

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

April 6, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 429	H-1354		BODEN of Warren
HF 452	H-1356		RECEIVED FROM THE SENATE
HF 561	H-1352	Adopted	GUSTAFSON of Madison
HF 772	H-1351		HUNTER of Polk
HF 794	H-1349		A. MEYER of Webster
HF 844	H-1355		LOHSE of Polk
SF 296	H-1350		A. MEYER of Webster
SF 532	H-1353		GOBBLE of Polk

HOUSE FILE 429

H-1354

1 Amend House File 429 as follows:

2 1. Page 1, by striking lines 13 through 16 and inserting:

3 <NEW SUBSECTION. 2A. A person who knowingly or
4 intentionally passes a lottery ticket or share in order to
5 avoid the application of an offset under section 99G.41 commits
6 the following:

7 (1) If passing the lottery ticket or share would avoid an
8 amount that exceeds ten thousand dollars, a class "C" felony.

9 (2) If passing the lottery ticket or share would avoid an
10 amount that exceeds one thousand five hundred dollars but does
11 not exceed ten thousand dollars, a class "D" felony.

12 (3) If passing the lottery ticket or share would avoid
13 an amount that exceeds seven hundred fifty dollars but does
14 not exceed one thousand five hundred dollars, an aggravated
15 misdemeanor.

16 (4) If passing the lottery ticket or share would avoid an
17 amount that exceeds three hundred dollars but does not exceed
18 seven hundred fifty dollars, a serious misdemeanor.

19 (5) If passing the lottery ticket or share would avoid an
20 amount that does not exceed three hundred dollars, a simple
21 misdemeanor.>

22 2. Page 1, line 21, by striking <shall be guilty of> and
23 inserting <commits>

24 3. Page 1, by striking lines 22 through 30.

25 4. Title page, line 2, by striking <criminal>

By BODEN of Warren

H-1354 FILED APRIL 6, 2021

SENATE AMENDMENT TO
HOUSE FILE 452

H-1356

1 Amend House File 452, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking page 6, line 27, through page 7, line 1.

H-1356 FILED APRIL 6, 2021

HOUSE FILE 561

H-1352

1 Amend the Senate amendment, H-1328, to House File 561, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 2 through 13 and inserting:
4 <___. Page 1, line 11, by striking <subsection 1,>
5 ___. Page 1, after line 12 by inserting:
6 **<572.32 Attorney fees — remedies.>**

7 ___. Page 1, after line 15 by inserting:
8 <2. In a court action to challenge a mechanic's lien posted
9 on a residential construction property, or any bond given in
10 lieu thereof, if the person challenging the lien or defending
11 against any action on the bond prevails, the court may award
12 reasonable attorney fees and actual damages. If the court
13 determines that the mechanic's lien was posted in bad faith
14 or the supporting affidavit was materially false, the court
15 shall award the owner reasonable attorney fees plus an amount
16 not less than five hundred dollars or the amount of the lien,
17 whichever is less.>>

18 2. By renumbering as necessary.

By GUSTAFSON of Madison

H-1352 FILED APRIL 6, 2021

ADOPTED

HOUSE FILE 772

H-1351

1 Amend House File 772 as follows:

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

4 <DIVISION I

5 PUBLIC EMPLOYEE COLLECTIVE BARGAINING

6 Section 1. Section 20.3, subsections 11 and 13, Code 2021,
7 are amended by striking the subsections.

8 Sec. 2. Section 20.6, subsection 1, Code 2021, is amended
9 to read as follows:

10 1. ~~Administer~~ Interpret, apply, and administer the
11 provisions of this chapter.

12 Sec. 3. Section 20.6, subsections 6 and 7, Code 2021, are
13 amended by striking the subsections.

14 Sec. 4. Section 20.7, subsection 2, Code 2021, is amended
15 to read as follows:

16 2. Hire, ~~evaluate,~~ promote, demote, transfer, assign, and
17 retain public employees in positions within the public agency.

18 Sec. 5. Section 20.8, subsection 5, Code 2021, is amended by
19 striking the subsection.

20 Sec. 6. Section 20.9, Code 2021, is amended by striking the
21 section and inserting in lieu thereof the following:

22 **20.9 Scope of negotiations.**

23 1. The public employer and the employee organization
24 shall meet at reasonable times, including meetings reasonably
25 in advance of the public employer's budget-making process,
26 to negotiate in good faith with respect to wages, hours,
27 vacations, insurance, holidays, leaves of absence, shift
28 differentials, overtime compensation, supplemental pay,
29 seniority, transfer procedures, job classifications, health and
30 safety matters, evaluation procedures, procedures for staff
31 reduction, in-service training, and other matters mutually
32 agreed upon. Negotiations shall also include terms authorizing
33 dues checkoff for members of the employee organization and
34 grievance procedures for resolving any questions arising under
35 the agreement, which shall be embodied in a written agreement

1 and signed by the parties. If an agreement provides for dues
2 checkoff, a member's dues may be checked off only upon the
3 member's written request and the member may terminate the dues
4 checkoff at any time by giving thirty days' written notice.
5 Such obligation to negotiate in good faith does not compel
6 either party to agree to a proposal or make a concession.

7 2. Nothing in this section shall diminish the authority
8 and power of the department of administrative services, board
9 of regents' merit system, Iowa public broadcasting board's
10 merit system, or any civil service commission established by
11 constitutional provision, statute, charter, or special act to
12 recruit employees, prepare, conduct and grade examinations,
13 rate candidates in order of their relative scores for
14 certification for appointment or promotion or for other matters
15 of classification, reclassification or appeal rights in the
16 classified service of the public employer served.

17 3. All retirement systems shall be excluded from the scope
18 of negotiations.

19 Sec. 7. Section 20.10, subsection 3, paragraph j, Code 2021,
20 is amended by striking the paragraph.

21 Sec. 8. Section 20.12, subsection 5, Code 2021, is amended
22 to read as follows:

23 5. If an employee organization or any of its officers
24 is held to be in contempt of court for failure to comply
25 with an injunction pursuant to this section, or is convicted
26 of violating this section, the employee organization shall
27 be immediately decertified, shall cease to represent the
28 bargaining unit, shall cease to receive any dues by checkoff,
29 and may again be certified only after ~~twenty-four~~ twelve months
30 have elapsed from the effective date of decertification and
31 only if after a new ~~petition for certification pursuant to~~
32 compliance with section 20.14 is filed and a new certification
33 ~~election pursuant to section 20.15 is held.~~ The penalties
34 provided in this section may be suspended or modified by the
35 court, but only upon request of the public employer and only

1 if the court determines the suspension or modification is in
2 the public interest.

3 Sec. 9. Section 20.15, Code 2021, is amended by striking the
4 section and inserting in lieu thereof the following:

5 **20.15 Elections.**

6 1. Upon the filing of a petition for certification of an
7 employee organization, the board shall submit a question to
8 the public employees at an election in the bargaining unit
9 found appropriate by the board. The question on the ballot
10 shall permit the public employees to vote for no bargaining
11 representation or for any employee organization which has
12 petitioned for certification or which has presented proof
13 satisfactory to the board of support of ten percent or more of
14 the public employees in the appropriate unit.

15 2. If a majority of the votes cast on the question is
16 for no bargaining representation, the public employees in
17 the bargaining unit found appropriate by the board shall not
18 be represented by an employee organization. If a majority
19 of the votes cast on the question is for a listed employee
20 organization, then that employee organization shall represent
21 the public employees in the bargaining unit found appropriate
22 by the board.

23 3. If none of the choices on the ballot receive the vote
24 of a majority of the public employees voting, the board shall
25 conduct a runoff election among the two choices receiving the
26 greatest number of votes.

27 4. Upon written objections filed by any party to the
28 election within ten days after notice of the results of
29 the election, if the board finds that misconduct or other
30 circumstances prevented the public employees eligible to
31 vote from freely expressing their preferences, the board may
32 invalidate the election and hold a second election for the
33 public employees.

34 5. Upon completion of a valid election in which the majority
35 choice of the employees voting is determined, the board shall

1 certify the results of the election and shall give reasonable
2 notice of the order to all employee organizations listed on the
3 ballot, the public employers, and the public employees in the
4 appropriate bargaining unit.

5 6. *a.* A petition for certification as exclusive bargaining
6 representative of a bargaining unit shall not be considered
7 by the board for a period of one year from the date of the
8 noncertification of an employee organization as the exclusive
9 bargaining representative of that bargaining unit following a
10 certification election. A petition for certification as the
11 exclusive bargaining representative of a bargaining unit shall
12 also not be considered by the board if the bargaining unit is
13 at that time represented by a certified exclusive bargaining
14 representative.

15 *b.* A petition for the decertification of the exclusive
16 bargaining representative of a bargaining unit shall not be
17 considered by the board for a period of one year from the date
18 of its certification, or within one year of its continued
19 certification following a decertification election, or during
20 the duration of a collective bargaining agreement which, for
21 purposes of this section, shall be deemed not to exceed two
22 years. However, if a petition for decertification is filed
23 during the duration of a collective bargaining agreement, the
24 board shall award an election under this section not more than
25 one hundred eighty days and not less than one hundred fifty
26 days prior to the expiration of the collective bargaining
27 agreement. If an employee organization is decertified, the
28 board may receive petitions under section 20.14, provided that
29 no such petition and no election conducted pursuant to such
30 petition within one year from decertification shall include as
31 a party the decertified employee organization.

32 *c.* A collective bargaining agreement with the state, its
33 boards, commissions, departments, and agencies shall be for two
34 years. The provisions of a collective bargaining agreement or
35 arbitrator's award affecting state employees shall not provide

1 for renegotiations which would require the refinancing of
2 salary and fringe benefits for the second year of the term of
3 the agreement, except as provided in section 20.17, subsection
4 6. The effective date of any such agreement shall be July 1 of
5 odd-numbered years, provided that if an exclusive bargaining
6 representative is certified on a date which will prevent the
7 negotiation of a collective bargaining agreement prior to
8 July 1 of odd-numbered years for a period of two years, the
9 certified collective bargaining representative may negotiate
10 a one-year contract with the public employer which shall be
11 effective from July 1 of the even-numbered year to July 1
12 of the succeeding odd-numbered year when new contracts shall
13 become effective.

14 Sec. 10. Section 20.17, subsection 8, Code 2021, is amended
15 by striking the subsection and inserting in lieu thereof the
16 following:

17 8. The salaries of all public employees of the state under
18 a merit system and all other fringe benefits which are granted
19 to all public employees of the state shall be negotiated with
20 the governor or the governor's designee on a statewide basis,
21 except those benefits which are not subject to negotiations
22 pursuant to the provisions of section 20.9.

23 Sec. 11. Section 20.17, Code 2021, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 8A. A public employee or any employee
26 organization shall not negotiate or attempt to negotiate
27 directly with a member of the governing board of a public
28 employer if the public employer has appointed or authorized
29 a bargaining representative for the purpose of bargaining
30 with the public employees or their representative, unless the
31 member of the governing board is the designated bargaining
32 representative of the public employer.

33 Sec. 12. Section 20.22, subsections 2, 3, 7, 9, and 10, Code
34 2021, are amended to read as follows:

35 2. Each party shall serve its final offer on each of

1 the impasse items upon the other party within four days of
2 the board's receipt of the request for arbitration, ~~or by a~~
3 ~~deadline otherwise agreed upon by the parties.~~ The parties may
4 continue to negotiate all offers until an agreement is reached
5 or an award is rendered by the arbitrator. The full costs of
6 arbitration under this section shall be shared equally by the
7 parties to the dispute.

8 3. The submission of the impasse items to the arbitrator
9 shall be limited to those items upon which the parties have
10 not reached agreement. With respect to each such item, the
11 arbitrator's award shall be restricted to the final offers on
12 each impasse item submitted by the parties to the arbitrator,
13 ~~except as provided in subsection 10, paragraph "b".~~

14 7. ~~For an arbitration involving a bargaining unit that~~
15 ~~has at least thirty percent of members who are public safety~~
16 ~~employees, the~~ The arbitrator shall consider and specifically
17 ~~address in the arbitrator's determination,~~ in addition to any
18 other relevant factors, the following factors:

19 a. Past collective bargaining contracts between the parties
20 including the bargaining that led up to such contracts.

21 b. Comparison of wages, hours, and conditions of employment
22 of the involved public employees with those of other public
23 employees doing comparable work, giving consideration to
24 factors peculiar to the area and the classifications involved.

25 c. The interests and welfare of the public, the ability of
26 the public employer to finance economic adjustments, and the
27 effect of such adjustments on the normal standard of services.

28 d. The power of the public employer to levy taxes and
29 appropriate funds for the conduct of its operations.

30 9. ~~a.~~ The arbitrator may administer oaths, examine
31 witnesses and documents, take testimony and receive evidence,
32 and issue subpoenas to compel the attendance of witnesses and
33 the production of records. The arbitrator may petition the
34 district court at the seat of government or of the county
35 in which the hearing is held to enforce the order of the

1 arbitrator compelling the attendance of witnesses and the
2 production of records.

3 ~~b. Except as required for purposes of the consideration of
4 the factors specified in subsection 7, paragraphs "a" through
5 "c", and subsection 8, paragraph "a", subparagraphs (1) through
6 (3), the parties shall not introduce, and the arbitrator
7 shall not accept or consider, any direct or indirect evidence
8 regarding any subject excluded from negotiations pursuant to
9 section 20.9.~~

10 10. ~~a.~~ The arbitrator shall select within fifteen
11 days after the hearing the most reasonable offer, in the
12 arbitrator's judgment, of the final offers on each impasse item
13 submitted by the parties.

14 ~~b. (1) However, for an arbitration involving a bargaining
15 unit that does not have at least thirty percent of members who
16 are public safety employees, with respect to any increase in
17 base wages, the arbitrator's award shall not exceed the lesser
18 of the following percentages in any one-year period in the
19 duration of the bargaining agreement:~~

20 ~~(a) Three percent.~~

21 ~~(b) A percentage equal to the increase in the consumer
22 price index for all urban consumers for the midwest region,
23 if any, as determined by the United States department of
24 labor, bureau of labor statistics, or a successor index. Such
25 percentage shall be the change in the consumer price index
26 for the twelve-month period beginning eighteen months prior
27 to the month in which the impasse item regarding base wages
28 was submitted to the arbitrator and ending six months prior to
29 the month in which the impasse item regarding base wages was
30 submitted to the arbitrator.~~

31 ~~(2) To assist the parties in the preparation of their final
32 offers on an impasse item regarding base wages, the board
33 shall provide information to the parties regarding the change
34 in the consumer price index for all urban consumers for the
35 midwest region for any twelve-month period. The department of~~

1 ~~workforce development shall assist the board in preparing such~~
2 ~~information upon request.~~

3 Sec. 13. Section 20.22, subsection 8, Code 2021, is amended
4 by striking the subsection.

5 Sec. 14. Section 20.26, subsection 4, Code 2021, is amended
6 to read as follows:

7 4. Nothing in this section shall be construed to prohibit
8 voluntary contributions by individuals to political parties
9 or candidates, ~~provided that such contributions are not made~~
10 ~~through payroll deductions.~~

11 Sec. 15. Section 20.29, Code 2021, is amended to read as
12 follows:

13 **20.29 Filing agreement — public access — ~~internet site.~~**

14 1. ~~Collective bargaining agreements shall be in writing and~~
15 ~~shall be signed by the parties.~~

16 2. ~~A copy of a collective bargaining agreement entered into~~
17 ~~between a public employer and a certified employee organization~~
18 ~~and made final under this chapter shall be filed with the board~~
19 ~~by the public employer within ten days of the date on which the~~
20 ~~agreement is entered into.~~

21 3. ~~Copies of collective bargaining agreements entered~~
22 ~~into between the state and the state employees' bargaining~~
23 ~~representatives and made final under this chapter shall be~~
24 ~~filed with the secretary of state and be made available to the~~
25 ~~public at cost.~~

26 4. ~~The board shall maintain an internet site that allows~~
27 ~~searchable access to a database of collective bargaining~~
28 ~~agreements and other collective bargaining information.~~

29 Sec. 16. Section 20.30, Code 2021, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **20.30 Supervisory member — no reduction before retirement.**

32 1. A supervisory member of any department or agency
33 employed by the state of Iowa shall not be granted a voluntary
34 reduction to a nonsupervisory rank or grade during the six
35 months preceding retirement of the member. A member of any

1 department or agency employed by the state of Iowa who retires
2 in less than six months after voluntarily requesting and
3 receiving a reduction in rank or grade from a supervisory to a
4 nonsupervisory position shall be ineligible for a benefit to
5 which the member is entitled as a nonsupervisory member but is
6 not entitled as a supervisory member.

7 2. The provisions of this section shall be effective during
8 the collective bargaining agreement in effect from July 1,
9 1979, to June 30, 1981.

10 Sec. 17. Section 20.31, subsection 2, unnumbered paragraph
11 1, Code 2021, is amended to read as follows:

12 A mediator shall not be required to testify in any judicial,
13 administrative, ~~arbitration,~~ or grievance proceeding regarding
14 any matters occurring in the course of a mediation, including
15 any verbal or written communication or behavior, other than
16 facts relating exclusively to the timing or scheduling of
17 mediation. A mediator shall not be required to produce or
18 disclose any documents, including notes, memoranda, or other
19 work product, relating to mediation, other than documents
20 relating exclusively to the timing or scheduling of mediation.
21 This subsection shall not apply in any of the following
22 circumstances:

23 Sec. 18. Section 22.7, subsection 69, Code 2021, is amended
24 to read as follows:

25 69. The evidence of public employee support for
26 the certification, ~~retention and recertification,~~ or
27 decertification of an employee organization as defined in
28 section 20.3 that is submitted to the public employment
29 relations board as provided in section 20.14 or 20.15.

30 Sec. 19. Section 22.7, subsection 70, Code 2021, is amended
31 by striking the subsection.

32 Sec. 20. Section 70A.17A, Code 2021, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 3. This section shall not affect a payroll
35 deduction elected by a state employee pursuant to section

1 70A.19.

2 Sec. 21. Section 70A.19, Code 2021, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **70A.19 Duration of state payroll deduction for dues of**
5 **employee organization member.**

6 A state employee who elects a payroll deduction for
7 membership dues to an employee organization pursuant to the
8 provisions of a collective bargaining agreement negotiated
9 under the provisions of chapter 20 shall maintain the deduction
10 for a period of one year or until the expiration of the
11 collective bargaining agreement, whichever occurs first. A
12 state employee who transfers employment to a position covered
13 by a different collective bargaining agreement or who becomes
14 a management employee is not subject to this requirement.
15 With respect to state employees, this section supersedes the
16 provisions of section 20.9 allowing termination of a dues
17 checkoff at any time but does not supersede the requirement for
18 thirty days' written notice of termination.

19 Sec. 22. Section 412.2, subsection 1, Code 2021, is amended
20 to read as follows:

21 1. From the proceeds of the assessments on the wages
22 and salaries of employees, of any such waterworks system,
23 or other municipally owned and operated public utility,
24 eligible to receive the benefits thereof. Notwithstanding
25 any provisions of section 20.9 to the contrary, a council,
26 board of waterworks, or other board or commission which
27 establishes a pension and annuity retirement system pursuant to
28 this chapter, shall negotiate in good faith with a certified
29 employee organization as defined in section 20.3, which is the
30 collective bargaining representative of the employees, with
31 respect to the amount or rate of the assessment on the wages
32 and salaries of employees and the method or methods for payment
33 of the assessment by the employees.

34 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code
35 2021, is amended to read as follows:

1 *b.* For purposes of chapter 20, the certified representative,
2 which on July 1, 1983, represents employees who become judicial
3 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
4 remain the certified representative when the employees become
5 judicial branch employees and thereafter, unless the public
6 employee organization is ~~not retained and recertified or is~~
7 decertified in an election held under section 20.15 or amended
8 or absorbed into another certified organization pursuant to
9 chapter 20. Collective bargaining negotiations shall be
10 conducted on a statewide basis and the certified employee
11 organizations which engage in bargaining shall negotiate on a
12 statewide basis, although bargaining units shall be organized
13 by judicial district. The public employment relations board
14 shall adopt rules pursuant to chapter 17A to implement this
15 subsection.

16 Sec. 24. REPEAL. Sections 20.32 and 20.33, Code 2021, are
17 repealed.

18 Sec. 25. TRANSITION PROCEDURES — DEADLINE — EMERGENCY
19 RULES.

20 1. As of the effective date of this division of this Act,
21 parties, mediators, and arbitrators engaging in any collective
22 bargaining procedures provided for in chapter 20, Code 2021,
23 who have not, before the effective date of this division
24 of this Act, completed such procedures, shall immediately
25 terminate any such procedures in process. A collective
26 bargaining agreement negotiated pursuant to such procedures in
27 process shall not become effective. Parties, mediators, and
28 arbitrators shall not engage in further collective bargaining
29 procedures except as provided in this section. Such parties
30 shall commence collective bargaining in accordance with section
31 20.17, as amended in this division of this Act. Such parties
32 shall complete such bargaining not later than June 30, 2021,
33 unless the parties mutually agree to a different deadline.

34 2. The public employment relations board shall adopt
35 emergency rules under section 17A.4, subsection 3, and section

1 17A.5, subsection 2, paragraph "b", to provide for procedures
2 as deemed necessary to implement the provisions of this section
3 and the rules shall be effective immediately upon filing
4 unless a later date is specified in the rules. Such rules
5 shall include but are not limited to alternative deadlines for
6 completion of the procedures provided in sections 20.17 and
7 20.22, as amended by this division of this Act, and sections
8 20.19 and 20.20, which deadlines may be waived by mutual
9 agreement of the parties.

10 3. The department of administrative services shall adopt
11 emergency rules under section 17A.4, subsection 3, and
12 section 17A.5, subsection 2, paragraph "b", to provide for the
13 implementation of section 70A.19, as amended by this division
14 of this Act, and the rules shall be effective immediately upon
15 filing unless a later date is specified in the rules.

16 Sec. 26. ELECTIONS — DIRECTIVES TO PUBLIC EMPLOYMENT
17 RELATIONS BOARD.

18 1. The public employment relations board shall cancel any
19 elections scheduled or in process pursuant to section 20.15,
20 subsection 2, Code 2021, as of the effective date of this Act.

21 2. Notwithstanding section 20.15, subsection 1, paragraph
22 "c", Code 2021, the public employment relations board
23 shall consider a petition for certification of an employee
24 organization as the exclusive representative of a bargaining
25 unit for which an employee organization was not retained and
26 recertified as the exclusive representative of that bargaining
27 unit regardless of the amount of time that has elapsed since
28 the retention and recertification election at which an employee
29 organization was not retained or recertified.

30 Sec. 27. EFFECTIVE DATE. This division of this Act, being
31 deemed of immediate importance, takes effect upon enactment.

32 Sec. 28. APPLICABILITY. With the exception of the
33 section of this division of this Act amending section 20.6,
34 subsection 1, this division of this Act does not apply to
35 collective bargaining agreements which have been ratified in a

1 ratification election referred to in section 20.17, subsection
2 4, for which an arbitrator has made a final determination as
3 described in section 20.22, subsection 11, or which have become
4 effective, where such events occurred before the effective
5 date of this division of this Act. This division of this Act
6 applies to all collective bargaining procedures provided for in
7 chapter 20 occurring on and after the effective date of this
8 division of this Act and collective bargaining agreements for
9 which a ratification election referred to in section 20.17,
10 subsection 4, is held, for which an arbitrator makes a final
11 determination as described in section 20.22, subsection 11, or
12 which become effective on or after the effective date of this
13 division of this Act.

14 DIVISION II

15 EDUCATOR EMPLOYMENT MATTERS

16 Sec. 29. Section 279.13, subsections 2 and 5, Code 2021, are
17 amended to read as follows:

18 2. The contract shall remain in force and effect for the
19 period stated in the contract and shall be automatically
20 continued for equivalent periods except as modified or
21 terminated by mutual agreement of the board of directors and
22 the teacher or as ~~modified or~~ terminated in accordance with
23 the provisions specified in this chapter. A contract shall
24 not be offered by the employing board to a teacher under its
25 jurisdiction prior to March 15 of any year. A teacher who has
26 not accepted a contract for the ensuing school year tendered
27 by the employing board may resign effective at the end of the
28 current school year by filing a written resignation with the
29 secretary of the board. The resignation must be filed not
30 later than the last day of the current school year or the date
31 specified by the employing board for return of the contract,
32 whichever date occurs first. However, a teacher shall not be
33 required to return a contract to the board or to resign less
34 than twenty-one days after the contract has been offered.

35 5. Notwithstanding the other provisions of this section, a

1 temporary contract may be issued to a teacher ~~for a period of~~
2 ~~up to six months. Notwithstanding the other provisions of this~~
3 ~~section, a temporary contract may also be issued to a teacher~~
4 to fill a vacancy created by a leave of absence in accordance
5 with the provisions of section 29A.28, which contract shall
6 automatically terminate upon return from military leave of the
7 former incumbent of the teaching position. ~~Temporary contracts~~
8 and which contract shall not be subject to the provisions of
9 sections 279.15 through 279.19, or section 279.27. A separate
10 extracurricular contract issued pursuant to section 279.19A to
11 a person issued a temporary contract under this section shall
12 automatically terminate with the termination of the temporary
13 contract as required under section 279.19A, subsection 8.

14 Sec. 30. Section 279.13, subsection 4, unnumbered paragraph
15 1, Code 2021, is amended to read as follows:

16 For purposes of this section, sections 279.14, 279.15,
17 ~~279.16~~ through 279.17, 279.19, and 279.27, unless the context
18 otherwise requires, "*teacher*" includes the following individuals
19 employed by a community college:

20 Sec. 31. Section 279.14, Code 2021, is amended to read as
21 follows:

22 **279.14 Evaluation criteria and procedures.**

23 1. The board shall establish evaluation criteria and shall
24 implement evaluation procedures. If an exclusive bargaining
25 representative has been certified, the board shall negotiate
26 in good faith with respect to evaluation procedures pursuant
27 to chapter 20.

28 2. The determination of standards of performance expected
29 of school district personnel shall be reserved as an exclusive
30 management right of the school board and shall not be subject
31 to mandatory negotiations under chapter 20. ~~Objections~~
32 Notwithstanding chapter 20, objections to the procedures,
33 use, or content of an evaluation in a teacher termination
34 proceeding brought before the school board in a hearing held in
35 accordance with section 279.16 or 279.27 shall not be subject

1 to ~~any~~ the grievance procedures negotiated in accordance with
2 chapter 20. A school district shall not be obligated to
3 process any evaluation grievance after service of a notice and
4 recommendation to terminate an individual's continuing teaching
5 contract in accordance with this chapter.

6 Sec. 32. Section 279.15, subsection 2, paragraph c, Code
7 2021, is amended to read as follows:

8 c. Within five days of the receipt of the written notice
9 that the superintendent is recommending termination of the
10 contract, the teacher may request, in writing to the secretary
11 of the board, a private hearing with the board. The private
12 hearing shall not be subject to chapter 21 and shall be held
13 no sooner than ~~twenty~~ ten days and no later than ~~forty~~ twenty
14 days following the receipt of the request unless the parties
15 otherwise agree. The secretary of the board shall notify the
16 teacher in writing of the date, time, and location of the
17 private hearing, and at least ~~ten~~ five days before the hearing
18 shall also furnish to the teacher any documentation which
19 may be presented to the board at the private hearing and a
20 list of persons who may address the board in support of the
21 superintendent's recommendation at the private hearing. At
22 least ~~seven~~ three days before the hearing, the teacher shall
23 provide any documentation the teacher expects to present at
24 the private hearing, along with the names of any persons who
25 may address the board on behalf of the teacher. This exchange
26 of information shall be at the time specified unless otherwise
27 agreed.

28 Sec. 33. Section 279.16, Code 2021, is amended by striking
29 the section and inserting in lieu thereof the following:

30 **279.16 Private hearing — decision — record.**

31 1. The participants at the private hearing shall be
32 at least a majority of the members of the board, their
33 legal representatives, if any, the superintendent, the
34 superintendent's designated representatives, if any, the
35 teacher's immediate supervisor, the teacher, the teacher's

1 representatives, if any, and the witnesses for the parties.
2 The evidence at the private hearing shall be limited to the
3 specific reasons stated in the superintendent's notice of
4 recommendation of termination. No participant in the hearing
5 shall be liable for any damages to any person if any statement
6 at the hearing is determined to be erroneous as long as the
7 statement was made in good faith. The superintendent shall
8 present evidence and argument on all issues involved and
9 the teacher may cross-examine, respond and present evidence
10 and argument in the teacher's behalf relevant to all issues
11 involved. Evidence may be by stipulation of the parties and
12 informal settlement may be made by stipulation, consent, or
13 default or by any other method agreed upon by the parties in
14 writing. The board shall employ a certified shorthand reporter
15 to keep a record of the private hearing. The proceedings
16 or any part thereof shall be transcribed at the request of
17 either party with the expense of transcription charged to the
18 requesting party.

19 2. The presiding officer of the board may administer oaths
20 in the same manner and with like effect and under the same
21 penalties as in the case of magistrates exercising criminal
22 or civil jurisdiction. The board shall cause subpoenas to be
23 issued for such witnesses and the production of such books
24 and papers as either the board or the teacher may designate.
25 The subpoenas shall be signed by the presiding officer of the
26 board.

27 3. In case a witness is duly subpoenaed and refuses to
28 attend, or in case a witness appears and refuses to testify
29 or to produce required books or papers, the board shall,
30 in writing, report such refusal to the district court of
31 the county in which the administrative office of the school
32 district is located, and the court shall proceed with the
33 person or witness as though the refusal had occurred in a
34 proceeding legally pending before the court.

35 4. The board shall not be bound by common law or statutory

1 rules of evidence or by technical or formal rules of procedure,
2 but it shall hold the hearing in such manner as is best suited
3 to ascertain and conserve the substantial rights of the
4 parties. Process and procedure under sections 279.13 through
5 279.19 shall be as summary as reasonably may be.

6 5. At the conclusion of the private hearing, the
7 superintendent and the teacher may file written briefs and
8 arguments with the board within three days or such other time
9 as may be agreed upon.

10 6. If the teacher fails to timely request a private hearing
11 or does not appear at the private hearing, the board may
12 proceed and make a determination upon the superintendent's
13 recommendation. If the teacher fails to timely file a request
14 for a private hearing, the determination shall be not later
15 than May 31. If the teacher fails to appear at the private
16 hearing, the determination shall be not later than five days
17 after the scheduled date for the private hearing. The board
18 shall convene in open session and by roll call vote determine
19 the termination or continuance of the teacher's contract
20 and, if the board votes to continue the teacher's contract,
21 whether to suspend the teacher with or without pay for a period
22 specified by the board.

23 7. Within five days after the private hearing, the board
24 shall, in executive session, meet to make a final decision
25 upon the recommendation and the evidence as herein provided.
26 The board shall also consider any written brief and arguments
27 submitted by the superintendent and the teacher.

28 8. The record for a private hearing shall include:

29 a. All pleadings, motions and intermediate rulings.

30 b. All evidence received or considered and all other
31 submissions.

32 c. A statement of all matters officially noticed.

33 d. All questions and offers of proof, objections and rulings
34 thereon.

35 e. All findings and exceptions.

1 *f.* Any decision, opinion, or conclusion by the board.

2 *g.* Findings of fact shall be based solely on the evidence in
3 the record and on matters officially noticed in the record.

4 9. The decision of the board shall be in writing and shall
5 include findings of fact and conclusions of law, separately
6 stated. Findings of fact, if set forth in statutory language,
7 shall be accompanied by a concise and explicit statement of
8 the underlying facts supporting the findings. Each conclusion
9 of law shall be supported by cited authority or by reasoned
10 opinion.

11 10. When the board has reached a decision, opinion, or
12 conclusion, it shall convene in open meeting and by roll
13 call vote determine the continuance or discontinuance of the
14 teacher's contract and, if the board votes to continue the
15 teacher's contract, whether to suspend the teacher with or
16 without pay for a period specified by the board. The record
17 of the private conference and findings of fact and exceptions
18 shall be exempt from the provisions of chapter 22. The
19 secretary of the board shall immediately mail notice of the
20 board's action to the teacher.

21 Sec. 34. NEW SECTION. 279.17 **Appeal by teacher to**
22 **adjudicator.**

23 1. If the teacher is no longer a probationary teacher, the
24 teacher may, within ten days, appeal the determination of the
25 board to an adjudicator by filing a notice of appeal with the
26 secretary of the board. The notice of appeal shall contain a
27 concise statement of the action which is the subject of the
28 appeal, the particular board action appealed from, the grounds
29 on which relief is sought and the relief sought.

30 2. Within five days following receipt by the secretary
31 of the notice of appeal, the board or the board's legal
32 representative, if any, and the teacher or the teacher's
33 representative, if any, may select an adjudicator who resides
34 within the boundaries of the merged area in which the school
35 district is located. If an adjudicator cannot be mutually

1 agreed upon within the five-day period, the secretary shall
2 notify the chairperson of the public employment relations board
3 by transmitting the notice of appeal, and the chairperson of
4 the public employment relations board shall within five days
5 provide a list of five adjudicators to the parties. Within
6 three days from receipt of the list of adjudicators, the
7 parties shall select an adjudicator by alternately removing a
8 name from the list until only one name remains. The person
9 whose name remains shall be the adjudicator. The parties shall
10 determine by lot which party shall remove the first name from
11 the list submitted by the chairperson of the public employment
12 relations board. The secretary of the board shall inform the
13 chairperson of the public employment relations board of the
14 name of the adjudicator selected.

15 3. If the teacher does not timely request an appeal to an
16 adjudicator, the decision, opinion, or conclusion of the board
17 shall become final and binding.

18 4. *a.* Within thirty days after filing the notice of appeal,
19 or within further time allowed by the adjudicator, the board
20 shall transmit to the adjudicator the original or a certified
21 copy of the entire record of the private hearing which may be
22 the subject of the petition. By stipulation of the parties
23 to review the proceedings, the record of the case may be
24 shortened. The adjudicator may require or permit subsequent
25 corrections or additions to the shortened record.

26 *b.* The record certified and filed by the board shall be the
27 record upon which the appeal shall be heard and no additional
28 evidence shall be heard by the adjudicator. In such appeal to
29 the adjudicator, especially when considering the credibility
30 of witnesses, the adjudicator shall give weight to the fact
31 findings of the board but shall not be bound by them.

32 5. Before the date set for hearing a petition for review
33 of board action, which shall be within ten days after
34 receipt of the record unless otherwise agreed or unless the
35 adjudicator orders additional evidence be taken before the

1 board, application may be made to the adjudicator for leave to
2 present evidence in addition to that found in the record of the
3 case. If it is shown to the adjudicator that the additional
4 evidence is material and that there were good reasons for
5 failure to present it in the private hearing before the board,
6 the adjudicator may order that the additional evidence be taken
7 before the board upon conditions determined by the adjudicator.
8 The board may modify its findings and decision in the case by
9 reason of the additional evidence and shall file that evidence
10 and any modifications, new findings, or decisions, with the
11 adjudicator and mail copies of the new findings or decisions
12 to the teacher.

13 6. The adjudicator may affirm board action or remand to the
14 board for further proceedings. The adjudicator shall reverse,
15 modify, or grant any appropriate relief from the board action
16 if substantial rights of the teacher have been prejudiced
17 because the board action is any of the following:

18 a. In violation of a board rule or policy or contract.

19 b. Unsupported by a preponderance of the competent evidence
20 in the record made before the board when that record is viewed
21 as a whole.

22 c. Unreasonable, arbitrary or capricious or characterized
23 by an abuse of discretion or a clearly unwarranted exercise of
24 discretion.

25 7. The adjudicator shall, within fifteen days after the
26 hearing, make a decision and shall give a copy of the decision
27 to the teacher and the secretary of the board. The decision
28 of the adjudicator shall become the final and binding decision
29 of the board unless either party within ten days notifies the
30 secretary of the board that the decision is rejected. The
31 board may reject the decision by majority roll call vote, in
32 open meeting, entered into the minutes of the meeting. The
33 board shall immediately notify the teacher of its decision
34 by certified mail. The teacher may reject the adjudicator's
35 decision by notifying the board's secretary in writing within

1 ten days of the filing of such decision.

2 8. All costs of the adjudicator shall be shared equally by
3 the teacher and the board.

4 Sec. 35. Section 279.18, Code 2021, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **279.18 Appeal by either party to court.**

7 1. If either party rejects the adjudicator's decision,
8 the rejecting party shall, within thirty days of the initial
9 filing of such decision, appeal to the district court of
10 the county in which the administrative office of the school
11 district is located. The notice of appeal shall be immediately
12 mailed by certified mail to the other party. The adjudicator
13 shall transmit to the reviewing court the original or a
14 certified copy of the entire record which may be the subject
15 of the petition. By stipulation of all parties to the review
16 proceedings, the record of such a case may be shortened. A
17 party unreasonably refusing to stipulate to limit the record
18 may be taxed by the court for the additional cost. The court
19 may require or permit subsequent corrections or additions to
20 the shortened record.

21 2. In proceedings for judicial review of the adjudicator's
22 decision, the court shall not hear any further evidence
23 but shall hear the case upon the certified record. In such
24 judicial review, especially when considering the credibility of
25 witnesses, the court shall give weight to the fact findings of
26 the board but shall not be bound by them. The court may affirm
27 the adjudicator's decision or remand to the adjudicator or the
28 board for further proceedings upon conditions determined by the
29 court. The court shall reverse, modify, or grant any other
30 appropriate relief from the board decision or the adjudicator's
31 decision equitable or legal and including declaratory relief
32 if substantial rights of the petitioner have been prejudiced
33 because the action is any of the following:

34 a. In violation of constitutional or statutory provisions.

35 b. In excess of the statutory authority of the board or the

1 adjudicator.

2 *c.* In violation of a board rule or policy or contract.

3 *d.* Made upon unlawful procedure.

4 *e.* Affected by other error of law.

5 *f.* Unsupported by a preponderance of the competent evidence
6 in the record made before the board and the adjudicator when
7 that record is viewed as a whole.

8 *g.* Unreasonable, arbitrary or capricious or characterized
9 by an abuse of discretion or a clearly unwarranted exercise of
10 discretion.

11 3. An aggrieved or adversely affected party to the judicial
12 review proceeding may obtain a review of any final judgment of
13 the district court by appeal to the supreme court. The appeal
14 shall be taken as in other civil cases, although the appeal may
15 be taken regardless of the amount involved.

16 4. For purposes of this section, unless the context
17 otherwise requires, "*rejecting party*" shall include but not be
18 limited to an instructor employed by a community college.

19 Sec. 36. Section 279.19, Code 2021, is amended by striking
20 the section and inserting in lieu thereof the following:

21 **279.19 Probationary period.**

22 1. The first three consecutive years of employment of
23 a teacher in the same school district are a probationary
24 period. However, if the teacher has successfully completed a
25 probationary period of employment for another school district
26 located in Iowa, the probationary period in the current
27 district of employment shall not exceed one year. A board of
28 directors may waive the probationary period for any teacher who
29 previously has served a probationary period in another school
30 district and the board may extend the probationary period for
31 an additional year with the consent of the teacher.

32 2. *a.* In the case of the termination of a probationary
33 teacher's contract, the provisions of sections 279.15 and
34 279.16 shall apply. However, if the probationary teacher is a
35 beginning teacher who fails to demonstrate competence in the

1 Iowa teaching standards in accordance with chapter 284, the
2 provisions of sections 279.17 and 279.18 shall also apply.

3 *b.* The board's decision shall be final and binding unless
4 the termination was based upon an alleged violation of a
5 constitutionally guaranteed right of the teacher or an alleged
6 violation of public employee rights of the teacher under
7 section 20.10.

8 3. Notwithstanding any provision to the contrary, the
9 grievance procedures of section 20.18 relating to job
10 performance or job retention shall not apply to a teacher
11 during the first two years of the teacher's probationary
12 period. However, this subsection shall not apply to a teacher
13 who has successfully completed a probationary period in a
14 school district in Iowa.

15 Sec. 37. Section 279.19A, subsections 1, 2, 7, and 8, Code
16 2021, are amended to read as follows:

17 1. School districts employing individuals to coach
18 interscholastic athletic sports shall issue a separate
19 extracurricular contract for each of these sports. An
20 extracurricular contract offered under this section shall be
21 separate from the contract issued under section 279.13. Wages
22 for employees who coach these sports shall be paid pursuant
23 to established or negotiated supplemental pay schedules.

24 An extracurricular contract shall be in writing, and shall
25 state the number of contract days for that sport, the annual
26 compensation to be paid, and any other matters as may be
27 mutually agreed upon. The contract shall be for a single
28 school year.

29 2. *a.* An extracurricular contract shall be continued
30 automatically in force and effect for equivalent periods,
31 except as modified or terminated by mutual agreement of
32 the board of directors and the employee, or terminated in
33 accordance with this section. An extracurricular contract
34 shall initially be offered by the employing board to an
35 individual on the same date that contracts are offered to

1 teachers under section 279.13. An extracurricular contract
2 may be terminated at the end of a school year pursuant to
3 sections 279.15 through 279.19. If the school district offers
4 an extracurricular contract for a sport for the subsequent
5 school year to an employee who is currently performing
6 under an extracurricular contract for that sport, and the
7 employee does not wish to accept the extracurricular contract
8 for the subsequent year, the employee may resign from the
9 extracurricular contract within twenty-one days after it has
10 been received.

11 ~~b. If the provisions of an extracurricular contract executed~~
12 ~~under this section conflict with a collective bargaining~~
13 ~~agreement negotiated under chapter 20 and effective when the~~
14 ~~extracurricular contract is executed or renewed, the provisions~~
15 ~~of the collective bargaining agreement shall prevail~~ Section
16 279.13, subsection 3, applies to this section.

17 7. An extracurricular contract may be terminated prior to
18 the expiration of that contract ~~for any lawful reason following~~
19 ~~an informal, private hearing before the board of directors~~
20 pursuant to section 279.27. ~~The decision of the board to~~
21 ~~terminate an extracurricular contract shall be final.~~

22 8. a. A termination proceeding regarding an extracurricular
23 contract ~~shall~~ either by the board pursuant to subsection 2 or
24 pursuant to section 279.27 does not affect a contract issued
25 pursuant to section 279.13.

26 b. A termination of a contract entered into pursuant to
27 section 279.13, or a resignation from that contract by the
28 teacher, constitutes an automatic termination or resignation of
29 the extracurricular contract in effect between the same teacher
30 and the employing school board.

31 Sec. 38. Section 279.23, subsection 1, paragraph c, Code
32 2021, is amended to read as follows:

33 c. ~~The rate of compensation per week of five consecutive~~
34 days or month of four consecutive weeks.

35 Sec. 39. Section 279.23, subsection 5, Code 2021, is amended

1 to read as follows:

2 5. Notwithstanding the other provisions of this section,
3 a temporary contract may be issued to an administrator ~~for~~
4 ~~up to nine months. Notwithstanding the other provisions of~~
5 ~~this section, a temporary contract may also be issued to~~
6 ~~an administrator~~ to fill a vacancy created by a leave of
7 absence in accordance with the provisions of section 29A.28,
8 which contract shall automatically terminate upon return from
9 military leave of the former incumbent of the administrator
10 position. ~~Temporary contracts~~ and which contract shall not be
11 subject to the provisions of sections 279.24 and 279.25.

12 Sec. 40. Section 279.24, subsections 2 and 4, Code 2021, are
13 amended to read as follows:

14 2. If the board of directors is considering termination of
15 an administrator's contract, prior to any formal action, the
16 board may arrange to meet in closed session, in accordance with
17 the provisions of section 21.5, with the administrator and the
18 administrator's representative. The board shall review the
19 administrator's evaluation, review the reasons for nonrenewal,
20 and give the administrator an opportunity to respond. If,
21 following the closed session, the board of directors and the
22 administrator are unable to mutually agree to a modification
23 or termination of the administrator's contract, or the board
24 of directors ~~may issue~~ and the administrator are unable to
25 mutually agree to enter into a one-year, nonrenewable contract,
26 ~~to the administrator. If the board of directors decides to~~
27 ~~terminate the administrator's contract, the board shall follow~~
28 the procedures in this section.

29 4. Administrators employed in a school district for
30 less than ~~three~~ two consecutive years are probationary
31 administrators. However, a school board may waive the
32 probationary period for any administrator who has previously
33 served a probationary period in another school district and
34 the school board may extend the probationary period for an
35 additional year with the consent of the administrator. If a

1 school board determines that it should terminate a probationary
2 administrator's contract, the school board shall notify the
3 administrator not later than May 15 that the contract will not
4 be renewed beyond the current year. The notice shall be in
5 writing by letter, personally delivered, or mailed by certified
6 mail. The notification shall be complete when received by the
7 administrator. Within ten days after receiving the notice, the
8 administrator may request a private conference with the school
9 board to discuss the reasons for termination. The school
10 board's decision to terminate a probationary administrator's
11 contract shall be final unless the termination was based upon
12 an alleged violation of a constitutionally guaranteed right of
13 the administrator.

14 Sec. 41. Section 279.24, subsection 5, paragraphs c, d, e,
15 f, g, and h, Code 2021, are amended to read as follows:

16 c. Within five days after receipt of the written notice
17 that the school board has voted to consider termination of
18 the contract, the administrator may request ~~a private hearing~~
19 in writing to the secretary of the school board. ~~The board~~
20 ~~shall then forward~~ that the notification be forwarded to the
21 board of educational examiners along with a request that the
22 board of educational examiners submit a list of five qualified
23 administrative law judges to the parties. Within three
24 days from receipt of the list the parties shall select an
25 administrative law judge by alternately removing a name from
26 the list until only one name remains. The person whose name
27 remains shall be the administrative law judge. The parties
28 shall determine by lot which party shall remove the first
29 name from the list. The ~~private~~ hearing shall be held no
30 sooner than ~~twenty~~ ten days and not later than ~~forty~~ thirty
31 days following the administrator's request unless the parties
32 otherwise agree. If the administrator does not request a
33 ~~private~~ hearing, the school board, not later than May 31, may
34 determine the continuance or discontinuance of the contract
35 and, if the board determines to continue the administrator's

1 contract, whether to suspend the administrator with or without
2 pay for a period specified by the board. School board action
3 shall be by majority roll call vote entered on the minutes of
4 the meeting. Notice of school board action shall be personally
5 delivered or mailed to the administrator.

6 *d.* The administrative law judge selected shall notify
7 the secretary of the school board and the administrator in
8 writing concerning the date, time, and location of the ~~private~~
9 hearing. The school board may be represented by a legal
10 representative, if any, and the administrator shall appear and
11 may be represented by counsel or by representative, if any.
12 ~~Any witnesses for the parties at the private hearing shall be~~
13 ~~sequestered.~~ A transcript or recording shall be made of the
14 proceedings at the ~~private~~ hearing. A school board member or
15 administrator is not liable for any damage to an administrator
16 or school board member if a statement made at the ~~private~~
17 hearing is determined to be erroneous as long as the statement
18 was made in good faith.

19 *e.* The administrative law judge shall, within ten days
20 following the date of the ~~private~~ hearing, make a proposed
21 decision as to whether or not the administrator should be
22 dismissed, and shall give a copy of the proposed decision to
23 the administrator and the school board. Findings of fact shall
24 be prepared by the administrative law judge. The proposed
25 decision of the administrative law judge shall become the final
26 decision of the school board unless within ~~thirty~~ ten days
27 after the filing of the decision the administrator files a
28 written notice of appeal with the school board, or the school
29 board on its own motion determines to review the decision.

30 *f.* If the administrator appeals to the school board, or if
31 the school board determines on its own motion to review the
32 proposed decision of the administrative law judge, a private
33 hearing shall be held before the school board within ~~ten~~ five
34 days after the petition for review, or motion for review, has
35 been made or at such other time as the parties agree. The

1 private hearing is not subject to chapter 21. The school board
2 may hear the case de novo upon the record as submitted before
3 the administrative law judge. In cases where there is an
4 appeal from a proposed decision or where a proposed decision
5 is reviewed on motion of the school board, an opportunity
6 shall be afforded to each party to file exceptions, present
7 briefs, and present oral arguments to the school board which
8 is to render the final decision. The secretary of the school
9 board shall give the administrator written notice of the time,
10 place, and date of the ~~private~~ hearing. The school board shall
11 meet within five days after the ~~private~~ hearing to determine
12 the question of continuance or discontinuance of the contract
13 and, if the board determines to continue the administrator's
14 contract, whether to suspend the administrator with or
15 without pay for a period specified by the board ~~or issue the~~
16 ~~administrator a one-year, nonrenewable contract.~~ The school
17 board shall make findings of fact which shall be based solely
18 on the evidence in the record and on matters officially noticed
19 in the record.

20 *g.* The decision of the school board shall be in writing
21 and shall include finding of fact and conclusions of law,
22 separately stated. Findings of fact, if set forth in statutory
23 language, shall be accompanied by a concise and explicit
24 statement of the underlying facts supporting the findings.
25 Each conclusion of law shall be supported by cited authority
26 or by reasoned opinion.

27 *h.* When the school board has reached a decision, opinion,
28 or conclusion, it shall convene in open meeting and by roll
29 call vote determine the continuance or discontinuance of
30 the administrator's contract and, if the board votes to
31 continue the administrator's contract, whether to suspend the
32 administrator with or without pay for a period specified by
33 the board ~~or issue the administrator a one-year, nonrenewable~~
34 ~~contract.~~ The record of the private hearing conference and
35 ~~written decision of the board~~ findings of fact and exceptions

1 shall be exempt from the provisions of chapter 22. The
2 secretary of the school board shall immediately personally
3 deliver or mail notice of the school board's action to the
4 administrator.

5 Sec. 42. Section 279.27, Code 2021, is amended to read as
6 follows:

7 **279.27 Discharge of teacher.**

8 ~~1.~~ A teacher may be discharged at any time during the
9 contract year for just cause. The superintendent or the
10 superintendent's designee, shall notify the teacher immediately
11 that the superintendent will recommend in writing to the board
12 at a regular or special meeting of the board held not more
13 than fifteen days after notification has been given to the
14 teacher that the teacher's continuing contract be terminated
15 effective immediately following a decision of the board.
16 The procedure for dismissal shall be as provided in section
17 279.15, subsection 2, and sections 279.16 through 279.19. The
18 superintendent may suspend a teacher under this section pending
19 hearing and determination by the board.

20 ~~2. For purposes of this section, "just cause" includes~~
21 ~~but is not limited to a violation of the code of professional~~
22 ~~conduct and ethics of the board of educational examiners if~~
23 ~~the board has taken disciplinary action against a teacher,~~
24 ~~during the six months following issuance by the board of a~~
25 ~~final written decision and finding of fact after a disciplinary~~
26 ~~proceeding.~~

27 Sec. 43. Section 284.3, subsection 2, Code 2021, is amended
28 to read as follows:

29 2. A school board shall provide for the following:

30 a. For purposes of comprehensive evaluations, standards
31 and criteria which measure a beginning teacher's performance
32 against the Iowa teaching standards specified in subsection 1,
33 and the criteria for the Iowa teaching standards developed by
34 the department in accordance with section 256.9, to determine
35 whether the teacher's practice meets the requirements specified

1 for a career teacher. These standards and criteria shall be
2 set forth in an instrument provided by the department. The
3 comprehensive evaluation and instrument are not subject to
4 negotiations or grievance procedures pursuant to chapter 20 or
5 determinations made by the board of directors under section
6 279.14. A local school board and its certified bargaining
7 representative may negotiate, pursuant to chapter 20,
8 evaluation and grievance procedures for beginning teachers that
9 are not in conflict with this chapter. If, in accordance with
10 section 279.19, a beginning teacher appeals the determination
11 of a school board to an adjudicator under section 279.17, the
12 adjudicator selected shall have successfully completed training
13 related to the Iowa teacher standards, the criteria adopted
14 by the state board in accordance with subsection 3, and any
15 additional training required under rules adopted by the public
16 employment relations board in cooperation with the state board.

17 *b.* For purposes of performance reviews for teachers other
18 than beginning teachers, evaluations that contain, at a
19 minimum, the Iowa teaching standards specified in subsection
20 1, as well as the criteria for the Iowa teaching standards
21 developed by the department in accordance with section
22 256.9, subsection 42. A local school board and its certified
23 bargaining representative may negotiate, pursuant to chapter
24 20, additional teaching standards and criteria. A local
25 school board and its certified bargaining representative shall
26 negotiate, pursuant to chapter 20, evaluation and grievance
27 procedures for teachers other than beginning teachers that are
28 not in conflict with this chapter.

29 Sec. 44. Section 284.4, subsection 1, paragraph b,
30 subparagraphs (2) and (5), Code 2021, are amended to read as
31 follows:

32 (2) Monitor the evaluation requirements of this chapter
33 to ensure evaluations are conducted in a fair and consistent
34 manner throughout the school district or agency. ~~The committee~~
35 ~~shall~~ In addition to any negotiated evaluation procedures,

1 develop model evidence for the Iowa teaching standards and
2 criteria. The model evidence will minimize paperwork and focus
3 on teacher improvement. The model evidence will determine
4 which standards and criteria can be met with observation and
5 which evidence meets multiple standards and criteria.

6 (5) ~~Determine~~ Ensure the agreement negotiated pursuant to
7 chapter 20 determines the compensation for teachers on the
8 committee for work responsibilities required beyond the normal
9 work day.

10 Sec. 45. Section 284.8, subsections 2 and 3, Code 2021, are
11 amended to read as follows:

12 2. If a supervisor or an evaluator determines, at any time,
13 as a result of a teacher's performance that the teacher is not
14 meeting district expectations under the Iowa teaching standards
15 specified in section 284.3, subsection 1, paragraphs "a"
16 through "h", ~~and~~ the criteria for the Iowa teaching standards
17 developed by the department in accordance with section 256.9,
18 subsection 42, and any other standards or criteria established
19 in the collective bargaining agreement, the evaluator shall,
20 at the direction of the teacher's supervisor, recommend to
21 the district that the teacher participate in an intensive
22 assistance program. The intensive assistance program and its
23 implementation are ~~not~~ subject to negotiation and grievance
24 procedures established pursuant to chapter 20. All school
25 districts shall be prepared to offer an intensive assistance
26 program.

27 3. A teacher who is not meeting the applicable standards and
28 criteria based on a determination made pursuant to subsection 2
29 shall participate in an intensive assistance program. ~~However,~~
30 ~~a teacher who has previously participated in an intensive~~
31 ~~assistance program relating to particular Iowa teaching~~
32 ~~standards or criteria shall not be entitled to participate~~
33 ~~in another intensive assistance program relating to the same~~
34 ~~standards or criteria and shall be subject to the provisions of~~
35 ~~subsection 4.~~

1 this chapter shall not be removed, demoted, or suspended
2 arbitrarily, except as otherwise provided in this chapter, but
3 may be removed, demoted, or suspended after a hearing by a
4 majority vote of the civil service commission, for neglect of
5 duty, disobedience, misconduct, or failure to properly perform
6 the person's duties.

7 2. The party alleging neglect of duty, disobedience,
8 misconduct, or failure to properly perform a duty shall have
9 the burden of proof.

10 3. A person subject to a hearing has the right to be
11 represented by counsel at the person's expense or by the
12 person's authorized collective bargaining representative.

13 Sec. 57. Section 400.19, Code 2021, is amended to read as
14 follows:

15 **400.19 ~~Removal, or discharge, demotion, or suspension of~~**
16 **subordinates.**

17 The person having the appointing power as provided in
18 this chapter, or the chief of police or chief of the fire
19 department, ~~may, upon presentation of grounds for such action~~
20 ~~to the subordinate in writing, peremptorily remove, discharge,~~
21 ~~demote, or suspend, demote, or discharge~~ a subordinate then
22 under the person's or chief's direction ~~due to any act or~~
23 ~~failure to act by the employee that is in contravention of law,~~
24 ~~city policies, or standard operating procedures, or that in~~
25 ~~the judgment of the person or chief is sufficient to show that~~
26 ~~the employee is unsuitable or unfit for employment~~ for neglect
27 of duty, disobedience of orders, misconduct, or failure to
28 properly perform the subordinate's duties.

29 Sec. 58. Section 400.20, Code 2021, is amended to read as
30 follows:

31 **400.20 Appeal.**

32 The ~~removal, discharge~~ suspension, demotion, or suspension
33 discharge of a person holding civil service rights may be
34 appealed to the civil service commission within fourteen
35 calendar days after the ~~removal, discharge~~ suspension,

1 demotion, or ~~suspension~~ discharge.

2 Sec. 59. Section 400.21, Code 2021, is amended to read as
3 follows:

4 **400.21 Notice of appeal.**

5 If the appeal be taken by the person ~~removed, discharged~~
6 suspended, demoted, or ~~suspended~~ discharged, notice of the
7 appeal, signed by the appellant and specifying the ruling
8 appealed from, shall be filed with the clerk of the commission.
9 If the appeal is taken by the person making such ~~removal,~~
10 ~~discharge~~ suspension, demotion, or ~~suspension~~ discharge, such
11 notice shall also be served upon the person ~~removed, discharged~~
12 suspended, demoted, or ~~suspended~~ discharged.

13 Sec. 60. Section 400.22, Code 2021, is amended to read as
14 follows:

15 **400.22 Charges.**

16 Within fourteen calendar days from the service of the notice
17 of appeal, the person or body making the ruling appealed
18 from shall file with the body to which the appeal is taken a
19 written specification of the charges and grounds upon which the
20 ruling was based. If the charges are not filed, the person
21 ~~removed, suspended or discharged, demoted, or suspended~~ may
22 present the matter to the body to whom the appeal is to be
23 taken by affidavit, setting forth the facts, and the body to
24 whom the appeal is to be taken shall immediately enter an
25 order reinstating the person ~~removed, suspended or discharged,~~
26 ~~demoted, or suspended~~ for want of prosecution.

27 Sec. 61. Section 400.27, subsection 3, Code 2021, is amended
28 to read as follows:

29 3. The city or any civil service employee shall have a
30 right to appeal to the district court from the final ruling or
31 decision of the civil service commission. The appeal shall be
32 taken within thirty days from the filing of the formal decision
33 of the commission. The district court of the county in which
34 the city is located shall have full jurisdiction of the appeal.
35 ~~The scope of review for the appeal shall be limited to de novo~~

1 ~~appellate review without a trial or additional evidence~~ The
2 appeal shall be a trial de novo as an equitable action in the
3 district court.

4 Sec. 62. Section 400.28, Code 2021, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **400.28 Employees — number diminished.**

7 1. When the public interest requires a diminution of
8 employees in a classification or grade under civil service,
9 the city council, acting in good faith, may do either of the
10 following:

11 a. Abolish the office and remove the employee from the
12 employee's classification or grade thereunder.

13 b. Reduce the number of employees in any classification or
14 grade by suspending the necessary number.

15 2. In case it thus becomes necessary to so remove or suspend
16 any such employees, the persons so removed or suspended shall
17 be those having seniority of the shortest duration in the
18 classifications or grades affected, and such seniority shall be
19 computed as provided in section 400.12 for all persons holding
20 seniority in the classification or grade affected, regardless
21 of their seniority in any other classification or grade, but
22 any such employee so removed from any classification or grade
23 shall revert to the employee's seniority in the next lower
24 grade or classification; if such seniority is equal, then the
25 one less efficient and competent as determined by the person or
26 body having the appointing power shall be the one affected.

27 3. In case of removal or suspension, the civil service
28 commission shall issue to each person affected one certificate
29 showing the person's comparative seniority or length of service
30 in each of the classifications or grades from which the person
31 is so removed and the fact that the person has been honorably
32 removed. The certificate shall also list each classification
33 or grade in which the person was previously employed. The
34 person's name shall be carried for a period of not less than
35 three years after the suspension or removal on a preferred list

1 and appointments or promotions made during that period to the
2 person's former duties in the classification or grade shall
3 be made in the order of greater seniority from the preferred
4 lists.

5 Sec. 63. SENIORITY RIGHTS REESTABLISHED. The seniority
6 rights of any civil service employee extinguished pursuant
7 to section 400.12, subsection 4, Code 2021, are hereby
8 reestablished, including accrual of seniority during the period
9 of extinguishment.

10 Sec. 64. EFFECTIVE DATE. This division of this Act, being
11 deemed of immediate importance, takes effect upon enactment.

12 Sec. 65. APPLICABILITY. This division of this Act applies
13 to employment actions taken on or after the effective date of
14 this division of this Act.

15 DIVISION V

16 HEALTH INSURANCE MATTERS

17 Sec. 66. REPEAL. Section 70A.41, Code 2021, is repealed.

18 Sec. 67. EFFECTIVE DATE. This division of this Act, being
19 deemed of immediate importance, takes effect upon enactment.>

20 2. Title page, by striking lines 1 through 5 and inserting
21 <An Act concerning employment matters involving public
22 employees including collective bargaining, educator employment
23 matters, personnel records and settlement agreements, city
24 civil service requirements, and health insurance matters,
25 and including effective date, applicability, and transition
26 provisions.>

By HUNTER of Polk

H-1351 FILED APRIL 6, 2021

HOUSE FILE 794

H-1349

1 Amend House File 794 as follows:

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

4 <Section 1. Section 155A.46, Code 2021, is amended to read
5 as follows:

6 **155A.46 Statewide Administration of drugs — statewide**
7 **protocols.**

8 1. ~~a.~~ A pharmacist may, pursuant to statewide protocols
9 developed by the board in consultation with the department of
10 public health and consistent with subsection 2 3, order and
11 administer the following to patients ages eighteen years and
12 older:

13 ~~(1)~~ a. Naloxone.

14 ~~(2)~~ b. ~~Nicotine replacement tobacco~~ Tobacco cessation
15 products.

16 c. Point-of-care testing and treatment for influenza,
17 streptococcus A, and COVID-19 as defined in section 686D.2 at
18 the point of interaction between a pharmacist and a patient.

19 d. Point-of-care testing at the point of interaction between
20 a pharmacist and a patient in response to a public health
21 emergency.

22 2. a. A pharmacist may prescribe and administer the
23 following to patients ages three years and older:

24 ~~(3)~~ (1) An immunization or vaccination recommended by
25 the United States centers for disease control and prevention
26 advisory committee on immunization practices in its approved
27 vaccination schedule ~~for adults.~~

28 ~~(4)~~ (2) An immunization or vaccination recommended by the
29 United States centers for disease control and prevention for
30 international travel.

31 ~~(5)~~ A Tdap (tetanus, diphtheria, acellular pertussis)
32 vaccination in a booster application.

33 (3) Vaccines currently licensed for use in the United
34 States on the list issued by the United States food and drug
35 administration, including those related to COVID-19.

1 ~~(6)~~ (4) Other emergency immunizations or vaccinations in
2 response to a public health emergency.

3 ~~b.~~ A pharmacist may, ~~pursuant to statewide protocols~~
4 ~~developed by the board in consultation with the department of~~
5 ~~public health and consistent with subsection 2, order~~ prescribe
6 and administer the following to patients ages six months and
7 older:

8 (1) ~~A vaccine or~~ An immunization or vaccination for
9 influenza.

10 (2) Other emergency immunizations or ~~vaccines~~ vaccinations
11 in response to a public health emergency.

12 ~~c.~~ A pharmacist may, ~~pursuant to statewide protocols~~
13 ~~developed by the board in consultation with the department~~
14 ~~of public health and consistent with subsection 2, order and~~
15 ~~administer the final two doses in a course of vaccinations for~~
16 ~~HPV to patients ages eleven years and older.~~

17 ~~d.~~ c. Prior to the ~~ordering~~ prescribing and administration
18 of ~~a vaccination or~~ an immunization or vaccination authorized
19 by this subsection, ~~pursuant to statewide protocols,~~ a licensed
20 pharmacist shall consult and review the statewide immunization
21 registry or health information network. The board shall
22 adopt rules requiring the reporting of the administration of
23 ~~vaccines and immunizations~~ and vaccinations authorized by this
24 subsection to a patient's primary health care provider, primary
25 physician, and a statewide immunization registry or health
26 information network.

27 ~~2-~~ 3. A pharmacist prescribing, ordering, or administering
28 a prescription drug, product, test, or treatment pursuant to
29 subsection 1 or 2 shall do all of the following:

30 ~~a.~~ Maintain a record of all prescription drugs, products,
31 tests, and treatments administered pursuant to this section.

32 ~~b.~~ Notify the patient's primary health care provider
33 of any prescription drugs, products, tests, or treatments
34 administered to the patient, or enter such information in a
35 patient record system also used by the primary health care

1 provider, as permitted by the primary health care provider. If
2 the patient does not have a primary health care provider, the
3 pharmacist shall provide the patient with a written record of
4 the prescription drugs, products, tests, or treatment provided
5 to the patient and shall advise the patient to consult a
6 physician.

7 c. Complete continuing pharmacy education related to
8 statewide protocols and immunizations and vaccinations
9 recognized and approved by the board.

10 Sec. 2. NEW SECTION. 155A.47 Collaborative pharmacy
11 practice — agreements — payment.

12 1. For the purposes of this section:

13 a. "*Collaborative pharmacy practice*" means a practice of
14 pharmacy whereby a pharmacist provides patient care and drug
15 therapy management services not otherwise permitted to be
16 performed by a pharmacist to patients under a collaborative
17 pharmacy practice agreement with another pharmacist or
18 practitioner which defines the nature, scope, conditions, and
19 limitations of the patient care and drug therapy management
20 services to be provided by a pharmacist in order to ensure that
21 a patient achieves the desired outcomes.

22 b. "*Health benefit plan*" means the same as defined in
23 section 514J.102.

24 c. "*Health carrier*" means the same as defined in section
25 514J.102.

26 2. Notwithstanding any provision of law to the contrary, a
27 pharmacist may engage in a collaborative pharmacy practice, in
28 accordance with rules adopted by the board pursuant to chapter
29 17A and under a collaborative pharmacy practice agreement, to
30 provide patient care and drug therapy management services to
31 a patient.

32 3. Notwithstanding any provision of a health benefit plan
33 to the contrary, whenever a health benefit plan provides for
34 payment or reimbursement for a service that is within the
35 lawful scope of practice of a practitioner or pharmacist

H-1349 (Continued)

1 and the service is provided by a pharmacist pursuant to a
2 collaborative pharmacy practice agreement under this section,
3 the health carrier may provide payment or reimbursement for the
4 service.>

By A. MEYER of Webster

H-1349 FILED APRIL 6, 2021

HOUSE FILE 844

H-1355

1 Amend House File 844 as follows:

2 1. By striking page 41, line 25, through page 42, line 1,
3 and inserting:

4 <Sec. ____ . NEW SECTION. 490.209 Foreign-trade zone
5 corporation.

6 A domestic corporation may be incorporated or organized
7 under the laws of this state, and a foreign corporation may be
8 registered or authorized to transact business in this state,
9 for the purpose of establishing, operating, and maintaining
10 a foreign-trade zone as defined in 19 U.S.C. §81(a). The
11 domestic or foreign corporation must maintain its principal
12 place of business in this state. The domestic or foreign
13 corporation described in this section has all powers necessary
14 or convenient for applying for a grant of authority to
15 establish, operate, and maintain a foreign-trade zone under
16 19 U.S.C. §81(a) et seq., and regulations promulgated under
17 that law, and for establishing, operating, and maintaining a
18 foreign-trade zone pursuant to that grant of authority.>

19 2. Page 67, by striking lines 1 through 3 and inserting:

20 <Sec. ____ . Section 490.702, subsections 1 through 4, Code
21 2021, are amended by striking the subsections and inserting in
22 lieu thereof the following:>

23 3. Page 68, by striking lines 11 through 24 and inserting:

24 <Sec. ____ . Section 490.702, subsection 5, Code 2021, is
25 amended to read as follows:

26 5. Notwithstanding subsections 1 through 4, a ~~public~~
27 corporation that has a class of equity securities registered
28 pursuant to section 12 of the federal Securities Exchange Act
29 of 1934 is required to hold a special meeting only upon the
30 occurrence of ~~either~~ any of the following:

31 a. On call of its board of directors or the person or
32 persons authorized to call a special meeting by the articles of
33 incorporation or bylaws.

34 b. If the holders of at least fifty percent of all the votes
35 entitled to be cast on any issue proposed to be considered at

1 the proposed special meeting sign, date, and deliver to the
2 corporation's secretary one or more written demands for the
3 meeting describing the purpose or purposes for which it is to
4 be held.>

5 4. Page 131, by striking lines 20 through 22 and inserting:
6 <Sec. ____ . NEW SECTION. **490.901A Subchapter definitions.**>

7 5. Page 237, after line 18 by inserting:

8 <Sec. ____ . Section 490.1701, Code 2021, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 **490.1701 Application of subchapter — definitions.**

12 1. If a corporation elects to become a benefit corporation
13 under this subchapter in the manner prescribed in this
14 subchapter, it is subject in all respects to the provisions
15 of this chapter, except to the extent this subchapter imposes
16 additional or different requirements, in which case such
17 requirements apply. The inclusion of a provision in this
18 subchapter does not imply that a contrary or different rule of
19 law applies to a corporation that is not a benefit corporation.
20 This subchapter does not affect a statute or rule of law that
21 applies to a corporation that is not a benefit corporation.

22 2. As used in this subchapter:

23 *a.* "Benefit corporation" means a corporation that includes
24 in its articles of incorporation a statement that the
25 corporation is subject to this subchapter.

26 *b.* "Public benefit" means a positive effect, or reduction of
27 negative effects, on one or more communities or categories of
28 persons or entities, other than shareholders solely in their
29 capacity as shareholders, or on the environment, including
30 effects of an artistic, charitable, economic, educational,
31 cultural, literary, medical, religious, social, ecological, or
32 scientific nature.

33 *c.* "Public benefit provision" means a provision in the
34 articles of incorporation which states that the corporation
35 shall pursue one or more identified public benefits.

1 *d. "Responsible and sustainable manner"* means a manner that
2 does all of the following:

3 (1) Pursues through the business of the corporation the
4 creation of a positive effect on society and the environment,
5 taken as a whole, that is material taking into consideration
6 the corporation's size and the nature of its business.

7 (2) Considers, in addition to the interests of
8 shareholders, the interests of stakeholders known to be
9 affected by the conduct of the business of the corporation.

10 Sec. _____. Section 490.1702, Code 2021, is amended by
11 striking the section and inserting in lieu thereof the
12 following:

13 **490.1702 Name — share certificates.**

14 1. The name of a benefit corporation may contain the
15 words "benefit corporation", the abbreviation "B.C.", or the
16 designation "BC", any of which shall be deemed to satisfy the
17 requirements of section 490.401, subsection 1, paragraph "a".

18 2. Any share certificate issued by a benefit corporation,
19 and any information statement delivered by a benefit
20 corporation pursuant to section 490.626, subsection 2,
21 must note conspicuously that the corporation is a benefit
22 corporation subject to this subchapter.

23 Sec. _____. Section 490.1703, Code 2021, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 **490.1703 Certain amendments and transactions — votes**
27 **required.**

28 1. Unless the articles of incorporation or bylaws require
29 a greater vote, the approval of at least two-thirds of the
30 voting power of the outstanding shares of the corporation
31 entitled to vote thereon, and, if any class or series of shares
32 is entitled to vote as a separate group on any such amendment
33 or transaction, the approval of at least two-thirds of the
34 outstanding shares of each such separate voting group entitled
35 to vote thereon, shall be required for a corporation that is

1 not a benefit corporation to do any of the following:

2 *a.* Amend its articles of incorporation to include a
3 statement that it is subject to this subchapter.

4 *b.* Merge with or into, or enter into a share exchange with,
5 another entity, or effect a domestication or conversion, if,
6 as a result of the merger, share exchange, domestication, or
7 conversion, the shares of any voting group would become, or be
8 converted into or exchanged for the right to receive, shares
9 of a benefit corporation or shares or interests in an entity
10 subject to provisions of organic law analogous to those in
11 this subchapter; provided, however, that in the case of this
12 paragraph "b", if the shares of one or more, but not all,
13 voting groups are so affected, then only the shares in the
14 voting groups so affected shall be entitled to vote under this
15 subsection.

16 2. Unless the articles of incorporation or bylaws require a
17 greater vote, the approval of at least two-thirds of the voting
18 power of the outstanding shares of the corporation entitled
19 to vote thereon and, if any class or series of shares is
20 entitled to vote as a separate group on any such amendment or
21 transaction, the approval of at least two-thirds of the voting
22 power of the outstanding shares of each such separate voting
23 group, shall be required for a benefit corporation to do any
24 of the following:

25 *a.* Amend its articles of incorporation to eliminate a
26 statement that the corporation is subject to this subchapter.

27 *b.* Merge with or into, or enter into a share exchange with,
28 another entity, or effect a domestication or conversion if,
29 as a result of the merger, share exchange, domestication, or
30 conversion, the shares of any voting group would become, or be
31 converted into or exchanged for the right to receive, shares or
32 interests in an entity that is neither a benefit corporation
33 nor an entity subject to provisions of organic law analogous to
34 those in this subchapter; provided, however, that in the case
35 of this paragraph "b", if the shares of one or more, but not

1 all, voting groups are so affected, then only the shares in the
2 voting groups so affected shall be entitled to vote under this
3 subsection.

4 3. The vote required under subsections 1 and 2 is in
5 addition to any vote otherwise required under this chapter.

6 Sec. ____ . NEW SECTION. **490.1704 Duties of directors.**

7 1. Each member of the board of directors of a benefit
8 corporation, when discharging the duties of a director, shall
9 act according to all of the following:

10 a. In a responsible and sustainable manner.

11 b. In a manner that pursues the public benefit or benefits
12 identified in any public benefit provision.

13 2. In fulfilling the duties under subsection 1, a director
14 shall consider, to the extent affected, in addition to the
15 interests of shareholders generally, the separate interests
16 of stakeholders known to be affected by the business of the
17 corporation including all of the following:

18 a. The employees and workforces of the corporation, its
19 subsidiaries, and its suppliers.

20 b. Customers.

21 c. Communities or society, including those of each community
22 in which offices or facilities of the corporation, its
23 subsidiaries, or its suppliers are located.

24 d. The local and global environment.

25 3. A director of a benefit corporation shall not, by virtue
26 of the duties imposed by subsections 1 and 2, owe any duty to a
27 person other than the benefit corporation due to any interest
28 of the person in the status of the corporation as a benefit
29 corporation or in any public benefit provision.

30 4. Unless otherwise provided in the articles of
31 incorporation, the violation by a director of the duties
32 imposed by subsections 1 and 2 shall not constitute an
33 intentional infliction of harm on the corporation or the
34 shareholders for the purposes of sections 490.202, subsection
35 2, paragraphs "d" and "e".

1 Sec. ____ . NEW SECTION. **490.1705 Annual benefit report.**

2 1. No less than annually, a benefit corporation shall
3 prepare a benefit report addressing the efforts of the
4 corporation during the preceding year to operate in a
5 responsible and sustainable manner, to pursue any public
6 benefit or benefits identified in any public benefit provision,
7 and to consider the interests described in section 490.1704,
8 subsection 2. The annual benefit report must include all of
9 the following:

10 *a.* The objectives that the board of directors has
11 established for the corporation to operate in a responsible and
12 sustainable manner, to pursue any public benefit or benefits
13 identified in any public benefit provision, and to consider the
14 interests described in section 490.1704, subsection 2.

15 *b.* The standards the board of directors has adopted
16 to measure the corporation's progress in operating in a
17 responsible and sustainable manner, in pursuing the public
18 benefit or benefits identified in any public benefit provision,
19 and in considering the interests described in section 490.1704,
20 subsection 2.

21 *c.* If the articles of incorporation or bylaws require
22 that the corporation use an independent third-party standard
23 in reporting on the corporation's progress in operating in a
24 responsible and sustainable manner, in pursuing any public
25 benefit or benefits identified in any public benefit provision,
26 or in considering the interests described in section 490.1704,
27 subsection 2, or if the board of directors has chosen to use
28 such a standard, the applicable standard so required or chosen.

29 *d.* An assessment of the corporation's success in meeting
30 the objectives and standards identified in paragraphs "a" and
31 "b", and, if applicable, paragraph "c", and the basis for that
32 assessment.

33 2. The benefit corporation shall deliver to each
34 shareholder, or make available and provide written notice to
35 each shareholder of the availability of, the annual benefit

1 report required by subsection 1 on or before the earlier of the
2 following:

3 *a.* One hundred twenty days following the end of the fiscal
4 year of the benefit corporation.

5 *b.* The time that the benefit corporation delivers any
6 other annual reports or annual financial statements to its
7 shareholders.

8 3. Any shareholder that has not received or been given
9 access to an annual benefit report within the time required by
10 subsection 2 may make a written request that the corporation
11 deliver or make available the annual benefit report to the
12 shareholder. If a benefit corporation does not deliver or make
13 available an annual benefit report to the shareholder within
14 five business days of receiving such request, the requesting
15 shareholder may apply to the district court of the county
16 where the corporation's principal office or, if none in this
17 state, its registered office, is located for an order requiring
18 delivery of or access to the annual benefit report. The court
19 shall dispose of an action under this subsection 3 on an
20 expedited basis.

21 4. A benefit corporation shall post all of its annual
22 benefit reports on the public portion of its internet site,
23 if any. If a benefit corporation does not have an internet
24 site, the benefit corporation shall provide a copy of its most
25 recent annual benefit report, without charge, to any person
26 that requests a copy in writing.

27 Sec. ____ . NEW SECTION. 490.1706 Rights of action.

28 1. Except in a proceeding authorized under section
29 490.1705, subsection 3, or this section, no person other
30 than the corporation, or a shareholder in the right of the
31 corporation pursuant to subsection 2, may bring an action
32 or assert a claim with respect to the violation of any duty
33 applicable to a benefit corporation or any of its directors
34 under this subchapter.

35 2. Except for a proceeding brought under section 490.1705,

1 subsection 3, a proceeding by a shareholder of a benefit
2 corporation claiming violation of any duty applicable to
3 a benefit corporation or any of its directors under this
4 subchapter is subject to all of the following:

5 a. The proceeding must be brought in a derivative proceeding
6 pursuant to subchapter VII, part 4.

7 b. The proceeding may be brought only by a shareholder
8 of the benefit corporation that at the time of the act or
9 omission complained of either individually, or together with
10 other shareholders bringing such action collectively, owned
11 directly or indirectly at least five percent of a class of
12 the corporation's outstanding shares or, in the case of a
13 corporation with shares traded on an organized market as
14 described in section 490.1302, subsection 2, paragraph "a",
15 subparagraph (2), either that percentage of shares or shares
16 with a market value of at least five million dollars at the
17 time the proceeding is commenced.

18 3. A suit under subsection 2 shall not be maintained if,
19 during the pendency of the suit, the shareholder individually
20 fails, or the shareholders collectively fail, to continue to
21 own directly or indirectly the lesser of the number of shares
22 owned at the time the proceeding is commenced or five percent
23 of a class of the corporation's shares.>

24 6. Page 237, by striking lines 19 through 22 and inserting:

25 <Sec. ____ . NEW SECTION. 490.1801 Application to existing
26 domestic corporations.>

27 7. By striking page 239, line 33, through page 240, line 1,
28 and inserting:

29 <Sec. ____ . NEW SECTION. 490.1802 Application to existing
30 foreign corporations.>

31 8. Page 240, by striking lines 7 through 10 and inserting:

32 <Sec. ____ . NEW SECTION. 490.1803 Savings provisions.>

33 9. Page 240, line 27, by striking <490.1704> and inserting
34 <490.1804>

35 10. Page 241, after line 5 by inserting:

1 <___. Section 490.901A, as enacted in this division of this
2 Act, to section 490.901.>

3 11. Page 243, line 4, by striking <490.1704> and inserting
4 <490.1706>

5 12. Page 243, after line 4 by inserting:

6 <18. Subchapter XVIII, including sections 490.1801 through
7 490.1804.>

8 13. Page 244, after line 14 by inserting:

9 <Sec. ___. Section 496C.14, subsection 5, Code 2021, is
10 amended to read as follows:

11 5. Notwithstanding subsections 1 through 4, purchase by
12 the corporation is not required upon the occurrence of any
13 event other than death of a shareholder if the corporation
14 is dissolved or voluntarily elects to adopt the provisions
15 of the Iowa business corporation Act, as provided in section
16 ~~490.1701~~ 490.1801, subsection 2, within sixty days after the
17 occurrence of the event. The articles of incorporation or
18 bylaws may provide that purchase is not required upon the death
19 of a shareholder if the corporation is dissolved within sixty
20 days after the death. Notwithstanding subsections 1 through 4,
21 purchase by the corporation is not required upon the death of a
22 shareholder if the corporation voluntarily elects to adopt the
23 provisions of the Iowa business corporation Act, as provided
24 in section ~~490.1701~~ 490.1801, subsection 2, within sixty days
25 after death.

26 Sec. ___. Section 496C.19, Code 2021, is amended to read as
27 follows:

28 **496C.19 Dissolution or liquidation.**

29 Violation of any provision of this chapter by a professional
30 corporation or any of its shareholders, directors, or officers
31 shall be cause for its involuntary dissolution, or liquidation
32 of its assets and business by the district court, as provided
33 in the Iowa business corporation Act, chapter 490. Upon the
34 death of the last remaining shareholder of a professional
35 corporation, or whenever the last remaining shareholder is not

1 licensed or ceases to be licensed to practice in this state a
2 profession which the corporation is authorized to practice,
3 or whenever any person other than the shareholder of record
4 becomes entitled to have all shares of the last remaining
5 shareholder of the corporation transferred into that person's
6 name or to exercise voting rights, except as a proxy, with
7 respect to such shares, the corporation shall not practice
8 any profession and it shall either be promptly dissolved or
9 shall promptly elect to adopt the provisions of the Iowa
10 business corporation Act, as provided in section ~~490.1701~~
11 490.1801, subsection 2. However, if prior to such dissolution
12 all outstanding shares of the corporation are acquired by
13 one or more persons licensed to practice in this state a
14 profession which the corporation is authorized to practice,
15 the corporation need not be dissolved and may practice the
16 profession as provided in this chapter.>

17 14. Page 245, after line 35 by inserting:

18 <Sec. _____. Section 515G.3, subsection 2, Code 2021, is
19 amended to read as follows:

20 2. A plan of conversion for an insurer organized on
21 the mutual plan under chapter 491, shall also provide for
22 conversion to a stock company as follows: the insurer
23 organized on the mutual plan under chapter 491 shall amend
24 its articles pursuant to chapter 491 as necessary to become
25 a stock company, and shall immediately convert to a chapter
26 490 corporation as provided in section ~~490.1701~~ 490.1801 upon
27 becoming a stock company.>

28 15. Page 246, by striking lines 2 through 4 and inserting:

29 <EFFECTIVE DATES

30 Sec. _____. EFFECTIVE DATE.

31 1. Except as provided in subsection 2, this division of this
32 Act takes effect January 1, 2022.

33 2. The following sections of this division of this Act,
34 being deemed of immediate importance, take effect upon
35 enactment:

1 a. The section of this division of this Act amending section
2 490.701.

3 b. The section of this division of this Act amending section
4 490.702, subsections 1 through 4.

5 c. The section of this division of this Act amending section
6 490.709.>

7 16. Page 253, after line 29 by inserting:

8 <PART ____
9 EFFECTIVE DATE>

10 17. Page 259, after line 8 by inserting:

11 <DIVISION ____
12 FOREIGN-TRADE ZONE CORPORATIONS

13 Sec. ____ . Section 490.901, Code 2021, is amended to read as
14 follows:

15 **490.901 Foreign-trade zone corporation.**

16 1. A domestic corporation may be incorporated or organized
17 under the laws of this state, and a foreign corporation may be
18 authorized or registered to transact business in this state,
19 for the purpose of establishing, operating, and maintaining
20 a foreign-trade zone as defined in 19 U.S.C. §81(a). The
21 domestic or foreign corporation must maintain its principal
22 place of business in this state. A The domestic or foreign
23 corporation organized for the purposes set forth in this
24 section described in this section has all powers necessary or
25 convenient for applying for a grant of authority to establish,
26 operate, and maintain a foreign-trade zone under 19 U.S.C.
27 §81(a) et seq., and regulations promulgated under that law, and
28 for establishing, operating, and maintaining a foreign-trade
29 zone pursuant to that grant of authority.

30 2. This section is repealed on January 1, 2022.

31 Sec. ____ . Section 491.36, Code 2021, is amended to read as
32 follows:

33 **491.36 Foreign-trade zone corporation.**

34 A domestic corporation may be incorporated or organized
35 under the laws of this state, and a foreign corporation may be

1 authorized or registered to transact business in this state,
2 for the purpose of establishing, operating, and maintaining a
3 foreign-trade zone as defined in 19 U.S.C. §81a. The domestic
4 or foreign corporation must maintain its principal place of
5 business in this state. A The domestic or foreign corporation
6 ~~organized for the purposes set forth in this section described~~
7 in this section has all powers necessary or convenient for
8 applying for a grant of authority to establish, operate, and
9 maintain a foreign-trade zone under the provisions of 19
10 U.S.C. §81a, et seq., and rules promulgated ~~thereunder~~ under
11 that law, and for establishing, operating, and maintaining a
12 foreign-trade zone pursuant to that grant of authority.

13 Sec. _____. NEW SECTION. 504.208 Foreign-trade zone
14 corporation.

15 A domestic corporation may be incorporated or organized
16 under the laws of this state, and a foreign corporation may be
17 authorized or registered to transact business in this state,
18 for the purpose of establishing, operating, and maintaining
19 a foreign-trade zone as defined in 19 U.S.C. §81(a). The
20 domestic or foreign corporation must maintain its principal
21 place of business in this state. The domestic or foreign
22 corporation described in this section has all powers necessary
23 or convenient for applying for a grant of authority to
24 establish, operate, and maintain a foreign-trade zone under
25 19 U.S.C. §81(a) et seq., and regulations promulgated under
26 that law, and for establishing, operating, and maintaining a
27 foreign-trade zone pursuant to that grant of authority.

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

30 18. By renumbering, redesignating, and correcting internal
31 references as necessary.

By LOHSE of Polk

SENATE FILE 296

H-1350

1 Amend Senate File 296, as passed by the Senate, as follows:

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

4 <Section 1. Section 155A.46, subsection 1, paragraph a,
5 Code 2021, is amended by adding the following new subparagraph:
6 NEW SUBPARAGRAPH. (7) An immunization or vaccination for
7 COVID-19 as defined in section 686D.2.

8 Sec. 2. Section 155A.46, subsection 1, Code 2021, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. e. A pharmacist may, pursuant to statewide
11 protocols developed by the board in consultation with the
12 department of public health and consistent with subsection 2,
13 order and administer the following to patients ages six years
14 and older:

15 (1) Point-of-care testing and treatment for influenza,
16 streptococcus A, and COVID-19 as defined in section 686D.2 at
17 the point of interaction between a pharmacist and a patient.

18 (2) Point-of-care testing at the point of interaction
19 between a pharmacist and a patient in response to a public
20 health emergency.

21 Sec. 3. NEW SECTION. 155A.47 **Collaborative pharmacy**
22 **practice — agreements — payment.**

23 1. For the purposes of this section:

24 a. "*Collaborative pharmacy practice*" means a practice of
25 pharmacy whereby a pharmacist provides patient care and drug
26 therapy management services not otherwise permitted to be
27 performed by a pharmacist to patients under a collaborative
28 pharmacy practice agreement with another pharmacist or
29 practitioner which defines the nature, scope, conditions, and
30 limitations of the patient care and drug therapy management
31 services to be provided by a pharmacist in order to ensure that
32 a patient achieves the desired outcomes.

33 b. "*Health benefit plan*" means the same as defined in
34 section 514J.102.

35 c. "*Health carrier*" means the same as defined in section

1 514J.102.

2 2. Notwithstanding any provision of law to the contrary, a
3 pharmacist may engage in a collaborative pharmacy practice, in
4 accordance with rules adopted by the board pursuant to chapter
5 17A and under a collaborative pharmacy practice agreement, to
6 provide patient care and drug therapy management services to
7 a patient.

8 3. Notwithstanding any provision of a health benefit plan
9 to the contrary, whenever a health benefit plan provides for
10 payment or reimbursement for a service that is within the
11 lawful scope of practice of a practitioner or pharmacist
12 and the service is provided by a pharmacist pursuant to a
13 collaborative pharmacy practice agreement under this section,
14 the health carrier may provide payment or reimbursement for the
15 service.>

By A. MEYER of Webster

H-1350 FILED APRIL 6, 2021

SENATE FILE 532

H-1353

1 Amend Senate File 532, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, by striking lines 9 through 13 and inserting
4 <professional recognition for mental health professionals
5 as defined in section 228.1. The rules shall require that
6 any mental health professional who provides mental health
7 services to students for a school obtain such a statement
8 unless a professional service license or endorsement relating
9 to mental health services has been issued to the mental health
10 professional by the board.>

11 2. Title page, line 2, by striking <counselors> and
12 inserting <professionals>

By GOBBLE of Polk

H-1353 FILED APRIL 6, 2021