

House File 894 - Introduced

HOUSE FILE 894

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 277)

A BILL FOR

1 An Act relating to state and local finances by making
2 appropriations, providing for legal and regulatory
3 responsibilities, providing for other properly related
4 matters, and including effective date and retroactive
5 applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. INSTRUCTIONAL SUPPORT STATE AID — FY

2021-2022. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for paying instructional support state aid under section 257.20 for the fiscal year is zero.

Sec. 2. Section 257.35, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2021, and ending June 30, 2022, shall be reduced by the department of management by twelve million five hundred thousand dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

DIVISION II

CORRECTIVE PROVISIONS

Sec. 3. Section 49.73, subsection 2, paragraph b, as enacted by 2021 Iowa Acts, chapter 12, section 36, is amended to read as follows:

b. The legislative services agency shall place on the internet site of the agency general assembly information regarding the opening and closing times of polling places until and including November 7, 2024. This paragraph is repealed effective July 1, 2025.

Sec. 4. Section 232D.503, subsection 6, unnumbered paragraph 1, as enacted by 2021 Iowa Acts, chapter 8, section 22, is amended to read as follows:

If the court orders termination of a guardianship established under [this chapter](#) and the guardian has custody

1 of any assets of a protected person who is a minor or was a
2 minor at the time of the minor's death, the court shall order
3 delivery of the ~~minors~~ minor's assets to the minor or to a
4 fiduciary acting under one or more of the following:

5 Sec. 5. Section 257.16C, subsection 3, paragraph d,
6 subparagraph (4), subparagraph division (a), as enacted by 2021
7 Iowa Acts, chapter 2, section 5, is amended to read as follows:

8 (a) The amount appropriated to the transportation equity
9 fund under this ~~paragraph~~ subparagraph for the immediately
10 preceding fiscal year.

11 Sec. 6. Section 321.89, subsection 3A, as enacted by
12 2021 Iowa Acts, chapter 22, section 2, is amended to read as
13 follows:

14 3A. *Reclamation of abandoned vehicles.* Prior to driving an
15 abandoned vehicle away from the premises, a person who received
16 or who is reclaiming the vehicle ~~of~~ on behalf of a person who
17 received notice under [subsection 3](#) shall present to the police
18 authority or private entity, as applicable, the person's valid
19 driver's license and proof of financial liability coverage as
20 provided in [section 321.20B](#).

21 Sec. 7. Section 422.11T, if enacted by 2021 Iowa Acts, House
22 File 588, section 2, is amended to read as follows:

23 **422.11T Hoover presidential library tax credit.**

24 The tax imposed under this subchapter, less the credits
25 allowed under section 422.12, shall be reduced by a Hoover
26 presidential library tax credit authorized pursuant to section
27 15E.364.

28 Sec. 8. Section 425.16, subsection 1, Code 2021, as amended
29 by 2021 Iowa Acts, chapter 41, section 15, is amended to read
30 as follows:

31 1. In addition to the homestead tax credit allowed under
32 section 425.1, subsections 1 through 4, persons who own or
33 rent their homesteads and who meet the qualifications provided
34 in [this subchapter](#) are eligible for a property tax credit ~~or~~
35 for property taxes due or reimbursement of rent constituting

1 property taxes paid.

2 Sec. 9. Section 425.18, Code 2021, as amended by 2021 Iowa
3 Acts, chapter 41, section 17, is amended to read as follows:

4 **425.18 Right to file a claim.**

5 The right to file a claim for reimbursement or credit
6 under **this subchapter** may be exercised by the claimant or
7 on behalf of a claimant by the claimant's legal guardian,
8 spouse, or attorney, or by the executor or administrator of the
9 claimant's estate. If a claimant dies after having filed a
10 claim for reimbursement for rent constituting property taxes
11 paid, the amount of the reimbursement may be paid to another
12 member of the household as determined by the department of ~~of~~
13 human services. If the claimant was the only member of the
14 household, the reimbursement may be paid to the claimant's
15 executor or administrator, but if neither is appointed and
16 qualified within one year from the date of the filing of
17 the claim, the reimbursement shall escheat to the state. If
18 a claimant dies after having filed a claim for credit for
19 property taxes due, the amount of credit shall be paid as if
20 the claimant had not died.

21 Sec. 10. Section 425.40, subsection 1, Code 2021, as amended
22 by 2021 Iowa Acts, chapter 41, section 34, is amended to read
23 as follows:

24 1. A low-income tax credit and reimbursement fund is
25 created. Within the low-income tax credit and reimbursement
26 fund, a rent reimbursement account is created under the control
27 of the department of human services and a tax credit account
28 is created under the control of the department of revenue.
29 Amounts appropriated to the fund shall first be credited to the
30 rent reimbursement account.

31 Sec. 11. Section 455B.175, subsection 1, unnumbered
32 paragraph 1, Code 2021, as amended by 2021 Iowa Acts, House
33 File 699, section 91, is amended to read as follows:

34 If there is substantial evidence that any person has
35 violated or is violating any provision of, or any rule or

1 standard established or permit issued pursuant to, this part
2 1 of ~~subsection~~ subchapter III, [chapter 459, subchapter III](#),
3 [chapter 459A](#), or [chapter 459B](#), then one of the following may
4 apply:

5 Sec. 12. Section 455B.307, subsections 1 and 3, Code 2021,
6 as amended by 2021 Iowa Acts, House File 699, section 101, are
7 amended to read as follows:

8 1. A private agency or public agency shall not dump or
9 deposit or permit the dumping or depositing of any solid waste
10 at any place other than a sanitary disposal project approved
11 by the director unless the agency has been granted a permit
12 by the department which allows the dumping or depositing
13 of solid waste on land owned or leased by the agency. The
14 department shall adopt rules regarding the permitting of this
15 activity which shall provide that the public interest is best
16 served, but which may be based upon criteria less stringent
17 than those regulating a public sanitary disposal project
18 provided that the rules adopted meet the groundwater protection
19 goal specified in [section 455E.4](#). The comprehensive plans
20 for these facilities may be varied in consideration of the
21 types of sanitary disposal practices, hydrologic and geologic
22 conditions, construction and operations characteristics, and
23 volumes and types of waste handled at the disposal site. The
24 director may issue temporary permits for dumping or disposal
25 of solid waste at disposal sites for which an application
26 for a permit to operate a sanitary disposal project has been
27 made and which have not met all of the requirements of this
28 part 1 of [this subchapter IV](#) and the rules adopted by the
29 commission if a compliance schedule has been submitted by the
30 applicant specifying how and when the applicant will meet the
31 requirements for an operational sanitary disposal project and
32 the director determines the public interest will be best served
33 by granting such temporary permit.

34 3. Any person who violates any provision of this part 1
35 of [this subchapter IV](#) or any rule or any order adopted or the

1 conditions of any permit or order issued pursuant to this part
2 1 of this subchapter IV shall be subject to a civil penalty,
3 not to exceed five thousand dollars for each day of such
4 violation.

5 Sec. 13. Section 455B.307A, subsection 4, Code 2021, as
6 amended by 2021 Iowa Acts, House File 699, section 102, is
7 amended to read as follows:

8 4. This section shall not apply to the discarding of litter
9 regulated under part 3 of this subchapter IV, ~~part 3~~, and local
10 littering ordinances.

11 Sec. 14. Section 455B.396, subsection 1, Code 2021, as
12 amended by 2021 Iowa Acts, House File 699, section 103, is
13 amended to read as follows:

14 1. Liability to the state under this part 4 or part 5 of
15 this subchapter IV is a debt to the state. Liability to a
16 political subdivision under this part 4 of this subchapter IV
17 is a debt to the political subdivision. The debt, together
18 with interest on the debt at the maximum lawful rate of
19 interest permitted pursuant to section 535.2, subsection 3,
20 paragraph "a", from the date costs and expenses are incurred
21 by the state or a political subdivision is a lien on real
22 property, except single and multifamily residential property,
23 on which the department incurs costs and expenses creating a
24 liability and owned by the persons liable under this part 4 or
25 part 5. To perfect the lien, a statement of claim describing
26 the property subject to the lien must be filed within one
27 hundred twenty days after the incurrence of costs and expenses
28 by the state or a political subdivision. The statement shall
29 be filed with, accepted by, and recorded by the county recorder
30 in the county in which the property subject to the lien is
31 located. The statement of claim may be amended to include
32 subsequent liabilities. To be effective, the statement of
33 claim shall be amended and filed within one hundred twenty days
34 after the occurrence of the event resulting in the amendment.

35 Sec. 15. Section 484B.10, subsection 1, paragraph b, as

1 enacted by 2021 Iowa Acts, House File 747, section 2, is
2 amended to read as follows:

3 *b.* A game bird hunting preserve operator may apply for a
4 variance to extend the season date beyond March 31 for that
5 preserve if the monthly precipitation is above average for
6 the county in which the preserve is located for at least two
7 months out of the months of January, February, and March of
8 that season. The state climatologist ~~established~~ appointed
9 pursuant to section 159.5 shall provide official national
10 weather service and community collaborative rain, hail and snow
11 network data to the department to determine whether a variance
12 to the established season shall be granted. The department
13 shall not grant a variance to a game bird preserve that extends
14 the season beyond April 15 of the year for which the variance
15 is requested. A person hunting on a game bird hunting preserve
16 on a date after March 31 pursuant to an extension granted under
17 this paragraph shall only hunt for and take chukars, quail, or
18 rooster pheasants.

19 Sec. 16. Section 633F.4, subsection 2, as enacted by 2021
20 Iowa Acts, chapter 8, section 4, is amended to read as follows:

21 2. The custodial trustee's acceptance may be evidenced by a
22 writing stating in substance:

23 CUSTODIAL TRUSTEE'S RECEIPT AND ACCEPTANCE

24 I, _____ (name of custodial trustee) acknowledge receipt
25 of the custodial trust property described below or in the
26 attached instrument and accept the custodial trust as custodial
27 trustee for _____ (name of beneficiary) under the
28 Iowa Uniform Custodial Trust Act. I undertake to administer
29 and distribute the custodial trust property pursuant to the
30 Iowa Uniform Custodial Trust Act. My obligations as custodial
31 trustee are subject to the directions of the beneficiary
32 unless the beneficiary is designated as, is, or becomes
33 incapacitated. The custodial trust property consists of
34 _____.

35 Dated: _____

1 ~~(Signature of Custodial Trustee)~~

2 Signed: _____

3 (signature of custodial trustee)

4 Sec. 17. Section 633F.18, subsection 1, paragraph a, as
5 enacted by 2021 Iowa Acts, chapter 8, section 18, is amended
6 to read as follows:

7 a. The execution and either delivery to the custodial
8 trustee or recording of an instrument in substantially the
9 following form:

10 TRANSFER UNDER THE IOWA UNIFORM CUSTODIAL TRUST ACT

11 I, _____ (name of transferor or name and representative
12 capacity if a fiduciary), transfer to _____ (name of
13 trustee other than transferor), as custodial trustee for
14 _____ (name of beneficiary) as beneficiary and _____
15 (name of distributee) as distributee on termination of the
16 trust in absence of direction by the beneficiary under the Iowa
17 Uniform Custodial Trust Act, the following:

18 _____ (Insert a description of the custodial trust
19 property legally sufficient to identify and transfer each item
20 of property).

21 If _____ (name of trustee other than transferor)
22 declines to serve or ceases to serve as custodial trustee for
23 any reason, then I designate _____ (name of substitute
24 or successor custodial trustee) as substitute or successor
25 custodial trustee.

26 Dated: _____

27 Signature: _____

28 Sec. 18. Section 724.15, subsection 3, Code 2021, as amended
29 by 2021 Iowa Acts, chapter 35, section 2, is amended to read as
30 follows:

31 3. An issuing officer who finds that a person issued a
32 permit to acquire pistols or revolvers under [this chapter](#)
33 has been arrested for a disqualifying offense or ~~who~~ is
34 the subject of proceedings that could lead to the person's
35 ineligibility for such permit, may immediately suspend such

1 permit. An issuing officer proceeding under [this subsection](#)
2 shall immediately notify the permit holder of the suspension
3 by personal service or certified mail on a form prescribed
4 and published by the commissioner of public safety and the
5 suspension shall become effective upon the permit holder's
6 receipt of such notice. If the suspension is based on an
7 arrest or a proceeding that does not result in a disqualifying
8 conviction or finding against the permit holder, the issuing
9 officer shall immediately reinstate the permit upon receipt
10 of proof of the matter's final disposition. If the arrest
11 leads to a disqualifying conviction or the proceedings to a
12 disqualifying finding, the issuing officer shall revoke the
13 permit. The issuing officer may also revoke the permit of a
14 person whom the issuing officer later finds was not qualified
15 for such a permit at the time of issuance or whom the officer
16 finds provided materially false information on the permit
17 application. A person aggrieved by a suspension or revocation
18 under [this subsection](#) may seek review of the decision pursuant
19 to [section 724.21A](#).

20 Sec. 19. Section 915.52, subsection 4A, if enacted by 2021
21 Iowa Acts, House File 426, section 5, is amended to read as
22 follows:

23 NEW SUBSECTION. 4A. An office, agency, or department
24 may satisfy a notification obligation to registered victims
25 required by this subchapter through participation in the kit
26 tracking system established pursuant to section 915.53 to the
27 extent information is available for dissemination through the
28 kit tracking system. This ~~section~~ subsection shall not relieve
29 a notification obligation under this subchapter due to the
30 unavailability of information for dissemination through the kit
31 tracking system.

32 Sec. 20. Section 915.53, subsection 7, if enacted by 2021
33 Iowa Acts, House File 426, section 6, is amended to read as
34 follows:

35 7. An office, agency, or department may satisfy a

1 notification obligation to a victim as required by section
2 915.52 through participation in the kit tracking system to the
3 extent information is available for dissemination through the
4 kit tracking system. This ~~section~~ subsection shall not relieve
5 a notification obligation under this subchapter due to the
6 unavailability of information for dissemination through the kit
7 tracking system.

8 Sec. 21. 2021 Iowa Acts, chapter 12, section 74, subsection
9 3, is amended to read as follows:

10 3. The ~~section~~ sections of this Act amending [section 45.1](#).

11 Sec. 22. 2021 Iowa Acts, House File 848, section 4, is
12 amended to read as follows:

13 SEC. 4. EMERGENCY RULES. The office of the chief
14 information officer may adopt emergency rules under section
15 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph
16 "b", to implement the provisions of this Act and the rules
17 shall be effective immediately upon filing unless a later
18 date is specified in the rules, unless the effective date of
19 the rules is delayed or the applicability of the rules is
20 suspended by the administrative rules review committee. Any
21 rules adopted in accordance with this section shall not take
22 effect before the rules are reviewed by the administrative
23 rules review committee. The delay authority provided to the
24 administrative rules review committee under ~~section 17A.4,~~
25 ~~subsection 7, and section 17A.8, subsection~~ subsections 9 and
26 10, shall be applicable to a delay imposed under this section,
27 notwithstanding a provision in those ~~sections~~ subsections
28 making them inapplicable to section 17A.5, subsection 2,
29 paragraph "b". Any rules adopted in accordance with the
30 provisions of this section shall also be published as a notice
31 of intended action as provided in section 17A.4.

32 Sec. 23. EFFECTIVE DATE. The following, being deemed of
33 immediate importance, take effect upon enactment:

34 1. The section of this division of this Act amending section
35 49.73, subsection 2, paragraph "b".

1 2. The section of this division of this Act amending
2 section 257.16C, subsection 3, paragraph "d", subparagraph (4),
3 subparagraph division (a).

4 3. The section of this division of this Act amending section
5 425.16, subsection 1.

6 4. The section of this division of this Act amending section
7 425.18.

8 5. The section of this division of this Act amending section
9 425.40, subsection 1.

10 6. The section of this division of this Act amending 2021
11 Iowa Acts, chapter 12, section 74, subsection 3.

12 7. The section of this division of this Act amending 2021
13 Iowa Acts, House File 848, section 4.

14 Sec. 24. RETROACTIVE APPLICABILITY. The following apply
15 retroactively to March 8, 2021:

16 1. The section of this division of this Act amending section
17 49.73, subsection 2, paragraph "b".

18 2. The section of this division of this Act amending 2021
19 Iowa Acts, chapter 12, section 74, subsection 3.

20 Sec. 25. RETROACTIVE APPLICABILITY. The following applies
21 retroactively to February 23, 2021:

22 The section of this division of this Act amending section
23 257.16C, subsection 3, paragraph "d", subparagraph (4),
24 subparagraph division (a).

25 Sec. 26. RETROACTIVE APPLICABILITY. The following apply
26 retroactively to April 12, 2021:

27 1. The section of this division of this Act amending section
28 425.16, subsection 1.

29 2. The section of this division of this Act amending section
30 425.18.

31 3. The section of this division of this Act amending section
32 425.40, subsection 1.

33 Sec. 27. RETROACTIVE APPLICABILITY. The following applies
34 retroactively April 28, 2021:

35 The section of this division of this Act amending 2021 Iowa

1 Acts, House File 848, section 4.

2

EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to state and local finances by
6 making appropriations, providing for legal and regulatory
7 responsibilities, and providing for other properly related
8 matters.

9 STANDING APPROPRIATIONS AND RELATED MATTERS. The bill
10 limits standing appropriations for instructional support state
11 aid and state aid for area education agencies.

12 CORRECTIVE PROVISIONS. The bill makes technical corrections
13 to legislation enacted or considered during the 2021
14 legislative session. Certain provisions in this division take
15 effect upon enactment and apply retroactively to the enactment
16 date of the amended legislation.