

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 9, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 348	S-3047	Adopted	DAN DAWSON
SF 420	S-3048	Filed	JACKIE SMITH
SF 476	S-3049	Adopted	DAN DAWSON
SF 476	S-3050	Ruled Out of Order	ROBERT M. HOGG
SF 476	S-3051	Ruled Out of Order	ROBERT M. HOGG
SF 476	S-3052	Ruled Out of Order	NATE BOULTON
SF 476	S-3054	Lost	NATE BOULTON
SF 476	S-3055	Lost	ROBERT M. HOGG
SF 476	S-3056	Withdrawn	ROBERT M. HOGG
SF 494	S-3053	Lost	ZACH WAHLS
SF 531	S-3057	Filed	ROBY SMITH

Fiscal Notes

[SJR 15](#) — [Line of Succession, Constitutional Amendment](#) (LSB1505SV)

[SJR 16](#) — [Hunting, Fishing, and Trapping, Constitutional Amendment](#) (LSB2238SV)

[SF 539](#) — [Cloud Computing Procurement Preference](#) (LSB1409SV)

[SF 544](#) — [English Learners Funding](#) (LSB2077SV)

[SF 548](#) — [Outdoor Advertising](#) (LSB2489SV)

SENATE FILE 348

S-3047

1 Amend Senate File 348 as follows:

2 1. Page 3, by striking lines 20 through 24 and inserting:

3 <An order by the court appointing a guardian for a minor
4 shall state the powers granted to the guardian until such
5 time as the guardian files an initial care plan and such plan
6 is approved by the court as required by section 232D.501,
7 subsection 4. Except as otherwise limited by ~~court~~ an order
8 appointing a guardian for a minor, the court may grant the
9 guardian the following powers, ~~which may be exercised without~~
10 ~~prior court approval~~:>

11 2. Page 4, by striking lines 5 through 8 and inserting:

12 <NEW SUBSECTION. 5. The guardian shall provide a copy
13 of the verified initial care plan and verified annual report
14 required by this section to the protected person, the protected
15 person's attorney, if any, and court visitor, if any.>

16 3. Page 9, line 23, by striking <Based upon the evidence
17 produced at the hearing> and inserting <~~Based upon the evidence~~
18 ~~produced at the hearing~~ An order by the court appointing a
19 guardian for an adult shall state the powers granted to the
20 guardian until such time as the guardian files an initial
21 care plan and such plan is approved by the court as required
22 by section 633.669. Except as otherwise limited by an order
23 appointing a guardian for an adult>

24 4. Page 9, lines 24 and 25, by striking <and duties with
25 respect to a protected person> and inserting <~~and duties with~~
26 ~~respect to a protected person~~>

27 5. By striking page 9, line 32, through page 10, line 35.

28 6. Page 11, by striking lines 16 through 27 and inserting:

29 <Sec. ____ . Section 633.642, Code 2021, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 **633.642 Powers of conservator.**

33 1. An order by the court appointing a conservator shall
34 state the basis for the conservatorship pursuant to section
35 633.553 or section 633.554.

1 2. Upon appointment by the court, and until such time as the
2 conservator files an initial financial management plan and such
3 plan is approved by the court as required by section 633.670,
4 subsection 1, a conservator has the authority to exercise all
5 powers applicable to fiduciaries pursuant to sections 633.63
6 through 633.162, unless expressly modified by the court.

7 3. In the order approving an initial financial management
8 plan or an annual report, the court shall approve and set forth
9 the specific powers of a conservator, which may be thereafter
10 exercised by the conservator until further court order. Except
11 as otherwise ordered by the court, a conservator must give
12 notice to persons entitled to notice and receive specific prior
13 authorization by the court before the conservator may take any
14 other action on behalf of the protected person.

15 4. Upon the filing of an appropriate oath by the
16 conservator, the clerk of court shall issue letters of
17 appointment. A copy of the initial order of the court shall
18 be attached to the letters of appointment. Upon approval of
19 an initial financial management plan, approval of an annual
20 report, or further order of the court granting, modifying,
21 limiting, or terminating powers of the conservator, the clerk
22 of court shall issue new letters of appointment which shall
23 reflect all powers thereafter held by the conservator.>

24 7. Page 14, by striking lines 19 through 21 and inserting:

25 <6. The guardian shall provide a copy of the reports
26 required by this section to the protected person, the protected
27 person's attorney, if any, and the court visitor, if any.>

28 8. Page 21, line 1, after <The> by inserting <conservator
29 shall provide a copy of the>

30 9. Page 21, lines 3 and 4, by striking <shall be served,
31 annually, on> and inserting <shall be served on to>

32 10. By renumbering as necessary.

By DAN DAWSON

S-3047 (Continued)

S-3047 FILED MARCH 8, 2021

ADOPTED

SENATE FILE 420

S-3048

1 Amend Senate File 420 as follows:

2 1. Page 1, by striking lines 5 through 17 and inserting:

3 <Sec. _____. Section 461C.2, subsection 3, Code 2021, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 3. "*Land*" means private land, including land that is not
7 open to the general public, that is one or any combination of
8 the following:

- 9 a. An abandoned or inactive surface mine.
10 b. A cave.
11 c. Land used for agricultural purposes.
12 d. A marshland.
13 e. Timber.
14 f. A grassland.
15 g. A privately owned road.
16 h. The portion of a privately owned railroad right-of-way or
17 crossing incorporated into or used as a part of a path or trail
18 used for a recreational purpose.
19 i. A privately owned path.
20 j. A privately owned trail.
21 k. A privately owned water.
22 l. A privately owned water course.
23 m. The exterior and interior of a building, structure,
24 machinery, or equipment appurtenant to privately owned land.
25 n. Private land located in a municipality in connection with
26 and while being used for urban deer control.

27 Sec. _____. Section 461C.2, subsection 5, Code 2021, is
28 amended to read as follows:>

29 2. By renumbering as necessary.

By JACKIE SMITH

S-3048 FILED MARCH 8, 2021

SENATE FILE 476

S-3049

1 Amend Senate File 476 as follows:

2 1. By striking page 1, line 3, through page 2, line 32, and
3 inserting:

4 <Sec. _____. NEW SECTION. 669.14A Qualified immunity.

5 1. Notwithstanding any other provision of law, an employee
6 of the state subject to a claim brought under this chapter
7 shall not be liable for monetary damages if any of the
8 following apply:

9 a. The right, privilege, or immunity secured by law was not
10 clearly established at the time of the alleged deprivation,
11 or at the time of the alleged deprivation the state of the
12 law was not sufficiently clear that every reasonable employee
13 would have understood that the conduct alleged constituted a
14 violation of law.

15 b. A court of competent jurisdiction has issued a final
16 decision on the merits holding, without reversal, vacatur, or
17 preemption, that the specific conduct alleged to be unlawful
18 was consistent with the law.

19 2. The state or a state agency shall not be liable for
20 any claim brought under this chapter where the employee
21 was determined to be protected by qualified immunity under
22 subsection 1.

23 3. A plaintiff who brings a claim under this chapter
24 alleging a violation of the law must state with particularity
25 the circumstances constituting the violation and that the law
26 was clearly established at the time of the alleged violation.
27 Failure to plead a plausible violation or failure to plead that
28 the law was clearly established at the time of the alleged
29 violation shall result in dismissal with prejudice.

30 4. Any decision by the district court denying qualified
31 immunity shall be immediately appealable.

32 5. This section shall apply in addition to any other
33 statutory or common law immunity.

34 Sec. _____. NEW SECTION. 669.26 Money damages — nonwaiver
35 of rights.

1 This chapter shall not be construed to be a waiver of
2 sovereign immunity for a claim for money damages under the
3 Constitution of the State of Iowa.

4 Sec. ____ . NEW SECTION. 670.4A Qualified immunity.

5 1. Notwithstanding any other provision of law, an employee
6 or officer subject to a claim brought under this chapter shall
7 not be liable for monetary damages if any of the following
8 apply:

9 a. The right, privilege, or immunity secured by law was not
10 clearly established at the time of the alleged deprivation,
11 or at the time of the alleged deprivation the state of the
12 law was not sufficiently clear that every reasonable employee
13 would have understood that the conduct alleged constituted a
14 violation of law.

15 b. A court of competent jurisdiction has issued a final
16 decision on the merits holding, without reversal, vacatur, or
17 preemption, that the specific conduct alleged to be unlawful
18 was consistent with the law.

19 2. A municipality shall not be liable for any claim brought
20 under this chapter where the employee or officer was determined
21 to be protected by qualified immunity under subsection 1.

22 3. A plaintiff who brings a claim under this chapter
23 alleging a violation of the law must state with particularity
24 the circumstances constituting the violation and that the law
25 was clearly established at the time of the alleged violation.
26 Failure to plead a plausible violation or failure to plead that
27 the law was clearly established at the time of the alleged
28 violation shall result in dismissal with prejudice.

29 4. Any decision by the district court denying qualified
30 immunity shall be immediately appealable.

31 5. This section shall apply in addition to any other
32 statutory or common law immunity.

33 Sec. ____ . NEW SECTION. 670.14 Money damages — nonwaiver
34 of rights.

35 This chapter shall not be construed to be a waiver of

S-3049 (Continued)

1 sovereign immunity for a claim for money damages under the
2 Constitution of the State of Iowa.

3 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
4 deemed of immediate importance, takes effect upon enactment.>

5 2. Title page, lines 1 and 2, by striking <of law
6 enforcement officers>

7 3. Title page, line 5, after <prosecutors> by inserting <,
8 and including effective date provisions>

9 4. By renumbering as necessary.

By DAN DAWSON

S-3049 FILED MARCH 8, 2021

ADOPTED

SENATE FILE 476

S-3050

1 Amend Senate File 476 as follows:

2 1. Page 2, line 15, after <immunity.> by inserting
3 <For purposes of this chapter, the second amendment of the
4 Constitution of the United States is clearly established,
5 and violations of the second amendment are not entitled to
6 qualified immunity.>

By ROBERT M. HOGG

S-3050 FILED MARCH 8, 2021

RULED OUT OF ORDER

SENATE FILE 476

S-3051

1 Amend Senate File 476 as follows:

2 1. Page 2, line 15, after <immunity.> by inserting
3 <For purposes of this chapter, the first amendment of the
4 Constitution of the United States is clearly established, and
5 violations of the first amendment are not entitled to qualify
6 immunity.>

By ROBERT M. HOGG

S-3051 FILED MARCH 8, 2021

RULED OUT OF ORDER

SENATE FILE 476

S-3052

1 Amend Senate File 476 as follows:

2 1. Page 2, line 34, after <PUBLIC SAFETY,> by inserting
3 <COLLECTIVE BARGAINING,>

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

5 <Sec. ____ . Section 20.3, subsection 11, Code 2021, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. g. An individual employed as a law
8 enforcement officer as defined in section 669A.2.

9 Sec. ____ . Section 20.9, subsections 1 and 3, Code 2021, are
10 amended to read as follows:

11 1. For negotiations regarding a bargaining unit with
12 at least ~~thirty percent of members who are public safety~~
13 ~~employees~~ one member who is a public safety employee, the
14 public employer and the employee organization shall meet at
15 reasonable times, including meetings reasonably in advance of
16 the public employer's budget-making process, to negotiate in
17 good faith with respect to wages, hours, vacations, insurance,
18 holidays, leaves of absence, shift differentials, overtime
19 compensation, supplemental pay, seniority, transfer procedures,
20 job classifications, health and safety matters, evaluation
21 procedures, procedures for staff reduction, in-service
22 training, grievance procedures for resolving any questions
23 arising under the agreement, and other matters mutually agreed
24 upon. For negotiations regarding a bargaining unit that does
25 not have at least ~~thirty percent of members who are public~~
26 ~~safety employees~~ one member who is a public safety employee,
27 the public employer and the employee organization shall meet
28 at reasonable times, including meetings reasonably in advance
29 of the public employer's budget-making process, to negotiate
30 in good faith with respect to base wages and other matters
31 mutually agreed upon. Such obligation to negotiate in good
32 faith does not compel either party to agree to a proposal
33 or make a concession. Mandatory subjects of negotiation
34 specified in this subsection shall be interpreted narrowly and
35 restrictively.

1 3. All retirement systems, dues checkoffs, and other
2 payroll deductions for political action committees or other
3 political contributions or political activities shall be
4 excluded from the scope of negotiations. For negotiations
5 regarding a bargaining unit that does not have at least
6 ~~thirty percent of members who are public safety employees~~ one
7 member who is a public safety employee, insurance, leaves of
8 absence for political activities, supplemental pay, transfer
9 procedures, evaluation procedures, procedures for staff
10 reduction, and subcontracting public services shall also be
11 excluded from the scope of negotiations.

12 Sec. _____. Section 20.15, subsection 1, paragraph b, Code
13 2021, is amended to read as follows:

14 b. (1) If a majority of the ~~public employees in the~~
15 ~~bargaining unit~~ vote votes cast on the question is for no
16 bargaining representation, the public employees in the
17 bargaining unit found appropriate by the board shall not be
18 represented by an employee organization.

19 (2) If a majority of the ~~public employees in the bargaining~~
20 ~~unit~~ vote votes cast on the question is for a listed employee
21 organization, then that employee organization shall represent
22 the public employees in the bargaining unit found appropriate
23 by the board.

24 (3) If none of the choices on the ballot receive the
25 vote of a majority of the public employees ~~in the bargaining~~
26 ~~unit~~ voting, the public employees in the bargaining unit
27 found appropriate by the board shall not be represented by an
28 employee organization.

29 Sec. _____. Section 20.15, subsections 2 and 3, Code 2021, are
30 amended to read as follows:

31 2. *Retention and recertification elections.*

32 a. The board shall conduct an election to retain and
33 recertify the bargaining representative of a bargaining unit
34 prior to the expiration of the bargaining unit's collective
35 bargaining agreement. The question on the ballot shall be

1 whether the bargaining representative of ~~the public employees~~
2 ~~in the bargaining unit~~ those voting shall be retained and
3 recertified as the bargaining representative of the public
4 employees in the bargaining unit. For collective bargaining
5 agreements with a June 30 expiration date, the election shall
6 occur between June 1 and November 1, both dates included,
7 in the year prior to that expiration date. For collective
8 bargaining agreements with a different expiration date, the
9 election shall occur between three hundred sixty-five and two
10 hundred seventy days prior to the expiration date.

11 *b.* (1) If a majority of the ~~public employees in the~~
12 ~~bargaining unit~~ vote votes cast to retain and recertify the
13 representative, the board shall retain and recertify the
14 bargaining representative and the bargaining representative
15 shall continue to represent the public employees in the
16 bargaining unit.

17 (2) If a majority of the ~~public employees in the bargaining~~
18 ~~unit~~ votes cast do not vote to retain and recertify the
19 representative, the board, after the period for filing
20 written objections pursuant to subsection 4 has elapsed,
21 shall immediately decertify the representative and the public
22 employees shall not be represented by an employee organization
23 except pursuant to the filing of a subsequent petition for
24 certification of an employee organization as provided in
25 section 20.14 and an election conducted pursuant to such
26 petition. Such written objections and decertifications shall
27 be subject to applicable administrative and judicial review.

28 *c.* The board shall only conduct an election pursuant to this
29 subsection if the board has not previously conducted such an
30 election for the bargaining unit since the last certification
31 election pursuant to subsection 1 conducted by the board for
32 that bargaining unit.

33 3. *Decertification elections.*

34 *a.* Upon the filing of a petition for decertification of an
35 employee organization, the board shall submit a question to the

1 public employees at an election in the bargaining unit found
2 appropriate by the board. The question on the ballot shall be
3 whether the bargaining representative of the public employees
4 ~~in the bargaining unit~~ shall be decertified as the bargaining
5 representative of public employees in the bargaining unit.

6 *b.* (1) If a majority of ~~the public employees in the~~
7 ~~bargaining unit~~ those voting vote to decertify the bargaining
8 representative, the board, after the period for filing
9 written objections pursuant to subsection 4 has elapsed,
10 shall immediately decertify the representative and the public
11 employees shall not be represented by an employee organization
12 except pursuant to the filing of a subsequent petition for
13 certification of an employee organization as provided in
14 section 20.14 and an election conducted pursuant to such
15 petition. Such written objections and decertifications shall
16 be subject to applicable administrative and judicial review.

17 (2) If a majority of ~~the public employees in the bargaining~~
18 ~~unit~~ those voting do not vote to decertify the bargaining
19 representative, the bargaining representative shall continue to
20 represent the public employees in the bargaining unit.

21 *c.* The board shall not consider a petition for
22 decertification of an employee organization unless a
23 bargaining unit's collective bargaining agreement exceeds
24 two years in length. The board shall not schedule a
25 decertification election for a bargaining unit within one
26 year of a prior certification, retention and recertification,
27 or decertification election involving the bargaining unit.
28 Unless otherwise prohibited by this paragraph, the board shall
29 schedule a decertification election not less than one hundred
30 fifty days before the expiration date of the bargaining unit's
31 collective bargaining agreement.

32 Sec. _____. Section 20.22, subsection 7, unnumbered paragraph
33 1, Code 2021, is amended to read as follows:

34 For an arbitration involving a bargaining unit that has at
35 least ~~thirty percent of members who are public safety employees~~

1 one member who is a public safety employee, the arbitrator
2 shall consider and specifically address in the arbitrator's
3 determination, in addition to any other relevant factors, the
4 following factors:

5 Sec. _____. Section 20.22, subsection 8, unnumbered paragraph
6 1, Code 2021, is amended to read as follows:

7 For an arbitration involving a bargaining unit that does
8 not have at least ~~thirty percent of members who are public~~
9 ~~safety employees~~ one member who is a public safety employee,
10 the following shall apply:

11 Sec. _____. Section 20.22, subsection 10, paragraph b,
12 subparagraph (1), unnumbered paragraph 1, Code 2021, is amended
13 to read as follows:

14 However, for an arbitration involving a bargaining unit that
15 does not have at least ~~thirty percent of members who are public~~
16 ~~safety employees~~ one member who is a public safety employee,
17 with respect to any increase in base wages, the arbitrator's
18 award shall not exceed the lesser of the following percentages
19 in any one-year period in the duration of the bargaining
20 agreement:>

21 3. Page 7, after line 30 by inserting:

22 <DIVISION ____
23 WORKERS' COMPENSATION

24 Sec. _____. Section 85.34, subsection 2, paragraph n, Code
25 2021, is amended by striking the paragraph.

26 DIVISION ____
27 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES
28 Sec. _____. NEW SECTION. 70A.23A Credit for accrued sick
29 leave — public safety employees.

30 A public safety employee, as defined by section 20.3,
31 subsection 11, who retires and has applied for retirement
32 benefits under an eligible retirement system, shall receive
33 credit for all accumulated, unused sick leave which shall be
34 converted at current value and credited to an account for the
35 public safety employee for the purpose of paying the public

S-3052 (Continued)

1 safety employee's cost of the monthly premiums for continuance
2 of the public safety employee's health insurance plan. Upon
3 the death of a retired public safety employee, the spouse
4 or surviving spouse shall be entitled to the value of the
5 accumulated unused sick leave for the purpose of paying the
6 cost of monthly premiums for continuation of a public safety
7 employee's health insurance policy for the public safety
8 employee's surviving spouse or dependents. This subsection
9 shall not apply to sections 509A.13 and 509A.13A.>

10 4. Title page, line 3, after <filings,> by inserting
11 <collective bargaining, workers' compensation, retired public
12 safety employee benefits,>

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

By NATE BOULTON

S-3052 FILED MARCH 8, 2021
RULED OUT OF ORDER

SENATE FILE 476

S-3054

1 Amend the amendment, S-3049, to Senate File 476, as follows:

2 1. By striking page 1, line 2, through page 3, line 9, and
3 inserting:

4 <1. By striking page 1, line 3, through page 2, line 32, and
5 inserting:

6 <Sec. _____. Section 669.14, Code 2021, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 1A. Any claim based upon an act or omission
9 of an employee of the state, exercising due care, in the
10 execution of or enforcement of any law.

11 Sec. _____. Section 670.2, Code 2021, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. An employee is not personally liable
14 for a claim based upon an act or omission of the person taken
15 in execution or enforcement of any law except for acts or
16 omissions which involve intentional misconduct or knowing
17 violations of the law.

18 Sec. _____. Section 670.7, Code 2021, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 5. The governing body of a municipality
21 shall purchase and maintain insurance or join a local
22 government risk pool pursuant to this section for claims for
23 punitive damages in tort actions for wrongful death, excessive
24 force, and arrest filed without probable cause against its
25 law enforcement and public safety officers, employees, and
26 volunteers, whether elected or appointed, arising out of an
27 alleged act or omission occurring within the scope of such
28 a person's employment or duties. The governing body may
29 purchase and maintain insurance or join a local government
30 risk pool for claims for punitive damages against its law
31 enforcement and public safety officers, employees, and persons
32 who do not receive compensation for their services for other
33 tort actions. This subsection does not waive a defense of
34 governmental immunity to any claim or action brought against a
35 law enforcement or public safety officer, employee, or a person

1 who does not receive compensation for their services.

2 2. By striking page 3, line 1, through page 6, line 5, and
3 inserting:

4 <Sec. _____. Section 80F.1, Code 2021, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 2A. A formal administrative investigation,
7 informal inquiry, or interview under this chapter shall not be
8 conducted unless a complaint is filed within one hundred eighty
9 days after the alleged action occurred.

10 Sec. _____. Section 80F.1, subsections 13 and 19, Code 2021,
11 are amended to read as follows:

12 ~~13. An officer shall have the right to pursue civil remedies~~
13 ~~under the law against a citizen arising from the filing of a~~
14 ~~false complaint against the officer~~ In addition to any other
15 remedies available, an officer shall have the right to pursue
16 civil remedies under the law against any person, group of
17 persons, employer, organization, or corporation for damages
18 arising from the filing of a false complaint or any other
19 violation of this chapter including but not limited to actual
20 damages, court costs, and reasonable attorney fees.

21 19. If a formal administrative investigation results in
22 removal, discharge, suspension, or disciplinary action against
23 an officer, and the officer alleges in writing a violation of
24 the provisions of this section, the municipality, county, or
25 state agency employing the officer shall hold in abeyance ~~for~~
26 ~~a period of ten days~~ any punitive action taken as a result of
27 the investigation, including a reprimand, until the conclusion
28 of any appeal or grievance exercised by the officer. An
29 allegation of a violation of this section may be raised and
30 given due consideration in any properly authorized grievance
31 or appeal exercised by an officer, including but not limited
32 to a grievance or appeal exercised pursuant to the terms of an
33 applicable collective bargaining agreement and an appeal right
34 exercised under section 341A.12 or 400.20.>

35 3. Title page, lines 1 and 2, by striking <of law

S-3054 (Continued)

1 enforcement officers>

2 4. By renumbering as necessary.>

By NATE BOULTON

S-3054 FILED MARCH 8, 2021

LOST

SENATE FILE 476

S-3055

1 Amend the amendment, S-3049, to Senate File 476, as follows:

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

3 <6. For purposes of this section, the first amendment of the
4 Constitution of the United States is clearly established, and
5 violations of the first amendment are not entitled to qualified
6 immunity.>

7 2. Page 2, after line 32 by inserting:

8 <6. For purposes of this section, the first amendment of the
9 Constitution of the United States is clearly established, and
10 violations of the first amendment are not entitled to qualified
11 immunity.>

By ROBERT M. HOGG

S-3055 FILED MARCH 8, 2021

LOST

SENATE FILE 476

S-3056

1 Amend the amendment, S-3049, to Senate File 476, as follows:

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

3 <6. For purposes of this section, the second amendment of
4 the Constitution of the United States is clearly established,
5 and violations of the second amendment are not entitled to
6 qualified immunity.>

7 2. Page 2, after line 32 by inserting:

8 <6. For purposes of this section, the second amendment of
9 the Constitution of the United States is clearly established,
10 and violations of the second amendment are not entitled to
11 qualified immunity.>

By ROBERT M. HOGG

S-3056 FILED MARCH 8, 2021

WITHDRAWN

SENATE FILE 494

S-3053

1 Amend Senate File 494 as follows:

2 1. Page 1, line 30, after <barbering> by inserting <and who
3 holds a valid instructor's license>

4 2. Page 1, line 32, by striking <an> and inserting <a
5 barbering>

6 3. Page 2, by striking lines 1 and 2 and inserting:

7 <3. A barbering apprenticeship training program under
8 this section shall include at least three thousand hours of
9 instruction, including at least three hundred eighty hours of
10 instruction in theory.

11 4. An apprentice shall be trained in all areas of practice
12 and subjects required to be completed by a student in a school
13 of barbering.

14 5. An apprentice shall complete a barbering apprenticeship
15 training program within two years. The board may allow an
16 apprentice to complete an apprenticeship in more than two
17 years upon submission of application by an apprentice, which
18 shall include an explanation of the apprentice's need for an
19 extension.

20 6. An apprentice shall work for no less than thirty hours
21 per week and no more than fifty-five hours per week during a
22 barbering apprenticeship training program.

23 7. An apprentice and barbershop shall sign a contract
24 including the terms of the apprenticeship.

25 8. An apprentice shall maintain a daily log of hours worked.
26 An apprentice shall submit the daily logs for the previous
27 month to the board at the beginning of each month.

28 9. A barbering apprenticeship training program sponsor
29 shall submit a report to the board at the beginning of
30 each month regarding the hours and coursework completed by
31 an apprentice in the previous month, as well as any other
32 information required by the board by rule.

33 10. A barbershop shall receive approval from the board prior
34 to offering a barbering apprenticeship training program.

35 11. A barber shall receive approval from the board prior to

S-3053 (Continued)

1 supervising an apprentice.

2 12. A barbershop shall not concurrently contract with more
3 than one apprentice.

4 13. A barbershop offering a barbering apprenticeship
5 training program shall maintain a space dedicated to the
6 instruction of apprentices in theory.

7 14. The board shall adopt rules for the implementation of
8 this section.>

By ZACH WAHLS

[S-3053](#) FILED MARCH 8, 2021

LOST

SENATE FILE 531

S-3057

- 1 Amend Senate File 531 as follows:
- 2 1. Page 8, line 10, after <force,> by inserting <space
- 3 force,>

By ROBY SMITH

S-3057 FILED MARCH 8, 2021



[SJR 15](#) – Line of Succession, Constitutional Amendment (LSB1505SV)
Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate Joint Resolution 15](#) proposes an amendment to the Iowa Constitution related to the gubernatorial line of succession. The amendment provides that in cases of a temporary disability of the Governor or Governor-Elect, the Lieutenant Governor or Lieutenant Governor-Elect shall act as Governor until the disability is removed. In cases where the inability to fulfill the role of Governor is permanent, the Lieutenant Governor shall become Governor for the remainder of the term, which shall create a vacancy in the Office of the Lieutenant Governor.

Background

Currently, under Article IV of the Iowa Constitution, if the Governor is temporarily or permanently unable to perform the role of the office, the Lieutenant Governor will act as Governor. If, after assuming the role of Governor, the Lieutenant Governor becomes unable to perform the role, the President of the Senate shall act as Governor, followed similarly by the Speaker of the House of Representatives.

Iowa Code section [49A.1](#) and the Iowa Constitution require that when a proposed amendment to the Constitution has passed the General Assembly and has been referred to the next succeeding General Assembly, the General Assembly is required to publish the proposed amendment in two newspapers of general circulation in each Iowa congressional district once each month, for three consecutive months, prior to the start of the next General Assembly.

Upon passage of the same amendment by the succeeding General Assembly, Iowa Code section [49A.2](#) requires the amendment to be published in newspapers in all 99 counties once each month for three consecutive months immediately preceding the general election.

Assumptions

- The average cost to publish a proposed constitutional amendment in a single newspaper is \$600.
- Publication of the initial amendment would occur monthly in eight newspapers (two in each congressional district) for a three-month period if the proposed amendment were passed by the 89th General Assembly.
- Subsequent publication of the amendment would occur monthly in 99 newspapers (one in each county) for a three-month period prior to the 2024 General Election if the amendment were passed by the 90th General Assembly.

Fiscal Impact

Constitutional Amendment Publication Cost. The estimated cost to publish a proposed constitutional amendment passed by the 89th General Assembly would be \$14,400 (8 newspapers x 3 months x \$600). The costs would be incurred in fall 2022 (FY 2023), prior to the convening of the 2023 Legislative Session.

Assuming the proposed amendment is passed a second time by the 90th General Assembly, the estimated cost would be \$178,200 (99 newspapers x 3 months x \$600). The costs would be incurred in fall 2024 (FY 2025).

These publication costs would be incurred by the Secretary of the Senate's Office and the Chief Clerk's Office in the House of Representatives, and reimbursed by the Iowa Secretary of State's Office.

Sources

Legislative Services Agency
Office of the Secretary of State

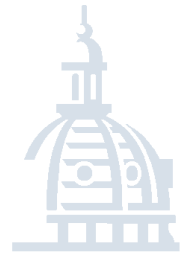
/s/ Holly M. Lyons

March 8, 2021

Doc ID 1215855

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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[SJR 16](#) – Hunting, Fishing, and Trapping, Constitutional Amendment (LSB2238SV)
Staff Contact: Rodrigo Acevedo (515.281.6764) rodrigo.acevedo@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate Joint Resolution 16](#) proposes an amendment to the Iowa Constitution preserving the right to hunt, trap, fish, and take game and fish in the State of Iowa.

Background

Iowa Code section [49A.1](#) and the Iowa Constitution require that when an amendment to the Constitution is passed by the General Assembly and has been referred to the next succeeding General Assembly, the General Assembly is required to publish the proposed amendment in two newspapers of general circulation in each Iowa congressional district once each month for three consecutive months prior to the start of the next General Assembly.

Upon passage of the amendment by the second General Assembly, the amendment would be published in newspapers in all 99 counties once each month for three consecutive months immediately preceding the general election.

This would be the first year of the process.

Assumptions

- The average cost to publish an amendment in a single newspaper is \$600.
- Publication of the amendment would occur in 99 newspapers (one in each county) for a three-month period.

Fiscal Impact

The estimated cost to publish a proposed Constitutional amendment passed by the 89th General Assembly would be \$14,400 (8 newspapers x 3 months x \$600). The costs would be incurred in fall 2022 (FY 2023), prior to the convening of the 2023 Legislative Session.

Assuming the proposed amendment is passed a second time by the 90th General Assembly, the estimated cost would be \$178,200 (99 newspapers x 3 months x \$600). The costs would be incurred in fall 2024 (FY 2025).

The publication costs would be incurred by the Secretary of the Senate's Office and the Chief Clerk's Office in the House of Representatives, and reimbursed by the Iowa Secretary of State.

Sources

Legislative Services Agency
Office of the Secretary of State

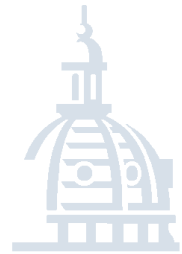
/s/ Holly M. Lyons

March 8, 2021

Doc ID 1216091

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 539](#) – Cloud Computing Procurement Preference (LSB1409SV)
Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 539](#) relates to cloud computing procurement preferences for the Office of the Chief Information Officer (OCIO). The Bill requires the OCIO to procure, when feasible, cloud computing solutions and other information technology and related services not hosted on premises by the State from service providers that comply with federal authorization or accreditation programs for information technology. The Bill requires that the control and ownership of State data stored with cloud computing service providers is to remain with the State, requires the data to be portable, and allows the OCIO to contract with multiple providers. If the OCIO determines it is not feasible to procure a cloud computing solution, the Bill requires OCIO to submit a report to the General Assembly with the following information:

- An explanation as to why a cloud computing deployment was not feasible.
- A cost-benefit analysis of the on-premises technology upgrades or new applications compared to the cloud computing solution or other information technology-related service.
- Compliance frameworks that require the application to be hosted on premise.

Senate File 539 also requires the OCIO to provide a report to the General Assembly by November 1, 2021, that includes a complete inventory of all State information technology applications, including the percentage of cloud-based applications, and recommendations for applications that should migrate to cloud-based applications.

Background

The National Institute of Standards and Technology (NIST) defines cloud computing in [Special Publication 800-145](#) as a “model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources that can be rapidly provisioned and released with minimal management effort or service provider interaction.” The OCIO has reported that many State agencies have migrated to cloud services on a case-by-case basis, including email, human resources, and Web hosting investments.

Assumptions

- To manage the implementation of annual reporting requirements, feasibility analysis, and review of agency inventories, the OCIO estimates that it may need to hire 3.0 additional full-time equivalent (FTE) positions that include: two Executive Officer 3 positions and one Budget Analyst 2 position.
- The OCIO’s salary and benefit estimates are based on hiring decisions at the high end of the pay scale for the identified position.

Fiscal Impact

The estimated cost or cost savings from procuring third-party cloud computing solutions cannot be estimated at this time. The OCIO estimates that cloud computing solutions may be cheaper in some circumstances but could significantly increase costs in other circumstances. As a result, the overall aggregate information technology costs cannot be determined.

Table 1 below shows the estimated costs associated with filling the FTE positions on an annual basis, as reported by the OCIO.

Table 1			
OCIO Estimated Personnel Costs FY 2022 - FY 2024			
	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
Salary and Benefits			
Executive Officer 3 (2.0 FTEs)	\$ 250,000	\$ 250,000	\$ 250,000
Budget Analyst 2 (1.0 FTE)	100,000	100,000	100,000
Total Salary and Benefits	\$ 350,000	\$ 350,000	\$ 350,000

The total cost reflects the full salary plus benefits for each position and assumes hiring at the high end of the pay grade. Therefore, costs could be expected to vary depending on the hire and selected benefit plans.

Sources

Office of the Chief Information Officer
Department of Management

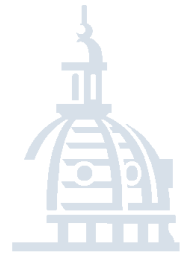
/s/ Holly M. Lyons

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Doc ID 1216172

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 544](#) – English Learners Funding (LSB2077SV)
Staff Contact: Michael Guanci (515.725.1286) michael.guanci@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 544](#) divides students who are identified as limited English proficient (LEP) into two categories and assigns a supplementary weighting to each level:

- Intensive student — 0.26 weighting
- Intermediate student — 0.21 weighting

The Bill takes effect upon enactment and would apply to the weightings reported in October 2021 for the FY 2023 school budget year.

Background

Under current law, the Department of Education describes an LEP student as a student who is in the process of acquiring English proficiency and speaks a first language other than English. Under current law, a student identified as being LEP may draw an additional weighting of 0.22 in the School Aid and Levy formula for no more than five years. In FY 2021, approximately 21,334 students were identified as being LEP and received supplementary weighting.

LEP students are assessed annually using the English Language Proficiency Assessment for the 21st Century (ELPA21). The definitions for LEP students established under the provisions of the Bill align with the ELPA21 assessment levels as follows: “emerging student” under the ELPA21 aligns with “intensive student” under the Bill, and “progressing student” under the ELPA21 aligns with “intermediate student” under the Bill.

School districts may petition the School Budget Review Committee (SBRC) for a modified supplemental amount (MSA) for the costs of providing services to LEP students in addition to the supplemental amount. Requests to the SBRC for excess costs from FY 2020 totaled \$17.6 million (130 school districts). Any MSA awarded is generally funded with local property taxes.

Assumptions

- Changing the weighting for LEP pupils will increase the State aid appropriation from the General Fund and local property taxes.
- The fiscal estimate uses growth rates agreed on by the Legislative Services Agency (LSA) and the Department of Management (DOM) for LEP pupils for FY 2022 through FY 2026.
- The LEP weightings have already been established for FY 2022, and the increase in additional weightings will not apply until the October 2021 student count for FY 2023.
- Based on the 2019 ELPA21 testing, 21.0% of LEP students will qualify for the intensive student weighting, and 79.0% of LEP students will qualify for the intermediate student weighting.
- Under current law, the State cost per pupil is set at \$7,227 for FY 2023 through FY 2026.
- Beginning in FY 2023, approximately 18,400 students identified as intermediate will generate \$72 less funding per pupil, and approximately 4,900 students identified as intensive will generate \$289 more funding per pupil.

- Individual district costs per pupil may be higher and may increase additional levy for property taxes beyond the fiscal impact calculated.

Fiscal Impact

Estimated State Aid and Property Taxes — FY 2022 - FY 2026

Fiscal Year	Current Law		New Weightings		Differences		Total
	State Aid	Prop. Tax	State Aid	Prop. Tax	State Aid	Prop. Tax	
FY 2022	\$29,560,000	\$3,520,000	\$29,560,000	\$3,520,000	\$ 0	\$ 0	\$ 0
FY 2023	32,293,000	3,846,000	32,366,000	3,854,000	73,000	9,000	82,000
FY 2024	33,907,000	4,038,000	33,984,000	4,047,000	77,000	9,000	86,000
FY 2025	35,603,000	4,240,000	35,683,000	4,249,000	81,000	10,000	91,000
FY 2026	37,383,000	4,452,000	37,468,000	4,462,000	85,000	10,000	95,000

Totals may not add due to rounding.

The Bill may increase requests to the SBRC for MSAs for costs of providing services to intermediate LEP students more than the supplemental amounts received and reduce requests for MSAs for costs of providing services to intensive LEP students more than the supplemental amounts received. The extent is unknown.

Sources

Department of Education
LSA calculations

/s/ Holly M. Lyons

March 8, 2021

Doc ID 1215970

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.



SF 548 – Outdoor Advertising (LSB2489SV)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 548 amends the definition of “advertising device” by making it contingent on remuneration paid or earned in exchange for erection, display, or existence of the device. The Bill also strikes various provisions in Iowa Code chapters **306B** and **306C** that are obsolete under the new definition of “advertising device.” Current Iowa statute may not be in compliance with federal law regulating outdoor advertising along federal interstates and primary highways.

Background

Under federal law, the State of Iowa must maintain effective control of outdoor advertising along interstates and primary roadways as defined in **23 CFR §750.705**. If Iowa’s current law is out of compliance with federal regulations, the State would be subject to a 10.0% penalty to annual federal aid funding to highways pursuant to **23 U.S.C. §131**.

Currently, outdoor advertising along interstates and primary State highways is regulated based on reading the content of a sign, such as a sign providing directions and times of special events, and then applying regulation based on the type of sign. Past court cases such as **Reed v. Town of Gilbert** and **Willson v. City of Bel-Nor** have challenged regulation of this nature as a violation of the First Amendment (Freedom of Speech), and Iowa currently regulates signs in a similar manner. If Iowa regulations are found to be unconstitutional, the State would no longer have effective control of outdoor advertising and would be subject to penalty.

Texas, Oregon, Tennessee, and Kentucky have similar forms of sign regulation and have not had constitutional challenges.

Fiscal Impact

Senate File 548 is expected to keep Iowa’s outdoor advertising regulations in compliance with federal law. Enactment of the Bill would prevent the loss of approximately \$53.2 million annually in federal highway funds.

Sources

Legislative Services Agency
Department of Transportation

/s/ Holly M. Lyons

March 8, 2021

Doc ID 1216079

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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