

House File 2711 - Introduced

HOUSE FILE 2711
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 668)

A BILL FOR

1 An Act relating to state policies, programs, and licenses with
2 race, gender, or citizenship requirements.

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

unofficial

1 Section 1. Section 8A.111, subsection 7, Code 2026, is
2 amended by striking the subsection.

3 Sec. 2. Section 8A.402, subsection 1, paragraph d, Code 2026,
4 is amended to read as follows:

5 d. Equal employment opportunity, ~~affirmative action~~, and
6 workforce diversity programs.

7 Sec. 3. Section 19B.1, subsection 1, Code 2026, is amended by
8 striking the subsection.

9 Sec. 4. Section 19B.2, subsection 1, Code 2026, is amended to
10 read as follows:

11 1. It is the policy of this state to provide equal
12 opportunity in state employment to all persons. An individual
13 shall not be denied equal access to state employment
14 opportunities because of race, creed, color, religion, national
15 origin, sex, age, or physical or mental disability. ~~It also is~~
16 ~~the policy of this state to apply affirmative action measures to~~
17 ~~correct deficiencies in the state employment system where those~~
18 ~~remedies are appropriate.~~ This policy shall be construed broadly
19 to effectuate its purposes.

20 Sec. 5. Section 19B.3, Code 2026, is amended to read as
21 follows:

22 **19B.3 Administrative responsibilities of department of**
23 **administrative services and board of regents.**

24 1. The department of administrative services is responsible
25 for the administration and promotion of equal opportunity and
26 ~~affirmative action~~ efforts in the recruitment, appointment,
27 assignment, and advancement of personnel by all state agencies
28 except the state board of regents and the institutions under ~~its~~
29 the board's jurisdiction. In carrying out this responsibility,
30 the department shall do all of the following with respect to
31 state agencies other than the state board of regents and ~~its~~ the
32 board's institutions:

33 ~~a. Designate a position as the state affirmative action~~
34 ~~administrator.~~

35 ~~b. Propose affirmative action standards applicable to each~~

1 ~~state agency based on the population of the community in which~~
2 ~~the agency functions, the population served by the agency, or the~~
3 ~~persons that can be reasonably recruited.~~

4 ~~e. Gather data necessary to maintain an ongoing assessment of~~
5 ~~affirmative action efforts in state agencies.~~

6 ~~d. Monitor accomplishments with respect to affirmative action~~
7 ~~remedies identified in affirmative action plans of state~~
8 ~~agencies.~~

9 ~~e. Conduct studies of preemployment and postemployment~~
10 ~~processes in order to evaluate employment practices and develop~~
11 ~~improved methods of dealing with all employment issues related to~~
12 ~~equal employment opportunity and affirmative action.~~

13 ~~f. Establish a state recruitment coordinating committee to~~
14 ~~assist in addressing affirmative action recruitment needs,~~
15 ~~with members appointed by the director of the department of~~
16 ~~administrative services.~~

17 ~~g. a. Address equal opportunity and affirmative action~~
18 ~~training needs of all state agencies by doing all of the~~
19 ~~following:~~

20 ~~(1) Providing appropriate training for managers and~~
21 ~~supervisors.~~

22 ~~(2) Insuring Ensuring that all state agencies make training~~
23 ~~available for all staff members whose duties relate to personnel~~
24 ~~administration.~~

25 ~~(3) Investigating means for training in the area of career~~
26 ~~development.~~

27 ~~h. b. Coordinate and develop equal employment opportunity~~
28 ~~reports, including the initiation of the processes necessary for~~
29 ~~the completion of the annual EEO-4 report required by the federal~~
30 ~~equal employment opportunity commission.~~

31 ~~i. c. Address equal opportunity and affirmative action~~
32 ~~policies with respect to employee benefits and leaves of absence.~~

33 ~~j. d. Adopt equal employment opportunity and affirmative~~
34 ~~action rules in accordance with chapter 17A.~~

35 2. The state board of regents is responsible for the

1 administration and promotion of equal opportunity and affirmative
2 action efforts in the recruitment, appointment, assignment, and
3 advancement of personnel by the board and the institutions under
4 its jurisdiction. In carrying out this responsibility, the board
5 shall do all of the following with respect to the board and its
6 institutions:

7 ~~a. Designate a position as the regents' affirmative action~~
8 ~~coordinator.~~

9 ~~b. Propose affirmative action standards applicable to the~~
10 ~~board and each institution under its jurisdiction.~~

11 ~~c. Gather data necessary to maintain an ongoing assessment of~~
12 ~~affirmative action efforts.~~

13 ~~d. Monitor accomplishments with respect to affirmative action~~
14 ~~remedies identified in affirmative action plans.~~

15 ~~e. Conduct studies of preemployment and postemployment~~
16 ~~processes in order to evaluate employment practices and develop~~
17 ~~improved methods of dealing with all employment issues related to~~
18 ~~equal employment opportunity and affirmative action.~~

19 ~~f. Establish an equal employment committee to assist in~~
20 ~~addressing affirmative action needs, including recruitment.~~

21 ~~g. a. Address equal opportunity and affirmative action~~
22 ~~training needs by doing all of the following:~~

23 (1) Providing appropriate training for managers and
24 supervisors.

25 (2) ~~Insuring~~ Ensuring that the board and its institutions
26 make training available for all staff members whose duties relate
27 to personnel administration.

28 (3) Investigating means for training in the area of career
29 development.

30 ~~h. b.~~ Require development of equal employment opportunity
31 reports, including the initiation of the processes necessary
32 for the completion of reports required by the federal equal
33 employment opportunity commission.

34 ~~i. c.~~ Address equal opportunity and affirmative action
35 policies with respect to employee benefits and leaves of absence.

1 ~~j.~~ d. Adopt equal employment opportunity and ~~affirmative~~
2 ~~action~~ rules in accordance with chapter 17A.

3 Sec. 6. Section 19B.4, subsection 1, Code 2026, is amended by
4 striking the subsection.

5 Sec. 7. Section 19B.6, Code 2026, is amended to read as
6 follows:

7 **19B.6 Responsibilities of department of administrative**
8 **services — ~~affirmative action.~~**

9 The department of administrative services shall oversee
10 the implementation of sections 19B.1 through ~~19B.5~~ 19B.4 and
11 shall work with the governor to ensure compliance with those
12 sections, ~~including the attainment of affirmative action goals~~
13 ~~and timetables,~~ by all state agencies, excluding the state board
14 of regents and ~~its~~ the board's institutions.

15 Sec. 8. Section 19B.7, subsection 1, paragraph a,
16 subparagraph (1), Code 2026, is amended by striking the
17 subparagraph.

18 Sec. 9. Section 19B.7, subsection 1, paragraph a,
19 subparagraph (2), Code 2026, is amended to read as follows:

20 (2) The utilization of ~~minority, women's, and disadvantaged~~
21 Iowa-based business enterprises as sources of supplies,
22 equipment, construction, and services.

23 Sec. 10. Section 19B.7, subsection 1, paragraph d, Code 2026,
24 is amended to read as follows:

25 d. Report results under the contract compliance policy to
26 the governor and the general assembly on an annual basis. Any
27 information reported by the department of administrative services
28 to the economic development authority pursuant to section ~~15.108~~
29 73.22 shall not be required to be part of the report under this
30 paragraph. The report shall ~~shall~~ must detail specific efforts to
31 promote equal opportunity through state contracts and services
32 and efforts to promote, develop, and stimulate the utilization
33 of ~~minority, women's, and disadvantaged~~ Iowa-based business
34 enterprises ~~in programs receiving or benefiting from state~~
35 ~~financial assistance.~~

1 Sec. 11. Section 19B.7, subsection 1, paragraph e, Code 2026,
2 is amended by striking the paragraph.

3 Sec. 12. Section 19B.8, Code 2026, is amended to read as
4 follows:

5 **19B.8 Sanctions.**

6 The department of administrative services may impose
7 appropriate sanctions on individual state agencies, including the
8 state board of regents and ~~its~~ the board's institutions, and upon
9 a community college, area education agency, or school district,
10 in order to ensure compliance with state programs emphasizing
11 equal opportunity ~~through affirmative action~~, contract compliance
12 policies, and requirements for procurement goals for ~~targeted~~
13 ~~small businesses~~ Iowa-based business enterprises.

14 Sec. 13. Section 19B.11, Code 2026, is amended to read as
15 follows:

16 **19B.11 School districts, area education agencies, and**
17 **community colleges — duties of director of department of**
18 **education.**

19 1. It is the policy of this state to provide equal
20 opportunity in school district, area education agency, and
21 community college employment to all persons. An individual
22 shall not be denied equal access to school district, area
23 education agency, or community college employment opportunities
24 because of race, creed, color, religion, national origin, sex,
25 age, or physical or mental disability. ~~It also is the~~
26 ~~policy of this state to apply affirmative action measures to~~
27 ~~correct deficiencies in school district, area education agency,~~
28 ~~and community college employment systems where those remedies~~
29 ~~are appropriate. This policy shall be construed broadly to~~
30 ~~effectuate its purposes.~~

31 2. The director of the department of education shall actively
32 promote fair employment practices for all school district, area
33 education agency, and community college employees, and the state
34 board of education shall adopt rules requiring specific steps by
35 school districts, area education agencies, and community colleges

1 to accomplish the ~~goals~~ goal of equal employment opportunity and
2 affirmative action in the recruitment, appointment, assignment,
3 and advancement of personnel. ~~Each school district, area~~
4 ~~education agency, and community college shall be required~~
5 ~~to develop affirmative action standards which are based on~~
6 ~~the population of the community in which it functions, the~~
7 ~~student population served, or the persons who can be reasonably~~
8 ~~recruited.~~ The director of education shall consult with the
9 department of administrative services in the performance of
10 duties under this section.

11 ~~3. Each school district, area education agency, and community~~
12 ~~college in the state shall submit to the director of the~~
13 ~~department of education an annual report of the accomplishments~~
14 ~~and programs of the district, agency, or community college in~~
15 ~~carrying out its duties under this section. The report shall~~
16 ~~be submitted between December 15 and December 31 each year. The~~
17 ~~director shall prescribe the form and content of the report.~~

18 ~~4. 3.~~ The director of the department of education shall
19 ~~prepare a compilation of the reports required by subsection 3~~
20 ~~and shall submit this compilation, together with a report of the~~
21 ~~director's accomplishments and programs pursuant to this section,~~
22 ~~to the department of management and the general assembly by~~
23 ~~January 31 of each year.~~

24 Sec. 14. Section 80B.11, subsection 1, paragraph d, Code
25 2026, is amended by striking the paragraph.

26 Sec. 15. Section 135.63, subsection 1, paragraph a, Code
27 2026, is amended to read as follows:

28 a. The contribution of the proposed institutional health
29 service in meeting the needs of the medically underserved,
30 including persons in rural areas, low-income persons, ~~racial and~~
31 ~~ethnic minorities,~~ persons with disabilities, and the elderly, as
32 well as the extent to which medically underserved residents in
33 the applicant's service area are likely to have access to the
34 proposed institutional health service.

35 Sec. 16. Section 147.3, Code 2026, is amended to read as

1 follows:

2 **147.3 Qualifications.**

3 An applicant for a license to practice a profession under
4 this subtitle is not ineligible because of age, ~~citizenship~~, sex,
5 race, religion, marital status, or national origin, although the
6 application form may require citizenship information.

7 Sec. 17. Section 148.3, subsection 3, Code 2026, is amended
8 to read as follows:

9 3. The board shall give priority to the processing of
10 applications for licensure submitted by physicians and surgeons
11 and osteopathic physicians and surgeons whose practice will
12 primarily involve provision of service to medically underserved
13 populations, including ~~but not limited to minorities or~~
14 low-income persons, or who live in rural areas.

15 Sec. 18. Section 256.36, subsection 2, paragraph a,
16 unnumbered paragraph 1, Code 2026, is amended to read as follows:

17 The goals of the math and science education program may
18 include ~~but are not limited to~~ any of the following:

19 Sec. 19. Section 256.36, subsection 2, paragraph a,
20 subparagraph (6), Code 2026, is amended by striking the
21 subparagraph.

22 Sec. 20. Section 256.177, subsection 10, Code 2026, is
23 amended to read as follows:

24 10. Require any postsecondary institution whose students
25 are eligible for or who receive financial assistance under
26 programs administered by the commission to transmit annually
27 to the commission information about the numbers of minority
28 students enrolled in and minority faculty members employed at
29 the institution. The commission shall compile and report the
30 information collected to the general assembly, the governor,
31 and the legislative services agency by March 1 annually. For
32 purposes of this subsection, "minority" means the same as defined
33 in 12 C.F.R. §4.62, as effective on January 1, 2026.

34 Sec. 21. Section 256.183, subsection 1, paragraph d, Code
35 2026, is amended to read as follows:

1 d. Promotes equal opportunity and ~~affirmative action~~ efforts
2 in the recruitment, appointment, assignment, and advancement of
3 personnel at the institution and provides information regarding
4 such efforts to the commission upon request.

5 Sec. 22. Section 256.213, Code 2026, is amended to read as
6 follows:

7 **256.213 Legislative intent.**

8 The general assembly finds that the failure of many young
9 Iowans to complete their education limits their opportunity
10 for a life of fulfillment and hinders the state's efforts
11 to provide a well-trained workforce for business and industry
12 in Iowa. ~~The general assembly also declares that it is the~~
13 ~~policy of this state to apply positive measures to ensure~~
14 ~~that equal opportunities exist for minority persons to pursue~~
15 ~~their educational goals.~~ Therefore, the "Iowa Minority Academic
16 Grants for Economic Success" program is established to provide
17 additional funding to the state board of regents institutions,
18 community colleges, and accredited private institutions in order
19 to encourage resident ~~minority~~ students to remain in Iowa, to
20 attend community colleges, private colleges, and universities
21 in Iowa, and to assure that a limited family income will not
22 be a barrier for a ~~minority~~ person to pursue a postsecondary
23 education.

24 Sec. 23. Section 256.214, subsection 3, Code 2026, is amended
25 to read as follows:

26 3. "*Financial need*" means the difference between the
27 student's financial resources, including resources available
28 from the student's parents and the student, as determined by
29 a completed parents' financial statement and including any
30 noncampus-administered federal or state grants and scholarships,
31 and the student's estimated expenses while attending the
32 institution. A student shall accept all available federal and
33 state grants and scholarships before being considered eligible
34 for grants under the Iowa ~~minority~~ academic grants for economic
35 success program. Financial need shall be reconsidered on at

1 least an annual basis.

2 Sec. 24. Section 256.214, subsection 5, Code 2026, is amended
3 by striking the subsection.

4 Sec. 25. Section 256.214, subsection 7, Code 2026, is amended
5 to read as follows:

6 7. "Program" means the Iowa ~~minority~~ academic grants for
7 economic success program established in this subpart.

8 Sec. 26. Section 256.215, subsection 1, Code 2026, is amended
9 by striking the subsection.

10 Sec. 27. Section 256.216, subsection 7, Code 2026, is amended
11 by striking the subsection.

12 Sec. 28. Section 256.216, subsection 8, Code 2026, is amended
13 to read as follows:

14 8. Administer funds appropriated for the Iowa ~~minority~~
15 academic grants for economic success program to carry out the
16 duties of the commission.

17 Sec. 29. Section 262.9, subsection 21, Code 2026, is amended
18 to read as follows:

19 21. Direct the administration of the Iowa ~~minority~~ academic
20 grants for economic success program as established in section
21 256.213 for the institutions under its control.

22 Sec. 30. Section 262.93, Code 2026, is amended to read as
23 follows:

24 **262.93 Reports to general assembly.**

25 The college student aid commission and ~~the state board of~~
26 ~~regents each~~ shall submit to the general assembly, by January
27 15 of each year, a report on the progress and implementation
28 of the ~~programs which they administer~~ program under sections
29 256.214 through 256.217 and ~~262.92~~. ~~By January 31 of each~~
30 ~~year, the state board of regents shall submit a report to the~~
31 ~~general assembly regarding the progress and implementation of the~~
32 ~~program administered pursuant to section 262.82~~. The reports
33 shall report ~~must~~ include but are is not limited to the numbers
34 of students and ~~educators~~ participating in the ~~programs~~ program
35 and allocation of funds appropriated for the ~~programs~~ program.

1 Sec. 31. Section 542.5, subsection 6, Code 2026, is amended
2 to read as follows:

3 6. The board, when considering the denial or revocation of a
4 certificate pursuant to subsections 2 through 5, shall consider
5 the nature of the offense; any aggravating or extenuating
6 circumstances which are documented; the time lapsed since
7 the revocation, conduct, or conviction; the rehabilitation,
8 treatment, or restitution performed by the applicant or
9 certificate holder; and any other factors the board deems
10 relevant. Character references may be required, but shall not
11 be obtained from certified public accountants. An applicant
12 shall not be denied a certificate because of age, ~~citizenship~~,
13 race, religion, marital status, or national origin, although the
14 application may require citizenship information.

15 Sec. 32. Section 542B.13, Code 2026, is amended to read as
16 follows:

17 **542B.13 Applications and examination fees.**

18 Applications for licensure shall be on forms prescribed and
19 furnished by the board, shall contain statements made under
20 oath, showing the applicant's education and a detailed summary
21 of the applicant's technical work, and the board shall not
22 require that a recent photograph of the applicant be attached
23 to the application form. An applicant is not ineligible for
24 licensure because of age, ~~citizenship~~, sex, race, religion,
25 marital status, or national origin, although the application form
26 may require citizenship information. The board may consider the
27 past felony record of an applicant. The board may require that
28 an applicant submit references. Applications for examination in
29 fundamentals in the practice of engineering and land surveying
30 shall be accompanied by application fees determined by the board.
31 The board shall determine the annual cost of administering the
32 examinations and shall set the fees accordingly.

33 Sec. 33. Section 543B.15, subsection 2, Code 2026, is amended
34 to read as follows:

35 2. To qualify for a license as a real estate broker or

1 salesperson a person shall be eighteen years of age or over.
2 However, an applicant is not ineligible because of ~~citizenship,~~
3 sex, race, religion, marital status, or national origin, although
4 the application form may require citizenship information.

5 Sec. 34. Section 544A.25, subsection 1, Code 2026, is amended
6 to read as follows:

7 1. An applicant is not ineligible for licensure because
8 of age, ~~citizenship,~~ sex, race, religion, marital status, or
9 national origin, although the application form may require
10 citizenship information. Character references may be required.

11 Sec. 35. Section 602.1204, subsection 2, Code 2026, is
12 amended to read as follows:

13 2. The state court administrator may issue directives
14 relating to the management of the judicial branch. The subject
15 matters of these directives shall include, but need not be
16 limited to, fiscal procedures, the judicial retirement system,
17 and the collection and reporting of statistical and other data.
18 ~~The directives shall provide for an affirmative action plan which~~
19 ~~shall be based upon guidelines provided by the Iowa state civil~~
20 ~~rights commission.~~ In addition, when establishing salaries and
21 benefits the state court administrator shall not discriminate in
22 the employment or pay between employees on the basis of gender by
23 paying wages to employees at a rate less than the rate at which
24 wages are paid to employees of the opposite gender for work of
25 comparable worth. As used in this section "comparable worth"
26 means the value of work as measured by the composite of the
27 skill, effort, responsibility, and working conditions normally
28 required in the performance of work.

29 Sec. 36. Section 602.1209, subsection 3, Code 2026, is
30 amended to read as follows:

31 3. Authorize the filling of vacant court employee positions,
32 and review the qualifications of each person to be employed
33 within the judicial branch, ~~and assure that affirmative action~~
34 ~~goals are being met by the judicial branch.~~ The state court
35 administrator shall not approve the employment of a person

1 when either the proposed terms and conditions of employment or
2 the qualifications of the individual do not satisfy personnel
3 policies of the judicial branch. The administrator shall
4 implement the comparable worth directives issued under section
5 602.1204, subsection 2, in all court employment decisions.

6 Sec. 37. REPEAL. Sections 8.11, 19B.5, 80B.11G, 260C.29,
7 262.81, 262.82, 262.91, and 262.92, Code 2026, are repealed.

8 Sec. 38. CODE EDITOR DIRECTIVE.

9 1. The Code editor is directed to make the following
10 transfer:

11 Section 262.93 to section 256.217A.

12 2. The Code editor shall correct internal references in the
13 Code and in any enacted legislation as necessary due to the
14 enactment of this section.

15 EXPLANATION

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

18 Current law sets forth a state policy to apply affirmative
19 action measures to correct deficiencies in the state employment
20 system where those remedies are appropriate, and sets forth
21 various requirements relating to affirmative action for state and
22 educational entities including but not limited to the department
23 of administrative services (DAS), the state board of regents, the
24 judicial branch, the department of education, school districts,
25 area education agencies, community colleges, and accredited
26 private institutions.

27 This bill strikes those provisions, including but not limited
28 to provisions requiring the preparation of an affirmative action
29 plan (Code section 19B.4(1)) and submission of annual affirmative
30 action reports (Code section 19B.5). The bill also strikes
31 provisions requiring DAS and the board of regents to conduct
32 studies to evaluate employment practices and develop improved
33 methods of dealing with all employment issues related to
34 affirmative action and equal employment opportunity.

35 The bill strikes the requirement that DAS's and the board

1 of regents' contract compliance policies assure the equitable
2 provision of services within state programs and the utilization
3 of minority, women's, and disadvantaged business enterprises
4 (Code section 19B.7(1)(a)). The bill instead requires that DAS's
5 and the board of regents' contract compliance policies assure the
6 utilization of Iowa-based businesses and that DAS and the board
7 of regents report on equal opportunity efforts related to the use
8 of Iowa-based businesses.

9 The bill strikes the obligation of school districts,
10 area education agencies, and community colleges to submit an
11 annual report about affirmative action and equal opportunity
12 accomplishments and programs to the director of the department
13 of education. The bill requires the director of the department
14 of education to submit the annual report on fair employment
15 practices to the general assembly, in addition to the department
16 of management as required under current law.

17 The bill strikes the requirement for the director of the Iowa
18 law enforcement academy to promulgate rules related to dealing
19 with gang-affected youth and racial and cultural awareness
20 training, the requirement for a law enforcement agency to provide
21 annual training to officers on issues relating to de-escalation
22 techniques and the prevention of bias, and the requirement for
23 the Iowa law enforcement academy to develop and disseminate
24 related training guidelines.

25 Under current law, a certificate of need is required for a
26 new or changed institutional health service to be offered or
27 developed. The bill removes the contribution of the proposed
28 institutional health service in meeting the needs of racial and
29 ethnic minorities from the list the department of health and
30 human services must consider in determining whether to issue a
31 certificate of need.

32 Under current law, the board of medicine must prioritize
33 processing applications for licensure submitted by a physician,
34 surgeon, and osteopathic physician or surgeon whose practice will
35 primarily involve serving underserved populations, including but

1 not limited to minorities or low-income persons, or persons who
2 live in rural areas. The bill alters this requirement to require
3 the board of medicine to prioritize applications for those who
4 will primarily serve medically underserved communities, including
5 low-income persons, and those living in rural areas.

6 The bill eliminates the academic incentives for minorities
7 program, the minority and women educators enhancement program,
8 and the college-bound program. The bill also removes the
9 provisions limiting the Iowa minority academic grants for
10 economic success program to minorities and strikes the goal of
11 recruiting and retaining women and minorities in math and science
12 education from the math and science education grant program.

13 The bill defines the term "minority" for purposes of
14 the annual report the college student aid commission must
15 submit on the number of minority students and faculty members
16 at a postsecondary institution whose students are eligible
17 for financial assistance under programs administered by the
18 commission. Under federal regulations referenced in the bill,
19 "minority" means African American, Native American, Hispanic
20 American, Asian-Pacific American, or Subcontinent-Asian American.

21 The bill eliminates provisions stating that an applicant for
22 a license to work in health care, architecture, engineering,
23 land surveying, or real estate is not ineligible because of
24 citizenship and that an applicant for certification as a public
25 accountant is not ineligible due to citizenship.

26 The bill repeals the requirement for an application for a
27 grant from a state agency to include a minority impact statement.