

**EIGHTY-SIXTH GENERAL ASSEMBLY
2015 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 6, 2015

HOUSE FILE 6

S-3094

1 Amend House File 6, as amended, passed, and
2 reprinted by the House, as follows:

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

5 <Section 1. Section 614.1, subsection 12, Code
6 2015, is amended to read as follows:

7 12. Sexual abuse or sexual exploitation by a
8 counselor, therapist, or school employee. An action
9 for damages for injury suffered as a result of sexual
10 abuse, as defined in section 709.1, by a counselor,
11 therapist, or school employee, as defined in section
12 709.15, or as a result of sexual exploitation by a
13 counselor, therapist, or school employee shall be
14 brought within ~~five~~ ten years of the date the victim
15 was last treated by the counselor or therapist, or
16 within ~~five~~ ten years of the date the victim was
17 last enrolled in or attended the school, or, if the
18 victim was a minor when the sexual abuse or sexual
19 exploitation occurred, within ten years of the date the
20 victim attains the age of eighteen.

21 Sec. 2. Section 614.8, subsection 2, Code 2015, is
22 amended to read as follows:

23 2. Except as provided in section 614.1, ~~subsection~~
24 ~~subsections 9 and 12~~, the times limited for actions in
25 this chapter, or chapter 216, 669, or 670, except those
26 brought for penalties and forfeitures, are extended
27 in favor of minors, so that they shall have one year
28 from and after attainment of majority within which to
29 file a complaint pursuant to chapter 216, to make a
30 claim pursuant to chapter 669 or 670, or to otherwise
31 commence an action.

32 Sec. 3. Section 709.15, subsection 1, paragraph f,
33 Code 2015, is amended by striking the paragraph and
34 inserting in lieu thereof the following:

35 f. (1) "School employee" means any of the
36 following, except as provided in subparagraph (2):

37 (a) A person who holds a license, certificate,
38 authorization, or statement of recognition issued by
39 the board of educational examiners under chapter 272.

40 (b) A person employed by a school district or
41 nonpublic school full-time or part-time.

42 (c) A contract employee of a school district or
43 nonpublic school who has significant contact with
44 students enrolled in the school district or nonpublic
45 school.

46 (d) A person who performs services as a volunteer
47 for a school district or nonpublic school and who has
48 significant contact with students enrolled in the
49 school district or nonpublic school.

50 (2) "School employee" does not include a student

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1 enrolled in a school district or nonpublic school.
2 A person who would otherwise meet the definition of
3 school employee under subparagraph (1), subparagraph
4 division (d), shall not be considered a school employee
5 for purposes of this paragraph "f" if the person is
6 less than four years older than the student with
7 whom the person engages in conduct prohibited under
8 subsection 3, paragraph "a", and the person is not in a
9 position of direct authority over the student.

10 Sec. 4. Section 709.15, subsection 3, Code 2015, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. c. The provisions of this
13 subsection do not apply to a person who is employed
14 by, volunteers for, or is under contract with a school
15 district or nonpublic school if the student is not
16 enrolled in the same school district or nonpublic
17 school that employs the person or for which the person
18 volunteers or is under contract, and the person does
19 not meet the requirements of subsection 1, paragraph
20 "f", subparagraph (1), subparagraph division (a).>

21 2. Title page, by striking lines 1 through 3
22 and inserting <An Act relating to sexual abuse, the
23 criminal offense of and applicability of related
24 penalties for sexual exploitation by a counselor,
25 therapist, or school employee, and the time within
26 which actions may be brought for damages for such
27 injury.>

28 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
STEVEN J. SODDERS, CHAIRPERSON

S-3092

1 Amend House File 286, as passed by the House, as
2 follows:

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

5 <Section 1. Section 91A.3, subsection 3, Code 2015,
6 is amended to read as follows:

7 3. a. The wages paid under subsection 1 shall be
8 paid using a method authorized by this section.

9 b. Wages due may be paid at the employee's normal
10 place of employment during normal employment hours
11 or at a place and hour mutually agreed upon by the
12 employer and employee, ~~or the employee may elect~~
13 ~~to have the wages sent for direct deposit, on or by~~
14 ~~the regular payday of the employee, into a financial~~
15 ~~institution designated by the employee.~~

16 c. Upon written request by the employee, wages due
17 may be sent to the employee by mail. The employer
18 shall maintain a copy of the request for as long as it
19 is effective and for at least two years thereafter.

20 d. The employee may elect to have wages due sent
21 for direct deposit, on or by the regular payday of the
22 employee, into a financial institution designated by
23 the employee. An employee hired on or after July 1,
24 2005, may be required, as a condition of employment, to
25 participate in direct deposit of the employee's wages
26 in a financial institution of the employee's choice
27 unless any of the following conditions exist:

28 (1) The costs to the employee of establishing
29 and maintaining an account for purposes of the direct
30 deposit would effectively reduce the employee's wages
31 to a level below the minimum wage provided under
32 section 91D.1.

33 (2) The employee would incur fees charged to the
34 employee's account as a result of the direct deposit.

35 (3) The provisions of a collective bargaining
36 agreement mutually agreed upon by the employer and
37 the employee organization prohibit the employer from
38 requiring an employee to sign up for direct deposit as
39 a condition of hire.

40 e. An employer may offer payment of wages by debit
41 card or pay card pursuant to this section only if
42 the employee has the option of withdrawing all wages
43 due once per pay period, but not more frequently
44 than once per week, without incurring any charge, if
45 such withdrawal of wages is conducted at a financial
46 institution's office location. For purposes of this
47 paragraph, "financial institution" means the same as
48 defined in section 537.1301.

49 ~~b.~~ f. If the employer fails to pay an employee's
50 wages on or by the regular payday in accordance with

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1 this subsection, the employer is liable for the amount
2 of any overdraft charge if the overdraft is created
3 on the employee's account because of the employer's
4 failure to pay the wages on or by the regular payday.
5 The overdraft charges may be the basis for a claim
6 under section 91A.10 and for damages under section
7 91A.8.

8 Sec. 2. Section 91A.5, subsection 1, paragraph b,
9 Code 2015, is amended to read as follows:

10 b. The employer ~~has~~ obtains advance written
11 authorization from the employee to so deduct for any
12 lawful purpose accruing to the benefit of the employee.

13 Sec. 3. Section 91A.6, subsection 1, Code 2015, is
14 amended to read as follows:

15 1. An employer shall ~~after being notified by the~~
16 ~~commissioner pursuant to subsection 2~~ do the following:

17 a. Notify its employees in writing at the time of
18 hiring what wages and regular paydays are designated
19 by the employer.

20 b. Notify its employees in writing whose wages are
21 determined based on a task, piece, mile, or load basis
22 about the method used to calculate wages and when the
23 wages are earned by the employees.

24 ~~b.~~ c. Notify, at least one pay period prior to the
25 initiation of any changes, its employees of any changes
26 in the arrangements specified in this subsection ~~+~~ that
27 reduce wages or alter the regular paydays. The notice
28 shall either be in writing or posted at a place where
29 employee notices are routinely posted.

30 ~~e.~~ d. Make available to its employees upon written
31 request, a written statement enumerating employment
32 agreements and policies with regard to vacation pay,
33 sick leave, reimbursement for expenses, retirement
34 benefits, severance pay, or other comparable matters
35 with respect to wages. Notice of such availability
36 shall be given to each employee in writing or by a
37 notice posted at a place where employee notices are
38 routinely posted.

39 ~~d.~~ e. Establish, maintain, and preserve for three
40 calendar years the payroll records showing the hours
41 worked, wages earned, and deductions made for each
42 employee and any employment agreements entered into
43 between an employer and employee.

44 Sec. 4. Section 91A.6, subsection 2, Code 2015, is
45 amended by striking the subsection.

46 Sec. 5. Section 91A.6, subsection 4, Code 2015, is
47 amended by striking the subsection and inserting in
48 lieu thereof the following:

49 4. a. On each regular payday, the employer shall
50 send to each employee by mail or shall provide at the

1 employee's normal place of employment during normal
2 employment hours a statement showing the wages earned
3 by the employee, the deductions made for the employee,
4 and the following information, as applicable:

5 (1) For each employee paid in whole or in part on
6 an hourly basis, the statement shall show the hours the
7 employee worked and the beginning and ending dates of
8 the pay period to which the statement applies.

9 (2) For each employee paid based on a percentage of
10 sales or based on a percentage of revenue generated for
11 the employer, the statement shall include a list of the
12 amount of each sale or the amount of revenue during the
13 pay period.

14 (3) For each employee whose pay is based on the
15 number of miles or loads performed, the statement shall
16 include the applicable number performed during the pay
17 period.

18 b. An employer who provides each employee access to
19 view an electronic statement of the employee's earnings
20 and provides the employee free and unrestricted access
21 to a printer to print the employee's statement of
22 earnings, if the employee chooses, is in compliance
23 with this subsection.

24 Sec. 6. Section 91A.8, Code 2015, is amended to
25 read as follows:

26 91A.8 Damages recoverable by an employee.

27 When it has been shown that an employer has
28 ~~intentionally~~ failed to pay an employee wages or
29 reimburse expenses pursuant to section 91A.3, whether
30 as the result of a wage dispute or otherwise, the
31 employer shall be liable to the employee for any the
32 unpaid wages or unreimbursed expenses that are so
33 ~~intentionally failed to be paid or reimbursed~~, plus
34 liquidated damages, court costs, and any ~~attorney's~~
35 attorney fees incurred in recovering the unpaid wages
36 or unreimbursed expenses and determined to have been
37 usual and necessary. ~~In other instances the employer~~
38 ~~shall be liable only for unpaid wages or expenses,~~
39 ~~court costs and usual and necessary attorney's fees~~
40 ~~incurred in recovering the unpaid wages or expenses.~~

41 Sec. 7. Section 91A.9, subsection 3, Code 2015, is
42 amended to read as follows:

43 3. The commissioner may employ such qualified
44 personnel as are necessary for the enforcement of this
45 chapter. Such personnel shall be employed pursuant
46 to chapter 8A, subchapter IV. The commissioner shall
47 employ wage investigators for the enforcement of this
48 chapter.

49 Sec. 8. Section 91A.9, Code 2015, is amended by
50 adding the following new subsection:

1 NEW SUBSECTION. 4A. The commissioner shall
2 establish a statewide, toll-free telephone hotline for
3 the purpose of receiving reports of violations of this
4 chapter.

5 Sec. 9. Section 91A.10, subsection 5, Code 2015, is
6 amended to read as follows:

7 ~~5. An employer shall not discharge or in any other~~
8 ~~manner discriminate against any employee because the~~
9 ~~employee has filed a complaint, assigned a claim, or~~
10 ~~brought an action under this section or has cooperated~~
11 ~~in bringing any action against an employer.~~

12 5. a. An employer or other person shall not
13 discharge or in any other manner discriminate or
14 retaliate against any of the following:

15 (1) An employee or other person for exercising any
16 right provided under this chapter or any rules adopted
17 pursuant to this chapter.

18 (2) Another employee or person for providing
19 assistance to an employee or providing information
20 regarding the employee or person.

21 (3) Another employee or person for testifying or
22 planning to testify in any investigation or proceeding
23 regarding the employee or person.

24 b. Any employee may file a complaint with the
25 commissioner alleging discharge, ~~or~~ discrimination,
26 or retaliation within thirty days after such
27 violation occurs. Upon receipt of the complaint, the
28 commissioner shall cause an investigation to be made
29 to the extent deemed appropriate. If the commissioner
30 determines from the investigation that the provisions
31 of this subsection have been violated, the commissioner
32 shall bring an action in the appropriate district court
33 against such person. The district court shall have
34 jurisdiction, for cause shown, to restrain violations
35 of this subsection and order all appropriate relief
36 including rehiring or reinstatement of the employee to
37 the former position with back pay.

38 Sec. 10. Section 91A.10, Code 2015, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 6. A civil action to enforce
41 subsection 5 may also be maintained in any court of
42 competent jurisdiction by the commissioner or by any
43 party injured by a violation of subsection 5. An
44 employer or other person who retaliates against an
45 employee or other person in violation of subsection 5
46 shall be required to pay the employee or other person
47 an amount set by the commissioner or a court sufficient
48 to compensate the employee or other person and to deter
49 future violations, but not less than one hundred fifty
50 dollars for each day that the violation occurred.

1 Sec. 11. NEW SECTION. 91A.12A Erroneous
2 violations.

3 If an employer erroneously violates the provisions
4 of this chapter or the rules adopted pursuant to this
5 chapter, the employer shall not be subject to liability
6 to an employee pursuant to section 91A.8, the violation
7 shall not constitute an enforceable claim as provided
8 in section 91A.10, and the employer shall not be
9 subject to a civil money penalty pursuant to section
10 91A.12, if all of the following conditions are met:

11 1. The commissioner determines that the violation
12 was erroneous and that the employer attempted in good
13 faith to comply with the provisions of this chapter and
14 the rules adopted pursuant to this chapter.

15 2. The commissioner, after considering any history
16 of violations of this chapter or the rules adopted
17 pursuant to this chapter by the employer, determines
18 that the violation was isolated in nature.

19 3. The employer corrects the violation to the
20 satisfaction of the labor commissioner within fourteen
21 days of the occurrence of the violation.

22 Sec. 12. NEW SECTION. 91A.15 Commissions earned
23 date.

24 An employer shall not require that a person be a
25 current employee to be paid a commission that the
26 person otherwise earned.

27 Sec. 13. NEW SECTION. 91A.16 Inconsistency with
28 federal law.

29 A provision of this chapter shall not apply to any
30 employer or employee if such provision would conflict
31 with federal law or regulation.

32 Sec. 14. NOTIFICATION REQUIREMENTS. The labor
33 commissioner shall provide for the notification of
34 each employer in this state of the requirements for
35 employers provided in this Act by September 1, 2015.
36 Such notification shall include suggested forms
37 and procedures that employers may use for purposes
38 of compliance with the notice and recordkeeping
39 requirements of section 91A.6, as amended by this Act.

40 Sec. 15. EFFECTIVE DATE. This Act takes effect
41 January 1, 2016.>

42 2. Title page, by striking line 1 and inserting <An
43 Act relating to wage payment collection issues arising
44 between employers and individuals who provide services
45 to employers, providing penalties and remedies, and
46 including effective date provisions.>

COMMITTEE ON LABOR AND BUSINESS RELATIONS
TONY BISIGNANO, CHAIRPERSON

HOUSE FILE 397

S-3091

1 Amend House File 397, as passed by the House, as
2 follows:

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

5 <Section 1. Section 92.17, Code 2015, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 7. a. Unless otherwise prohibited
8 by federal law, a child at least fourteen years old
9 from working for up to six weeks per calendar year
10 for a nonprofit organization generally recognized
11 as educational, charitable, religious, or community
12 service in nature. However, sections 92.6 and 92.8
13 shall apply to such work.

14 b. A child shall not be employed pursuant to the
15 exception provided in this subsection before the hour
16 of 7:00 a.m. or after 7:00 p.m., except during the
17 period from June 1 through Labor Day when the hours
18 shall be extended to 9:00 p.m. While school is in
19 session, a child employed pursuant to the exception
20 provided in this subsection shall not work during
21 regular school hours and shall not work outside regular
22 school hours more than three hours in one day or
23 eighteen hours in one week. While school is not in
24 session, a child employed pursuant to the exception
25 provided in this subsection shall not work more than
26 eight hours in one day or forty hours in one week.

27 c. The employer of a child employed pursuant to
28 the exception provided in this subsection shall submit
29 all of the following information to the department
30 of workforce development before the child begins
31 employment:

32 (1) The child's name.

33 (2) Evidence of age showing that the child is
34 fourteen years old or more as provided in section
35 92.11, subsection 2.

36 (3) The hours the child is scheduled to work.

37 (4) A description of the industry and the work to
38 be performed by the child.

39 (5) The written permission of the parent, guardian,
40 or custodian of the child.>

41 2. Title page, line 1, by striking <defining
42 occasional work for purposes of> and inserting
43 <providing an exception for certain work for certain
44 nonprofit organizations under>

COMMITTEE ON LABOR AND BUSINESS RELATIONS
TONY BISIGNANO, CHAIRPERSON

S-3091 FILED APRIL 2, 2015

HOUSE FILE 506

S-3090

1 Amend House File 506, as passed by the House, as
2 follows:

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

5 <Section 1. Section 53.17, subsection 2, Code 2015,
6 is amended to read as follows:

7 2. In order for the ballot to be counted, the
8 return envelope must be received in the commissioner's
9 office before the polls close on election day or must
10 be clearly postmarked by an officially authorized
11 postal service not later than the day before the
12 election and received by the commissioner not later
13 than noon on the Monday following the election or must
14 be clearly postmarked by received by the commissioner
15 through an officially authorized postal service not
16 later than 5:00 p.m. on the day before after the
17 election and received by the commissioner not later
18 than noon on the Monday following the election.>

COMMITTEE ON STATE GOVERNMENT
JEFF DANIELSON, CHAIRPERSON

S-3090 FILED APRIL 2, 2015

HOUSE FILE 507

S-3093

1 Amend House File 507, as passed by the House, as
2 follows:

3 1. Page 1, after line 21 by inserting:

4 <(3) This paragraph shall not apply to a property
5 or premises if, prior to July 1, 2015, the account
6 holder for that property or premises had an established
7 account with a legal entity described in subparagraph
8 (1) for the provision of wastewater, sewer system,
9 storm water drainage, or sewage treatment services to
10 the property or premises.>

11 2. Page 2, after line 4 by inserting:

12 <(3) This paragraph shall not apply to a property
13 or premises if, prior to July 1, 2015, the account
14 holder for that property or premises had an established
15 account with a legal entity described in subparagraph
16 (1) for the provision of wastewater, sewer system,
17 storm water drainage, or sewage treatment services to
18 the property or premises.>

COMMITTEE ON LOCAL GOVERNMENT
RICH TAYLOR, CHAIRPERSON

S-3093 FILED APRIL 2, 2015