.20 (place of commitments —— transfers)
12 relating to commitments by district under the former DHS;
13 218.40 (services required) relating to services required to be
14 rendered by residents of institutions; 218.53 (dealers may file
15 addresses) relating to the provision of contact information
16 for those desiring to provide services to institutions;
17 218.54 (samples preserved) relating to the retention of
18 when purchases made by sample at institutions; 222.6 (state
19 districts) relating to districts for resource centers; 227.19
20 (administrator defined) relating to the administrator in
21 control of mental health institutes under the former DHS;
22 231.22 (director —— assistant director) relating to the
23 director and assistant director of former DOA; and 234.2
24 (division created) relating to the division of child and family
25 services under the former DHS.
26 The bill repeals 2022 Iowa Acts, chapter 1098, sections 68
27 and 92, relating to a future amendment to Code section 232.142
28 relating to juvenile detention homes which would have moved
29 administration fully to DHR and the provision making section 68
30 effective July 1, 2023.
31 DIVISION II —— DEPARTMENT OF ADMINISTRATIVE SERVICES.
32 This division transfers the library services duties of the

33 department of education, the state archivist and duties related
34 to state records and archives, and most of the historical
35 division of the department of cultural affairs to the
1 department of administrative services. The bill also provides
2 that the department of administrative services shall undertake
3 responsibilities under Code chapter 305B, concerning museum
4 property, currently provided by the department of cultural
5 affairs.
6 LIBRARY SERVICES. Code sections 256.50 to 256.73,
7 concerning the library services duties of the department of
8 education, are transferred to the department of administrative
9 services in Code chapter 8A. The bill eliminates the library
10 services division of the department of education and transfers
11 duties and responsibilities of the division to the department
12 of administrative services. The state librarian is transferred
13 to the department of administrative services and the bill
14 further provides that the state librarian shall be appointed
15 by the director of the department of administrative services
16 and not by the state commission of libraries. The state
17 commission of libraries is also transferred to the department
18 of administrative services and the bill adds the director of
19 the department of administrative services as a member of the
20 commission. The bill retains the rulemaking authority of the
21 commission as it relates to library services.
22 STATE RECORDS AND ARCHIVES. Code chapter 305, the state
23 records and archives Act, is transferred to Code chapter 8A.
24 The bill transfers the duties currently performed by the
25 department of cultural affairs under that Code chapter to the
26 department of administrative services. The bill also strikes
27 the director of the department of cultural affairs as a member
28 of the state records commission. The bill also provides that
29 the director of the department of administrative services,
30 and not the administrator of the historical division of the
31 department of cultural affairs, shall serve as an ex officio
32 member of the Iowa historical records advisory board.

33 HISTORICAL RESOURCES. The bill transfers most of the
34 duties of the historical division of the department of
35 cultural affairs and the administrator of that division to
1 the department of administrative services and the director of
2 the department of administrative services under Code chapter
3 8A. Duties of the historical division described in Code
4 section 303.2 are generally transferred to the department of
5 administrative services. The historic preservation officer,
6 as well as related duties concerning historic properties and
7 historic preservation activities, is not transferred to the
8 department of administrative services. References to the
9 historical division and to the state historical society as an
10 agency of the state are eliminated and those responsibilities
11 are transferred to the department of administrative services.
12 The bill specifically defines the state historical society as
13 a membership organization of the department of administrative
14 services and retains those duties and responsibilities
15 currently assigned to the state historical society as a
16 membership organization with the state historical society.
17 Current references to the state historical society as a
18 state agency are changed to department of administrative
19 services. The bill transfers the Iowa heritage fund and the
20 historical resource development program to the department of
21 administrative services.
22 The bill provides that those duties currently assigned to
23 the department of cultural affairs under Code chapter 305B,
24 concerning museum property, are assigned to the department of
25 administrative services.
26 Finally, the bill also provides that control of the battle
27 flag restoration fund, created in 2012 Iowa Acts, chapter 1136,
28 shall be assigned to the department of administrative services
29 and not the department of cultural affairs.
30 DIVISION III —— DEPARTMENT OF INSPECTIONS, APPEALS, AND
31 LICENSING. This division of the bill renames the department of
32 inspections and appeals (DIA) the department of inspections,

33 appeals, and licensing (DIAL), and modifies the organizational
34 structure and duties of the renamed department.
35 ORGANIZATION — GENERAL PROVISIONS. Code section 7E.5,
1 listing the principal departments of state government, is
2 amended to reflect the change of DIA to DIAL and to reflect
3 that the duties of the department include licensing, and laws
4 related to employment safety, labor standards, and workers'
5 compensation.
6 Code chapter 10A, governing the department, is amended to
7 reflect the expanded duties of the department as provided in
8 the bill. The organizational structure of the department is
9 amended to eliminate the investigations and health facilities
10 division of the department and to add a labor services and
11 workers' compensation division.
12 Code section 10A.104, providing for the powers and duties
13 of the director of DIAL, is amended to reflect the transfer of
14 duties to the director in the bill. The bill also provides for
15 a teleconference option for boards and commissions under the
16 purview of DIAL relating to health-related professions.
17 LABOR SERVICES. The bill transfers the labor services
18 division and labor commissioner, currently under the department
19 of workforce development, to DIAL, including duties of the
20 division and commissioner.
21 The bill provides that the labor commissioner shall
22 serve at the pleasure of the governor and not for a six-year
23 term. The bill also provides that current duties of the
24 labor commissioner under Code chapter 87, governing workers'
25 compensation, and Code chapter 88, governing occupational,
26 safety, and health, are retained as duties of the labor
27 commissioner under DIAL. All other current labor-related
28 duties of the labor commissioner, except for duties under
29 Code section 73A.21 and Code chapter 94A, are transferred to
30 DIAL and the director of DIAL, and not retained by the labor
31 commissioner. The bill transfers the duties of the labor
32 commissioner under Code section 73A.21 concerning bidder

33 preferences to the department of administrative services.
34 WORKERS' COMPENSATION. The bill transfers the workers'
35 compensation services division and workers' compensation
1 commissioner, including duties of the division and
2 commissioner, currently under the department of workforce
3 development, to DIAL. The bill further provides that the
4 workers' compensation commissioner shall serve at the pleasure
5 of the governor and not for a six-year term.
6 LICENSING AND REGULATION ACTIVITIES. The division
7 transfers several licensing and regulation functions of
8 state government to DIAL. The licensing and regulation of
9 certain fire control and building code-related activities are
10 transferred from the state fire marshal and the commissioner
11 of public safety to DIAL. The licensing and regulation of
12 certain health-related professions are transferred from the
13 department of public health to DIAL. Finally, the licensing
14 and regulation of certain business and commerce-related
15 professions are transferred from the department of commerce and
16 the professional licensing and regulation bureau of the banking
17 division of the department of commerce to DIAL.
18 New Code section 10A.507 creates a licensing and regulation
19 fund under the control of DIAL and provides that moneys in the
20 fund are appropriated to DIAL to fulfill the administration
21 and enforcement responsibilities of the department. The new
22 Code section provides that moneys in the fund shall not revert
23 and that interest and earnings on moneys in the fund shall be
24 credited to the fund.
25 Concerning fire control duties, the bill transfers several
26 duties currently performed by the state fire marshal to
27 DIAL and the DIAL director. Specifically, those duties of
28 the state fire marshal unrelated to arson investigations
29 provided in Code chapter 100 are transferred to DIAL. In
30 addition, duties and responsibilities of the state fire
31 marshal and department of public safety under Code chapter 100C
32 concerning fire extinguishing and alarm systems contractors

33 and installers, Code chapter 100D concerning fire protection
34 system installation and maintenance, Code chapter 101
35 concerning combustible and flammable liquids and liquefied
1 gases, Code chapter 101A concerning explosive materials, and
2 Code chapter 101B concerning cigarette fire safety standards,
3 are transferred to DIAL and the DIAL director. Also, state
4 fire marshal duties related to school infrastructure, health
5 care facilities, motor fuel facilities and dispensers, elder
6 group homes, assisted living programs, adult day services,
7 child foster care and child care facilities, children's
8 residential facilities, board of regents, school child care
9 program facilities, fireworks, and department of corrections
10 institutions, are transferred to DIAL and the director of
11 DIAL. Finally, Code section 12.83, providing for allocation
12 of certain school infrastructure fund moneys, is amended to
13 transfer the allocation to DIAL.
14 Concerning state building code duties, the bill provides
15 that the DIAL director, and not the commissioner of public
16 safety, is the state building code commissioner and is
17 responsible for those duties performed by the state building
18 code commissioner. In addition, duties and responsibilities
19 of the state fire marshal and department of public safety
20 under Code chapter 103 concerning electricians and electrical
21 contractors, are transferred to DIAL and the director of DIAL.
22 Finally, the duties and responsibilities of the department of
23 public health and the state fire marshal under Code chapter 105
24 concerning plumbers, mechanical professionals, and contractors,
25 are transferred to DIAL and the director of DIAL.
26 Concerning health-related professions and other
27 related duties, the bill generally transfers licensing and
28 board-related duties currently under the jurisdiction of
29 the department of public health to DIAL and the director of
30 DIAL. The bill provides that the boards and laws relative to
31 "Health-related Professions", Title IV, subtitle 3, of the
32 Code, excluding Code chapter 147, are transferred from the

33 department of public health to DIAL. The bill eliminates
34 the professional licensure division of the department of
35 public health and provides that the DIAL director, and not
1 the director of public health, shall appoint and supervise
2 a full-time executive director for the board of medicine,
3 the board of nursing, the dental board, and the board of
4 pharmacy. Current responsibilities of the department of public
5 health relating to tattooing, natural hair braiding, and lead
6 abatement are also transferred to DIAL and the DIAL director.
7 Concerning the licensing and regulation of certain business
8 and commerce-related professions, the bill eliminates the
9 professional licensing and regulation bureau of the banking
10 division of the department of commerce and transfers duties
11 of the bureau as well as other department of commerce duties
12 to DIAL and the DIAL director. Specifically, duties and
13 responsibilities of the department of commerce and bureau
14 under Code chapter 542B concerning professional engineers
15 and land surveyors, Code chapter 534B concerning real estate
16 brokers and salespersons, Code chapter 543D concerning real
17 estate appraisals and appraisers, Code chapter 543E concerning
18 real estate appraisal management companies, Code chapter 544A
19 concerning licensed architects, Code chapter 544B concerning
20 landscape architects, and Code chapter 544C concerning
21 registered interior designers, are transferred to DIAL and
22 the DIAL director. Code section 546.10, concerning the
23 professional licensing and regulation bureau, is amended and
24 transferred to Code chapter 10A governing DIAL. The bill also
25 provides that fees currently collected by the department of
26 commerce and bureau related to those boards and Code chapters
27 reassigned to DIAL shall be deposited in the licensing and
28 regulation fund created by the bill and not the general fund of
29 the state or the commerce revolving fund. Provisions governing
30 the current use of fees collected in Code section 546.10 are
31 amended to reflect the changes in the bill.
32 ADMINISTRATIVE LAW JUDGES. The division provides that

33 administrative law judges utilized for purposes of unemployment
34 security, the civil rights commission, the department of
35 education, special education, and board of educational
1 examiners shall be administrative law judges employed by the
2 division of administrative hearings of DIAL under Code chapter
3 10A.
4 CIVIL RIGHTS COMMISSION. The division provides that the
5 Iowa state civil rights commission shall be created within
6 DIAL.
7 CONFORMING CHANGES. The division amends the Code as
8 necessary to conform to the changes provided in the division
9 relative to changing the name and duties of the renamed DIAL.
10 DIVISION IV — DEPARTMENT OF JUSTICE. This division of
11 the bill relates to the department of justice. The bill
12 eliminates the position of general counsel of the department
13 of transportation and directs the attorney general to provide
14 legal services for the department of transportation. The bill
15 strikes a provision making certain employees of the department
16 of justice and administrative law judges appointed or employed
17 by the public employment relations board subject to the merit
18 system.
19 The bill allows the attorney general to prosecute a criminal
20 proceeding without first receiving a request from a county
21 attorney to act as a county attorney. The bill requires the
22 attorney general to submit a report by January 15 of each year
23 detailing all money settlement awards and court money awards
24 that were awarded to the state of Iowa in the previous year.
25 The bill changes the title of the first assistant attorney
26 general to "chief deputy attorney general". The bill repeals
27 Code sections allowing the attorney general to appoint
28 assistant attorneys general to perform and supervise the legal
29 work of the department of revenue and the division of child
30 and family services of the department of human services. The
31 bill allows the attorney general to charge state governmental
32 entities for the cost of performing legal services and to

33 require state governmental entities to provide office space for
34 an assistant attorney general or other staff providing legal
35 services exclusively for that entity. The bill changes the
1 circumstances under which an entity of the state may employ
2 private legal counsel.
3 The bill grants the attorney general exclusive jurisdiction
4 to prosecute election-related crimes.
5 The bill exempts all employees of the department of justice
6 from Code chapter 20 (public employment relations (collective
7 bargaining)). Currently, nonsupervisory employees of the
8 consumer advocate division who are employed primarily for the
9 purpose of performing technical analysis of nonlegal issues are
10 not exempt.
11 The bill eliminates the position of special assistant
12 attorney general for claims and transfers the duties of the
13 position to the attorney general.
14 The bill strikes a provision requiring the department of
15 public safety to employ an assistant attorney general.
16 The bill changes certain provisions for the appointment
17 and removal of the consumer advocate by the attorney general,
18 including by striking a requirement that the consumer advocate
19 be an attorney. The bill also provides that the attorney
20 general, and not the consumer advocate, may employ attorneys
21 and other employees necessary to discharge the duties of the
22 consumer advocate division.
23 The division takes effect upon enactment.
24 DIVISION V —— ECONOMIC DEVELOPMENT AUTHORITY. This division
25 of the bill concerns the duties and responsibilities of
26 the economic development authority and the director of the
27 authority.
28 CULTURAL AFFAIRS. This division of the bill transfers
29 the responsibilities of the department of cultural affairs,
30 including the arts division and the film office, to the
31 economic development authority (authority). The division
32 eliminates the department of cultural affairs and all related

33 internal organizational structure under the department. The
34 division makes conforming changes to Code sections 7E.5,
35 8A.412, 306D.2, 321.252, 404A.1, 404A.3, 404A.6, 423.3, 427.16,
1 465A.2, 465B.2, and 465B.3.
2 STATE HISTORIC PRESERVATION OFFICER. This division of the
3 bill transfers the state historic preservation officer (SHPO),
4 and all related duties of the SHPO, under the authority.
5 IOWA FINANCE AUTHORITY. This division of the bill codifies
6 that the director of the authority shall also serve as the
7 director of the Iowa finance authority. The bill also provides
8 that the director of the economic development authority shall
9 serve at the pleasure of the governor and not for a four-year
10 term.
11 DIVISION VI —— ECONOMIC DEVELOPMENT AUTHORITY —— PARTNER
12 STATE PROGRAM. This division of the bill codifies the partner
13 state program and puts the program under the authority.
14 The division takes effect upon enactment and includes an
15 applicability provision relating to sister state agreements
16 entered into before the effective date of the division.
17 DIVISION VII —— PUBLIC EMPLOYMENT RELATIONS BOARD. This
18 division relates to the public employment relations board
19 (PERB).
20 The bill strikes language providing that when the governor
21 selects members of the PERB, consideration shall be given
22 to their knowledge, ability, and experience in the field
23 of labor-management relations. The bill strikes language
24 providing that members of the PERB shall devote full time to
25 their duties. The bill additionally requires the PERB to meet
26 at least quarterly and modifies language pertaining to the
27 compensation of PERB members and employees.
28 The bill provides for an executive director of the PERB
29 appointed by and serving at the pleasure of the governor
30 and subject to confirmation by the senate. In selecting
31 the executive director, consideration shall be given to the
32 person's knowledge, ability, and experience in the field of

33 labor-management relations. The governor shall set the salary
34 of the executive director within the applicable salary range
35 established by the general assembly. The bill authorizes
1 the PERB to delegate its powers and duties to the executive
2 director or persons employed by the PERB, as appropriate.
3 The bill provides that in a petition for judicial review of
4 a decision of the PERB in a contested case under Code chapter
5 20, the opposing party shall be named the respondent, and the
6 PERB shall not be named as a respondent, notwithstanding Code
7 chapter 17A, the Iowa administrative procedure Act. The bill
8 provides that judicial review of agency action by the PERB
9 under Code chapter 20 is not subject to Code chapter 17A. The
10 bill additionally strikes language providing that the powers
11 and duties of the PERB include preparing legal briefs and
12 presenting oral arguments in court cases affecting the PERB.
13 DIVISION VIII —— DEPARTMENT OF HOMELAND SECURITY AND
14 EMERGENCY MANAGEMENT. Under current law, the department
15 of human services administers the disaster aid individual
16 assistance grant fund and the disaster case management grant
17 fund. The bill provides that the department of homeland
18 security and emergency management shall administer the funds.
19 The name of the disaster case management grant fund is changed
20 to the disaster case advocacy grant fund.
21 The bill also provides that the director of the department of
22 homeland security and emergency management shall be subject to
23 confirmation by the senate and shall serve at the pleasure of
24 the governor.
25 The bill makes conforming Code changes.
26 DIVISION IX —— DEPARTMENT OF VETERANS AFFAIRS. This
27 division relates to the administration of veterans services and
28 the transfer of responsibility for such services.
29 The division requires the department of veterans affairs
30 (IVA) to reimburse the auditor of state for audits and
31 examinations the auditor of state conducts relating to the Iowa
32 veterans home.

33 The division combines the duties of the IVA director and
34 the Iowa veterans home commandant into a single position
35 and changes the title of the head of IVA from director to
1 commandant.
2 The division replaces the commission's authority to
3 supervise the commandant's administration of operations and
4 conduct of the Iowa veterans home with the authority to review
5 and approve applications for distributions of moneys from the
6 veterans license fee fund and the veterans trust fund.
7 The division makes several conforming Code changes.
8 DIVISION X —— OFFICE OF DRUG CONTROL POLICY. Current law
9 provides that the governor's office of drug control policy
10 shall be an independent office, located at the same location
11 as the department of public safety. Administrative support
12 services may be provided to the governor's office of drug
13 control policy by the department of public safety.
14 The division provides that the office of drug control policy
15 is established in the department of public safety. A drug
16 policy director shall be appointed by the commissioner of the
17 department of public safety, and the director shall direct the
18 office of drug control policy.
19 DIVISION XI —— DEPARTMENT OF WORKFORCE DEVELOPMENT. This
20 division modifies duties and responsibilities of the department
21 of workforce development and includes transition provisions.
22 The bill makes conforming changes to Code section 84A.5 to
23 reflect the programs and responsibilities acquired by workforce
24 development.
25 The bill annually appropriates $250,000 to the department
26 of workforce development (workforce development) for the
27 development and implementation of regional industry sector
28 partnerships under Code chapter 260H.
29 The bill transfers administration of the statewide
30 work-based learning intermediary network program under Code
31 section 256.40 from the department of education to workforce
32 development.

33 The bill requires workforce development, rather than the
34 authority, to coordinate and review the industrial new jobs
35 training program under Code chapter 260E.
1 The bill transfers jobs training under Code chapter 260F
2 from the authority to workforce development.
3 The bill transfers the workforce development fund program
4 from the authority to workforce development.
5 The bill transfers the accelerated career education program
6 under Code chapter 260G from the authority to workforce
7 development.
8 The bill transfers the older American community service
9 employment program from the department on aging to workforce
10 development.
11 The bill transfers vocational rehabilitation under Code
12 chapter 259 from the department of education to workforce
13 development.
14 The bill transfers the apprenticeship training program under
15 Code chapter 15B from the authority to workforce development.
16 The bill transfers the future ready Iowa registered
17 apprenticeship development program under Code section 15C.1
18 from the authority to workforce development.
19 The bill transfers the future ready Iowa expanded registered
20 apprenticeship opportunities program under Code section 15C.2
21 from the authority to workforce development.
22 The bill transfers employment agencies under Code chapter
23 94A from the labor commissioner to workforce development.
24 The bill transfers responsibility for reports and records
25 under Code section 91.12 from the division of labor services to
26 workforce development.
27 The bill requires workforce development, rather than the
28 department of education, and community colleges to implement
29 adult education and literacy programs. The department
30 of education and community colleges are still required to
31 implement adult education under Code section 260C.50.
32 DIVISION XII —— DEPARTMENT OF REVENUE. This division of the

33 bill transfers the Iowa lottery authority and the duties of the
34 alcoholic beverages division of the department of commerce to
35 the department of revenue.
1 IOWA LOTTERY. The division eliminates the Iowa lottery
2 authority and transfers authority for operating the Iowa
3 lottery to the department of revenue and the director of
4 the department of revenue. The position of chief executive
5 officer of the lottery authority is replaced by a lottery
6 administrator, with modified duties, and the duties and powers
7 of the lottery board are modified.
8 The bill provides for a lottery administrator, instead of
9 a chief executive officer, who shall direct the day-to-day
10 operations of the lottery as specified by the department of
11 revenue and director. The lottery administrator shall be
12 appointed by the governor, confirmed by the senate, and shall
13 serve at the pleasure of the governor. Under current law, the
14 chief executive officer is appointed by the governor for a
15 four-year term and shall only be removed from office for cause.
16 Compensation of the lottery administrator shall be set by the
17 governor. The division also transfers all duties and powers
18 of the chief executive officer of the Iowa lottery under Code
19 chapter 99G to the director of revenue, to include those duties
20 and powers specified in Code sections 99G.6 and 99G.7.
21 The duties of the board of directors of the Iowa lottery
22 as specified in Code sections 99G.8 and 99G.9 are modified by
23 the bill. The bill limits the responsibility of the board
24 to providing the director of revenue with private-sector
25 perspectives of a large marketing enterprise and adopting
26 lottery game-specific rules. Current duties of the board
27 relating to the administration of the Iowa lottery, approval of
28 a budget, approving major lottery procurements, and adopting
29 administrative rules are transferred to the department of
30 revenue.
31 Code section 99G.10, concerning personnel of the Iowa
32 lottery, is amended. The power to designate particular

33 employees as key personnel is transferred from the chief
34 executive officer to the director of revenue and the power of
35 the chief executive officer and the board to determine the
1 number of full-time equivalent positions necessary to carry out
2 the provisions of Code chapter 99G is eliminated. The bill
3 also eliminates the ability to establish incentive programs for
4 employees.
5 Code section 99G.40, concerning audits and reports, is
6 amended. The provision requiring the chief executive officer
7 to submit an informational budget for the lottery authority is
8 amended. In addition, provisions governing the audit of the
9 lottery authority are modified to reflect that any audit will
10 be done as a part of an audit of the department of revenue.
11 The division includes a transition provision governing
12 the transfer of all rights and authority of the Iowa lottery
13 authority to the department of revenue on July 1, 2023.
14 The provision transfers lottery authority employees to the
15 department of revenue and provides that the chief executive
16 officer on the date of the transfer shall become the lottery
17 administrator without requirement of reappointment by the
18 governor. The transition provision also provides that the
19 department of revenue shall take such steps as is necessary
20 to effectuate the transfer of the lottery authority to the
21 department.
22 ALCOHOLIC BEVERAGE CONTROL. The division eliminates the
23 alcoholic beverages division of the department of commerce and
24 transfers authority over the duties of the alcoholic beverages
25 division to the department of revenue and the director of the
26 department.
27 The bill eliminates the position of administrator of the
28 alcoholic beverages division and transfers those duties of the
29 administrator to the director of revenue.
30 The bill also modifies the duties of the alcoholic beverages
31 commission and renames the commission as the alcoholic
32 beverages council. The bill provides that the council shall

33 act in an advisory capacity only to the department of revenue
34 and director with the ability to advise and review actions of
35 the director. Current duties of the commission to act as a
1 policy-making body for the alcoholic beverages division, to
2 affirm, reverse, or amend all actions of the administrator
3 of the division, and to prepare an annual report concerning
4 the division are eliminated. Instead, the bill transfers
5 this authority and responsibility currently exercised by the
6 commission to the department of revenue.
7 CONFORMING CHANGES. Code section 7E.5, describing the
8 responsibilities of the department of revenue, is amended to
9 reflect the new duties of the department under the division.
10 In addition, Code section 421.17, concerning the powers and
11 duties of the director of revenue, is amended to reflect the
12 new duties of the director under the division.
13 DIVISION XIII —— DEPARTMENT FOR THE BLIND. This division
14 provides that the director of the department of the blind shall
15 be appointed by the governor, subject to confirmation by the
16 senate, and shall serve at the pleasure of the governor. The
17 bill provides that the salary of the director shall be set by
18 the governor within the applicable salary range established by
19 the general assembly. The bill also eliminates the authority
20 for the commission for the blind to appoint officers for the
21 commission.
22 DIVISION XIV —— DEPARTMENT OF EDUCATION. This division
23 transfers the responsibilities of several governmental entities
24 to the department of education.
25 IOWA BRAILLE AND SIGHT SAVING SCHOOL AND IOWA SCHOOL FOR
26 THE DEAF. Current law establishes the Iowa braille and sight
27 saving school and the Iowa school for the deaf within the state
28 board of regents and requires the board of regents to govern
29 the operations of these schools. The bill transfers the Iowa
30 braille and sight saving school and the Iowa school for the
31 deaf 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 braille and sight saving school and the Iowa school for the
35 deaf. The bill includes transition provisions.
1 Current law prohibits the board of regents from merging
2 the Iowa school for the deaf with the Iowa braille and sight
3 saving school, or closing either of the schools, until certain
4 requirements are met. The bill repeals this provision.
5 INNOVATION DIVISION. Current Code section 268.7 establishes
6 the science, technology, engineering, and mathematics
7 collaborative initiative (STEM initiative) at the university of
8 northern Iowa. The bill creates the innovation division of the
9 department of education and transfers the STEM initiative from
10 the university of northern Iowa to the innovation division.
11 The bill provides that the chief administrative officer of
12 the innovation division is the administrator, who is appointed
13 by the director of the department. The bill establishes the
14 responsibilities of the administrator and the innovation
15 division.
16 Subject to an appropriation of moneys, the bill requires
17 the innovation division to administer six regional science,
18 technology, engineering, and mathematics networks for Iowa.
19 Oversight for these networks is provided by a regional advisory
20 board, the members of which are appointed by the governor.
21 The bill authorizes the state board of education to adopt
22 rules to administer the STEM initiative. The bill includes
23 transition provisions.
24 HIGHER EDUCATION DIVISION AND MISCELLANEOUS CHANGES.
25 Current Code section 256.1 establishes that the department of
26 education is to act in a policymaking and advisory capacity
27 and to exercise general supervision over the state system
28 of education, including certain specified areas. The bill
29 provides that the department is to act in a policymaking and
30 advisory capacity and to exercise general supervision over
31 the Iowa braille and sight saving school, Iowa school for the
32 deaf, STEM initiative, college student aid commission, board of

33 educational examiners, and the career and technical education
34 programs offered by school districts or community colleges.
35 The bill establishes the higher education division
1 within the department. The bill provides that the chief
2 administrative officer of the higher education division is
3 the administrator, who is appointed by the director of the
4 department.
5 The bill establishes all of the following within the higher
6 education division: the career and technical education bureau,
7 the board of educational examiners, the college student aid
8 commission, and the community colleges bureau. The bill
9 requires the administrator of the higher education division to
10 administer and coordinate all of these bureaus, boards, and
11 commissions and to hire and control the personnel employed by
12 the division, including the personnel under the control of
13 the board of educational examiners or the college student aid
14 commission, along with providing for other responsibilities.
15 Current Code sections 256.7 (duties of the state board of
16 education) and 256.9 (duties of the director of the department
17 of education) authorize the state board of education and the
18 director to exercise broad authority over the operations of
19 the department, except with respect to the college student aid
20 commission, the commission of libraries and division of library
21 services, and the public broadcasting board and division.
22 The bill modifies these Code sections to authorize the state
23 board and the director to exercise broad authority over the
24 operations of the department, except with respect to the higher
25 education division; the bureaus, boards, and commissions within
26 the higher education division; the commission of libraries and
27 division of library services; and the public broadcasting board
28 and division.
29 CAREER AND TECHNICAL EDUCATION BUREAU. Current Code chapter
30 258 establishes the career and technical education program
31 within the department of education. Current law requires the
32 director of the department to appoint and direct the work of

33 personnel as necessary to carry out Code chapter 258.
34 The bill modifies provisions related to the career and
35 technical education program to transfer the program to
1 the career and technical education bureau, which the bill
2 establishes within the higher education division of the
3 department. The bill requires the director of the department
4 to appoint the bureau chief of the career and technical
5 education bureau. The bill tasks the bureau chief with
6 directing the work of personnel as necessary to carry out the
7 responsibilities of the career and technical education program.
8 The bill makes conforming changes.
9 The bill authorizes the state board of education to adopt
10 emergency rules to implement the provisions of the division
11 pertaining to the career and technical education bureau. The
12 bill includes transition provisions.
13 BOARD OF EDUCATIONAL EXAMINERS. Current Code chapter 272
14 creates the board of educational examiners. The bill transfers
15 the board to the purview of the higher education division
16 of the department of education. The bill makes conforming
17 changes.
18 Current law provides that the governor shall appoint an
19 executive director of the board, subject to confirmation by
20 the senate, who shall serve at the pleasure of the governor.
21 Current law also provides that the board shall set the salary
22 of the executive director within the range established by
23 the general assembly. The bill modifies these provisions to
24 provide that the director of the department of education shall
25 appoint the executive director of the board and the director
26 shall set the salary of the executive director. This provision
27 applies to individuals appointed as the executive director
28 of the board before, on, or after the effective date of the
29 division.
30 The bill includes transition provisions.
31 COLLEGE STUDENT AID COMMISSION. Current Code chapter 261
32 creates the college student aid commission. The bill transfers

33 the commission to the purview of the higher education division
34 of the department of education. The bill makes conforming
35 changes.
1 Current law provides that the commission is an autonomous
2 state agency that is attached to the department of education
3 for organizational purposes only. The bill strikes this
4 provision. Current law also provides that the commission shall
5 determine its own organization, draw up its own bylaws, adopt
6 rules under Code chapter 17A, and do such other things as may
7 be necessary to carry out its responsibilities. The bill
8 modifies this provision to provide that the commission may draw
9 up its own bylaws, adopt rules, and do other such things as
10 may be necessary to carry out its responsibilities under the
11 authority of the higher education division of the department.
12 The bill provides that the director of the department
13 of education shall appoint an executive director of the
14 commission. The bill requires the director to set the
15 salary of the executive director. This provision applies
16 to individuals appointed as the executive director of the
17 commission before, on, or after the effective date of the
18 division.
19 The bill includes transition provisions.
20 COMMUNITY COLLEGES BUREAU. Current law establishes a
21 community colleges division within the department of education.
22 Current law requires the community college division to exercise
23 the powers conferred upon the department with respect to
24 community colleges. The bill modifies these provisions to
25 transfer the responsibility to govern certain aspects of
26 community colleges to the community colleges bureau, which the
27 bill establishes within the higher education division of the
28 department.
29 The bill requires the director of the department of
30 education to appoint the bureau chief of the community colleges
31 bureau. The bill tasks the bureau chief with directing the
32 work of personnel as necessary to carry out Code chapter 260C

33 (community colleges). The bill makes conforming changes.
34 DIVISION XV — COMMERCE. This division concerns the current
35 organization of the department of commerce. The division
1 renames the department and modifies provisions relating to the
2 office of the consumer advocate, the Iowa utilities board, and
3 the renamed department.
4 CONSUMER ADVOCATE. The bill provides that the office of
5 the consumer advocate shall be administratively supported by
6 the utilities board. Current law provides that administrative
7 support services are provided by the department of commerce.
8 IOWA UTILITIES BOARD. The bill provides that the utilities
9 division of the department of commerce shall be removed as
10 a division of the department and function as a stand-alone
11 board. The utilities board shall continue to participate in
12 the commerce revolving fund.
13 DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES. The bill
14 provides that the department of commerce shall be renamed
15 the department of insurance and financial services. The
16 department shall contain the insurance division, the banking
17 division, and the credit division. The bill provides that the
18 insurance commissioner shall be the director of the department
19 of insurance and financial services. The superintendent of
20 banking and superintendent of credit unions shall report to
21 the insurance commissioner. The bill also provides that the
22 department of commerce revolving fund shall be renamed the
23 commerce revolving fund.
24 The bill provides that the superintendent of banking
25 and the superintendent of credit unions shall serve at the
26 pleasure of the governor and not for a four-year term. The
27 bill also eliminates the provision that the superintendent of
28 credit unions can only be removed from office by the governor
29 for cause. Finally, the bill provides that the salary of
30 the insurance commissioner, superintendent of banking, and
31 superintendent of credit unions shall be set by the governor.
32 The bill updates law enforcement authority under Code

33 section 507E.8 to reflect the insurance commissioner's
34 responsibility to enforce laws under Code chapters 502,
35 502A, 507A, 523A, 523C, 523D, and 523I, which is also the
1 responsibility of the insurance commissioner.
2 DIVISION XVI — DEPARTMENT OF CORRECTIONS — JUDICIAL
3 DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES AND
4 COMMUNITY-BASED CORRECTIONAL PROGRAMS. Current law provides
5 that a judicial district of correctional services shall be
6 established in each judicial district of the state which shall
7 provide a community-based correctional program. Each judicial
8 district of correctional services has a board of directors
9 which employs a director for the district.
10 The bill provides that all employees of a judicial district
11 department of correctional services shall be employees of
12 the department of corrections, and that the director of
13 the department of corrections shall appoint, subject to the
14 approval of the board of corrections, a director for each
15 judicial district department of correctional services.
16 The bill amends current law by providing that a district
17 board of a judicial district department of correctional
18 services shall be a district advisory board. Duties which were
19 formerly those of the district board are transferred to the
20 director.
21 The bill makes conforming Code changes and includes
22 transition provisions.
23 DIVISION XVII — BOARD OF PAROLE. Current law provides
24 that only the chairperson and vice chairperson of the board
25 of parole are salaried and full-time employees. The three
26 additional board members and three alternate board members are
27 compensated on a per diem basis and are part-time employees.
28 The bill eliminates the three alternate board members, and
29 provides that all five members of the board shall be full-time,
30 salaried employees.
31 The bill provides that the governor shall appoint a
32 chairperson and vice chairperson from the membership of the

33 board who shall serve at the pleasure of the governor subject
34 to senate confirmation.
35 The bill includes transition provisions for the current
1 board membership.
2 DIVISION XVIII — SALARIES OF APPOINTED STATE OFFICERS.
3 The general assembly periodically establishes salary ranges
4 for certain appointed state officers and authorizes a person
5 (generally the governor) to establish the salaries of those
6 officers within the ranges provided. These noncodified
7 provisions remain operative until the general assembly
8 subsequently passes new salary ranges. The general assembly
9 last passed such provisions in 2008.
10 Under the bill, the salary amounts set forth for ranges 4
11 through 7 remain the same as those passed in 2008. Ranges 2
12 and 3 no longer apply to any positions and are eliminated. The
13 chairperson and members of the employment appeal board are
14 moved from range 3 to range 4, the executive director of the
15 public employment relations board is added to range 5, and the
16 lottery administrator of the department of revenue is added to
17 range 7.
18 The following positions included in the 2008 salary ranges
19 (as amended) are not included in the bill's salary ranges,
20 either because the position no longer exists under the bill
21 or because the salary of the position is to be set without
22 a salary range limitation: (range 2) administrator of the
23 arts division of the department of cultural affairs, (range 3)
24 administrator of the division of criminal and juvenile justice
25 planning of the department of human rights, administrator of
26 the division of community action agencies of the department of
27 human rights, (range 4) director of the department of human
28 rights, members of the public employment relations board,
29 (range 5) director of the department of homeland security and
30 emergency management, drug policy coordinator, director of the
31 department of cultural affairs, director of the department
32 on aging, executive director of the department of veterans

33 affairs, executive director of the college student aid
34 commission, administrator of the historical division of the
35 department of cultural affairs, (range 6) administrator of the
1 alcoholic beverages division of the department of commerce,
2 director of the department of inspections and appeals,
3 commandant of the Iowa veterans home, commissioner of public
4 safety, commissioner of insurance, executive director of the
5 Iowa finance authority, director of the department of natural
6 resources, (range 7) director of the department of corrections,
7 director of the department of education, director of human
8 services, director of the economic development authority,
9 director of transportation, director of the department of
10 workforce development, director of revenue, director of public
11 health, director of the department of management, and director
12 of the department of administrative services.
13 The bill makes corresponding Code changes. This division
14 takes effect June 23, 2023.
15 DIVISION XIX —— BOARDS AND COMMISSIONS. The division
16 establishes a boards and commissions review committee to study
17 the efficiency and effectiveness of each board, council,
18 commission, committee, or other similar entity of the state
19 established by the Code. The committee shall consist of six
20 voting members and four ex officio, nonvoting members. The
21 voting members of the committee shall be composed of one staff
22 member of the governor´s office, appointed by the governor,
23 the administrative rules coordinator or the coordinator´s
24 designee, the director of the department of management or
25 the director´s designee, the director of the department of
26 inspections, appeals, and licensing or the director´s designee,
27 one assistant attorney general, appointed by the governor upon
28 recommendation of the attorney general, and one member of the
29 public, appointed by the governor. The ex officio, nonvoting
30 members of the committee shall be two state representatives and
31 two state senators. The bill provides that the office of the
32 governor shall provide staffing for the committee. Finally,

33 the bill provides that the committee shall submit a report
34 containing its findings and recommendations to the governor and
35 the general assembly on or before September 30, 2023.
1 DIVISION XX —— MISCELLANEOUS PROVISIONS. This division
2 includes a provision relating to irreconcilable amendments as
3 well as transition provisions.
4 The bill provides that if an amendment contained in division
5 I of the bill concerning the department of health and human
6 services is irreconcilable to an amendment that is made in the
7 remainder of the bill, the amendment in the remainder of the
8 bill, and not in division I, shall prevail.
9 The bill also includes a transition provision concerning
10 administrative rules, legal obligations, personnel, funds,
11 litigation, boards and commissions, and signs and insignia.
12 The bill provides that the transition provision in the
13 division of the bill applies to the entirety of the bill to the
14 extent that the transition provisions in the division are not
15 inconsistent with alternative provisions specifically provided
16 by law or in other divisions of the bill.