

I am unable to approve the designated portion of Section 15, subsection 2. This would restrict the expenditure of additional penalty and interest revenues to accomplish the mission of the department to provide safe workplaces and steady employment. The director of the Department of Workforce Development currently has the authority to reassign unused penalty and interest funds. We must maintain that flexibility to reallocate dollars when needed to ensure the safety and employment security of working Iowans.

I am unable to approve the item designated as Section 20. Expenditure information for executive branch agencies of state government is currently available to the economic development appropriations subcommittees and the Legislative Fiscal Bureau on a daily basis through the Iowa Financial and Accounting System. The Legislative Fiscal Bureau also has the authority to request expenditure information from Regent universities. The reporting requirement in this section would duplicate existing data and place an unneeded and unprecedented requirement on limited staff resources.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 433 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 177
APPROPRIATIONS — INFRASTRUCTURE
AND CAPITAL PROJECTS
S.F. 452

AN ACT relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, and tobacco settlement trust fund, relating to the capitol complex parking structure, and authorizing fees.

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

DIVISION I
REBUILD IOWA INFRASTRUCTURE FUND
STATE BOARD OF REGENTS

Section 1. There is appropriated from the rebuild Iowa infrastructure fund to the state board of regents for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For correction of deferred maintenance at the Iowa school for the deaf, notwithstanding section 8.57, subsection 5, paragraph "c":
..... \$ 100,000
2. For correction of deferred maintenance at the Iowa braille and sight saving school, notwithstanding section 8.57, subsection 5, paragraph "c":
..... \$ 100,000

DEPARTMENT OF CORRECTIONS

Sec. 2. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs of entering into a lease-purchase agreement to connect the electrical system supporting the special needs unit at Fort Madison:
..... \$ 333,168

DEPARTMENT OF CULTURAL AFFAIRS

Sec. 3. There is appropriated from the rebuild Iowa infrastructure fund to the department of cultural affairs for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 830,000

Historical site preservation grants shall only be awarded for projects which meet the definition of "vertical infrastructure" in section 8.57, subsection 5, paragraph "c".

In making grants pursuant to this subsection, the department shall consider the existence and amount of other funds available to an applicant for the designated project. Each grant awarded from moneys appropriated in this subsection shall not exceed \$100,000 per project. Not more than two grants may be awarded in each county.

2. 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 5, paragraph "c":

..... \$ 150,000

3. For allocation to the state historical society for the design, construction, and installation of a medal of honor kiosk, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 125,000

DEPARTMENT OF ECONOMIC DEVELOPMENT

Sec. 4. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development, or the Iowa finance authority, as designated, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the department of economic development for deposit in the local housing assistance program fund created in section 15.354, or, if the housing trust fund is created within the Iowa finance authority by the Eightieth General Assembly, 2003 Session, to the Iowa finance authority for deposit in the housing trust fund, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 800,000

2. 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 5, paragraph "c":

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

The moneys appropriated in this subsection shall be allocated equally among the community colleges in the state. If any portion of the equal allocation to a community college is not obligated or encumbered by April 1, 2004, the unobligated and unencumbered portions shall be available for use by other community colleges.

DEPARTMENT OF EDUCATION

Sec. 5. There is appropriated from the rebuild Iowa infrastructure fund to the department

of education for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide resources for structural and technological improvements to local libraries, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 600,000

DEPARTMENT OF GENERAL SERVICES

Sec. 6. There is appropriated from the rebuild Iowa infrastructure fund to the department of general services, or any successor agency, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For costs associated with the remodeling of the records and property center:

..... \$ 4,750,000

2. For costs associated with the planning for the vacation and demolition of the Wallace building:

..... \$ 50,000

3. For routine maintenance of state buildings and facilities, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 1,664,000

4. For relocation and transition costs directly associated with renovation of the records and property building, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 729,237

The move and relocation associated with renovation of the records and property building shall not commence until April 1, 2004.

5. For facility lease payments for the department of corrections, the Iowa department of public health, and the department of public safety, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 631,449

6. To provide matching funds for construction of the medical and education building for a child treatment center located in a county with a population between 189,000 and 196,000:

..... \$ 250,000

7. For construction and display of permanent exhibits for the statewide African-American museum located in Linn county, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 300,000

INFORMATION TECHNOLOGY DEPARTMENT

Sec. 7. There is appropriated from the rebuild Iowa infrastructure fund to the information technology department, or any successor agency, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For technology improvement projects, notwithstanding section 8.57, subsection 5, paragraph "c":

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

Of the amount appropriated in this section, \$250,000 is allocated to maintain and operate the enterprise warehouse technology project and \$65,000 is allocated to the division of criminal and juvenile justice planning of the department of human rights for 1.00 full-time equivalent position to provide support for the justice data warehouse technology project.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Sec. 8. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2003, and

ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance and lease costs associated with Part III connections, notwithstanding section 8.57, subsection 5, paragraph "c":

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

NATIONAL PROGRAM FOR PLAYGROUND SAFETY

Sec. 9. There is appropriated from the rebuild Iowa infrastructure fund to the national program for playground safety at the university of northern Iowa for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa safe surfacing initiative, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 500,000

No more than 2.5 percent of the funds appropriated in this section shall be used by the national program for playground safety for administrative costs associated with the Iowa safe surfacing initiative.

The crumb rubber playground tiles for the initiative shall be international play equipment manufacturers association (IPEMA)-certified to the American society for testing and materials (ASTM) F1292 standard.

DEPARTMENT OF PUBLIC DEFENSE

Sec. 10. There is appropriated from the rebuild Iowa infrastructure fund to the department of public defense for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For planning and design of a national guard readiness center in or near Iowa City:
FY 2003-2004 \$ 195,000

2. For planning, design, and construction of a national guard readiness center in or near Fort Dodge:

FY 2003-2004 \$ 750,000

FY 2004-2005 \$ 750,000

DEPARTMENT OF PUBLIC SAFETY

Sec. 11. There is appropriated from the rebuild Iowa infrastructure fund to the department of public safety for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For capitol building and judicial building security, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 800,000

2. To the division of fire safety of the department for allocation to the fire service training bureau for the planning, design, and construction of regional training facilities in the state:

..... \$ 50,000

3. To the division of fire safety of the department for allocation to the fire service training bureau to establish a revolving loan program for equipment purchases by local fire departments, notwithstanding section 8.57, subsection 5, paragraph "c":

..... \$ 500,000

STATE DEPARTMENT OF TRANSPORTATION

Sec. 12. There is appropriated from the rebuild Iowa infrastructure fund to the state department of transportation for the fiscal year beginning July 1, 2003, and ending June 30, 2004,

the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 8.57, subsection 5, paragraph "c":

For operation and maintenance of the network of automated weather observation and data transfer systems associated with the Iowa aviation weather system, the runway marking program for public airports, the windsock program for public airports, and the aviation improvement program:

..... \$ 500,000

Sec. 13. PAYMENTS IN LIEU OF TUITION. There is appropriated from the rebuild Iowa infrastructure fund to the state board of regents for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

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 their operating funds resulting from the pledging of tuitions, 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 5, paragraph "c":

..... \$ 350,000

Sec. 14. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2006, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 15. 2002 Iowa Acts, Second Extraordinary Session, chapter 1001, section 6, is amended to read as follows:

SEC. 6. STATE BOARD OF REGENTS — ENGINEERING COMPLEX — BONDING.

There is appropriated from the rebuild Iowa infrastructure fund to the state board of regents for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For repayment of the bonding for the phase II construction of the engineering teaching and research complex at Iowa state university of science and technology, as authorized in this section:

..... \$ 7,000,000
0

Moneys appropriated in this section are not subject to transfer.

1. The state board of regents is authorized to issue bonds as provided in chapter 262A in an amount not exceeding \$7 million, except as provided in subsection 2, to undertake and carry out completion of the engineering teaching and research phase II construction at Iowa state university of science and technology and to finance the remaining cost of the project.

2. Notwithstanding the limitation established in subsection 1, the amount of bonds issued as authorized in subsection 1 may be exceeded by the amount the state board of regents determines to be necessary to capitalize interest, bond reserves, and issuance costs.

Sec. 16. 1999 Iowa Acts, chapter 204, section 6, unnumbered paragraph 2, as amended by 2000 Iowa Acts, chapter 1225, section 13, is amended to read as follows:

For planning, design, and construction of a new judicial building:

FY 1999-2000 \$ 10,000,000
FY 2000-2001 \$ 8,000,000

Of the amount appropriated in this section for FY 2000-2001, up to \$400,000 may be used by the judicial branch for costs associated with operation of the judicial building, notwithstanding section 8.57, subsection 5, paragraph "c".

DIVISION II
ENVIRONMENT FIRST FUND
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 17. There is appropriated from the environment first fund to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

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

2. For continuation of a program that provides multi-objective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 2,700,000

3. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 850,000

4. For deposit in the alternative drainage system assistance fund created in section 460.303 to be used for purposes of supporting the alternative drainage system assistance program as provided in section 460.304:

..... \$ 500,000

5. To provide financial assistance for the establishment of permanent soil and water conservation practices:

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

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

b. Of the moneys appropriated in this subsection, 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.

c. Not more than 30 percent of a 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.

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

e. The financial incentive payments may be used in combination with department of natural resources moneys.

f. Not more than 10 percent of the moneys appropriated in this subsection may be used for costs of administration and implementation of soil and water conservation practices.

6. To encourage and assist farmers in enrolling in the continuous sign-up federal conservation reserve program and work with them to enhance their revegetation efforts to improve water quality and habitat:

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

7. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 600,000

Of the amount appropriated in this subsection, \$400,000 shall be allocated to the hungry canyons account and \$200,000 shall be allocated to the loess hills alliance account, to be used for the purposes for which the moneys in those accounts are authorized to be used under chapter 161D.

No more than five percent of the moneys appropriated in this subsection may be used for administrative costs.

8. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

..... \$ 300,000

No more than five percent of the moneys appropriated in this subsection may be used for administrative costs.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Sec. 18. There is appropriated from the environment first fund to the department of economic development for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount or so much thereof as necessary to be used for the purpose designated:

For deposit in the brownfield redevelopment fund created in section 15.293 to provide assistance under the brownfield redevelopment program:

..... \$ 500,000

DEPARTMENT OF NATURAL RESOURCES

Sec. 19. There is appropriated from the environment first fund to the department of natural resources for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 195,000

2. For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

..... \$ 100,000

3. For continuing the establishment and operation of water quality monitoring stations:

..... \$ 2,955,000

4. For deposit in the administration account of the water quality protection fund, to carry out the purposes of that account:

..... \$ 500,000

5. For air quality monitoring equipment:

..... \$ 500,000

6. For the dredging of lakes, including necessary preparation for dredging, in accordance with the department's classification of Iowa lakes restoration report:

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

It is the intent of the general assembly that the department shall consider the following criteria for funding lake dredging projects as provided in this subsection, and shall prioritize projects based on the following:

- a. Documented efforts to address watershed protection, considering testing, conservation efforts, and amount of time devoted to watershed protection.
b. Protection of a natural resource and natural habitat.
c. Percentage of public access and undeveloped lakefront property.
d. Continuation of current projects partially funded by state resources to achieve department recommendations.

7. For purposes of funding capital projects for the purposes specified in section 452A.79, and for expenditures for the local cost share grants to be used for capital expenditures to local governmental units for boating accessibility:

..... \$ 2,300,000

8. For regular maintenance of state parks and staff time associated with these activities:

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

RESOURCES ENHANCEMENT AND PROTECTION FUND

Sec. 20. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the environment first fund to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, to be allocated as provided in section 455A.19:

..... \$ 11,000,000

Sec. 21. REVERSION.

1. Except as provided in subsection 2, and notwithstanding section 8.33, moneys appropriated in this division of this Act that remain unencumbered or unobligated shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2004, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of agriculture and land stewardship to provide financial assistance for the establishment of permanent soil and water conservation practices 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, 2006.

DIVISION III
TOBACCO SETTLEMENT TRUST FUND

Sec. 22. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the following departments and agencies for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ECONOMIC DEVELOPMENT

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 12E.12, subsection 1, paragraph "b", subparagraph (1):

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

The moneys appropriated in this subsection shall be allocated equally among the community colleges in the state. If any portion of the equal allocation to a community college is not obligated or encumbered by April 1, 2004, the unobligated and unencumbered portions shall be available for use by other community colleges.

2. DEPARTMENT OF EDUCATION

For allocation to the public broadcasting division for costs of installation of digital television for Iowa public television facilities, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

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

3. DEPARTMENT OF GENERAL SERVICES (or any successor agency)

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-owned buildings and facilities:

..... \$ 11,500,000

a. Of the amount appropriated in this subsection, up to \$375,000 may be used for costs associated with project management services in the division of design and construction of the department, or to a similar division of any successor agency, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1).

b. Of the amount appropriated in this subsection, \$200,000 may be used for costs associated with the vertical infrastructure program, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1).

4. INFORMATION TECHNOLOGY DEPARTMENT (or any successor agency)

For the payment of claims relating to the purchase and implementation of an integrated information for Iowa system:

..... \$ 6,131,075

5. IOWA STATE FAIR AUTHORITY

For vertical infrastructure improvements on the state fairgrounds:

..... \$ 500,000

6. DEPARTMENT OF NATURAL RESOURCES

a. For costs associated with the planning, design, and construction of a premier destination park, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

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

The appropriation in this paragraph "a" is contingent upon receipt by the department of a funding commitment by June 30, 2005, from a private developer for development of the proposed honey creek resort areas near the premier destination park.

b. For continuation of the restore the outdoors program, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

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

7. DEPARTMENT OF PUBLIC DEFENSE

a. For maintenance and repair of national guard armories and facilities:

..... \$ 1,269,636

b. For construction of a new national guard armory at Boone:

..... \$ 1,095,000

8. DEPARTMENT OF PUBLIC SAFETY

For improvements to the capitol complex security system, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

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

9. STATE DEPARTMENT OF TRANSPORTATION

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

..... \$ 1,100,000

One-half of the funds appropriated in this paragraph "a" shall be allocated equally between each commercial service airport, 40 percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and 10 percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial service airport to receive funding under this paragraph "a", the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

b. For a vertical infrastructure improvement grant program for improvements at general aviation airports within the state:

..... \$ 581,400

c. For acquiring, constructing, and improving recreational trails within the state:

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

Of the amount appropriated in this paragraph "c", \$500,000 shall be used for funding, on a matching basis, recreational trail projects, with priority given to completion of trail connections and sections between existing trails and parks within the established state recreational trails system. Such projects shall be matched by \$1 of private or other funds for each \$3 of state funds.

10. OFFICE OF 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

11. STATE BOARD OF REGENTS

For non-fire-related restoration of the Old Capitol on the University of Iowa campus in Iowa City, including but not limited to capital and other improvements related to exterior metal roofing, masonry repointing, and window replacement; electrical upgrades; asbestos abatement; elevator improvements; interior painting and lighting and exhibit displays; and site walkway and landscaping improvements:

..... \$ 350,000

12. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS. Payment of moneys from the appropriations in this section shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

13. REVERSION. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2006, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 23. DEPARTMENT OF CORRECTIONS — USE OF APPROPRIATIONS — REVERSION.

1. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the department of corrections for the fiscal period beginning July 1, 2003, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For construction of a 170-bed facility at the Iowa medical and classification center at Oakdale:

FY 2003-2004	\$	7,500,000
FY 2004-2005	\$	11,700,000
FY 2005-2006	\$	11,700,000

2. Payment of moneys from the appropriations in this section shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the tobacco settlement authority.

3. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they were appropriated, but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2008, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 24. PAYMENTS IN LIEU OF TUITION. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund of the state to the state board of regents for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

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 their operating funds resulting from the pledging of tuitions, 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 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 10,610,409

Sec. 25. TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION FEES. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the treasurer of state for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For payment of litigation fees incurred pursuant to the tobacco master settlement agreement:

..... \$ 700,000

Sec. 26. IOWA COMMUNICATIONS NETWORK DEBT SERVICE. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the treasurer of state for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For debt service for the Iowa communications network, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 13,039,378

Funds appropriated in this section shall be deposited in a separate fund established in the office of the treasurer of state to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification, the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Sec. 27. PRISON DEBT SERVICE. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the treasurer of state for the fiscal year beginning July 1, 2003, and ending June 30, 2004, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For repayment of prison infrastructure bonds under section 16.177, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1):

..... \$ 5,411,986

DIVISION IV
CAPITOL COMPLEX PARKING STRUCTURE

*Sec. 28. NEW SECTION. 18A.8 CAPITOL COMPLEX PARKING STRUCTURE REVOLVING FUND.

A capitol complex parking structure revolving fund is created in the state treasury. The capitol complex parking structure revolving fund shall be administered by the department of general services and shall consist of moneys collected by the department as parking fees, moneys appropriated to the fund by the general assembly, and any other moneys obtained or accepted by the department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the department for costs associated with the management, operation, and maintenance of the capitol complex parking structure located at the intersection of Pennsylvania and Grand avenues in Des Moines. The department shall submit an annual report not later than January 31 to the members of the general assembly and the legislative fiscal bureau, of the activities funded by and expenditures made from the revolving fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the revolving fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.*

*Sec. 29. CAPITOL COMPLEX PARKING STRUCTURE MANAGEMENT — REQUEST FOR PROPOSALS. The department of general services, or any successor agency, shall issue a request for proposals for the management, operation, and maintenance of the state-owned parking structure located at the intersection of Pennsylvania and Grand avenues in Des Moines. The request for proposals shall include all of the following services:

- 1. The collection of parking fees and administration of parking permits.
- 2. Daily janitorial maintenance and necessary annual maintenance, pursuant to standards outlined in the parking garage maintenance manual published by the parking consultants council of the national parking association.
- 3. Long-term structural maintenance.

Awarding of a contract for the management, operation, and maintenance of the parking structure is subject to approval by the general assembly.*

* Item veto; see message at end of the Act

Sec. 30. CAPITOL COMPLEX PARKING STRUCTURE — PARKING FEES. The department of general services, or any successor agency, shall establish reasonable parking fees for the public and for state employees for the use of the state-owned parking structure located at the intersection of Pennsylvania and Grand avenues in Des Moines. Such fees shall be deposited in the capitol complex parking structure revolving fund created in section 18A.8, as enacted by this Act.

Approved May 30, 2003, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 452, an Act relating to and making appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, Environment First Fund, and Tobacco Settlement Trust Fund, relating to the Capitol complex parking structure, and authorizing fees.

Senate File 452 is, approved on this date, with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Division IV, Sections 28, 29, and 30 in their entirety. These sections would require the establishment of a parking fee for the Capitol complex parking structure located at Pennsylvania and Grand avenues. Iowans should be encouraged to participate in their democracy by parking free to visit their State Capitol and the state office buildings surrounding their State Capitol. Charging parking fees for the newly constructed parking structure located at Pennsylvania and Grand Avenues operates as a hidden tax for the visiting public and would discourage some from exercising their fundamental rights as citizens. Such a fee should not have been and will not be sanctioned or approved.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 452 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK, Governor

* Item veto; see message at end of the Act