

Sec. 72. 2009 Iowa Acts, House File 414,¹⁴ section 45, subsection 2, is amended to read as follows:

2. The section of this division of this Act appropriating federal community development block grant funds is retroactively applicable to ~~June 30, 2008~~ October 1, 2007.

Sec. 73. 2009 Iowa Acts, House File 811,¹⁵ section 32, subsection 1, paragraph a, subparagraph (1), if enacted, is amended to read as follows:

(1) For the fiscal year beginning July 1, 2009, the total state funding amount for the nursing facility budget shall not exceed ~~\$146,803,575~~ \$152,803,575.

Sec. 74. EFFECTIVE DATE — RETROACTIVE APPLICABILITY.

1. Except as provided in subsection 2, this division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act amending section 257.35 is retroactively applicable to July 1, 2008.

Approved May 26, 2009

CHAPTER 184

**APPROPRIATIONS — INFRASTRUCTURE
AND CAPITAL PROJECTS**

H.F. 822

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, and other funds, creating and funding the Iowa flood center, providing for related matters, and providing effective and retroactive applicability date provisions.

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, 2009, and ending June 30, 2010, 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 provided during the fiscal year to such other governmental entities by the department associated with the integrated information for Iowa system.

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

¹⁴ Chapter 170 herein

¹⁵ Chapter 182 herein

of section 8A.123 to provide funding for costs associated with the integrated information for Iowa system. By October 31, 2010, 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 routine maintenance of state buildings and facilities, notwithstanding section 8.57, subsection 6, paragraph “c”:

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

c. For costs associated with improvements to and renovation of the Wallace building for extending the useful life of the building:

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

d. For upgrades to the electrical distribution system serving the capitol complex:

..... \$ 850,000

e. For costs associated with capitol interior and exterior restoration and for compliance with the federal Americans With Disabilities Act:

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

f. For heating, ventilating, and air conditioning improvements in the Hoover state office building:

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

g. For costs associated with the central energy plant addition and improvements:

..... \$ 623,000

h. For costs associated with Mercy capitol hospital building operations upon acquisition of the hospital, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 500,000

i. For costs associated with the restoration and renovation, including major repairs and major maintenance, at the governor’s mansion at Terrace Hill:

..... \$ 769,543

j. 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 CORRECTIONS

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

..... \$ 1,750,000

3. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit into the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 6, paragraph “c”:

..... \$ 1,900,000

b. For costs relating to a traveling exhibit and museum exhibit of the sesquicentennial of the American civil war including but not limited to restoration and duplication of muster records, publishing and publication costs, relocation of battle flag laboratory to a public viewing area including educational and program costs, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 350,000

c. For grants for a cultural community grant program, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 200,000

The department shall establish a cultural community grant program to provide grants for a cultural and educational center to showcase an immigrant community from Laos and Vietnam and their cultures. The department shall distribute the grants on a competitive basis to communities with an approved plan for the establishment of the cultural center. Applications must be submitted to the department no later than July 15, 2009.

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.

4. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. 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

b. For deposit into 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

Moneys from this lettered paragraph may be used to provide job training services to underserved populations in Iowa. "Underserved populations" include people making less than twenty thousand dollars annual net income, minorities, women, disabled persons, the elderly, and people convicted of felonies trying to reenter society after release from prison.

c. For a city with a population between seven hundred fifty and eight hundred fifty within a county with a population of between six thousand seven hundred and six thousand eight hundred as determined by the 2000 certified federal census for demolition costs for a building asbestos abatement:

..... \$ 50,000

d. For costs associated with the hosting of a national junior summer olympics by a nonprofit sports organization, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 200,000

e. For the renovation of a building for the relocation of a juvenile courthouse in a county with a population between thirty-nine thousand and forty-one thousand as determined by the 2000 certified federal census:

..... \$ 100,000

f. For fire station improvements in a city with a population between twenty-one thousand and twenty-three thousand as determined by the 2000 certified federal census:

..... \$ 200,000

g. For a community center that hosts congregate meals in a city with a population between seven hundred forty-six and seven hundred fifty-six as determined by the 2000 certified federal census for compliance with the federal Americans With Disabilities Act:

..... \$ 10,000

5. 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":

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

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

6. DEPARTMENT OF HUMAN SERVICES

For a mental health systems community development building safety improvements including electrical wiring and emergency systems in a city with a population between five thousand fifty and six thousand fifty as determined by the 2000 certified federal census:

..... \$ 200,000

7. DEPARTMENT OF NATURAL RESOURCES

a. 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, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 2,800,000

It is the intent of the general assembly that the department of natural resources shall implement the lake restoration annual report and plan submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency pursuant to section 456A.33B. The lake restoration projects that are recommended by the department to receive funding for fiscal year 2007-2008 and that satisfy the criteria in section 456A.33B, including local commitment of funding for the projects, shall be funded in the amounts provided in the report.

b. 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.

Of the number of full-time equivalent positions authorized to the department for FY 2009-2010 pursuant to 2009 Iowa Acts, Senate File 467,¹ if enacted, up to 21.00 full-time equivalent positions shall be allocated for the floodplain management and dam safety program.

c. For deposit in the loess hills development and conservation fund created in section 161D.2 for allocation to the fund’s hungry canyons account for purposes of streambed erosion and degradation to the loess hills area, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 100,000

d. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 800,000

8. DEPARTMENT OF PUBLIC DEFENSE

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

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

b. For construction and renovation costs at the Davenport aviation readiness center:

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

c. For construction and renovation costs at the Mt. Pleasant readiness center:

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

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”:

..... \$ 130,000

10. STATE BOARD OF REGENTS

For the establishment and administration of an Iowa flood center at the state university of Iowa for use by the university’s college of engineering, pursuant to section 466C.1, as enacted in this Act, notwithstanding section 8.57, subsection 6, paragraph “c”:

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

11. 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:

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

¹ Chapter 175 herein

12. DEPARTMENT OF TRANSPORTATION

a. To provide funds for capital improvements and for related studies for expanding passenger rail services in Iowa, notwithstanding section 8.57, subsection 6, paragraph "c":

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

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

..... \$ 3,500,000

Moneys appropriated in this lettered paragraph may be used for purposes of building equestrian or snowmobile trails that run parallel to a recreational trail. It is the intent of the general assembly to promote multiple uses for trails funding in this lettered paragraph and to maximize the number of trail users.

Of the amounts appropriated in this lettered paragraph, \$750,000 shall be allocated for the development of a riverwalk in a central Iowa city with a population between one hundred ninety-five thousand and two hundred thousand as determined by the 2000 federal census and \$500,000 shall be allocated for the construction and development of a trail bridge across a river located in northeastern Iowa that would link the east and west sides of the Pinicon ridge park.

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

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

Of the amount appropriated in this lettered paragraph, \$1,000,000 shall be allocated for the replacement of a railroad bridge over the Cedar river in a city with a population between sixty-eight thousand five hundred and sixty-nine thousand.

d. For infrastructure improvement grants at general aviation airports within the state:

..... \$ 750,000

e. For deposit into the public transit infrastructure grant fund created in section 324A.6A:

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

f. To assist local governments to rebuild and repair local roads, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 14,750,000

Fifty percent of the amount appropriated in this lettered paragraph shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed.

13. TREASURER OF STATE

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

..... \$ 1,590,000

b. For deposit in the watershed improvement fund created in section 466A.2, notwithstanding section 8.57, subsection 6, paragraph "c":

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

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":

..... \$ 1,600,000

Of the funds transferred pursuant to this subsection, the Iowa finance authority may retain not more than \$20,000 for administrative purposes.

Sec. 2. 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

For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

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

Of the amount appropriated in this subsection, up to \$1,000,000 may be used for demolition purposes.

2. DEPARTMENT OF CORRECTIONS

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

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

The appropriation in this subsection 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.

3. DEPARTMENT OF ECONOMIC DEVELOPMENT

For costs associated with the renovation and expansion of phase II of a zoo project located in a city with a population of between one hundred ninety thousand and two hundred thousand as determined by the 2000 certified federal census:

..... \$ 500,000

4. 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 in a small animal hospital:

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

5. 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

6. DEPARTMENT OF TRANSPORTATION

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

b. To assist local governments to rebuild and repair local roads, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 24,700,000

Fifty percent of the amount appropriated in this lettered paragraph shall be deposited into the street construction fund of the cities and fifty percent shall be deposited into the secondary road fund of the counties, to be used for construction, reconstruction, repair, and maintenance of city roads or secondary roads. The moneys allocated to such funds shall be expended within two years. The department shall, in cooperation with the cities and counties, provide a report to the legislative services agency regarding the projects funded by this appropriation by January 15 each year until the projects are completed.

Sec. 3. There is appropriated from the rebuild Iowa infrastructure fund to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

Sec. 4. 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
REBUILD IOWA INFRASTRUCTURE FUND — GROW
IOWA VALUES FUND

Sec. 5. Notwithstanding the amount of the standing appropriation from the rebuild Iowa infrastructure fund as provided in section 15G.110, subsection 2, there is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit into the grow Iowa values fund, in lieu of the appropriation made in section 15G.110, subsection 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 45,000,000

Sec. 6. 2009 Iowa Acts, House File 817,² section 2, if enacted, is amended to read as follows:
SEC. 2. GROW IOWA VALUES FUND APPROPRIATION — TRANSFER.

1. ~~In lieu of any standing appropriation in section 15G.111 from the grow Iowa values fund to the department of economic development, for the fiscal year beginning July 1, 2009, there is appropriated from the grow Iowa values fund to the department of economic development for purposes of administering financial assistance programs:~~

..... \$ 31,000,000

Of the amount allocated for departmental purposes in section 15G.111, subsection 4, if enacted by 2009 Iowa Acts, Senate File 344,³ section 2, the department of economic development shall allocate one million dollars for transfer to the general fund of the state for purposes of funding the increased amount of tax credits authorized in this Act. The amount remaining after allocating the one million dollars for transfer shall be allocated for departmental purposes as described in section 15G.111, subsection 4, if enacted by 2009 Iowa Acts, Senate File 344,⁴ section 2.

2. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the one million dollars allocated for transfer pursuant to subsection 1 is transferred from the grow Iowa values fund to the general fund of the state only if a tax credit is awarded pursuant to section 15.335, as amended by this Act. If one or more tax credits are not awarded, the department may reallocate the one million dollars for departmental purposes.

Sec. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the fifty million dollars appropriated for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, if enacted by 2009 Iowa Acts, Senate File 344,⁵ section 2, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, forty-five million dollars for purposes of making expenditures pursuant to chapter 15G.

Sec. 8. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344,⁶ section 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, of the forty-five million dollars appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the follow-

² Chapter 171 herein

³ Chapter 123 herein

⁴ Chapter 123 herein

⁵ Chapter 123 herein

⁶ Chapter 123 herein

ing purposes as described in section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344,⁷ section 2:

1. For departmental purposes, twenty-eight million eight hundred thousand dollars. Of the moneys allocated pursuant to this subsection and in lieu of the two million dollars allocated for deposit in the renewable fuel infrastructure fund under section 15G.111, subsection 4, paragraph "h", if enacted by 2009 Iowa Acts, Senate File 344,⁸ section 2, the department shall allocate one million eight hundred thousand dollars for deposit in the renewable fuel infrastructure fund.

2. For the state board of regents institutions, four million five hundred thousand dollars.

3. For state parks, nine hundred thousand dollars.

4. For deposit in the Iowa cultural trust fund, nine hundred thousand dollars.

5. For community colleges, six million three hundred thousand dollars.

6. For regional financial assistance, nine hundred thousand dollars. 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", if enacted by 2009 Iowa Acts, Senate File 344,⁹ section 2, the department shall transfer three hundred fifteen 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, two million seven hundred thousand dollars.

Sec. 9. CONDITIONAL GROW IOWA VALUES FUND APPROPRIATIONS. If 2009 Iowa Acts, Senate File 344¹⁰ is not enacted, for the fiscal year beginning July 1, 2009 and ending June 30, 2009,¹¹ the following amounts are appropriated from the grow Iowa values fund in lieu of the amounts appropriated under section 15G.111:

1. To the department of economic development for departmental purposes as described in section 15G.111, subsection 1, twenty-eight million eight hundred thousand dollars.

2. To the department of economic development for financial assistance to the state board of regents institutions pursuant to section 15G.111, subsection 2, four million five hundred thousand dollars.

3. To the department of economic development for financial assistance to state parks pursuant to section 15G.111, subsection 3, nine hundred thousand dollars.

4. To the treasurer of state for deposit in the Iowa cultural trust fund pursuant to section 15G.111, subsection 4, nine hundred thousand dollars.

5. To the department of economic development for deposit in the workforce training and economic development funds of the community colleges pursuant to section 15G.111, subsection 5, six million three hundred thousand dollars.

6. To the department of economic development for providing economic development region financial assistance pursuant to section 15G.111, subsection 6, nine hundred thousand dollars. Of the moneys appropriated pursuant to this subsection and in lieu of the three hundred fifty thousand dollars transferred under section 15G.111, subsection 6, paragraph "b", the department shall transfer three hundred fifteen thousand dollars to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.

7. To the department of economic development for providing commercialization services pursuant to section 15G.111, subsection 7, two million seven hundred thousand dollars.

DIVISION III TECHNOLOGY REINVESTMENT FUND

Sec. 10. 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, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

⁷ Chapter 123 herein

⁸ Chapter 123 herein

⁹ Chapter 123 herein

¹⁰ Chapter 123 herein

¹¹ According to enrolled Act; the year "2010" probably intended

1. DEPARTMENT OF ADMINISTRATIVE SERVICES	
For technology improvement projects:	
.....	\$ 2,037,184
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 etranscript data system capable of tracking students throughout their education via interconnectivity with multiple schools.	
4. DEPARTMENT OF HUMAN RIGHTS	
For costs associated with the justice enterprise data warehouse:	
.....	\$ 361,072
5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD	
For technological improvements for the board's electronic filing system including an online searchable database:	
.....	\$ 15,000
6. IOWA LAW ENFORCEMENT ACADEMY	
For technology upgrades for the development of computer online testing and training and for a firearms training simulator:	
.....	\$ 185,000
7. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION	
a. For replacement of equipment for the Iowa communications network:	
.....	\$ 2,211,863
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 lettered paragraph, 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 lettered paragraph, 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.	
b. For generator replacement:	
.....	\$ 2,755,246
c. For continued additions to network redundancy for continuity of operations for the capitol complex:	
.....	\$ 2,320,000
8. DEPARTMENT OF PUBLIC DEFENSE	
For the homeland security and emergency management division for providing a grant to the statewide 211 nonprofit call centers to enhance its human resources assistance directory project:	
.....	\$ 250,000
The division shall award moneys appropriated pursuant to this section ¹² to support the statewide improvement of the free and confidential 211 hotline available twenty-four hours a day, seven days a week, that provides information or refers callers to appropriate private or government entities that provide assistance relating to families, housing, food, health, legal advice, child and senior services, or volunteer opportunities.	

¹² According to enrolled Act; the word "subsection" probably intended

9. DEPARTMENT OF PUBLIC SAFETY

For continuation of payments on the lease-purchase of the automated fingerprint identification system:

..... \$ 350,000

Sec. 11. 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
TAX-EXEMPT BOND PROCEEDS RESTRICTED
CAPITAL FUNDS ACCOUNT

Sec. 12. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the department of administrative services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

..... \$ 195,484

Sec. 13. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS. 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 tobacco settlement authority.

DIVISION V
TRANSFERS

Sec. 14. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND AND TAX-EXEMPT BOND PROCEEDS RESTRICTED CAPITALS FUND — TRANSFERS. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balances of the endowment for Iowa's health restricted capitals fund at the close of the fiscal year beginning July 1, 2009, and the tax-exempt bond proceeds restricted capitals fund at the close of the fiscal year beginning July 1, 2009, or the close of any succeeding fiscal year, shall be transferred to the department of administrative services for projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department. Upon receipt of a transfer, the department of administrative services shall report to the legislative services agency and to the department of management the amount transferred in conjunction with the department's report filed pursuant to section 8.57, subsection 6, paragraph "h".

DIVISION VI
IOWA FLOOD CENTER

Sec. 15. NEW SECTION. 466C.1 IOWA FLOOD CENTER.

1. The state board of regents shall establish and maintain in Iowa City as a part of the state university of Iowa an Iowa flood center. In conducting the activities of this chapter, the center shall work cooperatively with the department of natural resources, the department of agriculture and land stewardship, the water resources coordinating council, and other state and federal agencies.

2. The Iowa flood center shall have all of the following purposes:

a. To develop hydrologic models for physically based flood frequency estimation and real-time forecasting of floods, including hydraulic models of flood plain inundation mapping.

- b. To establish community-based programs to improve flood monitoring and prediction along Iowa’s major waterways and to support ongoing flood research.
- c. To share resources and expertise of the Iowa flood center.
- d. To assist in the development of a workforce in the state knowledgeable regarding flood research, prediction, and mitigation strategies.

DIVISION VII
CHANGES TO PRIOR APPROPRIATIONS

Sec. 16. 2005 Iowa Acts, chapter 178, section 9, is amended to read as follows:
SEC. 9. REVERSION.

1. ~~Notwithstanding Except as provided in subsection 2 and notwithstanding section 8.33,~~ moneys appropriated from the rebuild Iowa infrastructure fund in this division of this Act, except for the moneys appropriated in section 1, subsection 2, paragraph “a”, for maintenance costs of the department of corrections and subsection 5, paragraph “d”, for the vocational rehabilitation division of the department of education, 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, 2008, or until the project for which the appropriation was made is completed, whichever is earlier. This section does not apply to the sections in this division of this Act that were previously enacted and are amended in this division of this Act.

2. ~~Notwithstanding section 8.33, moneys appropriated in section 3, subsection 1, paragraph “h” of 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 purpose 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.~~

Sec. 17. 2007 Iowa Acts, chapter 219, section 7, subsection 1, 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	\$	10,000,000
FY 2009-2010	\$	10,000,000
		0
FY 2010-2011	\$	10,000,000

Sec. 18. 2008 Iowa Acts, chapter 1178, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009. The full-time equivalent position authorized in this section shall continue to be authorized until the close of the fiscal year that begins July 1, 2009.

Sec. 19. 2008 Iowa Acts, chapter 1178, section 19, is amended to read as follows:

SEC. 19. WATER TRAILS AND LOW HEAD DAM PUBLIC HAZARD STATEWIDE PLAN — APPROPRIATION. There is appropriated from any interest or earnings on moneys in the federal economic stimulus and jobs holding fund to the department of natural resources 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 purposes designated:

For the establishment and administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	250,000
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Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2009.

Sec. 20. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraph e, is amended to read as follows:

e. 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 visiting the capitol complex that includes transportation between the capitol complex and the downtown Des Moines area, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 170,000
..... 183,000

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.

Sec. 21. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, is amended by adding the following new paragraphs:

NEW PARAGRAPH. h. For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:

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

NEW PARAGRAPH. i. For capital improvements at the civil commitment unit for a sexual offenders facility at Cherokee:

..... \$ 829,000

NEW PARAGRAPH. j. For costs associated with capitol interior and exterior restoration and for compliance with the federal Americans With Disabilities Act:

..... \$ 1,900,000

NEW PARAGRAPH. k. For renovations to the capitol complex utility tunnel system:

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

NEW PARAGRAPH. l. For heating, ventilating, and air conditioning improvements in the Hoover state office building:

..... \$ 165,000

NEW PARAGRAPH. m. (1) For the purchase of Mercy capitol hospital:
..... \$ 3,950,000

(2) It is the intent of the general assembly that the department will use other appropriations made or other funds available to the department for the acquisition of buildings to complete the purchase of this building.

(3) The department is authorized to enter into agreements for the use of Mercy capitol hospital, once acquired by the state, with any state agency or other governmental entity or political subdivision, as deemed appropriate by the department.

Sec. 22. 2008 Iowa Acts, chapter 1179, section 1, subsection 13, paragraph c, is amended to read as follows:

c. For the construction of a depot and platform to accommodate the future Amtrak service from Dubuque to Chicago, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 300,000

Sec. 23. 2008 Iowa Acts, chapter 1179, section 1, subsection 14, paragraph a, is amended to read as follows:

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

..... \$ 1,590,000

..... 1,060,000

~~Of the amount appropriated in this lettered paragraph, \$530,000 shall be deposited into the fairgrounds infrastructure aid fund created pursuant to section 12.101, as enacted in this Act, for fairgrounds infrastructure aid as provided in section 12.102, as enacted in this Act.~~

Sec. 24. 2008 Iowa Acts, chapter 1179, section 6, is amended to read as follows:

SEC. 6. DEPARTMENT OF CORRECTIONS. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For expansion of the Iowa correctional facility for women at Mitchellville:

FY 2010-2011 2011-2012	\$	11,700,000
FY 2011-2012 2012-2013	\$	8,779,000

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 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, ~~2013~~ 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, ~~2011~~ 2012, and ending June 30, ~~2012~~ 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, ~~2014~~ 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 25. 2008 Iowa Acts, chapter 1179, section 15, subsection 4, paragraph b, 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, notwithstanding section 8.57C, subsection 2.

Sec. 26. 2008 Iowa Acts, chapter 1186, section 20, subsection 2, is amended to read as follows:

2. Notwithstanding any provision of law to the contrary, the unencumbered or unobligated balances of the healthy Iowans tobacco trust ~~at the close of~~ available prior to the close of the fiscal year beginning July 1, 2008, or the endowment for Iowa’s health account ~~at the close~~ available prior to the close of the fiscal year beginning July 1, 2008, ~~or the close of any succeeding fiscal year~~ shall be transferred to the general fund of the state.

Sec. 27. 2009 Iowa Acts, Senate File 344,¹³ section 9, subsection 3, if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

3. Effective July 1, 2009, all funds remaining in the accelerated career education account of the physical infrastructure assistance fund created in section 15E.175 shall be transferred to the accelerated career education fund established in section 260G.6, subsection 1, as amended by this Act.

Sec. 28. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. Except as provided in subsection 2, this division of this Act, being deemed of immediate importance, takes effect upon enactment.

2. The sections of this division of this Act, amending 2008 Iowa Acts, chapter 1179, section 1, subsection 13, paragraph “c”; section 1, subsection 14, paragraph “a”; and section 15, subsection 4, paragraph “b”, apply retroactively to July 1, 2008.

DIVISION VIII
CODE AND MISCELLANEOUS CHANGES

Sec. 29. Section 8.57, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Annually, on or before December 31 of each year, a recipient of moneys from the rebuild Iowa infrastructure fund for any purpose shall report to the state

¹³ Chapter 123 herein

agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of 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. 30. Section 8.57C, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund for ~~each the~~ fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 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”.

Sec. 31. Section 12E.12, subsection 1, paragraph b, subparagraph (2), subparagraph division (b), Code 2007, as amended by 2008 Iowa Acts, chapter 1186, section 16, is amended to read as follows:

(b) For each fiscal year beginning July 1, 2009, the moneys deposited in the endowment for Iowa’s health account of the tobacco settlement trust fund are transferred to the ~~general fund of the state~~ rebuild Iowa infrastructure fund. ~~The moneys transferred shall be used for the purposes specified in section 12E.3A.~~

Sec. 32. Section 15.329, subsection 7, Code 2009, is amended by striking the subsection.

Sec. 33. Section 15F.201, Code 2009, is amended by adding the following new subsection: **NEW SUBSECTION. 3.** “River enhancement community attraction and tourism project” means a project that creates or enhances recreational opportunities and community attractions on and near lakes or rivers or river corridors within cities across the state under the purview of the program.

Sec. 34. **NEW SECTION. 15F.206 RIVER ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM PROJECTS — APPLICATION REVIEW.**

1. Applications for assistance for river enhancement community attraction and tourism projects shall be submitted to the department. For those applications that meet the eligibility criteria, the department shall provide a staff review analysis and evaluation to the vision Iowa program review committee referred to in section 15F.304, subsection 2, and the board.

2. When reviewing the applications, the vision Iowa program review committee and the department shall consider, at a minimum, all of the following:

a. Whether the wages, benefits, including health benefits, safety, and other attributes of the project would improve the quality of life or the quality of attraction or tourism employment in the community.

b. The extent to which such a project would generate additional recreational and cultural attractions or tourism opportunities.

c. The ability of the project to produce a long-term, tax-generating economic impact.

d. The location of the projects and geographic diversity of the applications.

e. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, “vertical infrastructure” means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails and water trails. “Vertical infrastructure” does not include routine, recurring maintenance, or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

f. Whether the applicant has received financial assistance under the program for the same project.

g. The extent to which the project has taken the following planning principles into consideration:

(1) Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

(2) Provision for a variety of transportation choices, including pedestrian traffic.

(3) Maintenance of a unique sense of place by respecting local cultural and natural environmental features.

(4) Conservation of open space and farmland and preservation of critical environmental areas.

(5) Promotion of the safety, livability, and revitalization of existing urban and rural communities.

3. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications.

4. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the department anytime moneys are disbursed to a recipient of financial assistance under the program.

Sec. 35. Section 15F.304, subsection 2, Code 2009, is amended to read as follows:

2. A review committee composed of eight members of the board shall review vision Iowa program applications and river enhancement community attraction and tourism project applications submitted to the board and make recommendations regarding the applications to the board. The review committee shall consist of members of the board listed in section 15F.102, subsection 2, paragraphs “d” through “h”.

Sec. 36. Section 15F.304, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 5. The review committee shall consider, review, and make recommendations regarding applications for assistance for river enhancement community attractions and tourism projects a¹⁴ provided in section 15F.206.

Sec. 37. Section 15G.111, subsection 4, paragraph a, Code 2009, as amended by 2009 Iowa Acts, Senate File 344,¹⁵ section 2, if enacted, is amended to read as follows:

a. For administrative costs, an amount not more than ~~one and one-half percent~~ six hundred thousand dollars of the moneys subject to allocation under this subsection.

Sec. 38. Section 135.63, subsection 2, paragraph l, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The replacement or modernization of any institutional health facility if the replacement or modernization does not add new health services or additional bed capacity for existing health services, notwithstanding any provision in this division to the contrary. With respect to a nursing facility, “replacement” means establishing a new facility within the same county as the prior facility to be closed. With reference to a hospital, “replacement” means establishing a new hospital that demonstrates compliance with all of the following criteria through evidence submitted to the department:

Sec. 39. 1989 Iowa Acts, chapter 131, section 63, is amended to read as follows:

SEC. 63. Sections 455G.6 and 455G.7 are repealed effective July 1, ~~2009~~ 2010, except as such sections apply with respect to any outstanding bonds issued thereunder, or refinancing of such outstanding bonds.

Sec. 40. Sections 12.101 and 12.102, Code 2009, are repealed.

¹⁴ According to enrolled Act; the word “as” probably intended

¹⁵ Chapter 123 herein

Sec. 41. EFFECTIVE DATE. The section of this division of this Act amending section 12E.12 takes effect June 30, 2009.

Approved May 26, 2009

CHAPTER 185

PROPOSED CONSTITUTIONAL AMENDMENT — NATURAL RESOURCES AND OUTDOOR RECREATION TRUST FUND

H.J.R. 1

Second Time Passed

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa to dedicate a portion of state revenue from the tax imposed on certain retail sales of tangible personal property and services for the benefit of the state's natural resources.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

NATURAL RESOURCES. SEC. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

Sec. 2. SUBMISSION FOR RATIFICATION. The foregoing proposed amendment, having been adopted and agreed to by the Eighty-second General Assembly, 2008 Session, thereafter duly published, and now adopted and agreed to by the Eighty-third General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year two thousand ten in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.