SENATE FILE 2284
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3132)

(As Amended and Passed by the Senate February 27, 2020)

_____ = New Language by the Senate

* = Language Stricken by the Senate

A BILL FOR

An Act relating to matters involving the state board of regents and the institutions the state board of regents governs, and including retroactive applicability provisions.

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

Section 1. Section 8.44, subsection 1, Code 2020, is amended to read as follows:

1. *a.* Upon receiving federal funds or any other funds from any public or private sources except gifts or donations made to institutions for the personal use or for the benefit of members, patients, or inmates and receipts from the gift shop of merchandise manufactured by members, patients, or inmates, the state departments, agencies, boards, and institutions receiving such funds shall submit a written report within thirty days after receipt of the funds to the director of the department of management. The report shall state the source of the funds that supplement or replace state appropriations for institutional operations, the amount received, and the terms under which the funds are received.

b. Notwithstanding paragraph *"a"*, the state board of regents shall submit the written report required under paragraph *"a"* on a quarterly basis in the format specified by the director of the department of management.

Sec. 2. Section 8D.9, subsection 2, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A private or public agency, other than an institution under the control of the state board of regents, a private college or university, or a nonpublic school, which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

Sec. 3. Section 8D.9, subsection 2, paragraphs b and c, Code 2020, are amended to read as follows:

b. A private or public agency, other than an institution under the control of the state board of regents, a private college or university, or a nonpublic school, shall petition the commission for a waiver of the requirement to use the network as provided in paragraph *"a"*, if the agency determines

that paragraph "*a*", subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph "*a*", subparagraph (1) or (2) applies. An authorized user found by the commission to be under contract for such services as provided in paragraph "*a*", subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph "*a*", subparagraph (1), applies. A waiver approved by the commission may be for a period as requested by the private or public agency of up to three years.

c. ~~A~~ An institution under the control of the state board of regents, a private college or university, or a nonpublic school which certifies to the commission pursuant to subsection 1 that ~~the private college, university, or nonpublic school~~ it is a part of or intends to become a part of the network may use the network for its video, data, or voice requirements as determined by the regents institution, private college or university, or nonpublic school.

Sec. 4. Section 21.5, subsection 1, paragraph 1, Code 2020, is amended to read as follows:

1. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital's competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital's competitive position. For purposes of this paragraph, "*public hospital*" means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 226, 347, 347A, or 392, or a health care facility operated by

an institution governed by the state board of regents. This paragraph does not apply to the information required to be disclosed pursuant to section 347.13, subsection 11, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

Sec. 5. Section 22.7, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 74. Proprietary intellectual property owned or held under contractual agreements by the state board of regents or by an institution of higher education under the board's control.

Sec. 6. Section 23A.2, subsection 10, paragraph k, unnumbered paragraph 1, Code 2020, is amended to read as follows:

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

Sec. 7. Section 23A.2, subsection 10, paragraph k, subparagraphs (8) and (9), Code 2020, are amended to read as follows:

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

(9) Goods, products, or professional services ~~which are produced, created, or sold incidental to the schools' teaching, research, and extension missions~~ provided to the public in furtherance of the institution's or school's mission.

Sec. 8. Section 135P.1, subsection 3, Code 2020, is amended to read as follows:

3. *"Health facility"* means an institutional health facility as defined in section 135.61, hospice licensed under chapter 135J, home health agency as defined in section 144D.1, assisted living program certified under chapter 231C, clinic, ~~or~~

community health center, or the university of Iowa hospitals and clinics, and includes any corporation, professional corporation, partnership, limited liability company, limited liability partnership, or other entity comprised of such health facilities.

Sec. 9. Section 135P.3, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

If an adverse health care incident occurs in a health facility, the health care provider, the health care facility, or the health care provider jointly with the health facility, may provide the patient with written notice of the desire of the health care provider, the health care facility, or of the health care provider jointly with the health facility, to enter into an open discussion under this chapter. A health care facility may designate a person or class of persons who have authority to provide such notice on behalf of the facility. If the health care provider or health facility provides such notice, such notice must be sent within one ~~hundred eighty days~~ year after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. The notice must include all of the following:

Sec. 10. Section 262.9, subsection 22, Code 2020, is amended by striking the subsection.

Sec. 11. Section 262.9, subsection 36, Code 2020, is amended to read as follows:

36. Implement continuous improvement in ~~every~~ undergraduate ~~program~~ programs offered by an institution of higher education governed by the board.

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

~~(1) For each course with typical annual enrollment of three hundred or more, whether in one or multiple sections, a~~

~~continuous improvement plan shall be developed and implemented beginning in the fall semester of 2013.~~

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

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

~~*b.* For each undergraduate course, the institution shall collect and use the results of formative and summative assessments in its continuous improvement plan.~~ for courses with typical annual enrollments of one hundred or more students, whether in one or multiple sections. In developing and implementing the continuous improvement plan for each course, the instructor or instructors for such a course shall each year evaluate the results of the instructors' students' performances in comparison with established course goals and shall formulate recommendations for future goals and methods to achieve improved student performance. The board shall annually evaluate the effectiveness of the plans and shall submit an executive summary of its findings and recommendations in its annual strategic plan progress report, a copy of which shall be submitted to the general assembly.

Sec. 12. Section 262.9B, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 13. Section 262.14, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Funds belonging to an institution governed by the board may be invested in private enterprises if such investment is made in furtherance of the institution's mission. The board shall annually, on or before November 1,

submit a report to the general assembly providing information regarding how the board invested any funds in accordance with this paragraph, including the amount invested, how long the board has invested such funds, and the percentage of equity in each private enterprise held by the board.

Sec. 14. Section 262.26, Code 2020, is amended to read as follows:

262.26 Report of board.

The board shall~~, biennially, at the time provided by law,~~ report to the governor and the legislature such facts, observations, and conclusions respecting each of ~~such~~ the institutions under its control as in the judgment of the board should be considered by the legislature. Such report shall contain an itemized account of the receipts and expenditures of the board, and also the reports made to the board by the executive officers of the several institutions or a summary thereof, and shall submit budgets for biennial appropriations deemed necessary and proper to be made for the support of the several institutions and for the extraordinary and special expenditures for buildings, betterments, and other improvements.

Sec. 15. Section 262.28, Code 2020, is amended to read as follows:

262.28 Appropriations — monthly installments ~~— transfers~~.

~~1.~~ All appropriations made payable annually to each of the institutions under the control of the board of regents shall be paid in twelve equal monthly installments on the last day of each month on order of said board.

~~2. In lieu of the consent and notification requirements of section 8.39, the board may transfer moneys appropriated for the purposes of the southwest Iowa regents resource center, the northwest Iowa regents resource center, and the quad-cities graduate studies center between such centers if the board notifies, in writing, the general assembly and the legislative services agency of the amount, the date, and the purpose of the~~

~~transfer.~~

Sec. 16. NEW SECTION. **262B.4 General powers — ownership or equity interests.**

Any institution under the control of the state board of regents may use its retained earnings, or the retained earnings of an affiliated entity, to acquire, hold, and dispose of ownership or equity interests in entities that arise from research and development efforts conducted at such institution in accordance with this chapter.

Sec. 17. Section 263.12, Code 2020, is amended to read as follows:

263.12 Payment by counties.

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

Sec. 18. Section 263.17, subsection 4, Code 2020, is amended to read as follows:

4. An advisory committee consisting of one representative of each of the organizations enumerated in subsection 2, paragraph *"a"*, is established. The advisory committee shall~~:~~

~~*a. Employ*~~ employ, as a state employee, a full-time director to operate the center. The director shall coordinate the efforts of the heads of each of the major divisions of laboratory analysis, epidemiology and biostatistics, biomedical assays, and exposure modeling and shall also coordinate the efforts of professional and support staff in the operation of the center.

~~*b. Submit an annual report of the activities of the center to the legislative council of the general assembly by January 15 of each year.*~~

Sec. 19. Section 266.39E, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 20. Section 269.2, Code 2020, is amended to read as follows:

269.2 Expenses — residence of indigents.

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

Sec. 21. Section 270.3, Code 2020, is amended to read as follows:

270.3 Admission.

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 school for the deaf. Nonresidents similarly situated may be admitted to an education therein 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~~ set by the state board of regents.

Sec. 22. Section 270.4, Code 2020, is amended to read as follows:

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

The superintendent shall provide students, who would otherwise be without, with clothing~~,~~ or prescription refills, ~~or transportation,~~ 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~~, or transportation~~ provided. The bill shall be presumptive evidence in all courts.

Sec. 23. Section 282.18, subsections 16 and 17, Code 2020, are amended by striking the subsections.

Sec. 24. Section 331.502, subsection 15, Code 2020, is amended by striking the subsection.

Sec. 25. 2019 Iowa Acts, chapter 135, section 9, subsection 1, paragraph a, unnumbered paragraph 2, is amended to read as follows:

~~The~~ For the fiscal year beginning July 1, 2019, and ending June 30, 2020, the state board of regents shall submit a ~~monthly~~ quarterly financial report to the general assembly and the legislative services agency in a format agreed upon by the

state board of regents office and the legislative services agency. The report submitted ~~in~~ for the quarter ending December 31, 2019, shall include the five-year graduation rates for the regents universities.

Sec. 26. REPEAL. Chapter 256G, Code 2020, is repealed.

Sec. 27. REPEAL. Sections 262.24, 262.25, 267A.7, 270.5, 270.6, and 270.7, Code 2020, are repealed.

Sec. 28. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2019:

The section of this Act amending 2019 Iowa Acts, chapter 135, section 9, subsection 1, paragraph "a", unnumbered paragraph 2.