

OFFICE OF THE GOVERNOR

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 26, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2389, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Senate File 2389 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2389 are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:ycl

Cc: Secretary of the Senate
Chief Clerk of the House



Senate File 2389

AN ACT

RELATING TO AND MAKING, REDUCING, AND TRANSFERRING APPROPRIATIONS TO STATE DEPARTMENTS AND AGENCIES FROM THE REBUILD IOWA INFRASTRUCTURE FUND, THE TECHNOLOGY REINVESTMENT FUND, THE REVENUE BONDS CAPITALS FUND, THE REVENUE BONDS CAPITALS II FUND, THE FY 2009 PRISON BONDING FUND, AND OTHER FUNDS, CREATING THE IOWA JOBS II PROGRAM, AND THE REVENUE BONDS FEDERAL SUBSIDY HOLDBACK FUND, PROVIDING FOR RELATED MATTERS, AND PROVIDING AN EFFECTIVE DATE.

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

DIVISION I

REBUILD IOWA INFRASTRUCTURE FUND

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For distribution to other governmental entities for the payment of services related to the integrated information for

Iowa system, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 3,700,000

Moneys appropriated in this lettered paragraph shall be separately accounted for in a distribution account and shall be distributed to other governmental entities based upon a formula established by the department to pay for services associated with the integrated information for Iowa system provided during the fiscal year by the department.

During the fiscal year, the department may use up to \$1,000,000 of unexpended or unobligated funds in the information technology operations fund established under the provisions of section 8A.123 to provide funding for costs associated with the integrated information for Iowa system. By October 31, 2011, the department shall report to the department of management and the legislative services agency regarding any moneys that are used for this purpose.

b. For costs associated with Mercy capitol hospital building operations, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 1,083,175

c. For the state's share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 200,000

Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.

Of the amount appropriated in this lettered paragraph, up to \$50,000 shall be used to encourage state employees to utilize transit services provided by the Des Moines area regional transit authority.

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

For the administration of the watershed improvement review board established in section 466A.3, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 50,000

3. DEPARTMENT FOR THE BLIND

For costs associated with universal access to audio

information over the phone on demand for blind and print handicapped Iowans, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 20,000

4. DEPARTMENT OF CULTURAL AFFAIRS

a. For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 60,000

b. For purposes of maintenance and repairs of historic sites:

..... \$ 40,000

5. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For deposit in the workforce training and economic development funds for each community college in section 260C.18A, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 2,000,000

b. To the 6th avenue corridor for improvements to the streetscape associated with the national mainstreet conference and for additional architectural and engineering design plans for economic development and community revitalization, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 100,000

c. To develop site plans for the southeast Iowa regional economic and port authority including plans for infrastructure for economic development, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 50,000

d. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 500,000

e. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 100,000

6. DEPARTMENT OF EDUCATION

To provide resources for structural and technological improvements to local libraries and for the enrich Iowa program, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 500,000

Of the moneys appropriated in this subsection, \$50,000 shall be allocated equally to each library service area.

7. DEPARTMENT OF NATURAL RESOURCES

a. For floodplain management and dam safety, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 2,000,000

Of the amounts appropriated in this lettered paragraph, up to \$400,000 is authorized for stream gages to be used for tracking and predicting flood events and for compiling necessary data relating to flood frequency analysis.

b. For costs associated with the construction of a permanent structure for handicapped persons and senior citizens in a county with a population between 37,150 and 37,250:

..... \$ 40,000

c. For costs associated with the hiring and employment of an asset manager at Honey creek resort state park, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 100,000

The department shall issue a request for proposals to competitively procure the services of an asset manager which shall be selected by the natural resource commission. The asset manager shall have hospitality management experience of at least five years including at least three years asset management experience in a setting similar in size and quality to the Honey creek resort state park with a similar type of market. The duties and job responsibilities of the asset manager shall include but are not limited to reviewing and commenting on the resort's sales and marketing plan, providing for the operation of the resort in a manner consistent with the requirements and limitations set forth in the resort's operating agreement, monitoring and supervising the resort including site visits, and negotiating and recommending an annual operating budget and budget plan. The asset manager shall report to bond counsel, the governor, the Honey creek authority, the department of natural resources, and the legislative services agency.

8. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

..... \$ 1,500,000

b. For renovation and facility improvements at the Iowa Falls readiness center:

..... \$ 500,000

c. For renovation and facility improvements at the Cedar Rapids armed forces readiness center:
..... \$ 200,000

d. For renovation and facility improvements at the Middletown readiness center:
..... \$ 100,000

9. DEPARTMENT OF PUBLIC HEALTH

For a grant to an existing national affiliated volunteer eye organization that has an established program for children and adults and that is solely dedicated to preserving sight and preventing blindness through education, nationally certified vision screening and training, community and patient service programs, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 100,000

10. IOWA FINANCE AUTHORITY

For transfer to the Polk county housing trust fund for the construction of facilities to meet the specialized needs of adult persons with severe and profound disabilities who have high medical needs:

..... \$ 250,000

11. STATE BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 24,305,412

b. For the Iowa flood center at the state university of Iowa for use by the university's college of engineering, pursuant to section 466C.1, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 1,300,000

c. To Iowa state university of science and technology to purchase veterinary surgical and other equipment to modernize the animal care facilities at the blank park zoo as part of a cooperative effort of blank park zoo and the college of veterinary medicine, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 400,000

12. TREASURER OF STATE

For county fair infrastructure improvements for distribution in accordance with chapter 174 to qualified fairs which belong to the association of Iowa fairs:

..... \$ 1,060,000

13. DEPARTMENT OF TRANSPORTATION

For infrastructure improvements at general aviation airports within the state:

..... \$ 750,000

14. DEPARTMENT OF VETERANS AFFAIRS

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 1,000,000

Sec. 2. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF CORRECTIONS

For project management costs at Fort Madison and Mitchellville prisons, associated with construction projects at the department, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 4,500,000

FY 2012-2013..... \$ 1,000,000

FY 2013-2014..... \$ 200,000

2. DEPARTMENT OF NATURAL RESOURCES

For state park infrastructure improvements:

FY 2011-2012..... \$ 5,000,000

FY 2012-2013..... \$ 5,000,000

FY 2013-2014..... \$ 5,000,000

FY 2014-2015..... \$ 5,000,000

3. DEPARTMENT OF TRANSPORTATION

For deposit into the passenger rail service revolving fund created in section 327J.2 for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008 for passenger rail service, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... \$ 6,500,000

It is the intent of the general assembly to fund up to \$20 million over a four-year period to fully fund the state commitment for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008.

Sec. 3. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II

TECHNOLOGY REINVESTMENT FUND

Sec. 4. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For technology improvement projects:

..... \$ 3,793,654

2. DEPARTMENT OF CORRECTIONS

For costs associated with the Iowa corrections offender network data system:

..... \$ 500,000

3. DEPARTMENT OF EDUCATION

a. For maintenance and lease costs associated with connections for Part III of the Iowa communications network:

..... \$ 2,727,000

b. For the implementation of an educational data warehouse that will be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:

..... \$ 600,000

The department may use a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.

4. DEPARTMENT OF PUBLIC HEALTH

For deposit in the county mental health, mental retardation, and developmental disabilities services fund created by section 331.424A in a county with a population over 350,000 for a community mental health center created under chapter 230A which serves only adults:

..... \$ 250,000

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:

..... \$ 2,244,956

The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operations and maintenance costs of the network.

In addition to moneys appropriated in this subsection, the commission may use a financing agreement entered into by the treasurer of state in accordance with section 12.28 for the replacement of equipment for the network. For purposes of this subsection, the treasurer of state is not subject to the maximum principal limitation contained in section 12.28, subsection 6. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.

Sec. 5. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III

REVENUE BONDS CAPITALS FUND — APPROPRIATIONS

Sec. 6. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities:

..... \$ 3,000,000

Moneys appropriated in this subsection shall not be used for purposes of the renovation of the Mercy capitol hospital building.

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. To the soil conservation division of the department established in section 161A.4 to provide financial assistance for the establishment of permanent soil and water conservation practices:

..... \$ 1,000,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to abate complaints filed under section 161A.47.

c. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

d. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

e. The state soil conservation committee created in section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Moneys appropriated in this subsection shall not be used for administrative or planning purposes.

3. DEPARTMENT OF CULTURAL AFFAIRS

For grants for Iowa great places program projects:

..... \$ 2,000,000

4. DEPARTMENT OF CORRECTIONS

a. For one-time costs associated with the opening of community-based corrections facilities including the purchase of equipment:

..... \$ 1,519,048

b. For use by a city with a population between 198,000 and

199,000 for a safety barrier to be constructed in the natural environment between the fifth judicial district facility and the blank park zoo:

..... \$ 1,000,000

c. For project management costs at Fort Madison and Mitchellville prisons associated with construction projects at the department:

..... \$ 2,200,000

5. DEPARTMENT OF ECONOMIC DEVELOPMENT

To the Des Moines area regional transit authority (DART) for construction of a regional transit hub for economic development purposes and for providing public transportation in a city with a population between 198,000 and 199,000 in the last preceding certified federal census:

..... \$ 4,000,000

6. DEPARTMENT OF NATURAL RESOURCES

For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report:

..... \$ 7,000,000

Of the amount appropriated in this subsection, \$250,000 shall be allocated for dredging, reconstruction, and related improvements of twin ponds adjacent to a nature center in a county with a population between 13,050, and 13,100.

Of the amount appropriated in this subsection, \$2,000,000 shall be allocated for costs associated with dam construction; shoreline protection; boat ramp, parking, and road construction; and an in-lake fishing habitat development project for a new state recreation area on a lake located in a county with a population between 155,000 and 160,000.

Of the amount appropriated in this subsection, \$100,000 shall be allocated for lake dredging and related improvements including ongoing dam maintenance and operation on a lake with public access that has the support of a benefited lake district located in a county with a population between 18,350 and 18,450 in the last preceding federal census.

7. STATE BOARD OF REGENTS

For phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services:

..... \$ 13,000,000

8. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:

..... \$ 2,500,000

9. IOWA FINANCE AUTHORITY

For grants for purposes of the housing trust fund created in section 16.181:

..... \$ 2,000,000

Sec. 7. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys from the appropriations in this division of this Act shall not be used for administrative or planning purposes.

Sec. 8. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION IV

REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS

Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals II fund.

1. A revenue bonds capitals II fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals II fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued after April 1, 2010, pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the

net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals II fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals II fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 10. There is appropriated from the revenue bonds capitals II fund created in section 12.88A to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. To the soil conservation division of the department established in section 161A.4 to provide financial assistance for the establishment of permanent soil and water conservation practices:

..... \$ 5,950,000

(1) Not more than 5 percent of the moneys appropriated in this paragraph "a" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in this paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a soil and water

conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

(5) The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

(6) Moneys appropriated in this paragraph "a" shall not be used for administrative or planning purposes.

b. For grants under the conservation reserve enhancement program to improve water quality and intercept nitrates:

..... \$ 2,500,000

2. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For deposit into the community attraction and tourism fund created in section 15F.204:

..... \$ 12,000,000

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:

..... \$ 4,000,000

Moneys appropriated for grants awarded in paragraphs "a" and "b" shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

c. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of vertical infrastructure in section 8.57, subsection 6, paragraph "c":

..... \$ 5,500,000

d. For the main street Iowa program to be used as grants for projects that have previously applied for funding consideration, or have received partial funding for facade master plans to rehabilitate storefronts in main street Iowa districts, to complete streetscape projects where planning and the majority of funding is already secured, for unfunded main street challenge grant projects, and for other building rehabilitation projects that are currently on the department's

highest priority list:

..... \$ 8,450,000

Moneys appropriated in this lettered paragraph shall not be used for administration or planning purposes.

Of the amount appropriated in this lettered paragraph, \$300,000 shall be allocated to a city with a population between 25,100 and 25,200 in the last preceding certified federal census for a redevelopment project that includes improvements and modifications to streets and storm sewers in both the downtown and mall areas of the city.

e. To north Iowa area community college (merged area II) for the construction of a small business center for economic development:

..... \$ 1,500,000

f. To Kirkwood community college (merged area X) for the construction of a small business center for economic development:

..... \$ 1,200,000

3. DEPARTMENT OF EDUCATION

For major renovation and major repair needs, including health, life, and fire safety needs and for compliance with the federal Americans with Disabilities Act, for state buildings and facilities under the purview of the community colleges:

..... \$ 2,000,000

4. IOWA FINANCE AUTHORITY

a. To the Iowa jobs board created in section 16.191 for disaster relief and mitigation renovation and construction projects:

..... \$ 30,900,000

The moneys appropriated in this paragraph "a" shall be allocated as follows:

(1) To a county with a population between 189,000 and 196,000 in the last preceding certified federal census for the renovation and expansion of an administrative office building:

..... \$ 4,400,000

(2) To a city with a population between 120,500 and 120,800 in the last preceding certified federal census, for the following projects:

(a) For renovation of an existing public building to make the building useful for city department offices:

..... \$ 4,400,000

(b) For flood mitigation or renovation in and around an existing courthouse:

..... \$ 2,000,000

(3) To a city with a population between 198,000 and 199,000 in the last preceding certified federal census to be allocated as follows:

(a) For site acquisition, design, engineering, and construction of a fire training and logistics center:

..... \$ 3,000,000

(b) For land acquisition, design, and construction of sewers, structures, and pumping facilities necessary to separate and convey sewer flow within the riverpoint service area:

..... \$ 1,250,000

(c) For land acquisition, design, and construction of sewers, structures, and pumping facilities necessary to separate or convey sewer flow within the Court avenue service area:

..... \$ 3,050,000

(d) For bank stabilization, stream bed stabilization, and erosion control on highly erodible ground that is impacting utilities, road infrastructure, and water quality:

..... \$ 700,000

(e) To improve utilization of two of the wastewater reclamation authority's existing equalization basins for the control of peak flows during wet weather events in the authority's sewer system:

..... \$ 500,000

(4) For a publicly owned acute care teaching hospital located in a county with a population of over 350,000, for the construction and renovation of patient access and care facilities, equipment replacement and upgrades, and other infrastructure improvements:

..... \$ 1,000,000

(5) For a city with a population between 98,300 and 98,400 in the last preceding certified federal census, for flood protection, replacement, and construction improvements to a recreational sports facility:

..... \$ 1,050,000

(6) For a city with a population between 68,700 and 68,800 in the last preceding certified federal census, for a public works building that will allow the city to provide for disaster-related services:

..... \$ 5,000,000

(7) For a city with a population between 62,100 and

62,250 in the last preceding certified federal census, for the demolition, relocation, and reconstruction of a public wastewater treatment plant and the development of a public green space:

..... \$ 2,000,000

(8) For a city with a population between 2,545 and 2,555 in the last preceding certified federal census, for a streetscape project that reconstructs existing horizontal infrastructure and lighting systems utilizing sustainable development practices:

..... \$ 1,175,000

(9) For a city with a population between 2,200 and 2,220 in the last preceding certified federal census, for construction of a public city building:

..... \$ 475,000

(10) For a city with a population between 2,558 and 2,565 in the last preceding certified federal census, for the installation of backflow prevention devices for the city's storm sewer system:

..... \$ 600,000

(11) For a city with a population between 6,875 and 6,890 in the last preceding certified federal census, for the construction of grade control structures and associated grading to mitigate future water damage to residential structures:

..... \$ 300,000

b. To the Iowa jobs board for a disaster prevention program created in section 16.194A for grants for cities and counties that apply smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2, as enacted in this Act:

..... \$ 30,000,000

5. DEPARTMENT OF NATURAL RESOURCES

a. For state park infrastructure improvements:

..... \$ 5,000,000

Of the amount appropriated in this lettered paragraph, \$100,000 shall be allocated for the renovation of a clubhouse in a state park in a county with a population between 20,200 and 20,250 in the last preceding certified federal census.

b. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report:

..... \$ 3,000,000

6. STATE BOARD OF REGENTS

a. For costs associated with the construction and establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

..... \$ 10,000,000

b. For deposit into the alternate energy revolving loan fund created in section 476.46 to encourage the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

..... \$ 5,000,000

Any award of loans to private individuals or organizations must be for the public purpose of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes.

7. DEPARTMENT OF TRANSPORTATION

a. For grants for rail projects including wind energy rail port projects that provide assistance consistent with the purposes of section 327H.20A:

..... \$ 7,500,000

Grants awarded pursuant to this lettered paragraph shall meet all of the following selection criteria:

- (1) Be located in or adjacent to a rail industrial park.
- (2) Be a facility that serves multiple industrial clients with one rail infrastructure investment.
- (3) Accommodate building and loading a complete unit train in the rail port.
- (4) Have connection tracks with adequate clearances to transport large components.
- (5) Be located in an area with short unimpeded access for oversized wind components to a divided four-lane highway.

A grant awarded for a project under this lettered paragraph "a" shall not exceed more than forty percent of the appropriation in this lettered paragraph.

Priority in the awarding of grants shall be given to communities that have experienced exceptional economic setbacks. An additional preference shall be given to a county that has lost nine percent of its workforce to a permanent factory closing where the laid off workers are trade adjustment assistance eligible.

b. For the public transit infrastructure grant program in section 324A.6A:

..... \$ 2,000,000

c. For infrastructure improvements at the commercial air service airports within the state:

..... \$ 1,500,000

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air service airport to receive funding under this lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

d. For infrastructure projects relating to functionally obsolete and structurally deficient bridges:

..... \$ 10,000,000

8. TREASURER OF STATE

For transfer to the watershed improvement review board created in section 466A.3 for grants associated with the construction and restoration of wetland easements and flood prevention projects:

..... \$ 2,000,000

Notwithstanding section 466A.5, moneys from the appropriation in this subsection shall not be used for administrative purposes.

Sec. 11. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys from the appropriations in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys from the appropriations in this division of this Act shall not be used for administrative or planning purposes.

Sec. 12. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act

shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 13. EFFECTIVE UPON ENACTMENT. The section of this division of this Act enacting section 12.88A, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
PRISON BONDING

Sec. 14. There is appropriated from the FY 2009 prison bonding fund created pursuant to section 12.79 to the department of corrections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the building of a new Iowa State penitentiary at Fort Madison:

..... \$ 322,500

The appropriation made in this section constitutes approval by the general assembly for the issuance of bonds by the treasurer of state pursuant to section 12.80.

Sec. 15. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION VI
IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND —
DEPARTMENT OF TRANSPORTATION

Sec. 16. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of transportation for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 455G.3, subsection 1, for deposit in the passenger rail service revolving fund created in section

327J.2:

..... \$ 2,000,000

Such funds shall be coupled with the remaining unobligated balance of up to one million five hundred thousand dollars from the appropriation made in 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph "a", for a total commitment of three million five hundred thousand dollars for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for matching federal funding available through the Passenger Rail Investment and Improvement Act of 2008.

DIVISION VII
SMART PLANNING

Sec. 17. NEW SECTION. 18B.1 Iowa smart planning principles.

State agencies, local governments, and other public entities shall consider and may apply the following principles during deliberation of all appropriate planning, zoning, development, and resource management decisions, except that nothing in this section shall be construed to expand the eminent domain authority of a state agency, local government, or other public entity beyond that which is authorized under chapter 6A or 6B:

1. *Collaboration.* Governmental, community, and individual stakeholders, including those outside the jurisdiction of the entity, are encouraged to be involved and provide comment during deliberation of planning, zoning, development, and resource management decisions and during implementation of such decisions. The state agency, local government, or other public entity is encouraged to develop and implement a strategy to facilitate such participation.

2. *Efficiency, transparency, and consistency.* Planning, zoning, development, and resource management should be undertaken to provide efficient, transparent, and consistent outcomes. Individuals, communities, regions, and governmental entities should share in the responsibility to promote the equitable distribution of development benefits and costs.

3. *Clean, renewable, and efficient energy.* Planning, zoning, development, and resource management should be undertaken to promote clean and renewable energy use and increased energy efficiency.

4. *Occupational diversity.* Planning, zoning, development, and resource management should promote increased diversity of employment and business opportunities, promote access to education and training, expand entrepreneurial opportunities, and promote the establishment of businesses in locations near

existing housing, infrastructure, and transportation.

5. *Revitalization.* Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

6. *Housing diversity.* Planning, zoning, development, and resource management should encourage diversity in the types of available housing, support the rehabilitation of existing housing, and promote the location of housing near public transportation and employment centers.

7. *Community character.* Planning, zoning, development, and resource management should promote activities and development that are consistent with the character and architectural style of the community and should respond to local values regarding the physical character of the community.

8. *Natural resources and agricultural protection.* Planning, zoning, development, and resource management should emphasize protection, preservation, and restoration of natural resources, agricultural land, and cultural and historic landscapes, and should increase the availability of open spaces and recreational facilities.

9. *Sustainable design.* Planning, zoning, development, and resource management should promote developments, buildings, and infrastructure that utilize sustainable design and construction standards and conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, air, and materials.

10. *Transportation diversity.* Planning, zoning, development, and resource management should promote expanded transportation options for residents of the community. Consideration should be given to transportation options that maximize mobility, reduce congestion, conserve fuel, and improve air quality.

Sec. 18. NEW SECTION. 18B.2 Local comprehensive planning and development guidelines.

1. For the purposes of this chapter, unless the context otherwise requires:

a. (1) "Development" means any of the following:

(a) Construction, reconstruction, renovation, mining,

extraction, dredging, filling, excavation, or drilling activity or operation.

(b) Man-made changes in the use or appearance of any structure or in the land itself.

(c) The division or subdivision of land.

(d) Any change in the intensity of use or the use of land.

(2) "Development" does not include any of the following:

(a) Activities on or uses of agricultural land, farm houses, or agricultural buildings or structures, unless such buildings or structures are located in the flood plain of a river or stream.

(b) Installation, operation, and maintenance of soil and water conservation practices.

(c) The choice of crops or a change in the choice of crops on agricultural land.

b. "Land development regulations" means zoning, subdivision, site plan, corridor map, floodplain or storm water ordinances, rules, or regulations, or other governmental controls that affect the use of property.

c. "Municipality" means a city or a county.

2. A municipality shall consider the smart planning principles under section 18B.1 and may include the following information, if applicable, when developing or amending a comprehensive plan under chapter 335 or chapter 414 or when developing or amending other local land development regulations:

a. Information relating to public participation during the creation of the comprehensive plan or land development regulations, including documentation of the public participation process, a compilation of objectives, policies, and goals identified in the public comment received, and identification of the groups or individuals comprising any work groups or committees that were created to assist the planning and zoning commission or other appropriate decision-making body of the municipality.

b. Information relating to the primary characteristics of the municipality and a description of how each of those characteristics impacts future development of the municipality. Such information may include historical information about the municipality, the municipality's geography, natural resources, natural hazards, population, demographics, types of employers and industry, labor force, political and community institutions, housing, transportation, educational resources,

and cultural and recreational resources. The comprehensive plan or land development regulations may also identify characteristics and community aesthetics that are important to future development of the municipality.

c. Objectives, information, and programs that identify current land uses within the municipality and that guide the future development and redevelopment of property, consistent with the municipality's characteristics identified under paragraph "b". The comprehensive plan or land development regulations may include information on the amount, type, intensity, and density of existing land use, trends in the market price of land used for specific purposes, and plans for future land use throughout the municipality. The comprehensive plan or land development regulations may identify and include information on property that has the possibility for redevelopment, a map of existing and potential land use and land use conflicts, information and maps relating to the current and future provision of utilities within the municipality, information and maps that identify the current and future boundaries for areas reserved for soil conservation, water supply conservation, flood control, and surface water drainage and removal. Information provided under this paragraph may also include an analysis of the current and potential impacts on local watersheds and air quality.

d. Objectives, policies, and programs to further the vitality and character of established residential neighborhoods and new residential neighborhoods and plans to ensure an adequate housing supply that meets both the existing and forecasted housing demand. The comprehensive plan or land development regulations may include an inventory and analysis of the local housing stock and may include specific information such as age, condition, type, market value, occupancy, and historical characteristics of all the housing within the municipality. The comprehensive plan or land development regulations may identify specific policies and programs that promote the development of new housing and maintenance or rehabilitation of existing housing and that provide a range of housing choices that meet the needs of the residents of the municipality.

e. Objectives, policies, and programs to guide future development of sanitary sewer service, storm water management, water supply, solid waste disposal, wastewater treatment technologies, recycling facilities, and telecommunications

facilities. The comprehensive plan or land development regulations may include estimates regarding future demand for such utility services.

f. Objectives, policies, and programs to guide the future development of a safe, convenient, efficient, and economical transportation system. Plans for such a transportation system may be coordinated with state and regional transportation plans and take into consideration the need for diverse modes of transportation, accessibility, improved air quality, and interconnectivity of the various modes of transportation.

g. Objectives, policies, and programs to promote the stabilization, retention, or expansion of economic development and employment opportunities. The comprehensive plan or land development regulations may include an analysis of current industries and economic activity and identify economic growth goals for the municipality. The comprehensive plan or land development regulations may also identify locations for future brownfield or grayfield development.

h. Objectives, policies, and programs addressing preservation and protection of agricultural and natural resources.

i. Objectives, policies, and programs to assist future development of educational facilities, cemeteries, health care facilities, child care facilities, law enforcement and fire protection facilities, libraries, and other governmental facilities that are necessary or desirable to meet the projected needs of the municipality.

j. Objectives, policies, and programs to identify characteristics and qualities that make the municipality unique and that are important to the municipality's heritage and quality of life.

k. Objectives, policies, and programs that identify the natural and other hazards that have the greatest likelihood of impacting the municipality or that pose a risk of catastrophic damage as such hazards relate to land use and development decisions, as well as the steps necessary to mitigate risk after considering the local hazard mitigation plan approved by the federal emergency management agency.

l. Objectives, policies, and programs for joint planning and joint decision making with other municipalities or governmental entities, including school districts and drainage districts, for siting and constructing public facilities and sharing public services. The comprehensive plan or land

development regulations may identify existing or potential conflicts between the municipality and other local governments related to future development of the municipality and may include recommendations for resolving such conflicts. The comprehensive plan or land development regulations may also identify opportunities to collaborate and partner with neighboring jurisdictions and other entities in the region for projects of mutual interest.

m. A compilation of programs and specific actions necessary to implement any provision of the comprehensive plan, including changes to any applicable land development regulations, official maps, or subdivision ordinances.

3. A municipality's comprehensive plan developed using the guidelines under this section shall address prevention and mitigation of, response to, and recovery from a catastrophic flood.

Sec. 19. Section 28I.4, Code 2009, is amended to read as follows:

28I.4 Powers and duties.

1. The commission shall have the power and duty to make comprehensive studies and plans for the development of the area it serves which will guide the unified development of the area and which will eliminate planning duplication and promote economy and efficiency in the ~~co-ordinated~~ coordinated development of the area and the general welfare, convenience, safety, and prosperity of its people. The plan or plans collectively shall be known as the regional or metropolitan development plan. The plans for the development of the area may include, but shall not be limited to, recommendations with respect to existing and proposed highways, bridges, airports, streets, parks and recreational areas, schools and public institutions and public utilities, public open spaces, and sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, and forestry; water supply, sanitation, drainage, protection against floods and other disasters; areas for housing developments, slum clearance and urban renewal and redevelopment; location of private and public utilities, including but not limited to sewerage and water supply systems; and such other recommendations concerning current and impending problems as may affect the area served by the commission. Time and priority schedules and cost estimates for the accomplishment of the recommendations may

also be included in the plans. The plans shall be made with consideration of the smart planning principles under section 18B.1. The plans shall be based upon and include appropriate studies of the location and extent of present and anticipated populations; social, physical, and economic resources, problems and trends; and governmental conditions and trends. The commission is also authorized to make surveys, land-use studies, and urban renewal plans, provide technical services and other planning work for the area it serves and for cities, counties, and other political subdivisions in the area. A plan or plans of the commission may be adopted, added to, and changed from time to time by a majority vote of the planning commission. The plan or plans may in whole or in part be adopted by the governing bodies of the ~~co-operating~~ cooperating cities and counties as the general plans of such cities and counties. The commission may also assist the governing bodies and other public authorities or agencies within the area it serves in carrying out any regional plan or plans, and assist any planning commission, board or agency of the cities and counties and political subdivisions in the preparation or effectuation of local plans and planning consistent with the program of the commission. The commission may ~~co-operate~~ cooperate and confer, as far as possible, with planning agencies of other states or of regional groups of states adjoining its area.

2. A planning commission formed under the provisions of this chapter shall, upon designation as such by the governor, serve as a district, regional, or metropolitan agency for comprehensive planning for its area for the purpose of carrying out the functions as defined for such an agency by federal, state, and local laws and regulations.

Sec. 20. Section 329.3, Code 2009, is amended to read as follows:

329.3 Zoning regulations — powers granted.

Every municipality having an airport hazard area within its territorial limits may adopt, administer, and enforce in the manner and upon the conditions prescribed by this chapter, zoning regulations for such airport hazard area, which regulations may divide such area into zones and, within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the height to which structures and trees may be erected or permitted to grow. Regulations adopted under this chapter shall be made with consideration of the smart planning principles under

section 18B.1.

Sec. 21. Section 335.5, Code 2009, is amended to read as follows:

335.5 Objectives.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.

2. ~~Such~~ The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. a. A comprehensive plan recommended for adoption by the zoning commission established under section 335.8, may be adopted by the board of supervisors. The board of supervisors may amend a proposed comprehensive plan prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 331.305.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.

c. Following its adoption, a comprehensive plan may be amended by the board of supervisors at any time.

Sec. 22. Section 335.8, Code 2009, is amended to read as follows:

335.8 Commission appointed.

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, a majority of whose members shall reside within the county but outside the corporate limits of any city, to be known as the county zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes or modifications.

2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

3. The zoning commission, with the approval of the board of supervisors, may contract with professional consultants, regional planning commissions, the Iowa department of economic development, or the federal government, for local planning assistance.

Sec. 23. Section 414.3, Code 2009, is amended to read as follows:

414.3 Basis of regulations.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However,

provisions of this section relating to the objectives of energy conservation and access to solar energy do not void any zoning regulation existing on July 1, 1981, or require zoning in a city that did not have zoning prior to July 1, 1981.

2. ~~Such~~ The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. a. A comprehensive plan recommended for adoption by the zoning commission established under section 414.6, may be adopted by the council. The council may amend the proposed comprehensive plan prior to adoption. The council shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 362.3.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to the county in which the city is located, neighboring counties and cities, the council of governments or regional planning commission where the city is located, and public libraries within the city.

c. Following its adoption, a comprehensive plan may be amended by the council at any time.

Sec. 24. Section 414.6, Code 2009, is amended to read as follows:

414.6 Zoning commission.

1. In order to avail itself of the powers conferred by this chapter, the council shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Where a city plan commission already exists, it may be appointed as the zoning commission. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the

zoning commission may, from time to time, recommend to the council amendments, supplements, changes, or modifications.

2. The zoning commission may recommend to the council for adoption a comprehensive plan pursuant to section 414.3, or amendments thereto.

Sec. 25. IOWA SMART PLANNING TASK FORCE.

1. An Iowa smart planning task force is established consisting of twenty-nine voting members and four ex officio, nonvoting members.

2. Members of the task force shall consist of all of the following:

a. Fourteen state agency director or administrator members consisting of all of the following:

(1) The director of the department on aging or the director's designee.

(2) The director of the department of economic development or the director's designee.

(3) The secretary of agriculture and land stewardship or the secretary's designee.

(4) The director of the department of cultural affairs or the director's designee.

(5) The director of the department of public health or the director's designee.

(6) The director of the department of management or the director's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The director of the department of workforce development or the director's designee.

(9) The director of the office of energy independence or the director's designee.

(10) The director of the department of transportation or the director's designee.

(11) The administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.

(12) The director of the rebuild Iowa office or the director's designee.

(13) The state building code commissioner or the commissioner's designee.

(14) The chairperson of the utilities board within the utilities division of the department of commerce or the chairperson's designee.

b. Chairperson of the department of community and regional planning at Iowa state university or the chairperson's designee.

c. Director of the urban and regional planning program at the university of Iowa or the director's designee.

d. Director of the institute for decision making at the university of northern Iowa or the director's designee.

e. President of the Iowa chapter of the American planning association or the president's designee.

f. Executive director of the Iowa association of regional councils or the executive director's designee.

g. President of the Iowa chapter of the American institute of architects or the president's designee.

h. Executive director of the Iowa league of cities or the executive director's designee.

i. Executive director of the Iowa state association of counties or the executive director's designee.

j. President of the executive committee of the school administrators of Iowa or the president's designee.

k. A representative appointed by the governor from a city having a population of five thousand or less according to the 2000 certified federal census.

l. A representative appointed by the governor from a city having a population of more than five thousand and less than twenty-five thousand according to the 2000 certified federal census.

m. A representative appointed by the governor from a city having a population of twenty-five thousand or more according to the 2000 certified federal census.

n. A representative appointed by the governor from a county having a population of ten thousand or less according to the 2000 certified federal census.

o. A representative appointed by the governor from a county having a population of more than ten thousand and less than fifty thousand according to the 2000 certified federal census.

p. A representative appointed by the governor from a county having a population of fifty thousand or more according to the 2000 certified federal census.

3. The task force shall include four members of the general assembly serving as ex officio, nonvoting members, with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate after consultation with

the president of the senate, and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

4. The task force may establish committees and subcommittees comprised of members of the task force.

5. Members of the task force designated in subsection 2, paragraphs "k" through "p" shall serve at the pleasure of the governor. For the members of the task force designated in subsection 2, paragraphs "k" through "p", at least one member shall have experience in real estate, at least one member shall have experience in land development, and at least one member shall have experience in residential construction.

6. A vacancy on the task force shall be filled in the same manner as the original appointment.

7. a. A majority of the members of the task force constitutes a quorum. Any action taken by the task force must be adopted by the affirmative vote of a majority of its membership. A task force member's designee may vote on task force matters in the absence of the member.

b. The task force shall elect a chairperson and vice chairperson from the membership of the task force.

c. The task force shall meet at least four times before November 15, 2010. Meetings of the task force may be called by the chairperson or by a majority of the members. However, the first meeting of the task force shall be called by the governor.

d. Members of the task force shall not be compensated for meeting participation or reimbursed for costs associated with meeting attendance. A legislative member is not eligible for per diem and expenses as provided in section 2.10.

8. The director of the department of management, or the director's designee, shall provide staff assistance and administrative support to the task force. The task force may request information or other assistance from the Iowa association of regional councils.

9. The director of the department of management, or the director's designee, shall seek funding to support municipal comprehensive planning in this state.

10. The task force shall comply with the requirements of chapters 21 and 22. The department of management shall be the official repository of task force records.

11. The duties of the task force shall include but are not

limited to the following:

a. Consult land use experts, representatives of cities and counties, agricultural and environmental interests, urban and regional planning experts, reports or information from the local government innovation commission, and all other information deemed relevant by task force members.

b. Solicit information from the general public on matters related to comprehensive planning.

c. Evaluate state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to integrate the Iowa smart planning principles under section 18B.1.

d. Develop statewide goals for comprehensive planning that utilize the Iowa smart planning principles under section 18B.1, and develop recommendations for a process to measure progress toward achieving those goals.

e. Evaluate and develop incentives to conduct local and regional comprehensive planning, including but not limited to state financial and technical assistance.

f. Develop a model for regional comprehensive planning within the state and recommend partnerships between state agencies, local governments, educational institutions, and research facilities.

g. Review municipal comprehensive plans to determine the number of such plans that address the hazards identified in section 18B.2, subsection 2, paragraph "k", and the adequacy of such plans in addressing those hazards.

h. Develop a set of recommendations that is consistent with the Iowa smart planning principles under section 18B.1 and that does all of the following:

(1) Coordinates, facilitates, and centralizes the exchange of information related to state and local planning, zoning, and development between state agencies and the general assembly.

(2) Coordinates discussions concerning a proposed geographic information system between the producers and the users of such systems.

(3) Allows the efficient production and dissemination of population and other demographic statistical forecasts.

(4) Creates a centralized electronic storage location for all comprehensive plans adopted under chapter 335 or chapter 414.

(5) Facilitates the cooperation of state and local governments with comprehensive planning, educational, and

research programs.

(6) Provides and administers technical and financial assistance for state and local comprehensive planning.

(7) Provides information to local governments relating to state and federal resources and other resources for comprehensive planning.

12. The task force shall prepare a report that includes goals, recommendations, and other information described in subsection 11, to the governor and the general assembly on or before November 15, 2010.

13. The task force is dissolved on December 31, 2012.

DIVISION VIII

GROW IOWA VALUES FUND

Sec. 26. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit in the grow Iowa values fund, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 38,000,000

Sec. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In lieu of the \$50,000,000 appropriated for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, \$38,000,000 for the purposes of making expenditures pursuant to chapter 15G.

Sec. 28. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, of the \$38,000,000 appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 10:

1. For departmental purposes, \$21,363,600.
2. For the state board of regents institutions, \$3,800,000.
3. For state parks, \$760,000.
4. For deposit in the Iowa cultural trust fund, \$760,000.
5. For community colleges, \$5,320,000.
6. For regional financial assistance, \$760,000.

Of the moneys allocated pursuant to this subsection and in lieu of the three hundred fifty thousand dollars transferred under section 15G.111, subsection 9, paragraph "a", the department shall transfer two hundred sixty-six thousand dollars to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.

7. For commercialization services, \$4,389,000.

8. For targeted small business, \$847,400.

Sec. 29. Section 15.247, subsection 3, Code Supplement 2009, is amended to read as follows:

3. a. All moneys designated for the targeted small business financial assistance program shall be credited to the program account. The department shall determine the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

b. Of the moneys credited to the program account, the department may allocate an amount necessary for marketing and compliance and an amount for the provision of the mentoring services required under subsection 7.

Sec. 30. Section 15G.110, Code Supplement 2009, is amended to read as follows:

15G.110 Appropriation.

1. For the fiscal period beginning July 1, 2005, and ending June 30, 2008, and for the fiscal period beginning July 1, ~~2010~~ 2011, and ending June 30, 2015, there is appropriated to the department of economic development each fiscal year fifty million dollars from the general fund of the state for deposit in the grow Iowa values fund.

2. For the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011, there is appropriated to the department of economic development each fiscal year fifty million dollars from the rebuild Iowa infrastructure fund for deposit in the grow Iowa values fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 31. Section 15G.111, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. Moneys credited to the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Interest or earnings on moneys in the fund are appropriated to the department. Of the moneys appropriated to the department pursuant to this paragraph, the department shall make the

following allocations:

(1) For each fiscal year of the fiscal period beginning July 1, 2010, and ending June 30, 2013, the department shall allocate not more than one hundred seventy-five thousand dollars for purposes of providing financial assistance to Iowa's councils of governments.

(2) For each fiscal year of the fiscal period beginning July 1, 2010, and ending June 30, 2013, the department shall allocate not more than two hundred thousand dollars for purposes of providing support and administrative assistance to the vision Iowa board, the community attraction and tourism program, and river enhancement community attraction and tourism projects.

(3) For each fiscal year of the fiscal period beginning July 1, 2010, and ending June 30, 2013, the department shall allocate the remaining amount of interest or earnings on moneys in the fund for purposes of providing financial assistance under the disaster recovery component of the grow Iowa values financial assistance program. All moneys allocated pursuant to this subparagraph that remain unexpended or unobligated at the end of the fiscal year beginning July 1, 2012, shall revert and be credited to the fund.

Sec. 32. Section 15G.111, subsection 4, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate ~~thirty-two~~ twenty-eight million five hundred thousand dollars each fiscal year as follows:

Sec. 33. Section 15G.111, subsection 10, Code Supplement 2009, is amended to read as follows:

10. Commercialization Innovation and commercialization services. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate ~~three~~ five million five hundred thousand dollars for deposit in the innovation and commercialization development fund created in section 15.412.

Sec. 34. Section 15G.111, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Targeted small businesses. Of the moneys appropriated to the department pursuant to subsection 3, the department shall allocate one million dollars for deposit in the targeted small business financial assistance program account established pursuant to section 15.247 within the strategic investment fund created in section 15.313.

DIVISION IX

SMALL BUSINESS LINKED INVESTMENTS

Sec. 35. Section 12.43, subsection 5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

In order to qualify under this program, all owners of the business or borrowers must not have a combined net worth exceeding ~~seven~~ nine hundred ~~fifty~~ seventy-five thousand dollars as defined in rules adopted by the treasurer of state pursuant to chapter 17A and the small business must meet all of the following criteria:

DIVISION X

SITE DEVELOPMENT

Sec. 36. Section 15E.18, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

15E.18 Site development consultations — certificates of readiness.

1. *a.* The department shall consult with local governments and local economic development officials in regard to site development techniques. For purposes of this section, "*site development techniques*" include environmental evaluations, property and wetland delineation, and historical evaluations.

b. The department may charge a fee for providing site development consultations. The fee shall not exceed the reasonable cost to the department of providing the consultations. The amount of any fees collected by the department shall be deposited in the general fund of the state.

2. *a.* A local government or local economic development official involved with the development of a site may apply to the department for a certificate of readiness verifying that the site is ready for development.

b. The department shall develop criteria for evaluating various types of sites in order to determine whether a particular site is ready for development based on the site's individual circumstances and the economic development goals of the applicant.

c. The department shall review applications for certificates of readiness and may issue a certificate of readiness to any site that meets the criteria developed under paragraph "*b*".

3. The department shall adopt rules pursuant to chapter 17A for the implementation of this section.

Sec. 37. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic

development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing site development consultations pursuant to section 15E.18, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	175,000
.....	FTEs	1.00

Of the moneys appropriated to the department pursuant to this section, the department may allocate up to \$75,000 for purposes of contracting with third parties to provide site development consultations.

DIVISION XI
INTERNET SITE FOR BUSINESS
ASSISTANCE

Sec. 38. BUSINESS ASSISTANCE INTERNET SITE.

1. The department of economic development, in consultation with other state agencies that provide financial and technical assistance to small businesses and with the state board of regents, shall create a business assistance internet site designed to assist small businesses in finding information related to the various kinds of technical and financial assistance available from the state of Iowa. The department may incorporate the internet site into its existing internet site as appropriate.

2. The internet site shall include links to the various internet sites maintained by other state agencies or the state board of regents that pertain to assistance for small businesses. The other state agencies and the board of regents shall assist the department of economic development in an effort to keep the information on the internet site up-to-date. The department of administrative services shall work with the department of economic development to ensure that the internet site is readily accessible to the public.

Sec. 39. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION.

There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

.....	\$	20,000
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DIVISION XII
REGULATORY ASSISTANCE INTERIM
STUDY COMMITTEE

Sec. 40. REGULATORY ASSISTANCE INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to examine and make recommendations regarding methods of assisting small businesses that do not require direct financial incentives and regarding potential changes of law that would improve business licensing, regulatory compliance, and tax collection procedures.

2. The study committee shall be composed of five members of the house of representatives, five members of the senate, and five members of the general public who are also small business owners. Of the members of the senate, three members shall be appointed by the majority leader of the senate and two shall be appointed by the minority leader of the senate. Of the members of the house of representatives, three members shall be appointed by the speaker of the house of representatives, and two shall be appointed by the minority leader of the house of representatives.

3. a. The study committee shall work with the department of economic development, the department of inspections and appeals, the insurance division of the department of commerce, the department of natural resources, the professional licensing and regulation bureau of the banking division of the department of commerce, the department of public health, the department of public safety, the department of revenue, the secretary of state, and the department of workforce development to study ways to improve the state's business licensing procedures.

b. In preparation for assisting with the interim study committee, a state agency listed in this subsection shall conduct an internal review to identify and prioritize its procedures as they pertain to businesses and business licensing.

c. A state agency listed in this subsection shall provide all necessary assistance to the interim study committee in making recommendations to the general assembly.

4. The interim study committee shall submit its recommendations to the general assembly on or before January 14, 2011.

DIVISION XIII
SAVE OUR SMALL BUSINESSES FUND
AND PROGRAM

Sec. 41. NEW SECTION. 15.300 Findings and intent.

1. The general assembly finds all of the following:

a. That entrepreneurs and small businesses often have difficulty obtaining conventional loan financing, limiting their ability to expand, retain, and create additional jobs.

b. That a source of capital provided by the state could greatly assist entrepreneurs and small businesses in their efforts to upgrade or modernize equipment, realize additional efficiencies in their supply chains, improve their distribution and transportation margins, reduce facility costs through increased energy efficiency, and leverage other sources of business financing.

2. The purpose of the save our small businesses fund created in section 15.301 is to promote the creation and retention of jobs in the state's economy and to assist businesses to be more competitive by addressing the needs identified in subsection 1.

Sec. 42. NEW SECTION. 15.301 Save our small businesses fund and program.

1. a. A save our small businesses fund is created in the state treasury under the control of the department and consisting of any moneys appropriated to the fund by the general assembly and any other moneys available and obtained or accepted by the department for placement in the fund.

b. Payments of interest, repayments of moneys loaned pursuant to this section, and recaptures of loans shall be deposited in the fund. The fund shall be used to provide financial assistance in the form of low-interest loans as provided under the program created in this section.

c. (1) If, on March 31, 2011, there are unobligated moneys in the fund, such unobligated moneys shall revert to the general fund of the state.

(2) For each quarter, beginning with the first quarter after the reversion of moneys pursuant to subparagraph (1) and ending with the last quarter prior to the reversion of moneys pursuant to subparagraph (3), the department shall, on the last day of the quarter transfer to the general fund of the state the balance of unencumbered moneys in the fund.

(3) On March 31, 2016, all moneys in the fund shall revert to the general fund of the state.

2. a. The department shall establish and administer a program for purposes of providing financial assistance to eligible small businesses. For purposes of this section, "financial assistance" means loans at an interest rate not to

exceed three and nine-tenths percent per annum and "*eligible small business*" means a small business meeting the requirements of subsection 3.

b. (1) The department may designate an organization to administer the provisions of this section on the department's behalf.

(2) In order to be designated, an organization must be a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code and must be designated by the United States small business administration as a statewide microloan program provider.

(3) If the department elects to designate an organization pursuant to subparagraph (1), the department shall enter into an agreement with the organization for purposes of ensuring that the program is administered pursuant to the requirements of this section.

(4) An organization designated pursuant to subparagraph (1) may accept, evaluate, and approve applications for financial assistance from eligible small businesses pursuant to the requirements of this section and may monitor the compliance of eligible businesses with the terms of an agreement entered into with the department.

(5) All disbursements of moneys to recipients of financial assistance approved by an organization designated pursuant to subparagraph (1) shall be made by the department.

(6) All repayments of principal and interest on financial assistance provided under the program shall be remitted to the department and deposited in the fund.

(7) The department, with the assistance of an organization designated pursuant to subparagraph (1), may seek the recapture of financial assistance provided pursuant to this section as provided in subsection 4.

c. Financial assistance under the program shall be provided from the fund created in subsection 1.

d. Financial assistance to a small business shall be at least two thousand five hundred dollars, but shall not exceed fifty thousand dollars.

e. The department, under the terms of an agreement with the organization designated pursuant to paragraph "*b*", shall begin to provide financial assistance from the fund not later than August 1, 2010, and shall to the extent practicable obligate all available moneys in the fund prior to March 31, 2011.

f. A loan made to a small business under the program may

be for any period of time, but the terms of such loan shall provide for the repayment of principal and interest prior to the date the moneys in the fund revert pursuant to subsection 1, paragraph "c", subparagraph (3).

3. A business is eligible to apply for financial assistance under the program if the business meets all of the following criteria at the time of application:

a. The business has thirty-five or fewer full-time equivalent employees.

b. The business is located in Iowa.

c. The business is owned, operated, and actively managed by a resident of Iowa.

d. The business has a business plan and has received assistance in the development stage or the expansion stage from a small business development center or from a qualified public or nonprofit small business consultant as defined by the department.

e. If a business has been a going concern for two years or more, the business has not been found to be in violation of any environmental or worker safety laws, rules, or regulations.

f. The business only employs individuals legally authorized to work in this state.

g. The business does not engage in the production, depiction, or distribution of obscene material. For purposes of this paragraph, "obscene material" means the same as defined in section 728.1.

h. The business is not in bankruptcy and is not imminently contemplating filing for bankruptcy.

4. Upon approval of the application for financial assistance by the department or an organization designated pursuant to subsection 2, paragraph "b", the eligible business shall enter into an agreement with the department which shall include but not be limited to all of the following provisions:

a. If an eligible business, after receiving financial assistance, does not continue to meet one or more of the criteria for eligibility under subsection 3, except for subsection 3, paragraph "a", all or a portion of the financial assistance received is subject to disallowance, recapture, or immediate repayment.

b. If, after receiving financial assistance, an eligible business ceases operations within the state or removes a significant portion of its operations to a location outside of the state, all or a portion of the financial assistance received

is subject to disallowance, recapture, or immediate repayment.

5. a. An eligible business shall not receive more than one award of financial assistance under this section.

b. An eligible business that receives financial assistance under this section may subsequently apply for financial assistance under other programs administered by the department.

c. An eligible business that receives financial assistance under this section shall not use such financial assistance for purposes of meeting payroll obligations to employees.

6. a. The small business development centers shall track the number of referrals for assistance made to the department for assistance under this section and shall include that number in the small business development center's annual report to the general assembly.

b. The department in conjunction with an organization designated pursuant to subsection 2, paragraph "b", shall by January 15 of each year submit a report on the program administered pursuant to this section to the general assembly. The report shall include information on the number of businesses that receive loans under the program and any other information the department deems relevant to assessing the success of the program.

7. The department shall adopt rules pursuant to chapter 17A as necessary to administer the program. The department may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", as necessary for the administration of this section.

Sec. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for deposit in the save our small businesses fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of providing financial assistance under the save our small businesses program under section 15.301:
..... \$ 5,000,000

Of the moneys appropriated pursuant to this section, the department may allocate an amount not to exceed two percent of the moneys appropriated for purposes of retaining the services of an organization designated pursuant to section 15.301, subsection 2, paragraph "b".

Sec. 44. EFFECTIVE UPON ENACTMENT. This division of this

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

DIVISION XIV

ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY

Sec. 45. INTERIM STUDY COMMITTEE — ALTERNATIVE PROJECT DELIVERY — REGENTS INSTITUTIONS.

1. The legislative council is requested to establish an interim study committee to study the use of alternative project delivery for public projects at institutions under the control of the state board of regents. The study shall include but is not limited to a review and analysis of the use of alternative project delivery at land grant institutions and research universities in other states. There shall be three members from the house of representatives and three members from the senate. In addition to the legislative members, the membership of the study committee shall include the following public members:

- a. Two members appointed by the state board of regents.
- b. One member appointed by the Iowa chapter of the American institute of architects.
- c. One member appointed by the American council of engineering companies of Iowa.
- d. One member appointed by the Iowa chapter of the design-build institute of America.
- e. One member appointed by the master builders of Iowa.
- f. One member appointed by the mechanical contractors association of Iowa.
- g. One member appointed by the Iowa chapter of the national electrical contractors association.
- h. One member appointed by the Iowa state building and construction trades council.
- i. One member appointed by the sheet metal contractors of Iowa.

2. The committee shall meet twice during the 2010 legislative interim and shall submit findings and any recommendations in a report to the general assembly by January 15, 2011.

DIVISION XV

FLOODPLAIN MAPPING

Sec. 46. FLOODPLAIN MAPPING. Using funds allocated to the department of natural resources for floodplain mapping from the appropriation made to the department of economic development in 2009 Iowa Acts, chapter 183, section 67, of federal community development block grant funds awarded to the state under

the federal Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Pub. L. No. 110-329, the department of natural resources shall enter an agreement in an amount of not less than \$10,000,000 with the state university of Iowa for the development of new floodplain maps by June 30, 2014, by the Iowa flood center established pursuant to section 466C.1. The department of natural resources shall structure the contract to be consistent with any plan for use of the funds approved by any federal agency, or, if necessary, follow any procedures necessary for approval of this contract.

Sec. 47. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVI

DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE
SPACE — STATE FLEET

Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE
SPACE REQUEST FOR PROPOSALS.

1. The department of administrative services shall issue a request for proposals concerning the availability and cost of office space for state employees in downtown Des Moines and in other areas in close proximity to the state capitol complex. The department shall consider the advantages of locating state employees and their functions near the state capitol complex.

2. In issuing the request for proposals, the department shall examine current leases for office space within the greater Des Moines area, determine the current length and duration of those leases, and consider the number of state employees impacted by those leases.

3. The request for proposals shall ensure that any office space selected shall meet all of the following criteria:

a. The building which includes the office space has skywalk access.

b. The building which includes the office space is located within reasonable proximity to the free shuttle service route that includes transportation between the capitol complex and the downtown Des Moines area.

c. The entity leasing office space provides adequate parking to employees utilizing the office space which is within reasonable proximity to the office space.

d. The office space is energy efficient.

e. The office space provides adequate space and resources needed for the employees intending to occupy the office space.

4. The department of administrative services shall issue the request for proposals by December 1, 2010, and shall submit a written report to the general assembly concerning the request for proposals by January 14, 2011.

Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE SPACE — COST-BENEFIT ANALYSIS.

1. a. The department of administrative services shall conduct a cost-benefit analysis of utilizing existing office space for state employees in downtown Des Moines and other areas in close proximity to the state capitol complex in lieu of replacing or renovating the Wallace Building or relocating any state agencies to any space in the mercy capitol hospital building. The cost-benefit analysis shall include consideration of any cost to the applicable local jurisdiction arising from the state's utilization of existing office space.

b. The department of administrative services shall submit a written report to the general assembly on the cost-benefit analysis by January 14, 2011.

2. Prior to submitting the cost-benefit analysis report required by this section, the department of administrative services shall not relocate any state agencies to space in the Mercy capitol hospital building other than any of the following:

- a. A centralized department of corrections pharmacy.
- b. Offices of a state agency currently located in a state-owned office building.
- c. Any state employee located in a nonleased facility or space.
- d. A nonstate agency.
- e. The office of the insurance division of the department of commerce.
- f. The agricultural development authority established in section 175.3.
- g. The department for the blind storage facility.

Sec. 50. DEPARTMENT OF ADMINISTRATIVE SERVICES — STATE FLEET RELOCATION. The department of administrative services shall evaluate and consider relocating state fleet operations. The department shall be authorized to relocate state fleet operations pursuant to such evaluation.

DIVISION XVII

CHANGES TO PRIOR APPROPRIATIONS

Sec. 51. 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, is amended by adding the following new unnumbered paragraph:

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4-26-B

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, 2004 Iowa Acts, chapter 1175, section 290, or any other provision of law, moneys allocated in this lettered paragraph that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2012. However, if the projects for which the moneys are appropriated are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that fiscal year.

Sec. 52. 2006 Iowa Acts, chapter 1179, section 4, subsection 1, is amended to read as follows:

1. a. Notwithstanding Except as provided in paragraph "b", notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2006, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

b. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2006, in section 1, subsection 1, and section 1, subsection 11, paragraph "b" of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 53. 2006 Iowa Acts, chapter 1179, section 18, is amended to read as follows:

SEC. 18. REVERSION.

1. Except as provided in subsections 2, and 3, and 4, notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the fiscal years that begin July 1, 2005, and July 1, 2006, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the

fiscal year that begins July 1, 2006, and ends June 30, 2007, in this division of this Act to the department of veterans affairs for capital improvement projects at the Iowa veterans home that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

3. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the fiscal year beginning July 1, 2006, and ending June 30, 2007, in this division of this Act to the department of education for major renovation and major repair needs at the community colleges that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, 2010, or until the project for which appropriated is completed, whichever is earlier.

4. Notwithstanding section 8.33, moneys appropriated from the endowment for Iowa's health restricted capitals fund for the fiscal year that begins July 1, 2006, and ends June 30, 2007, in this division of this Act to the department of administrative services for upgrades to the Woodward state resource center wastewater treatment system that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation is made is completed, whichever is earlier.

Sec. 54. 2007 Iowa Acts, chapter 219, section 7, subsection 1, as amended by 2009 Iowa Acts, chapter 170, section 20, and 2009 Iowa Acts, chapter 184, section 17, is amended to read as follows:

1. For costs associated with the construction and establishment of the Iowa institute for biomedical discovery at the state university of Iowa:

FY 2008-2009.....	\$	0
FY 2009-2010.....	\$	0
FY 2010-2011.....	\$	10,000,000
		<u>0</u>

Sec. 55. 2007 Iowa Acts, chapter 219, section 15, is amended to read as follows:

SEC. 15. REVERSION.

1. Notwithstanding Except as provided in subsection 2,

notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2007, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2009, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2007, in section 14, subsections 4 and 7 of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 56. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraph 1, as enacted by 2009 Iowa Acts, chapter 184, section 21, is amended to read as follows:

1. For ~~heating, ventilating, and air conditioning improvements~~ building security and firewall protection in the Hoover state office building:

..... \$ 165,000

Sec. 57. 2008 Iowa Acts, chapter 1179, section 1, subsection 4, paragraph b, as amended by 2009 Iowa Acts, chapter 81, section 1, is amended to read as follows:

b. For historical site preservation grants to be used for the restoration, preservation, and development of historic sites:

..... \$ 1,000,000

In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed \$100,000 per project. Not more than \$200,000 may be awarded in the same county in the same round of grant reviews.

Of the amount appropriated in this lettered paragraph, \$20,000 shall be used for the administration and support of historic sites including the hiring and employment of seasonal workers, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 58. 2008 Iowa Acts, chapter 1179, section 7, as amended by 2009 Iowa Acts, chapter 173, section 21, is amended to read

as follows:

SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, if enacted:

FY 2009-2010.....	\$	0
FY 2010-2011	\$	10,000,000
		<u>0</u>
FY 2011-2012.....	\$	10,000,000
FY 2012-2013.....	\$	10,000,000

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 59. 2008 Iowa Acts, chapter 1179, section 15, subsection 4, paragraph b, as amended by 2009 Iowa Acts, chapter 184, section 25, is amended to read as follows:

b. To the public broadcasting division for the purchase and installation of generators at transmitter sites:

.....	\$	1,602,437
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Of the amount appropriated in this lettered paragraph, up to \$210,477 may be used for operational costs of the division for

FY 2008-2009, ~~and~~ up to \$1,000,000 may be used for operational costs of the division for FY 2009-2010, and up to \$378,637 may be used for operational costs of the division for FY 2010-2011, notwithstanding section 8.57C, subsection 2.

Sec. 60. 2008 Iowa Acts, chapter 1179, section 15, subsection 4, paragraph c, is amended to read as follows:

c. To the public broadcasting division for the replacement and digital conversion of the Keosauqua translator:

..... \$ 701,500

Of the amount appropriated in this lettered paragraph, up to \$25,378 may be used for operational costs of the division for FY 2010-2011, notwithstanding section 8.57C, subsection 2.

Sec. 61. 2008 Iowa Acts, chapter 1179, section 18, subsection 3, as amended by 2009 Iowa Acts, chapter 173, section 24, is amended to read as follows:

3. DEPARTMENT OF CORRECTIONS

a. For expansion of the community-based corrections facility at Sioux City:

..... \$ 5,300,000

b. For expansion of the community-based corrections facility at Ottumwa:

..... \$ 4,100,000

c. For expansion of the community-based corrections facility at Waterloo:

..... \$ 6,000,000

d. For expansion of the community-based corrections facility at Davenport:

..... \$ 2,100,000

e. For expansion, including land acquisition, of the community-based corrections facility at Des Moines:

..... \$ ~~13,100,000~~

0

~~The appropriation in this lettered paragraph is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008.~~

It is the intent of the general assembly that the funds appropriated in paragraphs "a" through "e" be used to expand the number of beds available through new construction and remodeling and for the expansion of existing facilities.

f. For expansion of the Iowa correctional facility for women

at Mitchellville including costs related to project management including the hiring and employment of a construction manager and a correctional specialist:

..... \$ 47,500,000

g. For the remodeling of kitchens at the correctional facilities at Mount Pleasant and Rockwell City:

..... \$ 12,500,000

Sec. 62. 2008 Iowa Acts, chapter 1179, section 22, is amended to read as follows:

SEC. 22. There is appropriated from the FY 2009 prison bonding fund created pursuant to section 12.79, as enacted in this Act, to the department of corrections for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the building of a new Iowa State Penitentiary at Fort Madison including costs related to project management including the hiring and employment of a construction manager and a correctional specialist:

..... \$130,677,500

The appropriation made in this section constitutes approval by the general assembly for the issuance of bonds by the treasurer pursuant to section 12.80, as enacted in this Act.

Sec. 63. 2009 Iowa Acts, chapter 173, section 13, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Of the moneys appropriated in this subsection, the department may award moneys for the establishment of drainage district pilot projects. Each drainage district pilot project shall be presented to the state soil conservation committee and the watershed improvement review board to ensure the project design, project goals, baseline data collection, project data collection standards, and data evaluation standards are appropriate for, and advance, the soil and water conservation goals of the state. Annual progress reports on each pilot project shall be presented to the state soil conservation committee and the watershed improvement review board to ensure the projects continue to advance the soil and water conservation goals of the state. All construction plans, monitoring plans, project data, and project data analysis shall be available for public review and study. Experts from the United States geological survey, the national laboratory for agriculture and the environment at Iowa state university, and other appropriate state and federal agencies

may be consulted on any aspect of the program.

Sec. 64. 2009 Iowa Acts, chapter 173, section 13, subsection 2, is amended to read as follows:

2. DEPARTMENT OF NATURAL RESOURCES

For watershed rebuilding and water quality projects:

..... \$ 13,500,000

Of the moneys appropriated in this subsection, the department may provide moneys to construct, reconstruct, or repair infrastructure associated with the control and movement of surface water, including but not limited to addressing issues affected by combined sewer overflows, enrolling larger contiguous areas in emergency watershed programs, improving facilities or systems that provide water quality, mitigating flood damage or the threat of flood damage in the areas most severely affected by the 2008 flood, and improving or replacing low-head dams. Any award of moneys made under this subsection shall be in the form of a grant. Any grant awards for practices on private property shall be for the public purposes of flood control, watershed management, or improving water quality.

Sec. 65. 2009 Iowa Acts, chapter 173, section 13, subsection 4, paragraphs b, c, and d, are amended to read as follows:

b. ~~For deposit into the public service shelter grant fund created in section 16.185~~ for grants for the construction, renovation, and improvements to homeless shelters, emergency shelters, and family and domestic violence shelters:

..... \$ 10,000,000

c. ~~For deposit into the disaster damage housing assistance grant fund created in section 16.186~~ for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods:

..... \$ 5,000,000

d. ~~For deposit into the affordable housing assistance grant fund created in section 16.187~~ for grants for housing for certain elderly, disabled, and low-income persons and public servants in critical skills shortage areas of the state:

..... \$ 20,000,000

Sec. 66. 2009 Iowa Acts, chapter 173, section 13, subsection 5, unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter 183, section 71, is amended to read as follows:

For broadband technology grants for the deployment and

sustainability of high-speed broadband access:

..... \$ 25,000,000
0

Sec. 67. 2009 Iowa Acts, chapter 173, section 13, subsection 6, is amended to read as follows:

6. DEPARTMENT OF TRANSPORTATION

For ~~deposit into the bridge safety fund created in section 313.68 to be used for~~ infrastructure projects relating to functionally obsolete and structurally deficient bridges:

..... \$ 50,000,000
40,000,000

Sec. 68. 2009 Iowa Acts, chapter 173, section 13, is amended by adding the following new subsection:

NEW SUBSECTION. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT

For the main street Iowa program to be used as grants for projects that have previously applied for funding consideration, or have received partial funding for facade master plans to rehabilitate storefronts in main street Iowa districts, to complete streetscape projects where planning and the majority of funding is already secured, for unfunded main street challenge grant projects, and for other building rehabilitation projects that are currently on the department's highest priority list:

..... \$ 5,550,000

Moneys appropriated in this subsection shall not be used for administration or planning purposes.

Sec. 69. 2009 Iowa Acts, chapter 174, section 6, is repealed.

Sec. 70. 2009 Iowa Acts, chapter 184, section 1, subsection 3, paragraph d, is amended to read as follows:

d. For historical site preservation grants to be used for the restoration, preservation, and development of historic sites:

..... \$ 1,000,000

In making grants pursuant to this lettered paragraph, the department shall consider the existence and amount of other funds available to an applicant for the designated project. A grant awarded from moneys appropriated in this lettered paragraph shall not exceed \$100,000 per project. Not more than \$200,000 may be awarded in the same county in the same round of grant reviews.

Of the amount appropriated in this lettered paragraph, \$20,000 shall be used for the administration and support of

historic sites including the hiring and employment of seasonal workers, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 71. 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph a, is amended to read as follows:

a. ~~To provide funds for capital improvements and for related studies for expanding passenger rail services in Iowa~~ For deposit in the passenger rail service revolving fund created in section 327J.2, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 3,000,000

Sec. 72. 2009 Iowa Acts, chapter 184, section 2, subsections 1, 2, 4, and 5, are amended by striking the subsections.

Sec. 73. 2009 Iowa Acts, chapter 184, section 2, subsection 6, paragraph a, is amended to read as follows:

a. For deposit into the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 2,000,000

Of the amount appropriated in this lettered paragraph, \$2,000,000 shall be allocated to a city with a population between 98,300 and 98,400 in the last preceding certified federal census, for a rail trans-load facility if a federal match of funds is received.

Sec. 74. EFFECTIVE UPON ENACTMENT. This division, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII

MISCELLANEOUS CODE CHANGES

Sec. 75. Section 8.57, subsection 6, paragraph e, Code Supplement 2009, is amended to read as follows:

e. (1) (a) (i) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of sixty-six million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under

subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next five three million seven hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds federal subsidy holdback fund created in section 12.89, and the next one million two hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(b) The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the fiscal year beginning July 1, 2019.

(c) The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state.

(d) (i) The total moneys in excess of the moneys deposited in the revenue bonds debt service fund, the revenue bonds federal holdback subsidy fund, the vision Iowa fund, the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, fifty-five sixty-four million seven hundred fifty thousand dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and

99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 3.

(3) After the deposit of moneys directed to be deposited in the general fund of the state, ~~and the revenue bonds debt service fund, and the revenue bonds federal subsidy holdback fund,~~ as provided in subparagraph (1), subparagraph division (a), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

Sec. 76. Section 8.57, subsection 6, paragraph f, Code Supplement 2009, is amended to read as follows:

f. There is appropriated from the rebuild Iowa infrastructure fund to the secure an advanced vision for education fund created in section 423F.2, for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2014, 2010,~~ 2010, and for each fiscal year of the fiscal period beginning July 1, 2011, and ending June 30, 2014, the amount of the moneys in excess of the first forty-seven million dollars credited to the rebuild Iowa infrastructure fund during the fiscal year, not to exceed ten million dollars.

Sec. 77. Section 8.57A, subsection 4, Code 2009, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year ~~years~~ years beginning July 1, 2008, July 1, 2009, and July 1, 2011, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 78. Section 8.57C, subsection 3, Code Supplement 2009,

is amended to read as follows:

3. a. There is appropriated from the general fund of the state for the fiscal years beginning July 1, 2006, July 1, 2007, July 1, ~~2010~~ 2011, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen million five hundred twenty-five thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 79. Section 12.87, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide funds for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell and secure bonds and carry out the treasurer of state's duties, and exercise the treasurer of state's authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the revenue bonds capitals II fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as

the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold, as follows:

a. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than ~~five hundred forty-five~~ six hundred ninety-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

~~a.~~ (1) The On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred eighty-five million dollars for capital projects which qualify as vertical infrastructure projects as defined in section 8.57, subsection 6, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.

~~b.~~ (2) The On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.

(3) On or after April 1, 2010, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred fifty million dollars for purposes of the Iowa jobs II program established in section 16.194A and for qualified projects in the departments of agriculture and land stewardship, economic development, education, natural resources, and transportation, and the Iowa finance authority, state board of regents, and treasurer of state.

2. Bonds issued and sold under this section are payable solely and only out of the moneys in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89, and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance. All moneys in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89 may be deposited with trustees or depositories in accordance with the terms

of the trust indentures, resolutions, or other instruments authorizing the issuance of bonds and pledged by the treasurer of state to the payment thereof. Bonds issued and sold under this section shall contain a statement that the bonds are limited special obligations of the state and do not constitute a debt or indebtedness of the state or a pledge of the faith or credit of the state or a charge against the general credit or general fund of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued and sold pursuant to this section payable out of any moneys except those in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89.

Sec. 80. Section 12.89, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Od.* Federal subsidies and any transfers from the revenue bonds federal subsidy holdback fund created pursuant to section 12.89A.

Sec. 81. NEW SECTION. 12.89A Revenue bonds federal subsidy holdback fund.

1. A revenue bonds federal subsidy holdback fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. The moneys in such fund shall include all of the following:

a. The revenues required to be deposited in the fund pursuant to section 8.57, subsection 6, paragraph "e", subparagraphs (1) and (2).

b. Interest attributable to investment moneys in the fund.

c. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. The moneys in the revenue bonds federal subsidy holdback fund are appropriated and shall be used or transferred to the revenue bonds debt service fund created in section 12.89, subsection 1, solely for the purpose of making payments of principal and interest on federal subsidy bonds when due, if the treasurer of state or the treasurer's designee has not received a federal subsidy scheduled to be received for such payment by the due date.

4. The moneys on deposit in the revenue bonds federal

subsidy holdback fund shall be used or transferred to the revenue bonds debt service fund created in section 12.89, subsection 1, solely for the purpose of making payments of principal and interest on federal subsidy bonds prior to any use or transfer of moneys on deposit in any bond reserve fund created for such federal subsidy bonds by the treasurer of state pursuant to section 12.89, subsection 3, paragraph "a".

5. At any time during each fiscal year that there are moneys on deposit in the revenue bonds federal subsidy holdback fund that are not needed to pay principal and interest on federal subsidy bonds during such fiscal year as determined by the treasurer of state or the treasurer's designee, such moneys on deposit in the revenue bonds federal subsidy holdback account shall be credited to the rebuild Iowa infrastructure fund of the state.

6. For purposes of this section:

a. "Federal subsidy" means any payment from the federal government with respect to federal subsidy bonds.

b. "Federal subsidy bonds" means any bonds issued and sold pursuant to section 12.87 for which a federal subsidy is expected to be paid on or before any date on which interest on such bonds is due and payable.

Sec. 82. Section 15F.204, subsection 8, paragraph a, subparagraph (6), Code Supplement 2009, is amended by striking the subparagraph.

Sec. 83. Section 15F.204, subsection 8, paragraph b, subparagraph (4), Code Supplement 2009, is amended by striking the subparagraph.

Sec. 84. Section 16.181A, Code 2009, is amended to read as follows:

16.181A Housing trust fund — appropriations.

1. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009, ~~and ending June 30, 2010, and~~ ending July 1, 2011, and for each succeeding fiscal year, the sum of three million dollars.

2. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2010 and ending June 30, 2011, the sum of one million dollars.

Sec. 85. Section 16.192, subsections 2 and 4, Code

Supplement 2009, are amended to read as follows:

2. Establish the Iowa jobs program pursuant to section 16.194 and the Iowa jobs II program pursuant to section 16.194A.

4. Award financial assistance, including financial assistance in the form of grants under the Iowa jobs program pursuant to sections 16.194, 16.194A, and 16.195.

Sec. 86. Section 16.193, subsection 2, Code Supplement 2009, is amended to read as follows:

2. During the term of the Iowa jobs program established in section 16.194 and the Iowa jobs II program established in section 16.194A, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 87. Section 16.193, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. During the term of the Iowa jobs program, the Iowa finance authority shall collect data on all of the projects approved for the program. The department of management and the state agencies associated with the projects shall assist the authority with the data collection and in developing the report required by this subsection. The authority shall report quarterly to the governor and the general assembly concerning the data.

b. The report shall include but is not limited to all of the following:

- (1) The nature of each project and its purpose.
- (2) The status of each project and the amount and percentage of program funds expended for the project.
- (3) The outside funding that is matched or leveraged by the program funds.
- (4) The number of jobs created or retained by each project.
- (5) For each project, the names of the project contractors, state of residence of the project contractors, and the state of residence of the contractors' employees.

c. The authority shall maintain an internet site that allows citizens to track project data on a county-by-county basis.

Sec. 88. NEW SECTION. 16.194A Iowa jobs II program — disaster prevention.

1. An Iowa jobs II program is created to assist in the development and completion of public construction projects relating to disaster prevention including but not limited to the

construction of, or the replacement or reconstruction of, local public buildings in a manner that mitigates damages from future disasters, including flooding.

2. A city or county in this state that applies the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2, as enacted in this Act, may submit an application to the Iowa jobs board for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

3. Financial assistance under the program shall be awarded in the form of grants.

4. The board shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.

b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.

c. Sustainability and energy efficiency.

d. Benefits for disaster prevention.

e. The project's readiness to proceed.

5. An applicant must demonstrate local support for the project as defined by rule.

6. Any award of financial assistance to a project shall be limited to up to ninety percent of the total cost of the development and completion of a public construction project relating to disaster prevention consistent with the purposes of the program as specified in subsection 1.

7. In order for a project to be eligible to receive financial assistance from the board, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

8. The board shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the date of the initial financial assistance application.

b. For a project that has previously received financial

assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.

9. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the board. The board shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The board shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

11. An applicant or combination of applicants for a project within the same county shall not be awarded more than forty percent of the funds available under this program.

Sec. 89. Section 16.195, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A review committee composed of members of the board as determined by the board shall review Iowa jobs program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in ~~section~~ sections 16.194 and 16.194A. The board shall develop the appropriate level of transparency regarding project fund allocations.

Sec. 90. Section 26.3, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect registered under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that a sufficient number of paper copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution at no charge to prospective bidders, subcontractor bidders, suppliers, and contractor plan room services. If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit shall not exceed two hundred fifty dollars per set which shall be

refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

Sec. 91. NEW SECTION. 73.14 **Minority-owned and female-owned businesses — bond issuance services.**

1. The state, board of regents institutions, counties, townships, school districts, community colleges, cities, and other public entities, and every person acting as contracting agent for any such entity, shall, when issuing bonds or other obligations, make a good-faith effort to utilize minority-owned and female-owned businesses for attorneys, accountants, financial advisors, banks, underwriters, insurers, and other occupations necessary to carry out the issuance of bonds or other obligations by the entity.

2. For purposes of this section:

a. "Female-owned business" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more women.

b. "Minority-owned business" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more minority persons.

Sec. 92. Section 123.53, subsections 3 and 4, Code Supplement 2009, are amended to read as follows:

3. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection 6, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 5 and 6. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 93. Section 327H.20A, subsection 3, Code Supplement 2009, is amended to read as follows:

3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the ~~general fund of the state fund~~ from which it was appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 94. Section 327J.2, subsection 3, Code Supplement 2009, is amended to read as follows:

3. *No reversion.* Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the ~~general fund of the state fund~~ from which it was appropriated.

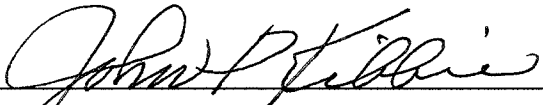
Sec. 95. REPEAL. Sections 8.57D, 12.90A, 12.90B, 12.90C, 16.185, 16.186, 16.187, and 313.68, Code Supplement 2009, are repealed.

Sec. 96. EFFECTIVE DATES AND APPLICABILITY.

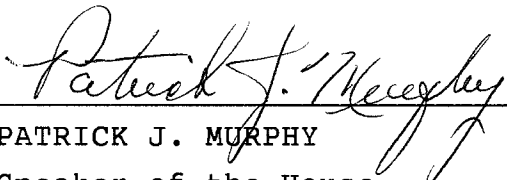
1. The section of this division of this Act amending section 12.87, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act enacting section 16.193, subsection 3, being deemed of immediate importance,

takes effect upon enactment, and applies to projects approved on, before, and after the effective date of the section.




JOHN P. KIBBIE
President of the Senate




PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2389, Eighty-third General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 26th, 2010 *With exception noted*



CHESTER J. CULVER
Governor