

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

June 4, 2020

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 2322	S-5090	Adopted	ZACH NUNN
SF 2363	S-5091	Adopted	BRAD ZAUN
SF 2364	S-5089	Filed	ROBY SMITH
SF 2364	S-5092	Filed	ZACH WAHLS, et al
SF 2364	S-5093	Filed	TODD TAYLOR
SF 2364	S-5094	Filed	TODD TAYLOR
SF 2364	S-5095	Filed	TODD TAYLOR
HF 2360	S-5097	Filed	CHRIS COURNOYER
HF 2502	S-5096	Ruled Out of Order	ZACH WAHLS

Fiscal Notes

[SF 2356](#) — [Dyslexia Taskforce Recommendations](#) (LSB6089SV)

[SF 2363](#) — [Medical Cannabidiol Changes](#) (LSB5644SV)

[SF 2376](#) — [Crime Victim Assistance](#) (LSB5374SV)

[HF 2502](#) — [Firearms, Preemption](#) (LSB5735HV)

[HF 2554](#) — [Continuous Sexual Abuse of a Child](#) (LSB5316HV.1)

[HF 2581](#) — [Hemp Consumer and Public Safety](#) (LSB5404HV.1)

SENATE FILE 2322

S-5090

1 Amend Senate File 2322 as follows:

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

4 <Section 1. Section 692A.101, subsection 1, paragraph a,
5 Code 2020, is amended by adding the following new subparagraph:
6 NEW SUBPARAGRAPH. (9) Continuous sexual abuse of a child
7 in violation of section 709.23.

8 Sec. 2. Section 692A.101, subsection 2, paragraph a, Code
9 2020, is amended by adding the following new subparagraph:
10 NEW SUBPARAGRAPH. (4) Continuous sexual abuse of a child
11 in violation of section 709.23.

12 Sec. 3. Section 692A.102, subsection 1, paragraph c, Code
13 2020, is amended by adding the following new subparagraph:
14 NEW SUBPARAGRAPH. (013) Continuous sexual abuse of a child
15 in violation of section 709.23.

16 Sec. 4. NEW SECTION. **709.23 Continuous sexual abuse of a**
17 **child.**

18 1. A person eighteen years of age or older commits
19 continuous sexual abuse of a child when the person engages
20 in any combination of three or more acts of sexual abuse in
21 violation of section 709.3 or 709.4, with the same child, and
22 at least thirty days have elapsed between the first and last
23 acts of sexual abuse.

24 2. A person who commits continuous sexual abuse of a
25 child is, upon conviction, guilty of a class "B" felony.
26 Notwithstanding section 902.9, subsection 1, paragraph "b", a
27 person convicted of a violation of this subsection involving
28 any combination of three or more acts of sexual abuse that
29 includes a violation of section 709.3 or 709.4 shall be
30 confined for no more than fifty years.

31 3. If a jury is the trier of fact, members of the jury must
32 unanimously agree that three or more acts of sexual abuse in
33 violation of section 709.3 or 709.4 were committed with the
34 same child and at least thirty days have elapsed between the
35 first and last acts of sexual abuse. The jury does not need

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1 to unanimously agree which specific acts were committed or the
2 exact date when those acts were committed.

3 4. Any other sexual abuse offense involving the same child
4 shall not be charged in the same proceeding as a charge under
5 this section unless the other sexual abuse offense occurred
6 outside of the time period charged under this section or the
7 other sexual abuse offense is charged in the alternative.

8 5. A person shall be charged with only one count under this
9 section unless more than one child is involved in the offense.
10 If more than one child is involved, a separate count may be
11 charged for each child.

12 6. Each act of sexual abuse committed under section 709.3
13 or 709.4 shall be considered a lesser included offense to the
14 crime of continuous sexual abuse of a child under this section.

15 Sec. 5. Section 902.14, subsection 1, Code 2020, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *d.* Continuous sexual abuse of a child in
18 violation of section 709.23.

19 Sec. 6. Section 903B.10, subsection 3, Code 2020, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *j.* Continuous sexual abuse of a child in
22 violation of section 709.23.>

By ZACH NUNN

S-5090 FILED JUNE 3, 2020

ADOPTED

SENATE FILE 2363

S-5091

1 Amend Senate File 2363 as follows:

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

4 <Section 1. Section 96.5, Code 2020, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 14. *Marijuana or controlled substance use in
7 the workplace — disqualified.*

8 a. For purposes of this subsection, unless the context
9 otherwise requires:

10 (1) “*Controlled substance*” means the same as defined in
11 section 124.101.

12 (2) “*Marijuana*” means the same as defined in section 124E.2.

13 b. If the department finds that the individual became
14 separated from employment due to ingesting marijuana in the
15 workplace, working while under the influence of marijuana, or
16 testing positive for any other controlled substance, for which
17 the individual did not have a current prescription or which the
18 individual was otherwise using unlawfully, under a drug testing
19 policy pursuant to section 730.5 or any other procedures
20 provided by federal statutes, federal regulations, or orders
21 issued pursuant to federal law.

22 c. A disqualification under this subsection shall continue
23 until the individual has worked in and has been paid wages for
24 insured work equal to ten times the individual’s weekly benefit
25 amount, provided the individual is otherwise eligible.

26 Sec. 2. Section 124E.2, subsection 2, paragraph i, Code
27 2020, is amended to read as follows:

28 i. ~~Untreatable~~ Chronic pain.

29 Sec. 3. Section 124E.2, subsection 2, Code 2020, is amended
30 by adding the following new paragraphs:

31 NEW PARAGRAPH. j. Severe, intractable autism with
32 self-injurious or aggressive behaviors.

33 NEW PARAGRAPH. k. Post-traumatic stress disorder.

34 Sec. 4. Section 124E.2, subsections 5 and 6, Code 2020, are
35 amended to read as follows:

1 5. "*Health care practitioner*" means an individual licensed
2 under chapter 148 to practice medicine and surgery or
3 osteopathic medicine and surgery, a physician assistant
4 licensed under chapter 148C, an advanced registered nurse
5 practitioner licensed under chapter 152, or an advanced
6 practice registered nurse under chapter 152E, who is a
7 patient's primary care provider or a podiatrist licensed
8 pursuant to chapter 149. ~~"Health care practitioner" shall not~~
9 ~~include a physician assistant licensed under chapter 148C or~~
10 ~~an advanced registered nurse practitioner licensed pursuant to~~
11 ~~chapter 152 or 152E.~~

12 6. "*Medical cannabidiol*" means any pharmaceutical
13 grade cannabinoid found in the plant *Cannabis sativa* L. or
14 *Cannabis indica* or any other preparation thereof ~~that has~~
15 ~~a tetrahydrocannabinol level of no more than three percent~~
16 ~~and~~ that is delivered in a form recommended by the medical
17 cannabidiol board, approved by the board of medicine, and
18 adopted by the department pursuant to rule.

19 Sec. 5. Section 124E.2, Code 2020, is amended by adding the
20 following new subsections:

21 NEW SUBSECTION. 4A. "*Employee*" means a natural person who
22 is employed in this state for wages by an employer.

23 NEW SUBSECTION. 4B. "*Employer*" means a person who in this
24 state employs for wages an employee.

25 NEW SUBSECTION. 5A. "*Laboratory*" means the state hygienic
26 laboratory at the university of Iowa in Iowa City or any other
27 independent medical cannabidiol testing facility accredited
28 to standard ISO/IEC 17025 by an international organization
29 for standards-approved accrediting body, with a controlled
30 substance registration certificate from the United States drug
31 enforcement administration and a certificate of registration
32 from the board of pharmacy. For the purposes of this chapter,
33 an independent laboratory is a laboratory operated by an
34 entity that has no equity ownership in a medical cannabidiol
35 manufacturer.

1 NEW SUBSECTION. 5B. "*Marijuana*" means any derivative of
2 marijuana including but not limited to medical cannabidiol.

3 NEW SUBSECTION. 7A. "*Total tetrahydrocannabinol*"
4 means eighty-seven and seven-tenths percent of the
5 amount of tetrahydrocannabinolic acid plus the amount of
6 tetrahydrocannabinol.

7 Sec. 6. Section 124E.4, subsection 1, unnumbered paragraph
8 1, Code 2020, is amended to read as follows:

9 Subject to subsection 7, the department may ~~approve the~~
10 ~~issuance of~~ issue a medical cannabidiol registration card ~~by~~
11 ~~the department of transportation~~ to a patient who:

12 Sec. 7. Section 124E.4, subsection 1, paragraph d,
13 unnumbered paragraph 1, Code 2020, is amended to read as
14 follows:

15 Submits an application to the department, on a form created
16 by the department, ~~in consultation with the department of~~
17 ~~transportation~~, that contains all of the following:

18 Sec. 8. Section 124E.4, subsection 1, paragraph f, Code
19 2020, is amended by striking the paragraph.

20 Sec. 9. Section 124E.4, subsection 2, unnumbered paragraph
21 1, Code 2020, is amended to read as follows:

22 A medical cannabidiol registration card issued to a patient
23 by the department ~~of transportation~~ pursuant to subsection 1
24 shall contain, at a minimum, all of the following:

25 Sec. 10. Section 124E.4, subsection 2, paragraph b, Code
26 2020, is amended by striking the paragraph.

27 Sec. 11. Section 124E.4, subsection 3, unnumbered paragraph
28 1, Code 2020, is amended to read as follows:

29 For a patient in a primary caregiver's care, subject to
30 subsection 7, the department may ~~approve the issuance of~~ issue
31 a medical cannabidiol registration card ~~by the department of~~
32 ~~transportation~~ to the primary caregiver who:

33 Sec. 12. Section 124E.4, subsection 3, paragraph b,
34 unnumbered paragraph 1, Code 2020, is amended to read as
35 follows:

1 Submits an application to the department, on a form created
2 by the department, ~~in consultation with the department of~~
3 ~~transportation~~, that contains all of the following:

4 Sec. 13. Section 124E.4, subsection 3, paragraph c, Code
5 2020, is amended by striking the paragraph.

6 Sec. 14. Section 124E.4, subsection 4, unnumbered paragraph
7 1, Code 2020, is amended to read as follows:

8 A medical cannabidiol registration card issued by the
9 department ~~of transportation~~ to a primary caregiver pursuant to
10 subsection 3 shall contain, at a minimum, all of the following:

11 Sec. 15. Section 124E.4, subsection 4, paragraph b, Code
12 2020, is amended by striking the paragraph.

13 Sec. 16. Section 124E.4, subsection 6, Code 2020, is amended
14 by striking the subsection.

15 Sec. 17. Section 124E.5, subsections 2 and 6, Code 2020, are
16 amended to read as follows:

17 2. The medical cannabidiol board shall convene at least
18 twice ~~but no more than four times~~ per year.

19 6. ~~The medical cannabidiol board may recommend a statutory~~
20 ~~revision to the definition of medical cannabidiol contained in~~
21 ~~this chapter that increases the tetrahydrocannabinol level to~~
22 ~~more than three percent, however, any such recommendation shall~~
23 ~~be submitted to the general assembly during the regular session~~
24 ~~of the general assembly following such submission.~~ The general
25 assembly shall have the sole authority to revise the definition
26 of medical cannabidiol for purposes of this chapter.

27 Sec. 18. Section 124E.6, subsection 4, Code 2020, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 4. A medical cannabidiol manufacturer shall contract with
31 a laboratory to perform spot-check testing of the medical
32 cannabidiol produced by the medical cannabidiol manufacturer
33 as provided in section 124E.7. The department shall require
34 that the laboratory report testing results to the medical
35 cannabidiol manufacturer and the department as determined by

1 the department by rule. If a medical cannabidiol manufacturer
2 contracts with a laboratory other than the state hygienic
3 laboratory at the university of Iowa in Iowa City, the
4 department shall approve the laboratory to perform testing
5 pursuant to this chapter.

6 Sec. 19. Section 124E.7, subsection 1, Code 2020, is amended
7 by striking the subsection and inserting in lieu thereof the
8 following:

9 1. A medical cannabidiol manufacturer shall contract with
10 a laboratory to perform spot-check testing of the medical
11 cannabidiol produced by the medical cannabidiol manufacturer as
12 to content, contamination, and consistency. The cost of all
13 laboratory testing shall be paid by the medical cannabidiol
14 manufacturer.

15 Sec. 20. Section 124E.9, Code 2020, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 13. A medical cannabidiol dispensary
18 shall employ a pharmacist or pharmacy technician licensed or
19 registered pursuant to chapter 155A for the purpose of making
20 dosing recommendations.

21 NEW SUBSECTION. 14. A medical cannabidiol dispensary shall
22 not dispense more than a combined total of four and one-half
23 grams of total tetrahydrocannabinol to a patient and the
24 patient's primary caregiver in a ninety-day period, except as
25 provided in subsection 15.

26 NEW SUBSECTION. 15. A medical cannabidiol dispensary
27 may dispense more than a combined total of four and one-half
28 of total tetrahydrocannabinol to a patient and the patient's
29 primary caregiver in a ninety-day period if any of the
30 following apply:

31 a. The health care practitioner who certified the patient to
32 receive a medical cannabidiol registration card certifies that
33 patient's debilitating medical condition is a terminal illness
34 with a life expectancy of less than one year. A certification
35 issued pursuant to this paragraph shall include a total

1 tetrahydrocannabinol cap deemed appropriate by the patient's
2 health care practitioner.

3 *b.* The health care practitioner who certified the patient to
4 receive a medical cannabidiol registration card certifies that
5 the patient has participated in the medical cannabidiol program
6 and that the health care practitioner has determined that four
7 and one-half of total tetrahydrocannabinol in a ninety-day
8 period is insufficient to treat the patient's debilitating
9 medical condition. A certification issued pursuant to this
10 paragraph shall include a total tetrahydrocannabinol cap deemed
11 appropriate by the patient's health care practitioner.

12 Sec. 21. Section 124E.11, subsection 1, paragraph b,
13 subparagraph (1), subparagraph divisions (a) and (c), Code
14 2020, are amended to read as follows:

15 (a) To authorized employees or agents of the department ~~and~~
16 ~~the department of transportation~~ as necessary to perform the
17 duties of the department ~~and the department of transportation~~
18 pursuant to this chapter.

19 (c) To authorized employees of a medical cannabidiol
20 dispensary, but only for the ~~purpose~~ purposes of verifying that
21 a person is lawfully in possession of a medical cannabidiol
22 registration card issued pursuant to this chapter and that a
23 person has not purchased total tetrahydrocannabinol in excess
24 of the amount authorized by this chapter.

25 Sec. 22. Section 124E.11, subsection 1, paragraph b,
26 subparagraph (1), Code 2020, is amended by adding the following
27 new subparagraph division:

28 NEW SUBPARAGRAPH DIVISION. (e) To a health care
29 practitioner for the purpose of determining whether a patient
30 seeking a written certification pursuant to section 124E.3 has
31 already received a written certification from another health
32 care practitioner.

33 Sec. 23. Section 124E.12, subsection 7, Code 2020, is
34 amended to read as follows:

35 7. Notwithstanding any law to the contrary, the department,

1 ~~the department of transportation,~~ the governor, or any employee
2 of any state agency shall not be held civilly or criminally
3 liable for any injury, loss of property, personal injury, or
4 death caused by any act or omission while acting within the
5 scope of office or employment as authorized under this chapter.

6 Sec. 24. NEW SECTION. 124E.20 **Observational effectiveness**
7 **study.**

8 The department may conduct an observational effectiveness
9 study in cooperation with patients and health care
10 practitioners and pursuant to rules of the department in order
11 to study the effectiveness of medical cannabidiol in the
12 treatment of debilitating medical conditions.

13 Sec. 25. NEW SECTION. 124E.21 **Employer regulation of**
14 **marijuana use.**

15 1. Nothing in this chapter shall require an employer
16 to permit or accommodate the use, consumption, possession,
17 transfer, display, transportation, distribution, sale, or
18 growing of marijuana in the workplace.

19 2. Nothing in this chapter shall prohibit an employer from
20 implementing policies restricting the use of marijuana by
21 employees for the purpose of promoting workplace health and
22 safety.

23 3. Nothing in this chapter shall prohibit an employer
24 from including in a contract with an employee a provision
25 prohibiting the use of marijuana.

26 4. Nothing in this chapter shall prohibit an employer
27 from establishing and enforcing a zero-tolerance drug policy
28 or a drug-free workplace by use of a drug testing policy in
29 accordance with section 730.5 or any other procedures provided
30 by federal statutes, federal regulations, or orders issued
31 pursuant to federal law.

32 Sec. 26. NEW SECTION. 124E.22 **Regulation of marijuana**
33 **use by government medical assistance programs, private health**
34 **insurers, and other entities.**

35 Nothing in this chapter shall require a government

1 medical assistance program, private health insurer, workers'
2 compensation carrier, or self-insured employer providing
3 workers' compensation benefits to reimburse a person for costs
4 associated with the medical use of marijuana.

5 Sec. 27. NEW SECTION. 124E.23 Regulation of marijuana use
6 on property.

7 Nothing in this chapter shall require a person that owns,
8 occupies, or controls a property to allow the use, consumption,
9 possession, transfer, display, transportation, distribution,
10 sale, or growing of marijuana on or in that property.

11 Sec. 28. NEW SECTION. 124E.24 Limitation of liability.

12 Nothing in this chapter shall create any claim, cause of
13 action, sanction, or penalty, for discrimination or under
14 any other theory of liability, under chapter 216 or any
15 other provision of law, based on an act, omission, policy, or
16 contractual provision permissible under this chapter including
17 but not limited to refusing to hire, discharging, disciplining,
18 discriminating, retaliating, or otherwise taking any adverse
19 employment action against a person with respect to hiring,
20 tenure, or any terms, conditions, or privileges of employment.

21 Sec. 29. NEW SECTION. 124E.25 Cannabis-derived products
22 — exemption.

23 This chapter shall not apply to any cannabis-derived
24 investigational product or cannabis-derived product approved as
25 a prescription drug medication by the United States food and
26 drug administration.

27 Sec. 30. NEW SECTION. 124E.26 Applicability.

28 The provisions of this chapter apply notwithstanding any
29 other provision of law to the contrary.

30 Sec. 31. PROTECTION OF FEDERAL FUNDING. The department
31 of public health shall request guarantees from the agencies
32 of the federal government providing funding to educational
33 and long-term care facilities that facilities with policies
34 allowing patients to possess medical cannabidiol on the grounds
35 of the facilities consistent with chapter 124E or allowing

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1 facility staff to administer medical cannabidiol to a patient
2 shall not lose eligibility for any federal funding due to such
3 policies.

4 Sec. 32. TRANSITION PROVISIONS. A medical cannabidiol
5 registration card issued prior to July 1, 2020, remains
6 effective and continues in effect as issued for the
7 twelve-month period following its issuance.>

8 2. Title page, by striking lines 1 and 2 and inserting <An
9 Act concerning the medical cannabidiol Act and marijuana.>

By BRAD ZAUN

S-5091 FILED JUNE 3, 2020

ADOPTED

S-5089

1 Amend Senate File 2364 as follows:

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

4 <DIVISION I

5 PUBLIC CONSTRUCTION BIDDING REQUIREMENTS

6 Section 1. Section 26.2, subsection 3, paragraph b,
7 subparagraph (5), Code 2020, is amended to read as follows:

8 (5) Construction or repair or maintenance work performed
9 for a city utility under chapter 388 when such work is
10 performed by its employees or performed for a rural water
11 district under chapter 357A by its employees when such work
12 relates to existing utility infrastructure or establishing
13 connections to existing utility infrastructure. For purposes
14 of this subparagraph, "utility infrastructure" includes
15 facilities used for the storage, collection, disposal,
16 treatment, generation, transmission, or distribution of water,
17 sewage, waste, electricity, gas, or telecommunications service.

18 Sec. 2. Section 26.2, subsection 3, paragraph b, Code 2020,
19 is amended by adding the following new subparagraph:

20 NEW SUBPARAGRAPH. (6) Construction or repair or
21 maintenance work performed for a rural water district under
22 chapter 357A by its employees.

23 Sec. 3. Section 26.4, Code 2020, is amended to read as
24 follows:

25 ~~26.4 Exemptions from competitive bids and quotations~~
26 Architectural and engineering services — exemptions —
27 prohibitions.

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

31 2. Fee-based selection of an architect, landscape
32 architect, or engineer for a public improvement shall be
33 prohibited.

34 Sec. 4. Section 262.34, Code 2020, is amended by adding the
35 following new subsection:

1 subdivisions of the state, public school corporations, and all
2 officers, boards, or commissions empowered by law to enter
3 into contracts for the construction of public improvements,
4 including the state board of regents.

5 4. "*Guaranteed maximum price contract*" means the agreed
6 to fixed or guaranteed maximum price pursuant to a contract
7 entered into by the construction manager-at-risk and the
8 governmental entity.

9 5. "*Public improvement*" means as defined in section 26.2.

10 6. "*Repair or maintenance work*" means as defined in section
11 26.2.

12 7. "*Self-perform*" means work that is executed by
13 the construction manager-at-risk without the use of a
14 subcontractor. Electrical, mechanical, fire suppression, and
15 plumbing work may not be self-performed.

16 Sec. 8. NEW SECTION. **26A.2 Authorization.**

17 Notwithstanding any other law to the contrary, a
18 governmental entity shall be authorized to enter into a
19 guaranteed maximum price contract for the construction of a
20 public improvement pursuant to this chapter.

21 Sec. 9. NEW SECTION. **26A.3 Guaranteed maximum price
22 contract — process.**

23 1. A governmental entity shall publicly disclose the
24 governmental entity's intent to enter into a guaranteed
25 maximum price contract and the governmental entity's selection
26 criteria at least fourteen days prior to publishing a request
27 for statements of qualifications. Public disclosure shall
28 be in a relevant contractor plan room service with statewide
29 circulation, a relevant construction lead generating service
30 with statewide circulation, and on an internet site sponsored
31 by either a governmental entity or a statewide association that
32 represents the governmental entity.

33 2. The governmental entity shall select or designate an
34 engineer licensed under chapter 542B, a landscape architect
35 licensed under chapter 544B, or an architect licensed

1 under chapter 544A by utilizing a quality-based selection
2 process. Fee-based selection of the engineer, landscape
3 architect, or architect shall be prohibited. The engineer,
4 landscape architect, or architect selected or designated by
5 the government entity under this subsection shall have the
6 responsibility of preparing construction documents for the
7 project and shall review the construction for conformance with
8 design intent.

9 3. a. (1) The governmental entity shall prepare a request
10 for statements of qualifications. The request shall include
11 general information on the project site, project scope,
12 schedule, selection criteria, and the time and place for
13 receipt of statements of qualifications. Selection criteria
14 and general information included in the request for statements
15 of qualifications may be developed in coordination with
16 the engineer, landscape architect, or architect selected or
17 designated by the governmental entity as provided under this
18 section.

19 (2) Selection criteria may include the contractor's
20 experience undertaking projects of similar size and scope
21 in either the public or private sector, past performance,
22 safety record, proposed personnel, and proposed methodology.
23 Selection criteria shall include experience in both the public
24 and the private sector. Selection criteria shall not include
25 specific delivery methods, including guaranteed maximum price
26 projects. In addition, selection criteria shall not include
27 training, testing, or other certifications that may only
28 be obtained through organized labor affiliations or other
29 limited-membership organizations.

30 (3) A request for statements of qualifications under this
31 subsection shall be subject to the requirements of section
32 73A.28. In addition, a governmental entity shall not by
33 ordinance, rule, or any other action relating to the request
34 for qualifications stipulate criteria that would directly
35 or indirectly restrict the selection of a construction

1 manager-at-risk to any predetermined class of providers based
2 on labor organization affiliation or any other criteria other
3 than that allowed pursuant to this paragraph.

4 *b.* The request for statements of qualifications shall be
5 posted not less than thirteen and not more than forty-five days
6 before the date for response in a relevant contractor plan room
7 service with statewide circulation, in a relevant construction
8 lead generating service with statewide circulation, and on an
9 internet site sponsored by either a governmental entity or a
10 statewide association that represents the governmental entity.
11 If circumstances beyond the control of the governmental
12 entity require postponement and there are no changes to the
13 project's contract documents, a notice of the revised date
14 shall be posted not less than four and not more than forty-five
15 days before the revised date for answering the request for
16 proposals and statements of qualifications in a relevant
17 contractor plan room service with statewide circulation, in a
18 relevant construction lead generating service with statewide
19 circulation, and on an internet site sponsored by either a
20 government entity or a statewide association that represents
21 the governmental entity.

22 *c.* The governmental entity shall receive, publicly open, and
23 read aloud the names of the contractors submitting statements
24 of qualifications. Within forty-five days after the date of
25 opening the statements of qualifications submissions, the
26 governmental entity shall evaluate each proposal or statement
27 of qualifications submission in relation to the criteria set
28 forth in the request.

29 4. *a.* After considering the statements of qualifications,
30 the governmental entity shall issue a request for proposals
31 to each contractor who meets the qualifications which shall
32 include selection and evaluation criteria. Each contractor
33 issued a request for proposals shall be permitted to submit
34 a proposal and each proposal submitted shall include the
35 construction manager-at-risk's proposed fees. The request

1 for proposals shall be subject to the requirements of section
2 73A.28 and the same limitations applied to selection criteria
3 for the request for statements of qualifications in this
4 chapter.

5 *b.* The governmental entity shall receive, publicly open, and
6 read aloud the names of the contractors submitting proposals.
7 Within forty-five days after the date of opening the proposals,
8 the governmental entity shall evaluate and rank each proposal
9 in relation to the criteria set forth in the applicable
10 request.

11 *c.* The governmental entity or its representative shall
12 select the construction manager-at-risk that submits the
13 proposal that offers the best value for the governmental
14 entity based on the published selection criteria and on
15 its ranking evaluation. The governmental entity shall
16 first attempt to negotiate a contract with the selected
17 construction manager-at-risk. If the governmental entity
18 is unable to negotiate a satisfactory contract with the
19 selected construction manager-at-risk, the governmental entity
20 shall, formally and in writing, end negotiations with that
21 construction manager-at-risk and proceed to negotiate with the
22 next construction manager-at-risk in the order of the selection
23 ranking until a contract is reached or negotiations with all
24 ranked construction managers-at-risk end.

25 *d.* The governmental entity shall make available to the
26 public the final scoring and ranking evaluation of the request
27 for proposals received.

28 5. *a.* If the estimated total cost of trade contract work
29 and materials packages is in excess of the adjusted competitive
30 bid threshold established in section 314.1B, the construction
31 manager-at-risk shall advertise for competitive bids, receive
32 bids, prepare bid analyses, and award contracts to qualified
33 firms on trade contract work and materials packages in
34 accordance with all of the following:

35 (1) The construction manager-at-risk shall prepare a

1 request for statements of qualifications. The request shall
2 include general information on the project site, project
3 scope, schedule, selection criteria, and the time and place
4 for receipt of statements of qualifications. The construction
5 manager-at-risk shall provide public notice of the request for
6 statements of qualifications in a relevant contractor plan room
7 service with statewide circulation, a relevant construction
8 lead generating service with statewide circulation, and on an
9 internet site sponsored by either a governmental entity or a
10 statewide association that represents the governmental entity.
11 The request for statements of qualifications shall be posted
12 not less than thirteen and not more than forty-five days before
13 the date for response.

14 (2) (a) The construction manager-at-risk shall utilize
15 objective prequalification criteria in the request for
16 statements of qualifications. All firms who meet the
17 objective prequalification criteria as a qualified firm
18 shall be allowed to submit a bid for the relevant trade
19 contract work and materials package. Upon determining which
20 firms meet the prequalification criteria, the construction
21 manager-at-risk shall notify all firms who responded to the
22 request for qualifications whether they successfully meet the
23 prequalification criteria. The notification shall include a
24 list of all firms who were deemed to have successfully met the
25 prequalification criteria. Notification shall be given no
26 less than fifteen days prior to the subcontractor bids being
27 due. Subcontractors who failed to meet the prequalification
28 standards shall also be provided with information regarding
29 which prequalification criteria were not met. In addition,
30 a firm that is prequalified with the state department of
31 transportation pursuant to section 314.1 shall be considered
32 to meet the objective prequalification criteria as a qualified
33 firm and shall be allowed to submit a bid for purposes of work
34 related to parking lots, streets, site development, or bridge
35 structure components.

1 (b) Prequalification criteria shall be limited to a
2 firm's experience as a contractor, capacity of key personnel,
3 technical competence, capability to perform, the past
4 performance of the firm and the firm's employees to include
5 the firm's safety record and compliance with state and federal
6 law, and availability to and familiarity with the location of
7 the project subject to bid. Prequalification criteria shall
8 be reasonably and materially related to the relevant trade
9 contract work and materials package. The prequalification
10 criteria shall not include training, testing, or other
11 certifications that may only be obtained through organized
12 labor affiliated organizations or other limited-membership
13 organizations.

14 (3) The governmental entity and the construction
15 manager-at-risk shall participate in the bid review and
16 evaluation process. The governmental entity and the
17 construction manager-at-risk shall open, announce the name
18 of the contractor submitting a bid, and file all proposals
19 received, at the time and place specified in the notice to
20 bidders. After the bids have been opened, reviewed, and
21 tabulated, the contracts shall be awarded to the lowest
22 responsive, responsible bidder. All awards and bids shall be
23 made available to the public.

24 (4) Notwithstanding any other provisions of this paragraph
25 to the contrary, the construction manager-at-risk may
26 self-perform work for a trade package that is below the
27 adjusted competitive bid threshold established in section
28 314.1B. If a trade package is in excess of the adjusted
29 competitive bid threshold established in section 314.1B, the
30 construction manager-at-risk shall notify the governmental
31 entity in writing of its intent to submit a bid proposal for
32 a trade package. In submission of a bid, the construction
33 manager-at-risk shall comply with the requirements of this
34 paragraph. The governmental entity shall receive the bids,
35 participate in, and provide oversight of all bid analyses

1 pertinent to the award of subcontracts or rejection of bids on
2 any trade package for which the construction manager-at-risk
3 submits a bid to self-perform. Where the construction
4 manager-at-risk is not the apparent low bidder, the government
5 shall be responsible for determining whether a recommendation
6 of award to the construction manager-at-risk is in the best
7 interests of the project. A construction manager-at-risk shall
8 not be required to comply with bidding requirements for general
9 conditions as provided in the contract with the governmental
10 entity. If the construction manager-at-risk self-performs
11 the construction work, it shall adhere to any agreement it
12 may have with one or more labor organizations. However, the
13 construction manager-at-risk shall not be obligated to adhere
14 to any terms and conditions of any labor agreement with one or
15 more labor organizations for those trade contracts that are
16 not self-performed by the construction manager-at-risk for the
17 public improvement, and such terms shall be deemed void and
18 unenforceable.

19 *b.* If a selected trade contractor materially defaults in
20 the performance of its work or fails to execute a contract,
21 the construction manager-at-risk may, without advertising,
22 fulfill the contract requirements or select a replacement trade
23 contractor to fulfill the contract requirements.

24 Sec. 10. NEW SECTION. **26A.4 Prohibited contracts.**

25 1. Notwithstanding any other provision of law to the
26 contrary, a governmental entity shall not be authorized
27 to enter into a design-build contract for the construction
28 of a public improvement. For purposes of this subsection,
29 "*design-build contract*" means a single contract providing for
30 both design services and construction services that may include
31 maintenance, operations, preconstruction, and other related
32 services.

33 2. A governmental entity shall not be authorized to
34 enter into a guaranteed maximum price contract for public
35 improvements relating to highway, bridge, or culvert

S-5089 (Continued)

1 construction.>

2 2. Title page, line 4, after <sector> by inserting <and

3 including effective date and applicability provisions>

By ROBY SMITH

S-5089 FILED JUNE 3, 2020

SENATE FILE 2364

S-5092

- 1 Amend the amendment, S-5089, to Senate File 2364 as follows:
2 1. By striking page 1, line 34, through page 2, line 18.
3 2. Page 9, line 26, after <entity> by inserting <, excluding
4 the state board of regents,>
5 3. Page 10, by striking lines 2 and 3.
6 4. By renumbering as necessary.

By ZACH WAHLS
TODD TAYLOR
KEVIN KINNEY
JOE BOLKCOM
WILLIAM A. DOTZLER, JR.
CLAIRE CELSI
ERIC GIDDENS
LIZ MATHIS

S-5092 FILED JUNE 3, 2020

SENATE FILE 2364

S-5093

- 1 Amend the amendment, S-5089, to Senate File 2364 as follows:
- 2 1. Page 4, by striking lines 26 through 29 and inserting
- 3 <projects.>
- 4 2. By striking page 4, line 32, through page 5, line 3, and
- 5 inserting <70A.28.>
- 6 3. Page 8, line 9, by striking <The prequalification>
- 7 4. Page 8, by striking lines 10 through 13.

By TODD TAYLOR

S-5093 FILED JUNE 3, 2020

SENATE FILE 2364

S-5094

- 1 Amend the amendment, S-5089, to Senate File 2364 as follows:
- 2 1. By striking page 1, line 34, through page 2, line 18.
- 3 2. Page 9, by striking lines 25 through 32.
- 4 3. Page 9, line 33, by striking <2.>
- 5 4. Page 10, by striking lines 2 and 3.
- 6 5. By renumbering as necessary.

By TODD TAYLOR

S-5094 FILED JUNE 3, 2020

SENATE FILE 2364

S-5095

1 Amend the amendment, S-5089, to Senate File 2364 as follows:

2 1. By striking page 1, line 4, through page 10, line 3, and
3 inserting:

4 <<DIVISION I

5 PUBLIC CONSTRUCTION BIDDING DEFINITIONS

6 Section 1. Section 26.2, subsection 3, paragraph b,
7 subparagraph (5), Code 2020, is amended to read as follows:

8 (5) Construction or repair or maintenance work performed
9 for a city utility under chapter 388 when such work is
10 performed by its employees or when such work relates to
11 existing utility infrastructure or to establishing connections
12 to existing utility systems.

13 (6) Construction or repair or maintenance work performed
14 for a rural water district under chapter 357A by its employees.

15 DIVISION II

16 ALTERNATIVE PROJECT DELIVERY CONTRACTS

17 Sec. 2. NEW SECTION. 26.17 Alternative project delivery
18 contracts.

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

21 a. *“Alternative project delivery contract”* means either a
22 design-build or construction manager-at-risk contract.

23 b. *“Bridging criteria professional”* means a person,
24 corporation, partnership, or other legal entity that is
25 employed by or contracted by a government entity to assist
26 the government entity in the development of project design
27 criteria, requests for proposals, and any additional services
28 requested by the government entity to represent its interests
29 in relation to a project and who meets either of the following
30 requirements:

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

35 (2) Is duly licensed as a professional engineer within the

1 state and can demonstrate specific knowledge of the project
2 type where alternative project delivery services are being
3 sought.

4 *c. "Construction manager-at-risk"* means a sole
5 proprietorship, partnership, corporation, or other legal entity
6 that acts as a consultant to the government entity in the
7 development and design phases and then assumes the risk for
8 the construction, rehabilitation, alteration, or repair of a
9 project at the contracted fixed or guaranteed maximum price,
10 similar to a general contractor during the construction phase.
11 A project using a construction manager-at-risk does not include
12 the construction, reconstruction, or improvement of a highway,
13 bridge, or culvert.

14 *d. "Design-build"* means a project delivery method subject to
15 a two or three-phase selection process for which the design and
16 construction services are furnished under one contract.

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

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

32 *g. "Design-builder"* means any individual, partnership,
33 joint venture, or corporation subject to a best-value or
34 qualification-based selection that offers to provide or
35 provides design services and general contracting services

1 through a design-build contract in which services within
2 the scope of the practice of professional architecture or
3 engineering are performed respectively by a licensed architect
4 or licensed engineer and in which services within the scope of
5 general contracting are performed by a general contractor or
6 other legal entity that furnishes architecture or engineering
7 services and construction services either directly or through
8 subcontracts or joint ventures.

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

14 *i. "Government entity"* means the same as "*governmental*
15 *entity*" defined in section 26.2 including, for the purpose of
16 this section, the state board of regents.

17 *j. "Proposal"* means an offer by a design-builder in response
18 to a request for proposals to enter into a design-build
19 contract.

20 *k. "Request for proposals"* means the document by which
21 a government entity solicits proposals for a design-build
22 contract.

23 1. "*Stipend*" means a payment to a design-builder who did not
24 score the highest number of points at the conclusion of phase
25 three of the best-value selection process to defray the cost of
26 participating in phase two of the selection process, and for
27 the use of any intellectual properties obtained.

28 2. Notwithstanding any other law to the contrary, a
29 government entity shall be authorized to enter into an
30 alternative project delivery contract.

31 3. Construction manager-at-risk contracts.

32 *a.* A government entity shall publicly disclose its intent to
33 use the construction manager-at-risk method and its selection
34 criteria at least one week prior to publishing the request
35 for proposals and request for statements of qualifications.

1 The government entity shall publish its request for proposals
2 and statements of qualifications. Before or concurrently
3 with selecting a construction manager-at-risk, the government
4 entity shall select or designate an engineer or architect
5 who shall prepare the construction documents for the project
6 and who shall comply with all state laws, as applicable. If
7 the engineer or architect is not a full-time employee of the
8 government entity, the government entity shall select the
9 engineer or architect on a basis of demonstrated competence and
10 qualifications. The government entity's engineer or architect
11 for a project may not serve, alone or in combination with
12 another, as the construction manager-at-risk. This paragraph
13 does not prohibit a government entity's engineer or architect
14 from providing customary construction-phase services under
15 the engineer's or architect's original professional service
16 agreement in accordance with applicable licensing laws.

17 *b.* The government entity may provide or contract for,
18 independently of the construction manager-at-risk, inspection
19 services, testing of construction materials, engineering, and
20 verification of testing services necessary for acceptance of
21 the project by the government entity.

22 *c.* The government entity shall select the construction
23 manager-at-risk in a two-phase process.

24 (1) Phase one. The government entity shall prepare a
25 request for statements of qualifications for the first phase.
26 The request shall include general information on the project
27 site, project scope, schedule, selection criteria, the time
28 and place for receipt of statements of qualifications, and
29 other information that may assist the government entity in its
30 selection of a construction manager-at-risk. The selection
31 criteria may include the construction manager-at-risk's
32 experience, past performance, safety record, proposed personnel
33 and methodology, and other appropriate factors that demonstrate
34 the capability of the construction manager-at-risk. The
35 government entity shall not request fees or prices in phase

1 one.

2 (2) Phase two. In phase two, the government entity
3 shall issue a request for proposals. The government entity
4 may request that no more than five nor fewer than two
5 construction managers-at-risk, selected solely on the basis
6 of qualifications, provide additional information, including
7 the construction manager-at-risk's project proposal, proposed
8 fee, its price for fulfilling the general conditions, and its
9 distribution plan for sharing any cost savings after completion
10 of said project. Qualifications shall account for a minimum
11 of forty percent of the evaluation. Cost shall account for a
12 maximum of sixty percent of the evaluation.

13 d. For each phase, the government entity shall receive,
14 publicly open, and read aloud the names of the construction
15 managers submitting proposals or statements of qualifications,
16 respectively. Within forty-five days after the date of opening
17 the proposals or statements of qualification submissions, the
18 government entity or its representative shall evaluate and rank
19 each proposal or statement of qualifications submission in
20 relation to the criteria set forth in the applicable request.

21 e. The government entity or its representative shall
22 select the construction manager-at-risk that submits the
23 proposal that offers the best value for the government entity
24 based on the published selection criteria and on its ranking
25 evaluation. The government entity or its representative
26 shall first attempt to negotiate a contract with the selected
27 construction manager-at-risk. If the government entity or its
28 representative is unable to negotiate a satisfactory contract
29 with the selected construction manager-at-risk, the government
30 entity or its representative shall, formally and in writing,
31 end negotiations with that construction manager-at-risk and
32 proceed to negotiate with the next construction manager-at-risk
33 in the order of the selection ranking until a contract
34 is reached or negotiations with all ranked construction
35 managers-at-risk end.

1 *f.* The selected construction manager-at-risk shall publicly
2 advertise and receive bids or proposals from trade contractors
3 or subcontractors for the performance of all major elements of
4 the work other than the minor work that may be included in the
5 general conditions. A construction manager-at-risk submits
6 its sealed bid or sealed proposal in the same manner as all
7 other trade contractors or subcontractors. All sealed bids
8 or proposals shall be submitted at the time and location as
9 specified in the advertisement for bids or proposals and shall
10 be publicly opened and the identity of each bidder and their
11 bid amount shall be read aloud.

12 *g.* The construction manager-at-risk and the government
13 entity or its representative shall review all trade contractor,
14 subcontractor, or construction manager-at-risk bids or
15 proposals in a manner that does not disclose the contents of
16 the bid or proposal during the selection process to a person
17 not employed by the construction manager-at-risk, engineer,
18 architect, or government entity involved with the project. If
19 the construction manager-at-risk submitted bids or proposals,
20 the government entity shall determine if the construction
21 manager-at-risk's bid or proposal offers the best value for the
22 government entity. After all proposals have been evaluated and
23 clarified, the award of all contracts shall be made public.

24 *h.* If the construction manager-at-risk reviews, evaluates,
25 and recommends to the government entity a bid or proposal from
26 a trade contractor or subcontractor but the government entity
27 requires another bid or proposal to be accepted, the government
28 entity shall compensate the construction manager-at-risk by
29 a change in price, time, or guaranteed maximum cost for any
30 additional cost and risk that the construction manager-at-risk
31 may incur because of the government entity's requirement that
32 another bid or proposal be accepted.

33 *i.* If a selected trade contractor materially defaults in the
34 performance of its work or fails to execute a contract with a
35 construction manager-at-risk after being selected in accordance

1 with this subsection, the construction manager-at-risk may
2 itself, without advertising, fulfill the contract requirements
3 or select a replacement trade contractor to fulfill the
4 contract requirements.

5 4. In soliciting proposals for a design-build contract,
6 a government entity shall determine the scope and level of
7 detail required to permit design-builders to submit proposals
8 in accordance with the request for proposals given the nature
9 of the project.

10 5. *a.* A bridging criteria professional may be retained by
11 the government entity as the government entity's representative
12 to advise the government entity on design-build matters. The
13 use of the bridging criteria professional shall be strictly
14 to guide and administer the government's needs through the
15 process. The bridging criteria professional shall have
16 demonstrated sufficient previous experience in rules and
17 procedures specific to the design-build process. The bridging
18 criteria professional shall, along with the government
19 entity, be authorized to make recommendations or influence
20 the acceptance of any material, process, or procedure used
21 during the design and construction processes in accordance
22 with the criteria established for the project for the purpose
23 of evaluating compliance of the work. The bridging criteria
24 professional may be employed or contracted by the government
25 entity to act on behalf of the government entity for the sole
26 purpose of administrative procedures and may not be connected
27 in any means to the design-build team. The duration of
28 bridging criteria professional services, prior to the issuance
29 of a design-build contract, may begin when establishing
30 the government entity's program requirements through design
31 development if the complexity of the project with the
32 governmental entity merits this level of bridging information.

33 *b.* The design bridging criteria package developed by the
34 bridging criteria professional, which may include preliminary
35 designs for the project, may extend to the design development

1 level of detail, including design expectations, capacity,
2 durability, standards, ingress and egress requirements,
3 international building code considerations, performance
4 requirements, the government entity's operational expectations,
5 requirements for interior and exterior spaces, material and
6 building system quality standards, and design and construction
7 schedule timelines. Longevity of materials and system
8 performance requirements shall be identified in the design
9 bridging criteria package to identify materials and systems
10 that have the potential to exceed the length of time the
11 project is funded. The design bridging criteria package may
12 include site development requirements, description of the
13 site, surveys, soil and environmental information concerning
14 the site, provisions for utilities, storm water retention
15 and disposal, parking requirements, requirements related
16 to applicable local laws, local permitting requirements,
17 preliminary designs for the project or portions thereof, and
18 other criteria for the intended use of the project.

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

24 7. In soliciting proposals for a design-build contract, a
25 government entity shall establish in the request for proposals
26 a time, place, and other specific instructions for the receipt
27 of proposals. Proposals not submitted in strict accordance
28 with the instructions may be subject to rejection. Minor
29 irregularities may be waived by the government entity.

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

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

- 1 *b.* The proposed terms and conditions for the design-build
2 contract, if available.
- 3 *c.* The design bridging criteria package.
- 4 *d.* A description of the drawings, specifications, or other
5 information to be submitted with the proposal, with guidance
6 as to the form and level of completeness of the drawings,
7 specifications, or other information that will be acceptable.
- 8 *e.* A schedule for planned commencement and completion of the
9 design-build contract, if available.
- 10 *f.* Budget limits for the design-build contract, if any.
- 11 *g.* Requirements including any available ratings for
12 performance bonds, payment bonds, and insurance, if any.
- 13 *h.* If using a three-phase, best-value selection process, the
14 amount of the stipend that will be available.
- 15 *i.* Any other information that the government entity in
16 its discretion chooses to request including but not limited
17 to surveys, soil reports, drawings of existing structures,
18 environmental studies, photographs, references to public
19 records, or affirmative action and minority business enterprise
20 requirements consistent with state and federal law.
- 21 9. A government entity seeking to enter a design-build
22 contract shall solicit design-build proposals either by
23 using a three-phase, best-value process or a two-phase,
24 qualifications-based process.
- 25 *a.* When solicitations require a three-phase, best-value
26 selection process, the process shall be conducted as follows:
- 27 (1) Phase one. Request for statements of qualifications of
28 design-builders.
- 29 (a) The government entity shall review submitted statements
30 of the qualifications and assign points to each in accordance
31 with this section and as set out in the instructions of the
32 request for qualifications.
- 33 (b) All design-builders shall submit a statement of
34 qualifications that shall include but not be limited to:
- 35 (i) Demonstrated ability to perform projects comparable in

1 design, scope, and complexity.

2 (ii) References of owners for whom design-build projects,
3 construction projects, or design projects have been performed.

4 (iii) Qualifications of personnel who will manage the
5 design and construction aspects of the project.

6 (iv) The names and qualifications of the primary design
7 consultants and the primary trade contractors with whom the
8 design-builder proposes to subcontract or joint venture. The
9 design-builder may not replace an identified contractor,
10 subcontractor, design consultant, or subconsultant without the
11 written approval of the government entity.

12 (c) The government entity shall evaluate the qualifications
13 of all the design-builders who submitted statements of
14 qualifications in accordance with the instructions of the
15 request for qualifications. Qualified design-builders
16 selected by the government entity may proceed to phase two
17 of the selection process. The evaluation shall narrow the
18 number of qualified design-builders submitting statements of
19 qualifications to not fewer than two nor more than five. Under
20 no circumstances shall price or fees be a part of the request
21 for statements of qualifications criteria. Design-builders may
22 be interviewed in either phase one or phase two of the process.
23 Points assigned in phase one of the evaluation process shall
24 not carry forward to phase two or phase three of the process.
25 All qualified design-builders shall be ranked on points given
26 in phases two and three only.

27 (d) Once no fewer than two and no more than five qualified
28 design-builders have been selected, the government entity shall
29 issue its request for proposals and provide the design-builders
30 a specified amount of time in which to concurrently assemble
31 phase two and phase three proposals.

32 (2) Phase two. Solicitation of technical proposals,
33 including conceptual design for the project.

34 (a) A design-builder shall submit its design for the project
35 to the level of detail required for the proposal along with

1 such other information the government entity requests, which
2 may include a schedule, qualifications, and experience.

3 (b) The ability of the design-builder to meet the schedule
4 for completing a project as specified by the government entity
5 may be considered as an element of evaluation in phase two.

6 (c) Under no circumstances shall the design proposal
7 contain any reference to the cost of the proposal.

8 (d) The submitted designs shall be evaluated and assigned
9 points in accordance with the requirements of the request for
10 proposals. Phase two shall account for not less than forty
11 percent and no more than sixty percent of the total point score
12 as specified in the request for proposals.

13 (3) Phase three. Proposal of construction costs.

14 (a) The government entity shall invite the selected
15 design-builders to participate in phase three. The
16 design-builders shall provide a fixed cost of design and
17 construction. The proposal shall be accompanied by bid
18 security and any other items, such as statements of minority
19 participation, as required by the request for proposals.

20 (b) Cost proposals shall be submitted in accordance with
21 the instructions in the request for proposals. The government
22 entity shall reject any proposal that is not submitted within
23 the required time frame. Phase three shall account for not
24 less than forty percent and no more than sixty percent of the
25 total point score as specified in the request for proposals.

26 (c) Proposals for phase two and phase three shall be
27 submitted concurrently at the time and place specified in the
28 request for proposals, but in separate envelopes or other means
29 of submission. The phase three cost proposals shall be opened
30 and read aloud only after phase two design proposals have been
31 evaluated and assigned points, ranked in order, and posted.
32 Cost proposals shall be opened and read aloud at the time and
33 place specified in the request for proposals. At the same time
34 and place, the evaluation team shall make public its scoring
35 of phase two. Cost proposals shall be evaluated in accordance

1 with the requirements of the request for proposals.

2 (d) If the government entity determines that it is not in
3 the best interest of the government entity to proceed with the
4 project pursuant to the proposal offered by the design-builder
5 with the highest total number of points, the government entity
6 shall reject all proposals. In this event, all design-builders
7 with lower point totals in phases two and three shall receive
8 a stipend and the responsive design-builder with the highest
9 point total shall receive an amount equal to two times the
10 stipend. If the government entity decides to award the
11 project, the responsive design-builder with the highest point
12 total shall be awarded the contract.

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

26 *b.* When solicitations require a two-phase,
27 qualifications-based selection process, the process shall be
28 conducted as follows:

29 (1) Phase one. Request for statements of qualifications of
30 design-builders.

31 (a) The government entity must prepare a request for
32 statements of qualifications. The request shall include
33 general information on the project site, project scope,
34 schedule, selection criteria, the time and place for receipt
35 of statements of qualifications, and other information

1 that may assist the government entity in its selection of a
2 design-builder.

3 (b) The government entity shall state the selection
4 criteria in the request for statements of qualifications. The
5 selection criteria may include the design-builder's experience,
6 past performance, safety record, proposed personnel and
7 methodology, and other appropriate factors that demonstrate the
8 capability of the design-builder.

9 (c) Selection criteria will be ranked and assigned points
10 for each category. Point assignments shall be included as a
11 part of the request for statements of qualifications.

12 (d) The government entity shall not request fees or prices
13 in phase one. Any submissions with disclosed fees or prices
14 will be disqualified and removed from consideration.

15 (2) Phase two. Negotiations.

16 (a) Negotiations shall be conducted, beginning with the
17 design-builder ranked first. If a contract satisfactory
18 and advantageous to the government entity can be negotiated
19 at a price considered fair and reasonable and pursuant to
20 contractual terms and conditions acceptable to the government
21 entity, the award shall be made to that design-builder.

22 (b) In the event that a contract cannot be negotiated
23 with the design-builder ranked first, negotiations with that
24 design-builder shall be formally terminated. The government
25 entity shall conduct negotiations with the next-highest-ranked
26 design-builder and continue this process until a contract can
27 be negotiated that meets the terms of subparagraph division (a)
28 of this subparagraph.

29 Sec. 3. Section 262.34, subsection 1, Code 2020, is amended
30 to read as follows:

31 1. a. When the estimated cost of construction, repairs,
32 or improvement of buildings or grounds under charge of the
33 state board of regents, including construction, renovation, or
34 repairs by a private party of a property to be lease-purchased
35 by the board, exceeds one hundred thousand dollars, the board

S-5095 (Continued)

1 shall advertise for bids for the contemplated improvement or
2 construction and shall let the work to the lowest responsible
3 bidder. However, if in the judgment of the board bids received
4 are not acceptable, the board may reject all bids and proceed
5 with the construction, repair, or improvement by a method as
6 the board may determine. All plans and specifications for
7 repairs or construction, together with bids on the plans or
8 specifications, shall be filed by the board and be open for
9 public inspection. All bids submitted under this section shall
10 be accompanied by a deposit of money, a certified check, or a
11 credit union certified share draft in an amount as the board
12 may prescribe.

13 b. The state board of regents may proceed with a
14 construction, repair, or improvement by using an alternative
15 project delivery contract in accordance with the provisions of
16 section 26.17.>

17 2. Title page, by striking lines 1 through 4 and inserting
18 <An Act relating to public construction bidding.>>

19 3. By renumbering as necessary.

By TODD TAYLOR

S-5095 FILED JUNE 3, 2020

HOUSE FILE 2360

S-5097

- 1 Amend House File 2360, as passed by the House, as follows:
- 2 1. Page 1, line 4, by striking <seventy-two> and inserting
- 3 <~~seventy-two~~ seventy-eight>
- 4 2. Page 1, line 10, by striking <seventy-eighth> and
- 5 inserting <eightieth>
- 6 3. Page 1, line 12, by striking <~~or age seventy-two or over~~>
- 7 and inserting <or age ~~seventy-two~~ seventy-eight or over>
- 8 4. Page 1, by striking lines 14 through 17 and inserting
- 9 <occurring in the year of issuance. A licensee whose license
- 10 is restricted>
- 11 5. Title page, line 2, by striking <seventy-two> and
- 12 inserting <seventy-eight>

By CHRIS COURNOYER

S-5097 FILED JUNE 3, 2020

HOUSE FILE 2502

S-5096

1 Amend House File 2502, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 80B.11, subsection 1, paragraph a, Code
5 2020, is amended to read as follows:

6 a. Minimum entrance requirements, course of study,
7 attendance requirements, and equipment and facilities required
8 at approved law enforcement training schools. Minimum age
9 requirements for entrance to approved law enforcement training
10 schools shall be eighteen years of age. Minimum course of
11 study requirements shall include a separate domestic abuse
12 curriculum, which may include but is not limited to outside
13 speakers from domestic abuse shelters and crime victim
14 assistance organizations. Minimum course of study requirements
15 shall also include a sexual assault curriculum. Minimum course
16 of study requirements shall include training on de-escalation
17 techniques, pre-escalation recognition of potential resistance
18 and response options not involving the use of force,
19 decision-making skills regarding the use of force, management
20 of stress in threatening situations, tactical disengagement,
21 and sanctity and preservation of life, with the required amount
22 of training not less than the amount of training provided
23 relating to the use of firearms.

24 Sec. _____. Section 80B.11, subsection 1, paragraph c, Code
25 2020, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (4) In-service training under this
27 paragraph "c" shall include training on de-escalation
28 techniques, pre-escalation recognition of potential resistance
29 and response options not involving the use of force,
30 decision-making skills regarding the use of force, management
31 of stress in threatening situations, tactical disengagement,
32 and sanctity and preservation of life. The required amount of
33 annual training shall not be less than the amount of annual
34 training a peace officer receives relating to the use of
35 firearms.>

S-5096 (Continued)

1 2. Title page, line 1, by striking <firearms> and inserting
2 <the use of force, firearms,>

By ZACH WAHLS

[S-5096](#) FILED JUNE 3, 2020

RULED OUT OF ORDER



[SF 2356](#) – Dyslexia Task Force Recommendations (LSB6089SV)
Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov
Fiscal Note Version – As passed by the Senate

Description

[Senate File 2356](#) as passed by the Senate does the following:

- Requires the State Board of Education, in collaboration with the Iowa Reading Research Center (IRRC), to adopt rules by July 1, 2022, regarding the approval of practitioner preparation programs that would offer coursework to meet the requirements for a newly established advanced Dyslexia Specialist endorsement.
- Directs the Department of Education (DE) to dedicate at least one full-time equivalent (FTE) position to be a Dyslexia Consultant and outlines duties of that position.
- Establishes an Iowa Dyslexia Board, requires the Board to submit findings and recommendations, and repeals the Board on July 1, 2025.
- Directs the Board of Educational Examiners (BOEE), in collaboration with the IRRC, to adopt rules regarding the establishment of an advanced Dyslexia Specialist endorsement.
- Subject to appropriation, directs each area education agency (AEA) board to dedicate at least one FTE position to be a Dyslexia Specialist and outlines duties of that position.
- Requires completion of the IRRC Dyslexia Overview module by designated AEA and school district employees.
- Amends the Iowa Code to use the definition of dyslexia provided by the International Dyslexia Association.

Background

In 2018, the Dyslexia Task Force was established and charged with submitting a report regarding its findings and recommendations relating to dyslexia response in the State of Iowa. The Iowa Dyslexia Task Force [Report](#) to the General Assembly was issued November 15, 2019, and included recommendations for the Iowa General Assembly, the DE, AEAs, preservice education programs, and school districts. Goals of the recommendations included increasing dyslexia knowledge across educational settings and building a framework for increased expertise to support students and teachers.

Assumptions

- The DE anticipates no fiscal impact to meet the Dyslexia Consultant position requirement of this Bill because it will use a currently vacant FTE position that will be paid for with federal funding.
- The IRRC Dyslexia Overview [module](#) is available online and is free for all Iowa in-service K-12 teachers and AEA employees. The module takes about an hour to complete, and training would be built into current professional development time.

Fiscal Impact

The Bill requires the BOEE to adopt rules establishing an advanced Dyslexia Specialist endorsement. The IRRC estimated cost to develop the curriculum for the endorsement is \$250,000.

The Bill does not include an appropriation for the AEAs. The AEAs estimate the Dyslexia Specialist position to have a total compensation cost of \$90,000 for nine AEA positions for a total of \$810,000.

Senate File 2356 may include a state mandate as defined in Iowa Code section [25B.3](#) and requires that any state mandate in the Bill be paid by a school district from the state foundation aid appropriation.

Sources

Area Education Agencies
Department of Education
Iowa Dyslexia Task Force
Iowa Reading Research Center

/s/ Holly M. Lyons

May 5, 2020

Doc ID 1133262

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.

www.legis.iowa.gov



SF 2363 – Medical Cannabidiol Changes (LSB5644SV)
 Staff Contact: Kenneth Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov
 Fiscal Note Version – New

Description

Senate File 2363 amends the Iowa Medical Cannabidiol (mCBD) Program. Changes relevant to the fiscal impact include:

- Revises “untreatable pain” to “severe or chronic pain” on the list of debilitating medical conditions for which mCBD may be used.
- Adds autism and post-traumatic stress disorder to the list of debilitating medical conditions for which mCBD may be used.
- Expands the definition of “health care practitioner” to include physician assistants, podiatrists, advanced registered nurse practitioners, and advanced practice registered nurses, and makes conforming Program changes.
- Removes mCBD Program participation restrictions on felons.
- Removes the Department of Transportation (DOT) from the mCBD registration card issuing process, and requires the Department of Public Health (DPH) to issue the registration cards to patients, and makes conforming changes.
- Removes the restriction on mCBD containing more than 3.0% tetrahydrocannabinol (THC).
- Adds a restriction that an mCBD dispensary cannot dispense more than a combined total of 25 grams of THC to a patient or primary caregiver in a 90-day period.
- Extends the validity time period for an mCBD registration card from one year to two years.
- Caps the annual renewal fee at \$2,000 for mCBD manufacturers and dispensaries.

Background

Sales of mCBD through the Iowa mCBD Program began in December 2018. The mCBD Program transitioned to a fee-sustained program and does not include any General Fund revenues in the FY 2020 budget. Iowa currently licenses two mCBD manufacturers and five mCBD dispensaries. A high-level summary of the mCBD Program revenues and total expenditures from the State Accounting System is presented in the following table.

	FY 2016	FY 2017	FY 2018	FY 2019	Estimated FY 2020
Beginning Balance	\$ 0	\$ 0	\$ 0	\$ 165,187	\$ 692,246
General Fund	\$ 25,000	\$ 22,100	\$ 322,100	\$ 322,100	\$ 0
Card Fees	0	650	171,225	232,381	190,790
Manufacturer Fees	0	0	0	300,000	200,000
Dispensary Fees	0	0	0	300,000	200,000
Annual Revenues	\$ 25,000	\$ 22,750	\$ 493,325	\$ 1,154,481	\$ 590,790
Total Resources	\$ 25,000	\$ 22,750	\$ 493,325	\$ 1,319,668	\$ 1,283,036
Total Expenses	\$ 25,000	\$ 22,750	\$ 328,138	\$ 627,422	\$ 1,283,036
Carry Forward Balance	\$ 0	\$ 0	\$ 165,187	\$ 692,246	\$ 0

Assumptions

- Under current law, total card revenue for FY 2020 is estimated at \$288,000.
- Since sales began in December 2018, there is not sufficient data available to forecast new enrollment versus renewal enrollment at this time. For the purposes of this estimate, all cards issued in FY 2020 will be renewed in FY 2021. New enrollment, while foreseeable, is excluded.
- Expanding the list of debilitating medical conditions for which mCBD may be used and allowing for more certifying health care practitioners will increase patient access to mCBD.
- The \$2,000 annual fee for manufacturers and dispensaries listed in the Bill will limit the DPH authority in Iowa Code section [124E.11\(2\)\(f\)](#) to charge fees for regulation.
- The fee DPH would assess manufacturers and dispensaries in FY 2021 and future fiscal years under current law will be \$200,000 annually.
- The cost of an mCBD registration card is established in Iowa Code and cannot be changed by the DPH. Registration cards for patients are \$100 unless the patient is on Social Security disability benefits, supplemental security income payments, or is a Medicaid recipient, then the fee is \$25. Caregiver cards are \$25, and 15.0% of enrolled patients have caregivers who get cards.
- An estimated 40.0% of patients qualify for the reduced fee card.
- The mCBD Program retains fees at the end of the fiscal year for use in the following fiscal year. The estimated amount of fee revenue to carry forward into FY 2021 is \$500,000.
- The Seed-to-Sale tracking system will require updates to comply with the new purchasing cap.
- The data collection and reporting on patient outcomes study language is permissive.

Fiscal Impact

Moving to a biennial registration card issuance cycle will decrease revenues to the mCBD Program. Capping manufacturer and dispensary regulatory fees will decrease revenues to the mCBD Program. The estimated impact of these two changes are outlined in the table below.

	Current Law			SF 2363			Fee Revenue Fiscal Impact
	Registration Card Fees	Manufacturer Fees	Dispensary Fees	Registration Card Fees	Manufacturer Fees	Dispensary Fees	
FY 2021	\$ 288,000	\$ 100,000	\$ 100,000	\$ 0	\$ 4,000	\$ 10,000	\$ -474,000
FY 2022	288,000	100,000	100,000	288,000	4,000	10,000	-186,000
FY 2023	288,000	100,000	100,000	0	4,000	10,000	-474,000
FY 2024	288,000	100,000	100,000	288,000	4,000	10,000	-186,000
FY 2025	288,000	100,000	100,000	0	4,000	10,000	-474,000

To the extent that more patients qualify for the Program and more certifying health care practitioners are available to certify conditions, there will be increased applications and fees to the DPH for mCBD registration. The scope of this impact is unknown. It takes approximately 1,560 patient and caregiver card applications to generate \$100,000 in fee revenue. If the application volume increases enough, the DPH will need to hire additional registration clerks at approximately \$47,000 for every 3,000 applications received in a given year.

While revenues would decrease in FY 2021, the estimated balance carryforward would be sufficient to fund the Program. FY 2022 is difficult to forecast due to the unknown impact of additional covered conditions and certifying health care practitioners.

Costs associated with updating the patient tracking system for the DPH to issue cards are estimated at \$25,000 in FY 2021. The DOT operating budget is projected to save an estimated

\$27,000 annually, due to no longer having to issue registration cards. The DPH may contract for data collection and reporting on patient outcomes if the budget has sufficient capacity.

Sources

Department of Public Health
Department of Transportation
LSA analysis and calculations

/s/ Holly M. Lyons

June 2, 2020

Doc ID 1131378

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

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[SF 2376](#) – Crime Victim Assistance (LSB5374SV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2376](#) relates to crime victims, including the collection of evidence in sexual abuse cases, victim consent provisions, and notification requirements. The Bill establishes an automated sexual abuse evidence collecting kit tracking system within the [Crime Victim Assistance Division](#) (CVAD) of the Department of Justice, with the purpose of allowing victims, county attorneys, and other entities with custody of sexual abuse evidence kits to track a kit's location and status.

The Bill requires the State Criminalistics Laboratory under the supervision of the Division of Criminal Investigation (DCI) to provide health care providers with sexual abuse evidence collection kits, and requires health care providers to utilize these kits in conducting forensic medical examinations of victims of sexual abuse. Additionally, the Bill requires health care providers, laboratories, and law enforcement agencies to document the location and status of a kit within a certain time period in the newly established kit tracking system, and provides requirements for storage, disposal, and victim notification requirements.

Background

The CVAD was established in 1989 to provide services and assistance to victims of violent crime pursuant to Iowa Code section [915.94](#). The Division advocates for the rights and needs of victims and administers a variety of victim services programs such as the IowaVINE System, an automated victim notification system, and the Victim Assistance Grant Program and the Victim Services Support Program, which award grants to local providers of domestic abuse and sexual assault programs.

The CVAD is primarily funded by the [Victim Compensation Fund](#). The Fund receipts include:

- Certain fines for Operating While Intoxicated (OWI) and the fine for failure to have proof of insurance.
- The federal Victim of Crime Act (VOCA) compensation grant.
- Administrative costs of the federal Family Violence Prevention and Services Act, VOCA, and the Violence Against Women Act (VAWA).
- Victim restitution and a percentage of wages earned by inmates employed in the private sector.
- Subrogation or reimbursement for costs incurred from the at-fault party.
- Seventeen percent of the criminal penalty surcharge, which is to be deposited in the Fund pursuant to Iowa Code section 602.8108(3).

Additionally, the CVAD also administers several federal funds for Victim Assistance Grants, such as the VOCA assistance grant award and the Family Violence and Prevention and Services Act grant award.

Assumptions

- The state of Iowa purchases 1,000 to 5,000 sexual assault kits annually to be distributed for use in forensic examinations.
- There are approximately 400 law enforcement agencies in Iowa. It is assumed that small agencies will likely process fewer sexual abuse cases than larger agencies, and that each agency will need to adjust staffing to accommodate the number of cases processed.
- The estimated cost for administering the kit tracking system is based on the scope of work as provided by a potential system vendor.
- The estimated cost for bar code and labeling material is based on information provided by the manufacturer of the sexual abuse evidence collection kits the State currently utilizes.
- Federal grant funding provided by the National Institute of Justice will cover costs related to the development and implementation of the kit tracking system until the grant period terminates at the end of FY 2021. After this time, funds from the Victim Compensation Fund established under Iowa Code section [915.94](#) will be used to cover expenditures related to the kit tracking system.

Fiscal Impact

Senate File 2376 is estimated to increase the costs to the CVAD under the Office of the Attorney General, by the amount listed in the table below.

Expenditure	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Bar Code/Labeling	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Tracking System Administration	0	0	158,000	160,800	164,000	168,000
Total	\$ 4,500	\$ 4,500	\$ 162,500	\$ 165,300	\$ 168,500	\$ 172,500

Senate File 2376 also requires county and municipal law enforcement agencies with jurisdiction over cases with sexual assault evidence kits to utilize the tracking system. Varying factors such as caseload, kits utilized per jurisdiction, and time and salary requirements for employees tasked with updating the system and notifying victims make it difficult to establish a cost estimate for local law enforcement. The fiscal impact of SF 2376 on local jurisdictions such as counties and municipalities cannot be estimated at this time.

Sources

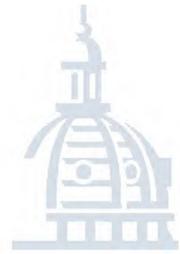
Legislative Services Agency
Attorney General
Department of Public Safety

/s/ Holly M. Lyons

March 24, 2020

Doc ID 1132079

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.



[HF 2502](#) – Firearms, Preemption (LSB5735HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New
Requestor: Senator Kevin Kinney

Description

[House File 2502](#) relates to the carrying, possession, or transportation of weapons in buildings or physical structures located on property under the control of a political subdivision, in county courthouses, and the regulation by counties and cities related to the storage of weapons and location of shooting ranges.

Sections 1 and 2: Shooting Ranges

The Bill prohibits a county board of supervisors, a city council, or an appropriate city or county zoning commission from requiring an individual to seek approval to comply with any conditions on the establishment, use, or maintenance of a shooting range that are more stringent than those imposed by State law. However, the board of supervisors, city council, or appropriate zoning commission is still required to apply and enforce properly adopted restrictions and zoning regulations.

Section 3: Firearm Attachments and Modifications

The Bill expands the existing prohibition of a political subdivision enacting any ordinance regulating the ownership, possession, transfer, transportation, registration, and licensing of firearms to include the modification of firearms, and adds firearm attachments and other weapons to the list of items prohibited from regulation by local law.

Section 3 of the Bill also provides that beginning July 1, 2020, any individual adversely affected by a political subdivision's ordinance or similar policy regulating firearms may take legal action to seek damages that have resulted out of the violation. Should the affected individual's legal action prove successful, the presiding court shall also award the individual reasonable attorney fees and litigation costs.

Section 4: Regulation and Screening – Political Subdivisions

Section 4 of the Bill allows a political subdivision to restrict weapons in buildings and structures under its control if adequate arrangements are made to screen persons for weapons and the political subdivision provides armed security personnel inside the building or structure where the restriction is in effect.

Section 5: Storage of Weapons

Beginning July 1, 2020, the Bill prohibits a political subdivision from enacting an ordinance, motion, resolution, or amendment regulating the storage of weapons or ammunition.

Section 6: Weapon Prohibition – County Courthouses

The Bill provides that any Supreme Court or Judicial Branch order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use

public facility is unenforceable and void unless such an order only applies to a courtroom or court office, or to a courthouse used only for Judicial Branch functions.

Background

Pursuant to Iowa Code section [724.28](#), a political subdivision is currently prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. A political subdivision, as referenced in Iowa Code section [724.28](#), is defined as a county, city, or township.

Under current law, an individual seeking to improve property acquired to establish, use, or maintain a shooting range, or substantially change the existing use of a shooting range, must first obtain approval from the appropriate city or county zoning commission, the county board of supervisors, or city council.

Additionally, current law provides that a political subdivision is prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. On June 19, 2017, the Iowa Supreme Court issued a supervisory order that prohibited all firearms in court-controlled spaces and public areas of courthouses. In December 2017, the Court supplemented the order by requiring county supervisors or other local government officials to file a written request with the Chief Judge of a judicial district to allow firearms in certain areas of a courthouse. Under current law, firearm prohibition measures differ from courthouse to courthouse.

Assumptions

- Although the Bill does not so mandate, it is likely individual political subdivisions, including courthouses, will continue to provide security parameters regarding firearms and ammunition.
- If a political subdivision chooses to restrict firearms in a public building, security personnel, such as guards, deputies, and police officers, would be required to be available for duty approximately 40 to 60 hours per week in public buildings located in political subdivisions that elect to limit firearms.
- According to the National Institute for Justice, a magnetometer, or security wand, generally costs \$140 per unit.

Fiscal Impact

Sections 1 and 2:

Sections 1 and 2 of HF 2502 are not expected to have a fiscal impact.

Section 3:

The fiscal impact of Section 3 cannot be determined. This section explicitly prohibits political subdivisions from enacting an ordinance or policy that regulates firearm modification and adds firearms attachments and other weapons to the list of nonregulated items. Individual political subdivisions may need to adjust existing security measures to accommodate these additions. Any resulting costs would be the responsibility of the political subdivision and cannot be determined at this time.

Section 4:

The fiscal impact of Section 4 cannot be determined at this time. Although the Bill does not mandate political subdivisions to provide security personnel and screening measures in public

buildings, it requires them to adequately do so if that political subdivision makes the choice to explicitly restrict the carrying and possession of a firearm in any area of the building that is not solely used for Judicial Branch functions. Potential costs arising from this decision are the responsibility of the political subdivision.

Political Subdivision – Counties:

Data was collected from a cross-section of different counties located in the State, ranging from population of approximately 17,200 to 474,000. This cross-section of counties included counties that currently utilize some combination of security personnel and screening equipment, and counties that would need to hire additional security personnel and invest in new screening equipment.

Of the counties that responded to the information request from the Iowa State Association of Counties (ISAC), none indicated that they would choose not to restrict firearms in public buildings. However, it is possible that a county may elect to restrict firearms and as a result, need to invest in security personnel and screening equipment.

Depending on the population size, various counties estimated an increased need for security personnel ranging from one to five additional positions. These positions, which will likely be staffed by uniform officers—i.e., security guards, bailiffs, or sheriff deputies—range in salary and benefit cost estimates from approximately \$77,000 to \$110,000 annually. Estimated annual costs of screening and security equipment also vary widely, from \$140 for a magnetometer up to \$300,000 for purchasing, implementing, and maintaining a single point of entry screening tool, such as an x-ray machine.

Individual county costs may vary greatly based on the security measures a county currently utilizes, as well as other factors such as population, building size, and building usage. Should a county choose to place restrictions on weapons in public buildings and structures under its control, costs to accommodate the salary and benefits of security personnel and new screening equipment may range from no fiscal impact to minimal fiscal impact to approximately \$900,000 or more annually.

Political Subdivision – Cities:

According to the Iowa League of Cities (ILOC), which represents more than 870 cities of various population size within the State, costs of hiring security personnel and screening technology should a city choose to regulate firearms in a public building or structure may vary based on a variety of factors, including existing technology, city population, building size, number, and building usage.

The ILOC has provided a basic estimate for a city that chooses to regulate firearms in a public building. Below are two cost estimate scenarios for hiring security personnel and purchasing screening equipment.

Scenario 1: Security Guard	
Salary and Benefits	\$ 48,750
Security Guard Wand	140
*Total:	\$ 48,890
<i>*per building, per year</i>	

Scenario 2: Police Officer	
Salary and Benefits	\$87,750
Security Guard Wand	140
*Total:	\$87,890
<i>*per building, per year</i>	

Should a city choose to restrict firearms in a public building and as a result, install a body scanner, the cost is estimated to total \$20,000 per body scanner and \$10,000 per baggage scanner. Installation and building modification costs are estimated to total up to \$100,000 per public building.

Some cities and counties may choose not to restrict firearms in public buildings, in which case, the Bill would not have a fiscal impact in these political subdivisions.

Section 5:

Section 5 of the Bill is not expected to have a fiscal impact.

Section 6:

The fiscal impact of Section 6 cannot be determined. Although the Judicial Branch does not expect to incur any costs related to the implementation of the Bill, individual county courthouses oversee and fund courthouse security parameters. It is possible that individual courthouses and/or county sheriffs who provide courthouse security may experience an increase in security-related costs resulting from the provisions of the Bill.

In response to a potential cost estimate for accommodating the provisions of HF 2502, Story County officials estimate the county would need to hire five additional court security officers (CSO) at approximately \$87,500 each for salary and benefits, uniforms, and job-related equipment. Story County estimates costs totaling approximately \$437,500 in the first year of implementation, and approximately \$411,000 each year thereafter.

Sources

- Legislative Services Agency
- Iowa League of Cities
- Iowa State Association of Counties
- Judicial Branch
- National Institute of Justice

/s/ Holly M. Lyons

June 2, 2020

Doc ID 1132321

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.



[HF 2554](#) – Continuous Sexual Abuse of a Child (LSB5316HV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 2554](#) as amended creates a new criminal offense of continuous sexual abuse of a child. Under the Bill, a person 18 years of age or older commits continuous sexual abuse of a child when the victim is a child (under the age of 14), at least 30 days have elapsed between the first and last acts of sexual abuse, and the person engages in three or more acts of sexual abuse in violation of:

- Iowa Code section [709.2](#) (1st degree Sexual Abuse),
- Iowa Code section [709.3](#) (2nd degree Sexual Abuse),
- Iowa Code section [709.4](#) (3rd degree Sexual Abuse),
- Iowa Code section [709.8](#) (Lascivious Acts with a Child), or
- Iowa Code section [709.12](#) (Indecent Contact with a Child)

House File 2554 as amended defines continuous sexual abuse as an aggravated offense or an aggravated offense against a minor under Iowa Code section [692A.101](#) for the purposes of the sex offender registry. Under the Bill, a violation of new Iowa Code section 709.23 is a Tier II sex offense for the purposes of the sex offender registry.

Under the Bill, a person who is convicted of continuous sexual abuse is subject to an enhanced penalty under Iowa Code section [902.14](#). The Bill also provides that a person who is convicted of continuous sexual abuse may be required by the court or the Board of Parole to undergo hormonal intervention therapy under Iowa Code section [903B.10](#) as part of a condition of release.

Background

A person who commits a violation of this Bill is guilty of a Class B felony. The Bill allows a court to sentence a person guilty of continuous sexual abuse to maximum confinement of 50 years, if the combination of three acts includes a violation of sexual abuse in the second degree or sexual abuse in the third degree. The default sentence for a Class B felony is maximum confinement of 25 years.

Under Iowa Code section [902.14](#), a person receives an enhanced penalty and commits a class A felony if the person commits a second or subsequent offense involving any combination of the following offenses:

- Sexual Abuse in the Second Degree (Iowa Code section [709.3](#))
- Sexual Abuse in the Third Degree (Iowa Code section [709.4](#))
- Lascivious Acts with a Child (Iowa Code section [709.4](#))

This Bill adds continuous sexual abuse as an offense that may qualify towards the enhanced penalty.

Any person convicted of a serious sex offense as defined by Iowa Code section 903B.10 may be required by the court or the Board of Parole to undergo hormonal intervention therapy as a

condition of release. Persons required to undergo this treatment are required to pay a reasonable fee to pay for the costs of providing the treatment. A requirement that a person pay a fee shall include a provision for reduction, deferral, or waiver of payment if the person is financially unable to pay the fee. Under the Bill, those who are convicted of continuous sexual abuse may be required to undergo this treatment.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The average marginal cost for prison is \$20.38 per day.
- The average length of stay of an individual convicted of continuous sexual abuse of a child will be 176.6 months.

Correctional Impact

House File 2554 as amended creates a new criminal offense and the correctional impact is unknown. In FY 2019, there were 156 individuals who were admitted to prison on at least one of the offenses listed under this Bill. Sixty-one of these individuals were convicted of an offense which specified a child victim was involved.

It is estimated that some of those who are admitted annually to prison for similar offenses and serving Class C or D felonies will receive sentence enhancements under this Bill. In FY 2019, the current average length of stay for those exiting prison under those sentences was 54.3 months for a Class C felony and 25.0 months for a Class D felony. It is estimated that the average length of stay for those convicted of this offense would increase to 176.6 months. The extent of the increase cannot be calculated due to unavailable data relating to the duration of abuse.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

House File 2554 as amended creates a new criminal offense and the minority impact cannot be estimated due to a lack of data.

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of HF 2554 as amended cannot be estimated due to the unknown correctional impact. Given that the average length of stay would increase to 176.6 months, the estimated cost for an admission to prison for a violation of this Bill would be approximately \$109,000 per offender.

Currently, the cost to incarcerate an individual convicted of a Class C or D felony listed in this Bill is approximately \$34,000 and \$15,000, respectively. It is estimated that some of these admissions will become Class B felonies under this Bill. The increased cost for those previously admitted to prison as a Class C or D felony would be \$76,000 and \$94,000, respectively.

The State cost of a Class A felony must be calculated on an individual basis to determine prison costs. At a minimum, Class A felonies require two indigent defense attorneys at a cost of approximately \$36,000 and include court time and jury trial costs ranging from \$10,000 to \$14,300.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Holly M. Lyons

June 3, 2020

Doc ID 11333101133310

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.

www.legis.iowa.gov



[HF 2581](#) – Hemp Consumer and Public Safety (LSB5404HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description and Background

[House File 2581](#) amends several provisions of [Senate File 599](#) (Iowa Hemp Act), as enacted in 2019, including associated provisions of new Iowa Code chapter [204](#). Senate File 599 authorized the production of *Cannabis sativa L.*, a certain type of cannabis, as well as the manufacture, sale, and transportation of hemp products if such products contain a concentration of no more than 0.3% delta-9 tetrahydrocannabinol (THC) on a dry weight basis.

The federal [Agriculture Improvement Act of 2018](#), commonly known as the 2018 Farm Bill, included provisions authorizing the production of hemp, allowing states and tribes to assume primary regulatory authority over the production of hemp by submitting a plan of approval to the United States Department of Agriculture (USDA). At this time, the USDA has not approved or denied Iowa's state plan. The Iowa Hemp Act is to be implemented on the publication date of the Iowa Administrative Bulletin that includes an approval statement of Iowa's state plan from the USDA.

House File 2581 regulates hemp as a commodity and allows for the manufacture, sale, and consumption of consumable hemp products by humans if all of the following provisions apply:

- The consumable hemp product was manufactured in Iowa in compliance with Iowa Code chapter 204.
- The hemp contained in the consumable hemp product was produced exclusively in Iowa in compliance with Iowa Code chapter 204.
- The consumable hemp product complies with certain packaging and labeling requirements.

The Bill defines “consumable hemp product” as a hemp product that includes a substance that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body. The Bill allows the importation of consumable hemp if the state or jurisdiction from which the product is being imported has a USDA-approved state or tribal plan pursuant to federal hemp law, and has testing requirements substantially similar to requirements for the State of Iowa. The Bill also provides for the registration and licensing of manufacturers and sellers of consumable hemp to be completed by the Department of Inspections and Appeals (DIA) including establishing a temporary permit, and provides for total delta-9 tetrahydrocannabinol acid (THCA) crop testing procedures and requirements for the Iowa Department of Agriculture and Land Stewardship (IDALS) and the Department of Public Safety (DPS) and local law enforcement. The Bill also requires disposal of nonqualifying consumable hemp and eliminates a provision that allows a derivative of hemp to be added to certain products intended for human consumption.

House File 2581 also prohibits possessing, using, manufacturing, marketing, transporting, delivering, or distributing harvested hemp or a hemp product if the intended use of such harvested hemp or hemp product is introduction into the body of a human through any method of inhalation. This includes methods using cigarettes, cigars, cigarillos, and pipes, and smoke

from combustion and vapor devices. Prohibition of such activity is not applicable to any extent that the federal government, including the federal [Food, Drug, and Cosmetic Act](#), allows for the use of harvested hemp or a hemp product by method of inhalation. A person who violates the prohibition of ingesting harvested hemp or a hemp product through the methods mentioned above is guilty of a serious misdemeanor and is subject to a civil penalty of not less than \$500 and not more than \$2,500, as imposed, assessed, and collected by the IDALS.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Quantification testing for what is commonly known as THC and total THCA varies significantly in method, procedure, and instrumentation. It is likely that local law enforcement agencies who currently perform identification analysis would not be able to quantify THC and THCA. As a result, those cannabis items traditionally tested by local law enforcement would now need to be tested at the DPS Division of Criminal Investigation (DCI) laboratory.
- The DPS assumes that both THC and THCA quantification will be required on a significant amount of crop testing, and that the DPS would need to hire additional staff and invest in specific testing technology to accommodate the provisions of HF 2581. In all cases involving any species of cannabis submitted to the DCI laboratory, the cannabis would need to undergo additional analysis to quantify the concentration of THC and THCA to assess if the total is above the 0.3% threshold.
- In order to effectively register manufacturers and sellers of consumable hemp, the DIA estimates that it would need to establish new labeling, inspection, and compliance regulations. The DIA also assumes that it would need to enhance its current electronic registration system.
- Should the current electronic registration be incompatible with the requirements of the Bill, the DIA assumes it would need to invest in a new system. The DIA assumes the cost of such a system could range from approximately \$229,000 to \$349,000 for implementation, and from \$56,000 to \$87,000 for maintenance and upkeep. For estimating purposes, a midpoint of \$71,500 is used (**Table 2**).
- Additionally, the DIA assumes it would need to hire additional personnel to accommodate the increased amount of registration and licensing requirements included in the Bill.

Correctional Impact

The correctional impact of HF 2581 cannot be determined. The Bill establishes a new offense, and the number of convictions cannot be estimated.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of a serious misdemeanor. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates](#)

[Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Serious Misdemeanor	2.0%	5	\$20.38	13.4	\$6.12	1.0%	2.4	6.12	69.0%	\$50.00

Minority Impact

The minority impact of HF 2581 is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2581 establishes a new criminal offense, and the resulting cost to the Justice System cannot be estimated. The average State cost for one serious misdemeanor conviction ranges from \$410 to \$4,900. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Any revenue collected by the IDALS as a result of the civil penalty established by the Bill will be deposited in the General Fund, but is expected to be minimal.

The Bill requires the DIA to establish registration, licensing, and inspection fees pursuant to the Department’s rulemaking authority. At this time, it is unknown how the Department would charge for registration, licensing, and inspection fees, and it is not possible to estimate any amount of collected fee revenue.

The identifiable fiscal impact for the first year of implementation of HF 2581 is estimated to range from approximately \$965,000 to \$1.3 million. For the second year of implementation, the identifiable fiscal impact is estimated to range from approximately \$885,000 to \$906,000.

Table 2 provides the estimated costs per affected State agency.

Table 2 — Estimated Costs, HF 2581

Agency	Year 1 Cost		Year 2 Cost	
	Minimum	Maximum	Minimum	Maximum
Department of Public Safety				
3.0 Criminalist Full-Time Equivalent (FTE) Positions (\$83,500/position)	\$ 251,000	\$ 251,000	\$ 251,000	\$ 251,000
Computer Technology and Supplies (\$20,000/position)	60,000	60,000	60,000	60,000
2.0 Gas Chromatograph/Flame Ionization Detection Instruments (\$50,000/instrument)	100,000	100,000	100,000	100,000
Subtotal	\$ 411,000	\$ 411,000	\$ 411,000	\$ 411,000
Department of Inspections and Appeals				
Electronic Registration System Implementation Cost	\$ 0	\$ 289,000	\$ 0	\$ 0
Annual System Support and Maintenance	0	71,500	0	71,500
Existing System Enhancements	50,000	0	50,000	0
0.5 Clerk FTE Position	30,000	30,000	30,000	30,000
1.0 Senior Environmental Specialist FTE Position	72,000	72,000	72,000	72,000
5.0 Environmental Specialist FTE Positions (\$64,200/position)	321,000	321,000	321,000	321,000
One-Time Staffing Expenses (vehicle, technology, phone)	80,000	80,000	0	0
Subtotal	\$ 553,000	\$ 863,500	\$ 473,000	\$ 494,500
	Minimum	Maximum	Minimum	Maximum
Total	\$ 964,000	\$ 1,274,500	\$ 884,000	\$ 905,500

Sources

Legislative Services Agency
Iowa Department of Agriculture and Land Stewardship
Department of Public Safety
Department of Inspections and Appeals
Office of Drug Control Policy
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

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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.