

## Governor Signs 2020 Bills Into Law

Legislators wrapped up their work for the year on June 14, after a 78-day pause in the middle of the 100-day Iowa legislative session. They borrowed a trick from Congress to help finish the restarted session in just 10 days, rolling 9 of the 11 budget bills into a single "continuing resolution." The continuing resolution (House File 2643) keeps funding the same for most programs and services, with a few exceptions. When the dust settled, legislators ended up with a budget that was balanced without having to make big cuts or borrow heavily from the state's reserve funds.

Governor Kim Reynolds had to give up on a few of her big initiatives this year after COVID-19 took over, but she was able to sign three of her priorities into law, including big changes to the state's professional licensing system, mental health delivered via telehealth to kids in schools, and her Future Ready Iowa efforts to address worker shortages. Usually the Governor has 30 days to sign bills into law, but with the July 1 start of a new state fiscal year looming, Governor Reynolds signed the bills sent to her within two weeks, with everything done by June 30.

Every year we look at the number of bills introduced and signed into law, so we can track the odds of a bill becoming a law. In a "normal" year, a bill has about a 1 in 10 chance of becoming a law. This year, the odds were not as good. Only one bill out of every 14 introduced became a law in 2020.

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## Governor Signs 2020 Bills Into Law *(continued from page 1)*

- Legislators introduced 1,549 bills this year.
- Only 113 of these bills made it to the Governor's desk.
- The Governor signed all but one of these bills.
- Just 7% of the bills introduced this year became law.

There were so many bills that almost made it, and probably would have if COVID-19 had not struck and required legislators to really focus on their top priorities. Take a look at the Bill Tracker's "Inactive" list to see some of the bills that may get another shot in 2021.

## New Budget Looks Like the Old Budget

The one thing legislators have to do each year is pass a budget for the next fiscal year. This year, legislators needed to pass a budget for the fiscal year that begins July 1, 2020 and goes through June 30, 2021 ("Fiscal Year 2021"). This is always a difficult task, but it was even harder this year because the state was losing money due to COVID-19. As you will recall, Iowa's budget can only spend 99% of **what the state expects to collect** each year from taxes. Legislators knew that COVID-19 would result in the state losing money, with people out of work (no income taxes), casinos shut down (no tax funds used for infrastructure projects), and sales taxes dropping dramatically (with businesses and restaurants shut down).

The start of the budget process this year had to begin with new estimates. The Revenue Estimating Conference (REC) had some good news to share. Iowa has almost \$800 million in reserves and was not on track to spend all the money it could in the past fiscal year. The state was expected to have almost \$400 million left unspent when the fiscal year ended on June 30. Medicaid eats up a lot of new revenues each year, but this year the Federal government is kicking in more money for the program, so the state doesn't need to put as much money into the program to keep it going. The bad news, the new fiscal year estimates expect a \$360 million drop in revenues, so budgets had to be adjusted to reflect that change. The REC members also cautioned legislators that they won't know the real impact of COVID-19 until later in the year, and budgets may need to be adjusted again mid-year. They also said that the really big hit to the state could be in fiscal year 2022 (the budget next year's Legislature will adopt), when those that were unemployed this year don't pay as much in state income taxes. So next year's budget could very well be worse than this year's budget.

As mentioned above, legislators funded agencies, programs, and services at current levels. So, while there were not many cuts, programs and services were not given additional money to pay for increased costs or more people served. Agencies, with the Department of Management, will have to determine how they make ends meet on a status quo budget.

Here are a few highlights from the budget (House File 2643):

- Spends \$52.4 million less than fiscal year 2020.
- Gives the Governor and Department of Management the ability to distribute COVID-19 federal funds as needed.
- Allows the Department of Management to adjust state budgets mid-year if revenues drop.
- Adds \$237,000 to the Iowa School for the Deaf and \$100,000 for the Iowa Braille & Sight Saving School.
- Cuts Medicaid by \$56.7 million (total of \$1.5 billion is expected to be enough to cover costs without cuts).
- Reduces State Supplementary Assistance (SSA) by \$464,000, but this is not expected to cause problems.
- Cuts funding for Glenwood by \$333,000 (this eliminates the one-time supplemental made earlier in session).
- Increases the children's health insurance program by \$16.5 million (to keep up with expected demand).

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## New Budget Looks Like the Old Budget *(continued from page 2)*

- Cuts funding to the Secretary of State by \$235,000 (total \$1,874,870).
- Fully funds Elderly/Disabled Property Tax Credits but uses \$5.3 million from a special fund to do so.
- Gives \$5 million to Polk County MH/DS Region to offset the region's \$13 million shortfall.

The non-partisan Legislative Fiscal Bureau does a great job of explaining budget bills passed each year. You can see their review of this year's Omnibus Continuing Budget ([bit.ly/3inL2RH](http://bit.ly/3inL2RH)), the Infrastructure Budget ([bit.ly/3go1srM](http://bit.ly/3go1srM)), and the Transportation Budget ([bit.ly/2YRzbni](http://bit.ly/2YRzbni)). Not surprisingly, there were several policy changes that were added to the budget bill before it was finished, including changes to how MH/DS regions function.

- Polk County MH/DS Region is allowed to use other county funds to help avoid cuts in MH/DS services.
- New counties in a region are instructed to follow old governance agreements until new ones are adopted.
- Regions are to give counties leaving the region a portion of the region's cash reserves based on % of population.
- Regions are required to have an independent audit each year.
- DHS is allowed to force a region into mediation to resolve disputes between counties (region would pay for it).
- DHS is given access to annual audits, regional governance agreements, and annual service/budget plans, and is allowed to request and review financial documents, contracts, audits, and perform onsite interviews.
- DHS is required to approve all regional governance agreements to make sure they comply with law.
- DHS is required to facilitate a discussion about splitting the large County Social Services MH/DS region into two separate regions (not requiring a split, but if there is one, the new regions must be fully operational by July 1, 2021).

County supervisors expressed concern about the level of DHS involvement in local decisions, given the state provides no funds for regional services. It's a classic "local control" argument. Legislators argue that the changes only give DHS the tools to do the work they are already required to do (make sure regions are complying with the law). In addition, conflicts between counties in two regions led legislators to include language to allow DHS to help address these concerns outside of a courtroom. None of these policy changes impact the services regions are to provide, or the funds they have available to pay for them (except for the additional appropriation for Polk County).

As you will recall, the Governor had proposed a one-cent sales tax increase in her Invest in Iowa Plan, using the increased revenues to pay for water quality and outdoor recreation, income tax cuts, and MH/DS regional services. The plan would have dropped the region's local property tax levy cap from \$47.28 per capita to \$12.50 per capita, with the additional state dollars going out based on population (per capita). Some regions received more money, some regions received less, and some got more but not enough to cover costs. That plan fell apart after COVID-19, but you can bet it will be the starting point for discussions about regional funding when legislators return in 2021. We'll focus more on this in the months leading up to the 2021 session, which is just six months away now!

## Changes to Election Laws Adopted Late in Session

Some legislators were not happy that the Secretary of State Paul Pate used his emergency powers to mail out absentee ballot requests to all registered Iowa voters, so they could vote at home in the June primary. Secretary Pate was vocal in his efforts to get people to vote safely by mail, with COVID-19 spikes in many Iowa counties. This effort led to record turnout in the June primary, and huge increases in voting by mail.

There are many legislators that want to see this repeated in the November general election, and many others that feel sending out ballot requests by mail opens the door to voter fraud. That's why Senate Republicans introduced several amendments that changed various parts of the election process. I won't bore you with the subsequent back and forth, but the debates were heated and worth a watch if you are interested in elections and voting:

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## Changes to Election Laws *(continued from page 3)*

- To watch debate on Secretary of State limitations & polling site reductions (HF 2486):
  - o Senate Debate: [bit.ly/3ioUYKV](https://bit.ly/3ioUYKV)
  - o House Debate: [bit.ly/2D6ZMEJ](https://bit.ly/2D6ZMEJ)
- To watch debate on the absentee ballot changes (included in budget bill):
  - o Senate Debate: [bit.ly/2YRj7Ss](https://bit.ly/2YRj7Ss)
  - o House Debate: [bit.ly/3gllamO](https://bit.ly/3gllamO)

The changes made in these two bills include:

- Requiring Legislative Council approval before the Secretary of State can exercise emergency powers.
- Allowing the Legislative Council to amend any of the Secretary of State's emergency plans.
- Allowing county auditors to reduce the number of polling sites by up to 35% during emergencies, as long as those reductions are made proportionately in urban and rural areas.
- Barring county auditors from using their databases to correct any information on an absentee ballot request form.

It is this last change that was the most controversial. County auditors may get absentee ballot request forms that are missing information (like a zip code), or information they cannot read (like shaky handwriting), or information that has a simple error in it (like writing 4402 instead of 4420 in an address). If the missing information is pretty simple, a county auditor can currently correct or verify it with the database. This new law prohibits an auditor from doing that, and requires they instead call or email the voter within 24 hours of getting the request, and if the voter doesn't respond, send a letter by mail explaining they need to correct the missing information in order to request a ballot.

Voters have only 29 days to vote by mail, so anything that adds time to the process is of concern to organizations that represent voters that have bigger percentages of people who vote by mail (older Iowans, Iowans with disabilities, Iowans with chronic health conditions, people who have transportation barriers or difficulties with child care). The DD Council will be working with county auditors and the Secretary of State on ways to prevent additional headaches for voters with disabilities, so stay tuned and watch for updates in our next issue of infoNET.

**Beginning Monday, July 6, you can request an absentee ballot for the November 3 General Election.** You won't actually get your ballot until October, but you can request it now. If you want to do that, make sure you fill out every field required, or you'll end up with a call or email from your auditor! If you have any questions, or don't know your voter verification number (if you don't have a driver's license number), just call your county auditor. If you do decide to request your ballot, you might want to mark October 3 in your calendar as the date to start watching for your ballot to come in the mail.

- You can read more about voting by mail (absentee voting), request an absentee ballot request form from your county auditor, print off an absentee ballot request, and track your mail-in ballot all through the Secretary of State's website ([sos.iowa.gov/elections/electioninfo/absenteeinfo.html](https://sos.iowa.gov/elections/electioninfo/absenteeinfo.html))

## Success: Bills Becoming Law in 2020

With only a 7% chance of becoming law this year, advocates whose bills became law this year should celebrate that they made it through the very long, roller coaster process. You can see a full list of bills that became law this year in our Bill Tracker. The following bills made it over the finish line this year, and are now the law:

- **House File 2372:** Allows **individuals with autism** to have this noted on their driver's license. This is completely optional but will make sure that law enforcement knows they are speaking to someone who may have communication difficulties. You can read a Today article on this on [today.com/31Bmr68](https://www.today.com/31Bmr68).
- **House File 2561:** Does not allow a hospital or health care provider to discriminate against a person with a disability in **organ transplant decisions**. Some transplant requirements include being able to demonstrate

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## Success: Bills Becoming Law in 2020 *(continued from page 4)*

independent self-care after the transplant, which does not recognize having personal assistance in place as qualifying as "independent self-care." This new law makes sure people with disabilities are treated equally in transplant decisions.

- **House File 2340:** Allows an Iowa 529 Plan (educational savings plan) to be used for out-of-state K-12 schools for **children qualifying for special education**, and it is effective back to January 1, 2020 for those that may have already incurred costs this year. This just gives families whose children require specialized education to go out of state and be able to use their education savings to pay for it.
- **House File 2585:** Updates language in law to "**deaf or hard of hearing**" and "persons with speech disorders." This is a code language update, much like was done in year's past to change "mental retardation" to "intellectual disability."
- **House File 2589:** Makes changes to the use of **medical cannabis (mCBD)**, which is used in Iowa to treat epilepsy and other diseases. The bill adds PTSD and severe forms of autism (intractable with self-injurious behaviors) to the list of conditions that can be treated with mCBD. The bill also caps the amount of THC (the stuff that makes you high) that can be purchased in a 90 day period to 4.5 grams (currently there is no total cap, a patient can only get 3% THC in each dose, but can purchase as many does as they need). Individuals who have a terminal illness (less than 12 months to live) are allowed to exceed this cap. The bill also lets PAs and ARNPs authorize use (now only doctors can do this) and takes the DOT out of the mCBD card business (Iowa Department of Public Health will issue them directly). Something to watch out for - businesses can continue to require drug testing and those using mCBD products that are not FDA recognized will not be able to claim that it is medicine (that is, your employer can fire you for failing a drug test if you are using mCBD). They also do not have to allow you time to use it during work, and do not have to pay for it through insurance. All of these changes are now law.
- **Senate File 2261:** Allows a student to use a private room at school for a **telehealth visit with their mental health provider**, with parental permission. Insurers would pay for the visit at 100% of the in-person rate, and schools would allow for parental participation as well. There are some requirements for in person visits and does not allow medications to be adjusted during a telehealth visit at school. This was a major priority of the Governor's this year, saying to lawmakers during her session-opening speech, "What used to be a 70-mile drive in the middle of a school day can now be a walk down the hall. That means the children will receive the care they need, with less disruption to their education."
- **Senate File 2323:** So much changed last year in the state's **Guardianship laws** that there needed to be a few fixes to make it more workable to families. There were several bills introduced, but this was the only one that made it to law. This bill eliminates the need for an additional initial care plan to be filed this year for guardianships in place prior to January 1, 2020. When the DD Council Guardianship publication is updated, we'll post it on our social media feeds and on our website. You can see the existing publication at [iowaddcouncil.org](http://iowaddcouncil.org).
- **Senate File 2338:** Long term care facilities, health care providers, and other businesses **cannot be sued for damages for failing to control the spread of COVID-19** under this bill, as long as they are acting in good faith and following public health guidelines, and the exposure was not intentional. This means if someone dies in a facility from COVID, the facility cannot be sued as long as they were following the advice of public health experts and CDC guidelines.
- **Senate File 2356:** This bill continues work to provide better resources and improved educational opportunities for **children with dyslexia** by requiring the Department of Education to hire a Dyslexia Consultant and establish an Iowa Dyslexia Board, require each Area Education Agency (AEA) to hire a dyslexia specialist, requires some teachers and school employees to complete the Reading Research Center dyslexia overview module, and creates a new "advanced dyslexia specialist" endorsement for teachers and school employees that complete this advanced training. While this became law on July 1, it will take the department and AEAs time to get this put into place.

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## Success: Bills Becoming Law in 2020 *(continued from page 5)*

- **Senate File 2360**: Encourages schools to develop alternative, short-term "**therapeutic classrooms**" to help students with disruptive behaviors and avoid classroom clears. This was a highly debated bill throughout the session, with many parents, teachers, and advocates for minority students and students with disabilities expressing their strongly held views. This bill is a perfect example of the legislative process working; with more than 10 public meetings on the bill, and hundreds of comments submitted, the bill changed significantly and addressed many concerns. The end product is a requirement that the Board of Education to come up with strong guidelines on the appropriate response to kids with challenging behaviors (something we will be watching through the rules process), providing incentives (grants) to help develop these classroom alternatives, and requiring any actions be done in compliance with a student's Individual Education Plan (IEP) and consistent with Individuals with Disabilities Education Act (IDEA) guidelines for teaching students with disabilities in the most inclusive environment.

Finally, the Legislature did pass another one of Governor Reynolds' top priorities, **professional licensure reform** (House File 2627). While this bill does not directly impact lowans with disabilities, it does affect the qualifications their providers are required to have to practice in the state. The bill allows any person licensed in a profession outside of Iowa to be automatically licensed in Iowa, as long as they haven't had any problems and have been practicing for a year. This would apply to plumbers, electricians, hair braiders, health care providers, and anyone required to get a professional license in Iowa.

Not all states have equal requirements for licensure, so this could mean Iowa would license someone from a state with lower standards than what other lowans in that profession were required to meet. It's unknown how this will affect various professions, but it's something that we will be watching as professional boards roll out their changes.

## Missed the Mark: Bills to Watch for in 2021

Just take one look at the "inactive" list in our Bill Tracker (<http://www.infonetiowa.org/news/bill-tracker/>), and you'll know that 93% of all bills introduced this year failed to pass the Legislature and make it to the Governor's desk. That's 1,436 bills that didn't make it, and 113 bills that did. While there are plenty of bills that didn't get a single subcommittee and were considered "dead on arrival," there are several that got pretty close to making it through the process. COVID-19 put a halt to a lot of advocate's dreams of getting their bills passed this year, but 2021 is just around the corner. Here's a few bills that stand a good chance next year:

- **House File 2097**: This bill had broad bipartisan support, but just lost steam after the Legislature took its COVID-19 break. It required the DOT to put adult changing tables in its modern Interstate rest areas. While advocates would have liked to see this be broadened to every public restroom, it was a starting point. This bill passed the House unanimously (yes, 100-0) but the Senate Judiciary Committee ran out of time before session ended. The bill has to start over and be redrafted, but legislators clearly were interested in taking this first step forward.
- **House File 2138**: The bill tried to address the high cost of insulin by capping any insurance cost-sharing at \$100 for a 31-day supply. Insurers wanted drug companies (like those that make insulin) to have to disclose their actual costs of making the product, which was in a separate bill that didn't make it (House File 2551). In the end, this bill passed the House 98-1, but couldn't get on the debate list in the Senate before the session ended. Unless the cost of insulin goes down significantly, this will probably be on the agenda for 2021.
- **House File 2222**: DHS would have been required to apply for a Medicaid waiver that would allow the state to get federal Medicaid matching funds for **facilities that have more than 16 beds**. While there is not a move to create larger facilities, it would allow the state to get federal money for state institutions (and spend less state tax dollars), and could help with some of the new complex needs services that may be housed in facilities that might exceed that limit. DHS can apply for this on their own without a legislative directive, so we'll watch how this goes in the months before the 2021 session.
- **House File 2526**: Time ran out for this bill that allows people to convert their Special Needs Trusts and Supplemental Needs Trusts into **ABLE Accounts**, giving them more flexibility in using the funds with less trips

## Missed the Mark: Bills to Watch for in 2021 *(continued from page 4)*

to the courtroom for approval. The House passed the bill unanimously, but the Senate didn't get a chance to debate it before session ended. While the bill's House sponsor (former Speaker of the House Linda Upmeyer) is retiring, we predict someone else will make sure this bill gets filed in 2021.

- **Senate File 2301:** The Senate unanimously passed this bill that required insurance plans to cover the costs of treating **pediatric acute-onset neuropsychiatric syndrome** (PANS) and pediatric autoimmune neuropsychiatric disorders (PANDAS), which children can contract after streptococcal infections. The Senate unanimously approved the bill before the insurance industry killed it in the House. One Senator said he has this disorder - and it is one of the reasons he was cautious about coming back to the Capitol during COVID-19.
- **Senate File 2341:** It took a lot of work this year, but advocates and the banking industry came together on a bill that would criminalize financial exploitation and other forms of older lowan and dependent adult abuse that have fallen through the cracks. The legal community still had issues with the bill, so it didn't make out of the lawyer-heavy House Judiciary Committee. If the House had more time to hold subcommittees on the bill, it would have likely made it to the Governor's desk, but COVID-19 made that impossible. Look for the pressure to increase on legislators in 2021.

If any of these bills are important to you, start working on a plan to make them law in 2021. Your plan starts with a legislator agreeing to "sponsor" the bill - all they need to do is request the bill get drafted and they can do that now. It's the same for other bills that didn't make it, or ideas that haven't yet been drafted into a bill. Your legislator can ask for a bill to be drafted now, so you can get started on your advocacy and know a bill will be introduced in 2021.

## Candidates for November

You can see who is running for Congress, State Senate, and State House in your district at [bit.ly/2VWaeWb](http://bit.ly/2VWaeWb). Just remember that only half of the State Senators are up for election this year, so you may not have a race in your area. Also remember that political parties have another month to nominate someone to run in a district where no one has come forward yet to run. If a Democrat is unopposed for Iowa House, the Republicans still have time to find someone to run against them.

We will be getting links to candidate bios over the coming months, so watch social media and our website for updates. In the meantime, the above link will help you find who's running, and a google search should help you find their campaign websites.

**(If you don't know which district you live in, just go to [www.legis.iowa.gov/legislators/find](http://www.legis.iowa.gov/legislators/find))**

### Bill Tracker

- You can see the final status of bills tracked for our readers at [www.infonetiowa.org/news/bill-tracker/](http://www.infonetiowa.org/news/bill-tracker/)
- You can get a PDF spreadsheet of all the bills that passed [bit.ly/2BA0kCv](http://bit.ly/2BA0kCv)
- You can get a PDF spreadsheet of all the bills that did NOT pass [bit.ly/2NMGkis](http://bit.ly/2NMGkis)

*Remember that the Bill Tracker's default list includes bills passed and signed into law.*

*To see the bills that didn't make it, just change the status dropdown box to "inactive" and click on "search bills."*

*This project was supported, in part by grant number 1801ABSD, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects with government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official ACL policy.*

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