Amend the amendment, H-8135, to House File 2279 as follows:

1. By striking page 1, line 1, through page 3, line 19, and inserting:

<Amend House File 2279 as follows:
1. By striking everything after the enacting clause and inserting:

<DIVISION I
UNEMPLOYMENT INSURANCE

Section 1. Section 96.2, Code 2022, is amended to read as follows:

96.2 Guide for interpretation.

As a guide to the interpretation and application of this chapter, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to negatively impacts the health, morals, and welfare of the people of this state Iowa. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and the worker's family. The achievement of social security requires protection against this greatest hazard of our economic life. This can be provided These undesirable consequences can be reduced by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons. This chapter provides for payment of benefits to workers unemployed through no fault of their own.
The policy herein is intended to encourage stabilization in employment, to provide for integrated employment and training services in support of state economic development programs, and to provide meaningful job training and employment opportunities for the unemployed, underemployed, economically disadvantaged, dislocated workers, and others with substantial barriers to employment. To further this public policy, the state, through its department of workforce development, will maintain close coordination among all federal, state, and local agencies whose missions affect the employment or employability of the unemployed and underemployed.

Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022, is amended to read as follows:

a. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual’s account during the individual’s base period, or twenty-six sixteen times the individual’s weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual’s account with one-third of the wages for insured work paid to the individual during the individual’s base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual’s employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual’s account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual’s base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual’s account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state “off”
indicator is in effect and if the individual is laid off due to
the individual’s employer going out of business at the factory,
establishment, or other premises at which the individual was
last employed, the maximum benefits payable shall be extended
to thirty-nine twenty-six times the individual’s weekly benefit
amount, but not to exceed the total of the wage credits accrued
to the individual’s account.

Sec. 3. Section 96.4, Code 2022, is amended by adding the
following new subsection:

NEW SUBSECTION. 8. The individual has satisfied a single
one-week waiting period during the individual’s benefit year.
To satisfy the one-week waiting period, the individual, with
respect to the week in question, must otherwise be eligible
for benefits from this state, must not have received or have
payable benefits from this state, and must not be eligible for
benefits from another state.

Sec. 4. Section 96.5, subsection 2, Code 2022, is amended by
adding the following new paragraph:

NEW PARAGRAPH. d. For the purposes of this subsection,
“misconduct” means a deliberate act or omission by an
employee that constitutes a material breach of the duties
and obligations arising out of the employee’s contract of
employment. Misconduct is limited to conduct evincing such
willful or wanton disregard of an employer’s interest as
is found in deliberate violation or disregard of standards
of behavior which the employer has the right to expect of
employees, or in carelessness or negligence of such degree of
recurrence as to manifest equal culpability, wrongful intent
or evil design, or to show an intentional and substantial
disregard of the employer’s interests or of the employee’s
duties and obligations to the employer. Misconduct by an
individual includes but is not limited to all of the following:
(1) Material falsification of the individual’s employment
application.
(2) Knowing violation of a reasonable and uniformly
1 enforced rule of an employer.
2 (3) Intentional damage of an employer’s property.
3 (4) Consumption of alcohol, illegal or nonprescribed
4 prescription drugs, or an impairing substance in a manner
5 not directed by the manufacturer, or a combination of such
6 substances, on the employer’s premises in violation of the
7 employer’s employment policies.
8 (5) Reporting to work under the influence of alcohol,
9 illegal or nonprescribed prescription drugs, or an impairing
10 substance in an off-label manner, or a combination of such
11 substances, on the employer’s premises in violation of the
12 employer’s employment policies, unless the individual is
13 compelled to work by the employer outside of scheduled or
14 on-call working hours.
15 (6) Conduct that substantially and unjustifiably endangers
16 the personal safety of coworkers or the general public.
17 (7) Incarceration for an act for which one could reasonably
18 expect to be incarcerated that results in missing work.
19 (8) Incarceration as a result of a misdemeanor or felony
20 conviction by a court of competent jurisdiction.
21 (9) Excessive unexcused tardiness or absenteeism.
22 (10) Falsification of any work-related report, task, or job
23 that could expose the employer or coworkers to legal liability
24 or sanction for violation of health or safety laws.
25 (11) Failure to maintain any license, registration, or
26 certification that is reasonably required by the employer or
27 by law, or that is a functional requirement to perform the
28 individual’s regular job duties, unless the failure is not
29 within the control of the individual.
30 (12) Conduct that is libelous or slanderous toward an
31 employer or an employee of the employer if such conduct is not
32 protected under state or federal law.
33 (13) Conduct creating or attempting to create dissention or
34 animus against the employer or a coworker if such conduct is
35 not protected under state or federal law.
1 (14) Theft of an employer or coworker's funds or property.
2 (15) Intentional misrepresentation of time worked or work
3 carried out that results in the individual receiving unearned
4 wages or unearned benefits.
5 Sec. 5. Section 96.5, subsection 3, paragraph a,
6 subparagraph (1), subparagraph divisions (a), (b), (c), and
7 (d), Code 2022, are amended to read as follows:
8 (a) One hundred percent, if the work is offered during the
9 first five weeks of unemployment.
10 (b) Seventy-five Ninety percent, if the work is offered
11 during the sixth second through the twelfth third week of
12 unemployment.
13 (c) Seventy Eighty percent, if the work is offered during
14 the thirteenth fourth through the eighteenth fifth week of
15 unemployment.
16 (d) Sixty-five Seventy percent, if the work is offered
17 after during the eighteenth sixth through the eighth week of
18 unemployment.
19 Sec. 6. Section 96.5, subsection 3, paragraph a,
20 subparagraph (1), Code 2022, is amended by adding the following
21 new subparagraph division:
22 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work
23 is offered after the eighth week of unemployment.
24 Sec. 7. Section 96.6, subsection 3, paragraph b, Code 2022,
25 is amended to read as follows:
26 b. Appeals from the initial determination shall be heard
27 by an administrative law judge employed by the department.
28 An administrative law judge's decision may be appealed by
29 any party to the employment appeal board created in section
30 10A.601. The decision of the appeal board is final agency
31 action and an appeal of the decision shall be made or directly
32 to the district court.
33 DIVISION II
34 TORT LIABILITY
35 Sec. 8. Section 147.136A, subsection 1, Code 2022, is
amended by adding the following new paragraph:

NEW PARAGRAPH. Ob. "Inflation" means the annual percentage change in the United States department of labor bureau of labor statistics consumer price index for all urban consumers for the midwest region, all items, or its successor index.

Sec. 9. Section 147.136A, subsection 1, paragraph b, Code 2022, is amended to read as follows:

b. (1) "Noneconomic damages" means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages.

(2) "Noneconomic damages" does not include the loss of dependent care, including the loss of child care, due to the death of or severe injury to a spouse or parent who is the primary caregiver of a child under the age of eighteen or a disabled adult, and does not include the cost of full or part-time child care. Such damages shall be considered economic damages.

Sec. 10. Section 147.136A, subsection 2, Code 2022, is amended to read as follows:

2. The total amount recoverable in any civil action for noneconomic damages for personal injury or death, whether in tort, contract, or otherwise, against a health care provider shall be limited to two hundred fifty thousand dollars for any occurrence resulting in injury or death of a patient regardless of the number of plaintiffs, derivative claims, theories of liability, or defendants in the civil action, shall not exceed two hundred fifty thousand dollars unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained, in which case the amount recoverable shall not exceed one million dollars.

Sec. 11. Section 147.136A, Code 2022, is amended by adding
the following new subsection:

NEW SUBSECTION. 4. a. The limitation on damages set forth in subsection 2 shall be adjusted for inflation by the secretary of state on January 1, 2026, and each January 1 of an even-numbered year thereafter.

b. The secretary of state shall certify the adjusted limitation on damages within fourteen days after the appropriate information is available.

Sec. 12. NEW SECTION. 668.12A Liability for employee negligence in actions involving commercial motor vehicles.

1. Subject to subsection 4, in a civil action involving the operation of a commercial motor vehicle as defined in section 321.1, if an employer who is a defendant in the action complies with subsection 2, the employer’s liability for damages caused by the negligence of an employee operating a motor vehicle within the course and scope of employment shall be based solely on respondeat superior and not on the employer’s direct negligence in hiring, training, supervising, or trusting the employee.

2. On motion of an employer who is the defendant in a civil action involving the operation of a commercial motor vehicle, a trial court shall dismiss from the civil action any claim of the employer’s direct negligence in hiring, training, supervising, or trusting the employee, or other claim of direct negligence on the part of the employer for the employee’s harmful conduct, or other similar claims, if the employer stipulates that at the time of the event that caused the damages that are the subject of the civil action that the person whose negligence is alleged to have caused the damages was the employer’s employee and was acting within the course and scope of employment with the employer.

3. If an employer makes the stipulations in subsection 2 with respect to an employee, and the employee’s negligence is found to have caused or contributed to causing the damages, the employer shall be adjudged liable solely on the basis of
respondeat superior for all the resulting damages.

4. This section shall not apply if the civil action involving a commercial motor vehicle arises from an incident for which an employee is convicted under section 321J.2 or found to be in violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

5. As used in this section, unless the context requires otherwise:
   a. "Convicted" means convicted of an indictable offense and includes a guilty plea or other finding of guilt by a court of competent jurisdiction.
   b. "Operation" or "operating" means actual physical control of a commercial motor vehicle upon a highway as defined in section 321.1.

Sec. 13. NEW SECTION. 668.15A Noneconomic damages — commercial motor vehicle owners or operators.

1. As used in this section:
   a. "Commercial motor vehicle" means the same as defined in section 321.1.
   b. "Convicted" means convicted of an indictable offense and includes a guilty plea or other finding of guilt by a court of competent jurisdiction.
   c. "Inflation" means the annual percentage change in the United States department of labor bureau of labor statistics consumer price Index for all urban consumers for the midwest region, all items, or its successor index.
   d. "Noneconomic damages" means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages.
   e. "Occurrence" means the event, incident, or happening, and the acts or omissions incident thereto, which proximately caused injuries or damages for which recovery is claimed.
   f. "Operation" or "operating" means actual physical control of a commercial motor vehicle upon a highway as defined in
2. The total amount recoverable by each plaintiff in any civil action involving the operation of a motor vehicle for noneconomic damages for personal injury or death, whether in tort, contract, or otherwise, against the owner or operator of a commercial motor vehicle shall be limited to one million dollars, regardless of the number of claims, theories of liability, or defendants in the civil action.

3. This section shall not apply if the civil action involving a commercial motor vehicle arises from an incident for which an employee is convicted under section 321J.2 or found to be in violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

4. a. The limitation on damages set forth in subsection 2 shall be adjusted for Inflation by the secretary of state on January 1, 2026, and each January 1 of an even-numbered year thereafter.

b. The secretary of state shall certify the adjusted limitation on damages within fourteen days after the appropriate information is available.

Sec. 14. Section 668A.1, subsection 2, Code 2022, is amended to read as follows:

2. An award for punitive or exemplary damages shall not be made unless the answer or finding pursuant to subsection 1, paragraph “a”, is affirmative. If such answer or finding is affirmative, the jury, or court if there is no jury, shall fix the amount of punitive or exemplary damages to be awarded, and such damages shall be ordered paid as follows:

a. If the answer or finding pursuant to subsection 1, paragraph “b”, is affirmative, or if the claim is against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, then the full amount of the punitive or
exemplary damages awarded shall be paid to the claimant.

b. If the answer or finding pursuant to subsection 1, paragraph "b", is negative, and if the claim is not against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, then after payment of all applicable costs and fees, an amount not to exceed twenty-five percent of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid into a civil reparations trust fund administered by the state court administrator. Funds placed in the civil reparations trust shall be under the control and supervision of the executive council, and shall be disbursed only for purposes of indigent civil litigation programs or insurance assistance programs.

c. Notwithstanding paragraphs "a" and "b", if the claim involves the operation of a commercial motor vehicle, then the full amount of the punitive or exemplary damages awarded shall be paid to the claimant.

Sec. 15. Section 668A.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A claim for punitive or exemplary damages shall not be included in any initial claim for relief. A claim for punitive or exemplary damages may be allowed by amendment to the pleadings only after the exchange of initial disclosures pursuant to the Iowa rules of civil procedure and after the plaintiff establishes prima facie proof of a triable issue. After the plaintiff establishes the existence of a triable issue, the court may, in its discretion and subject to subsection 3, allow discovery on the issue of punitive or exemplary damages as the court deems appropriate.

DIVISION III

COVID-19 — PROOF OF VACCINATION — IMMUNIZATION STATUS
Sec. 16. Section 27C.2, Code 2022, is amended to read as follows:

27C.2 Proof COVID-19 proof of vaccination — immunization status — denial of state grants or contracts — penalties.

1. Notwithstanding any provision of law to the contrary, a business, educational institution, or governmental entity shall not require a customer, patron, client, patient, or other person who is invited onto the premises of the business or governmental entity to furnish proof of having received a vaccination for COVID-19, as defined in section 686D.2, prior to entering onto the premises of the business, educational institution, or governmental entity. This section does not prohibit a business or governmental entity from implementing a COVID-19 screening protocol that does not require proof of vaccination for COVID-19.

2. A business, educational institution, employer, or governmental entity shall not do any of the following:

   a. Refuse, withhold from, or deny to a person any services, goods, facilities, advantages, privileges, access, transportation or freedom of movement, licensing, educational opportunities, or access to medical care, based on the person’s COVID-19 immunization status.

   b. Except when federal law otherwise requires, exclude, segregate, refuse to serve, require a mask or other facial covering, require testing, or otherwise discriminate against a person, based on the person’s COVID-19 immunization status.

3. Notwithstanding any provision of law to the contrary, grants or contracts funded by state revenue shall not be awarded to or renewed with respect to a business, educational institution, or governmental entity that violates subsection 1 on or after May 20, 2021.

4. Except when federal law otherwise requires immunization against COVID-19 related to employment, an employer discharges an employee based on the employee’s COVID-19 immunization status, the discharged individual files a claim for benefits...
pursuant to section 96.6, and the department of workforce
development determines the discharged individual was discharged
based upon the discharged individual’s COVID-19 immunization
status in violation of this section, the employer shall pay a
fine of fifty thousand dollars to the department of workforce
development. Upon receipt of the fine, the department of
workforce development shall award twenty-five thousand dollars
to the discharged individual and shall retain twenty-five
thousand dollars as repayment receipts as defined in section
8.2. Notwithstanding section 8.33, moneys retained by the
department of workforce development pursuant to this section
are not subject to reversion to the general fund of the state.

For the purposes of this section:

a. “Business” means a retailer required to obtain a
sales tax permit pursuant to chapter 423, a nonprofit or
not-for-profit organization, or an establishment which is open
to the public at large or where entrance is limited by a cover
charge or membership requirement, but does not include a health
care facility as defined in section 686D.2.

b. “COVID-19” means the same as defined in section 686D.2.
c. “Educational institution” includes any licensed child
care center as defined in section 237A.1, preschool, elementary
or secondary school, community college, area education agency,
or postsecondary college or university and their governing
boards.

d. “Employee” means an individual who is employed in
this state for wages by an employer. “Employee” includes an
applicant for employment.
e. “Employer” means a person, as defined in chapter 4, who
in this state employs for wages a natural person.

f. “Governmental entity” means the state or any
political subdivision of the state that owns, leases, or
operates buildings under the control of the state or a
political subdivision of the state, but does not include a
health care facility as defined in section 686D.2.
Sec. 17. CODE EDITOR DIRECTIVE. The Code editor shall amend the title of chapter 27C, Code 2022, to read "PROOF OF VACCINATION — IMMUNIZATION STATUS — COVID-19".

Sec. 18. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. Title page, by striking lines 1 and 2 and inserting <An Act relating to matters under the purview of the state, including unemployment benefits, civil torts, COVID-19 proof of vaccination-immunization status, and including effective date provisions.>>

BOUSSELOT of Polk