



# iowa legislative news service

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## AROUND THE CAPITOL

The Senate met for a short session before adjourning until Tuesday morning. The House stayed in session in order to read in [HF 161 NON-ECONOMIC DAMAGES](#), the successor to [HF 102](#), which passed the House Health & Human Services Committee late in the day, but did no work on the floor.

The House HHS Committee passed out [HF 161 NON-ECONOMIC DAMAGES](#) on a 12-9 vote. The bill caps non-economic damages against health care providers for substantial or permanent loss of bodily function, substantial disfigurement or death at \$1 million. It was amended to add provisions to increase the caps in future years. Supporters of the bill said that a cap is needed to protect Iowa health care providers from excessive damage awards.

The Senate Education Committee had been expected to take up [SSB 1081 2% SSA/CATEGORICAL RATE](#) but did not meet. Senator Kraayenbrink is still the manager of the bill which establishes an SSA and a Categorical Growth rate of 2% for the 2023-24 school year. Senator Zaun has joined the Education Committee and replaces Senator Green on the committee.

The House introduced its SSA/Categorical rate bill, with a higher 3% rate, higher than the rate proposed by Governor Reynolds (2.5%) or the Senate. [HSB 117 3% SSA/CATEGORICAL RATE](#) is in the Education Committee and Representative Johnson is the bill manager in the House. The bill is scheduled for subcommittee work on Tuesday morning.

## DEMOCRATIC PARTY CHAIR

Democrats selected Rita Hart to serve as the next state party chair. Senator Wahls said, “we are deeply fortunate to have a visionary, collaborative leader in IDP Chair Rita Hart - and I would also like to reiterate my gratitude to Brittany Ruland and Bob Krause for stepping up to run for chair and being willing to serve, and to Ross Wilburn and the IDP staff for their years of tireless service.”

Democrats also created a new steering committee consisting of Wahls and Representative Konfrst, State Auditor Sand and Hart, along with five members of the state central committee who will be selected later, to guide the party.

## WOTUS LETTER

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Today, Governor Reynolds and 24 Republican governors sent a joint letter to President Joe Biden voicing their opposition to a revised definition “Water of the United States” (WOTUS). The letter read in part that the “definition has been under scrutiny for nearly twenty years, and your Administration’s rule only further complicates the efforts to create certainty.” The governors urged the Biden administration to wait for an upcoming Supreme Court ruling and wrote, “to change the rule multiple times in six months is an inefficient and wasteful use of state and federal resources.”

The full text is at the end of the *Bulletin*.

## TODAY IN THE LEGISLATURE

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**House Files: 17 (HF 145 - HF 161)**

**House Study Bills: 12 (HSB 105 - HSB 117)**

**Senate Files: 9 (SF 165 - SF 173)**

**Senate Study Bills: 7 (SSB 1095 - SSB 1101)**

## HOUSE COMMITTEE ACTION

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**House Health & Human Services: Voted Out: (1)**

**[HF 102](#) NON-ECONOMIC DAMAGES** (now [HF 161](#))

Caps non-economic damages against health care providers for substantial or permanent loss of bodily function, substantial disfigurement or death at \$1 million. Deems losses related to dependent care to be economic damage. **AMENDED & PASSED** 12-9 FM: **A Meyer** (Increases the damage caps currently in law and in the bill by 2.1% annually after 2028. Requires the Insurance Commissioner to update the caps annually.)

## SENATE COMMITTEE ACTION

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**Senate Local Government Committee: Voted Out (10)**

**[SF 43](#) BUILDING DESIGN**

Prohibits local governments from adopting or enforcing building code rules or regulations that affect building design in certain aspects related to materials, rules more stringent than national model code rules and adopting rules on design elements unless certain conditions apply. States that the provisions do not affect rights of private parties in regard to design. **PASSED** 8-4; FM: **Webster**

## HOUSE &amp; SENATE AGENDA

TUESDAY, JANUARY 31, 2023

7-10 AM	<i>Iowa Recycling Association Day</i>	<i>Rotunda</i>
7:30-9:30 AM	<i>Iowa Chiropractic Society Legislative Breakfast</i>	<i>Legislative Dining Room 15</i>
8:30 AM	<b>HOUSE CONVENES</b>	<i>House Chamber</i>
9 AM	<b>SENATE CONVENES</b>	<i>Senate Chamber</i>
9:15 AM	<b>Senate Economic Development Appropriations Subcommittee</b> Presentation: Iowa Workforce Development Update & Budget Priorities for 2023 - Director Townsend and Commissioner Joe Cortese Workers Compensation Division.	<i>Room 22</i>
9:30 AM	<b>House Judiciary Committee</b> <a href="#">HSB 42</a> PUBLIC EXPRESSION PROTECTIONS: <b>Holt</b> (C) <a href="#">HSB 75</a> CONTINUOUS SEXUAL ABUSE: <b>C Thomson</b> (C)	<i>Room 103</i>
	<b>House Labor &amp; Workforce Committee</b>	<i>Room 102</i>
	<b>House Natural Resources Committee</b> Presentation: Ted Corrigan and Jennifer Terry - Des Moines Water Works. <a href="#">HF 89</a> BLACK BEAR HUNTING: <b>Sherman</b> (C)	<i>Room 19</i>
10 AM-1 PM	<i>Deaf Capitol Day</i>	<i>Rotunda East &amp; North Wings</i>
10 AM-2 PM	<i>Fraternal Order of Police Legislative Day on the Hill</i>	<i>Rotunda, West &amp; South Wings</i>
11 AM	<b>Senate Workforce Committee</b> <a href="#">SF 3</a> ADOPTIVE PARENTS (w/amend): <b>Driscoll</b> (C)	<i>Room 116</i>
1 PM	<b>House Agriculture Committee</b> <a href="#">HF 80</a> STATEWIDE FARMERS MARKETS: <b>Ingels</b> (C)	<i>Room 102</i>
	<b>House Health &amp; Human Services Committee</b> <a href="#">HF 20</a> SUBSTANCE ABUSE TREATMENT: <b>Lohse</b> (C) <a href="#">HF 23</a> PRESCRIBING PSYCHOLOGISTS: <b>H Wilz</b> (C) <a href="#">HF 74</a> HOME & VEHICLE MODIFICATION SERVICES: <b>Kniff McCulla</b> (C) <a href="#">HSB 11</a> DIAGNOSTIC IMAGING: <b>Best</b> (C) <a href="#">HSB 24</a> DIRECT HEALTH CARE SERVICES: <b>Wood</b> (C) <a href="#">HSB 57</a> PSYCHIATRIC FELLOWSHIPS: <b>A Meyer</b> (C) <a href="#">HSB 76</a> BRAIN ILLNESS: <b>Bradley</b> (C)	<i>Room 103</i>
	<b>Senate Ways &amp; Means Committee</b> <a href="#">SF 10</a> LAND REDEVELOPMENT TRUSTS: <b>Dawson</b> (C) <a href="#">SSB 1056</a> RESIDENTIAL VALUATIONS (w/amend): <b>Dawson</b> (C)	<i>Room 116</i>
1:30-4:30 PM	<i>Epilepsy Foundation</i>	<i>Rotunda, East &amp; North Wings</i>
2 PM	<b>Senate Judiciary Committee</b> <a href="#">SF 61</a> ACCRUED GOOD TIME: <b>Dawson</b> (C) <a href="#">SF 84</a> SEXUAL OFFENSES AGAINST MINORS (w/amend): <b>Dawson</b> (C) <a href="#">SSB 1018</a> OVERDOSE DEATHS: <b>Rowley</b> (C)	<i>Room 116</i>

## HOUSE &amp; SENATE AGENDA (CONTINUED)

TUESDAY, JANUARY 31, 2023		
2:30 PM	<b>House Education Committee</b> <a href="#">HF 4</a> TEACHING LICENSES: <b>Stone</b> (C) <a href="#">HF 7</a> EDUCATION STUDY: <b>Wheeler</b> (C) <a href="#">HF 9</a> GENDER IDENTITY PROHIBITIONS: <b>Wheeler</b> (C) <a href="#">HF 39</a> CHARTER SPORTS: <b>Bradley</b> (C) <a href="#">HSB 41</a> REGENT INVESTMENT IN CHINA: <b>Stone</b> (C) <a href="#">HSB 117</a> 3% SSA/CATEGORICAL RATE: <b>Johnson</b> (C)	Room 102
2:30-4:40 PM	<i>Smokefree Air Act Anniversary Celebration</i>	Rotunda
5-7:30 PM	<i>Travel Federation of Iowa 27th Annual Legislative Showcase</i>	Elwell Family Food Center 3000 E Grand Ave
6:30-9 PM	<i>Iowa Soybean Association's Legislative Reception</i>	Curate 322 E Court Ave

## SUBCOMMITTEE MEETINGS

TUESDAY, JANUARY 31, 2023		
8 AM	<b>House Education Subcommittee</b> <a href="#">HF 39</a> CHARTER SPORTS: <b>Bradley</b> (C), <b>Madison</b> , <b>T Moore</b>	House Lounge
	<b>House Education Subcommittee</b> <a href="#">HSB 58</a> FARM WORK DRIVING: <b>Fry</b> (C), <b>Sorensen</b> , <b>Steckman</b>	Room 19
	<b>House Judiciary Subcommittee</b> <a href="#">HSB 114</a> TRUCK ACCIDENT LIABILITY: <b>Gustoff</b> (C), <b>Scheetz</b> , <b>P Thompson</b>	Room 102
	<b>House Ways &amp; Means Subcommittee</b> <a href="#">HF 38</a> ENDOW IOWA CREDIT: <b>Siegrist</b> (C), <b>Best</b> , <b>Gjerde</b>	House Lounge 2
8:15 AM	<b>House Transportation Subcommittee</b> <a href="#">HSB 26</a> DRIVING TESTS: <b>Wood</b> (C), <b>Bagniewski</b> , <b>Sorensen</b>	House Lounge
9:30 AM	<b>Senate Education Subcommittee</b> <a href="#">SF 85</a> EMOTIONAL LEARNING: <b>Salmon</b> (C), <b>Donahue</b> , <b>Evans</b>	Room 217
	<b>Senate Technology Subcommittee</b> <a href="#">SSB 1070</a> TECHNOLOGICAL STALKING: <b>Cournoyer</b> (C), <b>Bennett</b> , <b>Webster</b>	Room 315
10 AM	<b>Senate Local Government Subcommittee</b> <a href="#">SSB 1088</a> ELDERLY PROPERTY TAX CREDIT: <b>Guth</b> (C), <b>Webster</b> , <b>Weiner</b>	Room 217

## SUBCOMMITTEE MEETINGS (CONTINUED)

TUESDAY, JANUARY 31, 2023		
10:30 AM	Senate Judiciary Subcommittee <a href="#">SSB 1065</a> GARNISHMENT NOTICES: Reichman (C), Evans, Weiner	Room G15
	Senate Local Government Subcommittee <a href="#">SSB 1092</a> COUNTY DRIVERS LICENSE FEES: Westrich (C), Shipley, Winckler	Room 315
	Senate State Government Subcommittee <a href="#">SSB 1032</a> TO GO DRINKS: Dawson (C), Bisignano, Salmon	Room G15
11 AM	Senate Commerce Subcommittee <a href="#">SSB 1054</a> AMUSEMENT CONCESSION PAYMENTS: Boussetot (C), Gruenhagen, Trone Garriott	Room 217
11:30 AM	House Education Subcommittee <a href="#">HSB 117</a> 3% SSA/CATEGORICAL RATE: Johnson (C), Ehlert, Fry, Gehlbach, Steckman	Room 103
	Senate Local Government Subcommittee <a href="#">SSB 1090</a> TRADE NAMES: Westrich (C), Knox, Shipley	Room 315
NOON	House Education Subcommittee <a href="#">HF 4</a> TEACHING LICENSES: Stone (C), Gehlbach, Madison	House Lounge
	House Public Safety Subcommittee <a href="#">HSB 54</a> GARNISHMENT NOTICES: Vondran (C), Fisher, Olson	Room 103
	House Transportation Subcommittee <a href="#">HSB 84</a> RR CROSSING FINES: Wulf (C), Sorensen, Zabner	Room 304
	House Ways & Means Subcommittee <a href="#">HSB 66</a> DRAINAGE DISTRICT EXEMPTION: Osmundson (C), Harris, Isenhardt	Room 304.1
	House Ways & Means Subcommittee <a href="#">HSB 63</a> NEW RESIDENT/GRADUATE CREDIT: Jones (C), Deyoe, Kurth	House Lounge 2
	Senate Education Subcommittee <a href="#">SF 83</a> GENDER INSTRUCTION PROHIBITIONS: J Taylor (C), Quirnbach, Westrich	Room 217
	Senate Transportation Subcommittee <a href="#">SF 96</a> RR CROSSING FINES: Shipley (C), Webster, Winckler	Room 315
12:15 PM	House Ways & Means Subcommittee <a href="#">HSB 60</a> AMUSEMENT DEVICE EXEMPTION: Lundgren (C), Judge, Siegrist	House Lounge
12:30 PM	House Commerce Subcommittee <a href="#">HF 83</a> SHIPPING LIQUORS: Nordman (C), Kressig, Lohse	House Lounge
	House Education Subcommittee <a href="#">HF 9</a> GENDER IDENTITY PROHIBITIONS: Wheeler (C), Boden, Steckman	Room 19
	House Transportation Subcommittee <a href="#">HSB 85</a> COSMETIC DAMAGE CAR TITLES: Gerhold (C), Madison, Sieck	Room 304
	Senate Local Government Subcommittee <a href="#">SSB 1093</a> LAND DIVISION APPROVAL: Shipley (C), Webster, Winckler	Room 315
	Senate Technology Subcommittee <a href="#">SSB 1071</a> PERSONAL DATA: Cournoyer (C), Alons, Weiner	Room 217

## SUBCOMMITTEE MEETINGS (CONTINUED)

TUESDAY, JANUARY 31, 2023		
1 PM	<b>Senate Natural Resources &amp; Environment Subcommittee</b> <a href="#">SF 138</a> AIRBOW DEER HUNTING: <b>Shipley</b> (C), <b>De Witt</b> , <b>Knox</b>	Room 315
1:45 PM	<b>House Local Government Subcommittee</b> <a href="#">HSB 94</a> TAX PROTEST DEADLINES: <b>Osmundson</b> (C), <b>Cooling</b> , <b>Stoltenberg</b>	Room 19
2 PM	<b>House Local Government Subcommittee</b> <a href="#">HF 42</a> ENTERTAINMENT AREAS: <b>Gehlbach</b> (C), <b>Stoltenberg</b> , <b>Wilson</b>	Room 19
2:15 PM	<b>House Local Government Subcommittee</b> <a href="#">HSB 97</a> DELINQUENT TAX SALES: <b>Deyoe</b> (C), <b>Croken</b> , <b>Determann</b>	Room 19
2:30 PM	<b>House Commerce Subcommittee</b> <a href="#">HSB 74</a> AUTISM SPECTRUM COVERAGE: <b>Lundgren</b> (C), <b>Kniff McCulla</b> , <b>Srinivas</b>	Room 103
2:45 PM	<b>House Commerce Subcommittee</b> <a href="#">HSB 96</a> LIFE INSURANCE INVESTMENT: <b>Young</b> (C), <b>Graber</b> , <b>Judge</b>	Room 103
3 PM	<b>House Commerce Subcommittee</b> <a href="#">HSB 102</a> DNC INSURANCE COVERAGE: <b>Deyoe</b> (C), <b>Best</b> , <b>Scholten</b>	Room 103
	<b>Senate Local Government Subcommittee</b> <a href="#">SSB 1091</a> CITY EMS/FF/POLICE: <b>Driscoll</b> (C), <b>Klimesh</b> , <b>Quirnbach</b>	Room G15
	<b>Senate State Government Subcommittee</b> <a href="#">SSB 1079</a> LAND SURVEYOR LICENSING: <b>Brown</b> (C), <b>Giddens</b> , <b>Salmon</b>	Room G15
	<b>Senate Technology Subcommittee</b> <a href="#">SSB 1072</a> RANSOMWARE ATTACKS: <b>Cournoyer</b> (C), <b>Alons</b> , <b>Knox</b>	Room 315
3:30 PM	<b>House Commerce Subcommittee</b> <a href="#">HF 82</a> AMUSEMENT CONCESSION PAYMENTS: <b>Lohse</b> (C), <b>Srinivas</b> , <b>C Thomson</b>	House Lounge
	<b>Senate Technology Subcommittee</b> <a href="#">SSB 1083</a> STATE PROPERTY SALES: <b>Brown</b> (C), <b>Jochum</b> , <b>Koelker</b>	Room G15
4:45 PM	<b>House Commerce Subcommittee</b> <a href="#">HSB 73</a> POWER PLANT EMISSION PLANS: <b>J Wills</b> (C), <b>Bloomingtondale</b> , <b>Scholten</b>	Room 103
4 PM	<b>House Ways &amp; Means Subcommittee</b> <a href="#">HSB 80</a> MIDWIFE LICENSING: <b>Kaufmann</b> (C), <b>Bloomingtondale</b> , <b>Kurth</b>	House Lounge

## HOUSE SUBCOMMITTEE ASSIGNMENTS

### EDUCATION

<a href="#">HF 73</a>	SCHOOL GUN SAFETY PROGRAMS	Stone (C), Holt, Madison
<a href="#">HF 99</a>	SCHOOL BUS TRAINING	Fry (C), Collins, Matson
<a href="#">HF 100</a>	BEE LICENSING AGE	T Moore (C), Ingels, Buck
<a href="#">HF 104</a>	ADVANCED DYSLEXIA GRANTS	Osmundson (C), Ingels, Staed
<a href="#">HF 129</a>	DYSLEXIA GRANTS	Osmundson (C), Ingels, Buck

### LOCAL GOVERNMENT

<a href="#">HF 117</a>	EMS LEVIES	Nordman (C), Amos, Osmundson
<a href="#">HF 126</a>	LOCAL MANAGEMENT LEVY	Nordman (C), Croken, Osmundson

## SENATE SUBCOMMITTEE ASSIGNMENTS

### COMMERCE

<a href="#">SF 115</a>	POLICY COSTS AWARDS	Brown (C), Jochum, Rowley
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### JUDICIARY

<a href="#">SF 114</a>	CHILD SCHOOL RELOCATION	Bousselot (C), Quirnbach, Reichman
<a href="#">SF 140</a>	TERMINATING LEASES	Bousselot (C), Knox, Rowley

### TECHNOLOGY

<a href="#">SF 118</a>	FLORICULTURE ASSISTANCE	Koelker (C), Dotzler, Reichman
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### VETERANS AFFAIRS

<a href="#">SF 112</a>	MARTIN TREPTOW STATUE	Lofgren (C), Alons, Dotzler
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## HOUSE FILES (HF 145 – HF 154)

### **HF 145 TESTING FOR PERFLUOROALKYLS** ([Isenhardt](#)) (Environmental Protection)

Requires sewage systems to test for perfluoroalkyl or polyfluoroalkyl in water/sludge intended for land applications. Requires the EPC to adopt rules on the sequestration of material that has these substances.

### **HF 146 ABORTION DRUG BAN** ([Shipley](#), **10 R's**) (Health & Human Services)

Makes it a Class C felony to manufacture, prescribe, sell or otherwise distribute abortifacient drugs. Does not create civil or criminal liability for a woman who has an abortion using these drugs. Excludes contraceptives that act before a pregnancy can be detected.

### **HF 147 GUN RIGHTS** ([Shipley](#), **14 R's**) (Health & Human Services)

Enacts the 2nd Amendment Preservation Act. Prohibits the state from enforcing any federal infringement on the 2nd Amendment. Deems courts have a duty to protect these rights. Makes local governments and law enforcement liable for violations. Establishes civil penalties of \$50,000 and authorizes injunctive relief, and the award of attorney fees.

### **HF 148 PRIMARY AFFILIATION** ([M Thompson](#), **8 R's**) (State Government)

Requires a voter to change party affiliation 147 days before a primary to vote in the primary.

### **HF 149 DENTAL TAXES** ([Fry](#)) (Health & Human Services)

Creates a dental provider assessment of 1.5% of the gross revenue of the provider, paid to the HHS quarterly. Uses the assessment for dental services to patients under Medicaid. Requires the HHS to adopt rules and to seek any necessary waivers. Effective on enactment if the waiver is approved but not to be collected prior to July 2024.

### **HF 150 CONDEMNATION AWARD REDUCTION** ([Judiciary](#); Successor to [HF 25](#)) *FM: Stone*

Reduces a condemnation award if the owner of the property fails to respond in a timely manner after all the notices. Requires that at least two notices have been sent and that the notices include the consequences for a failure to respond in a timely manner. Reduces the award by the additional costs incurred, including attorney fees. Applies to condemnation proceedings started after July 2023.

### **HF 151 MH PRACTITIONER LOANS** ([HHS](#); Successor to [HSB 9](#)) Appropriations

Strikes the current MH practitioner loan repayment program and establishes a new program in the CSC. Requires MH practitioners to practice in service commitment areas and enters into the agreement during the final year of school. Establishes priorities for Iowa residents. Includes other requirements.

### **HF 152 RURAL SCHOOL SECURITY GRANTS** ([Collins](#), **17 R's**) (Appropriations)

Creates a rural school security grant program for school districts under 1,000 students. Requires the DOE to establish the grants up to \$20,000 for school resource officers. Appropriates \$4 million for the grants.

### **HF 153 SCHOOL BUILDING DEMOLITION FUND** ([Fisher](#)) Economic Growth & Technology)

Establishes a fund for the demolition of vacant school buildings in the EDA and appropriates money from RIIIF. Requires that applications from small towns be prioritized. Requires proceeds from the sale of the property after demolition, except for certain costs, be returned to the fund but does not require that the property be sold. Allows the EDA to use 5% of the fund for administration and to report annually.

### **HF 154 PA OPIOID TREATMENT** ([Isenhardt](#)) (Health & Human Services)

Allows a PA to prescribe buprenorphine or other drugs to assist in the treatment of opioid addiction. Requires the BOM to adopt rules and a PA to receive a federal waiver.



## HOUSE FILES (HF 155 – HF 161)

### [HF 155](#) FELON FIREARM SENTENCES (**Rinker, 10 R's**) (Public Safety)

Increases the penalties for possession of a firearm by a felon, based on whether it is a subsequent offense. Establishes minimum terms for sentences, ranging from two to ten years.

### [HF 156](#) URBAN FARM EXEMPTION (**Isenhart**) (Ways & Means)

Establishes an Urban Farm tax exemption for persons who grow food in the city for sale or distribution to non-profits and food banks. Requires that another taxing authority does not object, that a person own the property during the exemption (at least 10 years) and includes other requirements. Includes claw back provisions.

### [HF 157](#) NURSE PRECEPTOR CREDIT (**Bossman**) (Ways & Means)

Establishes a \$1,000 tax credit for a nurse preceptor who supervises student nurses. Does not allow the credit to be refunded but allows it to be carried forward. Requires the DOR to adopt rules.

### [HF 158](#) ALCOHOL PLACEMENTS & INCENTIVES (**State Government**; Successor to [HSB 39](#)) FM: **Golding**

Requires the ABD to adopt federal rules on the placement of alcoholic drinks and on inducements offered by brewers, distillers and wholesalers.

### [HF 159](#) ASSAULT DEFENSES (**Judiciary**; Successor to [HSB 6](#)) FM: **Kaufmann**

Bars the defenses of justification or diminished capacity for a defendant who assaults another person after a non-violent sexual advance or an assault due to the defendant learning about the sexual orientation or gender identity of the victim.

### [HF 160](#) 75 MPH SPEED LIMIT (**Siegrist**) (Transportation)

Raises the speed limit on the interstates to 75 mph.

### [HF 161](#) NON-ECONOMIC DAMAGES (**HHS**; Successor to [HF 102](#)) FM: **A Meyer**

Caps non-economic damages against health care providers for substantial or permanent loss of bodily function, substantial disfigurement or death at \$1 million. Deems losses related to dependent care to be economic damage. **Caps:** Increases the damage caps currently in law and in the bill by 2.1% annually after 2028. Requires the Insurance Commissioner to update the caps annually.

## HOUSE STUDY BILLS (HSB 105 – HSB 111)

### **[HSB 105](#) UNAUTHORIZED ALIEN WORKERS** (Judiciary) **Stone**(C) **P Thompson**, **Wilburn**

Prohibits employers from employing unauthorized alien workers. Allows county attorneys, local law enforcement and members of the public to file complaints with the DWD. Requires the DWD to investigate and bring actions in court if needed. Requires the use of the e-verify system. Establishes defenses, rebuttable presumptions, and other restrictions under the bill. Includes other provisions. See [SF 108](#)

### **[HSB 106](#) PROBATE PROCEEDINGS** (Judiciary) **Gustoff**, **Olson**, **Thomson**

Makes changes to probate proceedings, including requests by fiduciaries, requiring executors to request certified copies of wills and on making tortious interference claims. Makes changes to guardianships for children. Assesses the cost of a trial transcript for an indigent defendant to the county. Makes changes to requests by trustees regarding property, including good faith protections and penalties for unreasonable actions of withholding property. Allows the agent of a protected person to establish a medical needs trust. See [SSB 1067](#)

### **[HSB 107](#) VEHICLE WEIGHT LIMITS** (Judiciary) **Jones** (C), **B Meyer**, **Nordman**

Makes various vehicle weight limit violations uniform violations, subject uniform citation and complaint provisions. See [SF 162](#)

### **[HSB 108](#) CHINA BRIDGE ORDERS** (Judiciary) **Nordman** (C), **Jones**, **Sheetz**

Allows a juvenile court to transfer a CHINA case to a district court through the modification of a current bridge order. Includes requirements for modifying the order, on other necessary changes to the order, the waiving of filing fees and other matters. Requires the district court to take judicial notice of the juvenile file. See [SSB 1066](#)

### **[HSB 109](#) GUARDIANSHIPS & CONSERVATORSHIPS** (Judiciary) **Gustoff** (C), **Sheetz**, **Thomson**

Deems that the juvenile courts have exclusive jurisdiction over the guardianship of minors. Makes official juvenile court records in guardianships confidential and allows release to specific persons without a court order (judges & staff, to various legal counsel, parents, guardians, custodians and court visitors). Requires petitions to include the address of persons the minor has lived with in the six months prior to the petition. Requires petitions to state if a conservatorship is in place. Includes notice requirements and requirements for court visitors, including that the court visitor be discharged when a guardian/conservator is appointed except by court order to continue. Makes changes to background checks. Makes changes to the duties of conservators. Makes changes to reporting requirements for conservators and guardians.

### **[HSB 110](#) CHINA PROCEEDINGS** (Judiciary) **Kaufmann** (C), **Collins**, **James**

Allows a court to consider services given to a family prior to a CHINA proceeding when considering whether to waive reasonable efforts to keep a child with the family. Includes the HHS and HHS agents in the definition of criminal or juvenile justice agency in CHINA related proceedings.

### **[HSB 111](#) PAYING STUDENT TEACHERS II** (Education) **Gehlbach** (C), **Ehlert**, **T Moore**

Authorizes school boards to pay student teachers at an amount equal to the lowest salary the district pays teachers. Allows school boards to require the student teacher to agree to work for the school for up to five years and allows the schools to require repayment.

## HOUSE STUDY BILLS (HSB 112 – HSB 117)

### **HSB 112 SCAPEGOATING COMPLAINTS** (Education) **Holt** (C), **Cahill**, **Wheeler**

Requires the DOE to notify a school if a school employee or contractor has violated provisions against scapegoating. Requires the DOE to give the school 14 days to correct the violation before assessing a civil penalty (\$500 to \$5,000). Requires the BEE to notify the DOE if a license, certificate or authorization holder has violated these provisions. Requires the DOE to make a complaint form available to parents and students on the internet.

### **HSB 113 DALB BILL** (Agriculture) **Hora** (C), **Ingels**, **B Meyer**

**Pets:** Doubles the exemption (under \$1,000 or 12 animals) for businesses to avoid being considered a pet shop. **Grain:** Changes references to scale weight ticket and Grain Depositors and Sellers Indemnity Fund. Allows the weight of all grains to be adjusted due to moisture content using USDA standards. Requires a storage operator to issue a warehouse for delivered grain in open storage on request. **Pumps:** Deems that the fee for a gasoline pump is for the license and not for the annual inspection and makes inspections biennial. Strikes certain bonding requirements. **Fuel:** Adds requirements for RD-100 fuels. Recognizes the Iowa Central Fuel Testing Lab at ICC as the official fuel testing lab.

### **HSB 114 TRUCK ACCIDENT LIABILITY** (Judiciary) **Gustoff** (C), **Sheetz**, **P Thompson**

Makes an employer liable for the negligence of a driver of a company vehicle under the doctrine of *respondeat superior* and dismisses other negligence liability theories if the employer makes certain stipulations. Limits non-economic damages to \$1 million. Does not allow the initial filing in these cases to include punitive damages but allows for a filing to be amended if after discovery, a *prima facie* case for punitive damages can be made.

### **HSB 115 PHYSICIAN ASSISTANT PRACTICE** (Health & Human Services) **Boden** (C), **Best**, **Turek**

Strikes requirements for PAs to practice under the supervision of a doctor. Requires the PA Board and BOM to submit reports on collaborative efforts.

### **HSB 116 RR UNPAID LEAVE** (Labor & Workforce) **T Moore** (C), **Cooling**, **Harris**

Establishes family leave for RR employees. Allows an RR employe to take up to 84 days of unpaid leave for the birth or adoption of a child or because of a serious health condition (employee, spouse, children, parents). Makes definitions and includes implementing provisions.

### **HSB 117 3% SSA/CATEGORICAL RATE** (Education) **Johnson** (C), **Ehlert**, **Fry**, **Gehlbach**, **Steckman**

Establishes an SSA and a Categorical Growth rate of 3% for the 2023-24 school year. See [SSB 1081](#)

## SENATE FILES (SF 165 – SF 173)

### **SF 165 PROMOTING DEVICES/DRUGS (Westrich)** (Health & Human Services)

Allows for license discipline against a health care provider who takes a commission or other payment to promote or recommend a drug or medical device for any reason other than a legitimate medical reason.

### **SF 166 WITNESS TAMPERING (Westrich)** (Judiciary)

Increases the penalty for jury or witness tampering to a Class B felony.

### **SF 167 CHILD LABOR (Schultz)** (Workforce)

Makes changes related to child labor, including striking permits for child/minor child labor, striking some exceptions allowing children under 14 to engage in street work, and on work that can be performed between 14-17. Allows the Labor Commissioner to waive civil penalties. Allows the DWD or the DOE to grant exemptions for students for school-based work. Deems that businesses which offer student work-based positions are not liable for specified claims. **Alcohol:** Allows a 16/17 year old to serve alcohol with written permission from a parent. **Driving:** Strikes the distance a student lives from a school as one of the criteria when considering the necessity of the license.

### **SF 168 ADVERTISING PRESCRIPTION DRUGS (Westrich)** (Health & Human Services)

Makes it a serious misdemeanor to advertise a prescription drug on tv or radio, in newspapers or magazines, or from an internet site in the this state.

### **SF 169 BOARD OF REVIEW MEETING (Westrich)** (Local Government)

Requires a board of review for property tax protests to determine a start date between May 1 and May 7.

### **SF 170 COUNTY COMPENSATION BOARDS III (Klimesh)** (Local Government)

Changes the membership of the county compensation board so that county supervisors hold two positions, appoint two positions and that the other county officers choose the other three members. Requires a county compensation board to meet at least twice before submitting recommendations, with one meeting a public hearing. Requires the review of specific comparable officers. Limits the ability of the board to reduce salaries. Requires the supervisors to adopt the recommendations after a review.

### **SF 171 JUDICIAL NOMINATING COMMISSIONS (Garrett)** (Judiciary)

Allows the Governor to name six members of a district judicial nominating commission. Removes the chief judge of the district from the commission and requires the members of the commission to select a chair for the commission.

### **SF 172 DIRECT HEALTH CARE SERVICES (Garrett)** (Health & Human Services)

Requires the HHS to establish a pilot program for childless adults and pregnant women to allow Medicaid members to receive services through a direct care agreement, with Medicaid acting as a third-party payor.

### **SF 173 TAKING NUISANCE ANIMALS (Sweeney)** (Natural Resources)

Allows the owner or tenant of farmland, or an agent, to take coyotes, opossums, skunks, racoons or groundhogs that the person deems a nuisance. See [HF 118](#)

## SENATE STUDY BILLS (SSB 1095 – SSB 1100)

### **SSB 1095 CYBERSECURITY DEFENSES** (Technology) **Bousselot** (C), **Bennett**, **Webster**

Adds blockchain technology to the Uniform Electronics Act. Establishes affirmative defenses for companies using cybersecurity against tort actions for data breaches. Includes requirements for the cybersecurity measures. Does not create a private cause of action.

### **SSB 1096 GOVERNORS FENTANYL PROPOSALS** (Judiciary) **Reichmann** (C), **Bisignano**, **Webster**

**Fentanyl:** Makes manufacturing/selling/possessing more than 50 grams of fentanyl a Class B felony (50 years and up to \$1 million in fines); for amounts between 5-50 grams a Class B felony (25 years and a fine between \$5,000 and \$100,000); for measurable amounts, a Class C felony and fine between \$1,000 and \$50,000.

**Death:** Triples the sentence of a person who manufactures a controlled substance that results in death and double if it results in serious injury. Does not allow the sentence to be deferred or for the manufacturer to use protections for someone who assists a person who overdoses. **Minors:** Adds current enhancements for manufacturing meth in the presence of minors to the manufacture of controlled substances and increases the penalty by doubling the sentence. Strikes certain 99-year sentences for dealing meth with minors and doubles the sentence instead. Includes additional substances under provisions covering deliver of controlled substances to minors. **Opioid Antagonists:** Allows a health care provider to prescribe opioid antagonists to a secondary distributor and for a pharmacist to dispense them to a secondary distributor. Defines secondary distributors (law enforcement, EMS, health care providers, schools, county health departments, HHS). Allows a pharmacist to administer opioid antagonists instead of naloxone. See [HSB 104](#)

### **SSB 1097 WATER SYSTEM PURCHASES** (Commerce) **Gruenhagen** (C), **Knox**, **Koelker**

Increases the threshold value for the purchase of a water utility by a public utility to \$5 million before needing IUB approval. Requires a city to certify that it has met appraisal requirements and considered alternatives before the purchase of a city utility. Requires the rate base in the final order to include reasonable closing costs. Retains the requirement that the IUB issue a final order in 120 days for at-risk utilities and gives the IUB 180 days for other acquisitions. See [HF 56](#)

### **SSB 1098 PHARMACY DISPENSING FEES** (Commerce) **Klimesh** (C), **Schultz**, **Trone** **Garriott**

Prohibits a health plan or PBM from discriminating against a covered entity/contract pharmacy by paying a smaller dispensing fee less than other entities. Makes definitions. Prohibits the imposition of certain contract requirements on such covered entities, contract pharmacies and pharmacies that participate in the 340B program. Authorizes the Insurance Commissioner to take enforcement actions.

### **SSB 1099 CREDIT UNION MATTERS** (Commerce) **Westrich** (C), **Bousselot**, **Giddens**

**Public Officer:** Reduces the amount of securities a credit union can manage for a public officer to 100% of the deposits minus the federally insured amount. Requires a public officer to secure funds above the federal amount through a letter of credit. **Compensation:** Allows compensation for a credit union director, subject to the bylaws. **Meetings:** Requires CU boards to hold regular meetings. Requires monthly meetings depending on the CU risk rating and on how new the CU is. **Expulsions:** Expands causes for expulsion from a CU and makes changes to expulsion hearings. **Other:** Allows a CU to invest in instruments approved by the CU Superintendent. See [HF 131](#)

### **SSB 1100 PRIOR AUTHORIZATION** (Commerce) **Westrich** (C), **Petersen**, **Webster**

Requires an insurer which requires prior authorization to exempt a provider from making requests if in the last evaluation period, the insurer has approved 80% of such requests from the provider. Requires the insurer to evaluate the provider every six months to determine if the exemption should continue but allows the insurer to continue it without an evaluation.

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## SENATE STUDY BILLS (SSB 1101)

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**[SSB 1101](#) ARRC MATTERS** (Commerce) **Klimesh** (C), **Bousselot**, **Jochum**

Allows the administrative code editor to make various edits to the Code to correct references and internet links. Deems that the ombudsman is not covered in the exclusion from the executive branch for the legislative branch. Changes the rules for suspending action on noticed rules. Changes how standards can be adopted by reference. Makes the Administrative Rules Coordinator an *ex officio* member of the ARRC. Makes other changes to administrative rules. (ARRC) See [HSB 81](#)

## SENATE STUDY BILLS (SSB 1101)

January 30, 2023

President Joseph Biden

The White House 1600 Pennsylvania Avenue

Washington, DC 20500

Dear President Biden,

We write in opposition to your rule regarding the Clean Water Act (CWA) and the revised definition of "Waters of the United States" (WOTUS). Specifically, we request you delay its implementation until the US Supreme Court issues a ruling in *Sackett v. EPA*. The WOTUS definition has been under scrutiny for nearly twenty years, and your Administration's rule only further complicates the efforts to create certainty under the CWA for rural communities.

The problem is exacerbated by the pending Supreme Court ruling. The final WOTUS rule released during the holidays is concerning in terms of timing, substance, and process. The rule is problematic in and of itself, but its timing is particularly troubling given record inflation and gas prices that threaten the livelihoods of so many communities. Those who rely on farming and small business as a backbone of their local economies are particularly vulnerable.

Another burdensome and overbroad regulation from the federal government could not come at a worse time for America. Having already squandered much of America's energy independence, you should not increase costs for consumers by tying up energy production with even more red tape. We call into question the timing and necessity of the rule with the Court's upcoming *Sackett* decision which is expected by June of this year.

That opinion could significantly impact the final rule and its implementation. To change the rule multiple times in six months is an inefficient and wasteful use of State and federal resources and will impose an unnecessary strain on farmers, builders, and every other impacted sector of the American economy. The substance of the rule hinders State governments as we seek to give clarity and consistency to businesses, farms, and individuals regarding the regulatory framework for water. The broad definitions used in the 514- page document only add to the confusing and complicated history of WOTUS.

In fact, it appears that the EPA is seeking to regulate private ponds, ditches, and other small water features. Understanding the final WOTUS rule will require States and the regulated community to wade through an extensive and unclear web of interpretations. Given the many outstanding issues the recent WOTUS rule generates, particularly in rural America, we ask that you delay implementation of the rule until the Court decides *Sackett*.

Small businesses, farmers, and communities across America simply cannot afford another costly revision. Thank you for your consideration of this request. If you have further questions or would like to learn more from our State agencies, please do not hesitate to reach out to us.

Sincerely,

Gov. Brad Little (ID), Gov. Kay Ivey (AL), Gov. Mike Dunleavy (AK) Gov. Sarah Sanders (AR), Gov. Ron DeSantis (FL), Gov. Brian Kemp (GA), Gov. Eric Holcomb (IN), Gov. Kim Reynolds (IA), Gov. Tate Reeves (MS), Gov. Mike Parson (MO), Gov. Greg Gianforte (MT), Gov. Jim Pillen (NE), Gov. Joe Lombardo (NV), Gov. Chris Sununu (NH), Gov. Doug Burgum (ND), Gov. Mike DeWine (OH), Gov. Kevin Stitt (OK), Gov. Henry McMaster (SC), Gov. Kristi Noem (SD), Gov. Bill Lee (TN), Gov. Greg Abbott (TX), Gov. Spencer Cox (UT), Gov. Glenn Youngkin (VA), Gov. Jim Justice (WV), Gov. Mark Gordon (WY)