



iowa legislative news service

VOLUME 58, BULLETIN #44
THURSDAY, MARCH 10, 2022

www.ialns.com
515.661.4929

publisher & editor-in-chief:
jack.hunt@ialns.com
editor: barbara.hunt@ialns.com

AROUND THE CAPITOL

The House and Senate wrapped up the week with a day of floor work. Both chambers adjourned until Monday. The House passed 14 bills and also moved four Appropriations bills forward (Transportation, Infrastructure & Capitals, Justice Systems and the Judicial Branch, and Agriculture & Natural Resources). The Appropriations bills should be out next week; the House has set its budget at \$8.27 billion, slightly higher than the Governor or the Senate.

The Senate debated five bills in the morning, before recessing for [SF 2328 CRIMINAL SENTENCES/VICTIM RIGHTS](#). Senator Reichman offered a *Strike & Replace* amendment to the bill as a compromise on some of the controversial positions. Reichman said that the bill protects the rights of crime victims from intrusive discovery procedures, puts the burden of ending non-contact orders on defendants, prevents prisoners from getting work release just because a prison is over-capacity and called the mandatory minimums "truth in sentencing." Senator Boulton said that Democrats support protecting the rights of crime victims but said that limits on evidence will lead to innocent people being convicted. Senator Quirmbach said the amendment made the bill better but opposed the bill because he said the parts that limit the ability of defendant to present a defense in court are unconstitutional.

The REC met today and said that the Iowa economy has had a strong recovery after COVID but faces some uncertainty due to the Russian invasion of Ukraine. The panel raised its revenues estimate to show an increase in state revenues over the next two years to \$9.17 billion and \$9.16 billion. State revenues to less than \$9 billion in three years, in part due the tax cuts in [HF 2317](#).

Governor Reynolds released a statement on the REC estimate:

The projections released today by the REC are very encouraging and again reaffirm why we worked hard this legislative session to pass the largest bipartisan tax reform bill in the history of our state. Our bold tax cuts were necessary as we continue to over-collect Iowan's hard-earned money. But with the new tax law of a flat and fair 3.9% individual tax rate by 2026, and eliminating the state income tax on retirements, among other tax reform, Iowans will see more money in their pockets and not in the hands of the government. These new projections also reaffirm the fact that we have steady revenue entering our state, and that revenue will ensure that our key priority areas like education, public safety and mental health continue to be adequately funded.

DEMOCRATIC REC RESPONSE

Representative Oldson, the ranking member on Appropriations, released a statement for House Democrats:

Corporate Kim Reynolds is at it again. Iowa's budget experts predicted a steep decline in state revenues next year just after hundreds of millions in new tax giveaways to corporations and millionaires were signed into law. While most Iowans won't see another penny in their pocket for years, they instead will be paying more in property taxes and health care to pay for the GOP's giveaways to corporations and millionaires. Every tax dollar Republican politicians hand over to corporations and millionaires costs Iowa families and puts the futures of more Iowa kids at risk.

TODAY IN THE LEGISLATURE

Bills to the Governor: (4)

Bills to the Senate: (10)

Bills to the House: (6)

House Files: none (last introduced HF 2552)

House Study Bills: none (last introduced HSB 727)

Resolution ADOPTED by the House: (1)

HR 109 HONORING GENE ELLIOT

Honors Gene Elliot for his achievement in winning several national senior amateur golf tournaments

WITHDRAWN: [HF 2005](#), [HF 2031](#), [HF 2044](#), [HF 2057](#), [HF 2207](#), [HF 2219](#), [HF 2370](#), [HF 2530](#), [HF 2539](#)

Senate Files: none (last introduced SF 2374)

Senate Study Bills: none (last introduced SSB 3158)

Resolution INTRODUCED by the Senate: (1)

SCR 104 HEALTH CARE WORKFORCE (Jochum, 15 D's) (Rules)

Calls on the Congress, President, Governor and Legislature to improve Iowa communities by improving the health care workforce.

Resolution ADOPTED by the Senate: (1)

SR 104 HONORING GENE ELLIOT

Honors Gene Elliot for his achievement in winning several national senior amateur golf tournaments.

HOUSE FLOOR ACTION

Bills to the Governor: (4)

SF 2288 INSURANCE INVESTMENT

Allows a life insurance company to make investments outside of the US or Canada. Enacts caps for the amount that can be invested outside the US & Canada.

The **Senate PASSED** the bill 49-0 (2/21)

The **House PASSED** the bill 92-0; it now GOES to the **Governor**

SF 2334 410 SHOTGUNS

Requires the NRC to authorize turkey hunters to use a 28 gauge or .410 shotgun, using shot no smaller than 10.

Amendments to HF 2370/SF 2334

H 8163 by **Jacoby** - Allows disabled veterans to receive a lifetime trout license. **RULED NOT GERMANE;** **MTSR FAILED** 52-40

H 8164 by **Jacoby** - Reserves 50 non-resident deer licenses for a non-profit that guides disabled veterans on hunts. **RULED NOT GERMANE;** **MTSR FAILED** 54-38

The **Senate PASSED** the bill 48-0 (2/22)

The **House PASSED** the bill 92-0; it now GOES to the **Governor**

SF 2337 TRANSIT CDL TESTING

Authorizes a public transit or regional transit to serve as a 3rd party CDL tester. Makes definitions and other changes to the Code chapter.

The **Senate PASSED** the bill 48-0 (2/23)

The **House PASSED** the bill 91-0; it now GOES to the **Governor**

SF 2345 NEWBORN SCREENINGS

Codifies rules on the Congenital & Inherited Disorders Advisory Committee. Adds new conditions as identified by the federal government to the current screening panel for newborns. Establishes annual reporting requirements for the DPH on newborn screenings, including new conditions that may be added, status and resources for the program and other matters.

The **Senate PASSED** the bill 47-0 (3/8)

The **House PASSED** the bill 92-0; it now GOES to the **Governor**

Bills to the Senate: (10)

HF 2209 TRAPPING/HUNTING WITH MINORS

Allows an Iowa minor under the age of 16 to accompany a parent or other adult while the adult is hunting or trapping, without the minor having a license. Does not allow the minor to hunt or trap or to carry a gun.

The **House PASSED** the bill 92-0; it now GOES to the **Senate**

HF 2245 TELEHEALTH REIMBURSEMENTS

Requires certain health carriers to reimburse out-of-state MH professionals for telehealth services if the professional is licensed in Iowa and able to deliver appropriate services. Effective on enactment.

The **House PASSED** the bill 91-0; it now GOES to the **Senate**

HF 2369 TRAPPING NUISANCE ANIMALS

Allows coyotes, raccoons, opossums, skunks and groundhogs to be trapped without permission if taken for nuisance control.

The **House PASSED** the bill 63-28; it now GOES to the **Senate**

HOUSE FLOOR ACTION (CONTINUED)

Bills to the Senate: (continued)

HF 2430 COUNTY COMPENSATION BOARDS

Allows the county supervisors to approve a county compensation board or to repeal it. Requires the supervisors to set compensation levels if board is repealed. Repeals certain limitations that a county compensation board or the supervisors must follow.

Amendments to HF 2430

H 8124, H 8134 - WITHDRAWN

H 8132 by Winckler - Strike & Replace: Establishes study committee for county compensation and requires a report by 12/22. **FAILED** 55-37

H 8158 by Wheeler - Does not allow the supervisors to lower pay for a position unless the position is now part-time. **ADOPTED** 92-0

H 8174 by Winckler - Requires the compensation board to give the supervisors documentation on how the board reached its compensation decisions. **ADOPTED** 92-0

The **House PASSED** the bill as amended 55-37 it now GOES to the **Senate**

HF 2431 HOME BUSINESSES

Prohibits local governments from requiring prior approval for a no-impact home business and limits regulations to narrowly tailored restrictions. Does not allow requirements that the property be rezoned for commercial use or to have fire sprinklers. Requires local governments to establish by a clear and convincing standard that any regulation complies with the bill.

Amendments to HF 2431

H 8149 by Wheeler, et al - Adds HF 2394 HOME FOOD ESTABLISHMENTS. (Changes home bakeries to home food establishments and defines homemade food. Includes home kitchens and B & B kitchens in home food establishments. Defines cottage food (production and sale of food from a home kitchen not subject to temperature control). Exempt cottage food from various regulations but includes labeling requirements.)

Sets fines for violations. **ADOPTED**

H 8148 by Wheeler - Limits the visibility of the business from an adjacent street. **ADOPTED**

The **House PASSED** the bill as amended 66-25; it now GOES to the **Senate**

HF 2481 JUDICIAL NOMINATIONS

Requires nominees for district judge to complete a certified application from the Iowa Supreme Court and strikes other application provisions. Increases the number of nominees submitted to the Governor to 5. Requires a district judge to be a resident of a judicial district or contiguous county prior to selection and to be a resident at all times during the term. Requires associate judges to be a resident of a judicial district before and at all times during the term. Makes appointment for associate judges the same as for district judges. Requires judges to notify the Governor, the SOS and the chief judge of an intention to resign. Requires the Governor to call a meeting of the nominating commission after a vacancy. Requires a judicial nominee to be an attorney and to be able to complete a term before reaching the age of 72.

Amendments to HF 2481

H 8128 by Holt - Specifies associate judge applicants can live in a contiguous county. **ADOPTED**

The **House PASSED** the bill 58-33; it now GOES to the **Senate**

HOUSE FLOOR ACTION (CONTINUED)

Bills to the Senate: (continued)

HF 2489 AUDITOR POWERS

Requires the State Auditor to create divisions in the office, including an Attest Division, to be headed by a CPA and subject to Senate confirmation. Requires that the deputy auditor meet the competency standards to sign an accountant's report if the Auditor is not a CPA. Requires the State Auditor to comply with continuing education requirements for CPAs. Other: Deems peer review reports to be confidential peer review records. Deems that the Office of the Auditor qualifies as a certified public accounting firm. Includes other requirements/provisions for the Office of the Auditor to receive a permit as a public accounting firm. Effective on enactment and retroactive to 2002.

The House PASSED the bill 91-0; it now GOES to the Senate

HF 2507 FAMILY FIRST

Aligns the Iowa Family First act with the federal act. Specifies that the least restrictive environment for the placement of a child includes a preference for family or fictive kin. Redefines CASA, GaL and guardian, putative father, relative and makes other definitional changes and changes in duties. **Runaways:** Strikes placement in a runaway assessment center as an option for juveniles. **Notice:** Allows for service in juvenile and parental rights proceedings to be done by notice if a court believes service is otherwise impracticable. **Reports:** Requires a report of child abuse due to drug making to be done within five years. Requires reports of possible child abuse to be made orally to DHS. **ChINA:** Makes changes to legislative findings. Requires courts to find by substantial evidence that a need for removal exists before issuing an *ex parte* order. Includes requirements to consider placement of the child with another parent. Requires a foster care provider be given decision making authority in these placements. Includes provisions on placement with other family or fictive kin. Requires a court to give deference to DHS placement decisions. Includes provisions on domestic abuse situations. Presumes a child over 10 should be at ChINA hearings. Includes other provisions on procedures, evidence and matters related to ChINA hearings. **Father:** Gives a putative father the right to counsel in various proceedings. **Murder:** Allows a court to waive reasonable efforts to avoid a permanent removal for a parent convicted of murder offenses. Requires a county attorney to file for termination of parental rights for parents convicted of murder/voluntary manslaughter offenses. **Rights:** Does not require a finding of a non-accidental physical injury to terminate parental rights. Allows a court to terminate parental rights after a ChINA finding if the parent is a danger to people or has a severe SA disorder. Includes provisions on continuing relationships with other siblings, placements and other matters. **Other:** Prohibits reporting a CASA as a GaL for various proceedings. Includes provisions on shelter/detention costs and on the use of decategorization funds. Shifts certain duties to juvenile courts from DHS.

Amendments to HF 2507

H 8165 by **Fry** - Deems a putative father is not a necessary party until paternity is established. Sets 30-days for visitation periods. Makes corrections. **ADOPTED**

H 8176 to H 8165 by **Fry** - Corrective. **ADOPTED**

The House PASSED the bill as amended 92-0; it now GOES to the Senate

HF 2518 OVERWEIGHT CRANES

Requires overweight cranes moving under a permit to get route approval.

H 8089 by **A Meyer** - *Strike & Replace*: Establishes new requirements for moving cranes up to 80,000 pounds under a permit, including route approval. **ADOPTED**

The House PASSED the bill as amended 91-0; it now GOES to the Senate

HOUSE FLOOR ACTION (CONTINUED)

Bills to the Senate: (continued)

HF 2540 TRAVEL INSURANCE

Allows the Insurance Commissioner to license a travel insurance producer. Allows the producer to use travel insurance retailers. Includes various requirements for the sale of travel insurance. Makes definitions. Authorizes the Insurance Commissioner to adopt rules.

H 8141 by **Graber** - Makes corrections. **ADOPTED**

The **House PASSED** the bill as amended 92-0; it now GOES to the **Senate**

SENATE FLOOR ACTION

Bills to the House: (6)

SF 2080 STUDENT HEALTH SCREENINGS

Prohibits public schools from doing invasive physical exams, or screenings not required by law, of students without written permission. Makes exceptions for emancipated minors, emergent care situations and child abuse assessments. Makes definitions.

S 5055 by **Trone Garriott** - Includes private schools in these provisions. **FAILED** 32-15

The **Senate PASSED** the bill 47-0; it now GOES to the **House**

SF 2132 JUDICIAL NOMINATING COMMISSIONS

Allows the Governor to appoint one additional member to the District Judicial Nominating Commissions for a total of six. Prohibits more than three of the appointees from being of the same gender. Removes the senior district judge from the commissions and allows the commissions to elect their own chair.

The **Senate PASSED** the bill 32-15; it now GOES to the **House**

SF 2214 THERAPEUTIC FOSTER CARE STUDY

Directs the DHS to convene a study committee on therapeutic foster care and to report by 12/2022.

The **Senate PASSED** the bill 47-0; it now GOES to the **House**

SF 2216 INTENSIVE PSYCHIATRIC CARE

Requires the DHS to establish intensive care psychiatric units at each state MHI for children and adults needing more extensive services. Requires each unit have at least 12 beds. Requires DHS to collect data on the units and report on the effectiveness of the units.

The **Senate PASSED** the bill 47-0; it now GOES to the **House**

SENATE FLOOR ACTION (CONTINUED)

Bills to the House: (continued)

SF 2328 CRIMINAL SENTENCES

No Contact: Allows the dissolution of a permanent no-contact order to be dissolved, on application by the victim or by the defendant if specified requirements for each are met. **Sentencing:** Strikes the 12-year look back for whether domestic abuse offenses are used to determine if an offense is a 2nd or subsequent offense. Includes additional sexual abuse offenses for which the SOL does not expire. Requires a judge to ask a victim if the victim has been informed of sentencing recommendations. Requires some sentences to be served consecutively. **Sentences:** Establishes minimum time served: Simple Misdemeanor (2 days); Serious Misdemeanor (7 days); Aggravated Misdemeanor (14 days); Class D (one month); Class C (two months); Class B (one year). Increases the amount of time served before parole/work release to 90% of the sentence. Deems attempted murder of a police officer and certain other felonies to be Category C sentences that are not eligible for sentence reductions. **Parole:** Requires the BOP to review the sentence of felons, except for Class A felons and certain Class B felons, once or twice a year and to report to the felon the decision of the BOP on work release or parole. Requires parole hearings to be recorded and maintained as a public record. Requires that work release be in the best interests of the public. **Victim Rights:** Adds provisions on victim rights. **Discovery:** Limits the definition of exculpatory evidence. Requires a criminal defendant or defense attorney to get court approval to issue a subpoena. Limits the areas/grounds of discovery. Limits discovery depositions except in exceptional circumstances. Limits the scope of discovery in post-conviction proceedings. **Reports:** Requires each district judge to submit an annual report on sentencing to the Governor & Legislature. Requires the DOC/BOP to submit an annual report.

Amendments to SF 2328

S 5048, S 5050 & S 5054 - OUT-OF-ORDER

S 5052 by Quirmbach - Strike & Replace:

S 5058 to S 5052 by Reichman - Strike & Replace: Retains victim rights provisions. Retains the no-contact orders and makes the extension automatic unless the defendant files. Includes provisions on the 12-year look back for domestic abuse, lifting the SOL for sexual assault and mandatory minimums for felonies (but strikes the misdemeanors). Includes provisions limiting exculpatory evidence, use of depositions in a criminal action before a person is charged and prohibits conditional pleas. Gives reporting requirements to the state court administrator. **ADOPTED**

S 5052 by Quirmbach as amended ADOPTED

The Senate PASSED the bill 35-10; it now GOES to the House

SF 2359 TECHNOLOGY & LEARNING

Requires the DOE to convene a workgroup to study the impact of technology on learning and to recommend best practices by December 2022.

The Senate PASSED the bill 47-0; it now GOES to the House

HOUSE COMMITTEE ACTION

House Appropriations Committee: Voted Out (3)

HF 2278 STUDENT AID APPLICATIONS

Appropriates \$150,000 to the CSC to work with the Iowa College Access Network to assist HS students in applying for federal student aid. **PASSED** 23-0; *FM: Brink*

HF 2361 CYBER SECURITY TRAINING

Appropriates \$2.5 million to establishes a cyber-security simulation training center at ISU to help governments and business deal with cyber-attacks. **PASSED** 23-0; *FM: Sorenson*

HF 2533 FUNCTIONAL FAMILY THERAPY

Requires the DHS to submit a Medicaid waiver to allow coverage for functional family therapy and multisystemic therapy for youths. **PASSED** 23-0; *FM: Fry*

SENATE COMMITTEE ACTION

Senate Labor & Business Relations Committee: Voted Out (2)

HF 724 ADOPTIVE PARENTS

Requires employers to treat employees who adopt a child up to the age of 5 in the same manner as a biological child. Includes restrictions on the use of disability leave. Makes definitions. **PASSED** 11-0; *FM: Schultz*

HF 2411 PROSTHETIC DEVICES

Requires an employer to give an employee a prosthetic device for an injury that occurred while the person was employed and that would be considered compensable. **PASSED** 11-0; *FM: Dickey*. Senator Dickey said that the bill will be amended on the floor to ensure that the claim can be closed out and money be set aside to pay for any prosthetics.

Senate Local Government Committee: Voted Out (4)

HF 2153 PIONEER CEMETERIES

Allows county supervisors or a cemetery commission to designate a portion of a cemetery as a pioneer section and to use its resources to restore that section. Deems that the rest of the cemetery is not a pioneer cemetery. **PASSED** 10-0; *FM: Driscoll*

HF 2357 PROPERTY TAX PROTESTS

Requires the Board of Review for property tax protests to set the start of the hearing period between May 1 and May 7. Effective on enactment. **PASSED** 10-0; *FM: Klimesh*

HF 2428 COUNTY HOSPITAL TRUSTEES

Allows the trustees of a county hospital to receive compensation for services performed as a trustee. **PASSED** 8-2; *FM: Klimesh*

HF 2436 PUBLIC SAFETY ANSWERING POINTS

Changes the method for gathering costs and expenses related to public safety answering points to collecting the data only for the direct costs. **PASSED** 10-0; *FM: Klimesh*

SENATE COMMITTEE ACTION (CONTINUED)

Senate State Government Committee: Voted Out (3)

HF 2154 PENSION RECORDS

Strikes language that the records of pension system that have information on members and beneficiaries are not public records and deems records with SS numbers, addresses, balances or payments or information on investments as not public records. **AMENDED & PASSED** 15-0; FM: **R Smith** (Makes technical corrections in regard to redundancies.)

HF 2374 PROTECTION OCCUPATION WORKERS

Deems that police officers and firefighters working for any covered employer under IPERS are protection occupation workers. **PASSED** 15-0; FM: **Goodwin**

HF 2375 DRAINAGE LEVY MANAGEMENT

Requires a petition to change the management of a drainage/levy district be signed by enough landowners who own a majority of land in the district in aggregate. **PASSED** 15-0; FM: **Guth**

HOUSE & SENATE AGENDA

SATURDAY, MARCH 12, 2022

5-8:30 PM	Great DSM Hot Air Balloon Hunt	Finkbine Drive
-----------	--------------------------------	----------------

HOUSE SUBCOMMITTEE ASSIGNMENTS

EDUCATION

<u>SF 2081</u>	COMPUTER SCIENCE GRANTS	Ingels (C) Smith , Stone
<u>SF 2357</u>	SCHOOL BOARD MEETINGS	Sorensen (C), Dolecheck , Steckman

HUMAN RESOURCES

<u>SF 2214</u>	THERAPEUTIC FOSTER CARE STUDY	Bergan (C), Boden , Sunde
<u>SF 2216</u>	INTENSIVE PSYCHIATRIC CARE	A Meyer (C), Brown-Powers , Fry

JUDICIARY

<u>SF 513</u>	MH/SA POLICE REPORTS	Kaufmann (C), Anderson , Wheeler
-------------------------------	----------------------	--

LOCAL GOVERNMENT

<u>SF 2267</u>	ER DISTRICTS	Maxwell (C), Hunter , Nordman
--------------------------------	--------------	---

STATE GOVERNMENT

<u>SF 2196</u>	COPYING EMPLOYEE FILES	Mitchell (C), Gjerde , T Moore
<u>SF 2260</u>	LAB CATS AND DOGS	A Meyer (C), Hunter , Nordman
<u>SF 2263</u>	GUBERNATORIAL APPOINTMENTS	Sexton (C), Bacon , Wolfe
<u>SF 2307</u>	TRANSCRIPTS AND DIPLOMAS	Lundgren (C), A Meyer , Winckler

SENATE SUBCOMMITTEE ASSIGNMENTS

STATE GOVERNMENT

<u>HF 853</u>	SNOWMOBILE FEES	Brown (C), Giddens , R Smith (<i>reassigned</i>)
-------------------------------	-----------------	--

WAYS & MEANS

<u>SF 2083</u>	VOLUNTEER EMS TAX ABATEMENT	Dickey (C), Dawson , Dotzler (<i>reassigned</i>)
<u>SF 2319</u>	BANNING AUTOMATED TRAFFIC ENFORCEMENT	Zaun (C), Schultz , T Taylor