

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2016 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

APRIL 19, 2016

**HOUSE FILE 2460**

**H-8219**

1 Amend House File 2460 as follows:

2 1. Page 10, after line 22 by inserting:

3 < \_\_\_\_\_. (1) The department of public health shall  
4 annually apply to the United States department of  
5 health and human services for grant funding under Tit.  
6 X of the federal Public Health Services Act, 42 U.S.C.  
7 {300 et seq. The department shall distribute all grant  
8 funding received to applicants in the following order  
9 of priority:

10 (a) Public entities that provide family planning  
11 services including state, county, or local community  
12 health clinics and federally qualified health centers.

13 (b) Nonpublic entities that, in addition to family  
14 planning services, provide required primary health  
15 services as described in 42 U.S.C. {254b(b)(1)(A)}.

16 (c) Nonpublic entities that provide family planning  
17 services but do not provide required primary health  
18 services as described in 42 U.S.C. {254b(b)(1)(A)}.

19 (2) Distribution of funds under this paragraph  
20 shall be made in a manner that continues access to  
21 family planning services.

22 (3) Distribution of funds shall not be made to any  
23 entity that performs abortions or that maintains or  
24 operates a facility where abortions are performed. For  
25 the purposes of this paragraph, "abortion" does not  
26 include any of the following:

27 (a) The treatment of a woman for a physical  
28 disorder, physical injury, or physical illness,  
29 including a life-endangering physical condition caused  
30 by or arising from the pregnancy itself, that would,  
31 as certified by a physician, place the woman in danger  
32 of death.

33 (b) The treatment of a woman for a spontaneous  
34 abortion, commonly known as a miscarriage, when not all  
35 of the products of human conception are expelled.

**H-8219**

1 (4) Funds distributed in accordance with this  
2 paragraph shall not be used for direct or indirect  
3 costs, including but not limited to administrative  
4 costs or expenses, overhead, employee salaries, rent,  
5 and telephone and other utility costs, related to  
6 providing abortions as specified in this paragraph.

7 (5) The department of human services shall  
8 submit a report to the governor and the general  
9 assembly, annually by January 1, listing any entities  
10 that received funds pursuant to subparagraph (1),  
11 subparagraph division (c), and the amount and type of  
12 funds received by such entities during the preceding  
13 calendar year. The report shall provide a detailed  
14 explanation of how the department determined that  
15 distribution of funds to such an entity, instead of to  
16 an entity described in subparagraph (1), subparagraph  
17 division (a) or (b), was necessary to prevent severe  
18 limitation or elimination of access to family planning  
19 services in the region of the state where the entity  
20 is located.

21 \_\_\_\_. Any contract entered into on or after July  
22 1, 2016, by the department of public health to  
23 administer the personal responsibility education  
24 program as specified in 42 U.S.C. {713 or to administer  
25 the abstinence education grant program authorized  
26 pursuant to section 510 of Tit. V of the federal Social  
27 Security Act, shall exclude as an eligible applicant  
28 any applicant entity that provides abortions or that  
29 maintains or operates a facility where abortions are  
30 performed.>

31 2. Page 24, line 33, by striking <Pregnancy> and  
32 inserting <a. Pregnancy>

33 3. Page 25, after line 10, by inserting:

34 <b. Any contract entered into on or after July 1,  
35 2016, by the department of human services to award a

1 community adolescent pregnancy prevention and services  
2 program grant shall exclude as an eligible applicant  
3 any applicant entity that provides abortions or that  
4 maintains or operates a facility where abortions are  
5 performed.>

6 4. By renumbering as necessary.

**By** SALMON of Black Hawk

HOUSE FILE 2460

H-8223

1 Amend House File 2460 as follows:

2 1. Page 12, line 4, by striking < \$570,993 > and  
3 inserting < \$594,543 >

4 2. Page 13, line 7, by striking < \$146,414 > and  
5 inserting < \$99,414 >

6 3. Page 14, line 34, by striking <up to> and  
7 inserting <~~up to~~ not less than>

8 4. Page 15, line 4, by striking <up to> and  
9 inserting <~~up to~~ not less than>

10 5. Page 15, line 10, by striking <up to> and  
11 inserting <~~up to~~ not less than>

12 6. Page 15, line 16, by striking <up to> and  
13 inserting <~~up to~~ not less than>

14 7. Page 17, line 11, by striking < \$179,882 > and  
15 inserting < \$105,823 >

16 8. Page 18, by striking lines 7 through 13 and  
17 inserting <grants for the fiscal year beginning July  
18 1, 2016, shall be given to sponsors approved but not  
19 funded in the prior fiscal year competitive procurement  
20 process that proposed preference in the use of the  
21 grant funds for internal medicine positions, and  
22 priority in the awarding of the remaining moneys shall  
23 be given to sponsors that propose preference in the use  
24 of the grant funds for psychiatric residency positions  
25 and family practice residency positions.>

26 9. Page 20, by striking lines 14 through 27 and  
27 inserting:

28 <b. The department of public health shall conduct a  
29 sampling of the entities to which appropriated funds  
30 are allocated, granted, or otherwise distributed under  
31 this section and shall require such entities to submit  
32 a progress report to the department by September 1,  
33 2016, which includes the objectives and results of the  
34 program since the initial receipt of state funding and  
35 how the funds are assisting the program in meeting the

H-8223

1 objectives, specifying the target population served  
2 and the type of services provided, and identifying  
3 the continuing needs of the recipient entity and the  
4 service population. The department shall review the  
5 information reported and shall make recommendations to  
6 the governor and the general assembly by December 15,  
7 2016, to realign, bundle, or otherwise redistribute  
8 funding to meet the needs identified and improve  
9 services during the subsequent fiscal year.>

10 10. Page 23, line 23, by striking <2016> and  
11 inserting <2016 2017>

12 11. Page 23, line 27, by striking <35,774,330> and  
13 inserting <35,774,331>

14 12. Page 24, line 25, by striking <36,256,581> and  
15 inserting <36,256,580>

16 13. By striking page 37, line 31, through page 38,  
17 line 1, and inserting:

18 ~~<14. Any new or renewed contract entered into~~  
19 ~~by the department with a third party to administer~~  
20 ~~services under the medical assistance program shall~~  
21 ~~provide that any interest earned on payments from the~~  
22 ~~state during the state fiscal year shall be remitted to~~  
23 ~~the department and treated as recoveries to offset the~~  
24 ~~costs of the medical assistance program.>~~

25 14. Page 40, line 3, by striking <22.> and  
26 inserting <23.>

27 15. Page 40, line 16, by striking <23.> and  
28 inserting <24.>

29 16. Page 40, line 20, by striking <24.> and  
30 inserting <25.>

31 17. Page 40, line 24, by striking <25.> and  
32 inserting <26.>

33 18. Page 40, line 28, by striking <26.> and  
34 inserting <27.>

35 19. Page 40, line 29, after <regarding> by

1 inserting <the impact of>

2 20. By striking page 40, line 32, through page 41,  
3 line 4, and inserting:

4 <28. Any dental benefit manager contracting  
5 with the department of human services for the dental  
6 wellness plan on or after July 1, 2016, shall meet the  
7 same contract requirements. Readiness review of such a  
8 dental benefit manager shall be based on the criteria  
9 applicable to the dental wellness plan when implemented  
10 on May 1, 2014, including but not limited to network  
11 adequacy, access to services, performance measures,  
12 benefit design, and other requirements as determined by  
13 the department for the dental wellness program. Any  
14 dental benefit manager that has been approved by a  
15 readiness review prior to July 1, 2016, shall not be  
16 required to repeat such review for the department.>

17 21. Page 42, line 5, after <be> by inserting  
18 <credited to the autism support program fund created in  
19 section 242D.2 to be>

20 22. Page 55, by striking lines 16 through 21 and  
21 inserting:

22 <2. ~~The department shall use at~~ At least ~~-\$320,750~~  
23 ~~\$727,500~~ of the moneys appropriated in this section ~~is~~  
24 transferred to the department of public health for the  
25 family support center component of the comprehensive  
26 family support program under ~~section 225C.47~~ chapter  
27 225C, subchapter V. ~~Not more than \$12,500 of the~~  
28 ~~amount allocated in this subsection shall be used for~~  
29 ~~administrative costs.~~ The department of human services  
30 shall submit a report to the individuals identified  
31 in this Act for submission of reports by December  
32 15, 2016, regarding the outcomes of the program and  
33 recommendations for future program improvement.>

34 23. Page 56, by striking lines 14 through 17 and  
35 inserting <necessary, to be used for the purposes

1 designated ~~which amounts shall not be transferred~~  
2 ~~or expended for any purpose other than the purposes~~  
3 ~~designated, notwithstanding section 218.6 to the~~  
4 ~~contrary:>~~

5 24. Page 60, after line 34 by inserting:

6 <The moneys appropriated in this section may be  
7 used to fund additional full-time equivalent positions  
8 at facilities under the purview of the department of  
9 human services, provided the total number of positions  
10 authorized across all such facilities under this Act  
11 for the fiscal year is not exceeded.>

12 25. Page 64, by striking lines 10 through 13 and  
13 inserting <(LUPA) methodology with state geographic  
14 wage adjustments, and ~~updated to reflect the most~~  
15 ~~recent Medicare LUPA shall remain at the rates in~~  
16 effect on June 30, 2016.>

17 26. By striking page 64, line 32, through page 65,  
18 line 1, and inserting:

19 (2) For the nonstate-owned psychiatric medical  
20 institutions for children, reimbursement rates shall be  
21 based on the reimbursement methodology ~~developed by the~~  
22 ~~Medicaid managed care contractor for behavioral health~~  
23 ~~services as required for federal compliance in effect~~  
24 on June 30, 2016.>

25 27. Page 66, lines 17 and 18, by striking ~~<approved~~  
26 ~~by the department of human services>~~ and inserting  
27 ~~<approved by the department of human services>~~

28 28. Page 66, by striking lines 23 through 26 and  
29 inserting:

30 <q. For the fiscal year beginning July 1, 2016, the  
31 upper limits ~~on~~ and reimbursement rates for providers  
32 of home and community-based services waiver services  
33 ~~shall remain at the limits in effect on June 30,~~  
34 2016 for which the rate floor is based on the average  
35 aggregate reimbursement rate for the fiscal year

1 beginning July 1, 2015, shall be determined as follows:

2 (1) For fee-for-service claims, the reimbursement  
3 rate shall be increased by 1 percent over the rates in  
4 effect on June 30, 2016.

5 (2) For managed care claims, the reimbursement rate  
6 floor shall be increased by 1 percent over the rate  
7 floor in effect on April 1, 2016.>

8 29. Page 66, by striking lines 30 through 33.

9 30. Page 70, line 6, by striking <organization>

10 31. Page 70, by striking lines 8 through 10 and  
11 inserting <lower than the rate floor approved by  
12 the department of human services as the managed care  
13 organization provider reimbursement rate floor for the  
14 respective provider or service, in effect on April 1,  
15 2016.>

16 32. Page 72, by striking lines 13 and 14 and  
17 inserting <[House File 630](#), and from the federal  
18 temporary assistance for needy families block grant,  
19 totaling at least ~~-\$11,774,275~~>

20 33. Page 73, line 13, by striking <8,774,970> and  
21 inserting <3,880,918>

22 34. Page 74, after line 22 by inserting:

23 <AUTISM SUPPORT PROGRAM FUND FY 2015-2016  
24 Sec. \_\_\_\_\_. 2015 Iowa Acts, chapter 137, section 13,  
25 subsection 5, unnumbered paragraph 1, is amended to  
26 read as follows:

27 Of the funds appropriated in this section,  
28 \$2,000,000 shall be credited to the autism support  
29 program fund created in section 242D.2 to be used for  
30 the autism support program created in chapter 225D,  
31 with the exception of the following amounts of this  
32 allocation which shall be used as follows:>

33 35. Page 78, line 17, by striking <organization>

34 36. Page 79, line 12, by striking <All funds> and  
35 inserting <Funds>

1 37. Page 79, line 13, by striking <to> and  
2 inserting <only to>  
3 38. Page 80, by striking lines 2 through 5 and  
4 inserting:  
5 <\_\_\_\_. Any continuation of the program shall include  
6 oversight and review by the hospital health care trust  
7 fund board created in section 249M.4.>  
8 39. Page 80, by striking lines 9 and 10 and  
9 inserting:  
10 <Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The section  
11 of this division of this Act repealing section 249M.5,  
12 Code 2016, is retroactively applicable to June 30,  
13 2016.>  
14 40. Page 84, line 20, by striking <CARRYFORWARD>  
15 and inserting <TRANSFER>  
16 41. Page 84, line 21, by striking <fund> and  
17 inserting <autism support fund>  
18 42. Page 84, line 28, by striking <carryforward of  
19 moneys> and inserting <transfer of moneys in the autism  
20 support fund>  
21 43. Page 84, line 33, by striking <carryforward of  
22 moneys> and inserting <transfer of moneys in the autism  
23 support fund>  
24 44. Page 96, by striking line 10 and inserting <4,  
25 is repealed.>  
26 45. Page 101, after line 27 by inserting:  
27 <Sec. \_\_\_\_\_. Section 249L.2, Code 2016, is amended by  
28 adding the following new subsections:  
29 NEW SUBSECTION. 5A. "Non-state governmental entity"  
30 means a hospital authority, hospital district, health  
31 care district, city, or county.  
32 NEW SUBSECTION. 5B. "Non-state government-owned  
33 nursing facility" means a nursing facility owned or  
34 operated by a non-state governmental entity for which  
35 a non-state governmental entity holds the nursing

1 facility's license and is party to the nursing  
2 facility's Medicaid contract.>

3 46. Page 102, lines 9 and 10, by striking <no later  
4 than June 30, 2016,>

5 47. Page 104, by striking lines 2 through 4.

6 48. Page 104, line 27, after <facility> by  
7 inserting <owned or operated by a non-state  
8 governmental entity>

9 49. By striking page 104, line 33, through page  
10 105, line 3, and inserting:

11 <Sec. \_\_\_\_ . IMPLEMENTATION PROVISIONS.

12 1. The section of this division of this Act  
13 directing the department of human services to submit  
14 a Medicaid state plan amendment to CMS, shall be  
15 implemented as soon as possible following enactment,  
16 consistent with all applicable federal requirements.

17 2. The sections of this division of this Act  
18 amending section 249L.2, shall only be implemented  
19 upon receipt by the department of human services of  
20 the Medicaid state plan amendment by the centers for  
21 Medicare and Medicaid services of the United States  
22 department of health and human services, and if such  
23 approval is received, are applicable no earlier than  
24 the first day of the calendar quarter following the  
25 date of receipt of such approval.>

26 50. Page 109, line 24, by striking <c.> and  
27 inserting <c. (1)>

28 51. By striking page 109, line 33, through page  
29 110, line 5, and inserting <of the hospital or  
30 emergency care facility.

31 (2) Notwithstanding subparagraph (1), until  
32 December 31, 2018, the department shall not decrease a  
33 level II certificate of verification issued to a trauma  
34 care facility by the department on or before July 1,  
35 2015, unless the facility subsequently fails to comply

1 with the trauma care criteria established by rule under  
2 this subchapter in effect at the time the verification  
3 was issued.>

4 52. Title page, line 4, by striking <date>

5 53. By renumbering as necessary.

**By HEATON of Henry**

HOUSE FILE 2460

H-8226

1 Amend House File 2460 as follows:

2 1. Page 112, after line 5 by inserting:

3 <DIVISION \_\_\_\_

4 FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR  
5 PSYCHIATRIC BEHAVIORS

6 Sec. \_\_\_\_ . FACILITY FOR ELDERLY PERSONS WITH  
7 AGGRESSIVE OR PSYCHIATRIC BEHAVIORS ---- COMMITTEE ----  
8 REPORT.

9 1. The department of inspections and appeals, in  
10 conjunction with the department of human services,  
11 shall establish and facilitate a committee of  
12 stakeholders to examine options for designating a  
13 facility to provide care for elderly persons in this  
14 state who are sexually aggressive, combative, or have  
15 unmet geropsychiatric needs.

16 2. The membership of the committee shall include  
17 but is not limited to the following:

18 a. Representatives of the departments of  
19 inspections and appeals, human services, corrections,  
20 public health, and aging, the state public defender,  
21 the office of ombudsman, the office of long-term care  
22 ombudsman, and the judicial branch.

23 b. Consumers of services provided by long-term care  
24 facilities and family members of consumers.

25 c. Representatives from leading age Iowa, the Iowa  
26 health care association, and the Iowa association of  
27 community providers.

28 d. Direct care workers employed by long-term care  
29 facilities.

30 e. Representatives from Iowa legal aid.

31 f. Representatives from AARP Iowa.

32 g. Representatives from the Iowa civil liberties  
33 union.

34 h. Other stakeholders as the department of  
35 inspections and appeals and the department of human

H-8226

1 services deem appropriate.

2 3. The committee shall discuss whether a long-term  
3 care facility, as defined in section 142D.2, should  
4 have the ability to refuse admission to, or discharge,  
5 residents who are sexually aggressive, combative, or  
6 have unmet geropsychiatric needs. The committee shall  
7 consider options for establishment of a facility to  
8 provide care for persons who are sexually aggressive,  
9 combative, or have unmet geropsychiatric needs. The  
10 committee shall identify the characteristics of  
11 residents for such a facility, options for creating  
12 a new facility to house such residents, options for  
13 the expansion of an existing facility to house such  
14 residents, options for using any alternative facilities  
15 for such residents, the workforce and training  
16 necessary for the workforce in such facility, options  
17 to qualify a facility for Medicaid reimbursement,  
18 cost projections for any recommendations, and other  
19 information deemed relevant by the department of  
20 inspections and appeals.

21 4. The committee shall provide a report detailing  
22 its findings and recommendations to the governor and  
23 the general assembly by December 15, 2016.>

24 2. By renumbering as necessary.

**By** H. MILLER of Webster

HOUSE FILE 2334

H-8216

1 Amend House File 2334 as follows:

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

4 <Section 1. Section 123.3, subsection 35, Code  
5 2016, is amended to read as follows:

6 35. "Pharmacy" means a drug store in which drugs  
7 and medicines are exposed for sale and sold at retail,  
8 or in which prescriptions of licensed physicians and  
9 surgeons, dentists, prescribing psychologists, or  
10 veterinarians are compounded and sold by a registered  
11 pharmacist.

12 Sec. 2. Section 124.101, subsection 26, paragraph  
13 a, Code 2016, is amended to read as follows:

14 a. A physician, dentist, podiatric physician,  
15 prescribing psychologist, veterinarian, scientific  
16 investigator or other person licensed, registered, or  
17 otherwise permitted to distribute, dispense, conduct  
18 research with respect to, or to administer a controlled  
19 substance in the course of professional practice or  
20 research in this state.

21 Sec. 3. Section 147.107, subsections 1 and 2, Code  
22 2016, are amended to read as follows:

23 1. A person, other than a pharmacist, physician,  
24 dentist, podiatric physician, prescribing psychologist,  
25 or veterinarian who dispenses as an incident to the  
26 practice of the practitioner's profession, shall not  
27 dispense prescription drugs or controlled substances.

28 2. a. A pharmacist, physician, dentist, ~~or~~  
29 podiatric physician, or prescribing psychologist  
30 who dispenses prescription drugs, including but not  
31 limited to controlled substances, for human use, may  
32 delegate nonjudgmental dispensing functions to staff  
33 assistants only when verification of the accuracy  
34 and completeness of the dispensing is determined by  
35 the pharmacist or practitioner in the pharmacist's

H-8216

1 or practitioner's physical presence. However, the  
2 physical presence requirement does not apply when a  
3 pharmacist or practitioner is utilizing an automated  
4 dispensing system or when a pharmacist is utilizing  
5 a tech-check-tech program, as defined in section  
6 155A.3. When using an automated dispensing system the  
7 pharmacist or practitioner shall utilize an internal  
8 quality control assurance plan that ensures accuracy  
9 for dispensing. When using a tech-check-tech program  
10 the pharmacist shall utilize an internal quality  
11 control assurance plan, in accordance with rules  
12 adopted by the board of pharmacy, that ensures accuracy  
13 for dispensing. Verification of automated dispensing  
14 and tech-check-tech accuracy and completeness remains  
15 the responsibility of the pharmacist or practitioner  
16 and shall be determined in accordance with rules  
17 adopted by the board of pharmacy, the board of  
18 medicine, the dental board, ~~and~~ the board of podiatry,  
19 and the board of psychology for their respective  
20 licensees.

21 b. A dentist, physician, ~~or~~ podiatric physician,  
22 or prescribing psychologist who dispenses prescription  
23 drugs, other than drug samples, pursuant to this  
24 subsection, shall report the fact that they dispense  
25 prescription drugs with the practitioner's respective  
26 board at least biennially.

27 c. A physician, dentist, ~~or~~ podiatric physician,  
28 or prescribing psychologist who dispenses prescription  
29 drugs, other than drug samples, pursuant to this  
30 subsection, shall offer to provide the patient with  
31 a written prescription that may be dispensed from a  
32 pharmacy of the patient's choice or offer to transmit  
33 the prescription orally, electronically, or by  
34 facsimile in accordance with section 155A.27 to a  
35 pharmacy of the patient's choice.

1 Sec. 4. NEW SECTION. 148.13A Board authority over  
2 physicians supervising certain psychologists.

3 The board of medicine shall, in consultation with  
4 the board of psychology, establish by rule all of the  
5 following:

6 1. Specific minimum standards for the appropriate  
7 supervision of a psychologist prescribing medication  
8 pursuant to a conditional prescription certificate  
9 under chapter 154B. Such standards shall include  
10 requiring a physician serving as a supervising  
11 licensed physician to notify the board of medicine  
12 of the identity of the psychologist the physician  
13 is supervising and any change in the status of the  
14 supervisory relationship.

15 2. The process for initiating and conducting  
16 disciplinary proceedings under chapter 17A if a  
17 licensed physician fails to adequately supervise a  
18 psychologist prescribing psychotropic medications  
19 pursuant to a prescription certificate under  
20 chapter 154B. The rule shall take into account  
21 the deliberations of the board in making such a  
22 determination.

23 Sec. 5. Section 154B.1, Code 2016, is amended to  
24 read as follows:

25 154B.1 ~~Definition~~ Definitions.

26 As used in this chapter, unless the context  
27 otherwise requires:

28 1. "Board" means the board of psychology created  
29 under chapter 147.

30 2. "Collaborative practice agreement" means a  
31 written agreement between a prescribing psychologist  
32 and a licensed physician that establishes clinical  
33 protocols, practice guidelines, and care plans  
34 relevant to the scope of the collaborative practice.  
35 The practice guidelines may include limitations

1 on the prescribing of psychotropic medications by  
2 psychologists and protocols for prescribing to special  
3 populations including patients who are less than  
4 seventeen years of age or over sixty-five years of  
5 age, patients who are pregnant, and patients with  
6 serious medical conditions including but not limited to  
7 heart disease, cancer, stroke, seizures, and patients  
8 with developmental disabilities and intellectual  
9 disabilities.

10 3. "Collaborative relationship" means a cooperative  
11 working relationship between a prescribing psychologist  
12 or a psychologist with a conditional prescription  
13 certificate and a licensed physician in the provision  
14 of patient care, including diagnosis and cooperation  
15 in the management and delivery of physical and mental  
16 health care.

17 4. "Conditional prescription certificate" means a  
18 document issued by the board to a licensed psychologist  
19 that permits the holder to prescribe psychotropic  
20 medication under the supervision of a licensed  
21 physician pursuant to this chapter.

22 5. "Practice of psychology" means the application  
23 of established principles of learning, motivation,  
24 perception, thinking, and emotional relations to  
25 problems of behavior adjustment, group relations, and  
26 behavior modification, by persons trained in psychology  
27 for compensation or other personal gain. The  
28 application of principles includes, but is not limited  
29 to: Counseling and the use of psychological remedial  
30 measures with persons, in groups or individually, with  
31 adjustment or emotional problems in the areas of work,  
32 family, school, and personal relationships; measuring  
33 and testing personality, intelligence, aptitudes,  
34 public opinion, attitudes, and skills; and the teaching  
35 of such subject matter, and the conducting of research

1 on the problems relating to human behavior.

2 6. "Prescribing psychologist" means a licensed  
3 psychologist who holds a valid prescription  
4 certificate.

5 7. "Prescription certificate" means a document  
6 issued by the board to a licensed psychologist that  
7 permits the holder to prescribe psychotropic medication  
8 pursuant to this chapter.

9 8. "Psychotropic medication" means a controlled  
10 substance or dangerous drug that shall not be  
11 dispensed or administered without a prescription  
12 and that has been approved by the federal food and  
13 drug administration for the treatment of mental  
14 disorders, as defined by the most current diagnostic  
15 and statistical manual of mental disorders published  
16 by the American psychiatric association or the most  
17 current version of the international classification of  
18 diseases, and that is listed as a psychotherapeutic  
19 agent in the American hospital formulary service.

20 "Psychotropic medication" does not include narcotics.

21 Sec. 6. NEW SECTION. 154B.9 Drugs ---- medicine.

22 1. Except as provided in subsections 2 and 3, a  
23 psychologist shall not administer or prescribe drugs  
24 or medicine.

25 2. A licensed psychologist holding a conditional  
26 prescription certificate may prescribe psychotropic  
27 medication under the supervision of a licensed  
28 physician pursuant to this chapter.

29 3. A prescribing psychologist may prescribe  
30 psychotropic medication pursuant to this chapter.

31 Sec. 7. NEW SECTION. 154B.10 Conditional  
32 prescription certificate.

33 1. An applicant for a conditional prescription  
34 certificate shall be granted a certificate by the  
35 board if the applicant satisfies all of the following

1 requirements:

2 a. Holds a current license to practice psychology  
3 in this state.

4 b. Completed pharmacological training from an  
5 institution approved by the board or from a provider of  
6 continuing education approved by the board.

7 c. Passed a national certification examination  
8 approved by the board that tested the applicant's  
9 knowledge of pharmacology in the diagnosis, care, and  
10 treatment of mental disorders.

11 d. Within five years immediately preceding the date  
12 of application, successfully completed a post-doctoral  
13 master of science degree in clinical psychopharmacology  
14 approved by the board of psychology. The program  
15 shall at a minimum include coursework in neuroscience,  
16 pharmacology, psychopharmacology, physiology, and  
17 appropriate and relevant physical and laboratory  
18 assessments.

19 e. Within five years immediately preceding the date  
20 of application, has been certified by the applicant's  
21 supervising physician as having successfully completed  
22 a supervised and relevant clinical experience of  
23 no less than an eighty-hour practicum in clinical  
24 assessment and pathophysiology and an additional  
25 supervised practicum of at least four hundred hours  
26 treating no fewer than one hundred patients with mental  
27 disorders. The practica shall have been supervised  
28 by a trained physician. The board shall determine  
29 whether the practica is sufficient to competently train  
30 the applicant in the treatment of a diverse patient  
31 population.

32 f. Possesses malpractice insurance that will  
33 cover the applicant during the period the conditional  
34 prescription certificate is in effect.

35 g. Meets all other requirements, as determined by

1 rules adopted by the board, for obtaining a conditional  
2 prescription certificate.

3 2. A conditional prescription certificate is valid  
4 for four years, at the end of which the holder may  
5 apply again pursuant to the provisions of subsection 1.

6 3. A psychologist with a conditional prescription  
7 certificate may prescribe psychotropic medication under  
8 the supervision of a licensed physician subject to all  
9 of the following conditions:

10 a. The psychologist shall continue to hold a  
11 current license to practice psychology in this state  
12 and continue to maintain malpractice insurance.

13 b. The psychologist shall inform the board of  
14 the name of the physician under whose supervision the  
15 psychologist will prescribe psychotropic medication  
16 and promptly inform the board of any change of the  
17 supervising physician.

18 c. A physician supervising a psychologist  
19 prescribing psychotropic medication pursuant to a  
20 conditional prescription certificate shall be subject  
21 to disciplinary action pursuant to section 148.13A  
22 for the acts and omissions of the psychologist while  
23 under the physician's supervision. This provision does  
24 not relieve the psychologist from liability for the  
25 psychologist's acts and omissions.

26 Sec. 8. NEW SECTION. 154B.11 Prescription  
27 certificate.

28 1. An applicant for a prescription certificate  
29 shall be granted a certificate by the board if the  
30 applicant satisfies all of the following requirements:

31 a. Possesses a conditional prescription certificate  
32 and has successfully completed two years of prescribing  
33 psychotropic medication as certified by the supervising  
34 licensed physician. An applicant for a prescription  
35 certificate who specializes in the psychological care

1 of children, elderly persons, or persons with comorbid  
2 psychological conditions shall complete at least one  
3 year prescribing psychotropic medications to such  
4 populations as certified by the supervising licensed  
5 physician.

6 b. Holds a current license to practice psychology  
7 in this state.

8 c. Possesses malpractice insurance that will cover  
9 the applicant as a prescribing psychologist.

10 d. Meets all other requirements, as determined  
11 by rules adopted by the board, for obtaining a  
12 prescription certificate.

13 2. A psychologist with a prescription certificate  
14 may prescribe psychotropic medication pursuant to the  
15 provisions of this chapter subject to the following  
16 conditions:

17 a. The psychologist continues to hold a current  
18 license to practice psychology in this state and  
19 maintains malpractice insurance.

20 b. The psychologist annually satisfies the  
21 continuing education requirements for prescribing  
22 psychologists, as determined by the board, which shall  
23 be no fewer than twenty hours each year.

24 c. The psychologist has entered into a  
25 collaborative practice agreement with a licensed  
26 physician.

27 Sec. 9. NEW SECTION. 154B.12 Prescribing  
28 practices.

29 1. A prescribing psychologist or a psychologist  
30 with a conditional prescription certificate may  
31 administer and prescribe psychotropic medication  
32 within the scope of the psychologist's profession,  
33 including the ordering and review of laboratory tests  
34 in conjunction with the prescription, for the treatment  
35 of mental disorders.

1 2. When prescribing psychotropic medication  
2 for a patient, the prescribing psychologist or  
3 the psychologist with a conditional prescription  
4 certificate shall maintain an ongoing collaborative  
5 relationship with the licensed physician who oversees  
6 the patient's general medical care to ensure that  
7 necessary medical examinations are conducted, the  
8 psychotropic medication is appropriate for the  
9 patient's medical condition, and significant changes in  
10 the patient's medical or psychological condition are  
11 discussed.

12 3. A prescription written by a prescribing  
13 psychologist or a psychologist with a conditional  
14 prescription certificate shall meet all of the  
15 following requirements:

16 a. Comply with applicable state and federal laws.

17 b. Be identified as issued by the psychologist as  
18 "psychologist certified to prescribe".

19 c. Include the psychologist's board-assigned  
20 identification number.

21 4. A prescribing psychologist or a psychologist  
22 with a conditional prescription certificate shall not  
23 delegate prescriptive authority to any other person.  
24 Records of all prescriptions shall be maintained in  
25 patient records.

26 5. When authorized to prescribe controlled  
27 substances, a prescribing psychologist or a  
28 psychologist with a conditional prescription  
29 certificate shall file with the board in a timely  
30 manner all individual federal drug enforcement agency  
31 registration and numbers. The board shall maintain  
32 current records on every psychologist, including  
33 federal registration and numbers.

34 Sec. 10. NEW SECTION. 154B.13 Board duties  
35 regarding prescription certificates and conditional

1 prescription certificates.

2 1. The board shall, in consultation with the board  
3 of medicine, adopt rules to carry out the provisions  
4 of this chapter relating to prescribing psychologists.  
5 The rules shall include but not be limited to all of  
6 the following:

7 a. Procedures to obtain a conditional prescription  
8 certificate, a prescription certificate, and a renewal  
9 of a prescription certificate. The board may set  
10 reasonable application and renewal fees.

11 b. Grounds for the denial, suspension, or  
12 revocation of a conditional prescription certificate  
13 and a prescription certificate, including a provision  
14 for suspension or revocation of a license to  
15 practice psychology upon suspension of a conditional  
16 prescription certificate and a prescription  
17 certificate.

18 c. The provision of an annual list of psychologists  
19 with prescription certificates and psychologists with  
20 conditional prescription certificates that contains  
21 the information agreed to between the board and the  
22 board of medicine. The board shall promptly notify the  
23 board of medicine of psychologists who are added to or  
24 removed from the list.

25 d. Any other rules necessary for the administration  
26 of this chapter.

27 2. The board shall appoint a prescribing  
28 psychologist rules subcommittee comprised of a  
29 psychologist appointed by the board, a physician  
30 appointed by the board of medicine, and a member of the  
31 public appointed by the director of public health to  
32 develop rules for consideration by the board pursuant  
33 to this section.

34 Sec. 11. Section 155A.3, subsection 35, Code 2016,  
35 is amended to read as follows:

H-8216

Page 11

1 35. "Practitioner" means a physician, dentist,  
2 podiatric physician, prescribing psychologist,  
3 veterinarian, or other person licensed or registered to  
4 distribute or dispense a prescription drug or device in  
5 the course of professional practice in this state or  
6 a person licensed by another state in a health field  
7 in which, under Iowa law, licensees in this state may  
8 legally prescribe drugs.

9 Sec. 12. Section 155A.23, subsection 1, paragraph  
10 c, Code 2016, is amended to read as follows:

11 c. For the purpose of obtaining a prescription drug  
12 or device, falsely assuming the title of or claiming  
13 to be a manufacturer, wholesaler, pharmacist, pharmacy  
14 owner, physician, dentist, podiatric physician,  
15 prescribing psychologist, veterinarian, or other  
16 authorized person.

17 Sec. 13. Section 155A.24, subsection 14, Code 2016,  
18 is amended to read as follows:

19 14. This section does not prevent a licensed  
20 practitioner of medicine, dentistry, podiatry,  
21 nursing, psychology, veterinary medicine, optometry, or  
22 pharmacy from acts necessary in the ethical and legal  
23 performance of the practitioner's profession.>

By L. MILLER of Scott

H-8216 FILED APRIL 18, 2016

HOUSE FILE 2455

H-8208

1 Amend House File 2455 as follows:

2 1. Page 16, after line 19 by inserting:

3 <DIVISION \_\_\_\_  
4 MISCELLANEOUS PROVISIONS ---- KEEP IOWA BEAUTIFUL  
5 Sec. \_\_\_\_\_. KEEP IOWA BEAUTIFUL INITIATIVE. For  
6 the fiscal year beginning July 1, 2016, the economic  
7 development authority shall award grants for purposes  
8 of supporting a keep Iowa beautiful initiative in order  
9 to assist communities in developing and implementing  
10 beautification and community development plans. The  
11 aggregate combined total of grants awarded shall equal  
12 \$200,000 in the fiscal year. The grants awarded under  
13 this section shall be funded with moneys appropriated  
14 to the economic development authority pursuant to 2015  
15 Iowa Acts, ch. 130, section 9, that would otherwise be  
16 dedicated to main street Iowa programs administered by  
17 the authority.>

18 2. Title page, line 5, after <institutions> by  
19 inserting <, and providing for properly related  
20 matters>

21 3. By renumbering as necessary.

By GRASSLEY of Butler

H-8208 FILED APRIL 18, 2016

HOUSE FILE 2455

H-8209

1 Amend House File 2455 as follows:

2 1. Page 5, after line 12 by inserting:

3 <0d. (1) From the moneys appropriated in  
4 subsection 1, \$25,000 shall be awarded as a grant to a  
5 publicly endorsed, privately led initiative intended  
6 to inspire Iowans and their communities to improve  
7 their health and happiness. The grant recipient shall  
8 award pilot project grants to main street communities  
9 under a main street Iowa program for nonprofit farmers  
10 market association projects that incentivize federal  
11 supplemental nutrition assistance program participants  
12 to utilize their program benefits to purchase fresh  
13 fruits and vegetables at farmers markets located within  
14 the state.

15 (2) The authority shall contract with the grant  
16 recipient for administration of the pilot project grant  
17 awards and identification and oversight of individual  
18 pilot projects. The grant recipient shall require  
19 private moneys to match the state moneys awarded to  
20 pilot project grant recipients under this paragraph  
21 "0d" on a dollar-for-dollar basis.

22 (3) The authority shall report to the chairs  
23 and ranking members of the joint appropriations  
24 subcommittees on economic development, agriculture and  
25 natural resources, and health and human services on  
26 the results of the individual pilot projects awarded  
27 grants, including the economic impacts on communities  
28 and local food producers, by December 31, 2016.>

29 2. By renumbering as necessary.

**By** ISENHART of Dubuque

H-8209 FILED APRIL 18, 2016

HOUSE FILE 2455

H-8210

1 Amend House File 2455 as follows:

2 1. Page 17, after line 10 by inserting:

3 <DIVISION \_\_\_\_\_

4 MISCELLANEOUS PROVISIONS ---- SERVICE CONTRACT RECIPIENTS

5 Sec. \_\_\_\_\_. Section 8F.3, subsection 1, paragraphs b

6 and d, Code 2016, are amended to read as follows:

7 b. Information regarding the training and education  
8 received by the members of the governing body of  
9 the recipient entity relating to the duties and  
10 legal responsibilities of the governing body. The  
11 information shall also include certification that  
12 the members of the governing body have completed a  
13 training program established pursuant to section 19B.7,  
14 subsection 3.

15 d. Information regarding any policies adopted  
16 by the governing body of the recipient entity that  
17 prohibit taking adverse employment action against  
18 employees of the recipient entity who disclose  
19 information about a service contract, to include  
20 information about the pay and benefits received by  
21 an employee of a recipient entity, to the oversight  
22 agency, the auditor of state, the office of the  
23 attorney general, or the office of ombudsman and  
24 that state whether those policies are substantially  
25 similar to the protection provided to state employees  
26 under section 70A.28. The information provided shall  
27 state whether employees of the recipient entity are  
28 informed on a regular basis of their rights to disclose  
29 information to the oversight agency, the office of  
30 ombudsman, the auditor of state, or the office of the  
31 attorney general and the telephone numbers of those  
32 organizations.

33 Sec. \_\_\_\_\_. Section 19B.7, Code 2016, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 3. The department of

H-8210

1 administrative services, in coordination with  
2 the Iowa civil rights commission, shall establish a  
3 training program for prospective recipient entities, as  
4 defined in section 8F.2, concerning the requirements  
5 of this section, and chapter 216, relative to the  
6 administration and promotion of equal opportunity and  
7 the prohibition of discriminatory and unfair practices  
8 within any program receiving or benefiting from state  
9 financial assistance. The program shall specifically  
10 include guidance relative to unfair employment  
11 practices as described in section 216.6, and wage  
12 discrimination in employment prohibitions as described  
13 in section 216.6A.

14 DIVISION \_\_\_\_  
15 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION IN  
16 EMPLOYMENT

17 Sec. \_\_\_\_ . Section 216.6A, Code 2016, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 2A. It shall be an unfair or  
20 discriminatory practice for any employer or agent of  
21 any employer to do any of the following:

22 a. Require, as a condition of employment, that  
23 an employee refrain from disclosing, discussing,  
24 or sharing information about the amount of the  
25 employee's wages, benefits, or other compensation or  
26 from inquiring, discussing, or sharing information  
27 about any other employee's wages, benefits, or other  
28 compensation.

29 b. Require, as a condition of employment, that an  
30 employee sign a waiver or other document that requires  
31 an employee to refrain from engaging in any of the  
32 activities permitted under paragraph "a".

33 c. Discriminate or retaliate against an employee  
34 for engaging in any of the activities permitted under  
35 paragraph "a".

1 d. Seek salary history information, including  
2 but not limited to information on compensation and  
3 benefits, from a potential employee as a condition of a  
4 job interview or employment. This paragraph shall not  
5 be construed to prohibit a prospective employer from  
6 asking a prospective employee what salary level the  
7 prospective employee would require in order to accept  
8 a job.

9 e. Release the salary history, including but  
10 not limited to information on compensation and  
11 benefits, of any current or former employee to any  
12 prospective employer in response to a request as part  
13 of an interview or hiring process without written  
14 authorization from such current or former employee.

15 f. Publish, list, or post within the employer's  
16 organization, with any employment agency, job-listing  
17 service, or internet site, or in any other public  
18 manner, an advertisement to recruit candidates for hire  
19 or independent contractors to fill a position within  
20 the employer's organization without including the  
21 minimum rate of pay of the position. The rate of pay  
22 may be by the hour, shift, day, week, salary, piece,  
23 commission, or other applicable rate. The rate of pay  
24 shall include overtime and allowances, if any, claimed  
25 as part of the minimum wage, including but not limited  
26 to tipped wages.

27 g. Pay a newly hired employee at less than the  
28 rate of pay advertised for the employee's position as  
29 required under paragraph "f".

30 DIVISION \_\_\_\_  
31 MISCELLANEOUS PROVISIONS -- WAGE DISCRIMINATION --

32 EQUAL PAY TASK FORCE AND REPORT

33 Sec. \_\_\_\_ . EQUAL PAY TASK FORCE AND REPORT.

34 1. An equal pay task force is created. The task  
35 force shall consist of the following members:

- 1 a. The director of the civil rights commission, or  
2 the director's designee.
- 3 b. The director of the department of human rights,  
4 or the director's designee.
- 5 c. An employee of the labor market information  
6 division of the department of workforce development  
7 designated by the director of the department.
- 8 d. A representative of the association of business  
9 and industry, appointed by the president of the  
10 association.
- 11 e. A member of a statewide labor organization  
12 designated by the legislative council, appointed by the  
13 president of the organization.
- 14 f. Two representatives of organizations whose  
15 objectives include the elimination of pay disparities  
16 between men and women and minorities and nonminorities  
17 and that have undertaken advocacy, educational, or  
18 legislative initiatives in pursuit of such objectives  
19 appointed by the director of the civil rights  
20 commission in consultation with the leadership of those  
21 organizations.
- 22 g. Two representatives of postsecondary education  
23 institutions who have experience and expertise in  
24 the collection and analysis of data concerning pay  
25 disparities between men and women and minorities and  
26 nonminorities and whose research has been used in  
27 efforts to promote the elimination of such disparities  
28 appointed by the director of the civil rights  
29 commission in consultation with the leadership of those  
30 institutions.
- 31 h. Four members of the general assembly serving  
32 as ex officio, nonvoting members, one representative  
33 to be appointed by the speaker of the house of  
34 representatives, one representative to be appointed by  
35 the minority leader of the house of representatives,

1 one senator to be appointed by the majority leader of  
2 the senate, and one senator to be appointed by the  
3 minority leader of the senate.

4 2. The task force shall study all of the following:

5 a. The extent of wage disparities, both in the  
6 public and private sectors, between men and women and  
7 between minorities and nonminorities.

8 b. Factors that cause, or which tend to cause, such  
9 disparities, including segregation between women and  
10 men and between minorities and nonminorities across  
11 and within occupations, payment of lower wages for  
12 work in female-dominated occupations, child-rearing  
13 responsibilities, the number of women who are heads of  
14 households, education, hours worked, and years on the  
15 job.

16 c. The consequences of such disparities on the  
17 economy and affected families.

18 d. Actions likely to lead to the elimination and  
19 prevention of such disparities.

20 3. The civil rights commission shall provide  
21 staffing services for the task force.

22 4. The voting members shall elect a chairperson  
23 from the voting membership of the task force. A  
24 majority of the voting members of the task force  
25 constitutes a quorum.

26 5. Voting members of the task force shall receive  
27 reimbursement for actual expenses incurred while  
28 serving in their official capacity only if they are not  
29 eligible for reimbursement by the organization that  
30 they represent. Legislative members shall be paid the  
31 per diem and expenses specified in section 2.10.

32 6. The task force shall submit a report regarding  
33 its findings and its recommendations regarding  
34 potential actions for the elimination and prevention  
35 of disparities in wages between men and women and

1 minorities and nonminorities to the governor and the  
2 general assembly no later than December 22, 2017.>

3 2. By renumbering as necessary.

**By** ANDERSON of Polk

FINKENAUER of Dubuque

HOUSE FILE 2455

H-8211

1 Amend House File 2455 as follows:

2 1. Page 5, line 19, before <There> by inserting  
3 <a.>

4 2. Page 5, after line 25 by inserting:

5 <b. (1) From the moneys appropriated in this  
6 subsection, \$25,000 shall be awarded by the world food  
7 prize as a grant to a publicly endorsed, privately  
8 led initiative intended to inspire Iowans and their  
9 communities to improve their health and happiness.

10 The grant recipient shall award pilot project grants  
11 to main street communities under a main street Iowa  
12 program for nonprofit farmers market association  
13 projects that incentivize federal supplemental  
14 nutrition assistance program participants to utilize  
15 their program benefits to purchase fresh fruits and  
16 vegetables at farmers markets located within the state.

17 (2) As a condition of receiving moneys pursuant to  
18 this subsection, the world food prize shall:

19 (a) Contract with the grant recipient for  
20 administration of the pilot project grant awards and  
21 identification and oversight of individual pilot  
22 projects. The grant recipient shall require private  
23 moneys to match the state moneys awarded to pilot  
24 project grant recipients under this paragraph "b" on  
25 a dollar-for-dollar basis.

26 (b) Report to the chairs and ranking members of  
27 the joint appropriations subcommittee on economic  
28 development on the results of the individual pilot  
29 projects awarded grants, including the economic impacts  
30 on communities and local food producers, by December  
31 31, 2016.>

By ISENHART of Dubuque

H-8211 FILED APRIL 18, 2016

HOUSE FILE 2455

H-8212

1 Amend House File 2455 as follows:

2 1. Page 17, after line 1 by inserting:  
3 <DIVISION \_\_\_\_

4 KEEP IOWA BEAUTIFUL

5 Sec. \_\_\_\_ . KEEP IOWA BEAUTIFUL INITIATIVE. The  
6 director of the economic development authority created  
7 in section 15.105 shall allocate moneys in one or more  
8 funds established in section 15.106A, subsection 1,  
9 paragraph "o", in an amount equal to \$200,000 for the  
10 fiscal year beginning July 1, 2016, and ending June  
11 30, 2017, for the purpose of supporting a keep Iowa  
12 beautiful initiative in order to assist communities  
13 in developing and implementing beautification and  
14 community development plans.>

15 2. By renumbering as necessary.

By GRASSLEY of Butler

H-8212 FILED APRIL 18, 2016

HOUSE FILE 2455

H-8213

1 Amend House File 2455 as follows:

2 1. Page 16, line 30, after <BOARD> by inserting  
3 <AND DIVISION>

4 2. Page 17, after line 1 by inserting:

5 <Sec. \_\_\_\_ . Section 303.8, subsection 2, paragraph  
6 b, Code 2016, is amended to read as follows:

7 b. Maintain research centers in Des Moines and Iowa  
8 City and ensure the centers remain open and accessible  
9 to the public for a minimum of thirty-six hours per  
10 calendar week with the hours being distributed over  
11 consecutive days. The hour requirements under this  
12 paragraph "b" shall not apply to any week containing a  
13 legal public holiday described in section 1C.1.

14 3. By renumbering as necessary.

**By** RUNNING-MARQUARDT of Linn

H-8213 FILED APRIL 18, 2016

HOUSE FILE 2455

H-8220

1 Amend the amendment, H-8210, to House File 2455 as  
2 follows:

3 1. By striking page 1, line 3, through page 6, line  
4 2, and inserting:

5 <DIVISION \_\_\_\_  
6 MISCELLANEOUS PROVISIONS ---- COLLECTIVE BARGAINING  
7 ARBITRATION

8 Sec. \_\_\_\_\_. Section 20.22, subsections 3, 6, 7, 9,  
9 10, and 11, Code 2016, are amended to read as follows:

10 3. The submission of the impasse items to the  
11 arbitrator shall be limited to those items upon which  
12 the parties have not reached agreement. ~~With~~ However,  
13 with respect to each such item, the arbitrator's  
14 award shall not be restricted to the final offers on  
15 each impasse item submitted by the parties to the  
16 arbitrator.

17 6. From the time the board notifies the arbitrator  
18 of the selection of the arbitrator until such time as  
19 the arbitrator's ~~selection~~ decision on each impasse  
20 item is made, there shall be no discussion concerning  
21 recommendations for settlement of the dispute by the  
22 arbitrator with parties other than those who are direct  
23 parties to the dispute.

24 7. The arbitrator shall consider, and may consider  
25 additional information presented by either party, in  
26 addition to any other relevant factors, the following  
27 factors:

28 ~~a. Past collective bargaining contracts between the~~  
29 ~~parties including the bargaining that led up to such~~  
30 ~~contracts.~~

31 ~~b.~~ a. Comparison of wages, benefits, hours,  
32 and conditions of employment of the involved public  
33 employees with those of other public employees,  
34 including public employees not represented by an  
35 employee organization, and with private sector

H-8220

1 employees doing comparable work, giving consideration  
2 to factors peculiar to the area and the classifications  
3 involved. In considering this comparison, the  
4 arbitrator shall strive to maintain parity in wages,  
5 benefits, hours, and conditions of employment between  
6 the public sector and the private sector for comparable  
7 types of work, and shall give consideration to similar  
8 and equitable economic conditions where applicable.

9 e. b. The interests and welfare of the public,  
10 the ability of the public employer to finance economic  
11 adjustments without raising any tax, and the effect of  
12 such adjustments on the normal standard of services.

13 ~~d. The power of the public employer to levy~~  
14 ~~taxes and appropriate funds for the conduct of its~~  
15 ~~operations.~~

16 c. Efficiency of the public employer in its ability  
17 to carry out any of its functions.

18 9. ~~The arbitrator shall select~~ render a decision  
19 within fifteen days after the hearing the most  
20 reasonable offer, in the arbitrator's judgment, of the  
21 final offers on consisting of final terms for each  
22 impasse item submitted by the parties. The arbitrator  
23 may select one of the final offers on each impasse item  
24 submitted by the parties or the arbitrator may make an  
25 award which does not go beyond the terms of a final  
26 offer for any impasse item submitted by the parties.

27 10. ~~The selections~~ decisions by the arbitrator  
28 and items agreed upon by the public employer and  
29 the employee organization, shall be deemed to be the  
30 collective bargaining agreement between the parties.

31 11. ~~The determination~~ decisions of the arbitrator  
32 shall be final and binding subject to the provisions of  
33 section 20.17, subsection 6. The arbitrator shall give  
34 written explanation for the arbitrator's ~~selections~~  
35 decision regarding the final terms for each impasse

1 item and inform the parties of the decision.

2 Sec. \_\_\_\_ . APPLICABILITY. This division of this Act  
3 applies to collective bargaining agreements entered  
4 into on or after the effective date of this division  
5 of this Act.>

6 2. By renumbering as necessary.

**By** FORRISTALL of Pottawattamie

HOUSE FILE 2455

H-8221

1 Amend the amendment, H-8210, to House File 2455 as  
2 follows:

3 1. By striking page 1, line 3, through page 6, line  
4 2, and inserting:

5 <DIVISION \_\_\_\_  
6 MISCELLANEOUS PROVISIONS ---- COLLECTIVE BARGAINING  
7 ARBITRATION

8 Sec. \_\_\_\_\_. Section 20.22, subsections 3, 6, 7, 9,  
9 10, and 11, Code 2016, are amended to read as follows:

10 3. The submission of the impasse items to the  
11 arbitrator shall be limited to those items upon which  
12 the parties have not reached agreement. ~~With~~ However,  
13 with respect to each such item, the arbitrator's  
14 award shall not be restricted to the final offers on  
15 each impasse item submitted by the parties to the  
16 arbitrator.

17 6. From the time the board notifies the arbitrator  
18 of the selection of the arbitrator until such time as  
19 the arbitrator's ~~selection~~ decision on each impasse  
20 item is made, there shall be no discussion concerning  
21 recommendations for settlement of the dispute by the  
22 arbitrator with parties other than those who are direct  
23 parties to the dispute.

24 7. The arbitrator shall consider, and may consider  
25 additional information presented by either party, in  
26 addition to any other relevant factors, the following  
27 factors:

28 ~~a. Past collective bargaining contracts between the~~  
29 ~~parties including the bargaining that led up to such~~  
30 ~~contracts.~~

31 ~~b.~~ a. Comparison of wages, benefits, hours,  
32 and conditions of employment of the involved public  
33 employees with those of other public employees,  
34 including public employees not represented by an  
35 employee organization, and with private sector

H-8221

1 employees doing comparable work, giving consideration  
2 to factors peculiar to the area and the classifications  
3 involved. In considering this comparison, the  
4 arbitrator shall strive to maintain parity in wages,  
5 benefits, hours, and conditions of employment between  
6 the public sector and the private sector for comparable  
7 types of work, and shall give consideration to similar  
8 and equitable economic conditions where applicable.

9 e. b. The interests and welfare of the public,  
10 the ability of the public employer to finance economic  
11 adjustments without raising any tax, and the effect of  
12 such adjustments on the normal standard of services.

13 ~~d. The power of the public employer to levy~~  
14 ~~taxes and appropriate funds for the conduct of its~~  
15 ~~operations.~~

16 c. Efficiency of the public employer in its ability  
17 to carry out any of its functions.

18 9. The arbitrator shall ~~select~~ render a decision  
19 within fifteen days after the hearing the most  
20 reasonable offer, in the arbitrator's judgment, of the  
21 final offers on consisting of final terms for each  
22 impasse item submitted by the parties. The arbitrator  
23 may select one of the final offers on each impasse item  
24 submitted by the parties or the arbitrator may make an  
25 award which does not go beyond the terms of a final  
26 offer for any impasse item submitted by the parties.

27 10. The ~~selections~~ decisions by the arbitrator  
28 and items agreed upon by the public employer and  
29 the employee organization, shall be deemed to be the  
30 collective bargaining agreement between the parties.

31 11. The ~~determination~~ decisions of the arbitrator  
32 shall be final and binding subject to the provisions of  
33 section 20.17, subsection 6. The arbitrator shall give  
34 written explanation for the arbitrator's ~~selections~~  
35 decision regarding the final terms for each impasse

1 item and inform the parties of the decision.  
2 Sec. \_\_\_\_\_. APPLICABILITY. This division of this Act  
3 applies to collective bargaining agreements entered  
4 into on or after the effective date of this division  
5 of this Act.

6 DIVISION \_\_\_\_  
7 MISCELLANEOUS PROVISIONS -- WAGE DISCRIMINATION  
8 Sec. \_\_\_\_\_. ADDITIONAL UNFAIR OR DISCRIMINATORY  
9 PRACTICE -- WAGE DISCRIMINATION IN EMPLOYMENT.

10 1. As stated in chapter 216, the general assembly  
11 finds that the practice of discriminating against any  
12 employee because of the age, race, creed, color, sex,  
13 sexual orientation, gender identity, national origin,  
14 religion, or disability of such employee by paying  
15 wages to such employee at a rate less than the rate  
16 paid to other employees does all of the following:

- 17 a. Unjustly discriminates against the person  
18 receiving the lesser rate.
- 19 b. Leads to low employee morale, high turnover, and  
20 frequent labor unrest.
- 21 c. Discourages employees paid at lesser wage rates  
22 from training for higher level jobs.
- 23 d. Curtails employment opportunities, decreases  
24 employees' mobility, and increases labor costs.
- 25 e. Impairs purchasing power and threatens the  
26 maintenance of an adequate standard of living by such  
27 employees and their families.
- 28 f. Prevents optimum utilization of the state's  
29 available labor resources.
- 30 g. Threatens the well-being of citizens of this  
31 state and adversely affects the general welfare.

32 2. As stated in section 216.6A, it remains  
33 unfair or discriminatory practice for any employer  
34 or agent of any employer to discriminate against  
35 any employee because of the age, race, creed, color,

1 sex, sexual orientation, gender identity, national  
2 origin, religion, or disability of such employee by  
3 paying wages to such employee at a rate less than the  
4 rate paid to other employees who are employed within  
5 the same establishment for equal work on jobs, the  
6 performance of which requires equal skill, effort, and  
7 responsibility, and which are performed under similar  
8 working conditions. As also stated in section 216.6A,  
9 an employer or agent of an employer who is paying wages  
10 to an employee at a rate less than the rate paid to  
11 other employees in violation of this section shall not  
12 remedy the violation by reducing the wage rate of any  
13 employee.>

14 2. By renumbering as necessary.

By FORRISTALL of Pottawattamie

HOUSE FILE 2455

H-8222

1 Amend the amendment, H-8212, to House File 2455 as  
2 follows:

3 1. Page 1, by striking lines 2 through 15 and  
4 inserting:

5 <1. Page 17, after line 10 by inserting:

6 <DIVISION \_\_\_\_  
7 KEEP IOWA BEAUTIFUL

8 Sec. \_\_\_\_ . KEEP IOWA BEAUTIFUL INITIATIVE. The  
9 director of the economic development authority created  
10 in section 15.105 shall allocate moneys in one or more  
11 funds established in section 15.106A, subsection 1,  
12 paragraph "o", in an amount equal to \$200,000 for the  
13 fiscal year beginning July 1, 2016, and ending June  
14 30, 2017, for the purpose of supporting a keep Iowa  
15 beautiful initiative in order to assist communities  
16 in developing and implementing beautification and  
17 community development plans.

18 DIVISION \_\_\_\_  
19 MISCELLANEOUS PROVISIONS ---- SERVICE CONTRACT RECIPIENTS

20 Sec. \_\_\_\_ . Section 8F.3, subsection 1, paragraphs b  
21 and d, Code 2016, are amended to read as follows:

22 b. Information regarding the training and education  
23 received by the members of the governing body of  
24 the recipient entity relating to the duties and  
25 legal responsibilities of the governing body. The  
26 information shall also include certification that  
27 the members of the governing body have completed a  
28 training program established pursuant to section 19B.7,  
29 subsection 3.

30 d. Information regarding any policies adopted  
31 by the governing body of the recipient entity that  
32 prohibit taking adverse employment action against  
33 employees of the recipient entity who disclose  
34 information about a service contract, to include  
35 information about the pay and benefits received by

H-8222

1 an employee of a recipient entity, to the oversight  
2 agency, the auditor of state, the office of the  
3 attorney general, or the office of ombudsman and  
4 that state whether those policies are substantially  
5 similar to the protection provided to state employees  
6 under section 70A.28. The information provided shall  
7 state whether employees of the recipient entity are  
8 informed on a regular basis of their rights to disclose  
9 information to the oversight agency, the office of  
10 ombudsman, the auditor of state, or the office of the  
11 attorney general and the telephone numbers of those  
12 organizations.

13 Sec. \_\_\_\_\_. Section 19B.7, Code 2016, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 3. The department of  
16 administrative services, in coordination with  
17 the Iowa civil rights commission, shall establish a  
18 training program for prospective recipient entities, as  
19 defined in section 8F.2, concerning the requirements  
20 of this section, and chapter 216, relative to the  
21 administration and promotion of equal opportunity and  
22 the prohibition of discriminatory and unfair practices  
23 within any program receiving or benefiting from state  
24 financial assistance. The program shall specifically  
25 include guidance relative to unfair employment  
26 practices as described in section 216.6, and wage  
27 discrimination in employment prohibitions as described  
28 in section 216.6A.

29 DIVISION \_\_\_\_  
30 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION IN  
31 EMPLOYMENT

32 Sec. \_\_\_\_\_. Section 216.6A, Code 2016, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 2A. It shall be an unfair or  
35 discriminatory practice for any employer or agent of

1 any employer to do any of the following:

2 a. Require, as a condition of employment, that  
3 an employee refrain from disclosing, discussing,  
4 or sharing information about the amount of the  
5 employee's wages, benefits, or other compensation or  
6 from inquiring, discussing, or sharing information  
7 about any other employee's wages, benefits, or other  
8 compensation.

9 b. Require, as a condition of employment, that an  
10 employee sign a waiver or other document that requires  
11 an employee to refrain from engaging in any of the  
12 activities permitted under paragraph "a".

13 c. Discriminate or retaliate against an employee  
14 for engaging in any of the activities permitted under  
15 paragraph "a".

16 d. Seek salary history information, including  
17 but not limited to information on compensation and  
18 benefits, from a potential employee as a condition of a  
19 job interview or employment. This paragraph shall not  
20 be construed to prohibit a prospective employer from  
21 asking a prospective employee what salary level the  
22 prospective employee would require in order to accept  
23 a job.

24 e. Release the salary history, including but  
25 not limited to information on compensation and  
26 benefits, of any current or former employee to any  
27 prospective employer in response to a request as part  
28 of an interview or hiring process without written  
29 authorization from such current or former employee.

30 f. Publish, list, or post within the employer's  
31 organization, with any employment agency, job-listing  
32 service, or internet site, or in any other public  
33 manner, an advertisement to recruit candidates for hire  
34 or independent contractors to fill a position within  
35 the employer's organization without including the

1 minimum rate of pay of the position. The rate of pay  
2 may be by the hour, shift, day, week, salary, piece,  
3 commission, or other applicable rate. The rate of pay  
4 shall include overtime and allowances, if any, claimed  
5 as part of the minimum wage, including but not limited  
6 to tipped wages.

7 g. Pay a newly hired employee at less than the  
8 rate of pay advertised for the employee's position as  
9 required under paragraph "f".

10 DIVISION \_\_\_\_  
11 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION ----  
12 EQUAL PAY TASK FORCE AND REPORT

13 Sec. \_\_\_\_ . EQUAL PAY TASK FORCE AND REPORT.

14 1. An equal pay task force is created. The task  
15 force shall consist of the following members:

16 a. The director of the civil rights commission, or  
17 the director's designee.

18 b. The director of the department of human rights,  
19 or the director's designee.

20 c. An employee of the labor market information  
21 division of the department of workforce development  
22 designated by the director of the department.

23 d. A representative of the association of business  
24 and industry, appointed by the president of the  
25 association.

26 e. A member of a statewide labor organization  
27 designated by the legislative council, appointed by the  
28 president of the organization.

29 f. Two representatives of organizations whose  
30 objectives include the elimination of pay disparities  
31 between men and women and minorities and nonminorities  
32 and that have undertaken advocacy, educational, or  
33 legislative initiatives in pursuit of such objectives  
34 appointed by the director of the civil rights  
35 commission in consultation with the leadership of those

1 organizations.

2 g. Two representatives of postsecondary education  
3 institutions who have experience and expertise in  
4 the collection and analysis of data concerning pay  
5 disparities between men and women and minorities and  
6 nonminorities and whose research has been used in  
7 efforts to promote the elimination of such disparities  
8 appointed by the director of the civil rights  
9 commission in consultation with the leadership of those  
10 institutions.

11 h. Four members of the general assembly serving  
12 as ex officio, nonvoting members, one representative  
13 to be appointed by the speaker of the house of  
14 representatives, one representative to be appointed by  
15 the minority leader of the house of representatives,  
16 one senator to be appointed by the majority leader of  
17 the senate, and one senator to be appointed by the  
18 minority leader of the senate.

19 2. The task force shall study all of the following:

20 a. The extent of wage disparities, both in the  
21 public and private sectors, between men and women and  
22 between minorities and nonminorities.

23 b. Factors that cause, or which tend to cause, such  
24 disparities, including segregation between women and  
25 men and between minorities and nonminorities across  
26 and within occupations, payment of lower wages for  
27 work in female-dominated occupations, child-rearing  
28 responsibilities, the number of women who are heads of  
29 households, education, hours worked, and years on the  
30 job.

31 c. The consequences of such disparities on the  
32 economy and affected families.

33 d. Actions likely to lead to the elimination and  
34 prevention of such disparities.

35 3. The civil rights commission shall provide

1 staffing services for the task force.

2 4. The voting members shall elect a chairperson  
3 from the voting membership of the task force. A  
4 majority of the voting members of the task force  
5 constitutes a quorum.

6 5. Voting members of the task force shall receive  
7 reimbursement for actual expenses incurred while  
8 serving in their official capacity only if they are not  
9 eligible for reimbursement by the organization that  
10 they represent. Legislative members shall be paid the  
11 per diem and expenses specified in section 2.10.

12 6. The task force shall submit a report regarding  
13 its findings and its recommendations regarding  
14 potential actions for the elimination and prevention  
15 of disparities in wages between men and women and  
16 minorities and nonminorities to the governor and the  
17 general assembly no later than December 22, 2017.>

18 2. By renumbering as necessary.>

**By** FINKENAUER of Dubuque

HOUSE FILE 2455

H-8224

1 Amend House File 2455 as follows:

2 1. Page 17, after line 10 by inserting:

3 <DIVISION \_\_\_\_\_

4 MISCELLANEOUS PROVISIONS ---- SERVICE CONTRACT RECIPIENTS

5 Sec. \_\_\_\_\_. Section 8F.3, subsection 1, paragraphs b

6 and d, Code 2016, are amended to read as follows:

7 b. Information regarding the training and education  
8 received by the members of the governing body of  
9 the recipient entity relating to the duties and  
10 legal responsibilities of the governing body. The  
11 information shall also include certification that  
12 the members of the governing body have completed a  
13 training program established pursuant to section 19B.7,  
14 subsection 3.

15 d. Information regarding any policies adopted  
16 by the governing body of the recipient entity that  
17 prohibit taking adverse employment action against  
18 employees of the recipient entity who disclose  
19 information about a service contract, to include  
20 information about the pay and benefits received by  
21 an employee of a recipient entity, to the oversight  
22 agency, the auditor of state, the office of the  
23 attorney general, or the office of ombudsman and  
24 that state whether those policies are substantially  
25 similar to the protection provided to state employees  
26 under section 70A.28. The information provided shall  
27 state whether employees of the recipient entity are  
28 informed on a regular basis of their rights to disclose  
29 information to the oversight agency, the office of  
30 ombudsman, the auditor of state, or the office of the  
31 attorney general and the telephone numbers of those  
32 organizations.

33 Sec. \_\_\_\_\_. Section 19B.7, Code 2016, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 3. The department of

H-8224

1 administrative services, in coordination with  
2 the Iowa civil rights commission, shall establish a  
3 training program for prospective recipient entities, as  
4 defined in section 8F.2, concerning the requirements  
5 of this section, and chapter 216, relative to the  
6 administration and promotion of equal opportunity and  
7 the prohibition of discriminatory and unfair practices  
8 within any program receiving or benefiting from state  
9 financial assistance. The program shall specifically  
10 include guidance relative to unfair employment  
11 practices as described in section 216.6, and wage  
12 discrimination in employment prohibitions as described  
13 in section 216.6A.

14 DIVISION \_\_\_\_  
15 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION IN  
16 EMPLOYMENT

17 Sec. \_\_\_\_ . Section 216.6A, Code 2016, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 2A. It shall be an unfair or  
20 discriminatory practice for any employer or agent of  
21 any employer to do any of the following:

22 a. Require, as a condition of employment, that  
23 an employee refrain from disclosing, discussing,  
24 or sharing information about the amount of the  
25 employee's wages, benefits, or other compensation or  
26 from inquiring, discussing, or sharing information  
27 about any other employee's wages, benefits, or other  
28 compensation.

29 b. Require, as a condition of employment, that an  
30 employee sign a waiver or other document that requires  
31 an employee to refrain from engaging in any of the  
32 activities permitted under paragraph "a".

33 c. Discriminate or retaliate against an employee  
34 for engaging in any of the activities permitted under  
35 paragraph "a".

1 d. Seek salary history information, including  
2 but not limited to information on compensation and  
3 benefits, from a potential employee as a condition of a  
4 job interview or employment. This paragraph shall not  
5 be construed to prohibit a prospective employer from  
6 asking a prospective employee what salary level the  
7 prospective employee would require in order to accept  
8 a job.

9 e. Release the salary history, including but  
10 not limited to information on compensation and  
11 benefits, of any current or former employee to any  
12 prospective employer in response to a request as part  
13 of an interview or hiring process without written  
14 authorization from such current or former employee.

15 f. Publish, list, or post within the employer's  
16 organization, with any employment agency, job-listing  
17 service, or internet site, or in any other public  
18 manner, an advertisement to recruit candidates for hire  
19 or independent contractors to fill a position within  
20 the employer's organization without including the  
21 minimum rate of pay of the position. The rate of pay  
22 may be by the hour, shift, day, week, salary, piece,  
23 commission, or other applicable rate. The rate of pay  
24 shall include overtime and allowances, if any, claimed  
25 as part of the minimum wage, including but not limited  
26 to tipped wages.

27 g. Pay a newly hired employee at less than the  
28 rate of pay advertised for the employee's position as  
29 required under paragraph "f".

30 DIVISION \_\_\_\_\_

31 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION ----

32 EQUAL PAY TASK FORCE AND REPORT

33 Sec. \_\_\_\_\_. EQUAL PAY TASK FORCE AND REPORT.

34 1. An equal pay task force is created. The task  
35 force shall consist of the following members:

- 1 a. The director of the civil rights commission, or
- 2 the director's designee.
- 3 b. The director of the department of human rights,
- 4 or the director's designee.
- 5 c. An employee of the labor market information
- 6 division of the department of workforce development
- 7 designated by the director of the department.
- 8 d. A representative of the association of business
- 9 and industry, appointed by the president of the
- 10 association.
- 11 e. A member of a statewide labor organization
- 12 designated by the legislative council, appointed by the
- 13 president of the organization.
- 14 f. Two representatives of organizations whose
- 15 objectives include the elimination of pay disparities
- 16 between men and women and minorities and nonminorities
- 17 and that have undertaken advocacy, educational, or
- 18 legislative initiatives in pursuit of such objectives
- 19 appointed by the director of the civil rights
- 20 commission in consultation with the leadership of those
- 21 organizations.
- 22 g. Two representatives of postsecondary education
- 23 institutions who have experience and expertise in
- 24 the collection and analysis of data concerning pay
- 25 disparities between men and women and minorities and
- 26 nonminorities and whose research has been used in
- 27 efforts to promote the elimination of such disparities
- 28 appointed by the director of the civil rights
- 29 commission in consultation with the leadership of those
- 30 institutions.
- 31 h. Four members of the general assembly serving
- 32 as ex officio, nonvoting members, one representative
- 33 to be appointed by the speaker of the house of
- 34 representatives, one representative to be appointed by
- 35 the minority leader of the house of representatives,

1 one senator to be appointed by the majority leader of  
2 the senate, and one senator to be appointed by the  
3 minority leader of the senate.

4 2. The task force shall study all of the following:

5 a. The extent of wage disparities, both in the  
6 public and private sectors, between men and women and  
7 between minorities and nonminorities.

8 b. Factors that cause, or which tend to cause, such  
9 disparities, including segregation between women and  
10 men and between minorities and nonminorities across  
11 and within occupations, payment of lower wages for  
12 work in female-dominated occupations, child-rearing  
13 responsibilities, the number of women who are heads of  
14 households, education, hours worked, and years on the  
15 job.

16 c. The consequences of such disparities on the  
17 economy and affected families.

18 d. Actions likely to lead to the elimination and  
19 prevention of such disparities.

20 3. The civil rights commission shall provide  
21 staffing services for the task force.

22 4. The voting members shall elect a chairperson  
23 from the voting membership of the task force. A  
24 majority of the voting members of the task force  
25 constitutes a quorum.

26 5. Voting members of the task force shall receive  
27 reimbursement for actual expenses incurred while  
28 serving in their official capacity only if they are not  
29 eligible for reimbursement by the organization that  
30 they represent. Legislative members shall be paid the  
31 per diem and expenses specified in section 2.10.

32 6. The task force shall submit a report regarding  
33 its findings and its recommendations regarding  
34 potential actions for the elimination and prevention  
35 of disparities in wages between men and women and

1 minorities and nonminorities to the governor and the  
2 general assembly no later than December 22, 2017.

3 DIVISION \_\_\_\_

4 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION

5 Sec. \_\_\_\_ . ADDITIONAL UNFAIR OR DISCRIMINATORY

6 PRACTICE ---- WAGE DISCRIMINATION IN EMPLOYMENT.

7 1. As stated in chapter 216, the general assembly  
8 finds that the practice of discriminating against any  
9 employee because of the age, race, creed, color, sex,  
10 sexual orientation, gender identity, national origin,  
11 religion, or disability of such employee by paying  
12 wages to such employee at a rate less than the rate  
13 paid to other employees does all of the following:

- 14 a. Unjustly discriminates against the person  
15 receiving the lesser rate.
- 16 b. Leads to low employee morale, high turnover, and  
17 frequent labor unrest.
- 18 c. Discourages employees paid at lesser wage rates  
19 from training for higher level jobs.
- 20 d. Curtails employment opportunities, decreases  
21 employees' mobility, and increases labor costs.
- 22 e. Impairs purchasing power and threatens the  
23 maintenance of an adequate standard of living by such  
24 employees and their families.
- 25 f. Prevents optimum utilization of the state's  
26 available labor resources.
- 27 g. Threatens the well-being of citizens of this  
28 state and adversely affects the general welfare.

29 2. As stated in section 216.6A, it remains  
30 unfair or discriminatory practice for any employer  
31 or agent of any employer to discriminate against  
32 any employee because of the age, race, creed, color,  
33 sex, sexual orientation, gender identity, national  
34 origin, religion, or disability of such employee by  
35 paying wages to such employee at a rate less than the

1 rate paid to other employees who are employed within  
2 the same establishment for equal work on jobs, the  
3 performance of which requires equal skill, effort, and  
4 responsibility, and which are performed under similar  
5 working conditions. As also stated in section 216.6A,  
6 an employer or agent of an employer who is paying wages  
7 to an employee at a rate less than the rate paid to  
8 other employees in violation of this section shall not  
9 remedy the violation by reducing the wage rate of any  
10 employee.>

11 2. By renumbering as necessary.

<b>By</b> FINKENAUER of Dubuque	LENSING of Johnson
ABDUL-SAMAD of Polk	LYKAM of Scott
ANDERSON of Polk	MASCHER of Johnson
BEARINGER of Fayette	McCONKEY of Pottawattamie
BENNETT of Linn	MEYER of Polk
BROWN-POWERS of Black Hawk	H. MILLER of Webster
COHOON of Des Moines	OLDSON of Polk
DAWSON of Woodbury	OLSON of Polk
DUNKEL of Dubuque	OURTH of Warren
FORBES of Polk	PRICHARD of Floyd
GAINES of Polk	RUFF of Clayton
GASKILL of Wapello	RUNNING-MARQUARDT of Linn
HALL of Woodbury	SMITH of Marshall
HANSON of Jefferson	STAED of Linn
HEDDENS of Story	STECKMAN of Cerro Gordo
HUNTER of Polk	STUTSMAN of Johnson
ISENHART of Dubuque	T. TAYLOR of Linn
JACOBY of Johnson	THEDE of Scott
KEARNS of Lee	WESSEL-KROESCHELL of Story
KELLEY of Jasper	WINCKLER of Scott
KRESSIG of Black Hawk	WOLFE of Clinton

HOUSE FILE 2455

H-8225

1 Amend the amendment, H-8224, to House File 2455 as  
2 follows:

3 1. By striking page 1, line 1, through page 6, line  
4 2, and inserting:

5 <Amend House File 2455 as follows:

6 \_\_\_\_\_. Page 17, after line 10 by inserting:

7 DIVISION \_\_\_\_

8 MISCELLANEOUS PROVISIONS - EQUAL PAY TASK FORCE AND  
9 REPORT

10 Sec. \_\_\_\_\_. EQUAL PAY.

11 1. An equal pay task force is created. The task  
12 force shall consist of seven members appointed by the  
13 governor.

14 2. The task force shall study wage discrepancies  
15 within public and private employment and between public  
16 and private employers.

17 3. The task force shall submit a report regarding  
18 its findings and its recommendations regarding  
19 potential actions for the elimination and prevention  
20 of such discrepancies to the governor and the general  
21 assembly no later than December 22, 2017.

22 DIVISION \_\_\_\_

23 MISCELLANEOUS PROVISIONS ---- WAGE DISCRIMINATION

24 Sec. \_\_\_\_\_. ADDITIONAL UNFAIR OR DISCRIMINATORY  
25 PRACTICE ---- WAGE DISCRIMINATION IN EMPLOYMENT.

26 1. As stated in chapter 216, the general assembly  
27 finds that the practice of discriminating against any  
28 employee because of the age, race, creed, color, sex,  
29 sexual orientation, gender identity, national origin,  
30 religion, or disability of such employee by paying  
31 wages to such employee at a rate less than the rate  
32 paid to other employees does all of the following:

33 a. Unjustly discriminates against the person  
34 receiving the lesser rate.

35 b. Leads to low employee morale, high turnover, and

H-8225

1 frequent labor unrest.

2 c. Discourages employees paid at lesser wage rates  
3 from training for higher level jobs.

4 d. Curtails employment opportunities, decreases  
5 employees' mobility, and increases labor costs.

6 e. Impairs purchasing power and threatens the  
7 maintenance of an adequate standard of living by such  
8 employees and their families.

9 f. Prevents optimum utilization of the state's  
10 available labor resources.

11 g. Threatens the well-being of citizens of this  
12 state and adversely affects the general welfare.

13 2. As stated in section 216.6A, it remains  
14 unfair or discriminatory practice for any employer  
15 or agent of any employer to discriminate against  
16 any employee because of the age, race, creed, color,  
17 sex, sexual orientation, gender identity, national  
18 origin, religion, or disability of such employee by  
19 paying wages to such employee at a rate less than the  
20 rate paid to other employees who are employed within  
21 the same establishment for equal work on jobs, the  
22 performance of which requires equal skill, effort, and  
23 responsibility, and which are performed under similar  
24 working conditions. As also stated in section 216.6A,  
25 an employer or agent of an employer who is paying wages  
26 to an employee at a rate less than the rate paid to  
27 other employees in violation of this section shall not  
28 remedy the violation by reducing the wage rate of any  
29 employee.>

30 2. By renumbering as necessary.

**By** FORRISTALL of Pottawattamie

HOUSE FILE 2457

H-8217

1 Amend House File 2457 as follows:  
2 1. Page 3, after line 22 by inserting:  
3 <Sec. \_\_\_\_ . JUDICIAL BRANCH ---- STAFFING ---- INTERIM  
4 STUDY COMMITTEE. The legislative council shall  
5 establish an interim study committee to study staffing  
6 needs of the judicial branch in order to maintain  
7 and provide adequate court services to the people of  
8 the state at courthouses throughout the state and  
9 through the internet site of the judicial branch.  
10 The membership of the committee shall consist of two  
11 members of the senate, one appointed by the president  
12 of the senate, and one appointed by the minority leader  
13 of the senate; and two representatives, one appointed  
14 by the speaker of the house of representatives, and  
15 one appointed by the minority leader of the house of  
16 representatives. The study committee shall present its  
17 conclusions and recommendations in a report to the 2017  
18 session of the general assembly.>  
19 2. By renumbering as necessary.

By T. TAYLOR of Linn

H-8217 FILED APRIL 18, 2016

HOUSE FILE 2458

H-8214

1 Amend House File 2458 as follows:  
2 1. Page 22, lines 29 and 30, by striking <and the  
3 rules shall be effective immediately upon filing unless  
4 a later date is specified in the rules>

By PETTENGILL of Benton

H-8214 FILED APRIL 18, 2016

HOUSE FILE 2458

H-8218

1 Amend House File 2458 as follows:

2 1. Page 22, after line 33 by inserting:

3 <Sec. \_\_\_\_ DEPARTMENT OF CORRECTIONS ---- STAFFING  
4 LEVELS ---- INTERIM STUDY COMMITTEE. The legislative  
5 council shall establish an interim study committee  
6 to study staffing needs throughout the department  
7 of corrections in order to maintain safe and  
8 secure operations in the correctional institutions  
9 and community-based correctional facilities,  
10 specifically in regards to staffing levels relating  
11 to inmate-to-staff ratios at various security levels  
12 and caseloads for probation and parole officers. The  
13 membership of the committee shall consist of two  
14 members of the senate, one appointed by the president  
15 of the senate, and one appointed by the minority leader  
16 of the senate; and two representatives, one appointed  
17 by the speaker of the house of representatives, and  
18 one appointed by the minority leader of the house of  
19 representatives. The study committee shall present its  
20 conclusions and recommendations in a report to the 2017  
21 session of the general assembly.>

By T. TAYLOR of Linn

H-8218 FILED APRIL 18, 2016

HOUSE FILE 2459

H-8215

1 Amend House File 2459 as follows:

2 1. Page 6, after line 30 by inserting:

3 <DIVISION \_\_\_\_

4 UNDERGROUND STORAGE TANK FUND AND RENEWABLE FUEL  
5 INFRASTRUCTURE FUND ALLOCATIONS ---- UNDERGROUND STORAGE

6 TANKS REMEDIAL ACTION TAX CREDIT AND CLAIMS

7 Sec. \_\_\_\_ . Section 321.145, subsection 2, paragraph  
8 a, Code 2016, is amended by striking the paragraph.

9 Sec. \_\_\_\_ . Section 321.145, subsection 2, paragraph  
10 b, Code 2016, is amended to read as follows:

11 b. Moneys ~~remaining after the operation of~~  
12 ~~paragraph "a"~~ shall be credited in order of priority as  
13 follows:

14 (1) An amount equal to four percent of the revenue  
15 from the operation of section 321.105A, subsection 2,  
16 shall be credited to the department, to be used for  
17 purposes of public transit assistance under chapter  
18 324A.

19 (2) An amount equal to two dollars per year of  
20 license validity for each issued or renewed driver's  
21 license which is valid for the operation of a  
22 motorcycle shall be credited to the motorcycle rider  
23 education fund established under section 321.179.

24 (3) The amounts required to be transferred pursuant  
25 to section 321.34 from revenues available under  
26 this subsection shall be transferred and credited as  
27 provided in section 321.34, subsections 7, 10, 10A,  
28 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C,  
29 21, 22, 23, 24, 25, and 26 for the various purposes  
30 specified in those subsections.

31 Sec. \_\_\_\_ . NEW SECTION. 427B.23 Repeal.

32 This division is repealed July 1, 2016.

33 Sec. \_\_\_\_ . NEW SECTION. 455G.22 Eligible claims and  
34 date.

35 A claim for a release filed after December 31,

H-8215

1 2016, shall not be eligible for payment from the Iowa  
2 comprehensive petroleum underground storage tank fund.

3 DIVISION \_\_\_\_

4 IOWA TANKS FUND FINANCING PROGRAM ---- UNDERGROUND  
5 STORAGE TANK FUND REPEAL

6 Sec. \_\_\_\_ . NEW SECTION. 16.145 Definitions.

7 As used in this part:

8 1. "Claimant" means an owner or operator who has  
9 received assistance under the Iowa tanks fund or  
10 its predecessor, the Iowa comprehensive petroleum  
11 underground storage tank fund created in chapter 455G,  
12 Code 2017.

13 2. "Costs" means all costs, charges, expenses,  
14 or other indebtedness incurred by a claimant and  
15 determined by the department as reasonable and  
16 necessary for carrying out all works and undertakings  
17 necessary or incidental to the accomplishment of any  
18 project.

19 3. "Department" means the department of natural  
20 resources created in section 455A.2.

21 4. "Director" means the director of the department  
22 of natural resources.

23 5. "Program" means the Iowa tanks fund financing  
24 program created pursuant to section 455B.472A.

25 Sec. \_\_\_\_ . NEW SECTION. 16.146 Iowa tanks fund  
26 financing program.

27 1. The authority shall cooperate with the  
28 department in the creation, administration, and  
29 financing of the program.

30 2. The authority shall administer the Iowa tanks  
31 fund created in section 455B.472A to carry out  
32 the purposes of the program and shall manage the  
33 funding, administration, investment, restrictions, and  
34 disposition of the fund.

35 3. The authority shall work cooperatively with

1 the director to distribute financial assistance for  
2 work conducted by eligible entities that comply with  
3 the requirements of the program. The department  
4 shall determine if work completed is eligible for  
5 reimbursement from the Iowa tanks fund created for the  
6 program.

7 Sec. \_\_\_\_\_. Section 68B.35, subsection 2, paragraph  
8 e, Code 2016, is amended to read as follows:

9 e. Members of the state banking council, the  
10 ethics and campaign disclosure board, the credit union  
11 review board, the economic development authority, the  
12 employment appeal board, the environmental protection  
13 commission, the health facilities council, the  
14 Iowa finance authority, the Iowa public employees'  
15 retirement system investment board, the board of  
16 the Iowa lottery authority, the natural resource  
17 commission, the board of parole, ~~the petroleum~~  
18 ~~underground storage tank fund board,~~ the public  
19 employment relations board, the state racing and gaming  
20 commission, the state board of regents, the tax review  
21 board, the transportation commission, the office  
22 of consumer advocate, the utilities board, the Iowa  
23 telecommunications and technology commission, and any  
24 full-time members of other boards and commissions as  
25 defined under section 7E.4 who receive an annual salary  
26 for their service on the board or commission. The Iowa  
27 ethics and campaign disclosure board shall conduct an  
28 annual review to determine if members of any other  
29 board, commission, or authority should file a statement  
30 and shall require the filing of a statement pursuant to  
31 rules adopted pursuant to chapter 17A.

32 Sec. \_\_\_\_\_. Section 159A.11, subsection 10, Code  
33 2016, is amended by striking the subsection.

34 Sec. \_\_\_\_\_. Section 159A.13, subsection 6, Code 2016,  
35 is amended by striking the subsection.

1 Sec. \_\_\_\_\_. Section 159A.14, subsection 2, Code 2016,  
2 is amended to read as follows:

3 2. A person may apply to the department to receive  
4 financial incentives on a cost-share basis. The  
5 ~~department shall forward the applications to the~~  
6 ~~underground storage tank fund board as required by~~  
7 ~~that board for evaluation and recommendation. The~~  
8 ~~underground storage tank fund board may rank the~~  
9 ~~applications with comments and shall forward them to~~  
10 ~~the infrastructure board for approval or disapproval.~~  
11 The department shall award financial incentives  
12 on a cost-share basis to an eligible person whose  
13 application was approved by the infrastructure board.

14 Sec. \_\_\_\_\_. Section 159A.15, subsection 1, Code 2016,  
15 is amended to read as follows:

16 1. A person may apply to the department to receive  
17 financial incentives on a cost-share basis. The  
18 ~~department shall forward the applications to the~~  
19 ~~underground storage tank fund board as required by~~  
20 ~~that board for evaluation and recommendation. The~~  
21 ~~underground storage tank fund board may rank the~~  
22 ~~applications with comments and shall forward them to~~  
23 ~~the infrastructure board for approval or disapproval.~~  
24 The department shall award financial incentives  
25 on a cost-share basis to an eligible person whose  
26 application was approved by the infrastructure board.

27 Sec. \_\_\_\_\_. Section 323.1, subsection 16, Code 2016,  
28 is amended to read as follows:

29 16. "Storage tank" means a motor fuel storage tank  
30 as defined in section 214.1, ~~including an underground~~  
31 ~~storage tank subject to regulation under chapter 455G.~~

32 Sec. \_\_\_\_\_. Section 422.7, subsection 2, paragraph u,  
33 Code 2016, is amended by striking the paragraph.

34 Sec. \_\_\_\_\_. Section 455B.174, subsection 4, paragraph  
35 d, Code 2016, is amended to read as follows:

1 d. If a public water supply has a groundwater  
2 source that contains petroleum, a fraction of crude  
3 oil, or their degradation products, or is located  
4 in an area deemed by the department as likely to be  
5 contaminated by such materials, and after consultation  
6 with the public water supply system and consideration  
7 of all applicable rules relating to remediation, the  
8 department may require the public water supply system  
9 to replace that groundwater source in order to receive  
10 a permit to operate. The requirement to replace the  
11 source shall only be made by the department if the  
12 public water supply system is fully compensated for  
13 any additional design, construction, operation, and  
14 monitoring costs from the Iowa ~~comprehensive petroleum~~  
15 ~~underground storage tank tanks~~ fund created by ~~chapter~~  
16 ~~455G~~ section 455B.472A or from any other funds that  
17 do not impose a financial obligation on the part of  
18 the public water supply system. Funds available to  
19 or provided by the public water supply system may be  
20 used for system improvements made in conjunction with  
21 replacement of the source. The department cannot  
22 require a public water supply system to replace its  
23 water source with a less reliable water source or with  
24 a source that does not meet federal primary, secondary,  
25 or other health-based standards unless treatment is  
26 provided to ensure that the drinking water meets these  
27 standards. Nothing in this paragraph shall affect the  
28 public water supply system's right to pursue recovery  
29 from a responsible party.

30 Sec. \_\_\_\_\_. Section 455B.471, Code 2016, is amended  
31 by adding the following new subsections:

32 NEW SUBSECTION. 01. "Authority" means the Iowa  
33 finance authority.

34 NEW SUBSECTION. 1A. "Claimant" means an owner or  
35 operator who has received assistance under the Iowa

1 tanks fund or its predecessor, the Iowa comprehensive  
2 petroleum underground storage tank fund created in  
3 chapter 455G, Code 2017.

4 NEW SUBSECTION. 2A. "Costs" means all costs,  
5 charges, expenses, or other indebtedness incurred  
6 by a claimant and determined by the department as  
7 reasonable and necessary for carrying out all works  
8 and undertakings necessary or incidental to the  
9 accomplishment of any project.

10 NEW SUBSECTION. 3A. "Insurance" means any form  
11 of financial assistance or showing of financial  
12 responsibility sufficient to comply with the federal  
13 Resource Conservation and Recovery Act, 42 U.S.C. {6901  
14 et seq., or the department's underground storage tank  
15 financial responsibility rules.

16 NEW SUBSECTION. 7A. "Potentially responsible party"  
17 means a person who may be responsible or liable for  
18 a release for which the fund has made payments for  
19 corrective action or third-party liability.

20 NEW SUBSECTION. 9A. "Tank" means an underground  
21 storage tank for which proof of financial  
22 responsibility is, or on a date definite will  
23 be, required to be maintained pursuant to the federal  
24 Resource Conservation and Recovery Act and the  
25 regulations from time-to-time adopted pursuant to that  
26 Act or successor Acts or amendments.

27 NEW SUBSECTION. 10A. "Third-party liability" means  
28 both of the following:

29 a. Property damage including physical injury to  
30 tangible property, but not including loss of use, other  
31 than costs to remediate.

32 b. Bodily injury including sickness, bodily injury,  
33 illness, or death.

34 Sec. \_\_\_\_\_. Section 455B.471, subsection 1, Code  
35 2016, is amended by striking the subsection.

1 Sec. \_\_\_\_\_. Section 455B.471, subsection 3, Code  
2 2016, is amended to read as follows:

3 3. "Fund" means the Iowa ~~comprehensive petroleum~~  
4 ~~underground storage tank~~ tanks fund created in section  
5 455B.472A.

6 Sec. \_\_\_\_\_. NEW SECTION. 455B.472A Iowa tanks fund  
7 financing program ---- fund created.

8 1. The department, in cooperation with the  
9 authority, shall establish and administer an Iowa tanks  
10 fund financing program for the purpose of reimbursing  
11 underground storage tank owners for all or part of  
12 the costs of corrective action for previously unknown  
13 petroleum releases. The department and the authority  
14 may together enter into and provide any agreements,  
15 documents, instruments, certificates, data, or  
16 information necessary in connection with the operation,  
17 administration, and financing of the program consistent  
18 with this part, the federal Resource Conservation and  
19 Recovery Act, 42 U.S.C. {6901 et seq., the rules of  
20 the commission, the rules of the authority, and other  
21 applicable federal and state law. The authority and  
22 the department may act to conform the program to the  
23 applicable guidance and regulations adopted by the  
24 United States environmental protection agency.

25 2. An Iowa tanks fund is created in the state  
26 treasury under the control of the authority and  
27 consisting of moneys appropriated or transferred to  
28 the fund, cost recovery enforcement moneys collected  
29 pursuant to section 455B.472B, civil enforcement  
30 moneys recovered pursuant to section 455B.477, interest  
31 attributable to moneys in the fund, moneys in the form  
32 of a devise, gift, bequest, donation, federal or other  
33 grant, reimbursement, repayment, judgment, or payment  
34 from any source intended to be used for the purposes  
35 of the fund, all receipts by the fund, and any other

1 moneys credited to the fund from any public or private  
2 source. Notwithstanding section 12C.7, subsection 2,  
3 interest or earnings on moneys in the Iowa tanks fund  
4 shall be credited to the Iowa tanks fund.

5 3. Moneys in the Iowa tanks fund shall be used to  
6 reimburse tank owners for all or part of the costs of  
7 a corrective action for a petroleum release, and for  
8 administrative costs of the department.

9 4. Moneys in the Iowa tanks fund are not considered  
10 part of the general fund of the state, are not subject  
11 to appropriation for any other purpose by the general  
12 assembly, and the balance of the Iowa tanks fund shall  
13 not be considered part of the balance of the general  
14 fund of the state. The fund is a separate dedicated  
15 fund under the administration and control of the  
16 authority as provided under section 16.146.

17 5. The state, the general fund of the state, and  
18 all other funds of the state other than the Iowa tanks  
19 fund are not liable for a claim or cause of action in  
20 connection with a tank not owned or operated by the  
21 state, or agency of the state. All expenses incurred  
22 by the fund are payable solely from the fund and no  
23 liability or obligation is imposed upon the state.  
24 The liability of the fund is limited to the extent of  
25 coverage provided by the applicable account within the  
26 fund under which a claim is submitted, subject to the  
27 terms and conditions of that coverage. The liability  
28 of the fund is further limited by the moneys made  
29 available to the fund, and no remedy shall be ordered  
30 which would require the fund to exceed its then current  
31 funding limitations to satisfy an award or which would  
32 restrict the availability of moneys for higher priority  
33 sites. The state is not liable for a claim presented  
34 against the fund.

35 6. The department shall prioritize uses of the

1 moneys in the fund based upon rules adopted by  
2 the commission in cooperation with the authority.  
3 Department discretion for use of the moneys in the fund  
4 shall not be subject to section 455B.478.

5 7. a. For the fiscal year beginning July 1, 2017,  
6 and each fiscal year thereafter, there is appropriated  
7 from the Iowa tanks fund to the department two hundred  
8 thousand dollars to support the administration of the  
9 fund.

10 b. Notwithstanding section 8.33, moneys  
11 appropriated in this subsection that remain  
12 unencumbered or unobligated at the close of the fiscal  
13 year shall not revert but shall remain available for  
14 expenditure for the purposes designated until the close  
15 of the succeeding fiscal year.

16 c. This subsection is repealed July 1, 2022.

17 Sec. \_\_\_\_ . NEW SECTION. 455B.472B Cost recovery  
18 enforcement.

19 1. Full recovery sought from owner. The department  
20 may seek full recovery from the owner, operator, or  
21 other potentially responsible party liable for the  
22 released petroleum which is the subject of a corrective  
23 action, for which the Iowa tanks fund expends moneys,  
24 or for which the former Iowa comprehensive petroleum  
25 underground storage tank fund established pursuant  
26 to section 455G.3, Code 2017, expended moneys, for  
27 corrective action or third-party liability, and for all  
28 other costs, including reasonable attorney fees and  
29 costs of litigation for which moneys are expended by  
30 the fund in connection with the release. When federal  
31 cleanup funds are recovered, the federal cleanup funds  
32 shall be used solely for the purpose of future cleanup  
33 activities.

34 2. Limitation of liability of owner or  
35 operator. Except as provided in subsection 3,

1 the department shall not seek recovery for expenses in  
2 connection with corrective action for a release from  
3 an owner or operator eligible for assistance under  
4 the Iowa tanks fund except for any unpaid portion of  
5 the deductible or copayment. This section does not  
6 affect any authorization of the department to impose  
7 or collect civil or administrative fines or penalties  
8 or fees. The fund shall not be held liable for any  
9 third-party liability.

10 3. Owner or operator not in compliance, subject  
11 to full and total cost recovery. Notwithstanding  
12 subsection 2, the liability of an owner or operator  
13 shall be the full and total costs of corrective action  
14 and bodily injury or property damage to third parties,  
15 as specified in subsection 1, if the owner or operator  
16 has not complied with the financial responsibility or  
17 other underground storage tank rules of the department  
18 or with this part and rules adopted under this part.

19 4. Treble damages for certain violations.

20 a. Notwithstanding subsections 2 and 3, the owner  
21 or operator, or both, of a tank are liable to the Iowa  
22 tanks fund for punitive damages in an amount equal  
23 to three times the amount of any cost incurred or  
24 moneys expended by the fund as a result of a release of  
25 petroleum from the tank if the owner or operator did  
26 any of the following:

27 (1) Failed, without sufficient cause, to respond  
28 to a release of petroleum from the tank upon, or in  
29 accordance with, a notice issued by the director of the  
30 department.

31 (2) After May 5, 1989, failed to perform any of the  
32 following:

33 (a) Failed to register the tank, which was known to  
34 exist or reasonably should have been known to exist.

35 (b) Intentionally failed to report a known release.

1 b. The punitive damages imposed under this  
2 subsection are in addition to any costs or expenditures  
3 recovered from the owner or operator pursuant to this  
4 part and in addition to any other penalty or relief  
5 provided by this part or any other law.

6 c. However, the state, a city, county, or other  
7 political subdivision shall not be liable for punitive  
8 damages.

9 5. Lien on tank site. Any amount for which an  
10 owner or operator is liable to the Iowa tanks fund,  
11 if not paid when due, by statute, rule, or contract,  
12 or determination of liability by the department  
13 after hearing, shall constitute a lien upon the real  
14 property where the tank, which was the subject of  
15 corrective action, is situated, and the liability shall  
16 be collected in the same manner as the environmental  
17 protection charge pursuant to section 424.11, Code  
18 2016.

19 6. Joinder of parties. The department has standing  
20 in any case or contested action related to the Iowa  
21 tanks fund or a tank to assert any claim that the  
22 department may have regarding the tank at issue in the  
23 case or contested action. Upon motion and sufficient  
24 showing by a party to a cost recovery or subrogation  
25 action provided for under this section, the court or  
26 the administrative law judge shall join to the action  
27 any potentially responsible party who may be liable for  
28 costs and expenditures of the type recoverable pursuant  
29 to this section.

30 7. Strict liability. The standard of liability for  
31 a release of petroleum or other regulated substance is  
32 strict liability.

33 8. Third-party contracts not binding on department  
34 ---- proceedings against responsible party. An insurance,  
35 indemnification, hold harmless, conveyance, or similar

1 risk-sharing or risk-shifting agreement shall not  
2 be effective to transfer any liability for costs  
3 recoverable under this section. The department may  
4 proceed directly against the owner or operator or other  
5 allegedly responsible party. This section does not bar  
6 any agreement to insure, hold harmless, or indemnify a  
7 party to the agreement for any costs or expenditures  
8 under this part, and does not modify rights between  
9 the parties to an agreement, except to the extent the  
10 agreement shifts liability to an owner or operator  
11 eligible for assistance under the Iowa tanks fund  
12 for any damages or other expenses in connection with  
13 a corrective action for which another potentially  
14 responsible party is or may be liable. Any such  
15 provision is null and void and of no force or effect.

16 9. Later proceedings permitted against other  
17 parties. The entry of judgment against a party to the  
18 action does not bar a future action by the department  
19 against another person who is later alleged to be or  
20 discovered to be liable for costs and expenditures  
21 paid by the Iowa tanks fund. Notwithstanding section  
22 668.5, a potentially responsible party shall not seek  
23 contribution or any other recovery from an owner or  
24 operator eligible for assistance under the fund for  
25 damages or other expenses in connection with corrective  
26 action for a release for which the potentially  
27 responsible party is or may be liable. Subsequent  
28 successful proceedings against another party shall not  
29 modify or reduce the liability of a party against whom  
30 judgment has been previously entered.

31 10. Claims against potentially responsible parties.

32 a. Upon payment by the Iowa tanks fund for  
33 corrective action or third-party liability pursuant  
34 to this part, the rights of the claimant to recover  
35 payment from any potentially responsible party are

1 assumed by the department to the extent paid by the  
2 fund. A claimant is precluded from receiving double  
3 compensation for the same injury.

4 b. In an action brought pursuant to this part  
5 seeking damages for corrective action or third-party  
6 liability, the court shall permit evidence and argument  
7 as to the replacement or indemnification of actual  
8 economic losses incurred or to be incurred in the  
9 future by the claimant by reason of insurance benefits,  
10 governmental benefits or programs, or from any other  
11 source.

12 c. A claimant may elect to permit the department to  
13 pursue the claimant's cause of action for any injury  
14 not compensated by the Iowa tanks fund against any  
15 potentially responsible party, provided the attorney  
16 general determines such representation would not be a  
17 conflict of interest. If a claimant so elects, the  
18 department's litigation expenses shall be shared on a  
19 pro rata basis with the claimant, but the claimant's  
20 share of litigation expenses is payable exclusively  
21 from any share of the settlement or judgment payable  
22 to the claimant.

23 11. Exclusion of punitive damages. The Iowa tanks  
24 fund shall not be liable in any case for punitive  
25 damages.

26 Sec. \_\_\_\_\_. Section 455B.474, subsection 1, paragraph  
27 a, subparagraph (6), subparagraph divisions (g), (i),  
28 and (j), Code 2016, are amended to read as follows:

29 (g) An owner or operator may elect to proceed with  
30 additional corrective action on the site. However,  
31 any action taken in addition to that required pursuant  
32 to this subparagraph (6), shall be solely at the  
33 expense of the owner or operator and shall not be  
34 considered corrective action for purposes of section  
35 ~~455G.9~~ 455B.472A, unless otherwise previously agreed

1 to by the ~~board~~ department and the owner or operator  
2 pursuant to section ~~455G.9, subsection 7~~ 455B.472A.  
3 Corrective action taken by an owner or operator due to  
4 the department's failure to meet the time requirements  
5 provided in subparagraph division (e) shall be  
6 considered corrective action for purposes of section  
7 ~~455G.9~~ 455B.472A.

8 (i) Replacement or upgrade of a tank on a site  
9 classified as a high or low risk site shall be equipped  
10 with a secondary containment system with monitoring of  
11 the space between the primary and secondary containment  
12 structures or other ~~board-approved~~ department-approved  
13 tank system or methodology.

14 (j) The commission and the ~~board~~ department shall  
15 cooperate to ensure that remedial measures required  
16 by the corrective action rules adopted pursuant to  
17 this subparagraph (6) are reasonably cost-effective  
18 and shall, to the fullest extent possible, avoid  
19 duplicating and conflicting requirements.

20 Sec. \_\_\_\_\_. Section 455B.474, subsection 9, paragraph  
21 d, Code 2016, is amended to read as follows:

22 d. The certification of groundwater professionals  
23 shall not impose liability on the ~~board, the~~  
24 department, or the fund for any claim or cause of  
25 action of any nature, based on the action or inaction  
26 of a groundwater professional certified pursuant to  
27 this subsection.

28 Sec. \_\_\_\_\_. Section 455B.474, Code 2016, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 11. Prioritization for use of  
31 moneys from the Iowa tanks fund for corrective action  
32 to address releases from petroleum underground storage  
33 tanks.

34 Sec. \_\_\_\_\_. Section 455B.475, Code 2016, is amended  
35 by adding the following new subsections:

1 NEW SUBSECTION. 4. Assure that in combination with  
2 existing state statutes and rules governing underground  
3 storage tanks, the state will be, and continue to  
4 be, recognized by the federal government as having an  
5 "approved state account" under the federal Resource  
6 Conservation and Recovery Act, 42 U.S.C. {6921-6934,  
7 especially by compliance with the Act's subtitle I  
8 financial responsibility requirements as enacted in the  
9 federal Superfund Amendments and Reauthorization Act  
10 of 1986, 42 U.S.C. {9601 et seq., and the financial  
11 responsibility regulations adopted by the United States  
12 environmental protection agency at 40 C.F.R. pts.  
13 280 and 281. Whenever possible, this part shall be  
14 interpreted to further the purposes of, and to comply  
15 and not to conflict with, such federal requirements.

16 NEW SUBSECTION. 5. Coordinate with the Iowa  
17 finance authority to process, review, and pay claims  
18 under the Iowa tanks fund financing program established  
19 in section 455B.472A.

20 Sec. \_\_\_\_\_. Section 455B.477, subsection 7, Code  
21 2016, is amended to read as follows:

22 7. The civil penalties or other damages or moneys  
23 recovered by the state ~~or the petroleum underground~~  
24 ~~storage tank fund~~ in connection with a petroleum  
25 underground storage tank under this part of this  
26 division ~~or chapter 455G~~ shall be credited to the Iowa  
27 tanks fund created in section ~~455G.3~~ and allocated  
28 ~~between fund accounts according to the fund budget~~  
29 455B.472A. Any federal moneys, including but not  
30 limited to federal underground storage tank trust  
31 fund moneys, received by the state or the department  
32 of natural resources in connection with a release  
33 occurring on or after May 5, 1989, or received  
34 generally for underground storage tank programs on  
35 or after May 5, 1989, shall be credited to the fund

1 ~~created in section 455C.3 and allocated between fund~~  
2 ~~accounts according to the fund budget, unless such use~~  
3 ~~would be contrary to federal law. The department shall~~  
4 ~~cooperate with the board of the Iowa comprehensive~~  
5 ~~petroleum underground storage tank fund to maximize~~  
6 ~~the state's eligibility for and receipt of federal~~  
7 ~~funds for underground storage tank related purposes~~  
8 455B.472A.

9 Sec. \_\_\_\_\_. Section 455B.478, Code 2016, is amended  
10 to read as follows:

11 455B.478 Judicial review.

12 Except as provided in section 455B.477, subsection  
13 5, and section 455B.472A, judicial review of an  
14 order or other action of the commission or the  
15 director may be sought in accordance with chapter 17A.  
16 Notwithstanding chapter 17A, the Iowa administrative  
17 procedure Act, petitions for judicial review may be  
18 filed in the district court of the county in which the  
19 alleged offense was committed or the final order was  
20 entered.

21 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
22 d, subparagraph (3), Code 2016, is amended by striking  
23 the subparagraph.

24 Sec. \_\_\_\_\_. NEW SECTION. 455G.22A Future repeal.  
25 This subchapter is repealed July 1, 2017.

26 Sec. \_\_\_\_\_. Section 455I.2, subsection 5, paragraph  
27 a, Code 2016, is amended to read as follows:

28 a. A federal or state program that is subject  
29 to the jurisdiction of an agency, including but not  
30 limited to programs established by ~~chapters~~ chapter  
31 455B and 455G section 455B.472A, corrective or response  
32 actions pursuant to 42 U.S.C. {6901 et seq., and  
33 remedial actions under 42 U.S.C. {9601 et seq.

34 Sec. \_\_\_\_\_. TRANSITION PROVISIONS.

35 1. Upon repeal of chapter 455G, subchapter I,

1 and the creation of the Iowa tanks fund pursuant to  
2 section 455B.472A, as enacted in this Act, all moneys  
3 in all funds administered by the Iowa comprehensive  
4 petroleum underground storage tank fund board are  
5 transferred to the Iowa finance authority for deposit  
6 in the Iowa tanks fund. Any moneys credited to any  
7 fund administered by the Iowa comprehensive petroleum  
8 underground storage tank fund board after July 1, 2017,  
9 are transferred to the Iowa finance authority for  
10 deposit in the Iowa tanks fund.

11 2. Any rule, regulation, form, order, or directive  
12 promulgated by the Iowa comprehensive petroleum  
13 underground storage tank fund board as required to  
14 administer and enforce the provisions relating to the  
15 Iowa comprehensive petroleum underground storage tank  
16 fund shall continue in full force and effect until  
17 amended, repealed, or supplemented by affirmative  
18 action of the department of natural resources and the  
19 Iowa finance authority.

20 3. The Iowa comprehensive petroleum underground  
21 storage tank fund board shall administratively close  
22 or terminate any remaining liabilities, contracts,  
23 outstanding claims, payments, or other obligations for  
24 open comprehensive petroleum underground storage tank  
25 fund claims in existence on June 30, 2017.

26 Sec. \_\_\_\_ . EFFECTIVE DATE AND IMPLEMENTATION. This  
27 division of this Act shall take effect July 1, 2017,  
28 except that the department of natural resources and  
29 the Iowa finance authority may begin implementation  
30 prior to July 1, 2017, to the extent necessary to  
31 transition to full implementation of the provisions  
32 relating to the Iowa tanks fund and repeal of the Iowa  
33 comprehensive petroleum underground storage tank fund.>

34 2. Title page, line 2, by striking <and>

35 3. Title page, line 3, after <atters> by inserting

H-8215

-17-

H-8215

1 <, and including effective date provisions>

2 4. By renumbering as necessary.

**By** HALL of Woodbury

H-8215

FILED APRIL 18, 2016

HOUSE FILE 2459

H-8227

1 Amend House File 2459 as follows:

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

4 <DIVISION I

5 STANDING APPROPRIATIONS AND RELATED MATTERS

6 Section 1. 2015 Iowa Acts, chapter 138, is amended  
7 by adding the following new section:

8 NEW SECTION. SEC. 5A. GENERAL ASSEMBLY.

9 1. The appropriations made pursuant to section  
10 2.12 for the expenses of the general assembly and  
11 legislative agencies for the fiscal year beginning July  
12 1, 2016, and ending June 30, 2017, are reduced by the  
13 following amount:

14 ..... \$ 5,850,000

15 2. The budgeted amounts for the general assembly  
16 and legislative agencies for the fiscal year beginning  
17 July 1, 2016, may be adjusted to reflect the unexpended  
18 budgeted amounts from the previous fiscal year.

19 Sec. 2. 2015 Iowa Acts, chapter 138, is amended by  
20 adding the following new section:

21 NEW SECTION. SEC. 7A. Section 257.35, Code 2016,  
22 is amended by adding the following new subsection:

23 NEW SUBSECTION. 10A. Notwithstanding subsection 1,  
24 and in addition to the reduction applicable pursuant  
25 to subsection 2, the state aid for area education  
26 agencies and the portion of the combined district cost  
27 calculated for these agencies for the fiscal year  
28 beginning July 1, 2016, and ending June 30, 2017, shall  
29 be reduced by the department of management by fifteen  
30 million dollars. The reduction for each area education  
31 agency shall be prorated based on the reduction that  
32 the agency received in the fiscal year beginning July  
33 1, 2003.

34 Sec. 3. Section 2.48, subsection 3, Code 2016, is  
35 amended by adding the following new paragraph:

H-8227

1 NEW PARAGRAPH. Of. In 2016:

2 (1) The homestead tax credit under chapter 425.

3 (2) The elderly and disabled property tax credit  
4 under chapter 425.

5 (3) The agricultural land tax credit under chapter  
6 426.

7 (4) The military service tax credit under chapter  
8 426A.

9 (5) The business property tax credit under chapter  
10 426C.

11 (6) The commercial and industrial property tax  
12 replacement claims under section 441.21A.

13 Sec. 4. Section 230.8, Code 2016, is amended to  
14 read as follows:

15 230.8 Transfers of persons with mental illness ----  
16 expenses.

17 The transfer to any state hospitals or to the places  
18 of their residence of persons with mental illness who  
19 have no residence in this state or whose residence is  
20 unknown and deemed to be a state case, shall be made  
21 according to the directions of the administrator,  
22 and when practicable by employees of the state  
23 hospitals. The actual and necessary expenses of such  
24 transfers shall be paid by the department on itemized  
25 vouchers sworn to by the claimants and approved by  
26 the administrator, ~~and the amount of the expenses is~~  
27 ~~appropriated to the department from any funds in the~~  
28 ~~state treasury not otherwise appropriated.~~

29 Sec. 5. Section 820.24, Code 2016, is amended to  
30 read as follows:

31 820.24 Expenses ---- how paid.

32 When the punishment of the crime shall be the  
33 confinement of the criminal in the penitentiary, the  
34 expenses shall be paid ~~out of the state treasury, on~~  
35 ~~the certificate of the governor and warrant of the~~

1 ~~director of the department of administrative services~~  
2 by the department of corrections; and in all other  
3 cases they shall be paid out of the county treasury in  
4 the county wherein the crime is alleged to have been  
5 committed. The expenses shall be the fees paid to the  
6 officers of the state on whose governor the requisition  
7 is made, and all necessary and actual traveling  
8 expenses incurred in returning the prisoner.

9 DIVISION II

10 MISCELLANEOUS PROVISIONS

11 Sec. 6. WATER QUALITY ---- IOWA FINANCE

12 AUTHORITY. There is appropriated from the general fund  
13 of the state to the Iowa finance authority for the  
14 fiscal year beginning July 1, 2016, and ending June 30,  
15 2017, the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

17 For deposit in the water quality financial  
18 assistance fund created in section 16.134A, if enacted  
19 by 2016 Iowa Acts, [House File 2451](#):  
20 ..... \$ 2,000,000

21 Sec. 7. SALARY MODEL ADMINISTRATOR. The salary  
22 model administrator shall work in conjunction with  
23 the legislative services agency to maintain the  
24 state's salary model used for analyzing, comparing,  
25 and projecting state employee salary and benefit  
26 information, including information relating to  
27 employees of the state board of regents. The  
28 department of revenue, the department of administrative  
29 services, the five institutions under the jurisdiction  
30 of the state board of regents, the judicial district  
31 departments of correctional services, and the state  
32 department of transportation shall provide salary data  
33 to the department of management and the legislative  
34 services agency to operate the state's salary  
35 model. The format and frequency of provision of the

1 salary data shall be determined by the department of  
2 management and the legislative services agency. The  
3 information shall be used in collective bargaining  
4 processes under chapter 20 and in calculating the  
5 funding needs contained within the annual salary  
6 adjustment legislation. A state employee organization  
7 as defined in section 20.3, subsection 4, may request  
8 information produced by the model, but the information  
9 provided shall not contain information attributable to  
10 individual employees.

11 Sec. 8. Section 24.32, Code 2016, is amended to  
12 read as follows:

13 24.32 Decision certified.

14 After a hearing upon the appeal, the state board  
15 shall certify its decision to the county auditor and  
16 to the parties to the appeal as provided by rule, and  
17 the decision shall be final. The county auditor shall  
18 make up the records in accordance with the decision and  
19 the levying board shall make its levy in accordance  
20 with the decision. Upon receipt of the decision, the  
21 certifying board shall correct its records accordingly,  
22 if necessary. Final disposition of all appeals shall  
23 be made by the state board ~~on or before April 30 of~~  
24 each year within forty-five days after the date of the  
25 appeal hearing.

26 Sec. 9. Section 418.12, subsection 5, Code 2016, is  
27 amended to read as follows:

28 5. If the department of revenue determines that  
29 the revenue accruing to the fund or accounts within  
30 the fund exceeds thirty million dollars for a fiscal  
31 year or exceeds the amount necessary for the purposes  
32 of this chapter if the amount necessary is less than  
33 thirty million dollars for a fiscal year, then those  
34 excess moneys shall be credited by the department of  
35 revenue for deposit in the general fund of the state.

DIVISION III  
CORRECTIVE PROVISIONS

1  
2  
3 Sec. 10. Section 229.13, subsection 7, paragraph a,  
4 subparagraph (1), if enacted by 2016 Iowa Acts, Senate  
5 File 2259, section 1, is amended to read as follows:

6 (1) The respondent's mental health professional  
7 acting within the scope of the mental health  
8 professional's practice shall notify the committing  
9 court, with preference given to the committing judge,  
10 if available, in the appropriate county ~~who~~ and the  
11 court shall enter a written order directing that  
12 the respondent be taken into immediate custody by  
13 the appropriate sheriff or sheriff's deputy. The  
14 appropriate sheriff or sheriff's deputy shall exercise  
15 all due diligence in taking the respondent into  
16 protective custody to a hospital or other suitable  
17 facility.

18 Sec. 11. Section 272.25, subsection 3, Code 2016,  
19 as amended by 2016 Iowa Acts, Senate File 2196, section  
20 3, is amended to read as follows:

21 3. A requirement that the program include  
22 instruction in skills and strategies to be used in  
23 classroom management of individuals, and of small and  
24 large groups, under varying conditions; skills for  
25 communicating and working constructively with pupils,  
26 teachers, administrators, and parents; preparation in  
27 reading theory, knowledge, strategies, and approaches,  
28 and for integrating literacy instruction ~~in~~ into  
29 content areas in accordance with section 256.16; and  
30 skills for understanding the role of the board of  
31 education and the functions of other education agencies  
32 in the state. The requirement shall be based upon  
33 recommendations of the department of education after  
34 consultation with teacher education faculty members in  
35 colleges and universities.

1 Sec. 12. Section 598C.102, subsection 8, paragraph  
2 b, if enacted by 2016 Iowa Acts, [Senate File 2233](#),  
3 section 2, is amended to read as follows:

4 b. An individual who has custodial responsibility  
5 for a child under a law of this state other than this  
6 chapter.

7 Sec. 13. 2016 Iowa Acts, [House File 2269](#), section  
8 20, subsection 1, is amended to read as follows:

9 1. It is amended, rescinded, or supplemented by the  
10 affirmative action of the executive ~~council~~ committee  
11 of the Iowa beef cattle producers association created  
12 in section 181.3, as amended in this Act.

13 Sec. 14. 2016 Iowa Acts, [Senate File 378](#), section  
14 2, is amended to read as follows:

15 SEC 2. REPEAL. Section 80.37, Code ~~2015~~ 2016, is  
16 repealed.

17 Sec. 15. 2016 Iowa Acts, [Senate File 2185](#), section  
18 2, if enacted, is amended by striking the section and  
19 inserting in lieu thereof the following:

20 SEC. 2. Section 709.21, subsection 3, Code 2016, is  
21 amended to read as follows:

22 3. A person who violates this section commits a  
23 ~~serious~~ an aggravated misdemeanor.>

24 2. By renumbering as necessary.

**By** HALL of Woodbury





---

**HF 2064** – Child Endangerment Resulting in Death (LSB5578YH.2)  
Analyst: Alice Wisner (Phone: 515-281-6764) ([alice.wisner@legis.iowa.gov](mailto:alice.wisner@legis.iowa.gov))  
Fiscal Note Version – As amended by Senate amendment **H-8196**

---

**Description**

**House File 2064**, as amended by Senate amendment **H-8196** (strike everything after the enacting clause), addresses child endangerment resulting in the death of a child or minor and allows for nonviolent drug offenders who are not high-risk to reoffend to be eligible for parole after serving at least 50.0% of their mandatory minimum sentence.

**Background**

Currently, Iowa Code section **726.6(4)** states that a person convicted of committing child endangerment resulting in the death of a child or minor is guilty of a Class B felony and is required to be confined for no more than 50 years in prison. Prison time is mandatory and the offender becomes automatically eligible for parole.

This bill requires that anyone convicted of child endangerment resulting in the death of a child or minor serve a minimum of 30.0% to 70.0% of a 50-year Class B felony sentence. The average length of stay for a person convicted of child endangerment resulting in the death of a child or minor under current law is 55.4 months, or 4.6 years. This bill will make the minimum length of stay 180 to 420 months, or 15 to 35 years.

The bill as amended also allows for nonviolent drug offenders (not evaluated as high-risk) to be eligible for parole after serving at least 50.0% of their mandatory minimum sentence as sentenced under Iowa Code section **124.401(1)**, paragraph a, b, or c. This proposal will be retroactive and impact current inmates as well as new prison admissions. It allows, but does not require, the Board of Parole (BOP) to release offenders. It does not apply to offenders assessed as high-risk to reoffend for either violence or victimization, and it will not eliminate minimum mandatory sentences.

Culturally specific intensive parole programs in Black Hawk County and Polk County have been implemented since early 2009. These programs utilize smaller groups and caseloads, and include community investment and involvement. Members from the African-American community donate their time to help provide guidance, support, encouragement, and accountability to the parolees. Recidivism rates in Waterloo and Des Moines have been reduced since these programs have been set into place. Statewide, the recidivism rate for the African-American population was 36.0% in FY 2000 (compared to 32.0% for the White Non-Hispanic population), and had decreased to 34.6% in FY 2009 (compared to 31.1% for the White Non-Hispanic population).

As of January 11, 2016, there were 673 drug offenders in prison serving drug mandatory minimum sentences. The majority of these sentences were mandatory minimums under **Iowa Code section 124.413**. Of these, 564 (83.9%) were assessed as low or medium risk for violence and other victim offenses, and could be affected by this proposal. During FY 2015, there were 348 new prison admissions of drug offenders sentenced to serve mandatory minimum terms under Iowa Code chapter **124**. Of these, 316 (90.8%) were assessed as low-risk or medium-risk for violence and other victim offenses, and could be impacted by this proposal.

There are a large number of offenders currently in prison whose expected length of stay will be reduced. The initial impact of early release will likely stabilize after three years, as the average length of parole is approximately 24 months.

## **Assumptions**

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Revocation rates and other corrections policies and practices will not change over the projection period.
- The percent of the mandatory minimum term for drug offenders to serve is based on the calculated date and includes any earned time. An analysis by the Criminal and Juvenile Justice Planning Division (CJJPD) shows that 205 inmates could be released in FY 2017, and 204 inmates in FY 2018, based on the individual amount of time served in their mandatory minimum sentence and their nonviolent risk assessment qualification.
- The law will become effective July 1, 2016. There is a six-month lag between enactment of the bill and when the first case will come through the process. While it is estimated by the CJJPD that 205 inmates could possibly be released in FY 2017 due to the change in nonviolent drug offender sentences, the fiscal impact on savings is calculated using a more conservative number based on parole planning and the need for program participation prior to release.
- The law will apply to offenders currently serving drug mandatory minimum sentences for nonviolent drug offenses, as well as new admissions.
- One additional Probation/Parole 3 Officer FTE position will handle a caseload of up to 50 offenders at a cost of \$70,000 annually per position. Two additional FTE positions will be needed for FY 2017, and four additional FTE positions will be needed in FY 2018.
- Cost savings for the Department of Corrections (DOC) institutions are calculated using a five-year average of 180 offenders released annually (in FY 2017, the first year of implementation, this number is 90 because of an assumed six-month time lag before the first releases). The average marginal cost for a DOC prison inmate is \$18.43 per day (\$6,750 a year). Savings are calculated with varying individual release dates during the fiscal year.
- There will be two convictions subject to a 30.0% to 70.0% minimum sentence each year under Iowa Code section [726.6\(4\)](#) for child endangerment resulting in death.
- The first persons convicted under the 30.0% to 70.0% minimum for child endangerment resulting in death in FY 2017 will not fiscally impact the system until FY 2021.

## **MINORITY IMPACT**

### **Child Endangerment Resulting in Death**

For a minimum 30.0% to 70.0% sentence for child endangerment resulting in death, the minority impact is estimated to be minimal. In FY 2015, the only two individuals convicted under Iowa Code section [726.6\(4\)](#) were Caucasian.

### **Change in Mandatory Minimum Sentences for Nonviolent Drug Offenders**

It is expected the bill as amended will reduce the disproportionate impact on minorities in the criminal justice system. As of 2014, 3.4% of Iowa's population was African American. Approximately 11.5% of new prison admissions of drug offenders sentenced to mandatory minimum terms is African American. Of those drug offenders currently in prison serving mandatory minimum terms, 17.8% are African American. Given this, it is estimated 14.6% of the inmates released under this proposal will be African American.

Refer to the Legislative Services Agency (LSA) [Minority Impact Statement Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

## **CORRECTIONAL IMPACT**

### **Child Endangerment Resulting in Death**

This bill does not create any new crimes. It will lengthen the sentence for convictions of the rare crime of child endangerment resulting in a death. The correctional impact will not impact the cost to the corrections system until year five (FY 2021) for child endangerment resulting in death.

**Change in Mandatory Minimum Sentences for Nonviolent Drug Offenders**

Convictions will not change under the bill as amended, but offenders could possibly be released to work release or intensive parole sooner. This change is expected to decrease the prison population as follows:

- FY 2017: 205
- FY 2018 204
- FY 2019 214
- FY 2010 187
- FY 2021 179

Refer to the LSA [Correctional Impact Statements Memo](#) dated February 18, 2016, for additional information related to costs.

**FISCAL IMPACT**

**Child Endangerment Resulting in Death**

The fiscal impact of this bill will begin in FY 2021. That is 4.6 years after an initial conviction of child endangerment resulting in death under this bill (and also accounts for a six-month lag between enactment of the bill and the first possible case), and two additional convictions will be experienced yearly thereafter. Additional costs are estimated to be:

- FY 2021 - \$13,500
- FY 2022 - \$27,000
- FY 2023 - \$40,500
- FY 2024 - \$54,000
- FY 2025 - \$67,000

**Change in Mandatory Minimum Sentences for Nonviolent Drug Offenders**

The fiscal impact is estimated to be a decrease in expenditures of \$227,000 in FY 2017 and \$757,000 in FY 2018. There will also be increased costs for additional parole officers. There is a compounding effect for the number of parole officers needed that will stabilize in FY 2019. **Table 2** shows the fiscal impact.

**Table 2 — Estimated Fiscal Impact**

	FY 2017	FY 2018	FY 2019
Cost savings due to sentencing change	\$ -227,000	\$ -757,000	\$ -757,000
Cost increase for parole officers	140,000	350,000	630,000
Net savings	\$ -87,000	\$ -407,000	\$ -127,000

**Sources**

Department of Corrections  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Office of the State Court Administrator  
Office of the State Public Defender

/s/ Holly M. Lyons

April 18, 2016

---

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 LSA upon request.

---



---

**HF 2384** – Cannabidiol (LSB6011HV)

Analyst: Kent Ohms (Phone: 515-725-2200) ([kenneth.ohms@legis.iowa.gov](mailto:kenneth.ohms@legis.iowa.gov))

Fiscal Note Version – New

---

### **Description**

**House File 2384** amends the Medical Cannabidiol Act to add multiple sclerosis and cancer with a prognosis of less than 12 months of life to the eligible conditions covered by Iowa Code. Additionally, the bill authorizes the Department of Public Health (DPH) to license two entities that can manufacture and dispense medical cannabidiol. Selection for these two licenses will be conducted through a competitive bidding procedure, with a \$10,000 application fee requirement. A fee is established for applying for a medical cannabidiol registration card. Fees collected by the Department are retained by the department and use for purposes of regulating and administering the Program. The DPH must also establish and provide a real-time point-of-sale tracking management system for cannabidiol sales, and a seed-to-sale, production, inventory, and delivery system.

### **Background**

Possession of medical cannabidiol for patients diagnosed with intractable epilepsy was enacted in 2014 Iowa Acts, chapter **1125**. Since the Program inception, as of April 14, 2016, the **Medical Cannabidiol Act Registration Card Program** had received 70 applications for cannabidiol registration cards; 66 applications were approved and three were denied. Renewal applications have also taken place. These applications have resulted in a total of 148 applications approved and 118 issued.

### **Assumptions**

- Of the patients with an eligible diagnosis, 1.7% will apply for a medical cannabidiol card.
- The bill sets the fee for a medical cannabis registration card at \$100. If the patient attests to receiving Social Security disability benefits, Supplemental Security Insurance payments, or is enrolled in Medical Assistance, the fee is \$25. An estimated 11.7% of the anticipated applicants will qualify for the reduced fee.
- The issuance of a card costs the Department of Transportation (DOT) \$10. This is funded by the Road Use Tax Fund. It is assumed this cost will be offset by the fee revenue.
- It is unknown how many business entities will apply to become licensed medical cannabidiol manufacturers. Comparisons to other states are difficult due to provisions allowing patients to grow their cannabis plants, or unrestricted cultivation and production. Generally, other states have experienced many applications per medical cannabis/cannabidiol manufacturing or dispensary license, as high as seven applications per eligible license. This Fiscal Note assumes three applications per eligible license.
- The Chronic Conditions appropriation to the DPH includes \$25,000 for the Medical Cannabidiol Program. It is assumed the appropriation will continue.
- The DPH will require staff to implement and administer the program. There will also be costs associated with promotion and education to health care providers; processing applications; database development, update, and maintenance; drug formulary development; board administration; and oversight.
- The DPH is permitted to charge a fee equal to the cost of regulating and inspecting the manufacturers. This is assumed to be 50.0% of the total DPH budget for the program.

- Based on the timelines for licensure in the bill, fee revenue for manufacturing applications will likely not be available until the second quarter of FY 2017. Registration card application fees will not become available until late in the fiscal year.
- A background investigation is required in the bill, but not defined. There is no cost for state criminal history record checks. However, more extensive investigations similar to those used by the Racing and Gaming Commission for gaming licenses will require additional expenditure. These costs are passed on to the business.
- The State Hygienic Laboratory will need to develop a methodology for testing the validity of cannabidiol samples. The future cost of laboratory testing will be covered by the manufacturer.

### **Fiscal Impact**

Due to the initial cost of implementation and the delay in fee revenue, the funding need is \$1.3 million for FY 2017 and \$503,000 for FY 2018. The following table outlines the estimated budget of the Medical Cannabidiol Program.

<b>Budget for the Medical Cannabidiol Program</b>		
	<b>FY 2017</b>	<b>FY 2018</b>
<b>Revenue</b>		
General Fund Appropriation	\$ 25,000	\$ 25,000
Manufacturer Application Fees	60,000	0
Manufacturer Annual Licensing Fee	0	51,900
Patient Application Fees	28,000	28,000
<b>Total Revenue</b>	<b>\$ 113,000</b>	<b>\$ 104,900</b>
<b>Expenditures</b>		
<u>Department of Public Health</u>		
Salary	\$ 94,000	\$ 94,000
Support	13,000	9,000
Dispenser Database	1,200,000	500,000
Manufacture Application Reviews	1,500	1,500
<u>Department of Transportation</u>		
DOT Card Issuance	3,100	3,100
<u>State Hygienic Laboratory</u>		
Testing Methodology Development	100,000	0
<b>Total Expenditures</b>	<b>\$ 1,411,600</b>	<b>\$ 607,600</b>
<b>Net Impact</b>	<b>\$ -1,298,600</b>	<b>\$ -502,700</b>

This table does not include the fees or expenditures for the Department of Public Safety for background checks or the fees or expenditures for the State Hygienic Laboratory for testing since they are passed on to the manufacturers.

**Correctional Impact:** The bill creates a new civil penalty of up to \$1,000 per violation of the bill. It is unknown at this time how many violations under Iowa Code will occur related to the changes in this bill and the correctional impact cannot be estimated.

**Sources**

Department of Public Health  
Department of Transportation  
Department of Public Safety  
Criminal and Juvenile Justice Planning Division  
Board of Regents  
LSA Analysis and Calculations

/s/ Holly M. Lyons

---

April 14, 2016

---

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.

---