

FEB 19 1997  
APPROPRIATIONS

HOUSE FILE 285  
BY CHURCHILL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the funding of vertical infrastructure  
2 projects by the state, establishing a vertical infrastructure  
3 commission, and providing effective dates.

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

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HF 285

1 Section 1. Section 8.57, subsection 5, paragraph c, Code  
2 1997, is amended to read as follows:

3 c. (1) Moneys in the fund in a fiscal year shall be used  
4 ~~as directed by the general assembly~~ for public vertical  
5 infrastructure projects as recommended by the rebuild Iowa  
6 infrastructure commission, appropriated by the general  
7 assembly, and approved by the governor.

8 (2) For the purposes of this subsection, "vertical  
9 infrastructure project" includes only ~~land-acquisition-and~~  
10 ~~construction, major renovation and major repair of buildings,~~  
11 ~~all appurtenant structures, utilities, site development, and~~  
12 ~~recreational trails.~~ --"Vertical infrastructure" does not  
13 include routine, recurring maintenance or operational expenses  
14 or leasing of a building, appurtenant structure, or utility  
15 without a lease purchase agreement. --However, appropriations  
16 may be made for the fiscal years beginning July 1, 1997, and  
17 July 1, 1998, for the purpose of funding the completion of  
18 Part III of the Iowa communications network emergency repair  
19 and replacement, deferred maintenance, renovation, and new  
20 construction of vertical infrastructure. "Vertical  
21 infrastructure project" does not include any project  
22 consisting of horizontal infrastructure, repair and  
23 replacement, operations, routine maintenance, preventive  
24 maintenance, leasing of vertical infrastructure, debt service  
25 for vertical infrastructure, or the Iowa communications  
26 network.

27 Sec. 2. Section 8.57, subsection 5, Code 1997, is amended  
28 by adding the following new paragraph and relettering  
29 subsequent paragraphs:

30 NEW PARAGRAPH. d. As used in this subsection and section  
31 8.57A:

32 (1) "Deferred maintenance" means unfunded routine  
33 maintenance and repair and replacement, but not preventive  
34 maintenance, which was not performed in a timely manner due to  
35 lack of available funding, lower priority, or other recognized

1 delaying factors. "Deferred maintenance" includes routine  
2 maintenance and repair and replacement included in the  
3 operations budget during at least two successive fiscal years  
4 but not accomplished due to delaying factors.

5 (2) "Emergency repair and replacement" means unscheduled  
6 work which, due to failure or impending failure of a facility,  
7 finish, system, equipment, or property, requires immediate  
8 action to restore the originally anticipated service life of  
9 the facility, finish, system, equipment, or property.

10 (3) "Horizontal infrastructure" means a facility,  
11 including a utilitarian building related to the facility such  
12 as a maintenance garage or water treatment plant, that is  
13 predominately functional in nature and located at ground  
14 level, under ground level, or parallel to and above ground  
15 level, including the following: a transportation facility  
16 such as a highway, bridge, street, or bike trail; a public  
17 works utility distribution system such as sewer, water, or  
18 waste water pipes or a water retention facility such as a dam;  
19 and a technological utility distribution system such as a  
20 telecommunication device or transmission system or tower.

21 (4) "New construction" means the construction of a new  
22 building and related site work.

23 (5) "Operations" means routine, recurrent, periodic, or  
24 scheduled work and materials required to operate a facility,  
25 its systems, equipment, or property. "Operations" includes  
26 all activities related to normal performance of a facility,  
27 including utilities, administration, janitorial staff,  
28 supplies, routine maintenance, preventive maintenance, and  
29 repair and replacement of worn out-items.

30 (6) "Preventive maintenance" means a proactive, planned  
31 program of regular and cyclical maintenance designed to  
32 prevent failure of a facility, finish, system, equipment, or  
33 property and to maximize the originally anticipated useful  
34 life of the facility, finish, system, equipment, or property.

35 (7) "Project costs" means costs associated with new

1 construction, including, but are not limited to, land  
2 acquisition, building and site construction costs, finishes,  
3 systems, and equipment for the building and site, professional  
4 services for predesign and design work, environmental testing  
5 and surveys, and inspections related to the project.

6 (8) "Renovation" means the total or partial modification  
7 of the internal structure or other physical characteristics of  
8 a vertical infrastructure facility to higher standards of  
9 quality or efficiency so the facility can be used more  
10 effectively for its designated purpose. Renovation upgrades  
11 and extends the design service life of the facility and adds  
12 to the value of the asset.

13 (9) "Repair and replacement" means work scheduled due to  
14 predicted or impending failure to restore a damaged or worn  
15 out finish, system, equipment, or property to a normal  
16 operating condition. "Repair and replacement" does not  
17 include an improvement to a facility. Repair and replacement  
18 are curative actions, while maintenance is a preventive  
19 action.

20 (10) "Routine maintenance" means the regular care and  
21 upkeep of a facility, finish, system, equipment, or property  
22 necessary to realize the useful life of the facility.  
23 "Routine maintenance" does not extend the originally  
24 anticipated useful life of the facility and does not directly  
25 add to the value of the facility.

26 (11) "Vertical infrastructure" means a facility that is  
27 predominately architectural in nature, has an element of  
28 aesthetics, and is not merely functional in nature. "Vertical  
29 infrastructure" includes a building and related site  
30 improvements; the finishes, systems, equipment, and property  
31 that serve the building and site; and statues and monuments.

32 Sec. 3. NEW SECTION. 8.57A REBUILD IOWA INFRASTRUCTURE  
33 COMMISSION.

34 1. a. The rebuild Iowa infrastructure commission is  
35 created to enhance the efficient management and protection of

1 the investment by the state in vertical infrastructure. The  
2 commission consists of seven members appointed by the governor  
3 to six-year staggered terms and confirmed by the senate, in  
4 accordance with chapter 69. A vacancy on the commission shall  
5 be filled in the same manner as regular appointments are made  
6 for the unexpired portion of the regular term.

7 b. Members shall be persons having expertise or knowledge  
8 in the areas of architecture, construction, historic  
9 preservation, energy conservation, or finance or accounting,  
10 or persons with an interest in vertical infrastructure in  
11 Iowa. A member shall not have a direct or indirect interest  
12 in a construction, architectural, engineering, consulting, or  
13 other entity which seeks or has been awarded a contract or  
14 subcontract for any aspect of a project recommended by the  
15 commission for funding through the rebuild Iowa infrastructure  
16 fund. Members of the commission shall comply with chapter  
17 68B.

18 c. The commission shall select annually a chairperson and  
19 vice chairperson from among its members. The commission shall  
20 meet at the call of the chairperson or when any four members  
21 of the commission file a written request with the chairperson  
22 for a meeting. Written notice of the time and place of each  
23 meeting shall be given to each member of the commission. A  
24 majority of the members constitutes a quorum. Members of the  
25 commission shall be allowed their actual and necessary  
26 expenses incurred in the performance of their duties. All  
27 expenses of the commission shall be paid from appropriations  
28 to the department of management for that purpose and the  
29 department of management shall be subject to the budget  
30 requirements of chapter 8.

31 d. A member of the commission may be removed for any of  
32 the causes and in the manner provided in chapter 66. Removal  
33 shall not be in lieu of any other punishment that may be  
34 prescribed by the laws of this state.

35 2. The commission shall do all the following:

- 1 a. Coordinate the development of uniform criteria and  
2 definitions to promote the best management of the state's  
3 vertical infrastructure, including criteria to increase the  
4 responsibility and accountability of state officials to  
5 maintain vertical infrastructure by requiring periodic  
6 vertical infrastructure assessments to be submitted to the  
7 commission for review.
- 8 b. Develop and maintain, in cooperation with all state  
9 agencies, a comprehensive statewide five-year vertical  
10 infrastructure plan for maintenance, repair and replacement,  
11 renovation, and new construction of vertical infrastructure,  
12 and annually update and revise the plan as necessary.
- 13 c. The commission shall annually receive and review state  
14 agency proposals regarding infrastructure maintenance and  
15 development and make recommendations for funding the proposals  
16 from the rebuild Iowa infrastructure fund.
- 17 d. Develop a database to provide information for the  
18 commission to carry out its functions. The database shall  
19 contain a comprehensive inventory of all state vertical  
20 infrastructure.
- 21 e. Recommend any statutory changes necessary to ensure an  
22 effective, well-coordinated vertical infrastructure program.
- 23 f. Adopt necessary rules pursuant to chapter 17A.
- 24 3. State agencies shall submit annually to the commission  
25 proposals regarding vertical infrastructure maintenance,  
26 repair and replacement, and development.
- 27 4. a. Rules adopted by the commission shall include  
28 provisions regarding the prioritization of recommended  
29 vertical infrastructure projects in the following order:
- 30 (1) Emergency repair and replacement.  
31 (2) Deferred maintenance.  
32 (3) Renovation.  
33 (4) New construction.
- 34 b. The rules shall also provide for the ranking of  
35 proposals under each subparagraph of paragraph "a" with higher

1 priority given to projects involving life safety and  
2 regulatory compliance, accessibility for individuals with a  
3 disability, historic preservation, and energy conservation.

4 5. The department of management shall provide the  
5 commission with administrative services and support as  
6 necessary for the commission to accomplish its mission.

7 6. a. The commission shall evaluate vertical  
8 infrastructure proposals and recommend to the general assembly  
9 which proposals the commission believes should be funded.  
10 Proposals shall be contained in a separate bill requested by  
11 the commission in accordance with section 2.16.

12 b. The general assembly may consider the bill and may  
13 remove entire projects from the bill. The general assembly  
14 shall not add projects to the bill and shall not alter the  
15 provisions related to a project. A project removed from the  
16 bill by one house of the general assembly may again be added  
17 to the bill by the other house. The governor shall only item  
18 veto entire projects from the bill as passed by the general  
19 assembly. For the purposes of this section, a project is  
20 considered indivisible and the governor shall not item veto  
21 separate provisions related to a project. A vertical  
22 infrastructure project shall not receive funding through the  
23 rebuild Iowa infrastructure fund unless it was approved by the  
24 commission prior to action by the general assembly.

25 Sec. 5. INITIAL APPOINTMENTS. Of the initial members  
26 appointed to the commission, two members shall be appointed to  
27 two-year terms, two members shall be appointed to four-year  
28 terms, and three members shall be appointed to six-year terms.  
29 Thereafter, appointments shall be for six-year terms.

30 Sec. 6. EFFECTIVE DATES. This Act takes effect July 1,  
31 1997, except the provisions amended or enacted in section  
32 8.57, subsection 5, paragraph "c", subparagraph (1), and the  
33 provisions of section 8.57A, subsection 5, which take effect  
34 July 1, 1998.

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EXPLANATION

1 This bill amends Code section 8.57, subsection 5, regarding  
2 the rebuild Iowa infrastructure fund and establishes a rebuild  
3 Iowa infrastructure fund commission.

4 Code section 8.57 is amended to provide that moneys in the  
5 rebuild Iowa infrastructure fund are to be used as recommended  
6 by the commission and approved by the general assembly and  
7 governor. The bill provides that only vertical infrastructure  
8 projects involving emergency repair and replacement, deferred  
9 maintenance, renovation, and new construction are fundable  
10 through the rebuild Iowa infrastructure fund. Currently,  
11 recreational trails and the Iowa communications network are  
12 eligible for rebuild Iowa infrastructure fund moneys.

13 The bill also defines "vertical infrastructure" as  
14 facilities that are predominately architectural in nature,  
15 have an element of aesthetics, and are not merely functional  
16 in nature, including buildings and site development and the  
17 finishes, systems, equipment, and property that serve the  
18 facility; and statues and monuments. Other terms defined in  
19 the bill include deferred maintenance, emergency repair and  
20 replacement, horizontal infrastructure, new construction,  
21 operations, preventive maintenance, renovation, repair and  
22 replacement, and routine maintenance.

23 The bill also creates new Code section 8.57A which  
24 establishes the rebuild Iowa infrastructure commission to  
25 enhance cooperation among state agencies regarding the  
26 management and protection of Iowa's vertical infrastructure.  
27 The commission consists of seven members appointed by the  
28 governor and confirmed by the senate who serve staggered six-  
29 year terms. The commission is to be gender and politically  
30 balanced and members are to be chosen based upon their  
31 knowledge or expertise in the areas of architecture,  
32 construction, historic preservation, energy conservation,  
33 finance or accounting, or their interest in preserving Iowa's  
34 vertical infrastructure. The commission will receive  
35 administrative assistance and support from the department of



1 management. Members are allowed their actual and necessary  
2 expenses incurred in the performance of their official duties.

3 The commission's duties include coordinating the  
4 development of uniform criteria and definitions to promote the  
5 best management of the state's vertical infrastructure,  
6 developing a comprehensive five-year vertical infrastructure  
7 plan, reviewing agency vertical infrastructure project  
8 proposals and making recommendations to the general assembly  
9 regarding projects to be funded through the rebuild Iowa  
10 infrastructure fund, and adopting rules. Rules adopted by the  
11 commission are to prioritize projects in descending order of  
12 importance as follows: emergency repair and replacement;  
13 deferred maintenance; renovation; and new construction.

14 Within each category, a higher priority is to be given to  
15 proposals involving, in no particular order, life safety and  
16 regulatory compliance, accessibility for individuals with a  
17 disability, historic preservation, and energy conservation.

18 The commission may recommend vertical infrastructure  
19 projects for approval by the general assembly and governor in  
20 a bill requested by the commission. If the general assembly  
21 takes up the bill, it may not add projects to the bill or  
22 alter the provisions of projects contained in the bill.  
23 Likewise, the governor may item veto entire projects contained  
24 in the bill, but may not item veto specific provisions of a  
25 project.

26 The bill takes effect July 1, 1997, except that the changes  
27 to section 8.57 and the provisions of section 8.57A regarding  
28 commission recommendations and approval by the general  
29 assembly and governor take effect July 1, 1998.

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