

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

June 5, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2360	H-8228		RECEIVED FROM THE SENATE
HF 2626	H-8226	Filed	ISENHART of Dubuque
HF 2626	H-8227	Filed	ISENHART of Dubuque
HF 2626	H-8237	Adopted	KLEIN of Washington
HF 2626	H-8238	Lost	ISENHART of Dubuque
SF 2310	H-8240		MOORE of Cass
SF 2338	H-8216	Filed	MEYER of Polk
SF 2338	H-8235	Filed	OURTH of Warren
SF 2338	H-8236		HALL of Woodbury
SF 2360	H-8231		DONAHUE of Linn
SF 2360	H-8232		DONAHUE of Linn
SF 2360	H-8233		DONAHUE of Linn
SF 2360	H-8234		DONAHUE of Linn
SF 2360	H-8239		EHLERT of Linn
SF 2364	H-8217		HUNTER of Polk
SF 2364	H-8218		HUNTER of Polk
SF 2364	H-8219		HUNTER of Polk
SF 2364	H-8220		HUNTER of Polk

SF 2364	H-8221	HUNTER of Polk
SF 2364	H-8222	HUNTER of Polk
SF 2364	H-8223	HUNTER of Polk
SF 2364	H-8224	HUNTER of Polk
SF 2364	H-8225	HUNTER of Polk
SF 2364	H-8229	HUNTER of Polk
SF 2364	H-8230	HUNTER of Polk

Fiscal Notes

[HF 2360](#) — [Driver's License, Expiration](#) (LSB5967HV.1)

SENATE AMENDMENT TO
HOUSE FILE 2360

H-8228

- 1 Amend House File 2360, as passed by the House, as follows:
- 2 1. Page 1, line 4, by striking <seventy-two> and inserting
- 3 <~~seventy-two~~ seventy-eight>
- 4 2. Page 1, line 10, by striking <seventy-eighth> and
- 5 inserting <eightieth>
- 6 3. Page 1, line 12, by striking <~~or age seventy-two or over~~>
- 7 and inserting <or age ~~seventy-two~~ seventy-eight or over>
- 8 4. Page 1, by striking lines 14 through 17 and inserting
- 9 <occurring in the year of issuance. A licensee whose license
- 10 is restricted>
- 11 5. Page 1, after line 23 by inserting:
- 12 <Sec. ____ . EFFECTIVE DATE. This Act takes effect September
- 13 1, 2020.>
- 14 6. Title page, line 2, by striking <seventy-two or over> and
- 15 inserting <seventy-eight or over and including effective date
- 16 provisions>

H-8228 FILED JUNE 5, 2020

HOUSE FILE 2626

H-8226

- 1 Amend the amendment, H-8206, to House File 2626 as follows:
- 2 1. Page 1, after line 22 by inserting:
- 3 <Sec. ____ . Section 162.2A, Code 2020, is amended by adding
- 4 the following new subsection:
- 5 NEW SUBSECTION. 4A. A commercial establishment shall not
- 6 be issued or renewed a state license by the department, unless
- 7 a person applying for the state license presents the department
- 8 with a valid, government-issued photo identification, or other
- 9 form of similar identification approved by the department, as
- 10 proof of identity that the person may legally act on behalf
- 11 of the commercial establishment in making the application.
- 12 The application must be signed by the person under penalty of
- 13 perjury subject to the penalty provisions of section 162.13,
- 14 subsection 1. Upon completion of the initial inspection,
- 15 the issued or renewed state license shall include a unique
- 16 identification number that is a public record under chapter
- 17 22.>
- 18 2. By renumbering as necessary.

By ISENHART of Dubuque

H-8226 FILED JUNE 5, 2020

HOUSE FILE 2626

H-8227

1 Amend the amendment, H-8206, to House File 2626 as follows:

2 1. Page 13, after line 9 by inserting:

3 <DIVISION ____

4 LOCAL FARM PRODUCE PROGRAM

5 Sec. ____ . NEW SECTION. 190A.11 Definitions.

6 As used in this subchapter, unless the context otherwise
7 requires:

8 1. "*Department*" means the department of agriculture and land
9 stewardship.

10 2. "*Farm source*" means a farmer who produces fresh farm
11 produce and sells directly to consumers or to a distributor or
12 broker of fresh farm produce.

13 3. "*Fresh farm produce*" means vegetables, fruits, or nuts
14 intended for inclusion as part of a school diet, including
15 school meals and snacks as described in section 190A.3, if the
16 vegetables, fruits, or nuts are not processed except for being
17 trimmed, cleaned, dried, sorted, or packaged.

18 4. "*Fund*" means the local farm produce fund created in
19 section 190A.12.

20 5. "*Program*" means the local farm produce program created
21 in section 190A.13.

22 6. "*School*" means a public school or nonpublic school, as
23 those terms are defined in section 280.2, or that portion of a
24 public school or nonpublic school that provides facilities for
25 teaching any grade from kindergarten through grade twelve.

26 7. "*School district*" means a school district as described
27 in chapter 274.

28 Sec. ____ . NEW SECTION. 190A.12 Local farm produce fund.

29 1. A local farm produce fund is created in the state
30 treasury under the management and control of the department.

31 2. The fund shall include moneys appropriated to the fund
32 by the general assembly. The fund may include other moneys
33 available to and obtained or accepted by the department,
34 including moneys from public or private sources.

35 3. Moneys in the fund are appropriated to support the

1 program in a manner determined by the department, including for
2 reasonable administrative costs incurred by the department.
3 However, the department shall not use more than five percent
4 of moneys credited to the fund during a fiscal year to pay for
5 reasonable administrative costs.

6 4. a. Notwithstanding section 12C.7, interest or earnings
7 on moneys in the fund shall be credited to the fund.

8 b. Notwithstanding section 8.33, moneys credited to the
9 fund that remain unencumbered or unobligated at the end of a
10 fiscal year shall not revert but shall remain available for the
11 purposes designated.

12 Sec. ____ . NEW SECTION. 190A.13 Local farm produce program.

13 1. A local farm produce program is created. The program
14 shall be controlled and administered by the department.

15 2. The purpose of the program is to assist schools and
16 school districts in purchasing fresh farm produce.

17 3. The department shall reimburse a school or school
18 district for expenditures incurred by the school or school
19 district for the purchase of fresh farm produce during
20 the school year in which the school or school district is
21 participating in the program.

22 4. A school or school district must apply each year to the
23 department to participate in the program according to rules
24 adopted by the department pursuant to chapter 17A.

25 5. To be eligible to participate in the program, a school or
26 school district must purchase the fresh farm produce directly
27 from a farm source as follows:

28 a. Except as provided in paragraph "b", the farm source must
29 be located in this state.

30 b. If the school district shares a border with another
31 state, or the school is part of a school district that shares
32 a border with another state, the farm source may be located
33 in the other state. However, the food source must be located
34 within thirty miles from the school district's border with that
35 state and the department must approve the purchase.

1 6. The department shall require proof of purchase prior to
2 reimbursing the school or school district for the purchase of
3 fresh farm produce.

4 7. The department may administer the program in cooperation
5 with the department of education and the participating school
6 district or school district in which a participating school is
7 located.

8 8. *a.* The department shall reimburse a participating
9 school or school district that submits a claim as required
10 by the department. The department shall pay the claim on a
11 matching basis with the department contributing one dollar for
12 every three dollars expended by the school or school district.
13 However, a school or school district shall not receive
14 more than five thousand dollars during any year in which it
15 participates in the program.

16 *b.* If the department determines that there are not
17 sufficient moneys in the fund to satisfy all applications that
18 are submitted by schools and school districts, the department
19 shall distribute available moneys after reducing the requested
20 amounts by a like percentage.

21 *c.* Notwithstanding paragraph "a", if the department
22 determines that there are sufficient moneys in the fund to
23 satisfy all claims that may be submitted by schools and school
24 districts, the department shall provide for the distribution of
25 the available moneys in a manner determined equitable by the
26 department to schools and school districts in counties where
27 the county board of health has identified obesity or another
28 diet-related illness in youth as a priority in the board's
29 community health needs assessment and health improvement plan.

30 Sec. ____ . APPROPRIATION.

31 1. There is appropriated to the department of agriculture
32 and land stewardship for the fiscal year beginning July 1,
33 2019, and ending June 30, 2020, from the moneys available to
34 the state pursuant to the Coronavirus Aid, Relief, and Economic
35 Security Act, Pub. L. No. 116-136, the following amount, or

1 so much thereof as is necessary, to be used for the purpose
2 designated:

3 For deposit in the local farm produce fund created in section
4 190A.12, as enacted in this Act:

5 \$ 1,925,000

6 2. Notwithstanding sections 8.33 and 190A.12, moneys
7 appropriated in this section that remain unencumbered or
8 unobligated shall not revert and shall be transferred on
9 December 31, 2020, to the general fund of the state and are
10 appropriated to the economic development authority for the
11 fiscal year beginning July 1, 2020, and ending June 30, 2021,
12 for purposes related to assisting small businesses impacted by
13 the coronavirus.

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

16 Sec. ____ . RETROACTIVE APPLICABILITY. This division of this
17 Act, if approved by the governor on or after July 1, 2020,
18 applies retroactively to June 30, 2020.>

19 2. Page 19, line 2, after <fees,> by inserting <making
20 appropriations,>

21 3. Page 19, line 3, after <date> by inserting <and
22 retroactive applicability>

23 4. By renumbering as necessary.

By ISENHART of Dubuque

HOUSE FILE 2626

H-8237

1 Amend the amendment, H-8206, to House File 2626, as follows:

2 1. By striking page 1, line 4, through page 18, line 32, and
3 inserting:

4 <<DIVISION I
5 ANIMAL HEALTH

6 Sec. _____. NEW SECTION. 163.2A Part — definitions.

7 As used in this part, unless the context otherwise requires:

8 1. "*Animal*" means any livestock or agricultural animal as
9 defined in section 717A.1.

10 2. "*Interested person*" means the owner of an animal; a
11 person caring for the animal, if different from the owner of
12 the animal; or a person holding a perfected agricultural lien
13 or security interest in the animal under chapter 554.

14 Sec. _____. Section 163.3, Code 2020, is amended to read as
15 follows:

16 **163.3 Veterinary and special assistants.**

17 The secretary or the secretary's designee may appoint one
18 or more veterinarians licensed pursuant to chapter 169 in each
19 county as assistant veterinarians. The secretary may also
20 appoint ~~such~~ one or more special assistants as may be necessary
21 in cases of emergency, including as provided in section 163.3A.

22 Sec. _____. Section 163.3A, subsection 1, Code 2020, is
23 amended to read as follows:

24 1. The department may provide veterinary emergency
25 preparedness and response services necessary to prevent or
26 control a serious threat to the public health, public safety,
27 or the state's economy caused by the transmission of disease
28 among ~~livestock as defined in section 717.1 or agricultural~~
29 ~~animals as defined in section 717A.1~~. The services may include
30 measures necessary to ensure that all such animals carrying
31 disease are properly identified, segregated, treated, or
32 destroyed as provided in this Code.

33 Sec. _____. Section 163.3C, subsection 1, Code 2020, is
34 amended by striking the subsection.

35 Sec. _____. Section 163.3C, subsection 2, unnumbered

1 paragraph 1, Code 2020, is amended to read as follows:

2 The department shall develop and establish a foreign animal
3 disease preparedness and response strategy for use by the
4 department in order to prevent, control, or eradicate the
5 transmission of foreign animal diseases among populations
6 of ~~livestock~~ animals. The strategy may be part of the
7 department's veterinary emergency preparedness and response
8 services as provided in section 163.3A. The strategy shall
9 provide additional expertise and resources to increase
10 biosecurity efforts that assist in the prevention of a foreign
11 animal disease outbreak in this state. In developing and
12 establishing the strategy, the department shall consult with
13 interested persons including but not limited to the following:

14 Sec. _____. Section 163.3C, subsection 3, Code 2020, is
15 amended to read as follows:

16 3. The department shall implement the foreign animal
17 disease preparedness and response strategy if necessary to
18 prevent, control, or eradicate the transmission and incidence
19 of foreign animal diseases that may threaten or actually
20 threaten ~~livestock~~ animals in this state. In implementing
21 the strategy, the department may utilize emergency response
22 measures as otherwise required under section 163.3A. The
23 department may but is not required to consult with interested
24 persons when implementing the strategy.

25 Sec. _____. NEW SECTION. 163.3D Emergency measures —
26 abandoned animals — authorization and seizure.

27 1. *a.* The department may seize one or more abandoned
28 animals pursuant to an authorization providing emergency
29 measures to prevent or control the transmission of an
30 infectious or contagious disease among any population or
31 species of animals.

32 *b.* The authorization must be any of the following:

33 (1) A declaration or proclamation issued by the governor
34 pursuant to chapter 29C, including as provided in section
35 163.3A.

1 (2) An order issued by the secretary or the secretary's
2 designee pursuant to a provision in this subtitle.

3 (3) Any other provision of law in this subtitle that
4 requires the department to control the transmission of an
5 infectious or contagious disease among a population or species
6 of animals in this state.

7 *c.* If there is a conflict between a measure authorized to
8 be taken under paragraph "a", that is less restrictive than the
9 standards or procedures provided in this section, the measures
10 authorized to be taken under paragraph "a" shall prevail.

11 2. The department may appoint veterinary assistants or
12 special assistants as provided in section 163.3 as required to
13 administer this section.

14 3. It is presumed that an abandoned animal belonging to a
15 species subject to emergency measures as provided in subsection
16 1 has been exposed to an infectious or contagious disease as
17 provided in the authorization.

18 4. As part of the seizure of an abandoned animal, the
19 department may take, impound, and retain custody of the animal,
20 including by maintaining the animal in a manner and at a
21 location determined by the department to be reasonable under
22 the emergency circumstances. The department may take action as
23 provided in this subtitle to ensure that all animals exposed to
24 an infectious or contagious disease are properly identified,
25 tested, segregated, treated, or destroyed as provided in this
26 subtitle.

27 5. *a.* The department may seize an animal if the department
28 has a reasonable suspicion the animal has been abandoned,
29 including by entering onto public or private property or into a
30 private motor vehicle, trailer, or semitrailer parked on public
31 or private property, as provided in this subsection.

32 *b.* The department may enter onto private property or into
33 a private motor vehicle, trailer, or semitrailer to seize an
34 abandoned animal if the department obtains a search warrant
35 issued by a court, or enters onto the premises in a manner

1 consistent with the laws of this state and the United States,
2 including Article I, section 8, of the Constitution of the
3 State of Iowa, or the fourth amendment to the Constitution of
4 the United States.

5 c. An abandoned animal shall only be seized by the
6 department pursuant to the following conditions:

7 (1) The department provides written notice of its
8 abandonment determination to all reasonably identifiable
9 interested persons. The department shall make a good-faith
10 effort to provide the notice to interested persons by regular
11 mail, hand delivery, telephone, electronic mail, or other
12 reasonable means. The notice shall include all of the
13 following:

14 (a) The name and address of the department.

15 (b) A description of the animal subject to seizure.

16 (c) The delivery date of the notice.

17 (d) A statement informing the interested person that the
18 animal may be seized pursuant to this chapter within one day
19 following the delivery date of the notice. The statement
20 must specify a date, time, and location for delivery of the
21 interested person's response designated by the department, as
22 provided in this subsection.

23 (e) A statement informing the interested person that in
24 order to avoid seizure of the animal, the person must respond
25 to the notice in writing, stating that the animal has not been
26 abandoned and identifying what measures are being taken to care
27 for and manage the animal.

28 (2) Notwithstanding subparagraph (1), if the department
29 determines that it is not feasible to provide direct notice
30 of its abandonment determination to an interested person,
31 the department shall deliver a constructive notice of the
32 determination to that person by any reasonable manner, which
33 may include posting the notice at or near the place where
34 the animal is located. The department shall also post the
35 constructive notice on the department's internet site.

1 *d.* The department may seize the animal if the department
2 fails to receive a written response by the interested person by
3 the end of normal office hours of the next day the department
4 is available to receive the response after written notice of
5 the department's abandonment determination is delivered.

6 *e.* Upon a determination by the department that exigent
7 circumstances exist, the department may enter onto private
8 property without a warrant and may seize an abandoned animal,
9 in a manner consistent with the laws of this state and
10 the United States, including Article I, section 8, of the
11 Constitution of the State of Iowa, or the fourth amendment to
12 the Constitution of the United States.

13 6. If an animal is seized pursuant to this section, the
14 department shall post a notice in a conspicuous place at the
15 location where the animal was seized. The notice shall state
16 the animal has been seized by the department pursuant to this
17 section and at least briefly describe where and when the animal
18 was seized, the species and number of animals seized, and that
19 a dispositional proceeding is to be conducted pursuant to
20 section 163.3E.

21 Sec. ____ . NEW SECTION. 163.3E **Emergency measures —**
22 **abandoned animals — dispositional proceeding.**

23 1. *a.* The department shall file a petition with the
24 district court for the disposition of an animal seized pursuant
25 to section 163.3D as soon as practicable.

26 *b.* The court shall notify the department and all interested
27 persons of the dispositional proceeding in a manner determined
28 reasonable by the court. The court shall hear the matter
29 within twenty-four hours from the time the department's
30 petition is filed. The court may grant a continuance by a
31 motion of the department or upon petition by an interested
32 person. However, the interested person shall post a bond or
33 other security with the department in an amount determined by
34 the court, which shall not be more than the amount sufficient
35 to provide for the maintenance of the animal for the duration

1 of the continuance.

2 2. Upon a determination by the department that exigent
3 circumstances exist, the dispositional proceeding may be
4 conducted by an administrative law judge in the same manner
5 as an emergency adjudicative proceeding pursuant to section
6 17A.18A. The administrative law judge shall notify the
7 department and all interested persons of the dispositional
8 proceeding in a manner determined reasonable by the
9 administrative law judge given the circumstances in the case.
10 The procedures provided in this section may be supplemented
11 or modified by a declaration or proclamation issued by the
12 governor or an order issued by the secretary or the secretary's
13 designee pursuant to section 163.3D.

14 3. *a.* A court or administrative law judge shall issue an
15 order for the disposition of the animal after making any of the
16 following determinations:

17 (1) That no interested person holds a legal interest in
18 the seized animal. In that case, the animal shall be deemed
19 abandoned and the order shall extinguish all prior legal
20 interests in the animal. The order shall grant an undivided
21 ownership interest in the animal free from any security
22 interest or other agricultural lien or encumbrance to the
23 department.

24 (2) That an interested person holds a legal interest in
25 the seized animal, and the department has reasonable suspicion
26 to believe that the animal has been exposed to an infectious
27 or contagious disease. In that case, the order shall provide
28 for the disposition of the animal in the same manner as if the
29 department had identified the animal as having been exposed to
30 the infectious or contagious disease under the authorization
31 provided in section 163.3D.

32 (3) That a person holds a legal interest in the seized
33 animal, and there is no reasonable suspicion that the seized
34 animal has been exposed to an infectious or contagious disease.
35 In that case, the order shall direct the department to transfer

1 custody of the animal to the interested person. In the event
2 the animal is returned to the interested person, the department
3 shall not be subject to any claim for damages caused by the
4 seizure if the department's actions were taken pursuant to
5 the department's emergency efforts to establish and maintain
6 quarantine in response to a disease outbreak, as set forth in
7 section 669.14, subsection 3.

8 *b.* A reasonable suspicion asserted by the department may
9 be based on any credible evidence that shows the animal's
10 possible exposure to an infectious or contagious disease or the
11 animal was abandoned. This paragraph "b" does not require the
12 department to conduct a test of an animal to determine whether
13 an animal has been exposed.

14 *c.* If two or more interested parties may be transferred
15 custody of an animal by the department pursuant to paragraph
16 "a", subparagraph (3), the court or administrative law judge
17 shall order the department to transfer the animal to the owner
18 or otherwise to the interested person best able to care for the
19 animal without prejudicing the rights of any other interested
20 person. However, in any cause of action brought by an
21 interested person contesting the order to transfer under this
22 subsection, the department shall not be included as a party.

23 4. *a.* In a dispositional proceeding conducted by a court or
24 administrative law judge under this section, or in a separate
25 cause of action brought by the department against an interested
26 person, the court or administrative law judge may award the
27 department all of the following:

28 (1) An amount necessary to reimburse the department for
29 expenses incurred in seizing and maintaining an abandoned
30 animal as well as any costs for the disposition of the
31 abandoned animal.

32 (2) Expenses related to the investigation and adjudication
33 of the case.

34 *b.* In a dispositional proceeding conducted by a court under
35 this section, or in a separate cause of action brought by the

1 department against an interested person, the court may award
2 the department court costs and reasonable attorney fees.

3 *c.* An award ordered under this subsection shall be paid
4 by an interested party who is transferred a seized animal by
5 the court or administrative law judge, or the owner of the
6 seized animal as determined by the court or administrative law
7 judge. The amount awarded the department shall be subtracted
8 from the proceeds, if any, received by the department from the
9 disposition of the animal. Any amount awarded by a court shall
10 be taxed as part of the costs of the cause of action.

11 *d.* If more than one interested person holds a legal interest
12 in the animal, the court or administrative law judge shall
13 calculate the respective contributions of the interested
14 persons based upon the percentage of legal interest in the
15 seized animal held by each interested person. The amount paid
16 to the department shall be sufficient to allow the department
17 to repay the livestock remediation fund as provided in section
18 459.501 and fully reimburse the department for all costs, fees,
19 and expenses incurred by the department under this section.

20 Sec. ____ . NEW SECTION. **163.3F Interference with official**
21 **acts.**

22 1. A person shall not interfere with an official act of the
23 department taken in the performance of a duty to prevent or
24 control the transmission of an infectious or contagious disease
25 among a population or species of animals, if the official act
26 is authorized as part of any of the following:

27 *a.* A veterinary emergency preparedness and response service
28 pursuant to section 163.3A.

29 *b.* A foreign animal disease preparedness and response
30 strategy pursuant to section 163.3C.

31 *c.* An emergency measure pursuant to section 163.3D or
32 163.3E.

33 2. Under this section, an official act of the department
34 may be performed by a departmental employee, or a veterinary or
35 special assistant appointed pursuant to section 163.3.

1 Sec. _____. NEW SECTION. 163.33 Feral swine.

2 1. "*Feral swine*" means any swine running at large.

3 2. A person shall not knowingly release swine to become
4 feral swine.

5 3. Upon discovery of feral swine on public or private
6 property, the department may destroy or order the destruction
7 of the feral swine. However, the department shall not destroy
8 the feral swine or order the feral swine's destruction, unless
9 the department concludes, after conducting a reasonable inquiry
10 in the area where the feral swine is located, that the feral
11 swine's ownership cannot be determined. The department may
12 call upon a peace officer or appropriate state or federal
13 agency, including but not limited to the department of natural
14 resources or the department of public safety, to enforce this
15 section as set forth in section 159.16.

16 4. A person may destroy feral swine if the feral swine is
17 on the person's property or is damaging the person's personal
18 property. The person shall immediately notify the department
19 of the destruction of the feral swine and allow for possible
20 testing of the feral swine by the department.

21 5. This section shall not be construed to limit the powers
22 of the department otherwise granted by law.

23 Sec. _____. Section 163.61, subsection 3, Code 2020, is
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. *c.* A person who interferes with an official
26 act as provided in section 163.3F shall be subject to a civil
27 penalty of at least one hundred dollars but not more than ten
28 thousand dollars. In the case of a continuing violation,
29 each day of the continuing violation is a separate violation.
30 However, a person shall not be subject to a civil penalty
31 totaling more than two hundred fifty thousand dollars arising
32 out of the same violation.

33 Sec. _____. Section 459.501, subsection 3, paragraph a, Code
34 2020, is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (3) (a) To allocate moneys to the

1 department of agriculture and land stewardship for the payment
2 of expenses incurred by the department of agriculture and land
3 stewardship associated with all of the following:

4 (i) Providing for seizure of animals pursuant to sections
5 169.3D and 169.3E.

6 (ii) Court costs, reasonable attorney fees, and expenses
7 related to the investigation and prosecution of the case
8 arising from the seizure of animals.

9 (b) The department of natural resources shall allocate
10 any amount of unencumbered and unobligated moneys demanded in
11 writing by the department of agriculture and land stewardship
12 as provided in this subparagraph. The department of natural
13 resources shall complete the allocation upon receiving the
14 demand.

15 (c) The department of agriculture and land stewardship
16 shall repay the fund any amount received from an interested
17 person pursuant to an order by a court in a dispositional
18 proceeding conducted pursuant to section 163.3E.

19 Sec. _____. REPEAL. Section 166D.3, Code 2020, is repealed.

20 Sec. _____. CODE EDITOR DIRECTIVE.

21 1. The Code editor is directed to make the following
22 transfer:

23 Section 163.3 to section 163.3G.

24 2. The Code editor shall correct internal references in the
25 Code and in any enacted legislation as necessary due to the
26 enactment of this section.

27 Sec. _____. CODE EDITOR DIRECTIVE. The Code editor shall
28 divide chapter 163, subchapter I, into parts, including
29 sections 163.1 and 163.2 as part A, sections 163.2A through
30 163.5, including sections amended or enacted as provided in
31 this division of this Act, as part B, and sections 163.6
32 through 163.25 as part C.

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

35 DIVISION II

1 or remaining on the property of a food operation without the
2 consent of a person who has real or apparent authority to allow
3 the person to enter or remain on the property.

4 3. Subsection 2 does not apply to any of the following:

5 a. A person entering a right-of-way, if the person has not
6 been notified or requested by posted signage or other means to
7 abstain from entering onto the right-of-way or to vacate the
8 right-of-way.

9 b. A person having lawful authority to enter onto the
10 property of the food operation, including but not limited to a
11 federal, state, or local government official.

12 c. A person who is given express permission by the owner of
13 the food operation to enter onto or remain on the property of
14 the food operation.

15 d. A person employed by a food operation while acting in the
16 course of employment.

17 Sec. _____. Section 716.8, Code 2020, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 8. a. For a first offense, a person who
20 commits food operation trespass as provided in section 716.7A
21 is guilty of an aggravated misdemeanor.

22 b. For a second or subsequent offense, a person who commits
23 food operation trespass as provided in section 716.7A is guilty
24 of a class "D" felony.

25 Sec. _____. EFFECTIVE DATE. This division of this Act, being
26 deemed of immediate importance, takes effect upon enactment.>>

27 2. By striking page 18, line 34, through page 19, line
28 3, and inserting: <<An Act relating to agriculture and
29 food, including the powers and duties of the department
30 of agriculture and land stewardship, providing penalties,
31 making penalties applicable, and including effective date
32 provisions.>>

By KLEIN of Washington

H-8237 (Continued)

[H-8237](#) FILED JUNE 5, 2020

ADOPTED

HOUSE FILE 2626

H-8238

1 Amend the amendment, H-8206, to House File 2626 as follows:

2 1. Page 1, after line 3 by inserting:

3 <<DIVISION ____

4 LOCAL FARM PRODUCE PROGRAM

5 Sec. ____ . NEW SECTION. 190A.11 Definitions.

6 As used in this subchapter, unless the context otherwise
7 requires:

8 1. "*Department*" means the department of agriculture and land
9 stewardship.

10 2. "*Farm source*" means a farmer who produces fresh farm
11 produce and sells directly to consumers or to a distributor or
12 broker of fresh farm produce.

13 3. "*Fresh farm produce*" means vegetables, fruits, or nuts
14 intended for inclusion as part of a school diet, including
15 school meals and snacks as described in section 190A.3, if the
16 vegetables, fruits, or nuts are not processed except for being
17 trimmed, cleaned, dried, sorted, or packaged.

18 4. "*Fund*" means the local farm produce fund created in
19 section 190A.12.

20 5. "*Program*" means the local farm produce program created
21 in section 190A.13.

22 6. "*School*" means a public school or nonpublic school, as
23 those terms are defined in section 280.2, or that portion of a
24 public school or nonpublic school that provides facilities for
25 teaching any grade from kindergarten through grade twelve.

26 7. "*School district*" means a school district as described
27 in chapter 274.

28 Sec. ____ . NEW SECTION. 190A.12 Local farm produce fund.

29 1. A local farm produce fund is created in the state
30 treasury under the management and control of the department.

31 2. The fund shall include moneys appropriated to the fund
32 by the general assembly. The fund may include other moneys
33 available to and obtained or accepted by the department,
34 including moneys from public or private sources.

35 3. Moneys in the fund are appropriated to support the

1 program in a manner determined by the department, including for
2 reasonable administrative costs incurred by the department.
3 However, the department shall not use more than five percent
4 of moneys credited to the fund during a fiscal year to pay for
5 reasonable administrative costs.

6 4. a. Notwithstanding section 12C.7, interest or earnings
7 on moneys in the fund shall be credited to the fund.

8 b. Notwithstanding section 8.33, moneys credited to the
9 fund that remain unencumbered or unobligated at the end of a
10 fiscal year shall not revert but shall remain available for the
11 purposes designated.

12 Sec. ____ . NEW SECTION. 190A.13 **Local farm produce program.**

13 1. A local farm produce program is created. The program
14 shall be controlled and administered by the department.

15 2. The purpose of the program is to assist schools and
16 school districts in purchasing fresh farm produce.

17 3. The department shall reimburse a school or school
18 district for expenditures incurred by the school or school
19 district for the purchase of fresh farm produce during
20 the school year in which the school or school district is
21 participating in the program.

22 4. A school or school district must apply each year to the
23 department to participate in the program according to rules
24 adopted by the department pursuant to chapter 17A.

25 5. To be eligible to participate in the program, a school or
26 school district must purchase the fresh farm produce directly
27 from a farm source as follows:

28 a. Except as provided in paragraph "b", the farm source must
29 be located in this state.

30 b. If the school district shares a border with another
31 state, or the school is part of a school district that shares
32 a border with another state, the farm source may be located
33 in the other state. However, the food source must be located
34 within thirty miles from the school district's border with that
35 state and the department must approve the purchase.

1 6. The department shall require proof of purchase prior to
2 reimbursing the school or school district for the purchase of
3 fresh farm produce.

4 7. The department may administer the program in cooperation
5 with the department of education and the participating school
6 district or school district in which a participating school is
7 located.

8 8. *a.* The department shall reimburse a participating
9 school or school district that submits a claim as required
10 by the department. The department shall pay the claim on a
11 matching basis with the department contributing one dollar for
12 every three dollars expended by the school or school district.
13 However, a school or school district shall not receive
14 more than five thousand dollars during any year in which it
15 participates in the program.

16 *b.* If the department determines that there are not
17 sufficient moneys in the fund to satisfy all applications that
18 are submitted by schools and school districts, the department
19 shall distribute available moneys after reducing the requested
20 amounts by a like percentage.

21 *c.* Notwithstanding paragraph "a", if the department
22 determines that there are sufficient moneys in the fund to
23 satisfy all claims that may be submitted by schools and school
24 districts, the department shall provide for the distribution of
25 the available moneys in a manner determined equitable by the
26 department to schools and school districts in counties where
27 the county board of health has identified obesity or another
28 diet-related illness in youth as a priority in the board's
29 community health needs assessment and health improvement plan.

30 Sec. ____ . APPROPRIATION.

31 1. There is appropriated to the department of agriculture
32 and land stewardship for the fiscal year beginning July 1,
33 2019, and ending June 30, 2020, from the moneys available to
34 the state pursuant to the Coronavirus Aid, Relief, and Economic
35 Security Act, Pub. L. No. 116-136, the following amount, or

1 so much thereof as is necessary, to be used for the purpose
2 designated:

3 For deposit in the local farm produce fund created in section
4 190A.12, as enacted in this Act:

5 \$ 1,925,000

6 2. Notwithstanding sections 8.33 and 190A.12, moneys
7 appropriated in this section that remain unencumbered or
8 unobligated shall not revert and shall be transferred on
9 December 31, 2020, to the general fund of the state and are
10 appropriated to the economic development authority for the
11 fiscal year beginning July 1, 2020, and ending June 30, 2021,
12 for purposes related to assisting small businesses impacted by
13 the coronavirus.

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

16 Sec. ____ . RETROACTIVE APPLICABILITY. This division of this
17 Act, if approved by the governor on or after July 1, 2020,
18 applies retroactively to June 30, 2020.>

19 2. By renumbering as necessary.

By ISENHART of Dubuque

H-8238 FILED JUNE 5, 2020

LOST

SENATE FILE 2310

H-8240

1 Amend Senate File 2310, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS>

6 2. Page 2, line 4, by striking <a.>

7 3. Page 2, by striking lines 20 through 28.

8 4. Page 3, line 20, by striking <(1) or (2)> and inserting
9 <(1), (2), or (3)>

10 5. Page 3, line 27, by striking <either> and inserting <any>

11 6. Page 4, after line 6 by inserting:

12 <(3) An online learning platform offered, subject to the
13 initial availability of federal funds, by the department in
14 collaboration with one or more area education agencies or in
15 partnership with school districts and accredited nonpublic
16 schools. The online learning platform may deliver distance
17 education to secondary students, including students receiving
18 independent private instruction as defined in section 299A.1,
19 subsection 2, paragraph "b", competent private instruction
20 under section 299A.2, or private instruction by a nonlicensed
21 person under section 299A.3, provided the coursework offered
22 by the online learning platform is taught and supervised by
23 a teacher licensed under chapter 272 who has online learning
24 experience and the course content meets the requirements
25 established by rule pursuant to section 256.7, subsection 32,
26 paragraph "c". The department and the area education agencies
27 operating online learning programs pursuant to section 273.16
28 shall coordinate to ensure the most effective use of resources
29 and delivery of services. Federal funds, if available, may
30 be used to offset what would otherwise be costs to school
31 districts for participation in the program.>

32 7. Page 4, by striking line 11 and inserting:

33 <c. ~~Private providers utilized to provide courses by~~ Courses
34 provided by private providers to a school>

35 8. Page 5, after line 25 by inserting:

1 <Sec. _____. Section 279.10, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. a. For the school year beginning July
4 1, 2020, and ending June 30, 2021, any instruction provided in
5 accordance with a return-to-learn plan submitted by a school
6 district or accredited nonpublic school to the department of
7 education in response to a proclamation of a public health
8 disaster emergency, issued by the governor pursuant to section
9 29C.6 and related to COVID-19, shall be deemed to meet the
10 requirements of subsection 1, regardless of the nature,
11 location, or medium of instruction if the return-to-learn plan
12 contains the minimum number of days or hours as required by
13 subsection 1.

14 b. For the school year beginning July 1, 2020, and ending
15 June 30, 2021, a school district or accredited nonpublic
16 school that uses a return-to-learn plan submitted pursuant
17 to paragraph "a" to provide instruction and student support
18 to respond to school closures, including but not limited
19 to closures due to inclement weather, the school district
20 or school, as appropriate, shall be deemed to meet the
21 requirements of subsection 1, regardless of the nature,
22 location, or medium of instruction.

23 c. This subsection is repealed on July 1, 2021.>

24 9. Page 5, after line 26 by inserting:

25 <DIVISION ____
26 TEMPORARY FLEXIBILITY FOR USE OF CERTAIN MONEYS BY SCHOOL
27 DISTRICTS TO PROVIDE ADDITIONAL INSTRUCTIONAL TIME
28 Sec. _____. PROFESSIONAL DEVELOPMENT MONEYS AND HOURS
29 REQUIREMENTS FOR ADDITIONAL INSTRUCTIONAL TIME FOR THE
30 2020-2021 SCHOOL YEAR. Notwithstanding section 257.10,
31 subsection 10, and the professional development requirements
32 of chapter 284, for the school year beginning July 1, 2020,
33 and ending June 30, 2021, the moneys calculated and paid to
34 the school district for professional development pursuant to
35 section 257.10, subsection 10, or section 257.37A, subsection

1 2, to provide thirty-six hours of professional development
2 opportunities held outside of the minimum school day, may
3 instead be used by a school district to provide instructional
4 time to the school calendar in addition to the amount of
5 instructional time required under section 279.10, subsection 1,
6 and the thirty-six-hour professional development requirement
7 of chapter 284 shall be reduced by such number of hours of
8 additional instructional time.

9 Sec. _____. DISTRICT MANAGEMENT LEVY FUND — PERMISSIBLE USES
10 BUDGET YEAR 2020-2021.

11 1. For the school budget year beginning July 1, 2020, and
12 ending June 30, 2021, unencumbered moneys remaining in the
13 district management levy fund under section 298A.3 at the
14 end of the budget year beginning July 1, 2019, and ending
15 June 30, 2020, and the taxes certified for levy before the
16 effective date of this Act under section 298.4 and deposited in
17 the district management levy fund for the school budget year
18 beginning July 1, 2020, and ending June 30, 2021, in addition
19 to the purposes authorized under section 298.4, may be expended
20 by a school district to provide additional instructional time
21 to the school calendar in excess of the amount of instructional
22 time required under section 279.10, subsection 1, during the
23 school year beginning July 1, 2020, and ending June 30, 2021.

24 2. The board of directors of a school district,
25 notwithstanding the budget amendment requirements of chapters
26 24 and 257, may authorize the expenditure of specified district
27 management levy funds for purposes specified in subsection 1
28 by resolution of the board specifying the amount to be used
29 and the purposes from which the funds will be reallocated, if
30 the resolution of the board is approved and filed with the
31 department of education on or before June 30, 2021.

32 DIVISION ____
33 TEMPORARY FLEXIBILITY FOR CERTAIN EDUCATIONAL INSTRUCTIONAL AND
34 POLICY REQUIREMENTS

35 Sec. _____. OPEN ENROLLMENT — EXTENSION OF NOTIFICATION

1 DEADLINE FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding
2 section 282.18, subsection 2, paragraph "a", for the school
3 year commencing July 1, 2020, a parent or guardian shall have
4 until July 15, 2020, to notify to the district of residence and
5 the receiving district, on forms prescribed by the department
6 of education, that the parent or guardian intends to enroll
7 the parent's or guardian's child in an online public school
8 in another school district, if the child, another resident of
9 the child's residence, or a regular caretaker of the child
10 has a significant health condition that increases the risk
11 of COVID-19. The notification shall include the name of the
12 person with the health condition, specify the person's health
13 condition, include written verification of the health condition
14 from the person's physician or licensed health care provider
15 and, for persons other than the child, whether the person with
16 the health condition is a resident of the child's residence
17 or the child's regular caretaker. Section 282.18, subsection
18 3, shall not apply to a notification submitted in accordance
19 with this section. Notwithstanding section 282.18, subsection
20 2, paragraph "b", the superintendent of the receiving school
21 district is authorized to approve a notification received
22 under this section. Within fourteen days of receipt of such
23 notification, the superintendent shall notify the parent or
24 guardian and the school district of residence that the request
25 has been approved or denied. If the notification has been
26 denied or if further review is required, the superintendent
27 shall provide the parent or guardian with an explanation of
28 the approval process and expected timeline for the review. A
29 decision to deny a request submitted under this section is
30 subject to appeal under section 290.1. The state board shall
31 exercise broad discretion to achieve just and equitable results
32 that are in the best interest of the affected child. This
33 section is not intended to extend the provisions of section
34 282.18, subsection 2, paragraph "a", for enrollment in a
35 physical school district.

1 Sec. _____. SCHOOL DISTRICT AND ACCREDITED NONPUBLIC SCHOOL
2 DUTIES RELATING TO PRIVATE INSTRUCTION AND AN ONLINE LEARNING
3 PROGRAM FOR THE 2020-2021 SCHOOL YEAR.

4 1. For the school year commencing July 1, 2020, all of the
5 following shall apply:

6 a. A school district shall provide to children receiving
7 competent private instruction available texts or supplementary
8 materials on the same basis as they are provided to enrolled
9 students and shall provide available texts or supplemental
10 instructional materials on the same basis as they are provided
11 to enrolled students when a child is under dual enrollment or
12 in a home school assistance program.

13 b. A school district or accredited nonpublic school shall
14 offer an assistance program for parents, guardians, or legal
15 or actual custodians providing private instruction to a child
16 of compulsory attendance age.

17 2. The provisions of this section shall only apply to
18 children who are enrolled in a school district's home school
19 assistance program by the child's parent, guardian, or legal or
20 actual custodian.

21 Sec. _____. SCHOOL DISTRICT CLOSURES DURING THE 2020-2021
22 SCHOOL YEAR. For the school year beginning July 1, 2020,
23 and ending June 30, 2021, the board of directors of a school
24 district may authorize closure of the school district due to
25 an outbreak of COVID-19. School districts are encouraged to
26 follow guidelines issued by the centers for disease control and
27 prevention of the United States department of health and human
28 services and may consult with the local board of health when
29 determining social distancing measures or authorizing a school
30 closure.

31 Sec. _____. INSTRUCTIONAL TIME PROVISIONS FOR SCHOOL
32 DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS FOR THE 2020-2021
33 SCHOOL YEAR.

34 1. Notwithstanding any other provision of law to the
35 contrary, the instructional time requirements of section

1 279.10, subsection 1, and the minimum school day requirements
2 of section 256.7, subsection 19, shall not be waived any time
3 during the school year beginning July 1, 2020, and ending June
4 30, 2021, for school closure due to the COVID-19 pandemic
5 unless the school district or the authorities in charge of the
6 accredited nonpublic school, as appropriate, provide compulsory
7 remote learning, including online learning, electronic
8 learning, distance learning, or virtual learning.

9 2. If the board of directors of a school district or
10 the authorities in charge of an accredited nonpublic school
11 determines any time during the school year beginning July
12 1, 2020, and ending June 30, 2021, that a remote-learning
13 period is necessary, the school board or the authorities, as
14 appropriate, shall ensure that teachers and other necessary
15 school staff are available during the remote-learning period to
16 support students, to participate in professional development
17 opportunities, and to perform other job-related functions
18 during the regular, required contract hours, even if the
19 accessibility to or by the teachers and other necessary school
20 staff is offered remotely through electronic means.

21 Sec. _____. TRUANCY REQUIREMENTS FOR THE 2020-2021 SCHOOL
22 YEAR. In addition to the provisions of chapter 299, a
23 child who is enrolled in a school district or accredited
24 nonpublic school but who does not participate in compulsory
25 remote-learning opportunities, including online learning,
26 electronic learning, distance learning, or virtual learning,
27 offered by the school district or accredited nonpublic school
28 of enrollment during a period of school closure implemented any
29 time during the school year beginning July 1, 2020, and ending
30 June 30, 2021, due to the COVID-19 pandemic shall be considered
31 truant. This section is not applicable to a child who was
32 receiving competent private instruction or independent private
33 instruction in accordance with the requirements of chapter
34 299A, whose parent, guardian, or legal custodian notified the
35 school district prior to July 1, 2019. Any child who was

1 enrolled in a public school or accredited nonpublic school
2 prior to July 1, 2019, may be subject to the provisions of
3 chapter 299 if the child's parent, guardian, or legal custodian
4 did not, for the school year beginning July 1, 2020, complete
5 and send the report required under section 299.4 to the school
6 district of residence of the child in a timely manner.

7 Sec. _____. TEACHER ENDORSEMENT WAIVER FOR THE 2020-2021
8 SCHOOL YEAR. For the school year beginning July 1, 2020, and
9 ending June 30, 2021, notwithstanding any provision to the
10 contrary, if a school district or accredited nonpublic school
11 has made every reasonable and good-faith effort to employ a
12 teacher licensed under chapter 272 who holds an endorsement for
13 a specified grade level or subject area and is unable to employ
14 a teacher with the appropriate endorsement, and the school
15 district or accredited nonpublic school is also unable to
16 develop, or use a private provider to provide, an online course
17 that meets the requirements of chapter 256, the director of
18 the department of education may waive the teacher-endorsement
19 requirements for the specified grade level or subject area for
20 the school district or accredited nonpublic school, and the
21 provisions of section 256.9, subsection 48, and section 272.15,
22 subsection 4, shall not apply.

23 Sec. _____. MISCELLANEOUS POLICY PROVISIONS FOR SCHOOLS
24 FOR THE 2020-2021 SCHOOL YEAR. The following provisions are
25 applicable for the school year beginning July 1, 2020, and
26 ending June 30, 2021:

27 1. SOCIAL DISTANCING. In implementing social distancing
28 policies, the board of directors of each school district and
29 the authorities in charge of each accredited nonpublic school
30 shall prioritize core academic subjects.

31 2. STATEWIDE ASSESSMENTS. The provisions of section 256.7,
32 subsection 21, paragraph "b", relating to the administration
33 of statewide summative assessment of student progress, and the
34 assessments administered in accordance with sections 279.60
35 and 279.68, shall not be waived, and such assessments shall be

1 administered to students as required by those sections.

2 3. CPR CERTIFICATION — EXCEPTION FOR GRADUATION. If a
3 school district or accredited nonpublic school closes on the
4 advice of a local board of health, the department of public
5 health, or because the governor proclaims a public health
6 disaster pursuant to section 29C.6, a student who meets the
7 graduation requirements of section 256.7, subsection 26,
8 paragraph "a", the requirements of section 280.9A, and the
9 school district's or accredited nonpublic school's graduation
10 requirements may graduate without meeting the cardiopulmonary
11 resuscitation certification requirements of section 256.11,
12 section 6, paragraph "c".

13 4. NOTIFICATION OF SIGNIFICANT HEALTH CONDITION —
14 COMPULSORY REMOTE LEARNING. If a parent or guardian of a
15 student enrolled in a school district or accredited nonpublic
16 school notifies the school district or accredited nonpublic
17 school in writing that the student, another resident of the
18 student's residence, or a regular caretaker of the student
19 has a significant health condition that increases the risk of
20 COVID-19, the school district or accredited nonpublic school
21 shall make reasonable accommodations for the student, on a
22 case-by-case basis, to attend school through remote learning.
23 The provision of special education and accommodations for
24 students who have individualized education programs or
25 section 504 plans in compliance with the requirements of
26 section 504 of the Rehabilitation Act, 29 U.S.C. §794, and
27 with Tit. II of the Americans with Disabilities Act, 42
28 U.S.C. §12131-12165, will be determined by each respective
29 individualized education program team or section 504 team.
30 The notification shall include the name of the person with
31 the health condition, specify the person's health condition,
32 include written verification of the health condition from the
33 person's physician or licensed health care provider and, for
34 persons other than the student, whether the person with the
35 health condition is a resident of the student's residence

H-8240 (Continued)

1 or the student's regular caretaker. A school district or
2 an accredited nonpublic school may collaborate with an area
3 education agency or another school district or accredited
4 nonpublic school to provide remote learning opportunities to a
5 student who meets the requirements of this section.

6 5. Notwithstanding section 256.7, subsection 32; section
7 256.9, subsection 55; section 256.43; or any other provision to
8 the contrary, a school district or accredited nonpublic school
9 may provide instruction primarily over the internet if such
10 instruction is provided in accordance with a return-to-learn
11 plan submitted by the school district or school to the
12 department of education in response to a proclamation of a
13 public health disaster emergency, issued by the governor
14 pursuant to section 29C.6 and related to COVID-19, without
15 regard to whether the school or school district is approved to
16 provide instruction primarily over the internet. Instruction
17 provided pursuant to this section shall be provided by teachers
18 licensed pursuant to chapter 272 and shall assure and maintain
19 evidence of alignment of the courses with the Iowa core and
20 core content requirements and standards.>

21 10. By renumbering as necessary.

By MOORE of Cass

H-8240 FILED JUNE 5, 2020

SENATE FILE 2338

H-8216

1 Amend the amendment, H-8173, to Senate File 2338, as passed
2 by the Senate, as follows:

3 1. By striking page 1, line 2, through page 7, line 9, and
4 inserting:

5 <___. Page 1, by striking lines 1 through 14 and inserting:

6 <DIVISION ____
7 EVIDENCE OF MEDICAL EXPENSES AND RECOVERABLE DAMAGES FOR
8 MEDICAL EXPENSES>

9 _____. Page 2, after line 5 by inserting:

10 <DIVISION ____
11 COVID-19 RELATED LIABILITY

12 Sec. _____. NEW SECTION. 686D.1 Short title.

13 This chapter shall be known and may be cited as the
14 *"COVID-19 Response, Back to Business, Employer Protection,*
15 *Worker Protection, Patient Protection, and Nursing Home Resident*
16 *Protection Limited Liability Act"*.

17 Sec. _____. NEW SECTION. 686D.2 Definitions.

18 When used in this chapter, unless the context otherwise
19 requires:

20 1. *"COVID-19"* means the novel coronavirus identified
21 as SARS-CoV-2, the disease caused by the novel coronavirus
22 SARS-CoV-2 or a virus mutating therefrom, and conditions
23 associated with the disease caused by the novel coronavirus
24 SARS-CoV-2 or a virus mutating therefrom.

25 2. *"Disinfecting or cleaning supplies"* means and includes
26 hand sanitizers, disinfectants, sprays, and wipes.

27 3. *"Health care facility"* means and includes all of the
28 following:

29 a. A facility as defined in section 514J.102.

30 b. A facility licensed pursuant to chapter 135B.

31 c. A facility licensed pursuant to chapter 135C.

32 d. Residential care facilities, nursing facilities,
33 intermediate care facilities for persons with mental illness,
34 intermediate care facilities for persons with intellectual
35 disabilities, hospice programs, elder group homes, and assisted

1 living programs.

2 4. "*Health care professional*" means physicians and other
3 health care practitioners who are licensed, certified, or
4 otherwise authorized or permitted by the laws of this state
5 to administer health care services in the ordinary course
6 of business or in the practice of a profession, whether
7 paid or unpaid, including persons engaged in telemedicine or
8 telehealth. "*Health care professional*" includes the employer or
9 agent of a health care professional who provides or arranges
10 health care.

11 5. "*Health care provider*" means and includes a health care
12 professional, health care facility, home health care facility,
13 and any other person or facility otherwise authorized or
14 permitted by any federal or state statute, regulation, order,
15 or public health guidance to administer health care services
16 or treatment.

17 6. "*Health care services*" means services for the diagnosis,
18 prevention, treatment, care, cure, or relief of a health
19 condition, illness, injury, or disease.

20 7. "*Minimum medical condition*" means a diagnosis of
21 COVID-19.

22 8. "*Person*" means the same as defined in section 4.1.
23 "*Person*" includes an agent of a person.

24 9. "*Personal protective equipment*" means and includes
25 protective clothing, gloves, face shields, goggles, facemasks,
26 respirators, gowns, aprons, coveralls, and other equipment
27 designed to protect the wearer from injury or the spread of
28 infection or illness.

29 10. "*Premises*" means and includes any real property and
30 any appurtenant building or structure serving a commercial,
31 residential, educational, religious, governmental, cultural,
32 charitable, or health care purpose.

33 11. "*Public health guidance*" means and includes written
34 guidance related to COVID-19 issued by any of the following:

35 a. The centers for disease control and prevention of the

1 federal department of health and human services.

2 *b.* The centers for Medicare and Medicaid services of the
3 federal department of health and human services.

4 *c.* The federal occupational safety and health
5 administration.

6 *d.* The office of the governor.

7 *e.* Any state agency, including the department of public
8 health.

9 12. "*Qualified product*" means and includes all of the
10 following:

11 *a.* Personal protective equipment used to protect the wearer
12 from COVID-19 or to prevent the spread of COVID-19.

13 *b.* Medical devices, equipment, and supplies used to treat
14 COVID-19, including medical devices, equipment, or supplies
15 that are used or modified for an unapproved use to treat
16 COVID-19 or to prevent the spread of COVID-19.

17 *c.* Medical devices, equipment, and supplies used outside of
18 their normal use to treat COVID-19 or to prevent the spread of
19 COVID-19.

20 *d.* Medications used to treat COVID-19, including medications
21 prescribed or dispensed for off-label use to attempt to treat
22 COVID-19.

23 *e.* Tests to diagnose or determine immunity to COVID-19.

24 *f.* Any component of an item described in paragraphs "*a*"
25 through "*e*".

26 Sec. ____ . NEW SECTION. **686D.3 Civil actions alleging**
27 **COVID-19 exposure.**

28 A person shall not bring or maintain a civil action alleging
29 exposure or potential exposure to COVID-19 unless one of the
30 following applies:

31 1. The civil action relates to a minimum medical condition.

32 2. The civil action involves an act that was intended to
33 cause harm.

34 3. The civil action involves an act that constitutes actual
35 malice.

1 Sec. _____. NEW SECTION. **686D.4 Premises owner's duty of care**
2 **— limited liability.**

3 A person who possesses or is in control of a premises,
4 including a tenant, lessee, or occupant of a premises, who
5 directly or indirectly invites or permits an individual onto
6 a premises, shall not be liable for civil damages for any
7 injuries sustained from the individual's exposure to COVID-19,
8 whether the exposure occurs on the premises or during any
9 activity managed by the person who possesses or is in control
10 of a premises, if the person qualifies for the protection
11 afforded by section 686D.5.

12 Sec. _____. NEW SECTION. **686D.5 Safe harbor for compliance**
13 **with regulations, executive orders, or public health guidance.**

14 A person in this state shall not be held liable for civil
15 damages for any injuries sustained from exposure or potential
16 exposure to COVID-19 if the act or omission alleged to violate
17 a duty of care was in substantial compliance or was consistent
18 with any federal or state statute, regulation, order, or public
19 health guidance related to COVID-19 that was applicable to the
20 person or activity at issue at the time of the alleged exposure
21 or potential exposure.

22 Sec. _____. NEW SECTION. **686D.6 Liability of health care**
23 **providers.**

24 A health care provider that qualifies for the protection
25 afforded by section 686D.5 shall not be liable for civil
26 damages for causing or contributing, directly or indirectly, to
27 the death or injury of an individual as a result of the health
28 care provider's acts or omissions while providing or arranging
29 health care in support of the state's response to COVID-19.

30 This section shall apply to all of the following:

31 1. Injury or death resulting from screening, assessing,
32 diagnosing, caring for, or treating individuals with a
33 suspected or confirmed case of COVID-19.

34 2. Prescribing, administering, or dispensing a
35 pharmaceutical for off-label use to treat a patient with a

1 suspected or confirmed case of COVID-19.

2 3. Acts or omissions while providing health care to
3 individuals unrelated to COVID-19 when those acts or omissions
4 support the state's response to COVID-19, including any of the
5 following:

6 a. Delaying or canceling nonurgent or elective dental,
7 medical, or surgical procedures, or altering the diagnosis or
8 treatment of an individual in response to any federal or state
9 statute, regulation, order, or public health guidance.

10 b. Diagnosing or treating patients outside the normal scope
11 of the health care provider's license or practice.

12 c. Using medical devices, equipment, or supplies outside of
13 their normal use for the provision of health care, including
14 using or modifying medical devices, equipment, or supplies for
15 an unapproved use.

16 d. Conducting tests or providing treatment to any individual
17 outside the premises of a health care facility.

18 Sec. ____ . NEW SECTION. 686D.7 Supplies, equipment, and
19 products designed, manufactured, labeled, sold, distributed, and
20 donated in response to COVID-19.

21 1. Any person that qualifies for the protection afforded
22 by section 686D.5 that designs, manufactures, labels, sells,
23 distributes, or donates household disinfecting or cleaning
24 supplies, personal protective equipment, or a qualified product
25 in response to COVID-19 shall not be liable in a civil action
26 alleging personal injury, death, or property damage caused by
27 or resulting from the design, manufacturing, labeling, selling,
28 distributing, or donating of the household disinfecting
29 or cleaning supplies, personal protective equipment, or a
30 qualified product.

31 2. Any person that designs, manufactures, labels, sells,
32 distributes, or donates household disinfecting or cleaning
33 supplies, personal protective equipment, or a qualified product
34 in response to COVID-19 shall not be liable in a civil action
35 alleging personal injury, death, or property damage caused by

H-8216 (Continued)

1 or resulting from a failure to provide proper instructions or
2 sufficient warnings.

3 Sec. ____ . NEW SECTION. **686D.8 Construction.**

4 This chapter shall not be construed to affect the rights or
5 limits under workers' compensation as provided in chapter 85,
6 85A, or 85B.

7 Sec. ____ . NEW SECTION. **686D.9 Repeal.**

8 This chapter is repealed December 31, 2022.>>

By MEYER of Polk

H-8216 FILED JUNE 5, 2020

SENATE FILE 2338

H-8235

1 Amend the amendment, H-8173, to Senate File 2338, as passed
2 by the Senate, as follows:

3 1. By striking page 1, line 2, through page 7, line 18, and
4 inserting:

5 <___. By striking everything after the enacting clause and
6 inserting:

7 DIVISION I

8 ESSENTIAL WORKERS

9 Sec. ___. Section 85A.3, Code 2020, is amended to read as
10 follows:

11 **85A.3 Employees covered.**

12 All employees as defined by the workers' compensation law
13 of Iowa, and as further defined by this section, employed in
14 any business or industrial process hereinafter designated and
15 described and who in the course of their employment are exposed
16 to an occupational disease as herein defined are subject to
17 the provisions of this chapter. For purposes of this section,
18 "employee" means the following individuals, whether engaged by
19 an employer as an employee or independent contractor:

20 1. A worker licensed or certified under chapter 147, 147A,
21 148, 148A, 148C, 149, 151, 152, 153, 154, 154B, 154F, or 155A
22 to provide in this state professional health care service to an
23 individual during that individual's medical care, treatment,
24 or confinement.

25 2. A worker providing emergency services, including fire
26 fighting, police, ambulance, emergency medical services, or
27 hazardous materials response services.

28 3. A worker providing sanitation services.

29 4. A worker at a business which the state or a political
30 subdivision of the state has determined must remain open to
31 serve the public during the public health disaster emergency
32 proclaimed by the governor on March 17, 2020.

33 5. Any other worker who cannot work remotely during the
34 public health disaster emergency proclaimed by the governor on
35 March 17, 2020.

1 through a positive laboratory test or diagnosis, that the
2 employee contracted the COVID-19 virus, whichever occurred
3 first.

4 5. An employee who has contracted the COVID-19 virus but
5 who is not entitled to the presumption provided under this
6 section is not precluded from claiming an occupational disease
7 as otherwise provided for in this chapter or from claiming a
8 personal injury.

9 6. The commissioner shall provide a detailed report on
10 workers' compensation claims due to the COVID-19 virus under
11 this section to the workers' compensation advisory committee
12 and the chairpersons and ranking members of the senate standing
13 committee on labor and business relations and the house
14 standing committee on labor by January 15, 2021.

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

17 Sec. _____. APPLICABILITY. This division of this Act applies
18 to employees, as described in section 85A.3, who contract the
19 COVID-19 virus on or after the effective date of this Act.

20 DIVISION III

21 COVID-19 RELATED LIABILITY

22 Sec. _____. NEW SECTION. 686D.1 Short title.

23 This chapter shall be known and may be cited as the
24 *"COVID-19 Response, Back to Business, Worker Protection,*
25 *Patient Protection, and Nursing Home Resident Protection Limited*
26 *Liability Act"*.

27 Sec. _____. NEW SECTION. 686D.2 Definitions.

28 When used in this chapter, unless the context otherwise
29 requires:

30 1. *"COVID-19"* means the novel coronavirus identified
31 as SARS-CoV-2, the disease caused by the novel coronavirus
32 SARS-CoV-2 or a virus mutating therefrom, and conditions
33 associated with the disease caused by the novel coronavirus
34 SARS-CoV-2 or a virus mutating therefrom.

35 2. *"Disinfecting or cleaning supplies"* means and includes

1 hand sanitizers, disinfectants, sprays, and wipes.

2 3. "*Health care facility*" means and includes all of the
3 following:

4 a. A facility as defined in section 514J.102.

5 b. A facility licensed pursuant to chapter 135B.

6 c. A facility licensed pursuant to chapter 135C.

7 d. Residential care facilities, nursing facilities,
8 intermediate care facilities for persons with mental illness,
9 intermediate care facilities for persons with intellectual
10 disabilities, hospice programs, elder group homes, and assisted
11 living programs.

12 4. "*Health care professional*" means physicians and other
13 health care practitioners who are licensed, certified, or
14 otherwise authorized or permitted by the laws of this state
15 to administer health care services in the ordinary course
16 of business or in the practice of a profession, whether
17 paid or unpaid, including persons engaged in telemedicine or
18 telehealth. "*Health care professional*" includes the employer or
19 agent of a health care professional who provides or arranges
20 health care.

21 5. "*Health care provider*" means and includes a health care
22 professional, health care facility, home health care facility,
23 and any other person or facility otherwise authorized or
24 permitted by any federal or state statute, regulation, order,
25 or public health guidance to administer health care services
26 or treatment.

27 6. "*Health care services*" means services for the diagnosis,
28 prevention, treatment, care, cure, or relief of a health
29 condition, illness, injury, or disease.

30 7. "*Minimum medical condition*" means a diagnosis of
31 COVID-19.

32 8. "*Person*" means the same as defined in section 4.1.
33 "*Person*" includes an agent of a person.

34 9. "*Personal protective equipment*" means and includes
35 protective clothing, gloves, face shields, goggles, facemasks,

1 respirators, gowns, aprons, coveralls, and other equipment
2 designed to protect the wearer from injury or the spread of
3 infection or illness.

4 10. "*Premises*" means and includes any real property and
5 any appurtenant building or structure serving a commercial,
6 residential, educational, religious, governmental, cultural,
7 charitable, or health care purpose.

8 11. "*Public health guidance*" means and includes written
9 guidance related to COVID-19 issued by any of the following:

10 a. The centers for disease control and prevention of the
11 federal department of health and human services.

12 b. The centers for Medicare and Medicaid services of the
13 federal department of health and human services.

14 c. The federal occupational safety and health
15 administration.

16 d. The office of the governor.

17 e. Any state agency, including the department of public
18 health.

19 12. "*Qualified product*" means and includes all of the
20 following:

21 a. Personal protective equipment used to protect the wearer
22 from COVID-19 or to prevent the spread of COVID-19.

23 b. Medical devices, equipment, and supplies used to treat
24 COVID-19, including medical devices, equipment, or supplies
25 that are used or modified for an unapproved use to treat
26 COVID-19 or to prevent the spread of COVID-19.

27 c. Medical devices, equipment, and supplies used outside of
28 their normal use to treat COVID-19 or to prevent the spread of
29 COVID-19.

30 d. Medications used to treat COVID-19, including medications
31 prescribed or dispensed for off-label use to attempt to treat
32 COVID-19.

33 e. Tests to diagnose or determine immunity to COVID-19.

34 f. Any component of an item described in paragraphs "a"
35 through "e".

1 Sec. _____. NEW SECTION. **686D.3 Civil actions alleging**
2 **COVID-19 exposure.**

3 A person shall not bring or maintain a civil action alleging
4 exposure or potential exposure to COVID-19 unless one of the
5 following applies:

6 1. The civil action relates to a minimum medical condition.

7 2. The civil action involves an act that was intended to
8 cause harm.

9 3. The civil action involves an act that constitutes actual
10 malice.

11 Sec. _____. NEW SECTION. **686D.4 Premises owner's duty of care**
12 **— limited liability.**

13 A person who possesses or is in control of a premises,
14 including a tenant, lessee, or occupant of a premises, who
15 directly or indirectly invites or permits an individual onto
16 a premises, shall not be liable for civil damages for any
17 injuries sustained from the individual's exposure to COVID-19,
18 whether the exposure occurs on the premises or during any
19 activity managed by the person who possesses or is in control
20 of a premises, if the person qualifies for the protection
21 afforded by section 686D.5.

22 Sec. _____. NEW SECTION. **686D.5 Safe harbor for compliance**
23 **with regulations, executive orders, or public health guidance.**

24 A person in this state shall not be held liable for civil
25 damages for any injuries sustained from exposure or potential
26 exposure to COVID-19 if the act or omission alleged to violate
27 a duty of care was in substantial compliance or was consistent
28 with any federal or state statute, regulation, order, or public
29 health guidance related to COVID-19 that was applicable to the
30 person or activity at issue at the time of the alleged exposure
31 or potential exposure.

32 Sec. _____. NEW SECTION. **686D.6 Liability of health care**
33 **providers.**

34 A health care provider that qualifies for the protection
35 afforded by section 686D.5 shall not be liable for civil

1 damages for causing or contributing, directly or indirectly, to
2 the death or injury of an individual as a result of the health
3 care provider's acts or omissions while providing or arranging
4 health care in support of the state's response to COVID-19.

5 This section shall apply to all of the following:

6 1. Injury or death resulting from screening, assessing,
7 diagnosing, caring for, or treating individuals with a
8 suspected or confirmed case of COVID-19.

9 2. Prescribing, administering, or dispensing a
10 pharmaceutical for off-label use to treat a patient with a
11 suspected or confirmed case of COVID-19.

12 3. Acts or omissions while providing health care to
13 individuals unrelated to COVID-19 when those acts or omissions
14 support the state's response to COVID-19, including any of the
15 following:

16 a. Delaying or canceling nonurgent or elective dental,
17 medical, or surgical procedures, or altering the diagnosis or
18 treatment of an individual in response to any federal or state
19 statute, regulation, order, or public health guidance.

20 b. Diagnosing or treating patients outside the normal scope
21 of the health care provider's license or practice.

22 c. Using medical devices, equipment, or supplies outside of
23 their normal use for the provision of health care, including
24 using or modifying medical devices, equipment, or supplies for
25 an unapproved use.

26 d. Conducting tests or providing treatment to any individual
27 outside the premises of a health care facility.

28 Sec. _____. NEW SECTION. **686D.7 Supplies, equipment, and**
29 **products designed, manufactured, labeled, sold, distributed, and**
30 **donated in response to COVID-19.**

31 1. Any person that qualifies for the protection afforded
32 by section 686D.5 that designs, manufactures, labels, sells,
33 distributes, or donates household disinfecting or cleaning
34 supplies, personal protective equipment, or a qualified product
35 in response to COVID-19 shall not be liable in a civil action

1 alleging personal injury, death, or property damage caused by
2 or resulting from the design, manufacturing, labeling, selling,
3 distributing, or donating of the household disinfecting
4 or cleaning supplies, personal protective equipment, or a
5 qualified product.

6 2. Any person that designs, manufactures, labels, sells,
7 distributes, or donates household disinfecting or cleaning
8 supplies, personal protective equipment, or a qualified product
9 in response to COVID-19 shall not be liable in a civil action
10 alleging personal injury, death, or property damage caused by
11 or resulting from a failure to provide proper instructions or
12 sufficient warnings.

13 Sec. _____. NEW SECTION. 686D.8 Construction.

14 This chapter shall not be construed to affect the rights or
15 limits under workers' compensation as provided in chapter 85,
16 85A, or 85B.

17 Sec. _____. NEW SECTION. 686D.9 Repeal.

18 This chapter is repealed December 31, 2022.

19 Sec. _____. RETROACTIVE APPLICABILITY. This division of this
20 Act applies retroactively to January 1, 2020.>

21 2. Title page, by striking lines 1 through 4 and
22 inserting <An Act relating to COVID-19, including workers'
23 compensation claims arising from COVID-19, civil actions
24 related to COVID-19, and including effective date provisions,
25 applicability provisions, and retroactive applicability
26 provisions.>

By OURTH of Warren

SENATE FILE 2338

H-8236

1 Amend the amendment, H-8173, to Senate File 2338, as passed
2 by the Senate, as follows:

3 1. Page 7, after line 11 by inserting:

4 <DIVISION ____
5 BUSINESS REPORTING OF COVID-19
6 Sec. ____ . BUSINESSES — REPORTING OF COVID-19.

7 1. Pursuant to chapter 139A and notwithstanding any
8 provision of law to the contrary, for the protection of the
9 public the department of public health shall require every
10 business which identifies employees infected with COVID-19 to
11 report each infection to the department of public health within
12 twenty-four hours of identifying the infection. The department
13 shall disclose the identity of the business to the public and
14 the number of infections reported by the business as necessary
15 to prevent the spread of COVID-19 and protect the public. The
16 department shall develop and make available to businesses a
17 form for the reporting of infections of COVID-19 under this
18 section.

19 2. For the purposes of this section:

20 a. "Business" means and includes every trade, occupation,
21 or profession employing at least fifty employees, and to which
22 any of the following circumstances apply:

23 (1) At least ten percent of the business's employees have
24 confirmed cases of COVID-19.

25 (2) At least ten percent of the business's employees are
26 absent from the business's premises at any one time as a result
27 of infection with or exposure to COVID-19.

28 b. "Employee" means a person who has entered into the
29 employment of, or works under contract of service, express or
30 implied, for a business.>

31 2. Page 7, by striking lines 13 through 17 and inserting <An
32 Act relating to public health, including recoverable damages
33 for medical expenses, evidence offered to prove past medical
34 expenses, civil actions related to the novel coronavirus,
35 and the reporting of incidences of COVID-19 infections to

H-8236 (Continued)

1 the department of public health, and including retroactive
2 applicability provisions.>

3 3. By renumbering as necessary.

By HALL of Woodbury

H-8236 FILED JUNE 5, 2020

SENATE FILE 2360

H-8231

1 Amend Senate File 2360, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 2, by striking lines 29 through 31 and inserting
4 <therapeutic classrooms with one to five pupils and classrooms
5 with six to ten pupils.>
6 2. Page 3, by striking lines 6 through 8.
7 3. Page 5, after line 33 by inserting:
8 <03. The number of students assigned to a therapeutic
9 classroom under this section and section 256.25 shall not
10 exceed ten. To qualify for claims reimbursement under this
11 section, a therapeutic classroom must be assigned a teacher
12 holding a special education instructional endorsement for the
13 appropriate grade level issued by the board of educational
14 examiners under chapter 272, and shall be assigned at least one
15 additional qualified instructional support staff person.>
16 4. By renumbering, redesignating, and correcting internal
17 references as necessary.

By DONAHUE of Linn

H-8231 FILED JUNE 5, 2020

SENATE FILE 2360

H-8232

1 Amend Senate File 2360, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 7, by striking lines 17 through 23 and inserting:
4 <(3) If a child with an individualized education program
5 causes classroom school personnel to clear all other students
6 out of the regular classroom in order to calm the child with an
7 individualized education program, such child shall be removed
8 from the general education environment until the child is able
9 to consistently use coping skills, which shall be taught to
10 the child in a special education environment, to enable the
11 child to participate in a general education environment without
12 causing a severe disruption to the classroom or causing all
13 other students in the classroom to be cleared from the regular
14 classroom.>

By DONAHUE of Linn

H-8232 FILED JUNE 5, 2020

SENATE FILE 2360

H-8233

1 Amend Senate File 2360, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, line 9, after <classroom.> by inserting <Each
4 area education agency shall consult with school personnel
5 employed by the school districts within the boundaries of the
6 area education agency to develop protocols to follow when a
7 classroom is cleared in accordance with this subsection. Such
8 protocols shall include but not be limited to a plan for the
9 students who are leaving the classroom to minimize loss of
10 learning, a plan for the student causing the room to clear
11 for the remainder of the day that does not include a return
12 to the classroom, a plan for school personnel employed in the
13 school building to work with students who feel trauma after a
14 classroom is cleared, and a plan for meeting with parents of
15 students assigned to the classroom.>

By DONAHUE of Linn

H-8233 FILED JUNE 5, 2020

SENATE FILE 2360

H-8234

1 Amend Senate File 2360, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 10, line 2, after <school.> by inserting <After
4 reporting two or more such incidents, the teacher may report
5 the alleged incidents to the board of directors of the school
6 district. If the teacher believes the threats of violence or
7 assault have not been remedied by the school's administration
8 or by the school board in a timely manner, the teacher may
9 appeal the school board's decision, or lack thereof, to the
10 state board of education in the manner provided in section
11 256.7, subsection 6. The state board of education shall
12 determine, based on the facts, whether the requested relief is
13 warranted based on the rights of the student involved. The
14 provisions of sections 70A.29, 280.27, and 613.21 shall apply
15 to the appeal and any reports submitted in accordance with this
16 section.>

By DONAHUE of Linn

H-8234 FILED JUNE 5, 2020

SENATE FILE 2360

H-8239

1 Amend Senate File 2360, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, line 10, after <280.21.> by inserting <The
4 director shall provide guidance to school districts and
5 accredited nonpublic schools on best practices for providing
6 mental health supports to a student who witnesses, at a
7 school or on school grounds, an incident of severe behavioral
8 disturbance by another student, actions by school personnel to
9 suppress another student's behavioral disturbance, or violent
10 acts by another student directed toward school personnel.>

11 2. Page 12, after line 12 by inserting:

12 <Sec. ____ . NEW SECTION. 280.31 Behavioral disturbance
13 notification.>

14 If a school district or accredited nonpublic school
15 provides a notification of behavioral disturbance to a parent
16 or guardian of a student enrolled in the school district or
17 school, the school district or school shall provide on the
18 school district's or school's internet site a list of mental
19 health services available to students, and the notification
20 shall include a reference to the school district's or school's
21 internet site or the list of mental health services available
22 to students.>

23 3. By renumbering as necessary.

By EHLERT of Linn

H-8239 FILED JUNE 5, 2020

SENATE FILE 2364

H-8217

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 84A.5, subsection 4, Code 2020, is
6 amended to read as follows:

7 4. The division of labor services is responsible for the
8 administration of the laws of this state under chapters 88,
9 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
10 and 94A, and sections 73A.21 and 85.68. The executive head of
11 the division is the labor commissioner, appointed pursuant to
12 section 91.2.

13 Sec. 2. Section 91.4, subsection 2, Code 2020, is amended
14 to read as follows:

15 2. The director of the department of workforce development,
16 in consultation with the labor commissioner, shall, at the
17 time provided by law, make an annual report to the governor
18 setting forth in appropriate form the business and expense of
19 the division of labor services for the preceding year, the
20 number of remedial actions taken under chapter 89A, the number
21 of disputes or violations processed by the division and the
22 disposition of the disputes or violations, and other matters
23 pertaining to the division which are of public interest,
24 together with recommendations for change or amendment of the
25 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
26 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
27 and the recommendations, if any, shall be transmitted by the
28 governor to the first general assembly in session after the
29 report is filed.

30 Sec. 3. NEW SECTION. 91F.1 Short title.

31 This chapter shall be known and may be cited as the "*Public*
32 *Improvement Quality Protection Act*".

33 Sec. 4. NEW SECTION. 91F.2 Public policy.

34 It is in the public interest that public improvements
35 are completed by the best means and highest quality of labor

1 reasonably available, and that workers working on public
2 improvements be compensated according to the real value of the
3 services they perform. It is the policy of this state that the
4 wages of workers working on public improvements should be at
5 least equal to the prevailing wage rates paid for similar work
6 by responsible contractors in the community as a whole in order
7 to accomplish all of the following:

8 1. Protect workers and their contractors and subcontractors
9 from the effects of serious and unfair competition resulting
10 from wage levels detrimental to efficiency and well-being.

11 2. Ensure that contractors compete with one another
12 on the basis of the ability to perform work competently
13 and efficiently while maintaining community-established
14 compensation standards.

15 3. Recognize that local participation in public
16 improvements and family wage income and benefits are essential
17 to the protection of community standards.

18 4. Encourage training and education of workers to industry
19 skills standards.

20 5. Encourage contractors and subcontractors to use funds
21 allocated for employee fringe benefits for the actual purchase
22 of those benefits.

23 Sec. 5. NEW SECTION. 91F.3 Definitions.

24 As used in this chapter, unless the context otherwise
25 requires:

26 1. "*Commissioner*" means the labor commissioner appointed
27 pursuant to section 91.2.

28 2. "*Contractor*" or "*subcontractor*" means a person who
29 undertakes, offers to undertake, purports to have the capacity
30 to undertake, or submits a bid, individually or through others,
31 to engage in a public improvement.

32 3. "*Custom fabrication*" means the fabrication of plumbing,
33 heating, cooling, ventilation, architectural systems,
34 structural systems, exhaust duct systems, or mechanical
35 insulation.

1 4. "*Division*" means the division of labor of the department
2 of workforce development.

3 5. *a.* "*Fringe benefits*" means the following for the
4 provision or purchase of any of the benefits enumerated in
5 paragraph "*b*":

6 (1) The contribution irrevocably made by a contractor or
7 subcontractor to a trustee or to a third person pursuant to a
8 plan, fund, or program.

9 (2) The costs to the contractor or subcontractor which
10 may be reasonably anticipated in providing benefits to
11 workers pursuant to an enforceable commitment to carry out a
12 financially responsible plan or program, given in writing to
13 the workers affected.

14 *b.* (1) Medical or hospital care.

15 (2) Pensions or annuities on retirement or death.

16 (3) Supplemental unemployment benefits.

17 (4) Life insurance.

18 (5) Disability and sickness insurance.

19 (6) Accident insurance for nonwork-related accidents.

20 (7) Vacation or holiday pay.

21 (8) Defraying costs of apprenticeship programs approved by
22 and registered with the United States department of labor's
23 office of apprenticeship.

24 6. "*Interested party*" means any of the following:

25 *a.* A contractor who submits a bid for the purpose of
26 securing the award of a contract for a public improvement.

27 *b.* A subcontractor of a contractor mentioned in a bid
28 referred to in paragraph "*a*".

29 *c.* A worker employed by a contractor or subcontractor
30 described in either paragraph "*a*" or "*b*".

31 *d.* A labor organization that represents workers engaged
32 in the same craft or classification as workers employed by a
33 contractor or subcontractor described in either paragraph "*a*"
34 or "*b*" and that exists, in whole or in part, for the purpose
35 of negotiating with employers concerning the wages, hours, or

1 terms and conditions of employment of employees.

2 e. A joint labor-management committee established pursuant
3 to the federal Labor Management Cooperation Act of 1978, 29
4 U.S.C. §175a.

5 7. "*Locality*" means a county of this state.

6 8. "*Maintenance work*" means the repair of existing public
7 improvements when the size, type, or extent of the public
8 improvement is not changed or increased.

9 9. "*Prevailing wage rate*" means the hourly wage plus
10 fringe benefits that the commissioner determines prevails in
11 accordance with this chapter, including all of the following:

12 a. Apprentice ratios and the prevailing apprentice pay
13 levels for each craft, classification, or type of worker which
14 the commissioner determines prevails in accordance with section
15 91F.5.

16 b. A prevailing rate for overtime pay for work in excess
17 of the normal prevailing workday and for weekend overtime pay
18 for each craft, classification, or type of worker, including
19 apprentices.

20 c. Holiday pay for holidays that prevail in the locality in
21 which the work is being performed.

22 10. "*Public body*" means the state and any of its political
23 subdivisions, including but not limited to a county, city,
24 township, school district, state board of regents, and public
25 utility. For the purposes of this chapter, "*public utility*"
26 includes municipally owned utilities and municipally owned
27 waterworks.

28 11. a. "*Public improvement*" means any of the following that
29 meets the criteria set out in paragraphs "b" and "c":

30 (1) Construction, alteration, reconstruction, repair,
31 rehabilitation, refinishing, refurbishing, remodeling,
32 renovation, custom fabricating, maintenance, landscaping,
33 improving, moving, wrecking, painting, decorating, or
34 demolishing of, or adding to or subtracting from any building,
35 structure, highway, road, street, bridge, alley, sewer, ditch,

H-8217 (Continued)

1 sewage disposal plant, waterworks, parking facility, railroad,
2 excavation or other structure, project, development, or
3 improvement, or any part thereof undertaken by a public body,
4 including any of the following related activities:

5 (a) The erection of scaffolding or other structures or
6 works.

7 (b) The maintenance, repair, assembly, or disassembly of
8 equipment.

9 (c) The testing of materials.

10 (d) The hauling of refuse from a site to an outside disposal
11 location.

12 (e) The cleaning of grounds or structures.

13 (f) The addition to or fabrication into any structure,
14 project, development, or improvement of any material or article
15 of merchandise undertaken by a public body.

16 (2) The preparation and removal of roadway construction
17 zones, lane closures, flagging, or traffic diversions
18 undertaken by a public body.

19 (3) The installation, repair, maintenance, or calibration
20 of monitoring equipment for underground storage tanks
21 undertaken by a public body.

22 (4) Work that is performed on any property or premises
23 dedicated exclusively or nearly so to the completion of a
24 public improvement, and transportation of supplies, material,
25 and equipment to or from the property or premises undertaken
26 by a public body.

27 *b.* Work on the public improvement is performed under public
28 supervision or direction, and the work is financed wholly or
29 in part from public funds, or if at the time of commencement
30 of the public improvement all of the following conditions with
31 respect to the public improvement are met:

32 (1) Not less than fifty-five percent of the structure is
33 leased by a public body, or is subject to an agreement to be
34 subsequently leased by a public body.

35 (2) The portion of the structure that is leased or subject

1 to an agreement to be subsequently leased by a public body
2 measures more than twenty thousand square feet.

3 *c.* The public improvement has an estimated total cost that
4 exceeds twenty-five thousand dollars.

5 12. "*Worker*" means an individual who performs any
6 labor or service for a contractor or subcontractor on a
7 public improvement but does not include an individual when
8 transporting a seller, supplier, manufacturer, or processor of
9 materials or equipment. The individual is deemed an employee
10 of a contractor or subcontractor unless all of the following
11 apply:

12 *a.* The individual provides labor or services free from the
13 direction or control over the means and manner of providing the
14 labor or services, subject only to the right of the person for
15 whom the labor or services are provided to specify the desired
16 results.

17 *b.* The individual providing the labor or services is
18 responsible for obtaining business registrations or licenses
19 required by state law or local ordinance to provide the labor
20 or services.

21 *c.* The individual providing the labor or services furnishes
22 the tools and equipment necessary to provide the labor or
23 services.

24 *d.* The individual providing the labor or services has the
25 authority to hire and fire employees to perform the labor or
26 services.

27 *e.* Payment for the labor or services is made upon
28 completion of the performance of specific portions of a public
29 improvement, or is made on the basis of a periodic retainer.

30 *f.* The individual providing the labor or services represents
31 to the public that the labor or services are to be provided
32 by an independently established business. An individual is
33 engaged in an independently established business when four or
34 more of the following circumstances exist:

35 (1) Labor or services are primarily performed at a location

1 separate from the individual's residence or in a specified
2 portion of the residence that is set aside for performing labor
3 or services.

4 (2) Commercial advertising or business cards are purchased
5 by the individual, or the individual is a member of a trade or
6 professional association.

7 (3) Telephone or electronic mail listings used by the
8 individual for the labor or services are different from the
9 individual's personal listings.

10 (4) Labor or services are performed only pursuant to a
11 written contract.

12 (5) Labor or services are performed for two or more persons
13 or entities within a period of one year.

14 (6) The individual assumes financial responsibility
15 for errors and omissions in the performance of the labor or
16 services as evidenced by insurance, performance bonds, and
17 warranties relating to the labor or services provided.

18 Sec. 6. NEW SECTION. 91F.4 Administration — rules.

19 1. The commissioner and the division shall administer this
20 chapter.

21 2. The commissioner shall adopt rules pursuant to chapter
22 17A to administer this chapter.

23 Sec. 7. NEW SECTION. 91F.5 Determination of prevailing
24 wages.

25 1. The commissioner shall determine annually and publish,
26 on the first business day of July, the prevailing wage rates
27 by locality for each craft, classification, or type of worker
28 needed to perform work on public improvements. The rates shall
29 be conclusive for one year from the date of publication unless
30 superseded within the one year by a later publication of the
31 commissioner, or for a longer period as provided in subsection
32 5.

33 2. The commissioner shall announce all prevailing wage rate
34 determinations by locality and give notice by posting them
35 on the portion of the department of workforce development's

1 internet site related to the division. A printed version of
2 the prevailing wage rates for the state shall be available to
3 the public upon request to the division.

4 3. The public body awarding any contract for a public
5 improvement, or otherwise undertaking any public improvement,
6 shall obtain from the internet site the prevailing wage rate
7 in the locality in which work on the public improvement is
8 to be performed for each craft, classification, or type of
9 worker needed to perform work on the public improvement.
10 After a public improvement contract is awarded, or a public
11 improvement is otherwise undertaken, the prevailing wage
12 rate published by the commissioner and stated in the public
13 body's public improvement procurement documents shall remain
14 in effect throughout the duration of the public improvement
15 unless superseded by a later determination and publication by
16 the commissioner, or unless multiyear prevailing wage rates
17 have been published by the commissioner at the time the public
18 improvement procurement documents were released.

19 4. a. In determining the annual prevailing wage rate
20 for any craft, classification, or type of worker, the
21 commissioner shall ascertain and consider the applicable
22 wage rates and fringe benefits established by collective
23 bargaining agreements, the prevailing wage rate determinations
24 that may exist for federal public improvements within the
25 locality, and other data obtained by the department during any
26 prevailing wage rate survey of contractors who participate in
27 an apprenticeship program approved by and registered with the
28 United States department of labor's office of apprenticeship,
29 who provide health insurance and retirement benefits for their
30 workers, and who are registered with the division. Based
31 upon these considerations, the commissioner shall calculate
32 the prevailing wage rates based on the wage rate plus fringe
33 benefits most often occurring for each craft, classification,
34 or other type of worker within each locality.

35 b. The minimum annual prevailing wage rate determination

1 established by the department shall not be lower than the
2 prevailing wage rate determination that may exist for federal
3 public improvements within the locality and in the nearest
4 labor market area.

5 *c.* None of the fringe benefits enumerated in this chapter
6 may be considered in the determination of prevailing wage
7 rates if the contractor or subcontractor is required by other
8 federal, state, or local law to provide such fringe benefits.

9 5. If the commissioner determines that the prevailing
10 wage rate for any craft, classification, or type of worker
11 is the rate established by a collective bargaining agreement
12 applicable in the locality, the commissioner may adopt that
13 rate by reference and that determination shall be effective
14 for the life of the agreement or until the commissioner adopts
15 another rate.

16 6. *a.* At any time within fifteen days after the division
17 has published on the department of workforce development's
18 internet site the annual prevailing wage rates for each
19 classification, craft, or other type of worker in the locality,
20 any interested person affected may object to the determination
21 or the part of the determination as the interested person
22 may deem objectionable by filing a written notice with the
23 commissioner by restricted certified mail as defined in
24 section 618.15. When objecting to a prevailing wage rate
25 determination, the interested person shall submit, as a
26 part of the written notice, the prevailing wage rate the
27 interested person believes to be the correct prevailing wage
28 rate determination, stating the specific grounds to support
29 that position. Upon receipt of the notice of objection, the
30 commissioner shall reconsider the determination and shall
31 affirm or modify the determination and reply in writing by
32 restricted certified mail to the interested person within
33 fifteen days from the date of the receipt of the notice of
34 objection. Any modification to the prevailing wage rate
35 determination shall be effective on the date the modification

1 is published by the commissioner.

2 *b.* If the commissioner declines to modify the determination,
3 within ten days upon receiving receipt of the commissioner's
4 decision, the interested person affected may submit in writing
5 the objection to the division by restricted certified mail,
6 stating the specified grounds of the objection. The department
7 of inspections and appeals shall be notified of the objection
8 and set a date for a hearing before an administrative law judge
9 on the objection, after giving notice by restricted certified
10 mail to the interested person and the division at least ten
11 days before the date of the hearing of the time and place of
12 the hearing. The hearing shall be held within forty-five days
13 after the objection is filed, and shall not be postponed or
14 reset for a later date except upon the consent, in writing, of
15 the interested person and the division.

16 7. The party requesting a hearing shall have the burden of
17 establishing that the annual prevailing wage rate determination
18 for that locality was not determined in accordance with this
19 chapter. If the party requesting a hearing under this section
20 objects to the commissioner's failure to include a craft,
21 classification, or type of worker within the annual prevailing
22 wage rate determination in the locality, the objector shall
23 have the burden of establishing that there is no existing
24 prevailing wage rate classification for the particular craft,
25 classification, or type of worker in any of the localities
26 under consideration.

27 8. The administrative law judge may in the administrative
28 law judge's discretion hear each written objection filed
29 separately or consolidate for hearing any one or more written
30 objections filed with the division. At the hearing, the
31 division shall introduce into evidence the investigation it
32 instituted which formed the basis of its determination, and the
33 division or any interested objectors may introduce evidence
34 that is material to the determination. The administrative
35 law judge shall rule upon each written objection and make a

1 final determination, as the administrative law judge believes
2 the evidence warrants, and promptly serve a copy of the final
3 determination by personal service or restricted certified mail
4 on all parties to the proceedings. The administrative law
5 judge shall render a final determination within thirty days
6 after the conclusion of the hearing.

7 9. If proceedings to review judicially the final
8 determination of the administrative law judge are not
9 instituted as provided in this section, the determination
10 shall be final and binding. The provisions of section 17A.19
11 shall apply to and govern all proceedings. Appeals from all
12 final orders and judgments entered by the court in review of
13 the final determination of the administrative law judge may be
14 taken by any party to the action. In all reviews or appeals
15 under this chapter, the attorney general shall represent the
16 division and defend its determination.

17 10. This section does not give reason or provide cause for
18 an injunction to halt or delay any public improvement.

19 **Sec. 8. NEW SECTION. 91F.6 Payment of prevailing wages**
20 **required.**

21 1. Contractors and subcontractors engaged in a public
22 improvement shall pay not less than the current specified
23 prevailing wage rates to all of their workers engaged in the
24 public improvement. However, this chapter does not prohibit
25 the payment of more than the prevailing wage rate to any
26 workers engaged in a public improvement.

27 2. All contractors and subcontractors required to pay the
28 prevailing wage rate under this chapter shall pay the wages
29 in legal tender, without any deduction for food, sleeping
30 accommodations, transportation, use of tools or safety
31 equipment, vehicle or equipment rental, or any other thing of
32 any kind or description.

33 **Sec. 9. NEW SECTION. 91F.7 Requirements for public**
34 **improvements.**

35 1. The public body awarding a contract for a public

1 improvement or otherwise undertaking a public improvement shall
2 specify in the call for bids for the contract that this chapter
3 applies to the public improvement.

4 2. If a public improvement requires the payment of
5 prevailing wage rates, the public body shall require the
6 contractor to execute a written instrument that not less
7 than the prevailing wage rate shall be paid to all workers
8 performing work on the public improvement. The written
9 instrument shall also contain a provision that if it is found
10 that any of the contractor's workers engaged in the public
11 improvement have been paid at a wage rate less than the
12 prevailing wage rate required by this chapter, the public body
13 may terminate the contractor's right to proceed with the work
14 and the contractor and its sureties shall be liable to the
15 public body for any excess costs occasioned by the failure to
16 pay the prevailing wage rate. The written instrument shall
17 have attached a list of the specified prevailing wage rates
18 for all crafts, classifications, or types of workers in the
19 locality for each worker needed to be included in the contract
20 for the public improvement.

21 3. If a contract is let for a public improvement requiring
22 the payment of prevailing wage rates, the public body
23 awarding the contract shall cause to be inserted in the public
24 improvement specifications and contract a stipulation that
25 not less than the prevailing wage rate shall be paid to all
26 workers performing work under the contract. The contract
27 shall also contain a provision to the effect that if it is
28 found that any of the contractor's workers engaged in the
29 public improvement have been paid at a wage rate less than the
30 prevailing wage rate required by this chapter, the public body
31 may terminate the contractor's right to proceed with the work
32 and the contractor and its sureties shall be liable to the
33 public body for any excess costs occasioned by the failure to
34 pay the prevailing wage rate. All bid specifications shall
35 list the specified prevailing wage rates for all crafts,

1 classifications, or types of workers in the locality for each
2 worker needed to be included in the contract.

3 4. If a public improvement requires the payment of
4 prevailing wage rates, the contractor shall require any
5 subcontractors engaged by the contractor on the public
6 improvement to execute a written instrument that not less
7 than the prevailing wage rates shall be paid to all workers
8 performing work on the public improvement. The written
9 instrument shall also contain a provision that if it is
10 found that any of the subcontractor's workers engaged in the
11 public improvement have been paid at a wage rate less than the
12 prevailing wage rate required by this chapter, the public body
13 may terminate the subcontractor's right to proceed with the
14 work and the subcontractor and its sureties shall be liable to
15 the public body for any excess costs occasioned by the failure
16 to pay the prevailing wage rate. The written instrument shall
17 have attached a list of the specified prevailing wage rates
18 for all crafts, classifications, or types of workers in the
19 locality for each worker needed to be included in the contract.

20 5. If a subcontract is let for a public improvement
21 requiring the payment of the prevailing wage rate, the
22 contractor to whom the contract is awarded shall insert
23 into the subcontract and into the public improvement project
24 specifications for each subcontract a written stipulation that
25 not less than the prevailing wage rate shall be paid to all
26 workers performing work under the subcontract. A subcontractor
27 shall insert into each lower-tiered subcontract a stipulation
28 that not less than the prevailing wage rate shall be paid
29 to all workers performing work under the subcontract. The
30 subcontract shall also contain a provision that if it is
31 found that any of the subcontractor's workers engaged in the
32 public improvement have been paid at a wage rate less than the
33 prevailing wage rate required by this chapter, the public body
34 may terminate the subcontractor's right to proceed with the
35 work and the subcontractor and its sureties shall be liable to

1 the public body for any excess costs occasioned by the failure
2 to pay the prevailing wage rate. All bid specifications shall
3 list the specified prevailing wage rates for all crafts,
4 classifications, or types of workers in the locality for each
5 worker needed to be included in the subcontract.

6 6. A contractor or subcontractor engaging in a public
7 improvement shall submit a performance bond in an amount
8 determined by the public body which bond shall include a
9 provision that will guarantee the payment of the prevailing
10 wage rates as required by the contract.

11 7. Before final payment is made by or on behalf of a public
12 body of any sum or sums due on a public improvement, the
13 treasurer of the public body or other officer or person charged
14 with the custody and disbursement of the funds of the public
15 body shall require the contractor and subcontractor to file a
16 written statement with the public body, in a form satisfactory
17 to the division, certifying to the amounts then due and owing
18 from the contractor and subcontractor to any and all workers
19 for wages due on account of the public improvement, setting
20 forth the names of the persons whose wages are unpaid and
21 the amount due to each respectively. The statement shall be
22 verified by the oath of the contractor or subcontractor, as the
23 case may be, that the contractor or subcontractor has read the
24 statement certified by the contractor or subcontractor, knows
25 the contents, and that the statement is true in accordance with
26 the contractor's or subcontractor's own knowledge. However,
27 this chapter shall not impair the right of a contractor to
28 receive final payment from a public body because of the failure
29 of a subcontractor to comply with provisions of this chapter.
30 The treasurer of the public body or other officer or person
31 charged with the custody and disbursement of the funds of the
32 public body shall withhold the amount, if any, listed on the
33 verified statement filed pursuant to this section for the
34 benefit of the worker whose wages are unpaid as shown by the
35 verified statement filed by the contractor or subcontractor,

1 and the public body shall pay directly to any worker the amount
2 shown by the statement to be due to the worker for the wages.
3 Payment shall discharge the obligation of the contractor or
4 subcontractor to the person receiving the payment to the extent
5 of the amount of the payment.

6 8. The public body awarding a contract for a public
7 improvement or otherwise undertaking a public improvement shall
8 notify the commissioner in writing, on a form prescribed by
9 the commissioner, if a contract subject to the provisions of
10 this chapter has been awarded. The public body shall file
11 the notification with the commissioner within thirty days
12 after the contract is awarded or before commencement of the
13 public improvement, and shall include a list of all first-tier
14 subcontractors.

15 Sec. 10. NEW SECTION. 91F.8 Federal public improvements
16 — not applicable.

17 The provisions of this chapter shall not be applicable
18 to public improvements financed entirely by federal funds
19 which require a prevailing wage rate determination by the
20 United States department of labor. However, unless a federal
21 provision applies, if a public improvement is financed in part
22 by a public body and in part by federal funds, the higher of the
23 prevailing wage rates shall prevail for the public improvement.

24 Sec. 11. NEW SECTION. 91F.9 Records required.

25 1. While participating in a public improvement, the
26 contractor and each subcontractor shall do all of the
27 following:

28 a. Make and keep, for a period of not less than three years,
29 accurate records of all workers employed by the contractor or
30 subcontractor on the public improvement. The records shall
31 include each worker's name, address, telephone number when
32 available, social security number, trade classification, the
33 hourly wages paid in each pay period, the number of hours
34 worked each day, and the starting and ending times of work each
35 day.

1 *b.* Submit weekly a certified payroll to the public body
2 in charge of the public improvement. The certified payroll
3 shall consist of a complete copy of the records identified in
4 paragraph "a". The certified payroll shall be accompanied by a
5 statement signed by the contractor or subcontractor which avers
6 that the records are true and accurate and the hourly wages
7 paid to each worker are not less than the prevailing wage rate
8 required by this chapter.

9 2. The public body in charge of the public improvement
10 shall keep the records submitted in accordance with subsection
11 1, paragraph "b", for a period of not less than three years.
12 The records shall be considered public records and be made
13 available in accordance with chapter 22. Personal information
14 submitted in accordance with subsection 1, paragraph "a",
15 including names, addresses, social security numbers, telephone
16 numbers, and other identifying information shall remain
17 confidential and shall not be made public.

18 3. The contractor and each subcontractor shall make
19 available for inspection the records identified in subsection
20 1, paragraph "a", to the public body in charge of the public
21 improvement, its officers and agents, and to the division.

22 4. For the purpose of verifying the accuracy of the records
23 submitted pursuant to this section, the contractor and each
24 subcontractor shall make its workers available at the site of
25 the public improvement for interview by the public body in
26 charge of the public improvement, its officers and agents, and
27 the division.

28 5. Contractors and subcontractors performing work on public
29 improvements subject to this chapter shall post the prevailing
30 wage rates for each craft, classification, or type of workers
31 involved in the public improvement in a prominent and easily
32 accessible place at the site of the public improvement or at
33 the place or places used by the contractor or subcontractor to
34 pay workers their wages.

35 Sec. 12. NEW SECTION. 91F.10 Powers of commissioner.

1 The commissioner shall do all of the following:

2 1. Inquire diligently about any complaint of a violation of
3 this chapter, institute actions for penalties prescribed, and
4 enforce generally the provisions of this chapter.

5 2. Sue for injunctive relief against the awarding of a
6 contract, the undertaking of a public improvement, or the
7 continuation of a public improvement when the prevailing wage
8 rate requirements of this chapter have not been met.

9 3. Investigate and ascertain the wages of workers engaged in
10 any public improvement in this state.

11 4. *a.* Enter and inspect the place of business or employment
12 of a contractor, subcontractor, or workers employed on a public
13 improvement in this state, for the purpose of examining and
14 inspecting books, registers, payrolls, and other records of a
15 contractor or subcontractor that in any way relate to or have a
16 bearing upon the question of wages, hours, and other conditions
17 of employment of workers covered under this chapter.

18 *b.* Copy the books, registers, payrolls, and other
19 records as the commissioner or the commissioner's authorized
20 representative deems necessary or appropriate.

21 *c.* Question the workers for the purpose of ascertaining
22 whether the provisions of this chapter have been and are being
23 complied with.

24 *d.* Administer oaths, take or cause to be taken depositions
25 of witnesses, and require by subpoena the attendance and
26 testimony of witnesses and the production of all books,
27 registers, payrolls, and other evidence relative to the matter
28 under investigation or hearing.

29 5. Require from a contractor or subcontractor full and
30 correct statements in writing, including sworn statements,
31 with respect to wages, hours, names, addresses, and other
32 information pertaining to its workers and their employment,
33 as the commissioner or the commissioner's authorized
34 representative may deem necessary or appropriate.

35 6. Require a contractor or subcontractor to file, within

1 ten days of receipt of a request, any records enumerated in
2 subsection 4, sworn as to their validity and accuracy as
3 required by subsection 5. If the contractor or subcontractor
4 fails to provide the requested records within ten days, the
5 commissioner may direct, within fifteen days after the end
6 of the ten-day period, that the fiscal or financial officer
7 charged with the custody and disbursements of the funds of the
8 public body, which contracted for construction of the public
9 improvement or undertook the public improvement, to immediately
10 withhold from payment to the contractor or subcontractor
11 up to twenty-five percent of the amount to be paid to the
12 contractor or subcontractor under the terms of the contract
13 or written instrument under which the public improvement is
14 being performed. The amount withheld shall be immediately
15 released upon receipt by the public body of a notice from
16 the commissioner indicating that the request for records as
17 required by this section has been satisfied.

18 7. If a contractor or subcontractor fails to provide
19 requested records in accordance with subsection 6 within ten
20 days, direct, within fifteen days after the end of the ten-day
21 period, the fiscal or financial officer charged with the
22 custody and disbursements of the funds of the public body,
23 which contracted for construction of the public improvement or
24 undertook the public improvement, to pay directly to workers
25 employed by the contractor or subcontractor from the amount
26 withheld from the contractor or subcontractor pursuant to
27 subsection 6 any prevailing wage rates found to be due and
28 payable to the workers.

29 8. Contract with a person registered as a public accountant
30 under chapter 542 to conduct an audit of a contractor,
31 subcontractor, or public body.

32 Sec. 13. NEW SECTION. 91F.11 Notice of violations.

33 1. For purposes of this section:

34 a. "Accurate records" means the payroll records required
35 to be submitted to the public body in charge of the public

1 improvement by section 91F.9. *"Accurate records"* also means the
2 hourly rate of contribution and costs paid for fringe benefits
3 and whether the contributions and costs of the fringe benefits
4 were paid into a fund or paid directly to the worker.

5 *b. "Decision"* means a determination by the division that a
6 single violation of this chapter has occurred, warranting the
7 commissioner to issue a notice of violation to a contractor or
8 subcontractor.

9 *c. "Notice of second violation"* is a formal written notice
10 issued by the division advising a contractor or subcontractor
11 that a second or subsequent violation has occurred within three
12 years from the date of the notice of a first violation.

13 *d. "Notice of violation"* means a formal written notice
14 issued by the division to a contractor or subcontractor
15 that the division has made a decision that the contractor or
16 subcontractor has violated this chapter.

17 *e. "Violation"* means that a contractor or subcontractor has
18 done one of the following:

19 (1) Failed or refused to pay the prevailing wage rate to one
20 or more workers as required by this chapter.

21 (2) Failed to keep accurate records as required by this
22 chapter.

23 (3) Failed to produce for the division accurate records or
24 produced records not in compliance with this chapter.

25 (4) Refused to submit records or testimony to the division
26 in response to a subpoena issued in accordance with this
27 chapter.

28 (5) Refused to comply with the certified payroll provision
29 of section 91F.9.

30 (6) Refused the division access, at any reasonable hour at
31 a location within the state, to inspect the contractor's or
32 subcontractor's records as required by this chapter.

33 (7) Failed to insert into each subcontract or lower-tiered
34 subcontract and into the public improvement specifications
35 for each subcontract or lower-tiered subcontract or provide a

1 written instrument if no contract exists, a written stipulation
2 that not less than the prevailing wage rate be paid as required
3 by this chapter, and a statement that if it is found that a
4 subcontractor's workers engaged in the public improvement have
5 been paid at a rate of wages less than the prevailing wage rate
6 required to be paid by the contract, the public body shall
7 terminate the subcontractor's right to proceed with the work.

8 (8) Failed to obtain a bond in the proper amount that
9 guarantees the payment of the prevailing wage rates required in
10 the contract.

11 (9) Failed to post the prevailing wage rates as required by
12 this chapter.

13 2. After receipt of a complaint or on the division's
14 initiative, the commissioner shall review the investigative
15 file to determine whether a violation has occurred for
16 which the contractor or subcontractor must be given notice.
17 All information and observations made during an audit or
18 investigation shall be considered and shall constitute the
19 basis for the division's decision that this chapter has
20 been violated and that a notice of violation is required
21 to be issued. The notice of violation shall identify the
22 specific violation and the amount of moneys estimated due the
23 division and in controversy based on reasons contained in the
24 investigative file.

25 3. In making a decision that a contractor or subcontractor
26 has failed to allow the commissioner access to accurate
27 records, the commissioner shall rely on the information
28 contained in the investigative file, the certified payroll
29 records submitted to the public body in charge of the public
30 improvement or any other information, and shall assess a
31 separate violation for each day worked by each worker on the
32 public improvement. Each decision of a separate violation
33 shall be listed in the notice of violation.

34 4. In determining that this chapter has been violated and
35 that the issuance of a notice of violation is required, the

1 commissioner shall base the decision on one or any combination
2 of the following reasons:

3 *a.* The severity of the violation, which includes the
4 following:

5 (1) The amount of wages that are determined to be underpaid
6 pursuant to this chapter.

7 (2) The activity or conduct complained of that violates the
8 requirements of this chapter and was not merely a technical,
9 nonsubstantive error. Examples of a technical error include
10 but are not limited to a mathematical error, bookkeeping error,
11 transposition of numbers, or computer or programming error.

12 *b.* The nature and duration of the present violation and the
13 prior history of the contractor or subcontractor related to
14 this history. The prior history considered shall not exceed
15 seven years before the date of the notice of violation.

16 *c.* Whether the contractor or subcontractor submitted
17 certified payroll records with the public body in charge of the
18 public improvement; whether the contractor or subcontractor
19 has kept payroll records and accurate records for three years;
20 and whether the contractor or subcontractor produced certified
21 payroll records in accordance with section 91F.9.

22 *d.* Whether the contractor or subcontractor has violated any
23 other provision of this chapter.

24 5. The notices of the first, second, and subsequent
25 violations shall be sent by restricted certified mail,
26 addressed to the last known address of the contractor or
27 subcontractor involved. The notices shall contain a reference
28 to the specific provisions of this chapter alleged to have been
29 violated, identify the particular public improvement involved,
30 identify the conduct complained of, and identify whether the
31 notice is a notice of a first, second, or subsequent violation,
32 and include a contractor's or subcontractor's statement of
33 liabilities.

34 Sec. 14. NEW SECTION. 91F.12 Violations — remedies and
35 penalties.

1 1. If the commissioner determines that a public body has
2 divided a public improvement into more than one contract for
3 the purpose of avoiding compliance with this chapter, the
4 commissioner shall issue an order compelling compliance. In
5 making a determination whether a public body has divided a
6 public improvement into more than one contract for the purpose
7 of avoiding compliance with this chapter, the commissioner
8 shall consider all of the following:

9 a. The physical separation of the public improvement
10 structures or work.

11 b. The timing of the work on the public improvement phases
12 or structures.

13 c. The continuity of public improvement contractors and
14 subcontractors working on public improvement parts or phases.

15 d. The manner in which the public body and the contractor
16 and subcontractors administer and implement work on the public
17 improvement.

18 2. A worker employed by the contractor or subcontractor who
19 is paid less than the specified prevailing wage rate under this
20 chapter shall have a private right of action for the difference
21 between the amount so paid and the specified prevailing wage
22 rate, together with costs and reasonable attorney fees as shall
23 be allowed by the court.

24 3. The contractor or subcontractor shall additionally be
25 liable to the division for fifty percent of the amount of
26 underpayments and shall be additionally liable to the worker
27 for punitive damages in an amount equal to five percent of the
28 liability to the division for underpayments for each month
29 following the date of payment during which underpayments remain
30 unpaid, together with costs and reasonable attorney fees as
31 shall be allowed by the court.

32 4. If a second or subsequent action to recover underpayments
33 is brought against a contractor or subcontractor within a
34 three-year period and the contractor or subcontractor is
35 found liable for underpayments to a worker, the contractor or

1 subcontractor shall be liable to the division for seventy-five
2 percent of the amount of underpayments payable as a result of
3 the second or subsequent action, additionally liable to the
4 worker for ten percent of the amount of the liability to the
5 division for underpayments for each month following the date
6 of payment during which the underpayments remain unpaid, and
7 further liable to the worker for triple the difference between
8 the amount so paid to the worker and the specified prevailing
9 wage rate required, together with costs and reasonable attorney
10 fees as shall be allowed by the court. The three-year period
11 begins to run from the date the contractor or subcontractor is
12 determined liable for the first violation.

13 5. The commissioner and any interested party shall also
14 have a right of action on behalf of a worker who has a right of
15 action under this chapter. An action brought to recover the
16 same shall be deemed to be a suit for wages, and all judgments
17 entered in the action shall have the same force and effect as
18 other judgments for wages. At the request of a worker employed
19 by a contractor or subcontractor who is paid less than the
20 prevailing wage rate required by this chapter, the commissioner
21 may take an assignment of the wage claim in trust for the
22 assigning worker and may bring any legal action necessary to
23 collect the claim, and the contractor or subcontractor shall
24 be required to pay the expenses of the division incurred in
25 collecting the claim.

26 6. In circumstances where a worker may not be available to
27 receive a payment or judgment, the payment due the worker shall
28 revert to the division after one year elapses from the time
29 payment was attempted to be made or judgment was rendered.

30 7. a. It is a violation of this chapter to do any of the
31 following:

32 (1) To request or demand, either before or after the worker
33 is engaged in a public improvement, that a worker pay back,
34 return, donate, contribute, or give any part or all of the
35 worker's wages, salary, or thing of value, to any person, upon

1 the statement, representation, or understanding that failure to
2 comply with the request or demand will prevent the worker from
3 procuring or retaining employment.

4 (2) To directly or indirectly pay, request, or authorize any
5 other person to violate this chapter.

6 *b.* This subsection does not apply to an agent or
7 representative of a duly constituted labor organization acting
8 in the collection of dues or assessments of the organization.

9 8. In addition to other penalties provided under this
10 chapter, whoever induces a worker working on a public
11 improvement subject to this chapter to give up or forego
12 any part of the prevailing wage rates to which the worker
13 is entitled under this chapter by threat not to employ
14 or by threat of dismissal from employment is guilty of a
15 serious misdemeanor. An agreement between the worker and the
16 contractor or subcontractor to work for less than the specified
17 prevailing wage rate shall not be a defense to criminal
18 prosecution.

19 9. *a.* A contract shall not be awarded by a public
20 body to a contractor or subcontractor who, on two separate
21 occasions within a three-year period, has been determined
22 to have violated this chapter, or to any firm, corporation,
23 partnership, or association in which the contractor or
24 subcontractor has any interest until five years have elapsed
25 from the date on which a final determination is rendered
26 finding the contractor or subcontractor in violation of this
27 chapter.

28 *b.* For the purposes of this subsection, "*any interest*" means
29 an interest in the entity bidding or performing work on the
30 public improvement, whether as an owner, partner, officer,
31 manager, employee, agent, consultant, or representative. "*Any*
32 *interest*" includes but is not limited to all instances where the
33 barred contractor or subcontractor receives payments, whether
34 cash or any other form of compensation, from any entity bidding
35 or performing work on the public improvement, or enters into

1 a contract with the entity bidding or performing work on the
2 public improvement for services performed or to be performed
3 under contract that have been or will be assigned or sublet,
4 or for vehicles, tools, equipment, or supplies that have been
5 or will be sold, rented, or leased during the period from the
6 initiation of the barring proceedings until the end of the term
7 of the barring period. "Any interest" does not include shares
8 held in a publicly traded corporation if the shares were not
9 received as compensation after the barring of an entity bidding
10 or performing work on a public improvement.

11 10. If the division determines that a contractor or
12 subcontractor has violated this chapter on two separate
13 occasions within a three-year period, the division shall list
14 on the department of workforce development's internet site and
15 keep on record the name of the contractor or subcontractor and
16 give notice by restricted certified mail of the list to any
17 public body requesting the list.

18 11. Upon a determination that a contractor or subcontractor
19 has violated this chapter on two separate occasions within a
20 three-year period, the division shall notify the violating
21 contractor or subcontractor by restricted certified mail. The
22 contractor or subcontractor has ten working days to request of
23 the division a hearing before an administrative law judge on
24 the alleged violation. Failure to respond within ten working
25 days shall result in automatic and immediate barring of the
26 violator from work as provided in subsection 9 and placement
27 and publication of the violator's name on the department of
28 workforce development's internet site as provided in subsection
29 10. If the contractor or subcontractor requests a hearing
30 within ten working days by restricted certified mail, the
31 department of inspections and appeals shall set a hearing
32 before an administrative law judge on the alleged violation.
33 The 2 shall take place no later than forty-five calendar days
34 after the receipt by the division of the request for a hearing.
35 An action by an administrative law judge constitutes final

1 agency action and is subject to judicial review under section
2 17A.19.

3 12. The attorney general shall prosecute the cases
4 identified in this section upon complaint by the commissioner
5 or by any interested person. In any proceeding brought
6 pursuant to this section, the commissioner shall be represented
7 by the attorney general.

8 13. This section does not give reason or provide cause for
9 an injunction to halt or delay any public improvement.

10 Sec. 15. NEW SECTION. 91F.13 **Apprentices.**

11 This chapter shall not prevent the employment of apprentices
12 upon public improvements. However, an apprentice employed
13 on a public improvement must be registered with the United
14 States department of labor's office of apprenticeship under
15 an apprenticeship program registered with that office, paid
16 the proper wages specified in the standards of apprenticeship,
17 and engaged only in the trade to which the apprentice is
18 registered. If the apprentice is employed on a public
19 improvement in a trade to which the apprentice is not
20 registered with the United States department of labor's office
21 of apprenticeship, the apprentice shall be treated as any other
22 worker under this chapter.

23 Sec. 16. IMPLEMENTATION OF ACT. Section 25B.2, subsection
24 3, shall not apply to this Act.

25 Sec. 17. EFFECTIVE DATE. This Act takes effect January 1,
26 2021.>

27 2. Title page, by striking lines 1 through 5 and inserting
28 <requiring the payment of local prevailing wage rates to
29 persons working on public improvements for public bodies,
30 providing remedies and penalties, and including effective date
31 provisions.>

By HUNTER of Polk

SENATE FILE 2364

H-8218

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 20 by inserting:

4 <6. Section 313.4, subsection 1, paragraph "c", shall not
5 apply to any public improvement that is subject to a guaranteed
6 maximum price contract.>

7 2. By renumbering, redesignating, and correcting internal
8 references as necessary.

By HUNTER of Polk

H-8218 FILED JUNE 5, 2020

SENATE FILE 2364

H-8219

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

- 3 1. Page 9, by striking lines 22 through 29.
- 4 2. Page 9, line 30, by striking <2.>

By HUNTER of Polk

H-8219 FILED JUNE 5, 2020

SENATE FILE 2364

H-8220

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. ____ . NEW SECTION. 26A.5 **Employee rights during**
5 **infectious disease emergencies.**

6 1. For purposes of this section, "*period of infectious*
7 *disease emergency*" means that period of time that a disease or
8 virus determined to be life-threatening to a person exposed to
9 the disease or virus has been declared a pandemic, epidemic, or
10 public health emergency by the federal government, governor, or
11 local public health authorities.

12 2. Except as prohibited by federal law, an employee
13 performing work during a period of infectious disease emergency
14 on a public improvement subject to a guaranteed maximum price
15 contract shall have all of the following rights:

16 a. Any collective bargaining agreement entered into by
17 employees performing work on a public improvement subject to
18 a guaranteed maximum price contract shall not be modified or
19 terminated by the employer, including pursuant to bankruptcy
20 proceedings, unless the employer does so pursuant to the terms
21 provided in the contract.

22 b. An employee shall have access to an employee
23 representative upon request. An employee, employer, or
24 employer representative shall not threaten, or discourage in
25 any way, an employee from communicating with the employee
26 representative.

27 c. An employee representative shall have access to the
28 workplace to verify that proper safety protocols are being
29 observed.

30 d. An employee representative may interview employees during
31 their shift without the employer or an employer representative
32 present. Such interviews shall be confidential. An employer
33 shall not threaten an employee to coerce the employee into
34 divulging the content of the conversation.

35 e. An employer shall remain neutral in employee collective

H-8220 (Continued)

- 1 bargaining organizational efforts.>
- 2 2. By renumbering as necessary.

By HUNTER of Polk

H-8220 FILED JUNE 5, 2020

SENATE FILE 2364

H-8221

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. _____. NEW SECTION. 26A.5 Infectious disease
5 **preparedness, response, and control plans.**

6 1. For purposes of this section and section 26A.6, "*period*
7 *of infectious disease emergency*" means that period of time
8 that a disease or virus determined to be life-threatening to
9 a person exposed to the disease or virus has been declared a
10 pandemic, epidemic, or public health emergency by the federal
11 government, governor, or local public health authorities.

12 2. Employees performing work during a period of infectious
13 disease emergency on a public improvement subject to a
14 guaranteed maximum price contract are required to continue
15 to report to the employees' job site. The employer shall,
16 upon the date of reporting, meet with the employees to adopt a
17 preparedness, response, and control plan that is designed for
18 the job site and is in accordance with all applicable federal
19 centers for disease control guidelines. The plan shall do all
20 of the following:

21 a. Identify all areas and activities where disease exposures
22 may take place and provide control procedures to eliminate,
23 reduce, and prevent exposure, including a description of
24 priority of control procedures.

25 b. Include protocols for informing employees of positive
26 cases of disease contraction and immediately responding to such
27 cases.

28 c. Provide for reducing or suspending work on the public
29 improvement temporarily in order to allow for time to further
30 refine the plan and provide a safe work environment.

31 Sec. _____. NEW SECTION. 26A.6 Infectious disease response —
32 **occupational safety and health.**

33 The labor commissioner, pursuant to the authority provided
34 under chapter 88, shall coordinate with employees performing
35 work during a period of infectious disease emergency on a

H-8221 (Continued)

1 public improvement subject to a guaranteed maximum price
2 contract that lack applicable health and safety standards
3 pertaining to the period of infectious disease emergency to
4 ensure the employees are adequately protected from exposure to
5 the disease and shall provide inspectors acting pursuant to
6 chapter 88 with training and supplies sufficient to ensure the
7 employees' workplaces are safe during the period of infectious
8 disease emergency.>

9 2. By renumbering as necessary.

By HUNTER of Polk

[H-8221](#) FILED JUNE 5, 2020

SENATE FILE 2364

H-8222

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. ____ . Section 85.34, subsection 2, paragraph n, Code
5 2020, is amended to read as follows:

6 n. For the loss of a shoulder by an employee who is not
7 employed for work on a public improvement project subject to
8 a guaranteed maximum price contract under chapter 26A, weekly
9 compensation during four hundred weeks.>

10 2. By renumbering as necessary.

By HUNTER of Polk

H-8222 FILED JUNE 5, 2020

SENATE FILE 2364

H-8223

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. ____ . APPROPRIATION — WAGE PAYMENT COLLECTION. There
5 is appropriated from the general fund of the state to the
6 department of workforce development for the fiscal year
7 beginning July 1, 2020, and ending June 30, 2021, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purposes designated:

10 For the employment of twenty additional employees, who shall
11 be attorneys and investigators, for the purpose of enforcement
12 of chapter 91A, including salaries, support, maintenance, and
13 miscellaneous purposes:

14 \$ 2,000,000>

15 2. Title page, line 4, after <sector> by inserting <,
16 making an appropriation relating to wage payment collection
17 enforcement,>

18 3. By renumbering as necessary.

By HUNTER of Polk

H-8223 FILED JUNE 5, 2020

SENATE FILE 2364

H-8224

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. ____ . NEW SECTION. 26A.5 Whistleblower protections.

5 An employee performing work on a public improvement subject
6 to a guaranteed maximum price contract shall have the right to
7 submit a complaint to the employee's employer regarding any
8 working condition that the employee believes in good faith
9 is unsafe. An employee shall not be subject to disciplinary
10 action, intimidation, or other adverse employment action for
11 making such a complaint. If the employer does not resolve the
12 complaint to the employee's satisfaction or otherwise make a
13 good faith effort to determine an alternative resolution, the
14 employee shall have the right to refuse an assigned task if the
15 employee believes in good faith that performing the task could
16 result in serious injury or death.>

17 2. By renumbering as necessary.

By HUNTER of Polk

H-8224 FILED JUNE 5, 2020

SENATE FILE 2364

H-8225

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 9, after line 33 by inserting:
4 <Sec. ____ . NEW SECTION. 26A.5 Independent contractors.
5 1. If an independent contractor will perform work on a
6 public improvement that is subject to a guaranteed maximum
7 price contract for which the independent contractor will
8 receive at least eight hundred dollars in compensation over a
9 period of one hundred twenty days, the independent contractor's
10 contract for work shall be in writing and shall include all of
11 the following information:
12 a. The work to be performed.
13 b. The rate of compensation for the work to be performed.
14 c. The approximate dates on which the work will be
15 performed.
16 2. An independent contractor shall be compensated as
17 provided in the contract, but not later than thirty days
18 after the completion of the work. Failure to provide such
19 compensation as provided in the contract and this section shall
20 be subject to the remedies provided in chapter 91A.>
21 2. By renumbering as necessary.

By HUNTER of Polk

H-8225 FILED JUNE 5, 2020

SENATE FILE 2364

H-8229

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. _____. NEW SECTION. 26A.5 Infectious disease response
5 **— personal protective equipment.**

6 1. For purposes of this section and section 26A.6, "*period*
7 *of infectious disease emergency*" means that period of time
8 that a disease or virus determined to be life-threatening to
9 a person exposed to the disease or virus has been declared a
10 pandemic, epidemic, or public health emergency by the federal
11 government, governor, or local public health authorities.

12 2. The employer of an employee performing work during a
13 period of infectious disease emergency on a public improvement
14 subject to a guaranteed maximum price contract shall provide
15 the employee with a supply of personal protective equipment,
16 including but not limited to face coverings or face shields, to
17 ensure the employee is not exposed to the disease at work. The
18 employer shall promptly replenish the supply as needed.

19 Sec. _____. NEW SECTION. 26A.6 Infectious disease response —
20 **health care — insurance.**

21 1. During a period of infectious disease emergency, an
22 employer shall provide an employee performing work during a
23 period of infectious disease emergency on a public improvement
24 subject to a guaranteed maximum price contract a minimum of
25 fourteen days of paid sick leave.

26 2. During a period of infectious disease emergency, an
27 employer shall provide an employee performing work during a
28 period of infectious disease emergency on a public improvement
29 subject to a guaranteed maximum price contract a minimum of
30 twelve weeks of family and medical leave, which shall not run
31 concurrently with the leave provided under subsection 1, to
32 provide care for the employee's spouse, children, or parents
33 due to medical conditions resulting from the disease.

34 3. a. The insurance commissioner shall establish a
35 program whereby a resident of this state who performed work

1 during or immediately preceding a period of infectious disease
2 emergency on a public improvement subject to a guaranteed
3 maximum price contract, whose health insurance coverage lapses
4 during a period of infectious disease emergency due to loss of
5 employment, and who chooses to obtain health care continuation
6 coverage pursuant to Tit. I of the federal Employee Retirement
7 Income Security Act of 1974, Pub. L. No. 93-406, is provided
8 with a monthly subsidy in an amount necessary to cover the full
9 cost for which the resident would be responsible to maintain
10 such coverage during the period.

11 *b.* There is appropriated annually from the general fund
12 of the state to the insurance division of the department
13 of commerce from funds not otherwise appropriated an
14 amount necessary to pay the cost of such subsidies and any
15 administrative expenses incurred by the insurance division in
16 the implementation of this subsection.

17 *c.* The insurance commissioner may use any available source
18 of federal funding to cover or offset the cost of providing
19 subsidies or administering the program.

20 4. *a.* The insurance commissioner shall establish a
21 program to provide health insurance coverage during a period
22 of infectious disease emergency to any resident of this state
23 who performed work during or immediately preceding a period of
24 infectious disease emergency on a public improvement subject to
25 a guaranteed maximum price contract and who is not otherwise
26 able to obtain such coverage under another provision of
27 state or federal law. Such coverage shall be provided at no
28 cost to the resident and shall, at minimum, be sufficient to
29 provide all necessary care needed due to contraction of the
30 disease, aggravation of existing medical conditions due to such
31 contraction, or onset of new medical conditions other than the
32 disease due to such contraction. Such coverage shall allow
33 the resident to obtain medical care from one or more licensed
34 medical professionals of the resident's choice.

35 *b.* There is appropriated annually from the general fund

H-8229 (Continued)

1 of the state to the insurance division of the department of
2 commerce from funds not otherwise appropriated an amount
3 necessary to pay the cost of providing such insurance coverage
4 and any administrative expenses incurred by the insurance
5 division in the implementation of this subsection.

6 c. The insurance commissioner may use any available source
7 of federal funding to cover or offset the cost of providing
8 insurance coverage or administering the program.

9 5. The insurance commissioner shall adopt rules pursuant to
10 chapter 17A to administer this section.>

11 2. By renumbering as necessary.

By HUNTER of Polk

H-8229 FILED JUNE 5, 2020

SENATE FILE 2364

H-8230

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 9, after line 33 by inserting:

4 <Sec. ____ . NEW SECTION. 26A.5 Minimum wage.

5 Notwithstanding section 91D.1, as of July 1, 2021, the
6 state hourly wage for an employee performing work on a public
7 improvement under a guaranteed maximum price contract shall
8 be at least \$15.00, and for an employee who has not completed
9 ninety calendar days of employment with the employer shall be
10 at least \$14.10.>

11 2. By renumbering as necessary.

By HUNTER of Polk

H-8230 FILED JUNE 5, 2020



[HF 2360](#) – Driver's License, Expiration (LSB5967HV.1)
 Staff Contact: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov
 Fiscal Note Version – As amended by [H-8228](#)

Description

[House File 2360](#), as amended by H-8228, increases the age limit up to which an 8-year driver's license may be valid from 74 to 80 years. If the licensee is age 72 or over, the period of validity for a license must not exceed the licensee's 80th birthday. For individuals 78 or older, the period of validity is 2 years.

Background

Current law provides for 8-year license terms from the licensee's birthday occurring at the year of issuance. The term of a license is not to exceed the licensee's 74th birthday, and beginning at age 72, a licensee is to be issued a license for a period of 2 years.

Assumptions

- The Department of Transportation (DOT) identifies 2.6 million license transactions for currently licensed drivers that may be impacted by the Bill.
- The DOT will administer 60.0% of the license transactions, and county treasurers will administer 40.0%.
- It is estimated that it will take eight years to realize the full impact of the Bill. The DOT estimates that transactions will be reduced by 87,600 per year once the Bill is fully implemented.
- The DOT estimates that each driver's license transaction will require 10 minutes.
- The annual reduction in transactions will be phased in over six years.
- Driver's license cards are produced at a cost of \$4.28 per card.

Fiscal Impact

[House File 2360](#), as amended by H-8228, is estimated to reduce card issuance costs to the Road Use Tax Fund (RUTF) by the amounts reflected in the table below. Administrative efforts would be reduced, and this reduction would be spread among 18 DOT offices, 88 county offices, and 20 DOT renewal kiosks.

Reduced Card Issuance Costs							
FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
\$ 47,000	\$ 94,000	\$141,000	\$187,000	\$234,000	\$281,000	\$328,000	\$375,000

Sources

Iowa Department of Transportation
LSA calculations

/s/ Holly M. Lyons

June 5, 2020

Doc ID 1136969

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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