

**EIGHTY-NINTH GENERAL ASSEMBLY  
2021 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

**April 29, 2021**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">SF 356</a> .....	<a href="#">S-3174</a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#">SF 529</a> .....	<a href="#">S-3175</a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#">SF 546</a> .....	<a href="#">S-3181</a> .....	Lost	CLAIRE CELSI
<a href="#">SF 562</a> .....	<a href="#">S-3177</a> .....	Adopted	JAKE CHAPMAN
<a href="#">SF 578</a> .....	<a href="#">S-3172</a> .....	Withdrawn	ANNETTE SWEENEY
<a href="#">SF 578</a> .....	<a href="#">S-3180</a> .....	Division A Adopted; Division B Adopted	ANNETTE SWEENEY
<a href="#">SF 592</a> .....	<a href="#">S-3178</a> .....	Adopted	CRAIG JOHNSON
<a href="#">HF 201</a> .....	<a href="#">S-3182</a> .....	Ruled Out of Order	JANET PETERSEN
<a href="#">HF 364</a> .....	<a href="#">S-3179</a> .....	Filed	NATE BOULTON
<a href="#">HF 744</a> .....	<a href="#">S-3173</a> .....	Filed	RECEIVED FROM THE HOUSE
<a href="#">HF 802</a> .....	<a href="#">S-3176</a> .....	Adopted	AMY SINCLAIR
<a href="#">HF 813</a> .....	<a href="#">S-3183</a> .....	Lost	CLAIRE CELSI
<a href="#">HF 813</a> .....	<a href="#">S-3184</a> .....	Lost	CLAIRE CELSI
<a href="#">HF 813</a> .....	<a href="#">S-3185</a> .....	Lost	ZACH WAHLS
<a href="#">HF 813</a> .....	<a href="#">S-3186</a> .....	Lost	HERMAN C. QUIRMBACH

<a href="#">HF 813</a> .....	<a href="#">S-3187</a> .....	Lost	HERMAN C. QUIRMBACH, et al
<a href="#">HF 813</a> .....	<a href="#">S-3188</a> .....	Lost	HERMAN C. QUIRMBACH
<a href="#">HF 813</a> .....	<a href="#">S-3189</a> .....	Lost	LIZ MATHIS
<a href="#">HF 813</a> .....	<a href="#">S-3190</a> .....	Lost	LIZ MATHIS
<a href="#">HF 813</a> .....	<a href="#">S-3191</a> .....	Lost	LIZ MATHIS
<a href="#">HF 813</a> .....	<a href="#">S-3192</a> .....	Lost	JACKIE SMITH
<a href="#">HF 813</a> .....	<a href="#">S-3193</a> .....	Ruled Out of Order	JANET PETERSEN
<a href="#">HF 813</a> .....	<a href="#">S-3194</a> .....	Lost	ZACH WAHLS
<a href="#">HF 813</a> .....	<a href="#">S-3195</a> .....	Lost	HERMAN C. QUIRMBACH
<a href="#">HF 867</a> .....	<a href="#">S-3196</a> .....	Ruled Out of Order	ZACH WAHLS
<a href="#">HF 867</a> .....	<a href="#">S-3197</a> .....	Ruled Out of Order	CLAIRE CELSI

**Fiscal Notes**

[SF 611](#) — [Housing Assistance](#) (LSB2822SV)

[SF 612](#) — [Real Estate Transfer Tax](#) (LSB2823SV)

HOUSE AMENDMENT TO  
SENATE FILE 356

S-3174

- 1 Amend Senate File 356, as passed by the Senate, as follows:
- 2 1. Page 3, by striking lines 9 through 12.
- 3 2. Page 3, line 13, by striking <(3)> and inserting <(1)>
- 4 3. Page 3, line 14, by striking <(4)> and inserting <(2)>
- 5 4. Page 4, by striking lines 3 and 4 and inserting:
- 6 <*b.* Edible or ornamental produce, including but not limited
- 7 to fruit such as apples, cherries, peaches, pears, berries, and
- 8 grapes; vegetables such as asparagus, broccoli, and carrots;
- 9 lentils; tubers; squashes and pumpkins; gourds; and flowers.>

S-3174 FILED APRIL 28, 2021

HOUSE AMENDMENT TO  
SENATE FILE 529

S-3175

1 Amend Senate File 529, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking page 1, line 1, through page 3, line 29, and  
4 inserting:

5 <DIVISION I

6 CRIMES RELATING TO ASSISTED REPRODUCTION

7 Section 1. Section 147.55, Code 2021, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 7A. Sexual abuse in the fourth degree in  
10 violation of section 709.4A.

11 Sec. \_\_\_\_\_. Section 692A.102, subsection 1, paragraph c, Code  
12 2021, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth degree  
14 in violation of section 709.4A.

15 Sec. \_\_\_\_\_. NEW SECTION. **709.4A Sexual abuse in the fourth**  
16 **degree.**

17 1. A health care professional commits sexual abuse in the  
18 fourth degree when the health care professional implants the  
19 health care professional's own human reproductive material  
20 through assisted reproduction without the patient's prior  
21 knowledge and written consent.

22 2. Sexual abuse in the fourth degree is an aggravated  
23 misdemeanor.

24 3. For the purposes of this section:

25 *a. "Assisted reproduction"* means a method of causing  
26 pregnancy other than sexual intercourse involving medical or  
27 scientific intervention.

28 *b. "Gamete"* means a sperm, an egg, or any part of a sperm  
29 or an egg.

30 *c. "Health care professional"* means a person who is  
31 licensed, certified, or otherwise authorized or permitted by  
32 the law of this state to administer health care in the ordinary  
33 course of business or in the practice of a profession.

34 *d. "Human reproductive material"* means a human gamete or a  
35 human organism at any stage of development from fertilized ovum

1 to embryo.

2 *e.* "Patient" means a person who has received or is receiving  
3 health services from a health care professional.>

4 2. Page 3, after line 29 by inserting:

5 <DIVISION \_\_  
6 CONSENT TO HYSTERECTOMY

7 Sec. \_\_. NEW SECTION. 147.115 **Hysterectomy — consent.**

8 1. A woman who is eighteen years of age or older or who has  
9 attained majority as provided in section 599.1 shall have legal  
10 capacity to provide informed consent to a hysterectomy.

11 2. A person licensed or certified to practice a profession  
12 shall not condition the provision of medical care or services  
13 to a woman for a hysterectomy on the obtaining of consent to  
14 the hysterectomy from any other person including the woman's  
15 spouse.>

16 3. Title page, line 1, by striking <assisted reproduction  
17 fraud> and inserting <reproductive health-related services  
18 and practices, including consent to a hysterectomy and crimes  
19 relating to assisted reproduction>

20 4. By renumbering as necessary.

SENATE FILE 546

S-3181

1 Amend the House amendment, S-3146, to Senate File 546, as  
2 passed by the Senate, as follows:

3 1. Page 1, after line 13 by inserting:

4 <\_\_\_. Page 6, after line 24 by inserting:

5 <Sec. \_\_\_. NEW SECTION. 321.178B Driver education —  
6 report.

7 The department shall collect information relating to driver  
8 education instruction provided in accordance with sections  
9 321.178 and 321.178A to persons under age eighteen, which the  
10 department shall submit in a report to the general assembly by  
11 December 1 annually. The information in the report shall be  
12 divided by the number of persons who passed the written and  
13 driving tests and who met, or who failed to meet, the licensure  
14 requirements of sections 321.178 and 321.178A; and shall  
15 include a comparison of the results achieved by persons who  
16 received driver instruction from school districts, accredited  
17 nonpublic schools, private or commercial driver education  
18 schools licensed by the department, and by teaching parents.>  
19 \_\_\_\_\_. By renumbering as necessary.>

By CLAIRE CELSI

S-3181 FILED APRIL 28, 2021

LOST

SENATE FILE 562

S-3177

1 Amend the House amendment, S-3153, to Senate File 562, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, before line 3 by inserting:

4 <\_\_\_. Page 1, before line 1 by inserting:

5 <DIVISION I  
6 SEXUAL EXPLOITATION BY AN ADULT PROVIDING TRAINING OR  
7 INSTRUCTION>

8 2. Page 1, after line 4 by inserting:

9 <\_\_\_. Page 2, line 19, by striking <or the minor> and  
10 inserting <or of the minor>

11 <\_\_\_. Page 2, by striking lines 29 through 32 and inserting:

12 <c. This subsection only applies to an offense under  
13 subparagraph (1) which occurs within the period of time the  
14 adult providing training or instruction is receiving payment  
15 for the training or instruction and to an offense under  
16 subparagraph (2) which occurs within the period of time the  
17 adult providing training or instruction is receiving payment  
18 for the training or instruction or within thirty days after any  
19 such period of training or instruction.>

20 <\_\_\_. Page 3, by striking lines 7 through 18 and inserting:

21 <DIVISION \_\_\_  
22 STATUTE OF LIMITATIONS — CRIMINAL OFFENSES — MINORS

23 Sec. \_\_\_. Section 802.2, subsections 1 and 2, Code 2021, are  
24 amended to read as follows:

25 1. An information or indictment for sexual abuse in the  
26 first, second, or third degree committed on or with a person  
27 who is under the age of eighteen years shall may be found  
28 ~~within fifteen years after the person upon whom the offense~~  
29 ~~is committed attains eighteen years of age, or if the person~~  
30 ~~against whom the information or indictment is sought is~~  
31 ~~identified through the use of a DNA profile, an information or~~  
32 ~~indictment shall be found within three years from the date the~~  
33 ~~person is identified by the person's DNA profile, whichever~~  
34 ~~is later~~ commenced at any time after the commission of the  
35 offense.

1       2. An information or indictment for any other sexual abuse  
2 in the first, second, or third degree shall be ~~found~~ commenced  
3 within ten years after its commission, or if the person against  
4 whom the information or indictment is sought is identified  
5 through the use of a DNA profile, an information or indictment  
6 shall be ~~found~~ commenced within three years from the date the  
7 person is identified by the person's DNA profile, whichever is  
8 later.

9       Sec. \_\_\_\_\_. Section 802.2A, Code 2021, is amended to read as  
10 follows:

11       **802.2A Incest — sexual exploitation by a counselor,**  
12 **therapist, ~~or~~ school employee, or adult providing training or**  
13 **instruction.**

14       1. An information or indictment for incest under section  
15 726.2 committed on or with a person who is under the age of  
16 eighteen shall may be ~~found within fifteen years after the~~  
17 ~~person upon whom the offense is committed attains eighteen~~  
18 ~~years of age. An information or indictment for any other~~  
19 ~~incest shall be found within ten years after its~~ commenced at  
20 any time after the commission of the offense.

21       2. An indictment or information for sexual exploitation by  
22 a counselor, therapist, ~~or~~ school employee, or adult providing  
23 training or instruction, under section 709.15 committed on  
24 or with a person who is under the age of eighteen shall may  
25 be ~~found within fifteen years after the person upon whom the~~  
26 ~~offense is committed attains eighteen years of age~~ commenced at  
27 any time after the commission of the offense. An information  
28 or indictment for any other sexual exploitation shall be found  
29 within ten years of the date the victim was last treated by the  
30 counselor or therapist, or within ten years of the date the  
31 victim was enrolled in or attended the school.

32       Sec. \_\_\_\_\_. Section 802.2B, unnumbered paragraph 1, Code  
33 2021, is amended to read as follows:

34       An information or indictment for the following offenses  
35 committed on or with a person who is under the age of eighteen



1 years shall may be found within ten years after the person upon  
2 whom the offense is committed attains eighteen years of age,  
3 or if the person against whom the information or indictment  
4 is sought is identified through the use of a DNA profile, an  
5 information or indictment shall be found within three years  
6 from the date the person is identified by the person's DNA  
7 profile, whichever is later commenced at any time after the  
8 commission of the offense:

9 Sec. \_\_\_\_\_. Section 802.2D, Code 2021, is amended to read as  
10 follows:

11 **802.2D Human trafficking.**

12 An information or indictment for human trafficking in  
13 violation of section 710A.2, committed on or with a person who  
14 is under the age of eighteen years shall may be found within  
15 ten years after the person upon whom the offense is committed  
16 attains eighteen years of age, or if the person against whom  
17 the information or indictment is sought is identified through  
18 the use of a DNA profile, an information or indictment shall be  
19 found within three years from the date the person is identified  
20 by the person's DNA profile, whichever is later commenced at  
21 any time after the commission of the offense.

22 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this Act, being  
23 deemed of immediate importance, takes effect upon enactment.>

24 \_\_\_\_\_. Title page, by striking lines 1 and 2 and inserting  
25 <An Act relating to sexual exploitation by an adult providing  
26 training or instruction and statute of limitations time periods  
27 for certain criminal offenses committed on or with minors, and  
28 providing penalties and including effective date provisions.>>

29 3. By renumbering as necessary.

By JAKE CHAPMAN

[S-3177](#) FILED APRIL 28, 2021

ADOPTED

S-3172

1 Amend the House amendment, S-3107, to Senate File 578, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 17, through page 2, line 17.

4 2. By striking page 3, line 14, through page 5, line 33, and  
5 inserting:

6 <PART A

7 FARM-TO-SCHOOL ACT

8 Sec. \_\_\_\_\_. Section 190A.1, Code 2021, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 **190A.1 Short title.**

11 This chapter shall be known and may be cited as the  
12 "*Farm-to-School Act*".

13 Sec. \_\_\_\_\_. NEW SECTION. **190A.2 Definitions.**

14 As used in this chapter, unless the context otherwise  
15 requires:

16 1. "*Department*" means the department of agriculture and land  
17 stewardship.

18 2. "*Food animal*" means an animal belonging to the bovine,  
19 caprine, ovine, or porcine species; a turkey, chicken, or other  
20 type of poultry; a farm deer as defined in section 170.1; a  
21 fish or other aquatic organism confined in private waters for  
22 human consumption; or a bee as defined in section 160.1A.

23 3. "*Food commodity*" means any of the following:

24 a. A food animal that is to be slaughtered or harvested and  
25 that is to be processed into a food product.

26 b. An item regularly generated by a food animal, including  
27 milk, eggs, or honey, that has been collected, and that is to  
28 be processed into a food product.

29 c. Sap, whole nuts, or whole produce, including vegetables  
30 or fruit, that has been harvested and that is to be processed  
31 into a food product.

32 4. "*Food product*" means a perishable or nonperishable  
33 product derived from processing a food commodity to be fit  
34 for human consumption, including but not limited to cuts of  
35 meat, poultry, or fish; shelled aquatic items; pasteurized milk

1 or dairy products; washed shelled eggs; honey; maple syrup;  
2 cleaned unshelled or shelled nuts; washed whole produce; and  
3 washed and cut produce.

4 5. "*Fund*" means the farm-to-school fund created in section  
5 190A.5.

6 6. "*Process*" means to prepare a food commodity in a manner  
7 that allows it to be sold to consumers as a food product,  
8 including by altering the form or identity of the food  
9 commodity; trimming, cutting, cleaning, drying, freezing,  
10 filtering, sorting, or shelling the food commodity; or  
11 packaging the food commodity.

12 7. "*Program*" means the farm-to-school program created in  
13 section 190A.6.

14 8. "*School*" means a public school or nonpublic school, as  
15 those terms are defined in section 280.2, or that portion of a  
16 public school or nonpublic school that provides facilities for  
17 teaching any grade from kindergarten through grade twelve.

18 9. "*School district*" means a school district as described  
19 in chapter 274.

20 Sec. \_\_\_\_ . NEW SECTION. 190A.5 Farm-to-school fund.

21 1. A farm-to-school fund is created in the state treasury  
22 under the management and control of the department.

23 2. The fund shall include moneys appropriated to the fund  
24 by the general assembly. The fund shall include any other  
25 moneys available to and obtained or accepted by the department,  
26 including moneys from public or private sources, to support the  
27 program.

28 3. Moneys in the fund are appropriated to support the  
29 program in a manner determined by the department, including for  
30 reasonable administrative costs incurred by the department.  
31 However, the department shall not expend more than four  
32 percent of moneys existing at any one time in the fund during  
33 each fiscal year for purpose of paying costs associated with  
34 the administration of the program and fund incurred by the  
35 department during that fiscal year. Moneys expended from the

1 fund shall not require further special authorization by the  
2 general assembly.

3 4. *a.* Notwithstanding section 12C.7, interest or earnings  
4 on moneys in the fund shall be credited to the fund.

5 *b.* Notwithstanding section 8.33, moneys credited to the  
6 fund that remain unencumbered or unobligated at the close of  
7 a fiscal year shall not revert but shall remain available for  
8 expenditure for the purposes designated.

9 Sec. \_\_\_\_ . NEW SECTION. 190A.6 **Farm-to-school program.**

10 1. A farm-to-school program is created. The program shall  
11 be controlled and administered by the department.

12 2. The purpose of the program is to assist schools and  
13 school districts in purchasing food products derived from food  
14 commodities produced on a farm.

15 3. The department shall reimburse a school or school  
16 district for expenditures incurred by the school or school  
17 district during the school year in which the school or school  
18 district is participating in the program to purchase food  
19 products derived from food commodities produced on a farm.

20 4. A school or school district must apply each year to the  
21 department to participate in the program according to rules  
22 adopted by the department pursuant to chapter 17A.

23 5. To be eligible to participate in the program, a school or  
24 school district must purchase a food product directly from a  
25 farm source as follows:

26 *a.* The farm source must be any of the following:

27 (1) A farm where a food commodity is produced, if the food  
28 commodity is processed into a food product on the farm for sale  
29 to a consumer.

30 (2) A business premises that is directly shipped a food  
31 commodity from a farm, if the food commodity is processed into  
32 a food product on the business premises for sale to a consumer.

33 (3) A business premises that is directly shipped a food  
34 product from a farm, if the food product is purchased for  
35 resale to a consumer or is distributed to a consumer on behalf

1 of a farmer.

2 *b.* The farm source must comply with all applicable laws  
3 regulating the sale of food.

4 *c.* (1) Except as provided in subparagraph (2), the farm  
5 source must be located in this state.

6 (2) If the school district shares a border with another  
7 state, or the school is part of a school district that shares  
8 a border with another state, the farm source may be located  
9 in the other state. However, the farm source must be located  
10 within thirty miles of the school district's border with the  
11 other state and the department must approve the purchase.

12 6. The department shall require proof of purchase prior to  
13 reimbursing the school or school district for the purchase of  
14 food products.

15 7. The department of agriculture and land stewardship may  
16 administer the program in cooperation with the department of  
17 education and the participating school or school district in  
18 which a participating school is located.

19 8. *a.* The department shall reimburse a participating  
20 school or school district that submits a claim as required  
21 by the department. The department shall pay the claim on a  
22 matching basis with the department contributing one dollar  
23 for every three dollars expended by the school or school  
24 district. However, a school or school district shall not  
25 receive more than one thousand dollars during any year in which  
26 it participates in the program.

27 *b.* Notwithstanding paragraph "a", if the department  
28 determines that there are sufficient moneys in the fund to  
29 satisfy all claims that may be submitted by schools and school  
30 districts, the department shall provide for the distribution  
31 of the available moneys in a manner determined equitable by  
32 the department, which may include a prorated distribution to  
33 participating schools and school districts.

34 Sec. \_\_\_\_ . REPEAL. Section 190A.3, Code 2021, is repealed.>

35 3. By renumbering as necessary.

S-3172 (Continued)

By ANNETTE SWEENEY

[S-3172](#) FILED APRIL 28, 2021  
WITHDRAWN

SENATE FILE 578

S-3180

DIV A

DIV B

1 Amend the House amendment, S-3107, to Senate File 578, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 17, through page 2, line 17.

4 2. By striking page 3, line 14, through page 5, line 33, and  
5 inserting:

6 <PART A

7 FARM-TO-SCHOOL ACT

8 Sec. \_\_\_\_\_. Section 190A.1, Code 2021, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 **190A.1 Short title.**

11 This chapter shall be known and may be cited as the  
12 *"Farm-to-School Act"*.

13 Sec. \_\_\_\_\_. NEW SECTION. **190A.2 Definitions.**

14 As used in this chapter, unless the context otherwise  
15 requires:

16 1. *"Department"* means the department of agriculture and land  
17 stewardship.

18 2. *"Food animal"* means an animal belonging to the bovine,  
19 caprine, ovine, or porcine species; a turkey, chicken, or other  
20 type of poultry; a farm deer as defined in section 170.1; a  
21 fish or other aquatic organism confined in private waters for  
22 human consumption; or a bee as defined in section 160.1A.

23 3. *"Food commodity"* means any of the following:

24 a. A food animal that is to be slaughtered or harvested and  
25 that is to be processed into a food product.

26 b. An item regularly generated by a food animal, including  
27 milk, eggs, or honey, that has been collected, and that is to  
28 be processed into a food product.

29 c. Sap, whole nuts, or whole produce, including vegetables  
30 or fruit, that has been harvested and that is to be processed  
31 into a food product.

32 4. *"Food product"* means a perishable or nonperishable  
33 product derived from processing a food commodity to be fit  
34 for human consumption, including but not limited to cuts of  
35 meat, poultry, or fish; shelled aquatic items; pasteurized milk

1 or dairy products; washed shelled eggs; honey; maple syrup;  
2 cleaned unshelled or shelled nuts; washed whole produce; and  
3 washed and cut produce.

4 5. "*Fund*" means the farm-to-school fund created in section  
5 190A.5.

6 6. "*Process*" means to prepare a food commodity in a manner  
7 that allows it to be sold to consumers as a food product,  
8 including by altering the form or identity of the food  
9 commodity; trimming, cutting, cleaning, drying, freezing,  
10 filtering, sorting, or shelling the food commodity; or  
11 packaging the food commodity.

12 7. "*Program*" means the farm-to-school program created in  
13 section 190A.6.

14 8. "*School*" means a public school or nonpublic school, as  
15 those terms are defined in section 280.2, or that portion of a  
16 public school or nonpublic school that provides facilities for  
17 teaching any grade from kindergarten through grade twelve.

18 9. "*School district*" means a school district as described  
19 in chapter 274.

20 Sec. \_\_\_\_ . NEW SECTION. 190A.5 Farm-to-school fund.

21 1. A farm-to-school fund is created in the state treasury  
22 under the management and control of the department.

23 2. The fund shall include moneys appropriated to the fund  
24 by the general assembly. The fund shall include any other  
25 moneys available to and obtained or accepted by the department,  
26 including moneys from public or private sources, to support the  
27 program.

28 3. Moneys in the fund are appropriated to support the  
29 program in a manner determined by the department, including for  
30 reasonable administrative costs incurred by the department.  
31 However, the department shall not expend more than four  
32 percent of moneys existing at any one time in the fund during  
33 each fiscal year for purpose of paying costs associated with  
34 the administration of the program and fund incurred by the  
35 department during that fiscal year. Moneys expended from the



1 fund shall not require further special authorization by the  
2 general assembly.

3 4. *a.* Notwithstanding section 12C.7, interest or earnings  
4 on moneys in the fund shall be credited to the fund.

5 *b.* Notwithstanding section 8.33, moneys credited to the  
6 fund that remain unencumbered or unobligated at the close of  
7 a fiscal year shall not revert but shall remain available for  
8 expenditure for the purposes designated.

9 Sec. \_\_\_\_\_. NEW SECTION. 190A.6 **Farm-to-school program.**

10 1. A farm-to-school program is created. The program shall  
11 be controlled and administered by the department.

12 2. The purpose of the program is to assist schools and  
13 school districts in purchasing food products derived from food  
14 commodities produced on a farm.

15 3. The department shall reimburse a school or school  
16 district for expenditures incurred by the school or school  
17 district during the school year in which the school or school  
18 district is participating in the program to purchase food  
19 products derived from food commodities produced on a farm.

20 4. A school or school district must apply each year to the  
21 department to participate in the program according to rules  
22 adopted by the department pursuant to chapter 17A.

23 5. To be eligible to participate in the program, a school or  
24 school district must purchase a food product directly from a  
25 farm source as follows:

26 *a.* The farm source must be any of the following:

27 (1) A farm where a food commodity is produced, if the food  
28 commodity is processed into a food product on the farm for sale  
29 to a consumer.

30 (2) A business premises that is directly shipped a food  
31 commodity from a farm, if the food commodity is processed into  
32 a food product on the business premises for sale to a consumer.

33 (3) A business premises that is directly shipped a food  
34 product from a farm, if the food product is purchased for  
35 resale to a consumer or is distributed to a consumer on behalf

1 of a farmer.

2 *b.* The farm source must comply with all applicable laws  
3 regulating the sale of food.

4 *c.* (1) Except as provided in subparagraph (2), the farm  
5 source must be located in this state.

6 (2) If the school district shares a border with another  
7 state, or the school is part of a school district that shares  
8 a border with another state, the farm source may be located  
9 in the other state. However, the farm source must be located  
10 within thirty miles of the school district's border with the  
11 other state and the department must approve the purchase.

12 6. The department shall require proof of purchase prior to  
13 reimbursing the school or school district for the purchase of  
14 food products.

15 7. The department of agriculture and land stewardship may  
16 administer the program in cooperation with the department of  
17 education and the participating school or school district in  
18 which a participating school is located.

19 8. *a.* The department shall reimburse a participating  
20 school or school district that submits a claim as required  
21 by the department. The department shall pay the claim on a  
22 matching basis with the department contributing one dollar  
23 for every three dollars expended by the school or school  
24 district. However, a school or school district shall not  
25 receive more than one thousand dollars during any year in which  
26 it participates in the program.

27 *b.* Notwithstanding paragraph "a", if the department  
28 determines that there are sufficient moneys in the fund to  
29 satisfy all claims that may be submitted by schools and school  
30 districts, the department shall provide for the distribution  
31 of the available moneys in a manner determined equitable by  
32 the department, which may include a prorated distribution to  
33 participating schools and school districts.>

34 3. By renumbering as necessary.

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S-3180 (Continued)

By ANNETTE SWEENEY

S-3180 FILED APRIL 28, 2021

DIVISION A ADOPTED; DIVISION B ADOPTED

SENATE FILE 592

S-3178

1 Amend Senate File 592 as follows:

2 1. Page 4, line 17, by striking <enforcement> and inserting  
3 <enhancement>

By CRAIG JOHNSON

S-3178 FILED APRIL 28, 2021

ADOPTED

HOUSE FILE 201

S-3182

1 Amend House File 201, as passed by the House, as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 614.1, Code 2021, is amended by adding  
4 the following new subsections:

5 NEW SUBSECTION. 11A. *Sexual abuse and other sexual*  
6 *offenses.* An action for damages for injury suffered when the  
7 victim was a minor as a result of sexual abuse in the first  
8 degree as defined in section 709.2, sexual abuse in the second  
9 degree as defined in section 709.3, sexual abuse in the third  
10 degree as defined in section 709.4 or other sexual offenses as  
11 provided in section 802.2B may be commenced at any time after  
12 the commission of the offense.

13 NEW SUBSECTION. 12A. *Kidnapping and human trafficking.* An  
14 action for damages for injury suffered when the victim was a  
15 minor as a result of kidnapping as defined in section 710.1 or  
16 human trafficking as defined in section 710A.2 may be commenced  
17 at any time after the commission of the offense.

18 Sec. 2. Section 614.1, subsection 12, Code 2021, is amended  
19 to read as follows:

20 12. *Sexual abuse or sexual exploitation by a counselor,*  
21 *therapist, or school employee.*

22 a. An action for damages for injury suffered as a result  
23 of sexual abuse, as defined in section 709.1, by a counselor,  
24 therapist, or school employee, as defined in section 709.15, or  
25 as a result of sexual exploitation by a counselor, therapist,  
26 or school employee ~~shall be brought within five years of the~~  
27 ~~date the victim was last treated by the counselor or therapist,~~  
28 ~~or within five years of the date the victim was last enrolled~~  
29 ~~in or attended the school~~ may be commenced at any time after  
30 the commission of the offense.

31 b. A claim or cause of action brought against any party  
32 under paragraph "a" alleging intentional or negligent acts  
33 or omissions by a person for physical, psychological, or any  
34 other injury or condition suffered as a result of conduct  
35 by a counselor, therapist, or school employee as defined in

1 section 709.15, if barred as of the effective date of this Act  
2 because the applicable period of limitation has expired or  
3 the plaintiff previously failed to file a petition, is hereby  
4 revived, and action thereon may be commenced not later than  
5 three years after the effective date of this Act.

6 c. Dismissal of a previous action, ordered before the  
7 effective date of this Act, on grounds that such previous  
8 action was time-barred or due to the failure of a party to file  
9 a petition, shall not be grounds for dismissal of a revival  
10 action pursuant to paragraph "b".

11 Sec. 3. Section 614.8A, Code 2021, is amended to read as  
12 follows:

13 **614.8A Damages Commencement of action for minor or child**  
14 **sexual abuse and other sexual offenses — no time limitation.**

15 ~~An action for damages for injury suffered as a result of~~  
16 ~~sexual abuse which occurred when the injured person was a~~  
17 ~~child, but not discovered until after the injured person is of~~  
18 ~~the age of majority, shall be brought within four years from~~  
19 ~~the time of discovery by the injured party of both the injury~~  
20 ~~and the causal relationship between the injury and the sexual~~  
21 ~~abuse.~~

22 1. Notwithstanding section 614.1, subsections 11A and  
23 12A, every claim or cause of action brought against any party  
24 alleging intentional or negligent acts or omissions by a person  
25 for physical, psychological, or any other injury or condition  
26 suffered as a result of conduct which occurred when the injured  
27 person was a minor and which would constitute a violation  
28 of any of the following, if barred as of the effective date  
29 of this Act because the applicable period of limitation has  
30 expired or the plaintiff previously failed to file a petition,  
31 is hereby revived, and action thereon may be commenced not  
32 later than three years after the effective date of this Act:

33 a. Sexual abuse as defined in section 709.1.

34 b. Lascivious acts with a child in violation of section  
35 709.8.

1 c. Assault with intent to commit sexual abuse in violation  
2 of section 709.11.

3 d. Indecent contact with a child in violation of section  
4 709.12.

5 e. Lascivious conduct with a minor in violation of section  
6 709.14.

7 f. Sexual misconduct with a juvenile in violation of section  
8 709.16, subsection 2.

9 g. Kidnapping as defined in section 710.1.

10 h. Human trafficking as defined in section 710A.2.

11 i. Incest in violation of section 726.2.

12 j. Child endangerment in violation of section 726.6,  
13 subsection 4, 5, or 6.

14 k. Sexual exploitation of a minor in violation of section  
15 728.12.

16 2. Dismissal of a previous action, ordered before the  
17 effective date of this Act, on grounds that such previous  
18 action was time-barred or due to the failure of a party to file  
19 a petition, shall not be grounds for dismissal of a revival  
20 action pursuant to this section.>

21 2. Title page, by striking lines 1 through 3 and inserting  
22 <An Act relating to the sex offender registry, sexually  
23 motivated extortion, and the statute of limitations periods for  
24 certain civil actions.>

By JANET PETERSEN

[S-3182](#) FILED APRIL 28, 2021

RULED OUT OF ORDER

S-3179

1 Amend House File 364, as passed by the House, as follows:

2 1. Page 2, after line 24 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. 9A.121 Compensation of student  
4 **athletes — limitation on postsecondary institutions.**

5 1. *a.* A postsecondary educational institution shall not  
6 enforce any rule, requirement, standard, or other limitation  
7 that prevents a student athlete enrolled at the institution  
8 from fully participating in intercollegiate athletics and doing  
9 any of the following as a result of the use of the athlete's  
10 name, image, or likeness rights, or athletic reputation, or  
11 that otherwise penalizes such an athlete:

12 (1) Earning compensation.

13 (2) Receiving food, shelter, or insurance coverage, or  
14 receiving payment for the cost of food, shelter, insurance  
15 coverage, or medical care.

16 *b.* A student athlete's financial aid eligibility, amount,  
17 duration, or renewal, or any other benefit for which the  
18 athlete is otherwise eligible, shall not be affected by  
19 the athlete receiving an item described in paragraph "a",  
20 subparagraph (1) or (2), from the use of an athlete's name,  
21 image, or likeness rights, or athletic reputation.

22 2. For purposes of this chapter, financial aid from a  
23 postsecondary educational institution in which a student  
24 athlete is enrolled is not compensation for use of the  
25 athlete's name, image, and likeness rights, or athletic  
26 reputation. Such financial aid shall not be revoked or reduced  
27 as a result of an athlete receiving an item described in  
28 subsection 1, paragraph "a", subparagraph (1) or (2), pursuant  
29 to this chapter.

30 Sec. \_\_\_\_\_. NEW SECTION. 9A.122 Student athletes —  
31 **professional representation.**

32 A postsecondary educational institution shall not  
33 interfere with or prevent a student athlete enrolled at a  
34 postsecondary educational institution from fully participating  
35 in intercollegiate athletics for obtaining professional



1 representation in relation to contracts or legal matters,  
2 including but not limited to representation by an athlete  
3 agent.

4 Sec. \_\_\_\_\_. NEW SECTION. **9A.123 Student athletes — contracts**  
5 **for advertising.**

6 A person shall not offer to enter into a contract with a  
7 student athlete to provide compensation to the athlete for use  
8 of the athlete's name, image, or likeness rights, or athletics  
9 reputation that requires the athlete to engage in in-person  
10 advertising for the person during official, mandatory team  
11 activities without approval from the athlete's postsecondary  
12 educational institution.

13 Sec. \_\_\_\_\_. NEW SECTION. **9A.124 Disclosure of contract —**  
14 **confidentiality.**

15 A student athlete who enters into a contract providing  
16 compensation to the athlete for use of the athlete's name,  
17 image, or likeness rights, or athletics reputation, shall  
18 disclose the full contract to an official of the postsecondary  
19 educational institution at which the athlete is enrolled  
20 designated by the institution for that purpose. The  
21 institution and designated official shall not disclose to any  
22 other person the terms of such contract that the athlete or the  
23 athlete's legal representative deems to be a trade secret or  
24 otherwise confidential.

25 Sec. \_\_\_\_\_. NEW SECTION. **9A.125 Compensation outside of**  
26 **official, mandatory team activities.**

27 The terms of a team contract of a postsecondary educational  
28 institution's athletic program shall not prevent a student  
29 athlete from receiving compensation for using the athlete's  
30 name, image, or likeness rights, or athletic reputation for a  
31 commercial purpose when the athlete is not engaged in official,  
32 mandatory team activities if such activities are recorded in  
33 writing and made publicly available. Such team activities  
34 shall not exceed twenty hours per week during the athletic  
35 season and eight hours per week during the off-season.

S-3179 (Continued)

1     Sec. \_\_\_\_ . EFFECTIVE DATE. The sections of this Act enacting  
2 sections 9A.121 through 9A.125, and the section of this Act  
3 relating to the applicability of such sections, being deemed of  
4 immediate importance, take effect upon enactment.

5     Sec. \_\_\_\_ . APPLICABILITY. Sections 9A.121 through 9A.125,  
6 as enacted by this Act, apply to any agreement or contract  
7 newly entered into, renewed, modified, or extended on or  
8 after the earlier of July 1, 2021; the effective date of any  
9 substantially similar state or federal law; or the effective  
10 date of an athletic association or athletic conference rule  
11 regarding name, image, and likeness compensation for student  
12 athletes if a postsecondary educational institution is a member  
13 of such athletic association or athletic conference. For  
14 purposes of this section, "agreement or contract" includes but  
15 is not limited to the national letter of intent, a student  
16 athlete's financial aid agreement, a commercial contract,  
17 and rules or bylaws of an athletic conference or athletic  
18 association.>

19     2. Title page, by striking line 2 and inserting  
20 <compensation of student athletes, making penalties applicable,  
21 and including effective date and applicability provisions.>

22     3. By renumbering as necessary.

By NATE BOULTON

S-3179 FILED APRIL 28, 2021

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
TO HOUSE FILE 744

S-3173

- 1 Amend the Senate amendment, H-1359, to House File 744, as  
2 amended, passed, and reprinted by the House, as follows:  
3 1. Page 1, lines 14 and 15, by striking <or judicial>  
4 2. Page 1, by striking lines 24 through 30.  
5 3. Page 1, line 35, after <person> by inserting <knowingly  
6 and intentionally>

S-3173 FILED APRIL 28, 2021

HOUSE FILE 802

S-3176

1 Amend House File 802, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, by striking lines 7 and 8.

4 2. Page 1, line 11, by striking <another>

5 3. Page 1, line 14, after <foregoing> by inserting <and  
6 whose budget is comprised primarily of tax-generated revenue>

7 4. Page 1, after line 20 by inserting:

8 <\_\_\_\_. *"Specific defined concepts"* means the same as defined  
9 in section 261H.7.>

10 5. Page 1, by striking lines 29 through 33 and inserting  
11 <does not teach, advocate, encourage, promote, or act upon  
12 stereotyping, scapegoating, or prejudice toward others on  
13 the basis of demographic group membership or identity. This  
14 subsection shall not be construed as preventing an employee or  
15 contractor who provides mandatory training from responding to  
16 questions regarding stereotyping, scapegoating, or prejudice  
17 raised by participants in the training.>

18 6. Page 2, by striking lines 1 and 2 and inserting <against  
19 other employees by any characteristic protected under the  
20 federal>

21 7. Page 2, line 17, by striking <divisive> and inserting  
22 <specific defined>

23 8. Page 2, after line 19 by inserting:

24 <d. Prohibit the use of curriculum that teaches the topics  
25 of sexism, slavery, racial oppression, racial segregation,  
26 or racial discrimination, including topics relating to the  
27 enactment and enforcement of laws resulting in sexism, racial  
28 oppression, segregation, and discrimination.>

29 9. By striking page 2, line 24, through page 3, line 14.

30 10. Page 3, after line 25 by inserting:

31 <\_\_\_\_. *"Specific defined concepts"* includes all of the  
32 following:

33 (1) That one race or sex is inherently superior to another  
34 race or sex.

35 (2) That the United States of America and the state of Iowa

1 are fundamentally or systemically racist or sexist.

2 (3) That an individual, solely because of the individual's  
3 race or sex, is inherently racist, sexist, or oppressive,  
4 whether consciously or unconsciously.

5 (4) That an individual should be discriminated against  
6 or receive adverse treatment solely or partly because of the  
7 individual's race or sex.

8 (5) That members of one race or sex cannot and should not  
9 attempt to treat others without respect to race or sex.

10 (6) That an individual's moral character is necessarily  
11 determined by the individual's race or sex.

12 (7) That an individual, by virtue of the individual's race  
13 or sex, bears responsibility for actions committed in the past  
14 by other members of the same race or sex.

15 (8) That any individual should feel discomfort, guilt,  
16 anguish, or any other form of psychological distress on account  
17 of that individual's race or sex.

18 (9) That meritocracy or traits such as a hard work ethic  
19 are racist or sexist, or were created by a particular race to  
20 oppress another race.

21 (10) Any other form of race or sex scapegoating or any other  
22 form of race or sex stereotyping.>

23 11. Page 3, line 34, by striking <divisive> and inserting  
24 <specific defined>

25 12. Page 4, line 2, by striking <divisive> and inserting  
26 <specific defined>

27 13. Page 4, by striking lines 5 and 6 and inserting <from  
28 discriminating against another by political ideology or any  
29 characteristic>

30 14. Page 4, by striking lines 10 and 11 and inserting <from  
31 discriminating against students and employees by political  
32 ideology or any>

33 15. Page 4, line 26, by striking <divisive> and inserting  
34 <specific defined>

35 16. Page 4, line 34, by striking <divisive> and inserting

1 <specific defined>

2 17. Page 5, after line 1 by inserting:

3 <f. Prohibit the use of curriculum that teaches the topics  
4 of sexism, slavery, racial oppression, racial segregation,  
5 or racial discrimination, including topics relating to the  
6 enactment and enforcement of laws resulting in sexism, racial  
7 oppression, segregation, and discrimination.>

8 18. Page 5, by striking lines 6 and 7.

9 19. Page 5, after line 11 by inserting:

10 <\_\_\_. "*Specific defined concepts*" means the same as defined  
11 in section 261H.7.>

12 20. Page 5, by striking lines 18 and 19 and inserting  
13 <district does not teach, advocate, encourage, promote, or act  
14 upon specific stereotyping and scapegoating toward others on  
15 the basis of demographic group membership or identity. This  
16 subsection shall not be construed as>

17 21. Page 5, line 22, by striking <divisive> and inserting  
18 <specific defined>

19 22. Page 5, by striking lines 26 and 27 and inserting  
20 <against another by political ideology or any characteristic  
21 protected under>

22 23. Page 5, by striking lines 31 and 32 and inserting  
23 <employees by political ideology or any characteristic  
24 protected under the>

25 24. Page 6, line 12, by striking <divisive> and inserting  
26 <specific defined>

27 25. Page 6, line 20, by striking <divisive> and inserting  
28 <specific defined>

29 26. Page 6, after line 22 by inserting:

30 <f. Prohibit the use of curriculum that teaches the topics  
31 of sexism, slavery, racial oppression, racial segregation,  
32 or racial discrimination, including topics relating to the  
33 enactment and enforcement of laws resulting in sexism, racial  
34 oppression, segregation, and discrimination.>

35 27. By striking page 6, line 23, through page 7, line 17.

S-3176 (Continued)

1 28. By renumbering, redesignating, and correcting internal  
2 references as necessary.

By AMY SINCLAIR

[S-3176](#) FILED APRIL 28, 2021

ADOPTED

HOUSE FILE 813

S-3183

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 17, by striking line 17 and inserting:

4 <ll. a. In addition to the requirements of subsection 2A,  
5 the governing board shall hold a public hearing on the charter  
6 school's budget before the date for adoption of the budget  
7 and shall publish notice of the hearing not less than ten nor  
8 more than twenty days prior to the hearing in a newspaper  
9 published at least once weekly and having general circulation  
10 in the public school district where the charter school is  
11 located. The department of education shall prescribe the form  
12 for the public hearing notice for use by charter schools. At  
13 the public hearing, the governing board shall receive oral or  
14 written objections from the public.

15 b. The governing board shall post the charter school's>

By CLAIRE CELSI

S-3183 FILED APRIL 28, 2021

LOST



HOUSE FILE 813

S-3184

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 6, line 12, after <school.> by inserting <In  
4 addition, if the application includes a proposal that the  
5 governing board contracts with an education service provider,  
6 the application shall also include evidence of the education  
7 service provider's success in serving student populations  
8 similar to that which is proposed in the application and if  
9 the education service provider operates other charter schools,  
10 evidence of past performance of such other charter schools and  
11 evidence of the education service provider's capacity for an  
12 additional charter school.>

13 2. Page 6, line 16, after <interest.> by inserting <In  
14 addition, if the application includes a proposal that the  
15 governing board contracts with an education service provider,  
16 the application shall also include a description of the  
17 education service provider's staff performance evaluation  
18 measures and compensation structure, methods of contract  
19 oversight and dispute resolution, investment disclosures, and  
20 conflicts of interest.>

21 3. Page 11, by striking lines 4 and 5 and inserting:  
22 <y. Evidence of the founding group's success in serving  
23 student populations similar to that which is proposed in the  
24 application, and if the founding group operates other charter  
25 schools, evidence of past performance of such other charter  
26 schools and evidence of the founding group's capacity for an  
27 additional charter school. In addition, if the application  
28 includes a proposal that the governing board contracts with an  
29 education service provider, the application shall also include  
30 evidence>

31 4. Page 11, by striking lines 12 and 13 and inserting:  
32 <z. A description of the proposed charter school's staff  
33 performance evaluation measures and compensation structure,  
34 methods of contract oversight and dispute resolution,  
35 investment disclosures, and conflicts of interest. In

S-3184 (Continued)

1 addition, if the application includes a proposal that the  
2 governing board contracts with an education service provider,  
3 the application shall also include>

By CLAIRE CELSI

S-3184 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3185

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 10, line 25, after <mission.> by inserting <A person  
4 that is part of the founding group or the person's spouse, or a  
5 person related to either of them by consanguinity or affinity  
6 within the third degree or the spouse of such a person, shall  
7 not have an ownership or financial interest in an education  
8 service provider, a contractual relationship with an education  
9 service provider, or an interest that could be affected by the  
10 outcome of the application.>

By ZACH WAHLS

S-3185 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3186

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 16, line 10, after <contract.> by inserting  
4 <The chief administrator of the charter school shall be an  
5 administrator as defined in section 272.1, who holds a valid  
6 license under chapter 272 with an endorsement for the type of  
7 service for which the administrator is employed.>

By HERMAN C. QUIRMBACH

S-3186 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3187

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 16, line 10, after <contract.> by inserting <The  
4 provisions of chapter 731 apply to charter schools established  
5 under this chapter and to any education service provider  
6 managing or operating a charter school under this chapter,  
7 and the employees of the charter school or education service  
8 provider, if applicable, may engage in collective bargaining  
9 pursuant to chapter 731 and as provided under applicable  
10 federal law. The charter school, if established under section  
11 256E.4, is a public employer for purposes of chapter 20  
12 relating to public employment relations and, if a bargaining  
13 unit has been determined under chapter 20, the governing board  
14 and the certified bargaining representative for the licensed  
15 employees of the charter school shall engage in collective  
16 bargaining in accordance with chapter 20.>

By HERMAN C. QUIRMBACH  
NATE BOULTON

S-3187 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3188

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 15, line 19, by striking <rights> and inserting  
4 <rights, including but not limited to admission and instruction  
5 of students and the hiring and employment policies for staff>

By HERMAN C. QUIRMBACH

S-3188 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3189

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 17, after line 21 by inserting:

4 <12. As part of the requirement of subsection 2, paragraph  
5 "g", to comply with section 256.11, each charter school shall  
6 have a school nurse, as provided in section 256.11, subsection  
7 9B. The requirement of this subsection shall not be waived by  
8 the state board.>

By LIZ MATHIS

S-3189 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3190

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 16, after line 26 by inserting:

4 <5A. An employee of the charter school who, in the  
5 scope of the employee's professional practice or employment  
6 responsibilities, examines, teaches, attends, counsels, or  
7 treats a child and reasonably believes the child has suffered  
8 abuse, is a mandatory reporter and is subject to the provisions  
9 of sections 232.69 and 232.70. The provisions of this  
10 subsection shall not be waived by the state board.>

11 2. By renumbering, redesignating, and correcting internal  
12 references as necessary.

By LIZ MATHIS

S-3190 FILED APRIL 28, 2021

LOST



HOUSE FILE 813

S-3191

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 16, after line 26 by inserting:

4 <5A. Students enrolled in the charter school shall be  
5 subject to the immunization requirements of section 139A.8 for  
6 the applicable age or grade level. The provisions of this  
7 subsection shall not be waived by the state board.>

8 2. By renumbering, redesignating, and correcting internal  
9 references as necessary.

By LIZ MATHIS

S-3191 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3192

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 15, line 21, after <256B.> by inserting <If a  
4 charter school student is a child requiring special education  
5 under chapter 256B and is provided special education services  
6 by an area education agency and the area education agency is  
7 not otherwise paid for such services under section 256B.2,  
8 subsection 5, the charter school shall pay to the area  
9 education agency the cost of providing such services at the  
10 rate established by the area education agency, not to exceed  
11 the actual cost of providing the services.>

By JACKIE SMITH

S-3192 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3193

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 16, after line 26 by inserting:

4 <5A. Employees of the charter school who otherwise meet the  
5 definition of school employee under section 709.15, subsection  
6 1, paragraph "f", shall be considered a school employee for  
7 purposes of section 709.15, as if the charter school was a  
8 school district within the meaning of that paragraph.>

9 2. Page 26, after line 23 by inserting:

10 <Sec. \_\_\_\_\_. Section 614.1, Code 2021, is amended by adding  
11 the following new subsections:

12 NEW SUBSECTION. 11A. *Sexual abuse and other sexual*  
13 *offenses.* An action for damages for injury suffered when the  
14 victim was a minor as a result of sexual abuse in the first  
15 degree as defined in section 709.2, sexual abuse in the second  
16 degree as defined in section 709.3, sexual abuse in the third  
17 degree as defined in section 709.4 or other sexual offenses as  
18 provided in section 802.2B may be commenced at any time after  
19 the commission of the offense.

20 NEW SUBSECTION. 12A. *Kidnapping and human trafficking.* An  
21 action for damages for injury suffered when the victim was a  
22 minor as a result of kidnapping as defined in section 710.1 or  
23 human trafficking as defined in section 710A.2 may be commenced  
24 at any time after the commission of the offense.

25 Sec. \_\_\_\_\_. Section 614.1, subsection 12, Code 2021, is  
26 amended to read as follows:

27 12. *Sexual abuse or sexual exploitation by a counselor,*  
28 *therapist, or school employee.*

29 a. An action for damages for injury suffered as a result  
30 of sexual abuse, as defined in section 709.1, by a counselor,  
31 therapist, or school employee, as defined in section 709.15, or  
32 as a result of sexual exploitation by a counselor, therapist,  
33 or school employee ~~shall be brought within five years of the~~  
34 ~~date the victim was last treated by the counselor or therapist,~~  
35 ~~or within five years of the date the victim was last enrolled~~

1 ~~in or attended the school~~ may be commenced at any time after  
2 the commission of the offense.

3 b. A claim or cause of action brought against any party  
4 under paragraph "a" alleging intentional or negligent acts  
5 or omissions by a person for physical, psychological, or any  
6 other injury or condition suffered as a result of conduct  
7 by a counselor, therapist, or school employee as defined in  
8 section 709.15, if barred as of the effective date of this Act  
9 because the applicable period of limitation has expired or  
10 the plaintiff previously failed to file a petition, is hereby  
11 revived, and action thereon may be commenced not later than  
12 three years after the effective date of this Act.

13 c. Dismissal of a previous action, ordered before the  
14 effective date of this Act, on grounds that such previous  
15 action was time-barred or due to the failure of a party to file  
16 a petition, shall not be grounds for dismissal of a revival  
17 action pursuant to paragraph "b".

18 Sec. \_\_\_\_ . Section 614.8A, Code 2021, is amended to read as  
19 follows:

20 **614.8A Damages Commencement of action for minor or child**  
21 **sexual abuse and other sexual offenses — no time limitation.**

22 ~~An action for damages for injury suffered as a result of~~  
23 ~~sexual abuse which occurred when the injured person was a~~  
24 ~~child, but not discovered until after the injured person is of~~  
25 ~~the age of majority, shall be brought within four years from~~  
26 ~~the time of discovery by the injured party of both the injury~~  
27 ~~and the causal relationship between the injury and the sexual~~  
28 ~~abuse.~~

29 1. Notwithstanding section 614.1, subsections 11A and  
30 12A, every claim or cause of action brought against any party  
31 alleging intentional or negligent acts or omissions by a person  
32 for physical, psychological, or any other injury or condition  
33 suffered as a result of conduct which occurred when the injured  
34 person was a minor and which would constitute a violation  
35 of any of the following, if barred as of the effective date

1 of this Act because the applicable period of limitation has  
2 expired or the plaintiff previously failed to file a petition,  
3 is hereby revived, and action thereon may be commenced not  
4 later than three years after the effective date of this Act:

5 a. Sexual abuse as defined in section 709.1.

6 b. Lascivious acts with a child in violation of section  
7 709.8.

8 c. Assault with intent to commit sexual abuse in violation  
9 of section 709.11.

10 d. Indecent contact with a child in violation of section  
11 709.12.

12 e. Lascivious conduct with a minor in violation of section  
13 709.14.

14 f. Sexual misconduct with a juvenile in violation of section  
15 709.16, subsection 2.

16 g. Kidnapping as defined in section 710.1.

17 h. Human trafficking as defined in section 710A.2.

18 i. Incest in violation of section 726.2.

19 j. Child endangerment in violation of section 726.6,  
20 subsection 4, 5, or 6.

21 k. Sexual exploitation of a minor in violation of section  
22 728.12.

23 2. Dismissal of a previous action, ordered before the  
24 effective date of this Act, on grounds that such previous  
25 action was time-barred or due to the failure of a party to file  
26 a petition, shall not be grounds for dismissal of a revival  
27 action pursuant to this section.>

28 3. By renumbering, redesignating, and correcting internal  
29 references as necessary.

By JANET PETERSEN

S-3193 FILED APRIL 28, 2021

RULED OUT OF ORDER

HOUSE FILE 813

S-3194

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 2, line 33, after <chapter.> by inserting <If the  
4 founding group is or includes a business entity, such business  
5 entity must be a domestic business entity, as defined in  
6 section 501A.102, that has its principal place of business or  
7 operation in this state.>

8 2. Page 17, line 12, after <10.> by inserting <a.>

9 3. Page 17, after line 16 by inserting:

10 <b. A majority of the officers of the charter school's  
11 governing board shall be residents of this state.>

By ZACH WAHLS

S-3194 FILED APRIL 28, 2021

LOST

HOUSE FILE 813

S-3195

1 Amend House File 813, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 17, after line 21 by inserting:

4 <12. As part of the requirement of subsection 2, paragraph  
5 "g", to comply with section 256.11, each charter school shall  
6 have a qualified guidance counselor, as provided in section  
7 256.11, subsection 9A. The requirement of this subsection shall  
8 not be waived by the state board.>

By HERMAN C. QUIRMBACH

S-3195 FILED APRIL 28, 2021

LOST

HOUSE FILE 867

S-3196

1 Amend House File 867, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 19, after line 22 by inserting:

4 <DIVISION \_\_\_\_  
5 BROADBAND

6 Sec. \_\_\_\_ . Section 8B.1, Code 2021, is amended by adding the  
7 following new subsections:

8 NEW SUBSECTION. 2A. "*Commission*" means the empower rural  
9 Iowa broadband grant fund commission created pursuant to  
10 section 8B.10A.

11 NEW SUBSECTION. 5A. "*Fiberoptic infrastructure*" means the  
12 physical infrastructure used for the transmission of data using  
13 pulses of infrared light. "*Fiberoptic infrastructure*" includes  
14 fiberoptic cable and the pipe, vault, or duct used to enclose  
15 fiberoptic cable.

16 Sec. \_\_\_\_ . Section 8B.4, subsection 16, Code 2021, is amended  
17 by striking the subsection.

18 Sec. \_\_\_\_ . Section 8B.9, subsection 5, Code 2021, is amended  
19 to read as follows:

20 5. An annual report regarding the status of broadband  
21 expansion and coordination, ~~the empower rural Iowa broadband~~  
22 ~~grant program established under section 8B.11~~, and the adequacy  
23 of the speed set in the definition of targeted service area in  
24 section 8B.1.

25 Sec. \_\_\_\_ . NEW SECTION. 8B.10A Empower rural Iowa broadband  
26 grant fund — commission established.

27 1. There is created an empower rural Iowa broadband grant  
28 fund commission for the purpose of administering the broadband  
29 grant program pursuant to section 8B.11.

30 a. The commission shall consist of seven voting members  
31 appointed by the governor, subject to confirmation by the  
32 senate. The voting members of the commission shall serve  
33 four-year staggered terms. The voting membership of the  
34 commission shall be subject to the provisions of sections  
35 69.16 and 69.16A, relating to political affiliation and gender



1 balance.

2     *b.* The commission shall also consist of four nonvoting, ex  
3 officio members, including representatives from the office, the  
4 utilities board within the utilities division of the department  
5 of commerce, the Iowa telecommunications and technology  
6 commission, and the state department of transportation.

7     *c.* The representative of the utilities board shall serve as  
8 chairperson of the commission.

9     2. A person shall not serve as a voting member of the  
10 commission if the person has an interest in a contract or job  
11 of work related to the office, or is engaged in a service to  
12 be performed in connection with the office. Any voting member  
13 of the commission who accepts employment with or acquires any  
14 stock, bonds, or other interest in any company or corporation  
15 doing business with the office shall be disqualified from being  
16 appointed to or remaining a voting member of the commission.

17     3. Any vacancy in the voting membership of the commission  
18 shall be filled in the same manner as regular appointments  
19 are made for the unexpired portion of the regular term. In  
20 the event the governor fails to make an appointment to fill a  
21 vacancy or fails to submit an appointment to the senate for  
22 confirmation as required by section 2.32, the senate may make  
23 the appointment prior to adjournment of the general assembly.

24     4. Each voting member of the commission shall be compensated  
25 at an annual rate of ten thousand dollars. Voting members of  
26 the commission shall be allowed their actual and necessary  
27 expenses incurred in the performance of their duties. All  
28 expenses and salaries shall be paid from the empower rural  
29 Iowa broadband grant fund created in section 8B.11, and the  
30 commission shall be subject to the budget requirements of  
31 chapter 8.

32     5. The commission shall meet at the call of the chairperson  
33 or when any four voting members of the commission file a  
34 written request with the chairperson for a meeting. Written  
35 notice of the time and place of each meeting shall be given to

1 each member of the commission. A majority of the commission  
2 members shall constitute a quorum.

3 6. Any voting member of the commission may be removed for  
4 any of the causes and in the manner provided in chapter 66 and  
5 such removal shall not be in lieu of any other punishment that  
6 may be prescribed by the laws of this state.

7 7. The office, the utilities board, the Iowa  
8 telecommunications and technology commission, and the  
9 state department of transportation shall provide staff services  
10 to the commission.

11 8. The commission shall prepare a comprehensive strategic  
12 plan of specific goals, objectives, policies, performance  
13 measures, and benchmarks for the expansion of fiberoptic  
14 infrastructure in the state. The commission shall update the  
15 strategic plan on an annual basis. Beginning December 31,  
16 2021, and continuing on July 1 of each year until the final  
17 strategic plan is submitted on July 1, 2025, the commission  
18 shall submit the strategic plan to the governor and to the  
19 members of the general assembly.

20 9. By July 1, annually, the commission shall provide a  
21 report regarding the empower rural Iowa broadband grant program  
22 established under section 8B.11 to the governor and the members  
23 of the general assembly.

24 Sec. \_\_\_\_\_. Section 8B.11, Code 2021, as amended by 2021 Iowa  
25 Acts, House file 848, section 3, is amended to read as follows:

26 **8B.11 Empower rural Iowa — broadband grants — fund.**

27 1. The ~~office~~ commission shall administer a broadband  
28 grant program designed to reduce or eliminate unserved and  
29 underserved areas in the state, leveraging federal funds and  
30 public and private partnerships where possible, by awarding  
31 grants to communications service providers that reduce or  
32 eliminate targeted service areas by installing broadband  
33 infrastructure that facilitates broadband service in accordance  
34 with the following:

35 a. The broadband infrastructure facilitates broadband

1 service that provides a minimum download speed of one hundred  
2 megabits per second and a minimum upload speed of one hundred  
3 megabits per second in a targeted service area within which no  
4 communications service provider offers or facilitates broadband  
5 service that provides download and upload speeds less than or  
6 equal to the tier 1 download and upload speeds specified in the  
7 definition of targeted service area in section 8B.1.

8 *b.* The broadband infrastructure facilitates broadband  
9 service that provides a minimum download speed of one hundred  
10 megabits per second and a minimum upload speed of one hundred  
11 megabits per second in a targeted service area within which no  
12 communications service provider offers or facilitates broadband  
13 service that provides any of the following:

14 (1) Download speeds less than or equal to the tier 2  
15 download speed specified in the definition of targeted service  
16 area in section 8B.1.

17 (2) Download speeds less than or equal to the tier 3  
18 download speed specified in the definition of targeted service  
19 area in section 8B.1.

20 2. *a.* An empower rural Iowa broadband grant fund is  
21 established in the state treasury under the authority of the  
22 office commission. The fund shall consist of moneys available  
23 to and obtained or accepted by the office commission. Moneys  
24 in the fund are appropriated to the office commission to be  
25 used for the grant program, including for broadband mapping and  
26 the administration and operation of the grant program, ~~and~~ for  
27 the fiberoptic network conduit installation program established  
28 in section 8B.25, and for credit enhancement as specified in  
29 section 16.201, subsection 5.

30 *b.* The office commission shall use moneys in the fund to  
31 provide grants to communications service providers pursuant to  
32 this section, ~~and~~ to lead and coordinate the fiberoptic network  
33 conduit installation program pursuant to section 8B.25, and for  
34 credit enhancement as specified in section 16.201, subsection  
35 5. ~~The office may use not more than two and one-half percent of~~

1 ~~the moneys in the fund at the beginning of the fiscal year to~~  
2 ~~pay the costs and expenses associated with the administration~~  
3 ~~and operation of the grant program and the fiberoptic network~~  
4 ~~conduit installation program.~~ The office commission shall use  
5 moneys in the fund to leverage available federal moneys if  
6 possible.

7 c. Notwithstanding section 8.33, moneys in the fund  
8 that remain unencumbered or unobligated at the close of the  
9 fiscal year shall not revert but shall remain available for  
10 expenditure for the purposes designated until three years  
11 following the last day of the fiscal year in which the funds  
12 were originally appropriated.

13 d. Notwithstanding paragraph "c" or any provision to the  
14 contrary, moneys in the fund that have been awarded but not  
15 paid to a communications service provider shall not revert but  
16 shall remain available to the office commission for purposes of  
17 administering the award in a manner consistent with the terms  
18 and conditions of any corresponding contract or grant agreement  
19 governing the administration of the award.

20 3. Communications service providers may apply to the  
21 office commission for a grant pursuant to this section for  
22 the installation of broadband infrastructure that facilitates  
23 broadband service in targeted service areas. The office  
24 commission shall make available a public internet site  
25 identifying all publicly available information contained in the  
26 applications and any results of performance testing conducted  
27 after the project is completed. The office commission  
28 shall devote one full-time equivalent position to evaluate  
29 applications submitted under this section and provide technical  
30 assistance to communications service providers in completing  
31 applications for federal funds, or any other funds from any  
32 public or private sources, related to improving broadband  
33 infrastructure.

34 4. a. The office commission shall award grants on  
35 a competitive basis for the installation of broadband

1 infrastructure that facilitates broadband service as provided  
2 in subsection 3 in targeted service areas after considering the  
3 following:

4 (1) The relative need for broadband infrastructure in the  
5 area and the existing broadband service speeds, including  
6 whether the project serves a rural area or areas.

7 (2) The applicant's total proposed budget for the project,  
8 including all of the following:

9 (a) The amount or percentage of local or federal matching  
10 funds, if any, and any funding obligations shared between  
11 public and private entities.

12 (b) The percentage of funding provided directly from the  
13 applicant, including whether the applicant requested from the  
14 office commission an amount less than the maximum amount the  
15 office commission could award pursuant to subsection 5 and, if  
16 so, the percentage of the project cost that the applicant is  
17 requesting.

18 (c) The total amount of the applicant's investments in  
19 the five years before the submission of the application in  
20 fiberoptic infrastructure and broadband infrastructure that  
21 meet all of the following criteria:

22 (i) Serves targeted service areas that are adjacent to the  
23 area.

24 (ii) Provides a minimum download speed of one hundred  
25 megabits per second and a minimum upload speed of one hundred  
26 megabits per second.

27 (iii) Directly benefits or provides broadband service to  
28 the area.

29 (3) The relative download and upload speeds of proposed  
30 projects for all applicants.

31 (4) The specific product attributes resulting from the  
32 proposed project, including technologies that provide higher  
33 qualities of service, such as service levels, latency,  
34 and other service attributes as determined by the office  
35 commission.

1 (5) The percentage of the homes, farms, schools, and  
2 businesses in the targeted service area that will be provided  
3 access to broadband service.

4 (6) The proportion of proposed projects that will result  
5 in the installation of broadband infrastructure in a targeted  
6 service area within which the only broadband service available  
7 provides the tier 1 download and upload speeds specified in the  
8 definition of targeted service area in section 8B.1.

9 (7) The applicant's ability to complete the proposed  
10 project in a timely manner and within the applicant's total  
11 proposed budget.

12 (8) The applicant's market gap and demand studies,  
13 independently reviewed business viability modeling, regional  
14 planning, and other cost-effective methods and operations the  
15 applicant will use to provide broadband service in the area.

16 (9) The rates the applicant will charge to customers of its  
17 broadband service in the area.

18 (10) Whether the applicant will give preference to  
19 purchasing Iowa products and purchases from Iowa-based  
20 businesses in conjunction with the installation of broadband  
21 infrastructure for the proposed project.

22 ~~(7)~~ (11) Other factors the office commission deems  
23 relevant.

24 *b.* In considering the factors listed in paragraph "a" for  
25 awarding grants pursuant to this section, the office commission  
26 shall afford the greatest weight to the factors described in  
27 paragraph "a", subparagraphs (1) through (3), and subparagraph  
28 subparagraphs (6) and (10).

29 5. The total amount of the grants the office commission  
30 awards from the empower rural Iowa broadband grant fund  
31 pursuant to this section shall not exceed any of the following  
32 amounts:

33 *a.* Seventy-five percent of a communications service  
34 provider's project costs for projects that will result in the  
35 installation of broadband infrastructure in a targeted service

1 area within which no communications service provider offers or  
2 facilitates broadband service that provides download and upload  
3 speeds less than or equal to the tier 1 download and upload  
4 speeds specified in the definition of targeted service area in  
5 section 8B.1.

6 *b.* Fifty percent of a communications service provider's  
7 project costs for projects that will result in the installation  
8 of broadband infrastructure in a targeted service area within  
9 which no communications service provider offers or facilitates  
10 broadband service that provides download and upload speeds  
11 less than or equal to the tier 2 download and upload speeds  
12 specified in the definition of targeted service area in section  
13 8B.1.

14 *c.* Thirty-five percent of a communications service  
15 provider's project costs for projects that will result in the  
16 installation of broadband infrastructure in a targeted service  
17 area within which no communications service provider offers or  
18 facilitates broadband service that provides download speeds  
19 less than or equal to the tier 3 download speed specified in  
20 the definition of targeted service area in section 8B.1.

21 6. Notwithstanding subsections 3 and 5, communications  
22 service providers may apply to the office commission for  
23 a grant pursuant to this section for the installation of  
24 broadband infrastructure that facilitates broadband service  
25 providing a minimum download speed of one hundred megabits per  
26 second and a minimum upload speed of twenty megabits per second  
27 in targeted service areas pursuant to this subsection. The  
28 office commission shall make available a public internet site  
29 identifying all publicly available information contained in the  
30 applications and any results of performance testing conducted  
31 after the project is completed.

32 *a.* The office commission shall award grants under this  
33 subsection on a competitive basis after considering the factors  
34 provided in subsection 4 and affording weight to the factors  
35 pursuant to subsection 4, paragraph "b".

1     *b.* The total amount of the grants the office commission  
2 shall award pursuant to this subsection shall not exceed fifty  
3 percent of a communications service provider's project costs  
4 for projects that will result in the installation of broadband  
5 infrastructure in a targeted service area within which no  
6 communications service provider offers or facilitates broadband  
7 service that provides download and upload speeds less than or  
8 equal to the tier 1 download and upload speeds specified in the  
9 definition of targeted service area in section 8B.1.

10     7. Notwithstanding subsections 5 and 6, at least twenty  
11 percent of the total amount of the grants the office commission  
12 awards from the empower rural Iowa broadband grant fund  
13 pursuant to this section shall be allocated to projects that  
14 will result in the installation of broadband infrastructure  
15 in difficult to serve targeted service areas within which no  
16 communications service provider offers or facilitates broadband  
17 service that provides download and upload speeds less than  
18 or equal to the tier 1 download and upload speeds specified  
19 in the definition of targeted service area in section 8B.1.  
20 For purposes of this subsection, a targeted service area is  
21 difficult to serve if the soil conditions, topography, or  
22 other local conditions make the installation of broadband  
23 infrastructure in the targeted service area more time-consuming  
24 or labor-intensive compared to other areas of the state.

25     8. The office commission shall provide public notice  
26 regarding the application process and receipt of funding.

27     9. The terms of a grant awarded under this section  
28 shall contain, at a minimum, a provision that requires the  
29 repayment of the grant by a communications service provider  
30 if the communications service provider does not meet any  
31 of the requirements of the grant award or if the broadband  
32 infrastructure installed by the communications service provider  
33 does not facilitate broadband service as provided in subsection  
34 3. The repayment of moneys awarded pursuant to this subsection  
35 shall be considered a tax payment due and payable to the



1 department of revenue by any taxpayer who has received such  
2 moneys, and the failure to make such a repayment shall be  
3 treated by the department of revenue in the same manner as a  
4 failure to pay the tax shown due or required to be shown due  
5 with the filing of a return or deposit form.

6 ~~9.~~ 10. The office commission may adopt rules pursuant  
7 to chapter 17A interpreting this chapter or necessary for  
8 administering this chapter, including but not limited to rules  
9 relating to the broadband grant program process, management,  
10 and measurements as deemed necessary by the office commission.

11 ~~10.~~ 11. The office commission shall adopt rules  
12 establishing procedures to allow aggrieved applicants an  
13 opportunity to challenge the office's commission's award of  
14 grants under this section.

15 Sec. \_\_\_\_\_. Section 8B.25, subsections 2 and 3, Code 2021, are  
16 amended to read as follows:

17 2. The office commission shall lead and coordinate a program  
18 to provide for the installation of fiberoptic network conduit  
19 where such conduit does not exist. The ~~chief information~~  
20 ~~officer~~ commission shall consult and coordinate with applicable  
21 agencies and entities as determined appropriate to ensure  
22 that the opportunity is provided to lay or install fiberoptic  
23 network conduit wherever a state-funded construction project  
24 involves trenching, boring, a bridge, a roadway, or opening of  
25 the ground, or alongside any state-owned infrastructure.

26 3. Contingent upon the provision of funding for such  
27 purposes by the general assembly, the office commission may  
28 contract with a nongovernmental third party to manage, lease,  
29 install, or otherwise provide fiberoptic network conduit  
30 access for projects described in this section. This section  
31 does not require coordination with or approval from the  
32 office commission pursuant to this program or installation of  
33 fiberoptic conduit as required by this section for construction  
34 projects not using public funding.

35 Sec. \_\_\_\_\_. NEW SECTION. 16.300 Broadband infrastructure and

1 **fiberoptic infrastructure.**

2 1. As used in this section, unless the context otherwise  
3 requires:

4 a. "*Broadband*" means the same as defined in section 8B.1.

5 b. "*Broadband infrastructure*" means the same as defined in  
6 section 8B.1.

7 c. "*Commission*" means the same as defined in section 8B.1.

8 d. "*Communications service provider*" means the same as  
9 defined in section 8B.1.

10 e. "*Fiberoptic infrastructure*" means the same as defined in  
11 section 8B.1.

12 2. The authority may issue a maximum of two hundred fifty  
13 million dollars of its bonds and notes annually and loan the  
14 proceeds of the bonds and notes to a communications service  
15 provider that has received a grant from the empower rural Iowa  
16 broadband grant fund pursuant to section 8B.11 for the purpose  
17 of financing the installation of broadband infrastructure or  
18 fiberoptic infrastructure.

19 3. The authority may enter into a loan agreement with a  
20 communications service provider for the purpose of financing  
21 the installation of broadband infrastructure or fiberoptic  
22 infrastructure and shall provide for payment of the loan and  
23 security for the loan as the authority deems advisable. The  
24 loan may be secured by any of the following:

25 a. The communications service provider's revenue that is  
26 generated by the provision of broadband service.

27 b. The fiberoptic infrastructure installed by the  
28 communications service provider.

29 4. In the resolution authorizing the issuance of the  
30 bonds or notes pursuant to this section, the authority may  
31 provide that the related principal and interest are limited  
32 obligations payable solely out of the revenues derived from  
33 the debt obligation, collateral, or other security furnished  
34 by or on behalf of the communications service provider, and  
35 the principal or interest does not constitute an indebtedness

1 of the authority or a charge against the authority's general  
2 credit or general fund.

3 5. The commission shall provide credit enhancement to the  
4 authority's annual issuance of bonds or notes pursuant to  
5 subsection 2 through any of the following methods:

6 a. Establishing an escrow account and transferring fifty  
7 millions dollars from the empower rural Iowa broadband grant  
8 fund into the escrow account.

9 b. Pledging payment of fifty million dollars of the bonds  
10 or notes for the first ten years of their issuance from the  
11 empower rural Iowa broadband grant fund.

12 6. The authority shall establish an escrow account and  
13 transfer ten percent of the amount loaned to a communications  
14 service provider pursuant to a loan agreement to the escrow  
15 account to be held in reserve for debt service for five years  
16 after the date of the loan agreement.

17 7. A communications service provider that has entered  
18 into a loan agreement pursuant to this section shall impose,  
19 collect, and increase, if necessary, user charges, taxes, or  
20 other dedicated revenue sources in order to maintain annual net  
21 revenues at a level equal to at least one hundred ten percent  
22 of the amount necessary to pay debt service on all obligations  
23 during the next fiscal year.

24 8. The powers granted the authority under this section are  
25 in addition to the authority's other powers under this chapter.  
26 All other provisions of this chapter, except section 16.28,  
27 subsection 4, apply to bonds or notes issued pursuant to, and  
28 powers granted to the authority under this section, except to  
29 the extent the provisions are inconsistent with this section.

30 9. The authority shall adopt rules pursuant to chapter 17A  
31 to administer and interpret this section.>

32 2. By renumbering as necessary.

By ZACH WAHLS

S-3196 (Continued)

[S-3196](#) FILED APRIL 28, 2021

RULED OUT OF ORDER

HOUSE FILE 867

S-3197

1 Amend House File 867, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 19, after line 22 by inserting:

4 <DIVISION \_\_\_\_  
5 AUDIT EXPENSES

6 Sec. \_\_\_\_ . Section 11.5A, Code 2021, is amended to read as  
7 follows:

8 **11.5A Audit or examination — costs.**

9 When requested by the auditor of state, the department  
10 of management shall transfer from any unappropriated funds  
11 in the state treasury an amount not exceeding the expenses  
12 and prorated salary costs already paid to perform audits or  
13 examinations of state departments and agencies, the offices  
14 of the judicial branch, and federal financial assistance as  
15 defined in the federal Single Audit Act, 31 U.S.C. §7501, et  
16 seq., received by all other departments, ~~as listed in section~~  
17 ~~11.5B~~, for which payments by agencies have not been made. Upon  
18 payment by the departments, the auditor of state shall credit  
19 the payments to the state treasury.

20 Sec. \_\_\_\_ . Section 11.5B, Code 2021, is amended to read as  
21 follows:

22 **11.5B Repayment of audit expenses by state departments and**  
23 **agencies.**

24 The auditor of state shall be reimbursed by a the department  
25 or agency for performing all audits or examinations of ~~the~~  
26 ~~following~~ state departments or agencies, or funds received by a  
27 department or agency~~;~~.

28 ~~1. Department of commerce.~~

29 ~~2. Department of human services.~~

30 ~~3. State department of transportation.~~

31 ~~4. Iowa department of public health.~~

32 ~~5. State board of regents.~~

33 ~~6. Department of agriculture and land stewardship.~~

34 ~~7. Iowa veterans home.~~

35 ~~8. Department of education.~~

S-3197 (Continued)

1 ~~9. Department of workforce development.~~

2 ~~10. Department of natural resources.~~

3 ~~11. Offices of the clerks of the district court of the~~  
4 ~~judicial branch.~~

5 ~~12. The Iowa public employees' retirement system.~~

6 ~~13. Federal financial assistance, as defined in the federal~~  
7 ~~Single Audit Act, 31 U.S.C. §7501, et seq., received by all~~  
8 ~~other departments.~~

9 ~~14. Department of administrative services.~~

10 ~~15. Office of the chief information officer.~~

11 Sec. \_\_\_\_\_. Section 11.5C, subsection 2, Code 2021, is amended  
12 to read as follows:

13 ~~2. If the state department that is the subject of the review~~  
14 ~~is listed in section 11.5B, the The state department shall~~  
15 reimburse the auditor of state for the cost of the review and  
16 any subsequent assistance provided by the auditor of state.

17 Sec. \_\_\_\_\_. NEW SECTION. 11.5D **Billing rates for state**  
18 **auditors.**

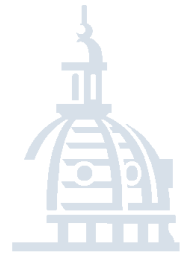
19 The auditor of state shall annually adopt rules pursuant  
20 to chapter 17A to establish the hourly billing rate for audit  
21 services performed by state auditors as described in section  
22 11.31.>

23 2. By renumbering as necessary.

By CLAIRE CELSI

[S-3197](#) FILED APRIL 28, 2021

RULED OUT OF ORDER



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[SF 611](#) – Housing Assistance (LSB2822SV)  
Staff Contact: Eric Richardson (515.281.6767) [eric.richardson@legis.iowa.gov](mailto:eric.richardson@legis.iowa.gov)  
Fiscal Note Version – New

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## **Description**

[Senate File 611](#) creates a Disaster Recovery Housing Assistance Program and related fund to be administered by the Iowa Finance Authority (IFA). The Program is for forgivable loans and grants for homeowners and renters with homes that are destroyed or damaged due to a natural disaster in a county that is the subject of a state of disaster emergency proclamation by the Governor. The Program also includes homes affected by major disasters in Iowa recognized by the President of the United States after March 12, 2019, but before the effective date of the legislation. Administrative rules will determine the amount of assistance for eligible applicants.

The Disaster Recovery Housing Assistance Program can be funded through an appropriation, a transfer of unobligated moneys from any fund created and controlled by the IFA through Iowa Code section [16.5\(1\)\(s\)](#); a transfer from any fund created and controlled by the Iowa Economic Development Authority (IEDA) through Iowa Code section [15.106A](#); and from the Senior Living Revolving Loan Program Fund, the Home and Community-Based Services Revolving Loan Program Fund, the Transitional Housing Revolving Loan Program Fund, and the Community Housing and Services for Persons with Disabilities Revolving Loan Program Fund.

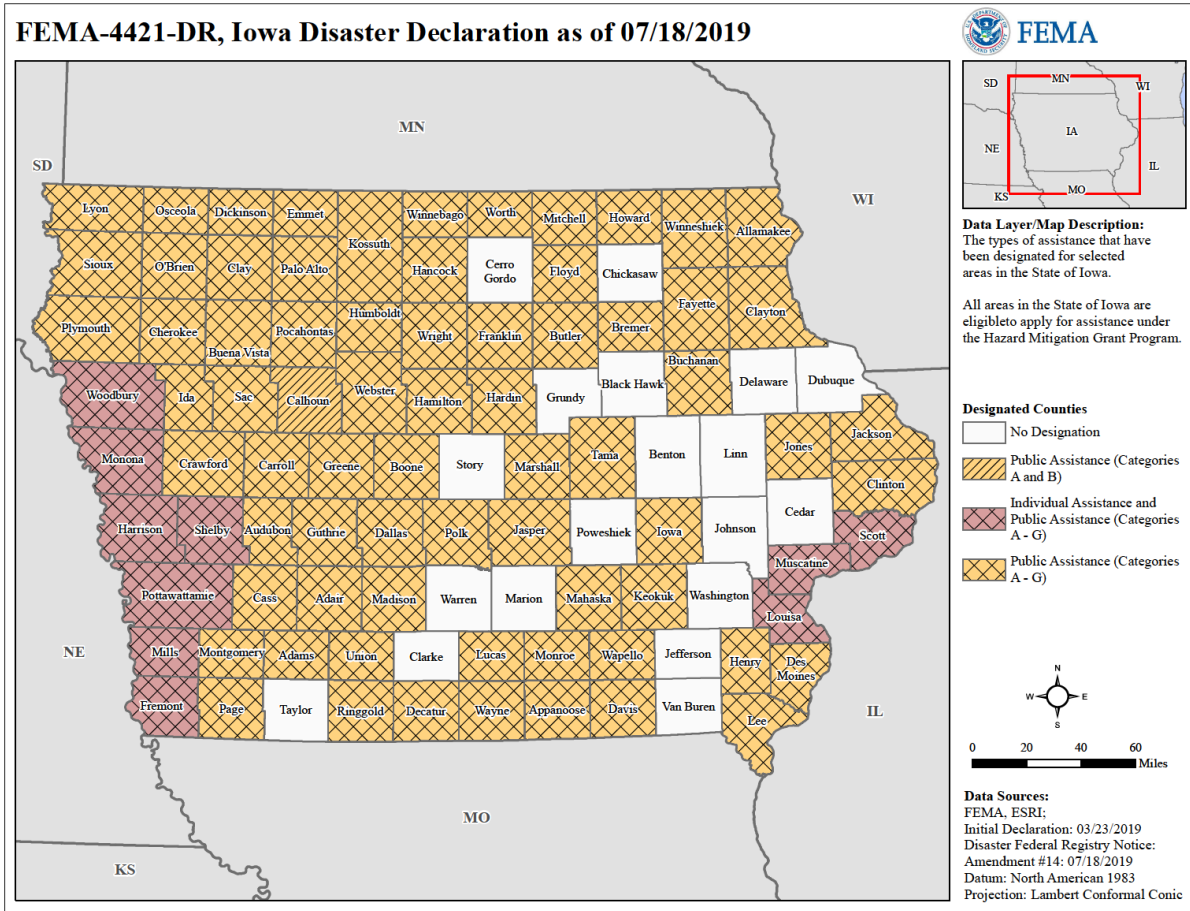
The Disaster Recovery Housing Assistance Fund, administered by the IFA, may also allocate grants to the Eviction Prevention Program, created in the Bill, which can make rental assistance grants.

The Bill is effective upon enactment.

## **Background**

Beginning March 13, 2019, historic flooding impacted the State of Iowa. Thousands of homes were destroyed, causing hundreds of millions of dollars in damages. On March 23, 2019, the President declared a major disaster in the State of Iowa and signed the presidential declaration [FEMA-4421-DR-IA](#). With the declaration, the President authorized federal funds from Public Assistance Programs for 56 Iowa counties (see **Map 1** below). FEMA-4421-DR-IA also authorized federal funds from Individual Assistance grants in Fremont, Harrison, Mills, Monona, and Woodbury counties. A total of 1,735 individual assistance applications from the Federal Emergency Management Agency (FEMA) were approved for reimbursement, totaling \$15.3 million. Funding from [federal public assistance](#) totaled \$194.8 million and was allocated to debris removal, infrastructure, and recreational facilities. State appropriations for flood mitigation from 2019 Iowa Acts, [SF 638](#) (Standing Appropriations Act), and 2020 Iowa Acts, [SF 2144](#) (Supplemental Appropriations Act), totaled \$36.0 million.

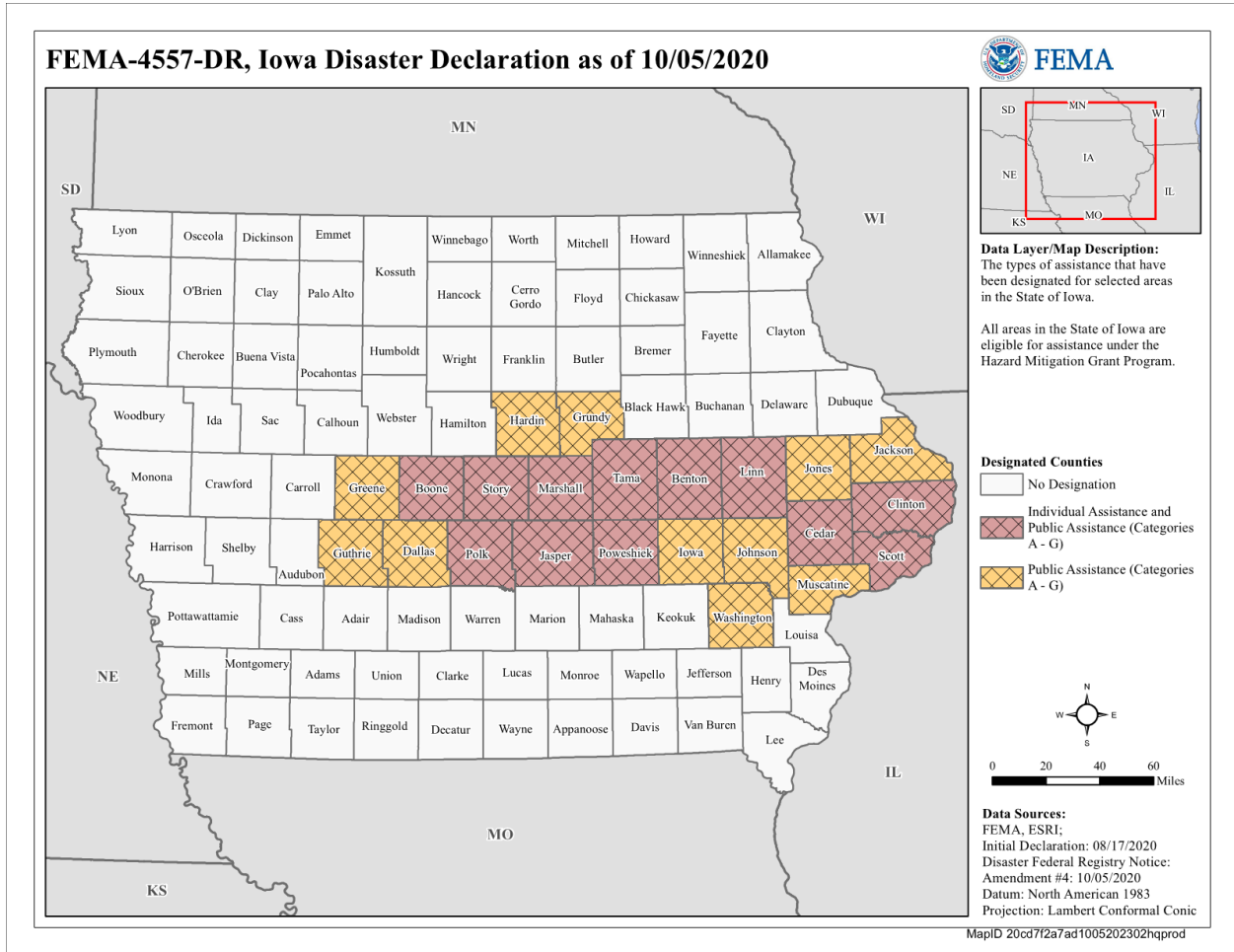
**Map 1: Counties Designated Under FEMA-4421-DR, Iowa Disaster Declaration as of July 18, 2019**



On August 10, 2020, a derecho hit central and eastern Iowa, causing both significant structural and crop damage across a large part of the State. The President issued a major disaster [declaration](#) for 16 counties on August 17, 2020. The declaration has been amended on multiple occasions to add additional counties and to make individual assistance available in the counties most impacted by the storm. **Map 2** below shows that as of October 5, 2020, 23 counties qualify for public assistance and 12 counties qualify for both public assistance and individual assistance. As of February 3, 2021, FEMA has approved 3,063 individual assistance applications totaling \$11.1 million to rebuild after the storm.



**Map 2: Counties Designated Under FEMA-4557-DR, Iowa Disaster Declaration as of October 5, 2020**



The IFA also administered the COVID-19 Iowa Eviction and Foreclosure Prevention Program, funded through \$37.4 million in Iowa Coronavirus Relief Fund allocations. The Program provided up to four months of actual rent or \$3,200, whichever was lower, in grants to income-eligible renters and homeowners who were at risk of eviction or foreclosure due to the pandemic. As of January 11, 2021, nearly 15,000 applicants have received \$33.4 million in assistance from the Program.

**Assumptions**

There are no General Fund appropriations into the Disaster Recovery Housing Assistance Fund for FY 2022 or FY 2023. The Program may be funded from unobligated funds transferred from other programs administered by the IFA, and this funding is to be reported monthly to the Legislative Fiscal Committee.

**Fiscal Impact**

Costs or expenditures from the creation of a Disaster Recovery Housing Assistance Program and an Eviction Prevention Program cannot be estimated, as no appropriation or transfer has been made to fund the Program.

In the event a future disaster produces a disaster declaration by the Governor, activating the Disaster Recovery Housing Assistance Program, 0.25 full-time equivalent (FTE) position will be

necessary to assist the IFA Housing Program Manager to administer the Program. Costs will be funded through an annual 5.0% administrative allowance cap in the Disaster Recovery Housing Assistance Fund or from other internal resources.

**Sources**

Legislative Services Agency

Iowa Finance Authority

Federal Emergency Management Agency

/s/ Holly M. Lyons

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April 28, 2021

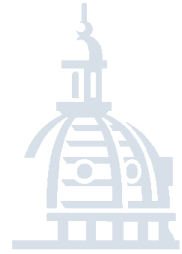
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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[www.legis.iowa.gov](http://www.legis.iowa.gov)



**SF 612** – Real Estate Transfer Tax (LSB2823SV)  
 Staff Contact: Eric Richardson (515.281.6767) [eric.richardson@legis.iowa.gov](mailto:eric.richardson@legis.iowa.gov)  
 Fiscal Note Version – New

**Description**

[Senate File 612](#) increases the annual \$3.0 million cap placed on the transfer of the real estate transfer tax receipts to the Housing Trust Fund to \$5.5 million, effective July 1, 2022.

**Background**

The [real estate transfer tax](#) is imposed on the transfer of real estate in the State. The tax is equal to \$0.80 per \$500 (or any fractional part of \$500) of consideration paid as part of or a condition of the property transfer. As examples, the transfer of a \$1,200 property would incur a tax of \$2.40, while the transfer of a \$1.0 million property would incur a tax of \$1,600.

The tax is paid to the county. Iowa Code section [428A.8](#) controls the division of the tax revenue. The county retains 17.25% of the tax revenue for deposit in the county general fund. The county remits the remaining 82.75% to the State. The State portion is deposited as follows:

- 30.0% to the [Housing Trust Fund](#) up to a limit of \$3.0 million each fiscal year.
- 5.0% to the [Shelter Assistance Fund](#).
- 65.0%, plus any Housing Trust Fund revenue in excess of \$3.0 million, to the General Fund.

The following table provides a history of real estate transfer tax deposits to State funds for the past four fiscal years.

<b>Real Estate Transfer Tax Revenue, State Portion</b>				
In Millions				
Fund	FY 2017	FY 2018	FY 2019	FY 2020
Housing Trust Fund	\$ 3.0	\$ 3.0	\$ 3.0	\$ 3.0
Shelter Assistance Fund	1.1	1.2	1.2	1.2
State General Fund	18.6	19.2	19.1	20.3
<b>Total</b>	<b>\$ 22.7</b>	<b>\$ 23.4</b>	<b>\$ 23.3</b>	<b>\$ 24.5</b>

**Assumptions**

Based on an average annual growth rate from FY 2007 to FY 2020 of 2.3%, the real estate transfer tax will produce \$25.7 million in revenue in FY 2022, of which 30.0% (estimated at \$7.7 million) will be deposited into the Housing Trust Fund.

**Fiscal Impact**

Increasing the Housing Trust Fund’s annual \$3.0 million real estate tax revenue limit to \$5.5 million is estimated to increase Housing Trust Fund revenue and reduce net General Fund revenue by \$2.5 million annually beginning in FY 2022.

**Sources**

Legislative Services Agency  
Iowa Department of Revenue

/s/ Holly M. Lyons

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April 28, 2021

Doc ID 1219988

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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