

House Study Bill 92 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON HIGHFILL)

A BILL FOR

1 An Act prohibiting counties and cities from establishing
2 certain regulations relating to employment matters and the
3 sale or marketing of consumer merchandise, providing for
4 properly related matters, and including effective date
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 99F.7, subsection 7, Code 2017, is
2 amended to read as follows:

3 7. It is the intent of the general assembly that employees
4 be paid at least twenty-five percent above the ~~federal~~ minimum
5 wage level established by federal law in effect on January 1,
6 2017.

7 Sec. 2. Section 216.19, subsection 1, Code 2017, is amended
8 to read as follows:

9 1. All cities shall, to the extent possible, protect the
10 rights of the citizens of this state secured by the Iowa civil
11 rights Act. Nothing in **this chapter** shall be construed as
12 indicating ~~any of the following:~~

13 ~~a. An intent on the part of the general assembly to occupy~~
14 ~~the field in which **this chapter** operates to the exclusion of~~
15 ~~local laws not inconsistent with **this chapter** that deal with~~
16 ~~the same subject matter.~~

17 ~~b. An an intent to prohibit an agency or commission of~~
18 ~~local government having as its purpose the investigation and~~
19 ~~resolution of violations of **this chapter** from developing~~
20 ~~procedures and remedies necessary to ~~insure~~ ensure the~~
21 ~~protection of rights secured by **this chapter**.~~

22 ~~c. Limiting a city or local government from enacting any~~
23 ~~ordinance or other law which prohibits broader or different~~
24 ~~categories of unfair or discriminatory practices.~~

25 Sec. 3. Section 331.301, subsection 6, Code 2017, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. c. (1) A county shall not adopt an
28 ordinance, motion, resolution, or amendment that sets standards
29 or requirements regarding the sale or marketing of consumer
30 merchandise that are different from, or in addition to, any
31 requirement established by state law. For purposes of this
32 paragraph:

33 (a) "*Consumer merchandise*" means merchandise offered for
34 sale or lease, or provided with a sale or lease, primarily but
35 not exclusively for personal, family, or household purposes,

1 and includes any container used for consuming, carrying, or
2 transporting such merchandise.

3 (b) "*Container*" means a bag, cup, package, container,
4 bottle, or other packaging that is all of the following:

5 (i) Designed to be either reusable or single-use.

6 (ii) Made of cloth, paper, plastic, including foamed or
7 expanded plastic, cardboard, corrugated material, aluminum,
8 glass, or postconsumer recycled or similar material or
9 substrates, including coated, laminated, or multilayer
10 substrates.

11 (iii) Designed for consuming, transporting, or protecting
12 merchandise, food, or beverages from or at a food service or
13 retail facility.

14 (2) An ordinance, motion, resolution, or amendment adopted
15 prior to the effective date of this Act that violates this
16 paragraph is void and unenforceable on and after the effective
17 date of this Act.

18 Sec. 4. Section 331.304, Code 2017, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 12. *a.* A county shall not adopt, enforce,
21 or otherwise administer an ordinance, motion, resolution, or
22 amendment providing for any terms or conditions of employment
23 that exceed or conflict with the requirements of federal or
24 state law relating to but not limited to a minimum or living
25 wage rate, any form of employment leave, hiring practices,
26 employment benefits, scheduling practices, or other terms or
27 conditions of employment.

28 *b.* An ordinance, motion, resolution, or amendment adopted
29 prior to the effective date of this Act that violates this
30 subsection is void and unenforceable on and after the effective
31 date of this Act.

32 Sec. 5. Section 364.3, subsection 3, Code 2017, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *c.* (1) A city shall not adopt an ordinance,
35 motion, resolution, or amendment that sets standards or

1 requirements regarding the sale or marketing of consumer
2 merchandise that are different from, or in addition to, any
3 requirement established by state law. For purposes of this
4 paragraph:

5 (a) "*Consumer merchandise*" means merchandise offered for
6 sale or lease, or provided with a sale or lease, primarily but
7 not exclusively for personal, family, or household purposes,
8 and includes any container used for consuming, carrying, or
9 transporting such merchandise.

10 (b) "*Container*" means a bag, cup, package, container,
11 bottle, or other packaging that is all of the following:

12 (i) Designed to be either reusable or single-use.

13 (ii) Made of cloth, paper, plastic, including foamed or
14 expanded plastic, cardboard, corrugated material, aluminum,
15 glass, or postconsumer recycled or similar material or
16 substrates, including coated, laminated, or multilayer
17 substrates.

18 (iii) Designed for consuming, transporting, or protecting
19 merchandise, food, or beverages from or at a food service or
20 retail facility.

21 (2) An ordinance, motion, resolution, or amendment adopted
22 prior to the effective date of this Act that violates this
23 paragraph is void and unenforceable on and after the effective
24 date of this Act.

25 Sec. 6. Section 364.3, Code 2017, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 12. a. A city shall not adopt, enforce,
28 or otherwise administer an ordinance, motion, resolution, or
29 amendment providing for any terms or conditions of employment
30 that exceed or conflict with the requirements of federal or
31 state law relating to but not limited to a minimum or living
32 wage rate, any form of employment leave, hiring practices,
33 employment benefits, scheduling practices, or other terms or
34 conditions of employment.

35 b. An ordinance, motion, resolution, or amendment adopted

1 prior to the effective date of this Act that violates this
2 subsection is void and unenforceable on and after the effective
3 date of this Act.

4 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill prohibits a county or city from adopting,
10 enforcing, or otherwise administering an ordinance, motion,
11 resolution, or amendment providing for any terms or conditions
12 of employment that exceed or conflict with the requirements of
13 federal or state law relating to but not limited to a minimum
14 or living wage rate, any form of employment leave, hiring
15 practices, employment benefits, scheduling practices, or other
16 terms or conditions of employment.

17 The bill modifies current Code language stating that it is
18 the intent of the general assembly that employees of entities
19 licensed to conduct gambling games be paid at least 25 percent
20 above the federal minimum wage level. The bill stipulates that
21 the minimum wage level referred to is the level established by
22 federal law in effect on January 1, 2017.

23 The bill prohibits a county or city from adopting an
24 ordinance, motion, resolution, or amendment that sets standards
25 or requirements regarding the sale or marketing of consumer
26 merchandise that are different from, or in addition to, any
27 requirement established by state law.

28 The bill defines "consumer merchandise" as merchandise
29 offered for sale or lease, or provided with a sale or lease,
30 primarily but not exclusively for personal, family, or
31 household purposes, and includes any container used for
32 consuming, carrying, or transporting such merchandise. The
33 bill defines "container" as a bag, cup, package, container,
34 bottle, or other packaging that is designed to be either
35 reusable or single-use, made of certain materials specified

1 in the bill, and designed for consuming, transporting, or
2 protecting merchandise, food, or beverages from or at a food
3 service or retail facility.

4 The bill strikes language providing that nothing in Code
5 chapter 216, the Iowa civil rights Act of 1965, shall be
6 construed as an intent on the part of the general assembly to
7 occupy the field in which Code chapter 216 operates to the
8 exclusion of local laws not inconsistent with Code chapter 216
9 that deal with the same subject matter. The bill also strikes
10 language providing that nothing in Code chapter 216 shall be
11 construed as limiting a city or local government from enacting
12 any ordinance or other law which prohibits broader or different
13 categories of unfair or discriminatory practices than are
14 provided in Code chapter 216.

15 The bill provides that an ordinance, motion, resolution, or
16 amendment adopted prior to the effective date of the bill that
17 violates the bill is void and unenforceable on and after the
18 effective date of the bill.

19 The bill takes effect upon enactment.