

CHAPTER 1019WATER POLLUTION CONTROL AND
DRINKING WATER FACILITIES FINANCING

S.F. 2145

AN ACT relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

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

Section 1. Section 455B.291, Code 2001, is amended to read as follows:

455B.291 DEFINITIONS.

As used in this part, unless the context requires otherwise:

1. "Administration funds" means the ~~sewage treatment~~ water pollution control works administration fund and the drinking water facilities administration fund.

2. "Authority" means the Iowa finance authority established in section 16.2.

3. "Clean Water Act" means the federal Water Pollution Control Act of 1972, Pub. L. No. 92-500, as amended by the Water Quality Act of 1987, Pub. L. No. 100-4, as published in 33 U.S.C. § 1251 – 1376.

4. "Cost" means all costs, charges, expenses, or other indebtedness incurred by a ~~municipality or water system~~ loan recipient and determined by the director as reasonable and necessary for carrying out all works and undertakings necessary or incidental to the accomplishment of any project.

5. "Drinking water facilities administration fund" means the drinking water facilities administration fund established in section 455B.295.

6. "Drinking water ~~treatment~~ facilities revolving loan fund" means the drinking water ~~treatment~~ facilities revolving loan fund established in section 455B.295.

7. "Eligible entity" means a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from either of the revolving loan funds.

8. "Loan recipient" means an eligible entity that has received a loan from either of the revolving loan funds.

7. ~~9.~~ "Municipality" means a city, county, sanitary district, state agency, or other governmental body or corporation empowered to provide sewage collection and treatment services, or any combination of two or more of the governmental bodies or corporations acting jointly, in connection with a project.

8. ~~10.~~ "Program" means the Iowa ~~sewage treatment~~ water pollution control and drinking water facilities financing program created pursuant to section 455B.294.

9. ~~11.~~ "Project" means one of the following:

a. In the context of ~~sewage treatment~~ water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in section 212 of the Clean Water Act, or the implementation and development of management programs established under sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those sections.

b. In the context of drinking water facilities, the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, or equipping of waterworks, water mains, extensions, or treatment facilities useful for providing potable water to residents served by a water system, including the acquisition of real property needed for any of the foregoing purposes, and such other purposes and programs as may be authorized under the Safe Drinking Water Act.

10. ~~12.~~ “Revolving loan funds” means the ~~sewage treatment water pollution control~~ works revolving loan fund and the drinking water ~~treatment facilities~~ revolving loan fund.

11. ~~13.~~ “Safe Drinking Water Act” means Title XIV of the federal Public Health Service Act, commonly known as the “Safe Drinking Water Act”, 42 U.S.C. § 300f et seq., as amended by the Safe Drinking Water Amendments of 1996, Pub. L. No. 104-182.

12. ~~14.~~ “~~Sewage treatment~~ Water pollution control works administration fund” means the ~~sewage treatment~~ water pollution control works administration fund established in section 455B.295.

13. ~~15.~~ “~~Sewage treatment~~ Water pollution control works revolving loan fund” means the ~~sewage treatment~~ water pollution control works revolving loan fund established in section 455B.295.

14. ~~16.~~ “Water system” means any community water system or nonprofit noncommunity water system, each as defined in the Safe Drinking Water Act, that is eligible under the rules of the department to receive a loan under the program for the purposes of undertaking a project.

Sec. 2. Section 455B.292, Code 2001, is amended to read as follows:

455B.292 FINDINGS.

The general assembly finds that the proper construction, rehabilitation, operation, and maintenance of modern and efficient wastewater treatment works, other water pollution control works, and drinking water facilities are essential to protecting and improving the state’s water quality and the health of its citizens; that protecting and improving water quality is an issue of concern to the citizens of the state; that in addition to protecting and improving the state’s water quality, adequate wastewater treatment and water pollution control works and drinking water facilities are essential to economic growth and development; that during the last several years the amount of federal grant money available to states and local governments for assistance in constructing and improving wastewater treatment works and safe drinking water facilities has sharply diminished and will likely continue to diminish; and that it is proper for the state to encourage local governments, individuals, and other entities to undertake ~~wastewater treatment~~ water pollution control and drinking water projects through the establishment of a state mechanism to provide loans at the lowest reasonable rates.

Sec. 3. Section 455B.293, Code 2001, is amended to read as follows:

455B.293 POLICY.

It is the policy of ~~the general assembly~~ this state that it is in the public interest to establish a ~~sewage treatment~~ water pollution control works and drinking water facilities financing program and revolving loan funds and administration funds to make loans available from the state to ~~municipalities and water systems~~ eligible entities for the purpose of undertaking projects. This section shall be broadly construed to effect and accomplish that purpose.

Sec. 4. Section 455B.294, Code 2001, is amended to read as follows:

455B.294 ESTABLISHMENT OF THE IOWA SEWAGE TREATMENT WATER POLLUTION CONTROL WORKS AND DRINKING WATER FACILITIES FINANCING PROGRAM.

The Iowa ~~sewage treatment~~ water pollution control works and drinking water facilities financing program is established for the purpose of making loans available to ~~municipalities and water systems~~ eligible entities to finance all or part of the costs of projects. The program shall be a joint and cooperative undertaking of the department and the authority. The department and the authority may enter into and provide any agreements, documents, instruments, certificates, data, or information necessary in connection with the operation, administration, and financing of the program consistent with this part, the Safe Drinking Water Act, the Clean Water Act, the rules of the department and the commission, the rules of the authority, and other applicable federal and state law. The authority and the department may act to conform the program to the applicable guidance and regulations adopted by the United States environmental protection agency.

Sec. 5. Section 455B.295, subsections 1, 2, and 4, Code 2001, are amended to read as follows:

1. Four separate funds are established in the state treasury, to be known as the ~~sewage treatment water pollution control~~ works revolving loan fund, the ~~sewage treatment water pollution control~~ works administration fund, the drinking water ~~treatment facilities~~ revolving loan fund, and the drinking water facilities administration fund.

2. Each of the revolving loan funds shall include sums appropriated to the revolving loan funds by the general assembly, sums transferred by action of the governor under section 455B.296, subsection 3, sums allocated to the state expressly for the purposes of establishing each of the revolving loan funds under the Clean Water Act and the Safe Drinking Water Act, all receipts by the revolving loan funds, and any other sums designated for deposit to the revolving loan funds from any public or private source. All moneys appropriated to and deposited in the revolving loan funds are appropriated and shall be used for the sole purpose of making loans to ~~the municipalities and water systems, as applicable,~~ eligible entities to finance all or part of the cost of projects. The moneys appropriated to and deposited in the ~~sewage treatment water pollution control~~ works revolving loan fund shall not be used to pay the nonfederal share of the cost of projects receiving grants under the Clean Water Act. The moneys in the revolving loan funds are not considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state but shall remain in the revolving loan funds to be used for their respective purposes. The revolving loan funds are separate dedicated funds under the administration and control of the authority and subject to section 16.31. Moneys on deposit in the revolving loan funds shall be invested by the treasurer of state in cooperation with the authority, and the income from the investments shall be credited to and deposited in the appropriate revolving loan funds.

4. The department and the authority may establish and maintain other funds or accounts determined to be necessary to carry out the purposes of this part and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts. The department and the authority may combine ~~the financial administration of the revolving loan funds and the administration of the revolving loan funds,~~ and cross collateralize the same, and the administration funds to the extent permitted by the Clean Water Act, the Safe Drinking Water Act, and other applicable federal law.

Sec. 6. Section 455B.296, subsection 3, Code 2001, is amended to read as follows:

3. Upon receipt of the joint recommendation of the department and the authority with respect to the amounts to be so reserved and transferred, and subject in all respects to the applicable provisions of the Clean Water Act, Safe Drinking Water Act, and other applicable federal law, the governor may direct that the recommended portion of a capitalization grant made in respect of one of the revolving loan funds in any year be reserved for the transfer to the other revolving loan fund. The authority and the department may effect the transfer of any funds reserved for such purpose, as directed by the governor, and shall cause the records of the program to reflect the transfer. Any sums so transferred shall be expended in accordance with the intended use plan for the applicable revolving loan fund.

Sec. 7. Section 455B.297, Code 2001, is amended to read as follows:

~~455B.297 LOANS TO MUNICIPALITIES AND WATER SYSTEMS~~ ELIGIBLE ENTITIES.

Moneys deposited in the revolving loan funds shall be used for the primary purpose of making loans to ~~municipalities and water systems~~ eligible entities to finance the cost of projects in accordance with the intended use plans developed by the department under section 455B.296. ~~The municipalities and water systems to which loans are to be made, loan recipients and the purposes of the loan, the purpose, amount of each loan, the interest rate of the loan, and the repayment terms of the loan, loans~~ shall be determined by the director, in accordance with rules adopted by the commission, in compliance with and subject to the terms and conditions of the Clean Water Act, and the Safe Drinking Water Act, and other applicable federal

law, as applicable, and any resolution, agreement, indenture, or other document of the authority, and rules adopted by the authority, relating to any bonds, notes, or other obligations issued for the program which may be applicable to the loan.

Sec. 8. Section 455B.298, subsections 2, 4, 6, and 7, Code 2001, are amended to read as follows:

2. Approve loan applications of ~~municipalities and water systems~~ eligible entities which satisfy the rules adopted by the commission, and the intended use plans developed by the department under section 455B.296.

4. Prepare and process, in coordination with the authority, documents relating to the extending of loans to ~~municipalities and water systems~~, the sale and issuance of bonds, notes, or other obligations of the authority relating to the program, and the administration of the program.

6. Charge each ~~municipality and water system~~ receiving a loan from the appropriate revolving loan fund recipient a loan origination fee and an annual loan servicing fee. The amount of the loan origination fees and the loan servicing fees established shall be relative to the amount of a loan made from the revolving loan fund. The director shall deposit the receipts from the loan origination fees and the loan servicing fees in the appropriate administration fund.

7. Consult with and receive the approval of the authority concerning the terms and conditions of loan agreements with ~~municipalities and water systems~~ as to the financial integrity of the loan.

Approved March 18, 2002

CHAPTER 1020

SEX OFFENDER REGISTRATION — ENROLLMENT, EMPLOYMENT, OR VOCATION AT HIGHER EDUCATION INSTITUTION

H.F. 2338

AN ACT relating to a person registering as a sex offender in a county where an institution of higher education is located, and providing penalties.

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

Section 1. NEW SECTION. 692A.3A REGISTRATION IN A COUNTY WHERE AN INSTITUTION OF HIGHER EDUCATION IS LOCATED.

1. REGISTRATION IN COUNTY OTHER THAN COUNTY OF RESIDENCE. In addition to the registration requirements in section 692A.3, a person required to register under this chapter, who is a full-time or part-time student or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in a county other than the county of residence, shall register with the sheriff of the county in which the institution is located, and provide the sheriff with the name of the institution. The person must register within five days of becoming a student, being employed, or engaging in a vocation at the institution.

2. REGISTRATION IN A COUNTY OF RESIDENCE. In addition to the registration requirements in section 692A.3, a person required to register under this chapter, who is a full-time or part-time student or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in the county of residence, shall notify the sheriff of the name