VOLUME 59, BULLETIN #43 WEDNESDAY, MARCH 8, 2023 www.ialns.com 515.661.4929 publisher & editor-in-chief: jack.hunt@ialns.com editor: barbara.hunt@ialns.com

AROUND THE CAPITOL

The Senate did no work on the floor today and read in no new bills. Senate Ways & Means meet and passed five bills, including Senator Dawson's rewrite of the sales tax (SSB 1125 SALES TAXES) on a 10-6 vote.

The House spent most of the afternoon in debate and passed five bills, on largely party-lines. The House approved SF 538 BANNING GENDER AFFIRMING TREATMENT and sent the bill down to the Governor on a 58-39 vote. Five Republicans (Ingels, Jones, Lohse, Latham and Wilz) voted with Democrats against the bill. Three members were absent (Siegrist, Turek and Abdul-Samad). Representative Bergan voted for the bill but also for allowing debate on the amendment from Representative Jones which struck the prohibition in the bill and instead required parental consent for gender affirming care. Representative Ingels, who voted against the bill, said he might have supported the bill if it only dealt with surgery but said that parents need to be trusted to make decisions about the broader area of gender-affirming care. Democrats said that the bill ignores medical evidence and will lead to more bullying of transgender children. They said that best medical evidence shows that transgender children have better results if allowed to begin gender treatments after a rigorous screening process. Representative Holt, who managed the bill, said that more recent evidence shows that hormonal treatments do not improve long-term outcomes for transgender children.

The House approved four bills (HF 255 TEACHING LICENSES, HF 348 GENDER INSTRUCTION PROHIBITION, HF 430 SCHOOL ABUSE & BEE MEMBERSHIP and HF 597 EDUCATION & LIBRARY PROGRAMS), on education matters, largely on party-line votes. Representative Stone, who managed HF 255 said that the bill will remove barriers for people who want to make a career change late in life and start teaching. Representative Cahill said that HF 255 should include practicum requirements because many new teachers will struggle due to a lack of experience in the classroom. Representative Buck said that the people who get licensed under HF 255 should have more training in Special Ed before being allowed to teach those courses. Democrats said that HF 348 is another bill targeted at LGBTQ children and it will prevent necessary conversations between kids and teachers. They that it will hurt efforts to retain young lowans and attract new businesses to the state. Representative Wheeler, who managed the bill, said that the fastest-growing states have approved similar restrictions and that the bill will not hurt state growth efforts. Representative Boden, who managed HF 597, said that they bill will not remove classics from the library but will prevent school libraries from shelving inappropriate materials. Representative Cahill cited several classics that she said are subject to removal under the bill. Democrats said that the bill empowers a few parents to block what all children read rather than empower all parents to decide what their children read.

NEW DOE DIRECTOR

Governor Reynolds has appointed Chad Aldis to head the DOE. Aldis grew up in Iowa has been the vice-president for Ohio policy at the Thomas B Fordham Institute. Aldis has a BA in economics from the University of Mississippi and a law degree from Florida State University.

Reynolds said "Chad is the type of leader we need at this pivotal time for Iowa's education system. His unique perspective will help lead reform within the department and across our schools so that every Iowa student - regardless of what school they attend - receives a quality education that prepares them to be successful in life. It's been 30 years since Iowa led the nation in math scores, ranking first among eighth graders and second for fourth graders in 1992. In 2022, we ranked above the national average, but Iowa students and families deserve better. By innovating our education system and renewing our focus on academic instruction and performance, I'm confident that Iowa schools and students will again lead the way."

FISCAL IMPACTS

HF 646/SF 84 SEXUAL OFFENSES AGAINST MINORS

Increases the penalties for felony offenses for sexual exploitation crimes against a minor and showing material of a minor engaged in a prohibited sexual act by one step to Class B and Class C felonies. Requires an offender serving a Class B sentence for sexual crimes against a minor to serve 50% to 70% before being eligible for parole or work release and for the period to be determined at sentencing. Prohibits deferred judgements for sexual offenses against minors. Requires courts to determine restitution and pecuniary damages in cases for showing material of a minor engaged in prohibited acts of not less than \$3,000.

The Senate passed <u>SF 84</u> on a 49-0 vote; House Judiciary has passed the <u>HF 646</u> and Representative Nordman is the floor manager. The bill may increase prison admissions and longer stays, but the increased cost cannot be estimated.

HF 433/SF 401 TO GO DRINKS

Excludes certain kinds of cups (plastic cups for one-time use, paper and foam cups, cups with a lid with a hold or a sealed pouch) from the definition of a sealed container for the open container law.

Both bills have been approved in committee and Senator Dawson and Representative Nordman are the floor managers. The legislation will bring the state into compliance with federal rules in FY 2024. Without the changes, the state faces a penalty of about \$14 million annually.

HF 459 OPERATIONAL SHARING

Strikes the future reduction in weighting for operational sharing and extends the current weighting until the program ends.

The House Education Committee has approved the bill, and Representative Ingels is the floor manager. The bill is expected to increase funding in 289 school districts at a total annual cost of \$8.4 million from FY 2025 to FY 2035. \$7.7 million will be from the GF and \$757,000 from local property taxes.

FISCAL IMPACTS (CONTINUED)

SF 270 ACCESSORY TO MURDER

Increases the penalty for being an accessory after the fact for various murder offenses (1st degree, 2nd degree, solicitation for murder) to a Class D felony.

The bill is expected to increase length of prison sentences for persons convicted of the sentences by about 6 1/2 months, at a cost of about \$9,000 per group per year. In FY 2022, the bill would have affected two persons.

SF 230 SECOND ELUDING OFFENSE

Expands the circumstances when an eluding offense can be considered a second or subsequent offense and increases the penalties.

The Senate Judiciary Committee has approved the bill and Senator Garrett is the floor manager. Due to longer sentences, the bill could increase DOC costs by about \$17,000 annually. The bill may disproportionately impact minorities: about 30% of all eluding convictions are for drivers who are African American or from other races.

TODAY IN THE LEGISLATURE

Bills to the Governor: (1)
Bills to the Senate: (4)

House Files: none (last introduced HF 661) House Study Bills: 5 (HSB 225 – HSB 229)

Resolutions INTRODUCED in the House: (2)

HCR 9 OVERWEIGHT VEHICLES (Transportation; Successor to HSB 212) FM: Best

Urges Congress to increase the interstate gross weight limit for commercial vehicles. See SCR 5

HR 12 SMALL BUSINESS WINNERS (Graber & Best)

Honors Nannette Griffin, the owner of Griffin Muffler and Brake of Fort Madison as the 2023 Deb Dalziel Woman Entrepreneur Achievement Award winner and Jorge Villeda owner of Villeda Construction of Ottumwa as the 2023 Neal Smith Entrepreneur of the Year.

WITHDRAWN: <u>HF 4</u>, <u>HF 8</u>, <u>HF 10</u>, <u>HF 623</u>

Senate Files: none (last introduced SF 545)

Senate Study Bills: none (last introduced SSB 1203)

Resolutions INTRODUCED in the Senate: (1)

SJR 13 RIGHT TO EDUCATION (Quirmbach) (Education) (funneled)

Proposes an amendment to the Iowa Constitution that all Iowa children have a right to comprehensive public education.

HOUSE FLOOR ACTION

Bills to the Governor: (1)

SF 538 BANNING GENDER AFFIRMING TREATMENT

Prohibits gender affirming surgery or other practices, including hormonal treatment, for minors. Prohibits a health care practitioner from aiding or abetting in prohibited practices. Includes exceptions for some medically verifiable conditions. Makes violations subject to license discipline. **Actions**: Allows a person to assert and actual or threatened violation of the bill and to obtain damages. Sets an SOL for such actions (20 years after reaching majority) but does not require the exhaustion of administrative relief. Allows the prevailing party to recover attorney fees. Allows the AG to enforce provisions of the bill.

AMENDMENTS to HF 623 (companion to SF 538)

H-1049 by Jones - Strikes the prohibition and adds requirements for parental consent.

H 1060 to H-1049 by Jones - Perfecting amendment. ADOPTED

H-1049 by Jones - RULED NOT GERMANE; MTSR FAILED 54-39

The **Senate PASSED** the bill 33-16 (3/7)

The House PASSED the bill 58-39; it now GOES to the Governor

Bills to the Senate: (4) HF 255 TEACHING LICENSES

Requires the BEE to issue temporary initial teaching licenses to candidates who complete an alternative certification program. Requires the BEE to issue teacher intern licenses to candidates who complete a qualified college program for teacher interns. Requires the BEE to allow a teacher intern to apply for a teaching license on the recommendation of the employing school and the college program. Strikes requirements for an applicant for a regional license be an lowa resident if the applicant has an lowa job offer. Requires the BEE to allow candidate to be issued career and secondary authorizations before receiving a job offer. Requires the BEE to issue temporary initial teaching licenses to candidates with an undergraduate degree who successfully complete an alternative certification program. Requires alternative teaching programs to operate in at least five states and for at least ten years. Requires the BEE to treat candidates who have completed these programs and who receive an initial license in the same manner as those who finish traditional programs. Imposes the same requirements on candidates with a temporary license seeking licensing beyond that as are on candidates with an initial license.

AMENDMENTS to HF 255

<u>H 1030</u> by Steckman - <u>Strike & Replace</u>: Enacts provisions on licensing teacher interns. **RULED NOT GERMANE**; *MTSR* **FAILED** 62-35

H 1031 by Cahill - Requires the alternative licensing to include a field practicum. FAILED 63-34

H 1032 by Cahill - Requires the alternative licensing include ethics training. FAILED 63-34

<u>H 1033</u> by Staed - Requires the alternative licensing to include student teaching. **FAILED**

H 1034 by Kurth - Requires the out-of-state company to operate in twenty states. FAILED 63-34

H 1035 by Buck - Does not allow a teacher with a temporary initial license to teach special education.

FAILED 63-34

<u>H 1063</u> by **Stone** - Allows a teacher with a temporary initial license to teach special education after a practicum in special education. **ADOPTED** 63-34

The House PASSED the bill as amended 61-36; it now GOES to the Senate

House Floor Action (continued)

Bills to the Senate: (continued)

HF 348 GENDER INSTRUCTION PROHIBITIONS

Prohibits schools and charter schools from including any instruction on gender identity or sexual orientation in K-6 education. Requires sex ed classes (human growth and development) to be age-appropriate and research-based.

H 1065 by Hayes - WITHDRAWN

<u>H 1066</u> by **Wheeler** - Requires the AG to represent schools and employees in civil actions and makes the state responsible for the costs and attorney fees, and for the loss of any federal funds. Adds <u>HF 180</u> **GENDER IDENTITY PROHIBITIONS** (Prohibits schools from any accommodation for a student's gender identity if differs from the identity on the student's birth certificate without written permission from the parent. Prohibits withholding information related to a student's gender identity or an intention to transition from a parent. Prohibits encouraging students to transition.)

H 1067 to H 1066 by Wheeler - Strikes HF 180 from the bill. ADOPTED

H 1066 by Wheeler - Requires the AG to represent schools and employees in civil actions and makes the state responsible for the costs and attorney fees, and for the loss of federal funds. ADOPTED 60-35

The House PASSED the bill as amended 62-35; it now GOES to the Senate

HF 430 SCHOOL ABUSE

Reporters: Requires mandatory reporters of abuse of children over the age of 12. Requires school employees over the age of 18 to report on cases of abuse. Requires the DOE to develop for reporting on and investigating a school employee with an authorization, license or certification who may have committed certain felonies or acts. Establishes immunity for the school board or school authorities for discussing such incidents. Requires the BEE to assess civil penalties of up to \$5,000 against administrators for failures to follow the established process or for concealing an incident. Requires the BEE to finalize the investigation of complaints. Includes additional grounds for the BEE to disqualify applicants or to revoke licenses. Requires the BEE to notify schools about investigations and to investigate administrators. Requires schools to contact the BEE about potential hires to determine if the person has been the subject of a complaint or investigation. BEE: Ends the terms of the BBE members as of the effective date of the bill. Sets the membership of the board at six members who are parents of current or recently enrolled students and five practitioner members, including one special education teacher and one administrator. Sets a schedule for the terms of newly appointed members from the Governor.

<u>H 1061</u> by Staed - <u>Strike & Replace</u>: Strikes the age limit and requires abuse reports for all students. Requires school employees over the age of 18 to report on abuse. Includes other provisions on mandatory reporting. Strikes the changes to the BEE membership. **FAILED** 63-34

<u>H 1064</u> by **Boden** - Requires reports to be sent to the BEE. Requires some of the actions that trigger penalties to be intentional. Makes additional changes to the BEE (strikes one public member and adds a school board member). **ADOPTED**

The House PASSED the bill as amended 68-29; it now GOES to the Senate

HF 597 EDUCATION & LIBRARY PROGRAMS

Education: Requires education programs from the state BOE be age appropriate. Deems that any material with a visual or written description of a sex act to not be age-appropriate but excludes human growth & development (sex ed) classes. **Libraries**: Requires schools to establish a K-12 library program to ensure only age-appropriate material in the library. Requires a qualified teacher librarian to direct the program in each attendance center. Includes regular reviews of the program.

H 1040 and H 1041 by Cahill - WITHDRAWN

The House PASSED the bill 59-37; it now GOES to the Senate

SENATE COMMITTEE ACTION

Senate Ways & Means Committee: Voted Out (5)

SF 207 NO ELECTRONICS WHILE DRIVING

Prohibitions: Prohibits the use of any electronic devices while driving. Establishes exemptions in some situations for hands-free devices, for law enforcement, health care workers, transit workers, utility maintenance workers, in emergency situations, agricultural uses and for other reasons. **Other**: Makes citations a moving violation and increases the scheduled fine to \$100. Establishes a warning period until January 2024. **PASSED** 18-0; *FM: Klimesh*

SF 480 ON-LINE NOTICE PORTAL

Requires the SOS to create an on-line portal for the positing of notices by a public posting entity but exempts the Legislature and the Governor. Defines such entities. Requires that notices required by statute be posted on-line and that physical copies of the notice be placed in certain other places. Allows posting in newspapers or in other places on-line. Requires notice about the provisions of this bill be published in newspapers.

PASSED 11-7; FM: Cournoyer

SF 509 CAPTIVE INSURANCE COMPANIES

Enacts provisions on captive insurance companies. Defines such companies. Includes reporting requirements, tax payments on direct premiums, requirements to apply to the Insurance Commissioner for authority to issue various kinds of insurance, the duties of the Insurance Commissioner and on other matters related to these companies. **PASSED** 18-0; *FM: Bousselot*

SSB 1125 SALES TAXES

Sales tax: Increases the sales tax to 7% as of 2025 and strikes local option sales taxes (LOST). Transfers part of the sales tax increase to local governments and requires the money to be spent according to the jurisdiction's revenue purpose statement. Requires Polk County to use a revenue purpose statement that specifies for unincorporated areas, 75% of revenues will be used for property tax relief and limits spending on the regional transit district. Water: Makes the water excise tax a sales tax. Increases it to the rate of the state sales tax and deposits all the funds in the GF. TIF: Authorizes the use of state sales tax in lieu of local sales taxes. Allows city ordinances using LOST revenue for urban renewal to remain in effect until repealed or expired. Includes provisions on tax distributions in areas with wind facilities. Limits the use of certain exemptions. QC: Strikes the authority of the Quad Cities to impose a LOST under its interstate metropolitan authority. PT Credits: Phases in a homestead property tax exemption in place of the homestead credit. Increases the income eligibility for the Elderly/Disabled credit to 330% of the FPL. Increases the military property exemption to \$4,000 by 2025. Phases on funding for the military credit. Assessments: Reduces the assessment on pipelines to 90% by 2025. Reduces certain assessments for commercial, industrial and RR property to 80% by 2026. NR: Scoops part of the sales tax increase for the Natural Resources fund. **Conservation**: Prohibits a charitable conservation contribution credit from being claimed after 2025, except for credits being carried forward. Transit: Establishes conditions under which Des Moines can impose a franchise fee of 7.5% and requires that the amount in excess of 5% be used to reduce property tax levies for regional transit. AMENDED & PASSED 10-6; FM: Dawson

SSB 1129 FOREST/FRUIT TREE EXEMPTION

Establishes a formula for to reduce the value of the forest reservation/fruit tree property tax exemption. **PASSED** 12-6; *FM*: *Dawson*

HOUSE & SENATE AGENDA

Thursday, March 9, 2023			
7-9 AM	Iowa Society for Respiratory Care Legislative Breakfast	Legislative Dining Room 15	
8:30 AM-NOON	Informed Choice Iowa Family Day	Rotunda	
8:30 AM	HOUSE CONVENES	House Chamber	
	SENATE CONVENES	Senate Chamber	
	House Appropriations Committee	Room 103	
9 AM	House Ways & Means Committee HF 266 DELINQUENT TAX SALES: Deyoe (C) HF 277 DALS BILL: Sexton (C) HSB 68 VEHICLE LEASE EXEMPTIONS & REFUNDS: P Thompson (C) HSB 124 LAND REDEVELOPMENT TRUSTS: Johnson (C)	Room 102	

SUBCOMMITTEE MEETINGS

Thursday, March 9, 2023			
8 AM	House Ways & Means Subcommittee HSB 224 CHILDCARE PROPERTY TAXES: Kniff McCulla (C), Kurth, P Thompson	House Lounge	
8:30 PM	House Appropriations Subcommittee HSB 229 ATHLETIC CLAIMS: Nordman (C), Bagniewski, Collins	House Lounge	
9:30 AM	Senate Ways & Means Subcommittee SF 363 NON-RESIDENT DEER LICENSES: Driscoll (C), Dickey, Dotzler	Room 315	
NOON	House Public Safety Subcommittee <u>SF 183</u> POLICE & FIRE FIGHTER AGES: Gustoff (C), Abdul-Samad, Fisher	Room 304.1	
	House Ways & Means Subcommittee HF 494 COUNSELOR COMPACT: Sexton (C), Wulf, Gjerde	House Lounge 2	
	House Ways & Means Subcommittee HF 546 LOCAL MANAGEMENT LEVY: Bloomingdale (C), Croken, Deyoe	House Lounge	

HOUSE DEBATE CALENDAR

Thursday, March 9, 2023				
<u>HF 305</u>	JU	INVENTORY CHECKLISTS	Lohse	
<u>HF 327</u>	ED	GOVERNOR EDUCATION BILL (sim/comp to attached SF 391)	Johnson	
<u>HF 335</u>	TR	RESTRICTED FARM CDLS (sim/comp to SF 156)	Wulf	
<u>HF 345</u>	AP	SCENIC BYWAY FUND (sim/comp to SF 151)	Henderson	
HF 350	SG	PUBLIC RECORD REQUESTS (sim/comp to SF 202)	Golding	
<u>HF 398</u>	JU	ADOPTION PROCEEDINGS	Lohse	
<u>HF 425</u>	НН	NEWBORN CUSTODY	Kniff McCulla	
<u>HF 536</u>	PS	TRAFFIC VIOLATIONS	Dieken	
<u>HF 541</u>	LG	COUNTY BUILDINGS	Nordman	
<u>HF 567</u>	JU	CODE EDITOR I (sim/comp to <u>SF 286</u>)	Nordman	
<u>HF 568</u>	JU	TRIBES AS JUSTICE AGENCIES	Dunwell	
<u>HF 570</u>	PS	ASSAULTS ON PREGNANT WOMEN (sim/comp to SF 384)	Shipley	
HF 573	JU	CODE EDITOR II	Gustafson	
<u>HF 583</u>	TR	VEHICLE TITLES	Meggers	
<u>HF 584</u>	НН	FOSTER PARENTS	Fry	
HF 588	TR	OFFICER HIGHWAY DRIVING INSTRUCTION	Sieck	
<u>HF 590</u>	TR	FLOOD MITIGATION FUNDS	Wood	
<u>HF 593</u>	TR	SUSPENDING REGISTRATIONS (sim/comp to SF 497)	Dunwell	
HF 601	CO	UTILITY RATE INCREASE NOTICES (sim/comp to SF 533)	P Thompson	
<u>HF 607</u>	CO	REAL ESTATE BROKER DUTIES (sim/comp to SF 536)	Nordman	
<u>HF 609</u>	CO	MORTGAGE LOANS (sim/comp to SF 534)	Nordman	
<u>HF 614</u>	ED	OUT-OF-STATE LICENSING	T Moore	
<u>HF 617</u>	CO	IUB RATE-MAKING REVIEW	Lundgren	
HF 621	НН	SUBSTANCE ABUSE TREATMENT (sim/comp to SF 240)	Lohse	
<u>HF 626</u>	CO	NON-MEDICAL SWITCHING (sim/comp to SF 86)	G Mohr	
<u>HF 630</u>	PS	HUMAN TRAFFICKING PENALTIES	Dieken	
HF 633	SG	HCBS WAIVER CHECKS	Wulf	

HOUSE SUBCOMMITTEE ASSIGNMENTS

	STATE GOVERNMENT	
SF 135	INTERIOR DESIGN	Golding (C), Siegrist, Steckman
<u>SF 193</u>	TRANSPORTING BODIES	Collins (C), Nielsen, J Wills
	WAYS & MEANS	
HF 344	COUNTY CAR TITLING SERVICES & FEES	Best (C), Wilson, Wulf
HF 355	TEACHER CRIMINAL HISTORY CHECKS	Osmundson (C), Johnson, Kurth
HF 431	MONEY TRANSMISSIONS	Lundgren (C), Kniff McCulla, Forbes
HF 457	HONEYBEE SALES	Jones (C), Sexton, Isenhart
HF 458	NATIVE WINE LICENSES	Siegrist (C), Sexton, Gjerde
HF 494	COUNSELOR COMPACT	Sexton (C), Wulf, Gjerde
HF 505	METER REPLACEMENT	Deyoe (C), Judge, Osmundson
HF 525	MEDICAID RECOVERIES & MCO PREMIUMS	Lundgren (C), Best, Forbes
HF 526	MINOR SOCIAL MEDIA BAN	P Thompson (C), J Wills, Wilson
HF 544	LODGING SUPPLIES EXEMPTION	Johnson (C), Osmundson, Isenhart
HF 546	LOCAL MANAGEMENT LEVY	Bloomingdale (C), Croken, Deyoe
HF 577	BASEBALL BLACKOUTS	Kaufmann (C), P Thompson, Gjerde

SENATE SUBCOMMITTEE ASSIGNMENTS

<u>SF 447</u>	VOLUNTEER LENGTH OF SERVICE	Zumbach (C), Giddens, Kraayenbrin
	STATE GOVERNMENT	
SR 4	DISABILITIES MONTH	Schultz (C), Bisignano, Bousselot

HOUSE STUDY BILLS (HSB 225 - HSB 229)

HSB 225 FAIR REFUNDS (Ways & Means) Jones (C), Gjerde, Sexton

Designates district fairs and county fairs as designated exempt entities in terms of the sales tax. Retroactive to 2021. Allows for refunds but caps the aggregate at \$50,000. See SF 146

HSB 226 POST-PARTUM COVERAGE (Ways & Means) Lundgren (C), Nielsen, Siegrist

Requires the HHS to submit a Medicare/Medicaid amendment to provide 12-months of continuous post-partum coverage.

HSB 227 ADVANCE DEPOSIT WAGERS (Ways & Means) Bloomingdale (C), Jacoby, Kaufmann

Authorizes advance deposit wagering at casinos. Gives the R & G Commission the authority to adopt rules and to enter into agreements with other jurisdictions. Allows the casino to enter into an agreement with an operator to run advance deposit wagering. Sets initial license fees at \$45,000 and renewals at \$10,000. Requires bettors to be 21 and establishes requirements.

HSB 228 ADVANCE DEPOSIT CHECKS (Ways & Means) Kaufmann (C), Harris, Jacoby

Requires the R & G Commission to investigate advance deposit sports wagering applicants to determine if the applicant is knowingly accepting money from jurisdictions sanctioned by the US Treasury for accepting online wagers from countries where such wagers are illegal and bars a license to an applicant after such a finding. Requires a revocation of a current license for such violations.

HSB 229 ATHLETIC CLAIMS (Appropriations) Nordman (C), Bagniewski, Collins

Requires the state universities to reimburse any settlement amounts paid out of the state treasury for claims against the athletic department.