



## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	HF 295 (previously HSB 92)	House Committee:	<b>PASSED</b> 12-9 (2/9/17)
Committee:	Local Government	House Floor:	
Floor Manager:	Rep. Landon	Senate Floor:	
Date:	March 6, 2017	Governor:	
Staff:	Jason Chapman (1-3015)		

### Statewide Commerce and Local Government Preemption

- This bill establishes several preemptive measures for city and county governments to clarify existing authority. It clarifies that cities and counties cannot create local ordinances that:
  - Require businesses to pay a minimum wage or other employment benefits that differs from the state or federal government
  - ban consumer merchandise or containers used for transporting the merchandise
  - Or, per amendment H-1164, mandate contractual terms between people.

### Section by Section Analysis

#### Section 1 – 216.19 – Civil Rights Commission – Local Laws

This section of code requires cities to protect the rights of citizens secured by the Iowa Civil Rights Act. This section of the bill strikes the allowance that a city could enact an ordinance or other law which broadens this to create new protected classes beyond what are already protected by state and federal law.

#### Section 2 – 331.301 – County Home Rule – General Powers

Adds new language that prevents the county from diverging from, or adding to, state law regarding the sale or marketing of consumer merchandise. Also voids any prior instances.

- Consumer merchandise – merchandise for sale or for lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes. This includes the container used for consuming, carrying, or transporting the merchandise.
- Container – bag, cup, package, container, bottle, or other packaging designed for reusable or single-use; made of cloth, paper, plastic, foam, cardboard, corrugated material, aluminum, glass, or substrates; and designed for consuming, transporting, or protecting merchandise, food, or beverages from a food service or retail facility.

#### Section 3 – 331.304 – County Home Rule - Procedural limitations on county powers

Prevents counties from enacting, adopting, or enforcing anything providing for conditions of employment that exceed or conflict with federal or state law, including minimum or living wage, employment leave, hiring practices, benefits, scheduling practices, or other terms or conditions of employment. Voids any prior instances.

Sections 4 and Section 5 – 364.3 – Limitations of City Power

Repeats sections 2 and 3 for cities.

Section 6 – Effective upon enactment.

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## Amendment Analysis

**H-1130 by Meyer** – Establishes a new statewide minimum wage, increasing it from \$7.25 to:

- \$8.75 on July 1, 2017
- \$9.75 on July 1, 2018
- \$10.75 on July 1, 2019
- Increase same % as cost-of-living increase for social security benefits – Every July 1 from 2020 on

Increases the minimum wage in the first 90 days of employment from \$6.35 to \$7.85 (July 1, 2017), \$8.85 (January 1, 2018), and \$9.85 (January 1, 2019)

**H-1107 by Landon** – Strikes section 1, inserts language preempting counties and cities from requiring rental owners to consider sources of income for determination of tenancy.

**H-1154 by Landon** – Second degree amendment. Maintains the strike of section 1 but removes the remaining language in the amendment.

**H-1164 by Landon** – Second degree amendment. Maintains the strike of section 1, adds new language preempting counties and cities creating local ordinances mandating the addition of parties or terms to private contracts without consent of the parties involved in the contract.

**H-1142 by Meyer** – Strikes the consumer merchandise and containers language from the bill.

**H-1169 by Devoe** – Allows a city or county to ignore daylight savings time

**H-1137 by Landon** – Clarifies that the preemption on merchandise and containers does not apply to waste and recycling programs.

**H-1143 by Meyer** – Grandfathers in counties or cities that already enacted minimum wage increases.

**H-1115 by Meyer** – Strikes the effective date.