

Senate Study Bill 1275 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON KRAAYENBRINK)

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. LIMITATIONS OF STANDING APPROPRIATIONS — FY

2021-2022. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For payment of claims for nonpublic school pupil transportation under section 285.2:
..... \$ 8,197,091

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this section, the department of education shall prorate the amount of each approved claim.

Sec. 2. 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. 3. 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 fifteen million 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

1 Sec. 4. Section 49.73, subsection 2, paragraph b, as enacted
2 by 2021 Iowa Acts, chapter 12, section 36, is amended to read
3 as follows:

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 This paragraph is repealed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

9 Sec. 5. Section 232D.503, subsection 6, unnumbered
10 paragraph 1, as enacted by 2021 Iowa Acts, chapter 8, section
11 22, is amended to read as follows:

12 If the court orders termination of a guardianship established
13 under this chapter and the guardian has custody of any assets
14 of a protected person who is a minor or was a minor at the time
15 of the minor's death, the court shall order delivery of the
16 ~~minors~~ minor's assets to the minor or to a fiduciary acting
17 under one or more of the following:

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

21 (a) The amount appropriated to the transportation equity
22 fund under this ~~paragraph~~ subparagraph for the immediately
23 preceding fiscal year.

24 Sec. 7. Section 321.89, subsection 3A, as enacted by
25 2021 Iowa Acts, chapter 22, section 2, is amended to read as
26 follows:

27 3A. *Reclamation of abandoned vehicles.* Prior to driving an
28 abandoned vehicle away from the premises, a person who received
29 or who is reclaiming the vehicle ~~of~~ on behalf of a person who
30 received notice under subsection 3 shall present to the police
31 authority or private entity, as applicable, the person's valid
32 driver's license and proof of financial liability coverage as
33 provided in section 321.20B.

34 Sec. 8. Section 422.11T, if enacted by 2021 Iowa Acts, House
35 File 588, section 2, is amended to read as follows:

1 **422.11T Hoover presidential library tax credit.**

2 The tax imposed under this subchapter, less the credits
3 allowed under section 422.12, shall be reduced by a Hoover
4 presidential library tax credit authorized pursuant to section
5 15E.364.

6 Sec. 9. Section 425.16, subsection 1, Code 2021, as amended
7 by 2021 Iowa Acts, chapter 41, section 15, is amended to read
8 as follows:

9 1. In addition to the homestead tax credit allowed under
10 section 425.1, subsections 1 through 4, persons who own or
11 rent their homesteads and who meet the qualifications provided
12 in **this subchapter** are eligible for a property tax credit ~~or~~
13 for property taxes due or reimbursement of rent constituting
14 property taxes paid.

15 Sec. 10. Section 425.18, Code 2021, as amended by 2021 Iowa
16 Acts, chapter 41, section 17, is amended to read as follows:

17 **425.18 Right to file a claim.**

18 The right to file a claim for reimbursement or credit
19 under **this subchapter** may be exercised by the claimant or
20 on behalf of a claimant by the claimant's legal guardian,
21 spouse, or attorney, or by the executor or administrator of the
22 claimant's estate. If a claimant dies after having filed a
23 claim for reimbursement for rent constituting property taxes
24 paid, the amount of the reimbursement may be paid to another
25 member of the household as determined by the department of ~~of~~
26 human services. If the claimant was the only member of the
27 household, the reimbursement may be paid to the claimant's
28 executor or administrator, but if neither is appointed and
29 qualified within one year from the date of the filing of
30 the claim, the reimbursement shall escheat to the state. If
31 a claimant dies after having filed a claim for credit for
32 property taxes due, the amount of credit shall be paid as if
33 the claimant had not died.

34 Sec. 11. Section 425.40, subsection 1, Code 2021, as amended
35 by 2021 Iowa Acts, chapter 41, section 34, is amended to read

1 as follows:

2 1. A low-income tax credit and reimbursement fund is
3 created. Within the low-income tax credit and reimbursement
4 fund, a rent reimbursement account is created under the control
5 of the department of human services and a tax credit account
6 is created under the control of the department of revenue.
7 Amounts appropriated to the fund shall first be credited to the
8 rent reimbursement account.

9 Sec. 12. Section 455B.175, subsection 1, unnumbered
10 paragraph 1, Code 2021, as amended by 2021 Iowa Acts, House
11 File 699, section 91, if enacted, is amended to read as
12 follows:

13 If there is substantial evidence that any person has violated
14 or is violating any provision of, or any rule or standard
15 established or permit issued pursuant to, this part 1 of
16 subsection subchapter III, chapter 459, subchapter III, chapter
17 459A, or chapter 459B, then one of the following may apply:

18 Sec. 13. Section 455B.307, subsections 1 and 3, Code 2021,
19 as amended by 2021 Iowa Acts, House File 699, section 101, if
20 enacted, are amended to read as follows:

21 1. A private agency or public agency shall not dump or
22 deposit or permit the dumping or depositing of any solid waste
23 at any place other than a sanitary disposal project approved
24 by the director unless the agency has been granted a permit
25 by the department which allows the dumping or depositing
26 of solid waste on land owned or leased by the agency. The
27 department shall adopt rules regarding the permitting of this
28 activity which shall provide that the public interest is best
29 served, but which may be based upon criteria less stringent
30 than those regulating a public sanitary disposal project
31 provided that the rules adopted meet the groundwater protection
32 goal specified in section 455E.4. The comprehensive plans
33 for these facilities may be varied in consideration of the
34 types of sanitary disposal practices, hydrologic and geologic
35 conditions, construction and operations characteristics, and

1 volumes and types of waste handled at the disposal site. The
2 director may issue temporary permits for dumping or disposal
3 of solid waste at disposal sites for which an application
4 for a permit to operate a sanitary disposal project has been
5 made and which have not met all of the requirements of this
6 part 1 of this subchapter IV and the rules adopted by the
7 commission if a compliance schedule has been submitted by the
8 applicant specifying how and when the applicant will meet the
9 requirements for an operational sanitary disposal project and
10 the director determines the public interest will be best served
11 by granting such temporary permit.

12 3. Any person who violates any provision of this part 1
13 of this subchapter IV or any rule or any order adopted or the
14 conditions of any permit or order issued pursuant to this part
15 1 of this subchapter IV shall be subject to a civil penalty,
16 not to exceed five thousand dollars for each day of such
17 violation.

18 Sec. 14. Section 455B.307A, subsection 4, Code 2021, as
19 amended by 2021 Iowa Acts, House File 699, section 102, if
20 enacted, is amended to read as follows:

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

24 Sec. 15. Section 455B.396, subsection 1, Code 2021, as
25 amended by 2021 Iowa Acts, House File 699, section 103, if
26 enacted, is amended to read as follows:

27 1. Liability to the state under this part 4 or part 5 of
28 this subchapter IV is a debt to the state. Liability to a
29 political subdivision under this part 4 of this subchapter IV
30 is a debt to the political subdivision. The debt, together
31 with interest on the debt at the maximum lawful rate of
32 interest permitted pursuant to section 535.2, subsection 3,
33 paragraph "a", from the date costs and expenses are incurred
34 by the state or a political subdivision is a lien on real
35 property, except single and multifamily residential property,

1 on which the department incurs costs and expenses creating a
2 liability and owned by the persons liable under this part 4 or
3 part 5. To perfect the lien, a statement of claim describing
4 the property subject to the lien must be filed within one
5 hundred twenty days after the incurrence of costs and expenses
6 by the state or a political subdivision. The statement shall
7 be filed with, accepted by, and recorded by the county recorder
8 in the county in which the property subject to the lien is
9 located. The statement of claim may be amended to include
10 subsequent liabilities. To be effective, the statement of
11 claim shall be amended and filed within one hundred twenty days
12 after the occurrence of the event resulting in the amendment.

13 Sec. 16. Section 484B.10, subsection 1, paragraph b, if
14 enacted by 2021 Iowa Acts, House File 747, section 2, is
15 amended to read as follows:

16 b. A game bird hunting preserve operator may apply for a
17 variance to extend the season date beyond March 31 for that
18 preserve if the monthly precipitation is above average for
19 the county in which the preserve is located for at least two
20 months out of the months of January, February, and March of
21 that season. The state climatologist ~~established~~ appointed
22 pursuant to section 159.5 shall provide official national
23 weather service and community collaborative rain, hail and snow
24 network data to the department to determine whether a variance
25 to the established season shall be granted. The department
26 shall not grant a variance to a game bird preserve that extends
27 the season beyond April 15 of the year for which the variance
28 is requested. A person hunting on a game bird hunting preserve
29 on a date after March 31 pursuant to an extension granted under
30 this paragraph shall only hunt for and take chukars, quail, or
31 rooster pheasants.

32 Sec. 17. Section 633F.4, subsection 2, as enacted by 2021
33 Iowa Acts, chapter 8, section 4, is amended to read as follows:

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

1 CUSTODIAL TRUSTEE'S RECEIPT AND ACCEPTANCE

2 I, _____ (name of custodial trustee) acknowledge receipt
3 of the custodial trust property described below or in the
4 attached instrument and accept the custodial trust as custodial
5 trustee for _____ (name of beneficiary) under the
6 Iowa Uniform Custodial Trust Act. I undertake to administer
7 and distribute the custodial trust property pursuant to the
8 Iowa Uniform Custodial Trust Act. My obligations as custodial
9 trustee are subject to the directions of the beneficiary
10 unless the beneficiary is designated as, is, or becomes
11 incapacitated. The custodial trust property consists of
12 _____.

13 Dated: _____

14 ~~(Signature of Custodial Trustee)~~

15 Signed: _____

16 (signature of custodial trustee)

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

20 a. The execution and either delivery to the custodial
21 trustee or recording of an instrument in substantially the
22 following form:

23 TRANSFER UNDER THE IOWA UNIFORM CUSTODIAL TRUST ACT

24 I, _____ (name of transferor or name and representative
25 capacity if a fiduciary), transfer to _____ (name of
26 trustee other than transferor), as custodial trustee for
27 _____ (name of beneficiary) as beneficiary and _____
28 (name of distributee) as distributee on termination of the
29 trust in absence of direction by the beneficiary under the Iowa
30 Uniform Custodial Trust Act, the following:

31 _____ (Insert a description of the custodial trust
32 property legally sufficient to identify and transfer each item
33 of property).

34 If _____ (name of trustee other than transferor)
35 declines to serve or ceases to serve as custodial trustee for

1 any reason, then I designate _____ (name of substitute
2 or successor custodial trustee) as substitute or successor
3 custodial trustee.

4 Dated: _____

5 Signature: _____

6 Sec. 19. Section 724.15, subsection 3, Code 2021, as amended
7 by 2021 Iowa Acts, chapter 35, section 2, is amended to read as
8 follows:

9 3. An issuing officer who finds that a person issued a
10 permit to acquire pistols or revolvers under [this chapter](#)
11 has been arrested for a disqualifying offense or ~~who~~ is
12 the subject of proceedings that could lead to the person's
13 ineligibility for such permit, may immediately suspend such
14 permit. An issuing officer proceeding under [this subsection](#)
15 shall immediately notify the permit holder of the suspension
16 by personal service or certified mail on a form prescribed
17 and published by the commissioner of public safety and the
18 suspension shall become effective upon the permit holder's
19 receipt of such notice. If the suspension is based on an
20 arrest or a proceeding that does not result in a disqualifying
21 conviction or finding against the permit holder, the issuing
22 officer shall immediately reinstate the permit upon receipt
23 of proof of the matter's final disposition. If the arrest
24 leads to a disqualifying conviction or the proceedings to a
25 disqualifying finding, the issuing officer shall revoke the
26 permit. The issuing officer may also revoke the permit of a
27 person whom the issuing officer later finds was not qualified
28 for such a permit at the time of issuance or whom the officer
29 finds provided materially false information on the permit
30 application. A person aggrieved by a suspension or revocation
31 under [this subsection](#) may seek review of the decision pursuant
32 to [section 724.21A](#).

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

1 NEW SUBSECTION. 4A. An office, agency, or department
2 may satisfy a notification obligation to registered victims
3 required by this subchapter through participation in the kit
4 tracking system established pursuant to section 915.53 to the
5 extent information is available for dissemination through the
6 kit tracking system. This ~~section~~ subsection shall not relieve
7 a notification obligation under this subchapter due to the
8 unavailability of information for dissemination through the kit
9 tracking system.

10 Sec. 21. Section 915.53, subsection 7, if enacted by 2021
11 Iowa Acts, House File 426, section 6, is amended to read as
12 follows:

13 7. An office, agency, or department may satisfy a
14 notification obligation to a victim as required by section
15 915.52 through participation in the kit tracking system to the
16 extent information is available for dissemination through the
17 kit tracking system. This ~~section~~ subsection shall not relieve
18 a notification obligation under this subchapter due to the
19 unavailability of information for dissemination through the kit
20 tracking system.

21 Sec. 22. 2021 Iowa Acts, chapter 12, section 74, subsection
22 3, is amended to read as follows:

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

24 Sec. 23. 2021 Iowa Acts, House File 848, section 4, if
25 enacted, is amended to read as follows:

26 SEC. 4. EMERGENCY RULES. The office of the chief
27 information officer may adopt emergency rules under section
28 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph
29 "b", to implement the provisions of this Act and the rules
30 shall be effective immediately upon filing unless a later
31 date is specified in the rules, unless the effective date of
32 the rules is delayed or the applicability of the rules is
33 suspended by the administrative rules review committee. Any
34 rules adopted in accordance with this section shall not take
35 effect before the rules are reviewed by the administrative

1 rules review committee. The delay authority provided to the
2 administrative rules review committee under section ~~17A.4,~~
3 ~~subsection 7, and section 17A.8, subsection~~ subsections 9 and
4 10, shall be applicable to a delay imposed under this section,
5 notwithstanding a provision in those ~~sections~~ subsections
6 making them inapplicable to section 17A.5, subsection 2,
7 paragraph "b". Any rules adopted in accordance with the
8 provisions of this section shall also be published as a notice
9 of intended action as provided in section 17A.4.

10 Sec. 24. EFFECTIVE DATE. The following, being deemed of
11 immediate importance, take effect upon enactment:

12 1. The section of this division of this Act amending section
13 49.73, subsection 2, paragraph "b".

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

17 3. The section of this division of this Act amending section
18 425.16, subsection 1.

19 4. The section of this division of this Act amending section
20 425.18.

21 5. The section of this division of this Act amending section
22 425.40, subsection 1.

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

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

27 Sec. 25. RETROACTIVE APPLICABILITY. The following apply
28 retroactively to March 8, 2021:

29 1. The section of this division of this Act amending section
30 49.73, subsection 2, paragraph "b".

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

33 Sec. 26. RETROACTIVE APPLICABILITY. The following applies
34 retroactively to February 23, 2021:

35 The section of this division of this Act amending section

1 257.16C, subsection 3, paragraph "d", subparagraph (4),
2 subparagraph division (a).

3 Sec. 27. RETROACTIVE APPLICABILITY. The following apply
4 retroactively to April 12, 2021:

5 1. The section of this division of this Act amending section
6 425.16, subsection 1.

7 2. The section of this division of this Act amending section
8 425.18.

9 3. The section of this division of this Act amending section
10 425.40, subsection 1.

11 Sec. 28. RETROACTIVE APPLICABILITY. The following applies
12 retroactively to the effective date of 2021 Iowa Acts, House
13 File 848:

14 The section of this division of this Act amending 2021 Iowa
15 Acts, House File 848, section 4.

16 EXPLANATION

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

19 This bill relates to state and local finances by
20 making appropriations, providing for legal and regulatory
21 responsibilities, and providing for other properly related
22 matters.

23 STANDING APPROPRIATIONS AND RELATED MATTERS. The bill
24 limits standing appropriations for payment of claims for
25 nonpublic school pupil transportation, instructional support
26 state aid, and state aid for area education agencies.

27 CORRECTIVE PROVISIONS. The bill makes technical corrections
28 to legislation enacted or considered during the 2021
29 legislative session. Certain provisions in this division take
30 effect upon enactment and apply retroactively to the enactment
31 date of the amended legislation.