

CHAPTER 1105**TREASURER OF STATE — LINKED INVESTMENT PROGRAMS***S.F. 2213*

AN ACT providing for the linked investment for tomorrow Act, by providing for certificates of deposit placed in eligible lending institutions, and a rural small business transfer linked investment loan program, providing for the deposit of state moneys in lending institutions, and providing retroactive applicability and effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 12.36, subsections 2 and 3, Code 1991, are amended to read as follows:

2. Upon acceptance of the linked investment loan package or any portion of the package, the state treasurer of state shall place certificates of deposit with the eligible lending institution at a rate not more than three percent below the current market rate. After July 1, 1992, the treasurer of state shall not place a certificate of deposit with an eligible lending institution pursuant to this division, unless the certificate of deposit earns a rate of interest of at least two percent. When necessary, the treasurer may place certificates of deposit prior to acceptance of a linked investment loan package.

3. The eligible lending institution shall enter into an investment agreement with the treasurer of state, which shall include requirements necessary to carry out this division. The requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may include a specification of the period of time in which the lending institution is to lend funds upon the placement of a linked investment, and shall include provisions for the certificates of deposit to be placed for one-year maturities that may be renewed for five eight additional one-year periods. Interest shall be paid at the times determined by the treasurer of state.

Sec. 2. **NEW SECTION. 12.40 RURAL SMALL BUSINESS TRANSFER LINKED INVESTMENT LOAN PROGRAM.**

1. As used in this section, "rural small business" means an existing rural small business, for which local competition does not exist in the principal realm of business activity of that business, and the loss of which will work a hardship on the rural community. A rural small business may include a grocery store, drug store, gasoline station, convenience store, hardware business, or farm supply store. A rural small business does not include a new business.

2. The treasurer of state shall adopt rules consistent with this division to implement a rural small business transfer linked investment loan program to further the following purposes:

a. To promote the business prosperity and economic welfare of Iowa through promoting the prosperity and economic welfare of rural Iowa.

b. To maintain and expand existing employment opportunities and the provision of retail goods on a local level in small rural communities by assisting in the transfer of ownership of retail-oriented businesses where, in the absence of sufficient financial assistance, the businesses may close.

3. Upon the placement of linked investment moneys with an eligible lending institution, the institution is required to lend money to a person pursuant to rules adopted by the treasurer of state for the transfer of a rural small business. The rural small business must be located in a city with a population of five thousand or less. A city located in a county with a population in excess of three hundred thousand, if the city is contiguous to another city in the county and that other city is contiguous to the largest city in that county, shall be considered as having a population in excess of five thousand.

4. The transfer of the rural small business must be by purchase, lease-purchase, or contract of sale. The purchase must be for a portion of the business which is essential to its continued viability, including real estate where the business is located, fixtures attached to the real estate, equipment relied upon by the business, and inventory for sale by the business.

5. The eligible lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible borrower. The lending institution shall forward to the treasurer of state all information or any certification relating to the loan required and in a manner prescribed by this division and rules which shall be adopted by the treasurer of state.

6. A borrower and the seller of the rural small business shall not be within the third degree of consanguinity or affinity.

7. The maximum loan amount that a borrower may receive under this program shall not be more than fifty thousand dollars.

8. Not more than one-third of the amount of the percentage authorized in section 12.34 may be used for purposes of supporting this program and the main street linked investment loan program under section 12.51.

Sec. 3. Section 12.51, subsection 6, Code Supplement 1991, is amended to read as follows:

6. ~~No~~ Not more than one-third of the amount authorized in section 12.34 may be used for purposes of this program and the rural small business transfer linked investment loan program under section 12.40.

Sec. 4. APPLICABILITY AND EFFECTIVE DATES.

1. Section 12.36, subsection 3, as amended by this Act, applies retroactively to investment agreements executed before the effective date of this Act which have not expired.

2. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 21, 1992

CHAPTER 1106

CAMPUS SECURITY AND SEXUAL ABUSE POLICIES

H.F. 2028

AN ACT requiring institutions of higher education to establish policies relating to sexual abuse and providing for the act's applicability.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 261.9, subsection 5, Code Supplement 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. Which develops and implements a written policy, which is disseminated during student registration or orientation, addressing the following four areas relating to sexual abuse:

- (1) Counseling.
- (2) Campus security.
- (3) Education, including prevention, protection, and the rights and duties of students and employees of the institution.
- (4) Facilitating the accurate and prompt reporting of sexual abuse to the duly constituted law enforcement authorities.

NEW PARAGRAPH. h. Which files a copy of the annual report required by the federal Student Right-To-Know and Campus Security Act, Pub. L. No. 101-542, with the division of criminal and juvenile justice planning of the department of human rights, along with a copy of the written policy developed pursuant to paragraph "g".

Sec. 2. Section 262.9, Code 1991,* is amended by adding the following new subsections:

NEW SUBSECTION. 27. Develop and implement a written policy, which is disseminated

*Code Supplement 1991 probably intended