EIGHTY-NINTH GENERAL ASSEMBLY
2022 REGULAR SESSION
DAILY

HOUSE CLIP SHEET

February 23, 2022

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
HF 2220	H-8079		ABDUL-SAMAD of Polk, et al
HF 2299	H-8077		LOHSE of Polk
HF 2344	H-8081		MOMMSEN of Clinton
HF 2398	H-8078		GJERDE of Linn
HF 2399	H-8080		ANDREWS of Polk
HF 2412	H-8082		STAED of Linn
HF 2438	H-8084		JENEARY of Plymouth
HF 2443	H-8083		LOHSE of Polk
HF 2468	H-8085		HITE of Mahaska
SF 183	H-8076		DEYOE of Story, et al

Fiscal Notes

HF 2346 — Victims, Vehicle Identification (LSB5367HV)

HF 2400 — Untamed Game Livestock (LSB6201HV)

HF 2410 — Hunting, Nonresident Land Ownership (LSB5420HV)

HF 2460 — Internet Exchange Points Study (LSB5433HV)

HOUSE FILE 2220

H-8079

Amend the amendment, H-8069, to House File 2220, as follows:

1. Page 1, by striking lines 4 through 12 and inserting:

<<Section 1. NEW SECTION. **216F.1 Definition.**

For purposes of this chapter, *"hate group"* means an organization or collection of individuals that, based on its official statements or principles, the statements of its leaders, or its activities, has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics. A *"hate group"* does not need to have engaged in criminal conduct or have followed their speech with actual unlawful action. *"Hate group"* includes an organization listed on the southern poverty law center's hate group list.

Sec. 2. NEW SECTION. **216F.2 Rules of construction.**

This chapter shall not be construed to diminish or infringe upon any right protected under the first amendment to the United States Constitution, or the Constitution of the State of Iowa. This chapter shall not be construed to conflict with local, federal, or state discrimination laws.

Sec. 3. NEW SECTION. **216F.3 Determination of discriminatory acts —— consideration of hate groups.**

1. In reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the state shall take into consideration the definition of hate group set forth in this chapter for purposes of determining whether the alleged act was motivated by discriminatory intent.

2. A court or other relevant authority shall apply the same legal standard as applicable to like claims of discrimination arising under laws of this state protecting civil rights including chapter 216.

Sec. 4. NEW SECTION. **216F.4 State personnel discrimination training.**

For the purposes of training of state personnel related to discrimination and anti-bias training, the definition of hate group shall be used as an educational tool to familiarize staff

and officials with hate groups.>

2. Title page, line 1, by striking <antisemitism> and inserting <hate groups>>

By ABDUL-SAMAD of Polk
ANDERSON of Polk
BENNETT of Linn
BOHANNAN of Johnson
BROWN-POWERS of Black Hawk
CAHILL of Marshall
COHOON of Des Moines
DONAHUE of Linn
EHLERT of Linn
FORBES of Polk
GAINES of Polk
GJERDE of Linn
HALL of Woodbury
HANSEN of Woodbury
HUNTER of Polk
ISENHART of Dubuque
JACOBY of Johnson
JAMES of Dubuque
JUDGE of Dallas
KONFRST of Polk
KRESSIG of Black Hawk
KURTH of Scott
MASCHER of Johnson
McCONKEY of Pottawattamie
B. MEYER of Polk
NIELSEN of Johnson
OLDSON of Polk
OLSON of Polk
RUNNING-MARQUARDT of Linn
SMITH of Black Hawk
STAED of Linn

STECKMAN of Cerro Gordo
SUNDE of Polk
THEDE of Scott
WESSEL-KROESCHELL of Story
WILBURN of Story
WILLIAMS of Black Hawk
WINCKLER of Scott
WOLFE of Clinton

H-8079 FILED FEBRUARY 23, 2022

HOUSE FILE 2299

H-8077

Amend the amendment, H-8071, to House File 2299, as follows:

1. Page 1, line 9, by striking <and loss to each item> and inserting <or amount of loss>

By LOHSE of Polk

H-8077 FILED FEBRUARY 23, 2022

HOUSE FILE 2344

H-8081

Amend House File 2344 as follows:

1. Page 1, lines 9 and 10, by striking <signs and traffic-control signals> and inserting <signs, official traffic-control signals, and automatic signals or crossing gates>

2. Page 1, line 11, after <primary highway> by inserting <or crosses a railroad at grade>

By MOMMSEN of Clinton

H-8081 FILED FEBRUARY 23, 2022

HOUSE FILE 2398

H-8078

Amend the amendment, H-8072, to House File 2398, as follows:

1. Page 1, by striking line 18 and inserting <renewal and, every five years, for practitioners who are not subject to renewal requirements pursuant to subsection 1, paragraph "a", subparagraph (2). The board may charge such a practitioner who is not subject to renewal requirements a reasonable fee for the review >

By GJERDE of Linn

H-8078 FILED FEBRUARY 23, 2022

HOUSE FILE 2399

H-8080

Amend House File 2399 as follows:

1. Page 1, line 18, after <equipment.> by inserting <"*Health care services*" does not include prescription drugs or dental care services as that term is defined in section 514J.102.>

2. Page 2, by striking lines 8 through 11 and inserting:

<*i.* "*Utilization review*" means the same as defined in section 514F.4, subsection 3.>

3. Page 2, by striking lines 18 and 19 and inserting:

<2. *a.* A utilization>

4. Page 2, after line 27 by inserting:

<___. Paragraphs "*a*" and "*b*" shall not apply in any of the following circumstances:

(1) The health care provider or the covered person committed fraud, waste, or abuse.

(2) The health care provider or the covered person provided inaccurate information that the utilization review organization relied on for the utilization review organization's prior authorization determination.

(3) On the date that the health care service was provided by the health care provider to the covered person per the prior authorization, the health care service was no longer a benefit covered by the covered person's health benefit plan.

(4) On the date that the health care service was provided by the health care provider to the covered person per the prior authorization, the health care provider was no longer contracted with the health carrier that provides the covered person's health benefit plan.

(5) The health care provider failed to meet the health carrier's requirements related to timely filing of claims for submission of a claim for the health care service provided by the health care provider to the covered person per the prior authorization.

(6) Due to coordination of benefits, the health carrier does not have liability for a claim for the health care service provided by the health care provider to the covered person per

a prior authorization.

(7) On the date that the health care service was provided by the health care provider to the covered person per the prior authorization, the covered person was no longer a participant in the health benefit plan in which the covered person participated on the date that the prior authorization was received by the health care provider.>

5. By renumbering, redesignating, and correcting internal references as necessary.

By ANDREWS of Polk

H-8080 FILED FEBRUARY 23, 2022

HOUSE FILE 2412

H-8082

Amend House File 2412 as follows:

1. Page 1, by striking lines 13 through 21 and inserting:

<3. Radon testing pursuant to this section conducted on and after July 1, 2022, shall be conducted by a person certified to conduct such testing pursuant to section 136B.1 or by district employees that have completed a school radon testing training program approved by the department of education and the department of public health. District employees that have completed training shall not perform testing services in locations other than the employee's employing district. The department of public health shall maintain and make available to school districts a list of such approved school radon testing training programs. Testing shall be based on recognized national standards that outline school radon testing practices.>

2. Page 2, by striking lines 11 through 14.

3. Page 2, lines 29 and 30, by striking <section 257.16, revenues from the physical plant and equipment levy under section 298.3,> and inserting <section 257.16>

4. By renumbering as necessary.

By STAED of Linn

H-8082 FILED FEBRUARY 23, 2022

HOUSE FILE 2438

H-8084

Amend House File 2438 as follows:

1. Page 6, line 16, after <requirements of> by inserting <or be prohibited by>

By JENEARY of Plymouth

H-8084 FILED FEBRUARY 23, 2022

HOUSE FILE 2443

H-8083

Amend House File 2443 as follows:

1. Page 1, line 30, before <same> by inserting <the>

2. Page 2, line 7, by striking <electronic>

3. Page 2, by striking lines 18 through 24 and inserting <proprietary, or access rights or is used as a medium of exchange, unit of account, method of payment, or store of value. "*Digital asset*" does not include a deposit account, electronic record evidencing chattel paper, electronic chattel paper, controllable account, controllable payment intangible, money, electronic document of title, investment property, or a transferable record.>

4. Page 2, by striking lines 25 through 32 and inserting:

<___. "*Distributed ledger technology*" means an electronic ledger or other record of transactions or other data to which all of the following apply:

a. The electronic ledger is uniformly ordered.

b. The electronic ledger is redundantly maintained or processed by more than one computer or machine to guarantee the consistency or nonrepudiation of the recorded transactions or other data.>

5. Page 2, before line 33 by inserting:

<___. "*Electronic*" means the same as defined in section 554D.103.>

6. Page 2, line 35, before <the same> by inserting <means>

7. Page 3, by striking lines 2 through 7 and inserting:

<___. "*Electronic record*" means the same as defined in section 554D.103.>

8. Page 3, after line 9 by inserting:

<___. "*Money*" means the same as defined in section 554.1201.>

9. Page 3, line 17, by striking <limited to taking> and inserting <limited to, taking>

10. Page 3, line 20, before <other> by inserting <any>

11. Page 3, by striking lines 24 through 28 and inserting:

<___. "*Transferable record*" means the same as transferable

record defined in the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7021(a)(1), and as defined in the Uniform Electronic Transactions Act, section 554D.118, subsection 1.>

12. Page 4, line 9, by striking <provision> and inserting <law>

13. Page 4, line 10, by striking <owning or lawfully>

14. Page 4, by striking lines 11 and 12 and inserting <in the course of engaging in or affecting intrastate commerce, interstate commerce, or foreign commerce to secure information that the person owns or has the right to use retains the same>

15. By renumbering, redesignating, and correcting internal references as necessary.

By LOHSE of Polk

H-8083 FILED FEBRUARY 23, 2022

HOUSE FILE 2468

H-8085

Amend House File 2468 as follows:

1. Page 1, by striking lines 3 through 5 and inserting:

<If, at the time a demand for arbitration was made or notice of intention to arbitrate was served, the claim sought to be arbitrated would have been barred by limitation of time pursuant to chapter 614 had it been asserted in a court of this state, a party may assert the limitation as a bar to the arbitration on an application to the court.>

By HITE of Mahaska

H-8085 FILED FEBRUARY 23, 2022

SENATE FILE 183

H-8076

Amend Senate File 183, as passed by the Senate, as follows:

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

<Section 1. Section 26.2, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 01. *"Construction manager"* means a sole proprietorship, partnership, corporation, or other legal entity that acts as a consultant to a governmental entity in the development, design, or construction phase of a public improvement that has not been retained as a design professional.

Sec. 2. Section 26.2, subsection 2, Code 2022, is amended to read as follows:

2. *"Governmental entity"* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding ~~the state board of regents and~~ the state department of transportation.

Sec. 3. Section 26.4, Code 2022, is amended to read as follows:

26.4 ~~Exemptions from competitive~~ Competitive bids and quotations — applicability.

1. Architectural, landscape architectural, or engineering design services procured for a public improvement are not subject to sections 26.3 and 26.14.

2. A construction manager is subject to sections 26.3 and 26.14 and services provided by a construction manager must be competitively bid as part of a contract for a public improvement.

Sec. 4. Section 26.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The notice to bidders may require the bidder to file with the governmental entity a statement showing the bidder's financial standing, equipment, and experience in

the execution of like or similar work.

Sec. 5. Section 26.9, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding subsection 1, a governmental entity may reject a bid if the governmental entity determines that the bidder has not performed in accordance with the terms of another contract for a public improvement awarded by a governmental entity to the bidder. Prior to rejecting a bid, the governmental entity must make a specific finding on the bidder's nonperformance and provide the bidder with the opportunity to respond to the alleged nonperformance at a public hearing.

Sec. 6. NEW SECTION. **26.21 Alternative project delivery contracts.**

1. As used in this section, unless the context otherwise requires:

a. "Alternative project delivery contract" means a design-build contract subject to the requirements of this section.

b. "Best value" means the highest overall value to the governmental entity-based factors that are limited to price, quality, design, technical solutions, past performance, and workmanship.

c. "Bridging criteria professional" means a person, corporation, partnership, or other legal entity that is employed by or contracted by a governmental entity to assist the governmental entity in the development of project design criteria, requests for proposals, and any additional services requested by the governmental entity to represent its interests in relation to a project and who meets either of the following requirements:

(1) Is duly licensed to practice architecture within the state and can demonstrate specific knowledge of the project type where alternative project delivery services are being sought.

(2) Is duly licensed as a professional engineer within the state and can demonstrate specific knowledge of the project type where alternative project delivery services are being sought.

d. "Design-build" means a project delivery method subject to a two-phase, best-value, or low-bid design-build selection process for which the design and construction services are furnished under one contract.

e. "Design-build contract" means a contract between a governmental entity and a design-builder to furnish the architecture of record, engineering of record, and related services as required for a given public project, and to furnish the labor, materials, and other construction services for the same public project. A design-build contract may be conditioned upon subsequent refinements in scope and price, and may permit the governmental entity to make changes in the scope of the project without invalidating the design-build contract.

f. "Design-build project" means the design, construction, alteration, addition, remodeling, or improvement of any buildings, infrastructure, or facilities under contract with a governmental entity. *"Design-build project"* does not include a project for the construction, reconstruction, or improvement of a highway, bridge, or culvert.

g. "Design-builder" means any individual, partnership, joint venture, or corporation subject to a two-phase, best-value, or low-bid design-build selection process that offers to provide or provides design services and general contracting services through a design-build contract in which services within the scope of the practice of professional architecture or engineering are performed respectively by a licensed architect or licensed engineer and in which services within the scope of general contracting are performed by a general contractor or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts or joint ventures.

h. "Design bridging criteria package" means the performance-oriented program, scope, design, and performance specifications for a design-build project sufficient to permit a design-builder to prepare a response to a governmental entity's request for proposals for a design-build project.

i. "Low-bid design-build selection process" means the process used by a governmental entity seeking to enter a design-build contract as outlined in subsection 8, paragraph *"b"*.

j. "Low-bid design-build threshold" means the greater of five million dollars or the adjusted low-bid cost threshold established in section 314.1B.

k. "Proposal" means an offer by a design-builder in response to a request for proposals to enter into a design-build contract.

l. "Request for proposals" means the document by which a governmental entity solicits proposals for a design-build contract.

m. "Stipend" means a payment to a design-builder who did not have the lowest adjusted score at the conclusion of the two-phase, best-value selection process to defray the cost of participating in the two-phase, best-value selection process, and for the use of any intellectual properties obtained.

n. "Two-phase, best-value selection process" means the process used by a governmental entity seeking to enter a design-build contract as outlined in subsection 8, paragraph *"a"*.

o. "Two-phase, best-value threshold" means the greater of twenty-five million dollars or the adjusted best-value cost threshold established in section 314.1B.

2. Notwithstanding any other law to the contrary, a governmental entity shall be authorized to enter into an alternative project delivery contract for a public improvement subject to the requirements of this section.

3. In soliciting proposals for a design-build contract, a governmental entity shall determine the scope and level of

detail required to permit design-builders to submit proposals in accordance with the request for proposals given the nature of the project.

4. *a.* A bridging criteria professional may be retained by the governmental entity as the governmental entity's representative to advise the governmental entity on design-build matters. The retention of the bridging criteria professional shall be exclusively to guide and administer the governmental entity's interests through the process. The bridging criteria professional shall have demonstrated sufficient previous experience in rules and procedures specific to the design-build process. The bridging criteria professional shall, along with the governmental entity, be authorized to make recommendations or influence the acceptance of any material, process, or procedure used during the design and construction processes in accordance with the criteria established for the project for the purpose of evaluating compliance of the work. The bridging criteria professional may be employed or contracted by the governmental entity to act on behalf of the governmental entity for the sole purpose of administrative procedures and shall not be connected in any means to a design-build team responding to the request for proposal. The duration of bridging criteria professional services, prior to the issuance of a design-build contract, may begin when establishing the governmental entity's program requirements through design development if the complexity of the project with the governmental entity merits this level of bridging information.

b. (1) The design bridging criteria package shall include preliminary designs for the project.

(2) Longevity of materials and system performance requirements shall be identified in the design bridging criteria package to identify materials and systems that have the potential to exceed the length of time the project is funded.

(3) The design bridging criteria package shall also include preliminary civil and landscape drawings including outline specification showing technical site engineering and storm water detention, topographic survey and existing conditions information, and preliminary geotechnical and environmental reports; tabular and architectural drawings of program elements indicating the room types, sizes, and typical furnishings to include desired building room adjacencies and functional organizational requirements; any electrical, mechanical, structural, plumbing, heating, ventilating, air conditioning, fire protection, life safety, or security systems serving the building, to include outline specifications with project description including general description of systems and finishes; schematic level code review summary; and local permitting requirements.

(4) The design bridging criteria package may extend to the schematic design level of detail, including design expectations, capacity, durability, standards, ingress and egress requirements, international building code considerations, performance requirements, the governmental entity's operational expectations, requirements for interior and exterior spaces, material and building system quality standards, and design and construction schedule timelines. However, if the low-bid design-build selection process is used, the design bridging criteria package shall be extended to include the provisions described in this subparagraph.

5. A governmental entity shall publicly disclose its intent to solicit proposals for a design-build contract and its project design bridging criteria package in the same manner that it would post notice for the competitive bidding process in section 26.3.

6. In soliciting proposals for a design-build contract, a governmental entity shall establish in the request for proposals a time, place, and other specific instructions for the receipt of proposals. Proposals not submitted in strict

accordance with the instructions may be subject to rejection. Minor irregularities may be waived by the governmental entity.

7. A request for proposals shall be prepared for each design-build contract and shall contain, at minimum, the following elements:

a. The procedures to be followed for submitting proposals, the criteria for evaluating proposals and their relative weight, and the procedure for making awards.

b. The proposed terms and conditions for the design-build contract, if available.

c. The design bridging criteria package.

d. A description of the drawings, specifications, or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or other information that will be acceptable.

e. A schedule for planned commencement and completion of the design-build contract, if available.

f. Budget limits for the design-build contract, if any.

g. Requirements including any available ratings for performance bonds, payment bonds, and insurance, if any.

h. If using a two-phase, best-value selection process, the amount of the stipend that will be available and that responsive bidders shall submit a technical proposal and a sealed price proposal.

i. If using a low-bid design-build selection process, scope of work, plans, and specifications, the required bid form, the contract completion date or construction days, a design-build evaluation plan identifying the evaluation criteria along with corresponding standards, a description of what constitutes a nonresponsive proposal, and a provision that responsive bidders must submit their design-build technical and sealed price proposals simultaneously.

j. Any other information that the governmental entity chooses to request limited to surveys, soil reports, drawings of existing structures, environmental studies, photographs, a

firm's experience as a contractor inclusive of projects in all delivery methods, references to public records, or affirmative action and minority business enterprise requirements consistent with state and federal law.

8. A governmental entity seeking to enter into a design-build contract shall solicit design-build proposals either by using a two-phase, best-value, or a low-bid design-build selection process subject to the requirements of this chapter. A two-phase, best-value selection process may be used only if the estimated total cost of the public improvement exceeds the two-phase, best-value threshold. The low-bid design-build selection process may be used only if the estimated total cost of the public improvement exceeds the low-bid design-build threshold.

a. When solicitations require a two-phase, best-value selection process, the selection process shall be conducted and a design-build contract awarded as follows:

(1) In phase one, the governmental entity or bridging criteria professional on behalf of the governmental entity shall score the technical proposals using the selection criteria in the request for proposals. The governmental entity or bridging criteria professional shall then submit a technical proposal score for each design-builder. The governmental entity or bridging criteria professional shall reject any proposal it deems nonresponsive.

(2) In phase two, the governmental entity shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals for each design-builder and shall determine an adjusted score for each proposal as follows:

(a) If a time factor is not included with the selection criteria in the requests for proposals, the governmental entity shall obtain the adjusted score by dividing each design-builder's price by the technical score that the governmental entity or bridging criteria professional has given

to that design-builder.

(b) If a time factor is included with the selection criteria in the requests for proposals, the governmental entity may adjust the design-builder's price using a value of the time factor established by the governmental entity. The value of the time factor must be expressed as a value per day. The adjustment must be based on the total time value which is the design-builder's total number of days to complete the project multiplied by the time factor. The time-adjusted price is the total time value plus the bid amount. This adjustment shall only be used for selection purposes and must not affect the governmental entity's liquidated damages schedule or incentive or disincentive program. An adjusted score will then be obtained by dividing each design-builder's time-adjusted price by the technical score that the governmental entity or bridging criteria professional has given the design-builder.

(3) Unless all proposals are rejected, the governmental entity shall award the contract to the responsive and responsible design-builder with the lowest adjusted score as determined pursuant to this paragraph. The governmental entity shall reserve the right to reject all proposals.

(4) As an inducement to qualified design-builders, the governmental entity shall pay a stipend, the amount of which shall be established in the request for proposals, to each design-builder who submitted a proposal but was not accepted. Such stipend shall be no less than one-half of one percent of the total project budget. Upon payment of the stipend to such a design-builder, the governmental entity shall acquire a nonexclusive right to use the design submitted by the design-builder, and the design-builder shall have no further liability for the use of the design by the governmental entity in any manner. If the design-builder desires to retain all rights and interests in the design proposed, the design-builder shall forfeit the stipend.

b. When solicitations require a low-bid design-build

selection process, the selection process shall be conducted and a design-build contract awarded as follows:

(1) The governmental entity shall develop evaluation criteria based on the goals and risks identified for the project. The criteria shall be evaluated on either a scored or a pass or fail basis. To the extent possible, evaluation criteria should have a measurable standard against which responsiveness will be measured on a pass or fail basis.

(2) The governmental entity shall first review technical proposals to determine which proposals are responsive to the evaluation criteria in the request for proposals. All responsive proposals meeting the minimum standards shall advance to opening the price proposals. Design-build bidders not meeting the minimum standards shall have their sealed price proposals returned.

(3) Following review and evaluation of the technical proposal, the governmental entity shall then open and review the price proposals from the responsive bidders. The governmental entity shall award the contract to the bidder that submits a responsive proposal with the lowest price, if the proposal meets or exceeds all material request for proposals requirements as determined by the governmental entity. To be responsive, the technical proposal must meet or exceed the requirements specified in the request for proposals.

9. A governmental entity or the state department of transportation shall not be authorized to enter into an alternative project delivery contract for projects relating to highway, bridge, or culvert construction.

Sec. 7. Section 262.56, Code 2022, is amended to read as follows:

262.56 Authorization — contracts — title.

Subject to and in accordance with the provisions of this subchapter the state board of regents is hereby authorized to undertake and carry out any project as defined in section 262.55 at the state university of Iowa, Iowa state university

of science and technology, and the university of northern Iowa and to operate, control, maintain and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section ~~262.34~~ 26.3. The title to all real estate acquired under the provisions of this subchapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of said institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this subchapter.

Sec. 8. Section 262A.4, Code 2022, is amended to read as follows:

262A.4 Authorization of general assembly and governor.

Subject to and in accordance with the provisions of this chapter, the state board of regents after authorization by a constitutional majority of each house of the general assembly and approval by the governor may undertake and carry out any project as defined in this chapter at the institutions now or hereafter under the jurisdiction of the board. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions

of section ~~262.34~~ 26.3. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 9. Section 263A.2, Code 2022, is amended to read as follows:

263A.2 Authorization of general assembly and governor.

Subject to and in accordance with the provisions of this chapter, the state board of regents may undertake and carry out any project as defined in this chapter at the state university of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section ~~262.34~~ 26.3. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 10. Section 314.1, subsection 2, Code 2022, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, ~~262.34,~~ 297.7, 309.40, 310.14, or 313.10, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, or 384.103, subsection 2. For a city having a population of fifty thousand or less, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that has a cost in excess of twenty-five thousand dollars, as modified by the

bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, excluding emergency work. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid. Cities required to competitively bid highway, bridge, or culvert work shall do so in compliance with the contract letting procedures of sections 26.3 through 26.12.

Sec. 11. Section 314.1B, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* Beginning July 1, 2023, the subcommittee shall make adjustments to the low-bid design-build threshold as defined in section 26.21 and the two-phase, best-value threshold as defined in section 26.21 for vertical infrastructure in accordance with the methodology of paragraph *"b"*.

Sec. 12. REPEAL. Section 262.34, Code 2022, is repealed.

Sec. 13. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 14. APPLICABILITY. This Act applies to public improvement contracts entered into on or after the effective date of this Act.>

By DEYOE of Story
MOMMSEN of Clinton

H-8076 FILED FEBRUARY 23, 2022

Fiscal Note

Fiscal Services Division

HF 2346 – Victims, Vehicle Identification (LSB5367HV)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2346 requires a defendant or respondent to provide vehicle identification information to the clerk of court within 10 days after receiving service of a protective order or no-contact order and to provide any updated identification information within five days of a change occurring. A defendant must provide identification information regarding any vehicles owned or operated, including those operated in the regular course of employment or those registered to another member in the defendant's household. A defendant or respondent who fails to timely file the identification information or who fails to timely notify the clerk of court of any updated identification information should be held in contempt of court and punished pursuant to Iowa Code chapter 665.

Background

Under Iowa Code section 664A.2, a protective order issued in a civil proceeding must be issued pursuant to Iowa Code chapter 232 (juvenile justice), chapter 235F (elder abuse), chapter 236 (domestic abuse), chapter 236A (sexual abuse), chapter 598 (dissolution of marriage and domestic relations), or chapter 915 (victim rights).

Under Iowa Code section 664A, when a person is taken into custody pursuant to Iowa Code section 236.11 or Iowa Code section 236A.12, or arrested for domestic abuse assault, harassment, stalking, sexual abuse in the first degree, sexual abuse in the second degree, sexual abuse in the third degree, or any other public offense for which there is a victim, and the person is brought before a magistrate for initial appearance, the magistrate should enter a no-contact order if certain stipulations are met.

Under Iowa Code chapter 665, contempt of court is punishable as follows:

- Before district judges, district associate judges, and associate juvenile judges, by a fine not exceeding $500 and up to six months in a county jail.
- Before judicial magistrates, by a fine not exceeding $100 or up to 30 days in a county jail.

Assumptions

- If a protective or no-contact order is issued and the vehicle identification information is provided after the issuance of the order, a modified order would need to be issued so that the information received could be included in the orders as required by the Bill.
- Nearly all criminal no-contact orders and most types of protective orders would be issued and then need to be modified and reissued.
- Approximately 22,000 no-contact orders and protective orders are issued each year.
- The process of receiving vehicle information, adding it to an order, and then reissuing an order would take approximately 10 minutes per order. This would equal 222,000 minutes per year, or 3,667 hours.
- The work of adding vehicle information to an order and reviewing and issuing a modified order would be the shared responsibility of a judge and judicial specialist at 1,834 hours each.

- The average hourly cost of a district judge and district associate judge is $106, and the average hourly cost for a judicial specialist is $35.
- The Judicial Branch reports that vehicle identification information would need to be included with other protective order information in the Iowa Online Warrants and Articles (IOWA) Criminal Justice Information Network protection order file and replicated in the National Crime Information Center (NCIC) protection order file.
- The Judicial Branch would need to add a new screen or modify a current screen within the case management system and potentially add new role codes to capture all potential vehicle information, and work with outside entities to create or modify a Criminal Justice Information System (CJIS) exchange.
- The Judicial Branch estimates that the initial estimated system changes and data exchange work would require 800 hours of programmer time at $150 per hour, with an up-front development cost of $120,000.
- Some respondents and defendants may fail to provide vehicle identification information to the clerk of court, but it cannot be estimated how often this will occur.
- Respondents and defendants who fail to provide vehicle identification information will be held in contempt of court.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be $50 per day.

Fiscal Impact

House File 2346 is estimated to have recurring annual costs of $258,000 to the Judicial Branch, as shown in **Table 1** below. Additionally, the Judicial Branch reports estimated initial one-time costs of $120,000 in the first year. The estimated fiscal impact of HF 2346 to the Judicial Branch is $378,000 for FY 2023 and $258,000 for each year after. The Judicial Branch is funded through the General Fund.

Table 1 — Recurring Costs Per Year to Judicial Branch

	Cost Per Hour	Hours Per Year	Cost Per Year
Cost for Judge	$106	1,834	$194,000
Cost for Judicial Specialist	$35	1,834	$64,000
Total			$258,000

Additionally, contempt of court penalties may result in fine revenue and costs to counties due to county jail time. However, the fiscal impact of contempt of court penalties resulting from HF 2346 cannot be estimated due to a lack of data.

Sources

Judicial Branch
Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 23, 2022

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

Fiscal Note

Fiscal Services Division

HF 2400 – Untamed Game Livestock (LSB6201HV)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2400 adds a definition of "untamed game livestock" to Iowa Code section 484B.1. Untamed game livestock includes bison, sheep, or goats if the bison, sheep, or goats are birthed and raised in the State for purposes of hunting on a preserve in the State. The Bill amends various Iowa Code sections to include this new definition, including Iowa Code section 481A.125A on remote control or Internet hunting and makes penalties applicable.

The Bill also excludes a hunting preserve as defined in Iowa Code section 484B.1 from prohibitions related to livestock neglect as long as that preserve performs functions within the scope of accepted practices and disciplines associated with a hunting preserve.

A violation of Iowa Code section 481A.125A results in a serious misdemeanor of a first offense and a Class D felony for a second or subsequent offense. A serious misdemeanor carries a penalty of at least $430 but not more than $2,560, and the court may also order imprisonment of no more than one year, while a Class D felony carries a penalty of at least $1,025 but no more than $13,250 and a prison sentence of no more than five years. In addition, a civil penalty of no more than $10,000 may be levied by the Department of Natural Resources (DNR) for each violation.

In addition, House File 2400 creates a new Iowa Code section that allows a hunting preserve that was operated as a business on January 1, 2005, to have fewer enclosed acres than the 320 acres currently required by Iowa Code section 484B.5.

The DNR may revoke a hunting license of a person who violates a general hunting preserve violation relating to hunting untamed game livestock, subject to rules established by the DNR.

Background

Iowa Code chapter 484B regulates hunting preserves in the State. Hunting preserve operator's licenses are available to persons who submit an application to the DNR and pay a license fee of $200. To qualify as a hunting preserve, the land must be a contiguous tract that is no less than 320 acres and no more than 2,560 acres; the game birds or ungulates released on the preserve must not be detrimental to wildlife; and the preserve must not interfere with the normal activities of migratory birds. In addition, the total area of all licensed hunting preserves and proposed hunting preserves cannot exceed 3.0% of the land area of a county and must be owned or leased by a person for at least five years.

The boundaries of the hunting preserve must be properly signed and fenced in order to contain any ungulates that are released onto the preserve and to ensure that no ungulates that are property of the State become part of the preserve. A violation of Iowa Code chapter 484B or of a rule adopted under the chapter is a simple misdemeanor, which carries a penalty of a fine of between $105 to $855, and the court may order imprisonment not to exceed 30 days in lieu of

or in addition to a fine. Over the last five years, there have been two convictions of operating a hunting preserve without a license.

Assumption

House File 2400 will not significantly change the number of convictions under Iowa Code chapter 484B or Iowa Code section 481A.125A.

Correctional Impact

House File 2400 increases the possibility that a conviction may occur; however, a correctional impact cannot be estimated. In FY 2021, there were no convictions under Iowa Code section 481A.125A or Iowa Code chapter 484B. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, *Cost Estimates Used for Correctional Impact Statements*, dated January 18, 2022, for information related to the correctional system.

Minority Impact

House File 2400 increases the possibility that a conviction may occur, but the impact is unknown. As a result, the minority impact of House File 2400 cannot be estimated. Refer to the LSA memo addressed to the General Assembly, *Minority Impact Statement*, dated January 18, 2022, for information related to minorities in the criminal justice system.

Fiscal Impact

While there may be an increase in fine and penalty revenue, due to the low number of convictions the fiscal impact is expected to be minimal. **Table 1** shows the average cost to the State for each type of offense.

Table 1 — Average State Cost Per Offense Class Type

	Total Cost	
Offense Class	**Minimum**	**Maximum**
Simple Misdemeanor	$ 40	$ 370
Serious Misdemeanor	400	7,000
Class D Felony	9,100	16,600

Moneys collected from this civil penalty are deposited in the Fish and Game Protection Fund. There have been no convictions to date under Iowa Code section 481A.125A.

Sources

Legislative Services Agency
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Natural Resources

/s/ Holly M. Lyons

February 22, 2022

Doc ID 1287482

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

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Fiscal Note

Fiscal Services Division

HF 2410 – Hunting, Nonresident Land Ownership (LSB5420HV)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2410 allows a nonresident landowner who owns 80 acres or more in Iowa to purchase an antlered deer hunting license tag and an antlerless deer tag, without having to apply in the nonresident deer lottery and the deer hunting license tags are not subject to existing quotas. A nonresident would also be able to purchase additional antlerless only deer hunting licenses at the resident rate for the county the land is located in, which can only be used on the nonresident's land in that county. A violation of this Bill is a scheduled fine of $35.

Background

The Natural Resource Commission (NRC) is limited to issuing 6,000 nonresident antlered or any sex deer hunting licenses annually. After the limit is reached, the NRC may determine a number of nonresident antlerless only deer hunting licenses to issue. If a nonresident does not receive an antlered or any sex deer hunting license due to the limited number, the NRC will assign one preference point to the nonresident for that year and for each successive year the nonresident does not receive a license. The more preference points a person has, the more likely the person will be able to receive a nonresident antlered or any sex deer hunting license.

Currently, if a nonresident landowner is unsuccessful in obtaining a nonresident antlered or any sex deer hunting license, the landowner is given preference for one of the antlerless only deer hunting licenses sold to nonresidents. The nonresident must pay the nonresident price for the antlerless only deer hunting license, and that license may only be used on the nonresident landowner's land. If a parcel of land is owned by more than one nonresident, only one of the nonresidents is eligible for a nonresident antlerless only deer hunting license. In addition, if the nonresident owns land jointly with a resident, the nonresident does not qualify for preference for an antlerless only deer hunting license. Fees from the sale of hunting and fishing licenses go to the Fish and Wildlife Trust Fund, which is used for fish and wildlife research, education, management, and expansion of wildlife opportunities. The Fund is constitutionally protected and must be used for these purposes by the Department of Natural Resources (DNR).

Assumptions

- There will be an increase in the amount of nonresident deer hunting licenses that the DNR sells annually; however, the exact increase is unknown.
- The DNR will need to make programming changes to their electronic licensing system.
- A nonresident antlered or any sex deer license will cost the nonresident landowner a total of $636 before additional fees.
- Calculations assume 160 more, or 2.6% more, nonresident antlered or any sex deer hunting licenses would be sold.

Fiscal Impact

It is unknown how many nonresident landowners would qualify for deer hunting licenses as a result of this Bill. However, if 160 more nonresident antlered or any sex deer hunting licenses were sold, there would be an increase in revenue of approximately $102,000 to the Fish and Wildlife Trust Fund.

In addition, the DNR would need to make updates to its licensing system in order to allow nonresident landowners to purchase nonresident any sex deer licenses and to purchase resident antlerless only deer hunting license tags at the resident rate. The reprogramming costs are expected to be minimal.

Sources

Legislative Services Agency
Department of Natural Resources

/s/ Holly M. Lyons

February 23, 2022

Doc ID 1287490

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

Fiscal Note

Fiscal Services Division

HF 2460 – Internet Exchange Points Study (LSB5433HV)
Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2460 directs the Office of the Chief Information Officer (OCIO) and the Iowa Economic Development Authority (IEDA) to jointly conduct a feasibility study on the construction and installation of an Internet exchange point. The following must be assessed in regards to an Internet exchange point:

- Timeline and cost of construction and installation
- Requirements and costs of maintenance
- Recommendations and costs of upgrades
- Optimum number for the State

The report must be submitted to the General Assembly by December 15, 2022.

Background

An Internet exchange point is infrastructure through which Internet service providers and content delivery networks exchange Internet traffic between their networks.

Assumptions

- To assist with the study, the OCIO may need to retain an expert third-party consultant.
- To assist with the study, the IEDA may need a 0.5 full-time equivalent (FTE) Economic Development Specialist 2 position.
- The IEDA's salary and benefit estimate for the employee hired will be at the high end of the pay scale.

Fiscal Impact

The estimated cost for OCIO to retain a third-party consultant for the study is $250,000. The estimated cost for the IEDA in FY 2023 is approximately $59,000 for the length of the study. The total cost reflects the full salary plus benefits for 0.5 FTE position for an Economic Development Specialist 2 position. Funding to administer the study may require an appropriation which would likely be from the General Fund.

Sources

Office of the Chief Information Officer
Iowa Economic Development Authority
LSA Calculations

/s/ Holly M. Lyons

February 23, 2022

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