

APR 21 2005
APPROPRIATIONS CALENDAR

HOUSE FILE 875
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 303)

Passed House, Date 4-26-05 Passed Senate, Date _____
Vote: Ayes 99 Nays 1 Vote: Ayes _____ Nays _____
Approved 6/15/05

A BILL FOR

1 An Act relating to and making appropriations to state departments
2 and agencies from the rebuild Iowa infrastructure fund,
3 environment first fund, tobacco settlement trust fund,
4 vertical infrastructure fund, general fund of the state, and
5 related matters, and including effective and retroactive
6 applicability date provisions.

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

8
9

HOUSE FILE 875

H-1481

1 Amend House File 875 as follows:
2 1. Page 5, by inserting after line 14 the
3 following:
4 "As a condition of the appropriation in this
5 lettered paragraph, local fire departments must show
6 they are pursuing, or have received, the training
7 requirements for fire fighter I classification for all
8 members who may engage in structural fire fighting, as
9 identified in the job performance requirements for the
10 fire fighter I classification in national fire
11 protection association 1001 standard for fire fighter
12 professional qualifications."

By HUSER of Polk

H-1481 FILED APRIL 25, 2005

TLSB 3567HV 81
mg/cf/24

HF 875

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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For technology improvement projects:

..... \$ 3,802,000

Of the amount appropriated in this lettered paragraph, \$2,700,000 is allocated for continued implementation and operation of the integrated information for Iowa system; \$792,000 is allocated for continued development and implementation of the electronic tax administration project; and \$310,000 is allocated for maintenance and costs associated with upgrading the enterprise data warehouse.

b. For relocation and project costs directly associated with remodeling projects on the capitol complex and for facility lease payments:

..... \$ 1,824,000

c. For routine maintenance of state buildings and facilities:

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

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

..... \$ 1,925,427

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

..... \$ 1,843,878

f. For remodeling and renovation of the sexually violent predators unit at Cherokee:

..... \$ 1,400,000

1 g. For the costs associated with the replacement of the
2 powerhouse facilities at the Iowa juvenile home at Toledo:
3 \$ 1,311,045

4 h. For improvements to the Wallace state office building:
5 \$ 625,000

6 2. DEPARTMENT OF CORRECTIONS

7 a. For maintenance costs of the department of corrections
8 and board of parole associated with the department of
9 administrative services:

10 \$ 105,300

11 b. For construction of a community-based correctional
12 facility, including district offices, in Fort Dodge:

13 \$ 50,000

14 c. For the lease-payment under the lease-purchase
15 agreement to connect the electrical system supporting the
16 special needs unit in Fort Madison:

17 \$ 333,168

18 d. For remodeling and renovation of the kitchen facilities
19 at the Anamosa correctional facility:

20 \$ 1,090,000

21 3. DEPARTMENT OF CULTURAL AFFAIRS

22 For continuation of the project recommended by the Iowa
23 battle flag advisory committee to stabilize the condition of
24 the battle flag collection:

25 \$ 220,000

26 4. DEPARTMENT OF ECONOMIC DEVELOPMENT

27 a. To provide a grant to match federal grant dollars that
28 affect areas that are both an enterprise zone and a brownfield
29 site in a county with a population of at least 103,000:

30 \$ 500,000

31 b. For costs associated with a study involving an
32 environmental assessment and preliminary cultural and
33 historical impact related to the establishment of a regional
34 ferryboat service between Iowa and Illinois:

35 \$ 60,000

1 The funds are to be allocated to an area of the state that
2 has an established ferryboat task force. The funds
3 appropriated in this lettered paragraph are contingent upon
4 the receipt of federal matching funds and financial
5 participation by the state of Illinois in the study.

6 5. DEPARTMENT OF EDUCATION

7 a. To provide resources for structural and technological
8 improvements to local libraries and for the enrich Iowa
9 program:

10 \$ 600,000

11 b. For maintenance and lease costs associated with
12 connections for part III of the Iowa communications network:

13 \$ 2,727,000

14 c. To the public broadcasting division for replacing
15 transmitters:

16 \$ 2,000,000

17 d. To the vocational rehabilitation division to replace
18 lost indirect costs:

19 \$ 101,164

20 6. DEPARTMENT OF HUMAN SERVICES

21 To provide a grant for the planning, design, and
22 construction of a residential treatment facility for youth
23 with emotional and behavioral disorders in a central Iowa
24 county with a population of approximately 80,000:

25 \$ 250,000

26 7. IOWA STATE FAIR AUTHORITY

27 For vertical infrastructure projects on the state
28 fairgrounds:

29 \$ 750,000

30 For purposes of this subsection, "vertical infrastructure"
31 means the same as defined in section 8.57, subsection 6,
32 paragraph "c".

33 8. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
34 UNIVERSITY OF NORTHERN IOWA

35 For the Iowa safe surfacing initiative:

1 \$ 500,000

2 Not more than 2.5 percent of the funds appropriated in this
3 subsection shall be used by the national program for
4 playground safety for administrative costs associated with the
5 Iowa safe surfacing initiative.

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

10 9. DEPARTMENT OF NATURAL RESOURCES

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

14 \$ 1,000,000

15 The department shall consider the following criteria for
16 funding lake dredging projects as provided in this lettered
17 paragraph, and shall prioritize projects based on the
18 following:

19 (1) Documented efforts to address watershed protection,
20 considering testing, conservation efforts, and amount of time
21 devoted to watershed protection.

22 (2) Protection of a natural resource and natural habitat.

23 (3) Percentage of public access and undeveloped lakefront
24 property.

25 (4) Continuation of current projects partially funded by
26 state resources to achieve department recommendations.

27 b. For the purchase of property adjacent to Waubonsie
28 state park and for the improvement of facilities at Waubonsie
29 state park:

30 \$ 1,500,000

31 c. For costs associated with renovation and improvements
32 at the Fort Atkinson state preserve:

33 \$ 500,000

34 d. For costs associated with Iowa's membership in the mid-
35 America port commission established in chapter 28K:

1 \$ 80,000
2 10. DEPARTMENT OF PUBLIC SAFETY
3 a. For costs of entering into and making payments under a
4 lease-purchase agreement to replace and upgrade the automated
5 fingerprint identification system:
6 \$ 550,000
7 b. To the division of fire safety for allocation to the
8 fire service training bureau for the planning, design, and
9 construction of a regional training facility in the state:
10 \$ 500,000
11 c. To the division of fire safety for allocation to the
12 fire service training bureau to be used for the revolving loan
13 program for equipment purchases by local fire departments:
14 \$ 500,000
15 d. For capitol building and judicial building security:
16 \$ 800,000
17 11. STATE BOARD OF REGENTS
18 For maintenance at the Iowa school for the deaf and the
19 Iowa braille and sight saving school:
20 \$ 500,000
21 12. STATE DEPARTMENT OF TRANSPORTATION
22 a. For operation and maintenance of the network of
23 automated weather observation and data transfer systems
24 associated with the Iowa aviation weather system, the runway
25 marking program for public airports, the windsock program for
26 public airports, and the aviation improvement program:
27 \$ 500,000
28 b. For a vertical infrastructure improvement grant program
29 for improvements at general aviation airports within the
30 state:
31 \$ 750,000
32 c. For acquiring, constructing, and improving recreational
33 trails within the state:
34 \$ 1,000,000
35 Of the amount appropriated in this lettered paragraph,

1 \$500,000 shall be used for funding, on a matching basis,
2 recreational trail projects, with priority given to completion
3 of trail connections and sections between existing trails and
4 parks within the established state recreational trails system.
5 Such projects shall be matched by \$1 of private or other funds
6 for each \$3 of state funds.

7 Sec. 2. There is appropriated from the rebuild Iowa
8 infrastructure fund to the following departments and agencies
9 for the fiscal year beginning July 1, 2006, and ending June
10 30, 2007, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For costs associated with the remodeling of the records
14 and property center:

15 \$ 2,200,000

16 b. For costs associated with the replacement of the
17 powerhouse facilities at the Iowa juvenile home at Toledo:

18 \$ 1,371,045

19 2. DEPARTMENT OF CORRECTIONS

20 a. For construction of a community-based correctional
21 facility, including district offices, in Fort Dodge:

22 \$ 1,400,000

23 b. For the remodeling and renovation of the kitchen
24 facilities at the Anamosa correctional facility:

25 \$ 1,690,000

26 Sec. 3. DEPARTMENT OF CORRECTIONS. There is appropriated
27 from the rebuild Iowa infrastructure fund to the department of
28 corrections for the fiscal year beginning July 1, 2007, and
29 ending June 30, 2008, the following amount, or so much thereof
30 as is necessary, to be used for the purpose designated:

31 For construction of a community-based correctional
32 facility, including district offices, in Fort Dodge:

33 \$ 2,450,000

34 Sec. 4. 2004 Iowa Acts, chapter 1175, section 288,
35 subsection 13, paragraph c, is amended to read as follows:

1 c. For costs of entering into and making a down payment
2 under a lease-purchase agreement to replace and upgrade the
3 automated fingerprint identification system, notwithstanding
4 section 8.57, subsection 5, paragraph "c":

5 FY 2004-2005 \$ 550,000

6 The appropriation made in this lettered paragraph to enter
7 into and make payments under a lease-purchase agreement
8 constitutes approval by the general assembly of a financing
9 agreement in excess of \$1 million as required by section
10 12.28, subsection 6.

11 Sec. 5. COMMISSION OF VETERANS AFFAIRS TRANSFER.

12 Notwithstanding 2002 Iowa Acts, chapter 1173, section 10,
13 subsection 13, any unencumbered and unobligated moneys
14 remaining on the effective date of this section from the
15 appropriation made in 2002 Iowa Acts, chapter 1173, section
16 10, subsection 12, may be transferred to the appropriation
17 made in 2000 Iowa Acts, chapter 1225, section 19, to be used
18 for the purposes designated in 2000 Iowa Acts, chapter 1225,
19 section 19, as amended by 2004 Iowa Acts, chapter 1175,
20 section 296.

21 Sec. 6. REVERSION. Notwithstanding section 8.33, moneys
22 appropriated from the rebuild Iowa infrastructure fund in this
23 division of this Act, except for the moneys appropriated in
24 section 1, subsection 2, paragraph "a", for maintenance costs
25 of the department of corrections and subsection 5, paragraph
26 "d", for the vocational rehabilitation division of the
27 department of education, shall not revert at the close of the
28 fiscal year for which they were appropriated but shall remain
29 available for the purposes designated until the close of the
30 fiscal year that begins July 1, 2008, or until the project for
31 which the appropriation was made is completed, whichever is
32 earlier. This section does not apply to the sections in this
33 division of this Act that were previously enacted and are
34 amended in this division of this Act.

35 Sec. 7. The provision in section 8.57, subsection 6,

1 paragraph "c", that limits the use of the moneys in the
2 rebuild Iowa infrastructure fund shall not apply to the
3 appropriations made from such fund in this division of this
4 Act.

5 Sec. 8. Section 452A.79, unnumbered paragraph 2, Code
6 2005, is amended to read as follows:

7 Annually For the fiscal year beginning July 1, 2005, the
8 first four hundred eleven thousand three hundred eleven
9 dollars derived from the excise tax on the sale of motor fuel
10 used in watercraft shall be deposited in the general fund of
11 the state. ~~The~~ and the moneys in excess of four hundred
12 eleven thousand three hundred eleven dollars shall be
13 deposited in the rebuild Iowa infrastructure fund. For the
14 fiscal years beginning on or after July 1, 2006, all revenues
15 derived from the excise tax on the sale of motor fuel used in
16 watercraft shall be deposited in the rebuild Iowa
17 infrastructure fund. Moneys deposited to the general fund and
18 to the rebuild Iowa infrastructure fund under this section and
19 section 452A.84 are subject to the requirements of section
20 8.60 and are subject to appropriation by the general assembly
21 to the department of natural resources for use in its
22 recreational boating program, which may include but is not
23 limited to:

24 Sec. 9. EFFECTIVE DATE. The sections of this division of
25 this Act relating to the amendment to 2004 Iowa Acts, chapter
26 1175, section 288, subsection 13, appropriating moneys for a
27 lease-purchase agreement, and relating to the commission of
28 veterans affairs transfer, being deemed of immediate
29 importance, take effect upon enactment.

30 DIVISION II

31 ENVIRONMENT FIRST FUND

32 Sec. 10. There is appropriated from the environment first
33 fund to the following departments and agencies for the fiscal
34 year beginning July 1, 2005, and ending June 30, 2006, the
35 following amounts, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

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

8 \$ 1,500,000

9 Not more than 5 percent of the moneys appropriated in this
10 lettered paragraph may be used for costs of administration and
11 implementation of soil and water conservation practices.

12 b. For continuation of a program that provides
13 multiobjective resource protections for flood control, water
14 quality, erosion control, and natural resource conservation:

15 \$ 2,700,000

16 Not more than 5 percent of the moneys appropriated in this
17 lettered paragraph may be used for costs of administration and
18 implementation of soil and water conservation practices.

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

24 \$ 850,000

25 Not more than 5 percent of the moneys appropriated in this
26 lettered paragraph may be used for costs of administration and
27 implementation of soil and water conservation practices.

28 Of the amount appropriated in this lettered paragraph,
29 \$400,000 shall be allocated to the Iowa soybean association's
30 agriculture and environment performance program.

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

35 \$ 500,000

1 Not more than 5 percent of the moneys appropriated in this
2 lettered paragraph may be used for costs of administration and
3 implementation of soil and water conservation practices.

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

6 \$ 5,500,000

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

10 (2) Of the moneys appropriated in this lettered paragraph,
11 5 percent shall be allocated for financial incentives to
12 establish practices to protect watersheds above publicly owned
13 lakes of the state from soil erosion and sediment as provided
14 in section 161A.73.

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

22 (4) The state soil conservation committee created in
23 section 161A.4 may allocate moneys appropriated in this
24 lettered paragraph to conduct research and demonstration
25 projects to promote conservation tillage and nonpoint source
26 pollution control practices.

27 (5) The financial incentive payments may be used in
28 combination with department of natural resources moneys.

29 (6) Not more than 10 percent of the moneys appropriated in
30 this lettered paragraph may be used for costs of
31 administration and implementation of soil and water
32 conservation practices.

33 f. To encourage and assist farmers in enrolling in and the
34 implementation of federal conservation programs and work with
35 them to enhance their revegetation efforts to improve water

1 quality and habitat:

2 \$ 2,000,000

3 Not more than 5 percent of the moneys appropriated in this
4 lettered paragraph may be used for costs of administration and
5 implementation of soil and water conservation practices.

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

8 \$ 600,000

9 Of the amount appropriated in this lettered paragraph,
10 \$400,000 shall be allocated to the hungry canyons account and
11 \$200,000 shall be allocated to the loess hills alliance
12 account to be used for the purposes for which the moneys in
13 those accounts are authorized to be used under chapter 161D.
14 No more than 5 percent of the moneys allocated to each account
15 in this lettered paragraph may be used for administrative
16 costs.

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

19 \$ 300,000

20 Not more than 5 percent of the moneys appropriated in this
21 lettered paragraph may be used for administrative costs.

22 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

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

26 \$ 500,000

27 3. DEPARTMENT OF NATURAL RESOURCES

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

30 \$ 100,000

31 b. For purposes of funding capital projects for the
32 purposes specified in section 452A.79, and for expenditures
33 for the local cost-share grants to be used for capital
34 expenditures to local governmental units for boating
35 accessibility:

- 1 \$ 2,300,000
- 2 c. For regular maintenance of state parks and staff time
- 3 associated with these activities:
- 4 \$ 2,000,000
- 5 d. To provide local watershed managers with geographic
- 6 information system data for their use in developing,
- 7 monitoring, and displaying results of their watershed work:
- 8 \$ 195,000
- 9 e. For continuing the establishment and operation of water
- 10 quality monitoring stations:
- 11 \$ 2,955,000
- 12 f. For deposit in the administration account of the water
- 13 quality protection fund, to carry out the purposes of that
- 14 account:
- 15 \$ 500,000
- 16 g. For the dredging of lakes, including necessary
- 17 preparation for dredging, in accordance with the department's
- 18 classification of Iowa lakes restoration report:
- 19 \$ 1,500,000

20 The department shall consider the following criteria for
21 funding lake dredging projects as provided in this lettered
22 paragraph, and shall prioritize projects based on the
23 following:

- 24 (1) Documented efforts to address watershed protection,
- 25 considering testing, conservation efforts, and the amount of
- 26 time devoted to watershed protection.
- 27 (2) Protection of a natural resource and natural habitat.
- 28 (3) Percentage of public access and undeveloped lakefront
- 29 property.
- 30 (4) Continuation of current projects partially funded by
- 31 state resources to achieve department recommendations.

32 RESOURCES ENHANCEMENT AND PROTECTION FUND

33 Sec. 11. Notwithstanding the amount of the standing
34 appropriation from the general fund of the state under section
35 455A.18, subsection 3, there is appropriated from the

1 environment first fund to the Iowa resources enhancement and
2 protection fund, in lieu of the appropriation made in section
3 455A.18, for the fiscal year beginning July 1, 2005, and
4 ending June 30, 2006, the following amount, to be allocated as
5 provided in section 455A.19:

6 \$ 11,000,000

7 Sec. 12. REVERSION.

8 1. Except as provided in subsection 2, and notwithstanding
9 section 8.33, moneys appropriated in this division of this Act
10 that remain unencumbered or unobligated shall not revert at
11 the close of the fiscal year for which they were appropriated
12 but shall remain available for the purposes designated until
13 the close of the fiscal year beginning July 1, 2006, or until
14 the project for which the appropriation was made is completed,
15 whichever is earlier.

16 2. Notwithstanding section 8.33, moneys appropriated in
17 this division of this Act to the department of agriculture and
18 land stewardship to provide financial assistance for the
19 establishment of permanent soil and water conservation
20 practices that remain unencumbered or unobligated at the close
21 of the fiscal year shall not revert but shall remain available
22 for expenditure for the purposes designated until the close of
23 the fiscal year that begins July 1, 2008.

24 DIVISION III

25 TOBACCO SETTLEMENT TRUST FUND

26 Sec. 13.

27 1. There is appropriated from the tax-exempt bond proceeds
28 restricted capital funds account of the tobacco settlement
29 trust fund to the following departments and agencies for the
30 fiscal year beginning July 1, 2005, and ending June 30, 2006,
31 the following amounts, or so much thereof as is necessary, to
32 be used for the purposes designated:

33 a. DEPARTMENT OF ADMINISTRATIVE SERVICES

34 (1) For capitol interior restoration:

35 \$ 4,500,000

1 Of the amount appropriated in this subparagraph, \$700,000
2 shall be used for cleanup costs associated with the water
3 damage in the statehouse resulting from the pipe break that
4 occurred on December 24, 2004, and for renovation of areas in
5 the statehouse that experienced such water damage. The
6 \$700,000 shall be allocated as follows:

7 (a) For cleanup and renovation on the ground floor of the
8 statehouse:

9 \$ 84,000

10 (b) For cleanup and renovation on the first floor of the
11 statehouse:

12 \$ 357,000

13 (c) For cleanup and renovation on the second floor of the
14 statehouse:

15 \$ 203,000

16 (d) For cleanup and renovation on the third floor of the
17 statehouse:

18 \$ 56,000

19 The use of the moneys allocated in this subparagraph shall
20 not be construed or interpreted as an indication by the
21 governor or general assembly that the state is the responsible
22 party for the water damage in the statehouse resulting from
23 the pipe break that occurred on December 24, 2004, and for the
24 resulting costs or that the amounts allocated in this
25 subparagraph represent the total amount necessary to address
26 all costs associated with the water damage.

27 (2) For remodeling and renovation of the sexually violent
28 predators unit located at the state mental health institute at
29 Cherokee:

30 \$ 650,000

31 b. DEPARTMENT OF CORRECTIONS

32 For the remodeling and renovation of the kitchen facilities
33 at the Anamosa correctional facility:

34 \$ 600,000

35 c. DEPARTMENT OF ECONOMIC DEVELOPMENT

1 For accelerated career education program capital projects
2 at community colleges that are authorized under chapter 260G
3 and that meet the definition of "vertical infrastructure" in
4 section 8.57B, subsection 3:

5 \$ 1,500,000

6 The moneys appropriated in this lettered paragraph shall be
7 allocated equally among the community colleges in the state.
8 If any portion of the equal allocation to a community college
9 is not obligated or encumbered by April 1, 2006, the
10 unobligated and unencumbered portions shall be available for
11 use by other community colleges.

12 d. DEPARTMENT OF HUMAN SERVICES

13 For planning, design, and construction of a family resource
14 center in a city with a population between 95,000 and 100,000
15 residents:

16 \$ 250,000

17 e. DEPARTMENT OF PUBLIC SAFETY

18 For the first phase of the regional emergency responder
19 training facility project of the nonprofit Dubuque county fire
20 fighters association:

21 \$ 100,000

22 f. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

23 For replacement of equipment for the Iowa communications
24 network:

25 \$ 1,704,719

26 g. STATE DEPARTMENT OF TRANSPORTATION

27 For vertical infrastructure improvements at the commercial
28 air service airports within the state:

29 \$ 1,500,000

30 Fifty percent of the funds appropriated in this lettered
31 paragraph shall be allocated equally between each commercial
32 service airport, 40 percent of the funds shall be allocated
33 based on the percentage that the number of enplaned passengers
34 at each commercial service airport bears to the total number
35 of enplaned passengers in the state during the previous fiscal

1 year, and 10 percent of the funds shall be allocated based on
2 the percentage that the air cargo tonnage at each commercial
3 service airport bears to the total air cargo tonnage in the
4 state during the previous fiscal year. In order for a
5 commercial service airport to receive funding under this
6 lettered paragraph, the airport shall be required to submit
7 applications for funding of specific projects to the
8 department for approval by the state transportation
9 commission.

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

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

22 Sec. 14. PAYMENTS IN LIEU OF TUITION. There is
23 appropriated from the tax-exempt bond proceeds restricted
24 capital funds account of the tobacco settlement trust fund to
25 the state board of regents for the fiscal year beginning July
26 1, 2005, and ending June 30, 2006, the following amount, or so
27 much thereof as is necessary, to be used for the purposes
28 designated:

29 For allocation by the state board of regents to the state
30 university of Iowa, the Iowa state university of science and
31 technology, and the university of northern Iowa to reimburse
32 the institutions for deficiencies in their operating funds
33 resulting from the pledging of tuitions, student fees and
34 charges, and institutional income to finance the cost of
35 providing academic and administrative buildings and facilities

1 and utility services at the institutions:

2 \$ 10,329,981

3 Sec. 15. PRISON DEBT SERVICE. There is appropriated from
4 the tax-exempt bond proceeds restricted capital funds account
5 of the tobacco settlement trust fund to the office of the
6 treasurer of state for the fiscal year beginning July 1, 2005,
7 and ending June 30, 2006, the following amount, or so much
8 thereof as is necessary, to be used for the purpose
9 designated:

10 For repayment of prison infrastructure bonds under section
11 16.177:

12 \$ 5,422,390

13 Sec. 16. The provision in section 12E.12, subsection 1,
14 paragraph "b", subparagraph (1), that limits the use of the
15 moneys in the tax-exempt bond proceeds restricted capital
16 funds account of the tobacco settlement trust fund shall not
17 apply to the appropriations made from such account in this
18 division of this Act.

19 DIVISION IV

20 VERTICAL INFRASTRUCTURE FUND

21 Sec. 17. There is appropriated from the vertical
22 infrastructure fund to the following departments and agencies
23 for the fiscal year beginning July 1, 2005, and ending June
24 30, 2006, the following amounts, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

27 For major renovation and major repair needs, including
28 health, life, and fire safety needs, and for compliance with
29 the federal Americans With Disabilities Act, for state
30 buildings and facilities under the purview of the department:

31 \$ 5,623,200

32 Of the amount appropriated in this subsection, up to
33 \$200,000 may be used for costs associated with the vertical
34 infrastructure program, notwithstanding section 8.57B,
35 subsection 3.

1 2. DEPARTMENT OF CULTURAL AFFAIRS

2 For historical site preservation grants, to be used for the
3 restoration, preservation, and development of historical
4 sites:

5 \$ 500,000

6 Historical site preservation grants shall only be awarded
7 for projects which meet the definition of "vertical
8 infrastructure" in section 8.57B, subsection 3.

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

15 3. DEPARTMENT OF ECONOMIC DEVELOPMENT

16 For accelerated career education program capital projects
17 at community colleges that are authorized under chapter 260G
18 and that meet the definition of "vertical infrastructure" in
19 section 8.57B, subsection 3:

20 \$ 4,000,000

21 The moneys appropriated in this subsection shall be
22 allocated equally among the community colleges in the state.
23 If any portion of the equal allocation to a community college
24 is not obligated or encumbered by April 1, 2006, the
25 unobligated and unencumbered portions shall be available for
26 use by other community colleges.

27 4. DEPARTMENT OF PUBLIC DEFENSE

28 a. For construction of a national guard readiness center
29 in or near Fort Dodge:

30 \$ 608,000

31 b. For maintenance and repair of national guard armories
32 and facilities:

33 \$ 1,269,000

34 c. For upgrading the water treatment facility at Camp
35 Dodge:

1 \$ 1,939,800

2 5. OFFICE OF TREASURER OF STATE

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

6 \$ 1,060,000

7 Sec. 18. REVERSION. Notwithstanding section 8.33, moneys
8 appropriated from the vertical infrastructure fund in this
9 division of this Act shall not revert at the close of the
10 fiscal year for which they were appropriated but shall remain
11 available for the purposes designated until the close of the
12 fiscal year that begins July 1, 2008, or until the project for
13 which the appropriation was made is completed, whichever is
14 earlier.

15 DIVISION V

16 RAILROAD REVOLVING LOAN AND GRANT FUND

17 Sec. 19. Section 327H.20A, Code 2005, is amended to read
18 as follows:

19 327H.20A RAILROAD REVOLVING LOAN AND GRANT FUND.

20 1. A railroad revolving loan and grant fund is established
21 in the office of the treasurer of state under the control of
22 the department. Moneys in ~~this~~ the fund shall be expended for
23 loans the following purposes:

24 a. Grants or loans to provide assistance for the
25 restoration, conservation, improvement, and construction of
26 railroad main lines, branch lines, switching yards, sidings,
27 rail connections, intermodal yards, highway grade separations,
28 and other railroad-related improvements.

29 b. Grants or loans for rail economic development projects
30 that improve rail facilities, including the construction of
31 branch lines, sidings, rail connections, intermodal yards, and
32 other rail-related improvements that spur economic development
33 and job growth.

34 2. The department shall administer a program for the
35 granting and administration of loans and grants under this

1 section. No more than fifty percent of the total moneys
2 available in the fund in any year shall be awarded in the form
3 of grants. The department may establish a limit on the amount
4 that may be awarded as a grant for any given project in order
5 to maximize the use of the moneys in the fund. The department
6 may enter into agreements with railroad corporations, the
7 United States government, cities, counties, and other persons
8 for carrying out the purposes of this section.

9 3. Moneys Notwithstanding any other provision to the
10 contrary, on or after July 1, 2006, moneys received as loan
11 repayments for loans made pursuant to this chapter or chapter
12 327I before, on, or after July 1, 2005, other than repayments
13 of federal moneys subject to section 327H.21, shall be
14 credited to the railroad revolving loan and grant fund.
15 Notwithstanding section 8.33, moneys in the railroad revolving
16 loan and grant fund shall not revert to the general fund of
17 the state but shall remain available indefinitely for
18 expenditure under this section.

19 Sec. 20. Sections 327H.18 and 327H.20, Code 2005, are
20 repealed.

21 Sec. 21. Notwithstanding section 327H.18, Code 2005, and
22 chapter 327I, there is appropriated from the general fund of
23 the state to the state department of transportation for the
24 fiscal year beginning July 1, 2004, and ending June 30, 2005,
25 for deposit in the railroad revolving fund established in
26 section 327H.20A, an amount equal to the amount of the loan
27 repayments made under section 327H.18, Code 2005, and chapter
28 327I that exceed \$1,308,704 during the fiscal year beginning
29 July 1, 2004.

30 Sec. 22. Notwithstanding section 327H.18, Code 2005, and
31 chapter 327I, there is appropriated from the general fund of
32 the state to the state department of transportation for the
33 fiscal year beginning July 1, 2005, and ending June 30, 2006,
34 for deposit in the railroad revolving loan and grant fund
35 established in section 327H.20A, as amended by this Act, an

1 amount equal to the amount of the loan repayments made under
2 section 327H.18, Code 2005, and chapter 327I that exceed
3 \$1,288,481 during the fiscal year beginning July 1, 2005.

4 Sec. 23. CONTINUATION OF PRIOR AGREEMENTS. It is the
5 intent of the general assembly that the enactment of this
6 division of this Act shall not affect the terms or duration of
7 railroad assistance agreements entered into under chapter 327H
8 prior to the effective date of this division of this Act.

9 Sec. 24. EFFECTIVE DATE AND APPLICABILITY. The section of
10 this division of this Act that appropriates excess rail
11 assistance loan repayments for the fiscal year beginning July
12 1, 2004, and ending June 30, 2005, being deemed of immediate
13 importance, takes effect upon enactment and applies
14 retroactively to July 1, 2004.

15 EXPLANATION

16 This bill makes appropriations for FY 2005-2006 from the
17 rebuild Iowa infrastructure fund, environment first fund, tax-
18 exempt bond proceeds restricted capital funds account of the
19 tobacco settlement trust fund, and vertical infrastructure
20 fund for various capital and other projects. Appropriations
21 from the rebuild Iowa infrastructure fund include projects for
22 the departments of administrative services, corrections,
23 cultural affairs, economic development, education, human
24 services, natural resources, public safety, and
25 transportation, and the national program for playground
26 safety, Iowa state fair authority, and state board of regents.

27 The bill also appropriates from the rebuild Iowa
28 infrastructure fund for FY 2006-2007 and FY 2007-2008 for
29 projects of the departments of administrative services and
30 corrections.

31 The bill appropriates funds from the environment first fund
32 to the departments of agriculture and land stewardship,
33 economic development, and natural resources. The bill
34 appropriates \$11 million from the environment first fund to
35 the resources enhancement and protection fund in lieu of the

1 \$20 million appropriated by statute from the general fund of
2 the state.

3 The bill makes appropriations from the tax-exempt bond
4 proceeds restricted capital funds account of the tobacco
5 settlement trust fund for projects for the departments of
6 administrative services, corrections, economic development,
7 human services, public safety, and transportation and the Iowa
8 telecommunications and technology commission.

9 The bill also appropriates funds from the tax-exempt bond
10 proceeds restricted capital funds account of the tobacco
11 settlement trust fund to the state board of regents for
12 tuition replacement and to the office of the treasurer of
13 state for debt service for repayment of prison infrastructure
14 bonds.

15 The bill also appropriates funds from the vertical
16 infrastructure fund for capital projects of the departments of
17 administrative services, cultural affairs, economic
18 development, and public defense, and the treasurer of state.

19 Amendments to Code section 327H.20A change the railroad
20 revolving loan fund to the railroad revolving loan and grant
21 fund to allow moneys in the fund to be used for both grants
22 and loans for rail economic development projects and for rail
23 assistance purposes. No more than 50 percent of available
24 moneys may be awarded as grants in any year, and the state
25 department of transportation may limit the grant amount that
26 may be awarded for a given project. Amounts in excess of
27 anticipated state rail assistance loan repayments in FY 2004-
28 2005 and FY 2005-2006 are appropriated for deposit in the
29 railroad revolving loan and grant fund. Beginning in FY 2006-
30 2007, all moneys from state rail assistance loan repayments
31 are to be credited to the fund. Conflicting and obsolete Code
32 provisions relating to rail assistance are repealed.

33 The bill includes effective date provisions.

34

35

H-1489

1 Amend House File 875 as follows:

2 1. Page 1, by inserting after line 1 the
3 following:

4 "STATE GENERAL FUND

5 Section 1. There is appropriated from the general
6 fund of the state to the following departments and
7 agencies for the fiscal year beginning July 1, 2005,
8 and ending June 30, 2006, the following amounts, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:

11 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

12 a. For technology improvement projects:

13 \$ 3,802,000

14 Of the amount appropriated in this lettered
15 paragraph, \$2,700,000 is allocated for continued
16 implementation and operation of the integrated
17 information for Iowa system; \$792,000 is allocated for
18 continued development and implementation of the
19 electronic tax administration project; and \$310,000 is
20 allocated for maintenance and costs associated with
21 upgrading the enterprise data warehouse.

22 b. For relocation and project costs directly
23 associated with remodeling projects on the capitol
24 complex and for facility lease payments:

25 \$ 1,824,000

26 c. For routine maintenance of state buildings and
27 facilities:

28 \$ 2,000,000

29 2. DEPARTMENT OF CORRECTIONS

30 a. For maintenance costs of the department of
31 corrections and board of parole associated with the
32 department of administrative services:

33 \$ 105,300

34 3. DEPARTMENT OF CULTURAL AFFAIRS

35 For continuation of the project recommended by the
36 Iowa battle flag advisory committee to stabilize the
37 condition of the battle flag collection:

38 \$ 220,000

39 4. DEPARTMENT OF ECONOMIC DEVELOPMENT

40 For costs associated with a study involving an
41 environmental assessment and preliminary cultural and
42 historical impact related to the establishment of a
43 regional ferryboat service between Iowa and Illinois:

44 \$ 60,000

45 The funds are to be allocated to an area of the
46 state that has an established ferryboat task force.
47 The funds appropriated in this lettered paragraph are
48 contingent upon the receipt of federal matching funds
49 and financial participation by the state of Illinois
50 in the study.

H-1489

1 5. DEPARTMENT OF EDUCATION
2 a. For maintenance and lease costs associated with
3 connections for part III of the Iowa communications
4 network:
5 \$ 2,727,000
6 b. To the public broadcasting division for
7 replacing transmitters:
8 \$ 2,000,000
9 d. To the vocational rehabilitation division to
10 replace lost indirect costs:
11 \$ 101,164
12 6. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
13 UNIVERSITY OF NORTHERN IOWA
14 For the Iowa safe surfacing initiative:
15 \$ 500,000
16 Not more than 2.5 percent of the funds appropriated
17 in this subsection shall be used by the national
18 program for playground safety for administrative costs
19 associated with the Iowa safe surfacing initiative.
20 The crumb rubber playground tiles for the
21 initiative shall be international play equipment
22 manufacturers association (IPEMA)-certified to the
23 American society for testing and materials (ASTM)
24 F1292 standard.
25 7. DEPARTMENT OF NATURAL RESOURCES
26 a. For the dredging of lakes, including necessary
27 preparation for dredging, in accordance with the
28 department's classification of Iowa lakes restoration
29 report:
30 \$ 1,000,000
31 The department shall consider the following
32 criteria for funding lake dredging projects as
33 provided in this lettered paragraph, and shall
34 prioritize projects based on the following:
35 (1) Documented efforts to address watershed
36 protection, considering testing, conservation efforts,
37 and amount of time devoted to watershed protection.
38 (2) Protection of a natural resource and natural
39 habitat.
40 (3) Percentage of public access and undeveloped
41 lakefront property.
42 (4) Continuation of current projects partially
43 funded by state resources to achieve department
44 recommendations.
45 b. For costs associated with Iowa's membership in
46 the mid-America port commission established in chapter
47 28K:
48 \$ 80,000
49 8. DEPARTMENT OF PUBLIC SAFETY
50 a. For costs of entering into and making payments

HOUSE FILE 875

H-1502

1 Amend House File 875 as follows:

2 1. Page 17, line 27, by inserting before the word
3 "For" the following: "a."

4 2. Page 17, line 32, by striking the word
5 "subsection" and inserting the following: "lettered
6 paragraph".

7 3. Page 17, by inserting after line 35 the
8 following:

9 "b. For maintenance of the Terrace Hill complex:
10 \$ 571,000"

By	OLDSON of Polk	PETTENGILL of Benton
	COHOON of Des Moines	D. OLSON of Boone
	MERTZ of Kossuth	LENSING of Johnson
	DAVITT of Warren	WINCKLER of Scott
	BELL of Jasper	KRESSIG of Black Hawk
	MASCHER of Johnson	T. TAYLOR of Linn
	SHOMSHOR of Pottawattamie	BUKTA of Clinton
	BERRY of Black Hawk	MURPHY of Dubuque
	WENDT of Woodbury	D. TAYLOR of Linn
	FORD of Polk	HUNTER of Polk
	SHOULTZ of Black Hawk	WHITEAD of Woodbury
	R. OLSON of Polk	FOEGE of Linn

H-1502 FILED APRIL 26, 2005
ADOPTED

HOUSE FILE 875

H-1488

1 Amend House File 875 as follows:

2 1. Page 4, by inserting after line 33 the
3 following:

4 "___". For the southside Des Moines YMCA swimming
5 pool capital improvement project:

6 \$ 150,000"

By HUNTER of Polk

H-1488 FILED APRIL 26, 2005
LOST

H-1489

Page 3

- 1 under a lease-purchase agreement to replace and
- 2 upgrade the automated fingerprint identification
- 3 system:
- 4 \$ 550,000
- 5 b. To the division of fire safety for allocation
- 6 to the fire service training bureau to be used for the
- 7 revolving loan program for equipment purchases by
- 8 local fire departments:
- 9 \$ 500,000
- 10 c. For capitol building and judicial building
- 11 security:
- 12 \$ 800,000

DIVISION II"

- 14 2. Page 1, by striking lines 9 through 24.
- 15 3. Page 2, by striking lines 7 through 10.
- 16 4. Page 2, by striking lines 21 through 25.
- 17 5. By striking page 2, line 31, through page 3,
- 18 line 5.
- 19 6. Page 3, by striking lines 11 through 19.
- 20 7. By striking page 3, line 33, through page 4,
- 21 line 9.
- 22 8. Page 4, by striking lines 11 through 26.
- 23 9. By striking page 4, line 34, through page 5,
- 24 line 1.
- 25 10. Page 5, by striking lines 3 through 6.
- 26 11. Page 5, by striking lines 11 through 16.
- 27 12. By striking page 7, line 35, through page 8,
- 28 line 4.
- 29 13. By renumbering as necessary.

By WISE of Lee
 PETERSEN of Polk
 QUIRK of Chickasaw

H-1489 FILED APRIL 26, 2005
 WITHDRAWN

HOUSE FILE 875

H-1494

- 1 Amend House File 875 as follows:
- 2 1. Page 5, by inserting after line 10 the
- 3 following:
- 4 "Of the amount appropriated in this lettered
- 5 paragraph, \$100,000 shall be allocated to the Waterloo
- 6 fire regional training center. The moneys allocated
- 7 to the Waterloo fire regional training center are
- 8 contingent upon a match of \$200,000."

By SHOULTZ of Black Hawk BERRY of Black Hawk
 JENKINS of Black Hawk LUKAN of Dubuque
 KRESSIG of Black Hawk

H-1494 FILED APRIL 26, 2005
 ADOPTED

HOUSE FILE 875

H-1503

- 1 Amend House File 875 as follows:
- 2 1. Page 3, line 10, by striking the figure
- 3 "600,000" and inserting the following: "900,000".

By PETTENGILL of Benton	HEDDENS of Story
COHOON of Des Moines	D. OLSON of Boone
MERTZ of Kossuth	FREVERT of Palo Alto
DAVITT of Warren	WESSEL-KROESCHELL of Story
BELL of Jasper	LENSING of Johnson
MASCHER of Johnson	WINCKLER of Scott
SHOMSHOR of Pottawattamie	KRESSIG of Black Hawk
BERRY of Black Hawk	MILLER of Webster
WENDT of Woodbury	ZIRKELBACH of Jones
JACOBY of Johnson	T. TAYLOR of Linn
OLDSON of Polk	JOCHUM of Dubuque
FORD of Polk	GASKILL of Wapello
THOMAS of Clayton	SMITH of Marshall
R. OLSON of Polk	BUKTA of Clinton
SWAIM of Davis	MURPHY of Dubuque
SCHUELLER of Jackson	D. TAYLOR of Linn
REASONER of Union	DANDEKAR of Linn
REICHERT of Muscatine	HUNTER of Polk
PETERSEN of Polk	FALLON of Polk
HOGG of Linn	WHITEAD of Woodbury
FOEGE of Linn	KUHN of Floyd
WHITAKER of Van Buren	

H-1503 FILED APRIL 26, 2005

LOST

HOUSE FILE 875

H-1505

1 Amend House File 875 as follows:

2 1. Page 1, by inserting after line 1 the
3 following:

4 "STATE GENERAL FUND

5 Section 1. There is appropriated from the general
6 fund of the state to the following departments and
7 agencies for the fiscal year beginning July 1, 2005,
8 and ending June 30, 2006, the following amounts, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:

11 1. DEPARTMENT OF CORRECTIONS

12 a. For maintenance costs of the department of
13 corrections and board of parole associated with the
14 department of administrative services:

15 \$ 105,300

16 b. For rent payments for the community-based
17 corrections facility located in Davenport and the Vine
18 street building located in West Des Moines:

19 \$ 122,000

20 2. DEPARTMENT OF CULTURAL AFFAIRS

21 For continuation of the project recommended by the
22 Iowa battle flag advisory committee to stabilize the
23 condition of the battle flag collection:

24 \$ 220,000

25 3. DEPARTMENT OF EDUCATION

26 To the vocational rehabilitation division to
27 replace lost indirect costs:

28 \$ 101,164

29 4. DEPARTMENT OF PUBLIC SAFETY

30 For capitol building and judicial building
31 security:

32 \$ 800,000

33 DIVISION II"

34 2. Page 1, line 29, by striking the figure
35 "1,925,427" and inserting the following: "3,151,891".

36 3. Page 2, by striking lines 7 through 10.

37 4. Page 2, by striking lines 21 through 25.

38 5. By striking page 2, line 31, through page 3,
39 line 5.

40 6. Page 3, by striking lines 17 through 19.

41 7. By striking page 4, line 34, through page 5,
42 line 1.

43 8. Page 5, by striking lines 15 and 16.

44 9. Page 8, by inserting after line 4 the
45 following:

46 "Sec. ____ . Section 8.57B, subsection 4, Code 2005,
47 is amended to read as follows:

48 4. There is appropriated from the rebuild Iowa
49 infrastructure fund to the vertical infrastructure
50 fund, the following:

H-1505

1 a. For the fiscal year beginning July 1, 2005, and
2 ending June 30, 2006, the sum of fifteen million
3 dollars.

4 b. For the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the sum of fifteen million
6 dollars.

7 c. For the fiscal year beginning July 1, 2007, and
8 ending June 30, 2008, the sum of fifty million
9 dollars.

10 d. For the fiscal year beginning July 1, 2008, and
11 ending June 30, 2009, the sum of fifty million
12 dollars."

13 10. Page 19, line 8, by inserting after the word
14 "fund" the following: "for the fiscal year that
15 begins July 1, 2005,".

16 11. Page 19, by inserting after line 14 the
17 following:

18 "Sec. ____ . DEPARTMENT OF ADMINISTRATIVE SERVICES.

19 1. There is appropriated from the vertical
20 infrastructure fund to the department of
21 administrative services for the designated fiscal
22 years, the following amounts, or so much thereof as if
23 necessary, to be used for the purposes designated:

24 For major renovation and major repair needs,
25 including health, life, and fire safety needs, and for
26 compliance with the federal Americans With
27 Disabilities Act, for state buildings and facilities
28 under the purview of the department:

29 FY 2006-2007.....	\$ 10,000,000
30 FY 2007-2008.....	\$ 40,000,000
31 FY 2008-2009.....	\$ 40,000,000

32 Notwithstanding section 8.33, moneys appropriated
33 in this section shall not revert at the close of the
34 fiscal year for which they were appropriated but shall
35 remain available for the purposes designated until the
36 close of the fiscal year that begins July 1, 2010, or
37 until the project for which the appropriation was made
38 is completed, whichever is earlier."

39 12. By renumbering as necessary.

By DIX of Butler

HOUSE FILE 875

H-1507

1 Amend House File 875 as follows:

2 1. Page 6, by inserting after line 33 the
3 following:

4 "Sec. _____. 2001 Iowa Acts, chapter 185, section
5 12, is amended to read as follows:

6 SEC. 12. REVERSION. ~~Notwithstanding~~

7 1. Except as provided in subsection 2 and
8 notwithstanding section 8.33, moneys appropriated in
9 this division of this Act shall not revert at the
10 close of the fiscal year for which they were
11 appropriated but shall remain available for the
12 purposes designated until the close of the fiscal year
13 that begins July 1, 2004, or until the project for
14 which the appropriation was made is completed,
15 whichever is earlier.

16 2. Notwithstanding section 8.33, moneys
17 appropriated in section 6, subsection 1, of this
18 division of this Act shall not revert at the close of
19 the fiscal year for which they were appropriated but
20 shall remain available for the purpose designated
21 until the close of the fiscal year that begins July 1,
22 2005, or until the project for which the appropriation
23 was made is completed, whichever is earlier."

24 2. Page 8, line 27, by inserting after the word
25 "agreement," the following: "relating to the
26 amendment to 2001 Iowa Acts, chapter 185, section
27 12,".

28 3. Page 17, by inserting after line 18 the
29 following:

30 "Sec. _____. 2001 Iowa Acts, chapter 185, section
31 30, is amended to read as follows:

32 SEC. 30. REVERSION. ~~Notwithstanding~~

33 1. Except as provided in subsection 2 and
34 notwithstanding section 8.33, moneys appropriated in
35 this division of this Act shall not revert at the
36 close of the fiscal year for which they were
37 appropriated but shall remain available for the
38 purposes designated until the close of the fiscal year
39 that begins July 1, 2004, or until the project for
40 which the appropriation was made is completed,
41 whichever is earlier.

42 2. Notwithstanding section 8.33, moneys
43 appropriated in section 28 of this division of this
44 Act shall not revert at the close of the fiscal year
45 for which they were appropriated but shall remain
46 available for the purpose designated until the close
47 of the fiscal year that begins July 1, 2005, or until
48 the project for which the appropriation was made is
49 completed, whichever is earlier.

50 Sec. _____. EFFECTIVE DATE. The section of this

H-1507

1 division of this Act relating to the amendment to 2001
2 Iowa Acts, chapter 185, section 30, being deemed of
3 immediate importance, takes effect upon enactment."

4 4. Page 19, line 22, by striking the word
5 "department" and inserting the following: "~~department~~
6 authority".

7 5. Page 19, line 34, by striking the word
8 "department" and inserting the following: "~~department~~
9 authority".

10 6. Page 20, line 3, by striking the word
11 "~~department~~" and inserting the following: "authority".

12 7. Page 20, line 5, by striking the word
13 "department" and inserting the following: "~~department~~
14 authority".

15 8. Page 20, by inserting after line 18, the
16 following:

17 "Sec. ____ . Section 327H.26, Code 2005, is amended
18 to read as follows:

19 327H.26 DEFINITION DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise requires, "~~department~~":

22 1. "Department" means the state department of
23 transportation.

24 2. "Authority" means the railway finance authority
25 created in chapter 327I.

26 Sec. ____ . Section 327I.8, Code 2005, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 8. Administer the railroad
29 revolving loan and grant fund as provided in section
30 327H.20A."

31 9. Page 20, by striking lines 23 through 26 and
32 inserting the following: "the state to the railroad
33 revolving loan fund established in section 327H.20A
34 for the fiscal year beginning July 1, 2004, and ending
35 June 30, 2005, an amount equal to the amount of the
36 loan".

37 10. Page 20, by striking lines 32 through 35 and
38 inserting the following: "the state to the railroad
39 revolving loan and grant fund established in section
40 327H.20A, as amended by this Act, for the fiscal year
41 beginning July 1, 2005, and ending June 30, 2006, an".

42 11. By renumbering as necessary.

By HUSEMAN of Cherokee

HOUSE FILE 875

H-1512

1 Amend the amendment, H-1489, to House File 875 as
2 follows:

3 1. By striking everything after the amending
4 clause and inserting the following:

5 "____. Page 1, by inserting after line 1 the
6 following:

7 "STATE GENERAL FUND

8 Section 1. There is appropriated from the general
9 fund of the state to the following departments and
10 agencies for the fiscal year beginning July 1, 2005,
11 and ending June 30, 2006, the following amounts, or so
12 much thereof as is necessary, to be used for the
13 purposes designated:

14 1. DEPARTMENT OF CORRECTIONS

15 a. For maintenance costs of the department of
16 corrections and board of parole associated with the
17 department of administrative services:

18 \$ 105,300

19 b. For rent payments for the community-based
20 corrections facility located in Davenport and the Vine
21 street building located in West Des Moines:

22 \$ 122,000

23 2. DEPARTMENT OF CULTURAL AFFAIRS

24 For continuation of the project recommended by the
25 Iowa battle flag advisory committee to stabilize the
26 condition of the battle flag collection:

27 \$ 220,000

28 3. DEPARTMENT OF EDUCATION

29 To the vocational rehabilitation division to
30 replace lost indirect costs:

31 \$ 101,164

32 4. DEPARTMENT OF PUBLIC SAFETY

33 For capitol building and judicial building
34 security:

35 \$ 800,000

36 DIVISION II"

37 _____. Page 1, line 29, by striking the figure
38 "1,925,427" and inserting the following: "3,151,891".

39 _____. Page 2, by striking lines 7 through 10.

40 _____. Page 2, by striking lines 21 through 25.

41 _____. By striking page 2, line 31, through page 3,
42 line 5.

43 _____. Page 3, by striking lines 17 through 19.

44 _____. By striking page 4, line 34, through page 5,
45 line 1.

46 _____. Page 5, by striking lines 15 and 16.

47 _____. Page 8, by inserting after line 4 the
48 following:

49 "Sec. _____. Section 8.57B, subsection 4, Code 2005,
50 is amended to read as follows:

H-1512

1 4. There is appropriated from the rebuild Iowa
2 infrastructure fund to the vertical infrastructure
3 fund, the following:

4 a. For the fiscal year beginning July 1, 2005, and
5 ending June 30, 2006, the sum of fifteen million
6 dollars.

7 b. For the fiscal year beginning July 1, 2006, and
8 ending June 30, 2007, the sum of fifteen million
9 dollars.

10 c. For the fiscal year beginning July 1, 2007, and
11 ending June 30, 2008, the sum of fifty million
12 dollars.

13 d. For the fiscal year beginning July 1, 2008, and
14 ending June 30, 2009, the sum of fifty million
15 dollars."

16 _____. Page 19, line 8, by inserting after the word
17 "fund" the following: "for the fiscal year that
18 begins July 1, 2005,".

19 _____. Page 19, by inserting after line 14 the
20 following:

21 "Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 1. There is appropriated from the vertical
23 infrastructure fund to the department of
24 administrative services for the designated fiscal
25 years, the following amounts, or so much thereof as if
26 necessary, to be used for the purposes designated:

27 For major renovation and major repair needs,
28 including health, life, and fire safety needs, and for
29 compliance with the federal Americans With
30 Disabilities Act, for state buildings and facilities
31 under the purview of the department:

32 FY 2006-2007.....	\$ 10,000,000
33 FY 2007-2008.....	\$ 40,000,000
34 FY 2008-2009.....	\$ 40,000,000

35 Notwithstanding section 8.33, moneys appropriated
36 in this section shall not revert at the close of the
37 fiscal year for which they were appropriated but shall
38 remain available for the purposes designated until the
39 close of the fiscal year that begins July 1, 2010, or
40 until the project for which the appropriation was made
41 is completed, whichever is earlier.""

42 2. By renumbering as necessary.

By DIX of Butler

HOUSE FILE 875

H-1517

1 Amend House File 875 as follows:

2 1. Page 13, line 1, by striking the words
3 "environment first fund" and inserting the following:

4 "designated funds".

5 2. Page 13, line 4, by striking the word "amount"
6 and inserting the following: "amounts".

7 3. Page 13, by striking line 6, and inserting the
8 following:

9 "1. From the environment first fund:

10 \$ 11,000,000

11 2. From the general fund of the state:

12 \$ 4,500,000"

By KRESSIG of Black Hawk	BUKTA of Clinton
COHOON of Des Moines	D. TAYLOR of Linn
MERTZ of Kossuth	JACOBY of Johnson
DAVITT of Warren	OLDSON of Polk
BELL of Jasper	LYKAM of Scott
SHOMSHOR of Pottawattamie	WHITEAD of Woodbury
BERRY of Black Hawk	MCCARTHY of Polk
WENDT of Woodbury	FORD of Polk
HUNTER of Polk	THOMAS of Clayton
T. TAYLOR of Linn	SHOULTZ of Black Hawk
JOCHUM of Dubuque	R. OLSON of Polk
ZIRKELBACH of Jones	SWAIM of Davis
MILLER of Webster	PETTENGILL of Benton
WINCKLER of Scott	SCHUELLER of Jackson
LENSING of Johnson	REASONER of Union
WESSEL-KROESCHELL of Story	REICHERT of Muscatine
FREVERT of Palo Alto	PETERSEN of Polk
D. OLSON of Boone	WISE of Lee
HEDDENS of Story	HOGG of Linn
SMITH of Marshall	FALLON of Polk
DANDEKAR of Linn	FOEGE of Linn
GASKILL of Wapello	KUHN of Floyd
WHITAKER of Van Buren	

H-1517 FILED APRIL 26, 2005

LOST

HOUSE FILE 875

H-1520

1 Amend the amendment, H-1502, to House File 875 as
2 follows:

3 1. By striking everything after the amending
4 clause and inserting the following:

5 "____. Page 2, by inserting after line 5 the
6 following:

7 "____. For maintenance of the Terrace Hill complex:

8 \$ 571,000"

9 _____. Page 4, line 14, by striking the figure
10 "1,000,000" and inserting the following: "429,000"."

By HUSEMAN of Cherokee
COHOON of Des Moines

H-1520 FILED APRIL 26, 2005

ADOPTED

HOUSE FILE 875

H-1521

1 Amend the amendment, H-1505, to House File 875, as
2 follows:

3 1. Page 1, by striking lines 38 and 39.

By REICHERT of Muscatine

H-1521 FILED APRIL 26, 2005

WITHDRAWN

HOUSE FILE 875

H-1522

1 Amend the amendment, H-1502, to House File 875, as
2 follows:

3 1. By striking everything after the amending
4 clause and inserting the following:

5 "____. Page 2, by inserting after line 5 the
6 following:

7 "____. For maintenance of the Terrace Hill complex:

8 \$ 571,000"

By COHOON of Des Moines

H-1522 FILED APRIL 26, 2005

OUT OF ORDER

HOUSE FILE 875

H-1523

1 Amend the amendment, H-1489, to House File 875 as
2 follows:

3 1. By striking everything after the amending
4 clause and inserting the following:

5 "___". Page 1, by inserting after line 1 the
6 following:

7 "STATE GENERAL FUND

8 Section 1. There is appropriated from the general
9 fund of the state to the following departments and
10 agencies for the fiscal year beginning July 1, 2005,
11 and ending June 30, 2006, the following amounts, or so
12 much thereof as is necessary, to be used for the
13 purposes designated:

14 1. DEPARTMENT OF CORRECTIONS

15 a. For maintenance costs of the department of
16 corrections and board of parole associated with the
17 department of administrative services:

18 \$ 105,300

19 b. For rent payments for the community-based
20 corrections facility located in Davenport and the Vine
21 street building located in West Des Moines:

22 \$ 122,000

23 2. DEPARTMENT OF CULTURAL AFFAIRS

24 For continuation of the project recommended by the
25 Iowa battle flag advisory committee to stabilize the
26 condition of the battle flag collection:

27 \$ 220,000

28 3. DEPARTMENT OF EDUCATION

29 To the vocational rehabilitation division to
30 replace lost indirect costs:

31 \$ 101,164

32 4. DEPARTMENT OF PUBLIC SAFETY

33 For capitol building and judicial building
34 security:

35 \$ 800,000

36 DIVISION II"

37 ___ . Page 1, line 29, by striking the figure
38 "1,925,427" and inserting the following: "3,291,891".

39 ___ . Page 2, by striking lines 7 through 10.

40 ___ . Page 2, by striking lines 21 through 25.

41 ___ . By striking page 2, line 31, through page 3,
42 line 5.

43 ___ . Page 3, by striking lines 17 through 19.

44 ___ . By striking page 4, line 34, through page 5,
45 line 1.

46 ___ . Page 5, by striking lines 15 and 16.

47 ___ . Page 8, by inserting after line 4 the
48 following:

49 "Sec. ___ . Section 8.57B, subsection 4, Code 2005,
50 is amended to read as follows:

H-1523

1 4. There is appropriated from the rebuild Iowa
2 infrastructure fund to the vertical infrastructure
3 fund, the following:

4 a. For the fiscal year beginning July 1, 2005, and
5 ending June 30, 2006, the sum of fifteen million
6 dollars.

7 b. For the fiscal year beginning July 1, 2006, and
8 ending June 30, 2007, the sum of fifteen million
9 dollars.

10 c. For the fiscal year beginning July 1, 2007, and
11 ending June 30, 2008, the sum of fifty million
12 dollars.

13 d. For the fiscal year beginning July 1, 2008, and
14 ending June 30, 2009, the sum of fifty million
15 dollars."

16 _____. Page 19, line 8, by inserting after the word
17 "fund" the following: "for the fiscal year that
18 begins July 1, 2005,".

19 _____. Page 19, by inserting after line 14 the
20 following:

21 "Sec. _____. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 1. There is appropriated from the vertical
23 infrastructure fund to the department of
24 administrative services for the designated fiscal
25 years, the following amounts, or so much thereof as if
26 necessary, to be used for the purposes designated:

27 For major renovation and major repair needs,
28 including health, life, and fire safety needs, and for
29 compliance with the federal Americans With
30 Disabilities Act, for state buildings and facilities
31 under the purview of the department:

32	FY 2006-2007.....	\$ 10,000,000
33	FY 2007-2008.....	\$ 40,000,000
34	FY 2008-2009.....	\$ 40,000,000

35 Notwithstanding section 8.33, moneys appropriated
36 in this section shall not revert at the close of the
37 fiscal year for which they were appropriated but shall
38 remain available for the purposes designated until the
39 close of the fiscal year that begins July 1, 2010, or
40 until the project for which the appropriation was made
41 is completed, whichever is earlier.""

42 2. By renumbering as necessary.

By DIX of Butler

HOUSE FILE 875

H-1524

1 Amend the amendment, H-1481, to House File 875 as
2 follows:

3 1. Page 1, by striking lines 5 through 12 and
4 inserting the following: "lettered paragraph,
5 priority for appropriations from the revolving loan
6 fund shall go to departments that can demonstrate
7 active pursuit of fire fighter I training
8 certification for all members engaged in structural
9 fire fighting."

By LUKAN of Dubuque

H-1524 FILED APRIL 26, 2005
OUT OF ORDER

HOUSE FILE 875

H-1525

1 Amend the amendment, H-1505, to House File 875 as
2 follows:

3 1. Page 1, line 35, by striking the figure
4 "3,151,891" and inserting the following: "3,291,891".

By DIX of Butler

H-1525 FILED APRIL 26, 2005
ADOPTED

HOUSE FILE 875

H-1533

1 Amend House File 875 as follows:

2 1. Page 3, by inserting after line 19 the
3 following:

4 "____. DEPARTMENT OF HUMAN RIGHTS

5 For capital improvements at the African-American
6 museum in Cedar Rapids:

7 \$ 250,000"

By FORD of Polk

H-1533 FILED APRIL 26, 2005
LOST

HOUSE FILE 875
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 303)

(As Amended and Passed by the House April 26, 2005)

Re-Passed House, Date 5-20-05 Passed Senate, Date 5-4-05
Vote: Ayes 94 Nays 1 Vote: Ayes 47 Nays 2
Approved _____ *Re-passed 5-20-05 44-2*

A BILL FOR

1 An Act relating to and making appropriations to state departments
2 and agencies from the rebuild Iowa infrastructure fund,
3 environment first fund, tobacco settlement trust fund,
4 vertical infrastructure fund, general fund of the state, and
5 related matters, and including effective and retroactive
6 applicability date provisions.

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

8

9

House Amendments _____

10

Deleted Language *

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DIVISION I

STATE GENERAL FUND

Section 1. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF CORRECTIONS

a. For maintenance costs of the department of corrections and board of parole associated with the department of administrative services:

..... \$ 105,300

b. For rent payments for the community-based corrections facility located in Davenport and the Vine street building located in West Des Moines:

..... \$ 122,000

2. DEPARTMENT OF CULTURAL AFFAIRS

For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:

..... \$ 220,000

3. DEPARTMENT OF EDUCATION

To the vocational rehabilitation division to replace lost indirect costs:

..... \$ 101,164

4. DEPARTMENT OF PUBLIC SAFETY

For capitol building and judicial building security:

..... \$ 800,000

DIVISION II

REBUILD IOWA INFRASTRUCTURE FUND

Sec. 2. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
2 a. For technology improvement projects:
3 \$ 3,802,000
4 Of the amount appropriated in this lettered paragraph,
5 \$2,700,000 is allocated for continued implementation and
6 operation of the integrated information for Iowa system;
7 \$792,000 is allocated for continued development and
8 implementation of the electronic tax administration project;
9 and \$310,000 is allocated for maintenance and costs associated
10 with upgrading the enterprise data warehouse.
11 b. For relocation and project costs directly associated
12 with remodeling projects on the capitol complex and for
13 facility lease payments:
14 \$ 1,824,000
15 c. For routine maintenance of state buildings and
16 facilities:
17 \$ 2,000,000
18 d. For major renovation and major repair needs, including
19 health, life, and fire safety needs, and for compliance with
20 the federal Americans With Disabilities Act, for state
21 buildings and facilities under the purview of the department:
22 \$ 3,291,891
23 e. For upgrades to the electrical distribution system
24 serving the capitol complex:
25 \$ 1,843,878
26 f. For remodeling and renovation of the sexually violent
27 predators unit at Cherokee:
28 \$ 1,400,000
29 g. For the costs associated with the replacement of the
30 powerhouse facilities at the Iowa juvenile home at Toledo:
31 \$ 1,311,045
32 h. For improvements to the Wallace state office building:
33 \$ 625,000
34 i. For maintenance of the Terrace Hill complex:
35 \$ 571,000

1 2. DEPARTMENT OF CORRECTIONS

- *2 a. For construction of a community-based correctional
3 facility, including district offices, in Fort Dodge:
4 \$ 50,000
- 5 b. For the lease-payment under the lease-purchase
6 agreement to connect the electrical system supporting the
7 special needs unit in Fort Madison:
8 \$ 333,168
- 9 c. For remodeling and renovation of the kitchen facilities
10 at the Anamosa correctional facility:
11 \$ 1,090,000

*12 3. DEPARTMENT OF ECONOMIC DEVELOPMENT

- 13 a. To provide a grant to match federal grant dollars that
14 affect areas that are both an enterprise zone and a brownfield
15 site in a county with a population of at least 103,000:
16 \$ 500,000
- 17 b. For costs associated with a study involving an
18 environmental assessment and preliminary cultural and
19 historical impact related to the establishment of a regional
20 ferryboat service between Iowa and Illinois:
21 \$ 60,000
- 22 The funds are to be allocated to an area of the state that
23 has an established ferryboat task force. The funds
24 appropriated in this lettered paragraph are contingent upon
25 the receipt of federal matching funds and financial
26 participation by the state of Illinois in the study.

27 4. DEPARTMENT OF EDUCATION

- 28 a. To provide resources for structural and technological
29 improvements to local libraries and for the enrich Iowa
30 program:
31 \$ 600,000
- 32 b. For maintenance and lease costs associated with
33 connections for part III of the Iowa communications network:
34 \$ 2,727,000
- 35 c. To the public broadcasting division for replacing

1 transmitters:

2 \$ 2,000,000

*3 5. DEPARTMENT OF HUMAN SERVICES

4 To provide a grant for the planning, design, and
5 construction of a residential treatment facility for youth
6 with emotional and behavioral disorders in a central Iowa
7 county with a population of approximately 80,000:

8 \$ 250,000

9 6. IOWA STATE FAIR AUTHORITY

10 For vertical infrastructure projects on the state
11 fairgrounds:

12 \$ 750,000

13 For purposes of this subsection, "vertical infrastructure"
14 means the same as defined in section 8.57, subsection 6,
15 paragraph "c".

16 7. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
17 UNIVERSITY OF NORTHERN IOWA

18 For the Iowa safe surfacing initiative:

19 \$ 500,000

20 Not more than 2.5 percent of the funds appropriated in this
21 subsection shall be used by the national program for
22 playground safety for administrative costs associated with the
23 Iowa safe surfacing initiative.

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

28 8. DEPARTMENT OF NATURAL RESOURCES

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

32 \$ 429,000

33 The department shall consider the following criteria for
34 funding lake dredging projects as provided in this lettered
35 paragraph, and shall prioritize projects based on the

1 following:

2 (1) Documented efforts to address watershed protection,
3 considering testing, conservation efforts, and amount of time
4 devoted to watershed protection.

5 (2) Protection of a natural resource and natural habitat.

6 (3) Percentage of public access and undeveloped lakefront
7 property.

8 (4) Continuation of current projects partially funded by
9 state resources to achieve department recommendations.

10 b. For the purchase of property adjacent to Waubonsie
11 state park and for the improvement of facilities at Waubonsie
12 state park:

13 \$ 1,500,000

14 c. For costs associated with renovation and improvements
15 at the Fort Atkinson state preserve:

16 \$ 500,000

17 d. For costs associated with Iowa's membership in the mid-
18 America port commission established in chapter 28K:

19 \$ 80,000

20 9. DEPARTMENT OF PUBLIC SAFETY

21 a. For costs of entering into and making payments under a
22 lease-purchase agreement to replace and upgrade the automated
23 fingerprint identification system:

24 \$ 550,000

25 b. To the division of fire safety for allocation to the
26 fire service training bureau for the planning, design, and
27 construction of a regional training facility in the state:

28 \$ 500,000

29 Of the amount appropriated in this lettered paragraph,
30 \$100,000 shall be allocated to the Waterloo fire regional
31 training center. The moneys allocated to the Waterloo fire
32 regional training center are contingent upon a match of
33 \$200,000.

34 c. To the division of fire safety for allocation to the
35 fire service training bureau to be used for the revolving loan

1 program for equipment purchases by local fire departments:
2 \$ 500,000

* 3 10. STATE BOARD OF REGENTS

4 For maintenance at the Iowa school for the deaf and the
5 Iowa braille and sight saving school:
6 \$ 500,000

7 11. STATE DEPARTMENT OF TRANSPORTATION

8 a. For operation and maintenance of the network of
9 automated weather observation and data transfer systems
10 associated with the Iowa aviation weather system, the runway
11 marking program for public airports, the windsock program for
12 public airports, and the aviation improvement program:
13 \$ 500,000

14 b. For a vertical infrastructure improvement grant program
15 for improvements at general aviation airports within the
16 state:
17 \$ 750,000

18 c. For acquiring, constructing, and improving recreational
19 trails within the state:
20 \$ 1,000,000

21 Of the amount appropriated in this lettered paragraph,
22 \$500,000 shall be used for funding, on a matching basis,
23 recreational trail projects, with priority given to completion
24 of trail connections and sections between existing trails and
25 parks within the established state recreational trails system.
26 Such projects shall be matched by \$1 of private or other funds
27 for each \$3 of state funds.

28 Sec. 3. There is appropriated from the rebuild Iowa
29 infrastructure fund to the following departments and agencies
30 for the fiscal year beginning July 1, 2006, and ending June
31 30, 2007, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

34 a. For costs associated with the remodeling of the records
35 and property center:

1 \$ 2,200,000

2 b. For costs associated with the replacement of the
3 powerhouse facilities at the Iowa juvenile home at Toledo:

4 \$ 1,371,045

5 2. DEPARTMENT OF CORRECTIONS

6 a. For construction of a community-based correctional
7 facility, including district offices, in Fort Dodge:

8 \$ 1,400,000

9 b. For the remodeling and renovation of the kitchen
10 facilities at the Anamosa correctional facility:

11 \$ 1,690,000

12 Sec. 4. DEPARTMENT OF CORRECTIONS. There is appropriated
13 from the rebuild Iowa infrastructure fund to the department of
14 corrections for the fiscal year beginning July 1, 2007, and
15 ending June 30, 2008, the following amount, or so much thereof
16 as is necessary, to be used for the purpose designated:

17 For construction of a community-based correctional
18 facility, including district offices, in Fort Dodge:

19 \$ 2,450,000

20 Sec. 5. 2001 Iowa Acts, chapter 185, section 12, is
21 amended to read as follows:

22 SEC. 12. REVERSION. Notwithstanding

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

30 2. Notwithstanding section 8.33, moneys appropriated in
31 section 6, subsection 1, of this division of this Act shall
32 not revert at the close of the fiscal year for which they were
33 appropriated but shall remain available for the purpose
34 designated until the close of the fiscal year that begins July
35 1, 2005, or until the project for which the appropriation was

1 made is completed, whichever is earlier.

2 Sec. 6. 2004 Iowa Acts, chapter 1175, section 288,
3 subsection 13, paragraph c, is amended to read as follows:

4 c. For costs of entering into and making a down payment
5 under a lease-purchase agreement to replace and upgrade the
6 automated fingerprint identification system, notwithstanding
7 section 8.57, subsection 5, paragraph "c":

8 FY 2004-2005 \$ 550,000

9 The appropriation made in this lettered paragraph to enter
10 into and make payments under a lease-purchase agreement
11 constitutes approval by the general assembly of a financing
12 agreement in excess of \$1 million as required by section
13 12.28, subsection 6.

14 Sec. 7. COMMISSION OF VETERANS AFFAIRS TRANSFER.
15 Notwithstanding 2002 Iowa Acts, chapter 1173, section 10,
16 subsection 13, any unencumbered and unobligated moneys
17 remaining on the effective date of this section from the
18 appropriation made in 2002 Iowa Acts, chapter 1173, section
19 10, subsection 12, may be transferred to the appropriation
20 made in 2000 Iowa Acts, chapter 1225, section 19, to be used
21 for the purposes designated in 2000 Iowa Acts, chapter 1225,
22 section 19, as amended by 2004 Iowa Acts, chapter 1175,
23 section 296.

24 Sec. 8. REVERSION. Notwithstanding section 8.33, moneys
25 appropriated from the rebuild Iowa infrastructure fund in this
26 division of this Act, except for the moneys appropriated in
27 section 1, subsection 2, paragraph "a", for maintenance costs
28 of the department of corrections and subsection 5, paragraph
29 "d", for the vocational rehabilitation division of the
30 department of education, shall not revert at the close of the
31 fiscal year for which they were appropriated but shall remain
32 available for the purposes designated until the close of the
33 fiscal year that begins July 1, 2008, or until the project for
34 which the appropriation was made is completed, whichever is
35 earlier. This section does not apply to the sections in this

1 division of this Act that were previously enacted and are
2 amended in this division of this Act.

3 Sec. 9. The provision in section 8.57, subsection 6,
4 paragraph "c", that limits the use of the moneys in the
5 rebuild Iowa infrastructure fund shall not apply to the
6 appropriations made from such fund in this division of this
7 Act.

8 Sec. 10. Section 8.57B, subsection 4, Code 2005, is
9 amended to read as follows:

10 4. There is appropriated from the rebuild Iowa
11 infrastructure fund to the vertical infrastructure fund, the
12 following:

13 a. For the fiscal year beginning July 1, 2005, and ending
14 June 30, 2006, the sum of fifteen million dollars.

15 b. For the fiscal year beginning July 1, 2006, and ending
16 June 30, 2007, the sum of fifteen million dollars.

17 c. For the fiscal year beginning July 1, 2007, and ending
18 June 30, 2008, the sum of fifty million dollars.

19 d. For the fiscal year beginning July 1, 2008, and ending
20 June 30, 2009, the sum of fifty million dollars.

21 Sec. 11. Section 452A.79, unnumbered paragraph 2, Code
22 2005, is amended to read as follows:

23 Annually For the fiscal year beginning July 1, 2005, the
24 first four hundred eleven thousand three hundred eleven
25 dollars derived from the excise tax on the sale of motor fuel
26 used in watercraft shall be deposited in the general fund of
27 the state.--The and the moneys in excess of four hundred
28 eleven thousand three hundred eleven dollars shall be
29 deposited in the rebuild Iowa infrastructure fund. For the
30 fiscal years beginning on or after July 1, 2006, all revenues
31 derived from the excise tax on the sale of motor fuel used in
32 watercraft shall be deposited in the rebuild Iowa
33 infrastructure fund. Moneys deposited to the general fund and
34 to the rebuild Iowa infrastructure fund under this section and
35 section 452A.84 are subject to the requirements of section

1 8.60 and are subject to appropriation by the general assembly
2 to the department of natural resources for use in its
3 recreational boating program, which may include but is not
4 limited to:

5 Sec. 12. EFFECTIVE DATE. The sections of this division of
6 this Act relating to the amendment to 2004 Iowa Acts, chapter
7 1175, section 288, subsection 13, appropriating moneys for a
8 lease-purchase agreement, relating to the amendment to 2001
9 Iowa Acts, chapter 185, section 12, and relating to the
10 commission of veterans affairs transfer, being deemed of
11 immediate importance, take effect upon enactment.

12 DIVISION III

13 ENVIRONMENT FIRST FUND

14 Sec. 13. There is appropriated from the environment first
15 fund to the following departments and agencies for the fiscal
16 year beginning July 1, 2005, and ending June 30, 2006, the
17 following amounts, or so much thereof as is necessary, to be
18 used for the purposes designated:

19 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

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

25 \$ 1,500,000

26 Not more than 5 percent of the moneys appropriated in this
27 lettered paragraph may be used for costs of administration and
28 implementation of soil and water conservation practices.

29 b. For continuation of a program that provides
30 multiobjective resource protections for flood control, water
31 quality, erosion control, and natural resource conservation:

32 \$ 2,700,000

33 Not more than 5 percent of the moneys appropriated in this
34 lettered paragraph may be used for costs of administration and
35 implementation of soil and water conservation practices.

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

6 \$ 850,000

7 Not more than 5 percent of the moneys appropriated in this
8 lettered paragraph may be used for costs of administration and
9 implementation of soil and water conservation practices.

10 Of the amount appropriated in this lettered paragraph,
11 \$400,000 shall be allocated to the Iowa soybean association's
12 agriculture and environment performance program.

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

17 \$ 500,000

18 Not more than 5 percent of the moneys appropriated in this
19 lettered paragraph may be used for costs of administration and
20 implementation of soil and water conservation practices.

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

23 \$ 5,500,000

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

27 (2) Of the moneys appropriated in this lettered paragraph,
28 5 percent shall be allocated for financial incentives to
29 establish practices to protect watersheds above publicly owned
30 lakes of the state from soil erosion and sediment as provided
31 in section 161A.73.

32 (3) Not more than 30 percent of a soil and water
33 conservation district's allocation of moneys as financial
34 incentives may be provided for the purpose of establishing
35 management practices to control soil erosion on land that is

1 row-cropped, including but not limited to no-till planting,
2 ridge-till planting, contouring, and contour strip-cropping as
3 provided in section 161A.73.

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

9 (5) The financial incentive payments may be used in
10 combination with department of natural resources moneys.

11 (6) Not more than 10 percent of the moneys appropriated in
12 this lettered paragraph may be used for costs of
13 administration and implementation of soil and water
14 conservation practices.

15 f. To encourage and assist farmers in enrolling in and the
16 implementation of federal conservation programs and work with
17 them to enhance their revegetation efforts to improve water
18 quality and habitat:

19 \$ 2,000,000

20 Not more than 5 percent of the moneys appropriated in this
21 lettered paragraph may be used for costs of administration and
22 implementation of soil and water conservation practices.

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

25 \$ 600,000

26 Of the amount appropriated in this lettered paragraph,
27 \$400,000 shall be allocated to the hungry canyons account and
28 \$200,000 shall be allocated to the loess hills alliance
29 account to be used for the purposes for which the moneys in
30 those accounts are authorized to be used under chapter 161D.
31 No more than 5 percent of the moneys allocated to each account
32 in this lettered paragraph may be used for administrative
33 costs.

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

1 \$ 300,000
2 Not more than 5 percent of the moneys appropriated in this
3 lettered paragraph may be used for administrative costs.
4 2. DEPARTMENT OF ECONOMIC DEVELOPMENT
5 For deposit in the brownfield redevelopment fund created in
6 section 15.293 to provide assistance under the brownfield
7 redevelopment program:
8 \$ 500,000
9 3. DEPARTMENT OF NATURAL RESOURCES
10 a. For statewide coordination of volunteer efforts under
11 the water quality and keepers of the land programs:
12 \$ 100,000
13 b. For purposes of funding capital projects for the
14 purposes specified in section 452A.79, and for expenditures
15 for the local cost-share grants to be used for capital
16 expenditures to local governmental units for boating
17 accessibility:
18 \$ 2,300,000
19 c. For regular maintenance of state parks and staff time
20 associated with these activities:
21 \$ 2,000,000
22 d. To provide local watershed managers with geographic
23 information system data for their use in developing,
24 monitoring, and displaying results of their watershed work:
25 \$ 195,000
26 e. For continuing the establishment and operation of water
27 quality monitoring stations:
28 \$ 2,955,000
29 f. For deposit in the administration account of the water
30 quality protection fund, to carry out the purposes of that
31 account:
32 \$ 500,000
33 g. For the dredging of lakes, including necessary
34 preparation for dredging, in accordance with the department's
35 classification of Iowa lakes restoration report:

1 \$ 1,500,000

2 The department shall consider the following criteria for
3 funding lake dredging projects as provided in this lettered
4 paragraph, and shall prioritize projects based on the
5 following:

6 (1) Documented efforts to address watershed protection,
7 considering testing, conservation efforts, and the amount of
8 time devoted to watershed protection.

9 (2) Protection of a natural resource and natural habitat.

10 (3) Percentage of public access and undeveloped lakefront
11 property.

12 (4) Continuation of current projects partially funded by
13 state resources to achieve department recommendations.

14 RESOURCES ENHANCEMENT AND PROTECTION FUND

15 Sec. 14. Notwithstanding the amount of the standing
16 appropriation from the general fund of the state under section
17 455A.18, subsection 3, there is appropriated from the
18 environment first fund to the Iowa resources enhancement and
19 protection fund, in lieu of the appropriation made in section
20 455A.18, for the fiscal year beginning July 1, 2005, and
21 ending June 30, 2006, the following amount, to be allocated as
22 provided in section 455A.19:

23 \$ 11,000,000

24 Sec. 15. REVERSION.

25 1. Except as provided in subsection 2, and notwithstanding
26 section 8.33, moneys appropriated in this division of this Act
27 that remain unencumbered or unobligated shall not revert at
28 the close of the fiscal year for which they were appropriated
29 but shall remain available for the purposes designated until
30 the close of the fiscal year beginning July 1, 2006, or until
31 the project for which the appropriation was made is completed,
32 whichever is earlier.

33 2. Notwithstanding section 8.33, moneys appropriated in
34 this division of this Act to the department of agriculture and
35 land stewardship to provide financial assistance for the

1 establishment of permanent soil and water conservation
2 practices that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain available
4 for expenditure for the purposes designated until the close of
5 the fiscal year that begins July 1, 2008.

6 DIVISION IV

7 TOBACCO SETTLEMENT TRUST FUND

8 Sec. 16.

9 1. There is appropriated from the tax-exempt bond proceeds
10 restricted capital funds account of the tobacco settlement
11 trust fund to the following departments and agencies for the
12 fiscal year beginning July 1, 2005, and ending June 30, 2006,
13 the following amounts, or so much thereof as is necessary, to
14 be used for the purposes designated:

15 a. DEPARTMENT OF ADMINISTRATIVE SERVICES

16 (1) For capitol interior restoration:

17 \$ 4,500,000

18 Of the amount appropriated in this subparagraph, \$700,000
19 shall be used for cleanup costs associated with the water
20 damage in the statehouse resulting from the pipe break that
21 occurred on December 24, 2004, and for renovation of areas in
22 the statehouse that experienced such water damage. The
23 \$700,000 shall be allocated as follows:

24 (a) For cleanup and renovation on the ground floor of the
25 statehouse:

26 \$ 84,000

27 (b) For cleanup and renovation on the first floor of the
28 statehouse:

29 \$ 357,000

30 (c) For cleanup and renovation on the second floor of the
31 statehouse:

32 \$ 203,000

33 (d) For cleanup and renovation on the third floor of the
34 statehouse:

35 \$ 56,000

1 The use of the moneys allocated in this subparagraph shall
2 not be construed or interpreted as an indication by the
3 governor or general assembly that the state is the responsible
4 party for the water damage in the statehouse resulting from
5 the pipe break that occurred on December 24, 2004, and for the
6 resulting costs or that the amounts allocated in this
7 subparagraph represent the total amount necessary to address
8 all costs associated with the water damage.

9 (2) For remodeling and renovation of the sexually violent
10 predators unit located at the state mental health institute at
11 Cherokee:

12 \$ 650,000

13 b. DEPARTMENT OF CORRECTIONS

14 For the remodeling and renovation of the kitchen facilities
15 at the Anamosa correctional facility:

16 \$ 600,000

17 c. DEPARTMENT OF ECONOMIC DEVELOPMENT

18 For accelerated career education program capital projects
19 at community colleges that are authorized under chapter 260G
20 and that meet the definition of "vertical infrastructure" in
21 section 8.57B, subsection 3:

22 \$ 1,500,000

23 The moneys appropriated in this lettered paragraph shall be
24 allocated equally among the community colleges in the state.
25 If any portion of the equal allocation to a community college
26 is not obligated or encumbered by April 1, 2006, the
27 unobligated and unencumbered portions shall be available for
28 use by other community colleges.

29 d. DEPARTMENT OF HUMAN SERVICES

30 For planning, design, and construction of a family resource
31 center in a city with a population between 95,000 and 100,000
32 residents:

33 \$ 250,000

34 e. DEPARTMENT OF PUBLIC SAFETY

35 For the first phase of the regional emergency responder

1 training facility project of the nonprofit Dubuque county fire
2 fighters association:

3 \$ 100,000

4 f. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

5 For replacement of equipment for the Iowa communications
6 network:

7 \$ 1,704,719

8 g. STATE DEPARTMENT OF TRANSPORTATION

9 For vertical infrastructure improvements at the commercial
10 air service airports within the state:

11 \$ 1,500,000

12 Fifty percent of the funds appropriated in this lettered
13 paragraph shall be allocated equally between each commercial
14 service airport, 40 percent of the funds shall be allocated
15 based on the percentage that the number of enplaned passengers
16 at each commercial service airport bears to the total number
17 of enplaned passengers in the state during the previous fiscal
18 year, and 10 percent of the funds shall be allocated based on
19 the percentage that the air cargo tonnage at each commercial
20 service airport bears to the total air cargo tonnage in the
21 state during the previous fiscal year. In order for a
22 commercial service airport to receive funding under this
23 lettered paragraph, the airport shall be required to submit
24 applications for funding of specific projects to the
25 department for approval by the state transportation
26 commission.

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

32 3. REVERSION. Notwithstanding section 8.33, moneys
33 appropriated in this section shall not revert at the close of
34 the fiscal year for which they were appropriated but shall
35 remain available for the purposes designated until the close

1 of the fiscal year that begins July 1, 2006, or until the
2 project for which the appropriation was made is completed,
3 whichever is earlier.

4 Sec. 17. PAYMENTS IN LIEU OF TUITION. There is
5 appropriated from the tax-exempt bond proceeds restricted
6 capital funds account of the tobacco settlement trust fund to
7 the state board of regents for the fiscal year beginning July
8 1, 2005, and ending June 30, 2006, the following amount, or so
9 much thereof as is necessary, to be used for the purposes
10 designated:

11 For allocation by the state board of regents to the state
12 university of Iowa, the Iowa state university of science and
13 technology, and the university of northern Iowa to reimburse
14 the institutions for deficiencies in their operating funds
15 resulting from the pledging of tuitions, student fees and
16 charges, and institutional income to finance the cost of
17 providing academic and administrative buildings and facilities
18 and utility services at the institutions:

19 \$ 10,329,981

20 Sec. 18. PRISON DEBT SERVICE. There is appropriated from
21 the tax-exempt bond proceeds restricted capital funds account
22 of the tobacco settlement trust fund to the office of the
23 treasurer of state for the fiscal year beginning July 1, 2005,
24 and ending June 30, 2006, the following amount, or so much
25 thereof as is necessary, to be used for the purpose
26 designated:

27 For repayment of prison infrastructure bonds under section
28 16.177:

29 \$ 5,422,390

30 Sec. 19. The provision in section 12E.12, subsection 1,
31 paragraph "b", subparagraph (1), that limits the use of the
32 moneys in the tax-exempt bond proceeds restricted capital
33 funds account of the tobacco settlement trust fund shall not
34 apply to the appropriations made from such account in this
35 division of this Act.

1 Sec. 20. 2001 Iowa Acts, chapter 185, section 30, is
2 amended to read as follows:

3 SEC. 30. REVERSION. Notwithstanding

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

11 2. Notwithstanding section 8.33, moneys appropriated in
12 section 28 of this division of this Act shall not revert at
13 the close of the fiscal year for which they were appropriated
14 but shall remain available for the purpose designated until
15 the close of the fiscal year that begins July 1, 2005, or
16 until the project for which the appropriation was made is
17 completed, whichever is earlier.

18 Sec. 21. EFFECTIVE DATE. The section of this division of
19 this Act relating to the amendment to 2001 Iowa Acts, chapter
20 185, section 30, being deemed of immediate importance, takes
21 effect upon enactment.

22 DIVISION V

23 VERTICAL INFRASTRUCTURE FUND

24 Sec. 22. There is appropriated from the vertical
25 infrastructure fund to the following departments and agencies
26 for the fiscal year beginning July 1, 2005, and ending June
27 30, 2006, the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

30 For major renovation and major repair needs, including
31 health, life, and fire safety needs, and for compliance with
32 the federal Americans With Disabilities Act, for state
33 buildings and facilities under the purview of the department:

34 \$ 5,623,200

35 Of the amount appropriated in this subsection, up to

1 \$200,000 may be used for costs associated with the vertical
2 infrastructure program, notwithstanding section 8.57B,
3 subsection 3.

4 2. DEPARTMENT OF CULTURAL AFFAIRS

5 For historical site preservation grants, to be used for the
6 restoration, preservation, and development of historical
7 sites:

8 \$ 500,000

9 Historical site preservation grants shall only be awarded
10 for projects which meet the definition of "vertical
11 infrastructure" in section 8.57B, subsection 3.

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

18 3. DEPARTMENT OF ECONOMIC DEVELOPMENT

19 For accelerated career education program capital projects
20 at community colleges that are authorized under chapter 260G
21 and that meet the definition of "vertical infrastructure" in
22 section 8.57B, subsection 3:

23 \$ 4,000,000

24 The moneys appropriated in this subsection shall be
25 allocated equally among the community colleges in the state.
26 If any portion of the equal allocation to a community college
27 is not obligated or encumbered by April 1, 2006, the
28 unobligated and unencumbered portions shall be available for
29 use by other community colleges.

30 4. DEPARTMENT OF PUBLIC DEFENSE

31 a. For construction of a national guard readiness center
32 in or near Fort Dodge:

33 \$ 608,000

34 b. For maintenance and repair of national guard armories
35 and facilities:

1 \$ 1,269,000

2 c. For upgrading the water treatment facility at Camp
3 Dodge:

4 \$ 1,939,800

5 5. OFFICE OF TREASURER OF STATE

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

9 \$ 1,060,000

10 Sec. 23. REVERSION. Notwithstanding section 8.33, moneys
11 appropriated from the vertical infrastructure fund for the
12 fiscal year that begins July 1, 2005, in this division of this
13 Act shall not revert at the close of the fiscal year for which
14 they were appropriated but shall remain available for the
15 purposes designated until the close of the fiscal year that
16 begins July 1, 2008, or until the project for which the
17 appropriation was made is completed, whichever is earlier.

18 Sec. 24. DEPARTMENT OF ADMINISTRATIVE SERVICES.

19 1. There is appropriated from the vertical infrastructure
20 fund to the department of administrative services for the
21 designated fiscal years, the following amounts, or so much
22 thereof as if necessary, to be used for the purposes
23 designated:

24 For major renovation and major repair needs, including
25 health, life, and fire safety needs, and for compliance with
26 the federal Americans With Disabilities Act, for state
27 buildings and facilities under the purview of the department:

28	<u>FY 2006-2007.....</u>	<u>\$ 10,000,000</u>
29	<u>FY 2007-2008.....</u>	<u>\$ 40,000,000</u>
30	<u>FY 2008-2009.....</u>	<u>\$ 40,000,000</u>

31 Notwithstanding section 8.33, moneys appropriated in this
32 section shall not revert at the close of the fiscal year for
33 which they were appropriated but shall remain available for
34 the purposes designated until the close of the fiscal year
35 that begins July 1, 2010, or until the project for which the

1 appropriation was made is completed, whichever is earlier. _

2 DIVISION VI

3 RAILROAD REVOLVING LOAN AND GRANT FUND

4 Sec. 25. Section 327H.20A, Code 2005, is amended to read
5 as follows:

6 327H.20A RAILROAD REVOLVING LOAN AND GRANT FUND.

7 1. A railroad revolving loan and grant fund is established
8 in the office of the treasurer of state under the control of
9 the department authority. Moneys in this the fund shall be
10 expended for loans the following purposes:

11 a. Grants or loans to provide assistance for the
12 restoration, conservation, improvement, and construction of
13 railroad main lines, branch lines, switching yards, sidings,
14 rail connections, intermodal yards, highway grade separations,
15 and other railroad-related improvements.

16 b. Grants or loans for rail economic development projects
17 that improve rail facilities, including the construction of
18 branch lines, sidings, rail connections, intermodal yards, and
19 other rail-related improvements that spur economic development
20 and job growth.

21 2. The department authority shall administer a program for
22 the granting and administration of loans and grants under this
23 section. No more than fifty percent of the total moneys
24 available in the fund in any year shall be awarded in the form
25 of grants. The authority may establish a limit on the amount
26 that may be awarded as a grant for any given project in order
27 to maximize the use of the moneys in the fund. The department
28 authority may enter into agreements with railroad
29 corporations, the United States government, cities, counties,
30 and other persons for carrying out the purposes of this
31 section.

32 3. Moneys Notwithstanding any other provision to the
33 contrary, on or after July 1, 2006, moneys received as loan
34 repayments for loans made pursuant to this chapter or chapter
35 327I before, on, or after July 1, 2005, other than repayments

1 of federal moneys subject to section 327H.21, shall be
2 credited to the railroad revolving loan and grant fund.
3 Notwithstanding section 8.33, moneys in the railroad revolving
4 loan and grant fund shall not revert to the general fund of
5 the state but shall remain available indefinitely for
6 expenditure under this section.

7 Sec. 26. Section 327H.26, Code 2005, is amended to read as
8 follows:

9 327H.26 DEFINITION DEFINITIONS.

10 As used in this chapter, unless the context otherwise
11 requires, "department":

12 1. "Department" means the state department of
13 transportation.

14 2. "Authority" means the railway finance authority created
15 in chapter 327I.

16 Sec. 27. Section 327I.8, Code 2005, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 8. Administer the railroad revolving loan
19 and grant fund as provided in section 327H.20A.

20 Sec. 28. Sections 327H.18 and 327H.20, Code 2005, are
21 repealed.

22 Sec. 29. Notwithstanding section 327H.18, Code 2005, and
23 chapter 327I, there is appropriated from the general fund of
24 the state to the railroad revolving loan fund established in
25 section 327H.20A for the fiscal year beginning July 1, 2004,
26 and ending June 30, 2005, an amount equal to the amount of the
27 loan repayments made under section 327H.18, Code 2005, and
28 chapter 327I that exceed \$1,308,704 during the fiscal year
29 beginning July 1, 2004.

30 Sec. 30. Notwithstanding section 327H.18, Code 2005, and
31 chapter 327I, there is appropriated from the general fund of
32 the state to the railroad revolving loan and grant fund
33 established in section 327H.20A, as amended by this Act, for
34 the fiscal year beginning July 1, 2005, and ending June 30,
35 2006, an amount equal to the amount of the loan repayments

1 made under section 327H.18, Code 2005, and chapter 327I that
2 exceed \$1,288,481 during the fiscal year beginning July 1,
3 2005.

4 Sec. 31. CONTINUATION OF PRIOR AGREEMENTS. It is the
5 intent of the general assembly that the enactment of this
6 division of this Act shall not affect the terms or duration of
7 railroad assistance agreements entered into under chapter 327H
8 prior to the effective date of this division of this Act.

9 Sec. 32. EFFECTIVE DATE AND APPLICABILITY. The section of
10 this division of this Act that appropriates excess rail
11 assistance loan repayments for the fiscal year beginning July
12 1, 2004, and ending June 30, 2005, being deemed of immediate
13 importance, takes effect upon enactment and applies
14 retroactively to July 1, 2004.

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S-3258

1 Amend House File 875, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 13 through 15 and
4 inserting the following:

5 "b. For rent payments for the community-based
6 corrections facility located in Davenport and the
7 department of corrections training center:"

8 2. Page 1, by inserting after line 28, the
9 following:

10 "DIVISION

11 STORMWATER DISCHARGE PERMIT FEES

12 Sec. ____ . STORMWATER DISCHARGE PERMIT FEES

13 APPROPRIATION -- AIR QUALITY MONITORING.

14 Notwithstanding any contrary provision of state law,
15 there is appropriated from stormwater discharge permit
16 fees as authorized to be collected pursuant to section
17 455B.103A to the department of natural resources for
18 the fiscal year beginning July 1, 2005, and ending
19 June 30, 2006, the following amount, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 For full-time personnel to conduct air quality
23 monitoring, which may include but is not limited to
24 staffing required to perform field monitoring and
25 laboratory functions, including salaries, support,
26 maintenance, and miscellaneous purposes:

27 \$ 275,000"

28 3. Page 2, line 2, by inserting after the word
29 "projects" the following: ", notwithstanding section
30 8.57, subsection 6, paragraph "c"."

31 4. Page 2, line 13, by inserting after the word
32 "payments" the following: ", notwithstanding section
33 8.57, subsection 6, paragraph "c"."

34 5. Page 2, line 16, by inserting after the word
35 "facilities" the following: ", notwithstanding
36 section 8.57, subsection 6, paragraph "c"."

37 6. Page 2, line 22, by striking the figure
38 "3,291,891" and inserting the following: "291,891".

39 7. Page 2, line 31, by striking the figure
40 "1,311,045" and inserting the following: "1,161,045".

41 8. Page 3, line 11, by striking the figure
42 "1,090,000" and inserting the following: "940,000".

43 9. Page 3, line 15, by inserting after the figure
44 "103,000" the following: ", notwithstanding section
45 8.57, subsection 6, paragraph "c"."

46 10. Page 3, line 20, by inserting after the word
47 "Illinois" the following: ", notwithstanding section
48 8.57, subsection 6, paragraph "c"."

49 11. Page 3, line 30, by inserting after the word
50 "program" the following: ", notwithstanding section

S-3258

1 8.57, subsection 6, paragraph "c".

2 12. Page 3, line 31, by striking the figure
3 "600,000" and inserting the following: "700,000".

4 13. Page 3, line 33, by inserting after the word
5 "network" the following: ", notwithstanding section
6 8.57, subsection 6, paragraph "c".

7 14. Page 4, line 1, by inserting after the word
8 "transmitters" the following: ", notwithstanding
9 section 8.57, subsection 6, paragraph "c".

10 15. Page 4, line 18, by inserting after the word
11 "initiative" the following: ", notwithstanding
12 section 8.57, subsection 6, paragraph "c".

13 16. Page 4, line 19, by striking the figure
14 "500,000" and inserting the following: "400,000".

15 17. Page 4, by inserting after line 27 the
16 following:

17 "The national program for playground safety shall
18 submit a report by January 15, 2006, to the joint
19 appropriations subcommittee on transportation,
20 infrastructure, and capitals detailing the use of the
21 moneys appropriated in this subsection. The report
22 shall specify the projects for which moneys were used
23 and the cost of each project including the amounts
24 spent on administration."

25 18. By striking page 4, line 29, through page 5,
26 line 9, and inserting the following:

27 "For lake dredging and the construction of bike
28 trails at Lake Cornelia in Wright county,
29 notwithstanding section 8.57, subsection 6, paragraph
30 "c":

31 \$ 429,000"

32 19. Page 5, line 18, by inserting after the
33 figure "28K" the following: ", notwithstanding
34 section 8.57, subsection 6, paragraph "c".

35 20. Page 5, by inserting after line 19 the
36 following:

37 "____. For costs associated with the planning,
38 design, and construction of a destination park:

39 \$ 3,000,000"

40 21. Page 5, line 23, by inserting after the word
41 "system" the following: ", notwithstanding section
42 8.57, subsection 6, paragraph "c".

43 22. Page 5, line 27, by striking the words "a regional
44 training facility" and inserting the following: "fire training
45 facilities".

46 23. Page 5, line 28, by striking the figure "500,000" and
47 inserting the following: "800,000".

48 24. Page 5, line 30, by striking the figure "100,000" and
49 inserting the following: "300,000".

50 25. Page 5, by striking lines 31 through 33 and

1 inserting the following: "training center.
2 Of the amount appropriated in this lettered
3 paragraph, \$200,000 shall be allocated to the Dubuque
4 fire training center.

5 The division of fire safety shall submit a report
6 by January 15, 2006, to the joint appropriations
7 subcommittee on transportation, infrastructure, and
8 capitals detailing the use of the moneys appropriated
9 in this subsection."

10 26. Page 6, line 1, by inserting after the word
11 "departments" the following: ", notwithstanding
12 section 8.57, subsection 6, paragraph "c"."

13 27. Page 6, line 4, by inserting after the word
14 "For" the following: "major".

15 28. Page 6, line 12, by inserting after the word
16 "program" the following: ", notwithstanding section
17 8.57, subsection 6, paragraph "c"."

18 29. Page 6, by inserting after line 17 the
19 following:

20 "In awarding assistance under the vertical
21 infrastructure improvement grant program, the
22 department shall give preference to projects that
23 demonstrate a collaborative effort between airports."

24 30. Page 7, line 4, by striking the figure "1,371,045" and
25 inserting the following: "1,521,045".

26 31. Page 7, line 11, by striking the figure "1,690,000"
27 and inserting the following: "1,840,000".

28 32. Page 9, by striking lines 3 through 7.

29 33. Page 9, by inserting after line 20, the following:

30 "Sec. ____ . Section 328.1, subsection 9, Code 2005, is amended
31 to read as follows:

32 9. "Airport" means any landing area used regularly
33 by aircraft for receiving or discharging passengers or
34 cargo, and all appurtenant areas used or suitable for
35 airport buildings or other airport facilities, and all
36 appurtenant rights of way, whether heretofore or
37 hereafter established. "Airport" includes land within a city
38 with a population greater than one hundred seventy-five thousand
39 which is acquired to replace or mitigate land used in an airport
40 runway project at an existing airport when federal law, grant, or
41 action requires such replacement or mitigation."

42 34. Page 12, line 31, by striking the word "each"
43 and inserting the following: "the hungry canyons".

44 35. Page 12, line 33, by inserting after the word
45 "costs." the following: "No more than 10 percent of
46 the moneys allocated to the loess hills alliance
47 account in this lettered paragraph may be used for
48 administrative costs."

49 36. Page 14, by inserting after line 23 the
50 following:

1 "Sec. _____. Section 161A.80, subsection 2,
2 paragraphs a and b, Code 2005, are amended to read as
3 follows:

4 a. This section is repealed on July 1, ~~2005~~ 2015.

5 b. The principal and interest from any blufflands
6 protection loan outstanding on July 1, ~~2005~~ 2015, and
7 payable to the blufflands protection revolving fund,
8 shall be paid to the administrative director of the
9 division of soil conservation on or after July 1, ~~2005~~
10 2015, pursuant to the terms of the loan agreement and
11 shall be credited to the rebuild Iowa infrastructure
12 fund."

13 37. Page 15, by striking lines 22 through 35 and
14 inserting the following: "the statehouse that
15 experienced such water damage."

16 38. Page 16, by inserting after line 12 the
17 following:

18 "(____) For major renovation and major repair
19 needs, including health, life, and fire safety needs,
20 and for compliance with the federal Americans With
21 Disabilities Act, for state buildings and facilities
22 under the purview of the department:

23 \$ 3,000,000"

24 39. Page 17, line 6, by inserting after the word
25 "network" the following: "notwithstanding section
26 12E.12, subsection 1, paragraph "b", subparagraph
27 (1)".

28 40. Page 18, line 18, by inserting after the word
29 "institutions" the following: "notwithstanding
30 section 12E.12, subsection 1, paragraph "b",
31 subparagraph (1)".

32 41. Page 18, line 28, by inserting after the
33 figure "16.177" the following: "notwithstanding
34 section 12E.12, subsection 1, paragraph "b",
35 subparagraph (1)".

36 42. Page 18, by striking lines 30 through 35.

37 43. Page 19, line 12, by inserting before the
38 word "section" the following: "section 25, subsection
39 3, paragraph "b", and".

40 44. Page 19, by inserting after line 17 the
41 following:

42 "Sec. _____. 2002 Iowa Acts, chapter 1173, section
43 1, subsection 7, paragraph a, as amended by 2004 Iowa
44 Acts, chapter 1175, section 310, is amended to read as
45 follows:

46 a. For parking improvements and provision of
47 street access for the judicial building:

48 FY 2002-2003	\$	700,000
49 FY 2003-2004	\$	0
50 FY 2004-2005	\$	0

1 FY 2005-2006 \$

2 Of the amount appropriated in this lettered

3 paragraph for FY 2002-2003, up to \$330,000 may be used

4 for costs associated with ~~operation of the judicial~~

5 ~~building, notwithstanding section 12E.12, subsection~~

6 ~~1, paragraph "b", subparagraph (1)~~ site work in the

7 vicinity of the judicial building.

8 Sec. _____. 2003 Iowa Acts, chapter 177, section 22,

9 subsection 6, paragraph a, is amended by striking the

10 paragraph."

11 45. Page 19, by inserting after line 21 the

12 following:

13 "Sec. _____. EFFECTIVE DATE. The section of this

14 division of this Act amending 2002 Iowa Acts, chapter

15 1173, section 1, subsection 7, being deemed of

16 immediate importance, takes effect upon enactment.

17 Sec. _____. EFFECTIVE DATE. The section of this

18 division of this Act amending 2003 Iowa Acts, chapter

19 177, section 22, subsection 6, being deemed of

20 immediate importance, takes effect upon enactment."

21 46. Page 20, line 35, by inserting after the word

22 "facilities" the following: ", notwithstanding

23 section 8.57B, subsection 3".

24 47. Page 24, by inserting after line 14 the

25 following:

26 "DIVISION

27 IOWA COMMUNICATIONS NETWORK

28 Sec. _____. Section 8D.3, subsection 3, paragraph i,

29 Code 2005, is amended to read as follows:

30 i. Evaluate existing and projected rates for use

31 of the system and ensure that rates are sufficient to

32 pay for the operation of the system excluding the cost

33 of construction and lease costs for Parts I, II, and

34 III. The commission shall establish all hourly rates

35 to be charged to all authorized users for the use of

36 the network and shall consider all costs of the

37 network in establishing the rates. A fee established

38 by the commission to be charged to a hospital licensed

39 pursuant to chapter 135B, a physician clinic, or the

40 federal government shall be at an appropriate rate so

41 that, at a minimum, there is no state subsidy related

42 to the costs of the connection or use of the network

43 related to such user.

44 Sec. _____. Section 8D.13, subsection 11, Code 2005,

45 is amended to read as follows:

46 11. The fees charged for use of the network and

47 state communications shall be based on the ongoing

48 ~~operational costs~~ expenses of the network and of

49 providing state communications ~~only~~. For the services

50 rendered to state agencies by the commission, the

1 commission shall prepare a statement of services
2 rendered and the agencies shall pay in a manner
3 consistent with procedures established by the
4 department of administrative services."

5 48. Page 24, by inserting after line 14, the
6 following:

7 "DIVISION
8 ACCESS IOWA HIGHWAYS

9 Sec. ____.

10 1. INTENT. It is the intent of the general
11 assembly to formulate an access Iowa plan which shall
12 designate portions of the commercial and industrial
13 network of highways as access Iowa highways. The goal
14 of the access Iowa plan shall be to enhance the
15 existing Iowa economy and ensure its continuing
16 development and growth in the national and global
17 competitive marketplace by providing for early
18 completion of the construction of the most important
19 portions of the Iowa highway system. These portions
20 of the system shall be those that are essential for
21 support of intrastate transportation and commerce and
22 essential for ensuring Iowans direct access to the
23 nation's system of interstate highways and
24 transportation services.

25 The general assembly's past actions are consistent
26 with the access Iowa plan. The general assembly has
27 set general policy guidelines for the state
28 transportation commission's planning and programming
29 development, directed that road service be equalized
30 throughout the state, determined that a commercial and
31 industrial network of highways would benefit Iowa
32 transportation services, directed the commission to
33 focus at least part of their legislatively provided
34 resources on the commercial and industrial network,
35 and directed that the commission consider equalization
36 of accessibility for economic development as one of
37 the factors in establishing its plan and program
38 priorities for the commercial and industrial network.
39 These actions recognize that interstate commerce and
40 national economic development are furthered and
41 supported by the national system of interstate and
42 defense highways and the national highway system, and
43 that Iowa commerce and economic development are
44 supported by Iowa's commercial and industrial network
45 of highways.

46 2. ACCESS IOWA HIGHWAY DESIGNATION. The state
47 department of transportation shall designate portions
48 of the commercial and industrial network of highways
49 as access Iowa highways and shall expedite and
50 accelerate development of access Iowa highways. When

1 designating those portions of the commercial and
2 industrial network as access Iowa highways, the
3 department shall consider the direct and priority
4 linkages between economic centers within the state
5 with populations of 20,000 or more and the enhancement
6 of intrastate mobility and Iowa regional accessibility
7 and national accessibility.

8 3. REPEAL. This section is repealed effective
9 July 1, 2015."

10 49. Page 24, by inserting before line 15, the
11 following:

12 "DIVISION
13 HONEY CREEK PREMIER DESTINATION
14 PARK BOND PROGRAM

15 Sec. _____. Section 12.30, subsection 1, paragraph
16 a, Code 2005, is amended to read as follows:

17 a. "Authority" means a department, or public or
18 quasi-public instrumentality of the state including,
19 but not limited to, the authority created under
20 chapter 12E, 16, 16A, 175, 257C, 261A, ~~or~~ 327I, or
21 463C, which has the power to issue obligations, except
22 that "authority" does not include the state board of
23 regents or the Iowa finance authority to the extent it
24 acts pursuant to chapter 260C.

25 Sec. _____. NEW SECTION. 463C.1 TITLE.

26 This chapter shall be known and may be cited as the
27 "Honey Creek Premier Destination Park Bond Program".

28 Sec. _____. NEW SECTION. 463C.2 DEFINITIONS.

29 As used in this chapter, unless the context
30 otherwise requires:

31 1. "Authority" means the honey creek premier
32 destination park authority created in section 463C.4.

33 2. "Board" means the governing board of the
34 authority.

35 3. "Bonds" means bonds, notes, and other
36 obligations and financing arrangements issued or
37 entered into by the authority pursuant to this
38 chapter.

39 4. "Department" means the department of natural
40 resources.

41 5. "Fund" means the honey creek premier
42 destination park bond fund created in section 463C.11.

43 6. "Program" means the honey creek premier
44 destination park bond program established in section
45 463C.10.

46 Sec. _____. NEW SECTION. 463C.3 LEGISLATIVE
47 FINDINGS.

48 1. The establishment of the honey creek premier
49 destination park bond program and honey creek premier
50 destination park authority is in all respects for the

1 benefit of the people of the state of Iowa, for the
2 improvement of their health and welfare, and for the
3 promotion of the economy, which are public purposes.

4 2. The authority will be performing an essential
5 governmental function in the exercise of the powers
6 and duties conferred upon it by this chapter.

7 3. The authority will assist in the establishment
8 of the honey creek premier destination park in the
9 state which will provide important recreational and
10 economic benefits to the state.

11 4. Current efforts to develop the honey creek
12 premier destination park in the state have fallen
13 short and the creation of an authority which has the
14 mission of engaging and assisting in these efforts
15 will increase the likelihood of reaching the desired
16 goal.

17 5. It is necessary to create the honey creek
18 premier destination park bond program and authority to
19 encourage the investment of private capital to
20 stimulate the development and construction of the park
21 including lodges, campgrounds, cabins, and golf
22 courses through the use of public financing, and to
23 this extent it is the public policy of this state to
24 support the honey creek premier destination park bond
25 program in the procurement of necessary moneys for
26 deposit into the honey creek premier destination park
27 bond fund.

28 Sec. ____ . NEW SECTION. 463C.4 ESTABLISHMENT OF
29 HONEY CREEK PREMIER DESTINATION PARK AUTHORITY.

30 1. The honey creek premier destination park
31 authority is created and constitutes a public
32 instrumentality and agency of the state, separate and
33 distinct from the state, exercising public and
34 essential governmental functions.

35 2. The purposes of the authority include all of
36 the following:

37 a. To implement and administer the honey creek
38 premier destination park bond program and to establish
39 a stable source of revenue to be used for the purposes
40 designated in this chapter.

41 b. To issue bonds and enter into funding options,
42 consistent with this chapter, including refunding and
43 refinancing its debt and obligations.

44 c. To provide for and secure the issuance and
45 repayment of its bonds.

46 d. To invest funds available under this chapter to
47 provide for a source of revenue in accordance with the
48 program plan.

49 e. To refund and refinance the authority's debts
50 and obligations, and to manage its funds, obligations,

1 and investments as necessary and if consistent with
2 its purpose.

3 f. To implement the purposes of this chapter.

4 3. The authority shall invest its funds and
5 accounts in accordance with this chapter and shall not
6 take action or invest in any manner that would cause
7 the state to become a stockholder in any corporation
8 or that would cause the state to assume or agree to
9 pay the debt or liability of any corporation in
10 violation of the United States Constitution or the
11 Constitution of the State of Iowa.

12 4. The authority shall not create any obligation
13 of this state or any political subdivision of this
14 state within the meaning of any constitutional or
15 statutory debt limitation.

16 5. The authority shall not pledge the credit or
17 taxing power of this state or any political
18 subdivision of this state, or make its debts payable
19 out of any moneys except those of the authority
20 specifically pledged for their payment.

21 Sec. ____ . NEW SECTION. 463C.5 GOVERNING BOARD.

22 1. The powers of the authority are vested in and
23 shall be exercised by a board consisting of the
24 treasurer of state, the auditor of state, and the
25 director of the department of management.
26 Notwithstanding the provisions of section 12.30,
27 subsection 2, regarding ex officio nonvoting status,
28 the treasurer of state shall act as a voting member of
29 the authority.

30 2. Two members of the board constitute a quorum.

31 3. The members shall elect a chairperson, vice
32 chairperson, and secretary, annually, and other
33 officers as the members determine necessary. The
34 treasurer of state shall serve as treasurer of the
35 authority.

36 4. Meetings of the board shall be held at the call
37 of the chairperson or when a majority of the members
38 so requests.

39 5. The members of the board shall not receive
40 compensation by reason of their membership on the
41 board.

42 Sec. ____ . NEW SECTION. 463C.6 STAFF --
43 ASSISTANCE BY STATE OFFICERS, AGENCIES, AND
44 DEPARTMENTS.

45 1. The staff of the office of the treasurer of
46 state shall also serve as staff of the authority under
47 the supervision of the treasurer.

48 2. State officers, agencies, and departments may
49 render services to the authority within their
50 respective functions, as requested by the authority.

1 Sec. ____ . NEW SECTION. 463C.7 LIMITATION OF
2 LIABILITY.

3 Members of the board and persons acting on the
4 authority's behalf, while acting within the scope of
5 their employment or agency, are not subject to
6 personal liability resulting from carrying out the
7 powers and duties conferred on them under this
8 chapter.

9 Sec. ____ . NEW SECTION. 463C.8 GENERAL POWERS OF
10 AUTHORITY.

11 1. The authority has all the general powers
12 necessary to carry out its purposes and duties and to
13 exercise its specific powers, including but not
14 limited to all of the following powers:

15 a. The power to issue its bonds and to enter into
16 other funding options as provided in this chapter.

17 b. The power to have perpetual succession as a
18 public instrumentality and agency of the state, until
19 dissolved in accordance with this chapter.

20 c. The power to sue and be sued in its own name.

21 d. The power to make and execute agreements,
22 contracts, and other instruments, with any public or
23 private person, in accordance with this chapter.

24 e. The power to hire and compensate legal counsel,
25 notwithstanding chapter 13.

26 f. The power to hire investment advisors and other
27 persons as necessary to fulfill its purpose.

28 g. The power to invest or deposit moneys of or
29 held by the authority in any manner determined by the
30 authority, notwithstanding chapter 12B or 12C.

31 h. The power to procure insurance, other credit
32 enhancements, and other financing arrangements, and to
33 execute instruments and contracts and to enter into
34 agreements convenient or necessary to facilitate
35 financing arrangements of the authority and to fulfill
36 the purposes of the authority under this chapter,
37 including but not limited to such arrangements,
38 instruments, contracts, and agreements as bond
39 insurance, liquidity facilities, interest rate
40 agreements, and letters of credit.

41 i. The power to accept appropriations, gifts,
42 grants, loans, or other aid from public or private
43 entities.

44 j. The power to adopt rules consistent with this
45 chapter and in accordance with chapter 17A, as the
46 board determines necessary.

47 k. The power to acquire, own, hold, administer,
48 and dispose of property.

49 l. The power to determine, in connection with the
50 issuance of bonds, and subject to the sales agreement,

1 the terms and other details of financing, and the
2 method of implementation of the program plan.

3 m. The power to perform any act not inconsistent
4 with federal or state law necessary to carry out the
5 purposes of the authority.

6 2. The authority is exempt from the requirements
7 of chapter 8A, subchapter III.

8 Sec. ____ . NEW SECTION. 463C.9 POWERS NOT
9 RESTRICTED -- LAW COMPLETE IN ITSELF.

10 This chapter shall not restrict or limit the powers
11 which the authority has under any other law of this
12 state, but is cumulative as to any such powers. A
13 proceeding, notice, or approval is not required for
14 the creation of the authority or the issuance of
15 obligations or an instrument as security, except as
16 provided in this chapter.

17 Sec. ____ . NEW SECTION. 463C.10 HONEY CREEK
18 PREMIER DESTINATION PARK BOND PROGRAM.

19 The authority shall assist in the development and
20 expansion of the honey creek premier destination park
21 in the state through the establishment of the honey
22 creek premier destination park bond program. The
23 authority may issue its bonds or notes, or series of
24 bonds or notes, for the purpose of defraying the cost
25 of one or more projects for the development and
26 expansion of the honey creek premier destination park
27 in the state, including lodges, campgrounds, cabins,
28 and golf courses, and make secured and unsecured loans
29 for the acquisition and construction of such projects
30 on terms the authority determines.

31 Sec. ____ . NEW SECTION. 463C.11 HONEY CREEK
32 PREMIER DESTINATION PARK BOND FUND.

33 1. The honey creek premier destination park bond
34 fund is established as a separate and distinct fund in
35 the state treasury consisting of honey creek premier
36 destination park revenues, any moneys appropriated by
37 the general assembly to the fund, and any other moneys
38 available to and obtained or accepted by the authority
39 for placement in the fund. The moneys in the fund
40 shall be used to develop the honey creek premier
41 destination park in the state by funding the
42 development and construction of facilities in the park
43 including but not limited to lodges, campgrounds,
44 cabins, and golf courses.

45 2. Payments of interest, repayments of moneys
46 loaned pursuant to this chapter, and recaptures of
47 awards shall be deposited in the fund.

48 3. Moneys in the fund may be used by the authority
49 for the purpose of providing grants, loans, forgivable
50 loans, loan guarantees under the honey creek premier

1 destination park bond program established in this
2 chapter, and otherwise funding the development and
3 construction of facilities in the park including but
4 not limited to lodges, campgrounds, cabins, and golf
5 courses. The moneys in the fund shall be used for the
6 development and construction of facilities in the
7 honey creek premier destination park.

8 4. The authority, in consultation with the
9 department, shall determine which projects qualify for
10 assistance from the fund, and which projects shall be
11 funded.

12 Sec. ____ . NEW SECTION. 463C.12 PREMIER
13 DESTINATION PARK BONDS.

14 1. The authority may issue bonds for the purpose
15 of funding the honey creek premier destination park
16 bond fund established in section 463C.11 and for the
17 purpose of refunding any bonds issued under this
18 section. The authority may issue bonds in principal
19 amounts which, in the opinion of the board, are
20 necessary to provide sufficient funds for the honey
21 creek premier destination park bond fund established
22 in section 463C.11, the payment of interest on the
23 bonds, the establishment of reserves to secure the
24 bonds, the costs of issuance of the bonds, other
25 expenditures of the authority incident to and
26 necessary or convenient to carry out the bond issue
27 for the fund, and all other expenditures of the board
28 necessary or convenient to administer the fund;
29 provided, however, excluding the issuance of refunding
30 bonds, bonds issued pursuant to this section shall not
31 be issued in an aggregate principal amount which
32 exceeds twenty-eight million dollars.

33 2. The bonds are investment securities and
34 negotiable instruments within the meaning of and for
35 the purposes of the uniform commercial code.

36 3. The authority may pledge amounts deposited in
37 the honey creek premier destination park bond fund
38 established in section 463C.11 as security for the
39 payment of the principal of premium, if any, and
40 interest on the bonds. Bonds issued under this
41 section are payable solely and only out of the moneys,
42 assets, or revenues of the honey creek premier
43 destination park bond fund and any bond reserve funds
44 established pursuant to section 463C.13, all of which
45 may be deposited with trustees or depositories in
46 accordance with bond or security documents, and are
47 not an indebtedness of this state, or a charge against
48 the general credit or general fund of the state, and
49 the state shall not be liable for the bonds except
50 from amounts on deposit in the funds. Bonds issued

1 under this section shall contain a statement that the
2 bonds do not constitute an indebtedness of the state.

3 4. The bonds shall be:

4 a. In a form, issued in denominations, executed in
5 a manner, payable over terms and with rights of
6 redemption, and subject to such other terms and
7 conditions as prescribed in the trust indenture,
8 resolution, or other instrument authorizing their
9 issuance.

10 b. Negotiable instruments under the laws of this
11 state and may be sold at prices, at public or private
12 sale, and in a manner as prescribed by the authority.
13 Chapters 73A, 74, 74A, and 75 do not apply to the sale
14 or issuance of the bonds.

15 c. Subject to the terms, conditions, and covenants
16 providing for the payment of the principal, redemption
17 premiums, if any, interest, and other terms,
18 conditions, covenants, and protective provisions
19 safeguarding payment, not inconsistent with this
20 section and as determined by the trust indenture,
21 resolution, or other instrument authorizing their
22 issuance.

23 5. The bonds are securities in which public
24 officers and bodies of this state, political
25 subdivisions of this state, insurance companies and
26 associations and other persons carrying on an
27 insurance business, banks, trust companies, savings
28 associations, savings and loan associations, and
29 investment companies, administrators, guardians,
30 executors, trustees, and other fiduciaries, and other
31 persons authorized to invest in bonds or other
32 obligations of the state, may properly and legally
33 invest funds, including capital, in their control or
34 belonging to them.

35 6. Bonds must be authorized by a trust indenture,
36 resolution, or other instrument of the authority that
37 is approved by the authority. However, a trust
38 indenture, resolution, or other instrument authorizing
39 the issuance of bonds may delegate to an officer of
40 the authority the power to negotiate and fix the
41 details of an issuance of bonds.

42 7. Neither the resolution, trust agreement, or any
43 other instrument by which a pledge is created is
44 required to be recorded or filed under the uniform
45 commercial code to be valid, binding, or effective.

46 8. All bonds issued by the authority in connection
47 with the program are exempt from taxation by the state
48 of Iowa and the interest on the bonds is exempt from
49 state income taxes and state inheritance and estate
50 taxes.

1 9. The authority may issue bonds for the purpose
2 of refunding any bonds or notes issued pursuant to
3 this section then outstanding, including the payment
4 of any redemption premiums thereon and any interest
5 accrued or to accrue to the date of redemption of the
6 outstanding bonds or notes. Until the proceeds of
7 bonds issued for the purpose of refunding outstanding
8 bonds or notes are applied to the purchase or
9 retirement of outstanding bonds or notes or the
10 redemption of outstanding bonds or notes, the proceeds
11 may be placed in escrow and be invested and reinvested
12 in accordance with the provisions of this section.
13 The interest, income, and profits earned or realized
14 on an investment may also be applied to the payment of
15 the outstanding bonds or notes to be refunded by
16 purchase, retirement, or redemption. After the terms
17 of the escrow have been fully satisfied and carried
18 out, any balance of proceeds and interest earned or
19 realized on the investments may be returned to the
20 board for deposit in the honey creek premier
21 destination park bond fund established in section
22 463C.11. All refunding bonds shall be issued and
23 secured and subject to the provisions of this chapter
24 in the same manner and to the same extent as other
25 bonds issued pursuant to this section.

26 Sec. ____ . NEW SECTION. 463C.13 BOND RESERVE
27 FUNDS.

28 1. The authority may create and establish one or
29 more special funds, to be known as bond reserve funds,
30 and shall pay into each bond reserve fund any moneys
31 appropriated and made available by the authority for
32 the purpose of the bond reserve fund, any proceeds of
33 sale of notes or bonds to the extent provided in the
34 trust indenture, resolution, or other instrument of
35 the treasurer of state authorizing their issuance, and
36 any other moneys which may be available to the
37 authority for the purpose of the bond reserve fund
38 from any other sources. All moneys held in a bond
39 reserve fund, except as otherwise provided in this
40 section, shall be used as required solely for the
41 payment of the principal of bonds secured in whole or
42 in part by the bond reserve fund or of the sinking
43 fund payments with respect to the bonds, the purchase
44 or redemption of the bonds, the payment of interest on
45 the bonds, or the payments of any redemption premium
46 required to be paid when the bonds are redeemed prior
47 to maturity.

48 2. Moneys in a bond reserve fund shall not be
49 withdrawn from the bond reserve fund at any time in an
50 amount that will reduce the amount of the bond reserve

1 fund to less than the bond reserve fund requirement
2 established for the bond reserve fund, as provided in
3 this section, except for the purpose of making, with
4 respect to bonds secured in whole or in part by the
5 bond reserve fund, payment when due of principal,
6 interest, redemption premiums, and the sinking fund
7 payments with respect to the bonds for the payment of
8 which other moneys are not available. Any income or
9 interest earned by, or incremental to, a bond reserve
10 fund due to the investment of moneys in the bond
11 reserve fund may be transferred by the authority to
12 other reserve funds or the honey creek premier
13 destination park bond fund to the extent the transfer
14 does not reduce the amount of that bond reserve fund
15 below the bond reserve fund requirement for the bond
16 reserve fund.

17 3. The authority shall not at any time issue
18 bonds, secured in whole or in part by a bond reserve
19 fund, if, upon the issuance of the bonds, the amount
20 in the bond reserve fund will be less than the bond
21 reserve fund requirement for the bond reserve fund,
22 unless the authority at the time of issuance of the
23 bonds deposits in the bond reserve fund from the
24 proceeds of the bonds issued or from other sources an
25 amount which, together with the amount then in the
26 bond reserve fund, will not be less than the bond
27 reserve fund requirement for the bond reserve fund.
28 For the purposes of this section, the term "bond
29 reserve fund requirement" means, as of any particular
30 date of computation, an amount of money, as provided
31 in the trust indenture, resolution, or other
32 instrument of the authority authorizing the bonds with
33 respect to which the bond reserve fund is established,
34 equal to not more than ten percent of the outstanding
35 principal amount of bonds secured in whole or in part
36 by the bond reserve fund.

37 4. To assure the continued operation and solvency
38 of the authority for the carrying out of its corporate
39 purposes, provision is made in subsection 1 for the
40 accumulation in each bond reserve fund of an amount
41 equal to the bond reserve fund requirement for the
42 fund. In order further to assure maintenance of the
43 bond reserve funds, the chairperson of the authority
44 shall, on or before July 1 of each calendar year, make
45 and deliver to the governor the chairperson's
46 certificate stating the sum, if any, required to
47 restore each bond reserve fund to the bond reserve
48 fund requirement for that fund. Within thirty days
49 after the beginning of the session of the general
50 assembly next following the delivery of the

1 certificate, the governor may submit to both houses
2 printed copies of a budget including the sum, if any,
3 required to restore each bond reserve fund to the bond
4 reserve fund requirement for that fund. Any sums
5 appropriated by the general assembly and paid to the
6 authority pursuant to this section shall be deposited
7 by the authority in the applicable bond reserve fund.

8 Sec. ____ . NEW SECTION. 463C.14 PLEDGES.

9 It is the intention of the general assembly that a
10 pledge made in respect of bonds or notes shall be
11 valid and binding from the time the pledge is made,
12 that the money or property so pledged and received
13 after the pledge by the treasurer of state shall
14 immediately be subject to the lien of the pledge
15 without physical delivery or further act, and that the
16 lien of the pledge shall be valid and binding as
17 against all parties having claims of any kind in tort,
18 contract, or otherwise against the treasurer of state
19 whether or not the parties have notice of the lien.

20 Sec. ____ . NEW SECTION. 463C.15 MONEYS OF THE
21 AUTHORITY.

22 1. Moneys of the authority from whatever source
23 derived, except as otherwise provided in this chapter,
24 shall be paid to the authority and shall be deposited
25 in the honey creek premier destination park bond fund.
26 The moneys shall be withdrawn on the order of the
27 person authorized by the authority. Deposits shall,
28 if required by the authority, be secured in the manner
29 determined by the authority. The auditor of state and
30 the auditor's legally authorized representatives may
31 periodically examine the accounts and books of the
32 authority, including its receipts, disbursements,
33 contracts, leases, sinking funds, investments and any
34 other records and papers relating to its financial
35 standing, and the authority shall not be required to
36 pay a fee for the examination.

37 2. The authority may contract with holders of its
38 bonds or notes as to the custody, collection,
39 security, investment, and payment of moneys of the
40 authority, of moneys held in trust or otherwise for
41 the payment of bonds or notes, and to carry out the
42 contract. Moneys held in trust or otherwise for the
43 payment of bonds or notes or in any way to secure
44 bonds or notes and deposits of the moneys may be
45 secured in the same manner as moneys of the authority,
46 and banks and trust companies may give security for
47 the deposits.

48 3. Subject to the provisions of any contract with
49 bondholders or noteholders and to the approval of the
50 director of the department of administrative services,

1 the authority shall prescribe a system of accounts.
 2 4. The authority shall submit to the governor, the
 3 auditor of state, the department of management, and
 4 the department of administrative services, within
 5 thirty days of its receipt by the authority, a copy of
 6 the report of every external examination of the books
 7 and accounts of the authority other than copies of the
 8 reports of examinations made by the auditor of state.

9 Sec. ____ . NEW SECTION. 463C.16 ANNUAL REPORT.

10 1. The authority shall submit to the governor, the
 11 general assembly, and the attorney general, on or
 12 before December 31, annually, a report including
 13 information regarding all of the following:

- 14 a. Its operations and accomplishments.
- 15 b. Its receipts and expenditures during the
 16 previous fiscal year, in accordance with
 17 classifications it establishes for its operating and
 18 capital accounts.
- 19 c. Its assets and liabilities at the end of the
 20 previous fiscal year and the status of reserve,
 21 special, and other funds.
- 22 d. A schedule of its bonds outstanding at the end
 23 of the previous fiscal year, and a statement of the
 24 amounts redeemed and issued during the previous fiscal
 25 year.
- 26 e. A statement of its proposed and projected
 27 activities.
- 28 f. Recommendations to the governor and the general
 29 assembly, as deemed necessary.
- 30 g. A statement of all projects funded in the
 31 previous fiscal year.
- 32 h. Any other information deemed necessary.

33 2. The annual report shall identify performance
 34 goals of the authority, and clearly indicate the
 35 extent of progress during the reporting period in
 36 attaining these goals.

37 Sec. ____ . NEW SECTION. 463C.17 EXEMPTION FROM
 38 COMPETITIVE BID LAWS.

39 The authority and contracts entered into by the
 40 authority in carrying out its public and essential
 41 governmental functions are exempt from the laws of the
 42 state which provide for competitive bids and hearings
 43 in connection with contracts, except as provided in
 44 section 12.30.

45 Sec. ____ . NEW SECTION 463C.18 BANKRUPTCY.

46 Prior to the date which is three hundred sixty-six
 47 days after which the authority no longer has any bonds
 48 outstanding, the authority is prohibited from filing a
 49 voluntary petition under chapter 9 of the federal
 50 bankruptcy code or such corresponding chapter or

1 section as may, from time to time, be in effect, and a
2 public official or organization, entity, or other
3 person shall not authorize the authority to be or
4 become a debtor under chapter 9 or any successor or
5 corresponding chapter or sections during such periods.
6 The provisions of this section shall be part of any
7 contractual obligation owed to the holders of bonds
8 issued under this chapter. Any such contractual
9 obligation shall not subsequently be modified by state
10 law, during the period of the contractual obligation.

11 Sec. ____ . NEW SECTION. 463C.19 DISSOLUTION OF
12 THE AUTHORITY.

13 The authority shall dissolve no later than two
14 years after the date of final payment of all
15 outstanding bonds and the satisfaction of all
16 outstanding obligations of the authority, except to
17 the extent necessary to remain in existence to fulfill
18 any outstanding covenants or provisions with
19 bondholders or third parties made in accordance with
20 this chapter. Upon dissolution of the authority, all
21 assets of the authority shall be returned to the state
22 and shall be deposited in the general fund of the
23 state, unless otherwise directed by the general
24 assembly, and the authority shall execute any
25 necessary assignments or instruments, including any
26 assignment of any right, title, or ownership to the
27 state for receipt of payments.

28 Sec. ____ . NEW SECTION. 463C.20 LIBERAL
29 INTERPRETATION.

30 This chapter, being deemed necessary for the
31 welfare of the state and its people, shall be
32 liberally construed to effect its purpose.

33 Sec. ____ . MATCHING FUNDS. Moneys appropriated in
34 this Act, if enacted, to be used for the purpose of
35 funding the development and construction of the honey
36 creek premier destination park shall be available only
37 for projects that contain a match of four dollars of
38 private funds for each three dollars of state funds.

39 Sec. ____ . EFFECTIVE DATE. This division of this
40 Act, being deemed of immediate importance, takes
41 effect upon enactment."

42 50. Title page, line 5, by inserting after the
43 word "matters," the following: "and creating the
44 honey creek premier destination park bond program and
45 authority and providing for the issuance of tax-exempt
46 bonds,".

47 51. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

By STEVEN H. WARNSTADT
STEVE KETTERING

DARYL BEALL
JEFF ANGELO

HOUSE FILE 875

S-3260

1 Amend House File 875, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, by inserting after line 1 the
4 following:
5 "Of the amount appropriated in this lettered
6 paragraph, \$100,000 shall be allocated for the five
7 island lake in Palo Alto county."

By STEWART IVERSON, Jr.
MICHAEL E. GRONSTAL

S-3260 FILED MAY 4, 2005

ADOPTED

HOUSE FILE 875

S-3256

1 Amend House File 875, as passed by the House, as
2 follows:
3 1. Page 22, by inserting after line 3, the
4 following:
5 "Sec. ____ . Notwithstanding any other provision to
6 the contrary, there is appropriated from the railroad
7 revolving loan and grant fund to the railway finance
8 authority for the fiscal period beginning July 1,
9 2005, and ending June 30, 2007, the amount of all loan
10 repayments that accrue to the fund for the fiscal
11 period beginning July 1, 2005, and ending June 30,
12 2007, or so much thereof as is necessary, not to
13 exceed \$800,000, to be used to make loans to cities
14 with a population exceeding one hundred fifty thousand
15 to implement quiet zone legislation."
16 2. By renumbering as necessary.

By MATT McCOY

S-3256 FILED MAY 4, 2005

WITHDRAWN

SENATE AMENDMENT TO
HOUSE FILE 875

H-1679

1 Amend House File 875, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 13 through 15 and
4 inserting the following:
5 "b. For rent payments for the community-based
6 corrections facility located in Davenport and the
7 department of corrections training center:"
8 2. Page 1, by inserting after line 28, the
9 following:

10 "DIVISION

11 STORMWATER DISCHARGE PERMIT FEES

12 Sec. ____ . STORMWATER DISCHARGE PERMIT FEES
13 APPROPRIATION -- AIR QUALITY MONITORING.

14 Notwithstanding any contrary provision of state law,
15 there is appropriated from stormwater discharge permit
16 fees as authorized to be collected pursuant to section
17 455B.103A to the department of natural resources for
18 the fiscal year beginning July 1, 2005, and ending
19 June 30, 2006, the following amount, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 For full-time personnel to conduct air quality
23 monitoring, which may include but is not limited to
24 staffing required to perform field monitoring and
25 laboratory functions, including salaries, support,
26 maintenance, and miscellaneous purposes:

27 \$ 275,000"

28 3. Page 2, line 2, by inserting after the word
29 "projects" the following: ", notwithstanding section
30 8.57, subsection 6, paragraph "c".

31 4. Page 2, line 13, by inserting after the word
32 "payments" the following: ", notwithstanding section
33 8.57, subsection 6, paragraph "c".

34 5. Page 2, line 16, by inserting after the word
35 "facilities" the following: ", notwithstanding
36 section 8.57, subsection 6, paragraph "c".

37 6. Page 2, line 22, by striking the figure
38 "3,291,891" and inserting the following: "291,891".

39 7. Page 2, line 31, by striking the figure
40 "1,311,045" and inserting the following: "1,161,045".

41 8. Page 3, line 11, by striking the figure
42 "1,090,000" and inserting the following: "940,000".

43 9. Page 3, line 15, by inserting after the figure
44 "103,000" the following: ", notwithstanding section
45 8.57, subsection 6, paragraph "c".

46 10. Page 3, line 20, by inserting after the word
47 "Illinois" the following: ", notwithstanding section
48 8.57, subsection 6, paragraph "c".

49 11. Page 3, line 30, by inserting after the word
50 "program" the following: ", notwithstanding section

H-1679

1 8.57, subsection 6, paragraph "c".
 2 12. Page 3, line 31, by striking the figure
 3 "600,000" and inserting the following: "700,000".
 4 13. Page 3, line 33, by inserting after the word
 5 "network" the following: ", notwithstanding section
 6 8.57, subsection 6, paragraph "c".

7 14. Page 4, line 1, by inserting after the word
 8 "transmitters" the following: ", notwithstanding
 9 section 8.57, subsection 6, paragraph "c".

10 15. Page 4, line 18, by inserting after the word
 11 "initiative" the following: ", notwithstanding
 12 section 8.57, subsection 6, paragraph "c".

13 16. Page 4, line 19, by striking the figure
 14 "500,000" and inserting the following: "400,000".

15 17. Page 4, by inserting after line 27 the
 16 following:

17 "The national program for playground safety shall
 18 submit a report by January 15, 2006, to the joint
 19 appropriations subcommittee on transportation,
 20 infrastructure, and capitals detailing the use of the
 21 moneys appropriated in this subsection. The report
 22 shall specify the projects for which moneys were used
 23 and the cost of each project including the amounts
 24 spent on administration."

25 18. By striking page 4, line 29, through page 5,
 26 line 9, and inserting the following:

27 "a. For lake dredging and the construction of bike
 28 trails at Lake Cornelia in Wright county,
 29 notwithstanding section 8.57, subsection 6, paragraph
 30 "c":
 31

\$ 429,000"

32 19. Page 5, line 18, by inserting after the
 33 figure "28K" the following: ", notwithstanding
 34 section 8.57, subsection 6, paragraph "c".

35 20. Page 5, by inserting after line 19 the
 36 following:

37 "____. For costs associated with the planning,
 38 design, and construction of a destination park:
 39

\$ 3,000,000"

40 21. Page 5, line 23, by inserting after the word
 41 "system" the following: ", notwithstanding section
 42 8.57, subsection 6, paragraph "c".

43 22. Page 5, line 27, by striking the words "a regional
 44 training facility" and inserting the following: "fire training
 45 facilities".

46 23. Page 5, line 28, by striking the figure "500,000" and
 47 inserting the following: "800,000".

48 24. Page 5, line 30, by striking the figure "100,000" and
 49 inserting the following: "300,000".

50 25. Page 5, by striking lines 31 through 33 and

1 inserting the following: "training center.
2 Of the amount appropriated in this lettered
3 paragraph, \$200,000 shall be allocated to the Dubuque
4 fire training center.

5 The division of fire safety shall submit a report
6 by January 15, 2006, to the joint appropriations
7 subcommittee on transportation, infrastructure, and
8 capitals detailing the use of the moneys appropriated
9 in this subsection."

10 26. Page 6, line 1, by inserting after the word
11 "departments" the following: ", notwithstanding
12 section 8.57, subsection 6, paragraph "c"."

13 27. Page 6, line 4, by inserting after the word
14 "For" the following: "major".

15 28. Page 6, line 12, by inserting after the word
16 "program" the following: ", notwithstanding section
17 8.57, subsection 6, paragraph "c"."

18 29. Page 6, by inserting after line 17 the
19 following:

20 "In awarding assistance under the vertical
21 infrastructure improvement grant program, the
22 department shall give preference to projects that
23 demonstrate a collaborative effort between airports."

24 30. Page 7, line 4, by striking the figure "1,371,045" and
25 inserting the following: "1,521,045".

26 31. Page 7, line 11, by striking the figure "1,690,000"
27 and inserting the following: "1,840,000".

28 32. Page 9, by striking lines 3 through 7.

29 33. Page 9, by inserting after line 20, the following:

30 "Sec. ____ . Section 328.1, subsection 9, Code 2005, is amended
31 to read as follows:

32 9. "Airport" means any landing area used regularly
33 by aircraft for receiving or discharging passengers or
34 cargo, and all appurtenant areas used or suitable for
35 airport buildings or other airport facilities, and all
36 appurtenant rights of way, whether heretofore or
37 hereafter established. "Airport" includes land within a city
38 with a population greater than one hundred seventy-five thousand
39 which is acquired to replace or mitigate land used in an airport
40 runway project at an existing airport when federal law, grant, or
41 action requires such replacement or mitigation."

42 34. Page 12, line 31, by striking the word "each"
43 and inserting the following: "the hungry canyons".

44 35. Page 12, line 33, by inserting after the word
45 "costs." the following: "No more than 10 percent of
46 the moneys allocated to the loess hills alliance
47 account in this lettered paragraph may be used for
48 administrative costs."

49 36. Page 14, by inserting after line 1 the
50 following:

1 "Of the amount appropriated in this lettered
2 paragraph, \$100,000 shall be allocated for the five
3 island lake in Palo Alto county."

4 37. Page 14, by inserting after line 23 the
5 following:

6 "Sec. ____ . Section 161A.80, subsection 2,
7 paragraphs a and b, Code 2005, are amended to read as
8 follows:

9 a. This section is repealed on July 1, ~~2005~~ 2015.

10 b. The principal and interest from any blufflands
11 protection loan outstanding on July 1, ~~2005~~ 2015, and
12 payable to the blufflands protection revolving fund,
13 shall be paid to the administrative director of the
14 division of soil conservation on or after July 1, ~~2005~~
15 2015, pursuant to the terms of the loan agreement and
16 shall be credited to the rebuild Iowa infrastructure
17 fund."

18 38. Page 15, by striking lines 22 through 35 and
19 inserting the following: "the statehouse that
20 experienced such water damage."

21 39. Page 16, by inserting after line 12 the
22 following:

23 "(____) For major renovation and major repair
24 needs, including health, life, and fire safety needs,
25 and for compliance with the federal Americans With
26 Disabilities Act, for state buildings and facilities
27 under the purview of the department:

28 \$ 3,000,000"

29 40. Page 17, line 6, by inserting after the word
30 "network" the following: "notwithstanding section
31 12E.12, subsection 1, paragraph "b", subparagraph
32 (1)".

33 41. Page 18, line 18, by inserting after the word
34 "institutions" the following: "notwithstanding
35 section 12E.12, subsection 1, paragraph "b",
36 subparagraph (1)".

37 42. Page 18, line 28, by inserting after the
38 figure "16.177" the following: "notwithstanding
39 section 12E.12, subsection 1, paragraph "b",
40 subparagraph (1)".

41 43. Page 18, by striking lines 30 through 35.

42 44. Page 19, line 12, by inserting before the
43 word "section" the following: "section 25, subsection
44 3, paragraph "b", and".

45 45. Page 19, by inserting after line 17 the
46 following:

47 "Sec. ____ . 2002 Iowa Acts, chapter 1173, section
48 1, subsection 7, paragraph a, as amended by 2004 Iowa
49 Acts, chapter 1175, section 310, is amended to read as
50 follows:

1 a. For parking improvements and provision of
2 street access for the judicial building:

3 FY 2002-2003	\$	700,000
4 FY 2003-2004	\$	0
5 FY 2004-2005	\$	0
6 FY 2005-2006	\$	0

7 Of the amount appropriated in this lettered
8 paragraph for FY 2002-2003, up to \$330,000 may be used
9 for costs associated with ~~operation of the judicial~~
10 ~~building, notwithstanding section 12E.12, subsection~~
11 ~~1, paragraph "b", subparagraph (1) site work in the~~
12 vicinity of the judicial building.

13 Sec. _____. 2003 Iowa Acts, chapter 177, section 22,
14 subsection 6, paragraph a, is amended by striking the
15 paragraph."

16 46. Page 19, by inserting after line 21 the
17 following:

18 "Sec. _____. EFFECTIVE DATE. The section of this
19 division of this Act amending 2002 Iowa Acts, chapter
20 1173, section 1, subsection 7, being deemed of
21 immediate importance, takes effect upon enactment.

22 Sec. _____. EFFECTIVE DATE. The section of this
23 division of this Act amending 2003 Iowa Acts, chapter
24 177, section 22, subsection 6, being deemed of
25 immediate importance, takes effect upon enactment."

26 47. Page 20, line 35, by inserting after the word
27 "facilities" the following: ", notwithstanding
28 section 8.57B, subsection 3".

29 48. Page 24, by inserting after line 14 the
30 following:

31 "DIVISION

32 IOWA COMMUNICATIONS NETWORK

33 Sec. _____. Section 8D.3, subsection 3, paragraph i,
34 Code 2005, is amended to read as follows:

35 i. Evaluate existing and projected rates for use
36 of the system and ensure that rates are sufficient to
37 pay for the operation of the system excluding the cost
38 of construction and lease costs for Parts I, II, and
39 III. The commission shall establish all hourly rates
40 to be charged to all authorized users for the use of
41 the network and shall consider all costs of the
42 network in establishing the rates. A fee established
43 by the commission to be charged to a hospital licensed
44 pursuant to chapter 135B, a physician clinic, or the
45 federal government shall be at an appropriate rate so
46 that, at a minimum, there is no state subsidy related
47 to the costs of the connection or use of the network
48 related to such user.

49 Sec. _____. Section 8D.13, subsection 11, Code 2005,
50 is amended to read as follows:

1 11. The fees charged for use of the network and
2 state communications shall be based on the ongoing
3 ~~operational costs~~ expenses of the network and of
4 providing state communications ~~only~~. For the services
5 rendered to state agencies by the commission, the
6 commission shall prepare a statement of services
7 rendered and the agencies shall pay in a manner
8 consistent with procedures established by the
9 department of administrative services."

10 49. Page 24, by inserting after line 14, the
11 following:

12 "DIVISION
13 ACCESS IOWA HIGHWAYS

14 Sec. ____.

15 1. INTENT. It is the intent of the general
16 assembly to formulate an access Iowa plan which shall
17 designate portions of the commercial and industrial
18 network of highways as access Iowa highways. The goal
19 of the access Iowa plan shall be to enhance the
20 existing Iowa economy and ensure its continuing
21 development and growth in the national and global
22 competitive marketplace by providing for early
23 completion of the construction of the most important
24 portions of the Iowa highway system. These portions
25 of the system shall be those that are essential for
26 support of intrastate transportation and commerce and
27 essential for ensuring Iowans direct access to the
28 nation's system of interstate highways and
29 transportation services.

30 The general assembly's past actions are consistent
31 with the access Iowa plan. The general assembly has
32 set general policy guidelines for the state
33 transportation commission's planning and programming
34 development, directed that road service be equalized
35 throughout the state, determined that a commercial and
36 industrial network of highways would benefit Iowa
37 transportation services, directed the commission to
38 focus at least part of their legislatively provided
39 resources on the commercial and industrial network,
40 and directed that the commission consider equalization
41 of accessibility for economic development as one of
42 the factors in establishing its plan and program
43 priorities for the commercial and industrial network.
44 These actions recognize that interstate commerce and
45 national economic development are furthered and
46 supported by the national system of interstate and
47 defense highways and the national highway system, and
48 that Iowa commerce and economic development are
49 supported by Iowa's commercial and industrial network
50 of highways.

1 2. ACCESS IOWA HIGHWAY DESIGNATION. The state
 2 department of transportation shall designate portions
 3 of the commercial and industrial network of highways
 4 as access Iowa highways and shall expedite and
 5 accelerate development of access Iowa highways. When
 6 designating those portions of the commercial and
 7 industrial network as access Iowa highways, the
 8 department shall consider the direct and priority
 9 linkages between economic centers within the state
 10 with populations of 20,000 or more and the enhancement
 11 of intrastate mobility and Iowa regional accessibility
 12 and national accessibility.

13 3. REPEAL. This section is repealed effective
 14 July 1, 2015."

15 50. Page 24, by inserting before line 15, the
 16 following:

17 "DIVISION

18 HONEY CREEK PREMIER DESTINATION

19 PARK BOND PROGRAM

20 Sec. _____. Section 12.30, subsection 1, paragraph
 21 a, Code 2005, is amended to read as follows:

22 a. "Authority" means a department, or public or
 23 quasi-public instrumentality of the state including,
 24 but not limited to, the authority created under
 25 chapter 12E, 16, 16A, 175, 257C, 261A, ~~or~~ 327I, or
 26 463C, which has the power to issue obligations, except
 27 that "authority" does not include the state board of
 28 regents or the Iowa finance authority to the extent it
 29 acts pursuant to chapter 260C.

30 Sec. _____. NEW SECTION. 463C.1 TITLE.

31 This chapter shall be known and may be cited as the
 32 "Honey Creek Premier Destination Park Bond Program".

33 Sec. _____. NEW SECTION. 463C.2 DEFINITIONS.

34 As used in this chapter, unless the context
 35 otherwise requires:

36 1. "Authority" means the honey creek premier
 37 destination park authority created in section 463C.4.

38 2. "Board" means the governing board of the
 39 authority.

40 3. "Bonds" means bonds, notes, and other
 41 obligations and financing arrangements issued or
 42 entered into by the authority pursuant to this
 43 chapter.

44 4. "Department" means the department of natural
 45 resources.

46 5. "Fund" means the honey creek premier
 47 destination park bond fund created in section 463C.11.

48 6. "Program" means the honey creek premier
 49 destination park bond program established in section
 50 463C.10.

1 Sec. ____ . NEW SECTION. 463C.3 LEGISLATIVE

2 FINDINGS.

3 1. The establishment of the honey creek premier
4 destination park bond program and honey creek premier
5 destination park authority is in all respects for the
6 benefit of the people of the state of Iowa, for the
7 improvement of their health and welfare, and for the
8 promotion of the economy, which are public purposes.

9 2. The authority will be performing an essential
10 governmental function in the exercise of the powers
11 and duties conferred upon it by this chapter.

12 3. The authority will assist in the establishment
13 of the honey creek premier destination park in the
14 state which will provide important recreational and
15 economic benefits to the state.

16 4. Current efforts to develop the honey creek
17 premier destination park in the state have fallen
18 short and the creation of an authority which has the
19 mission of engaging and assisting in these efforts
20 will increase the likelihood of reaching the desired
21 goal.

22 5. It is necessary to create the honey creek
23 premier destination park bond program and authority to
24 encourage the investment of private capital to
25 stimulate the development and construction of the park
26 including lodges, campgrounds, cabins, and golf
27 courses through the use of public financing, and to
28 this extent it is the public policy of this state to
29 support the honey creek premier destination park bond
30 program in the procurement of necessary moneys for
31 deposit into the honey creek premier destination park
32 bond fund.

33 Sec. ____ . NEW SECTION. 463C.4 ESTABLISHMENT OF
34 HONEY CREEK PREMIER DESTINATION PARK AUTHORITY.

35 1. The honey creek premier destination park
36 authority is created and constitutes a public
37 instrumentality and agency of the state, separate and
38 distinct from the state, exercising public and
39 essential governmental functions.

40 2. The purposes of the authority include all of
41 the following:

42 a. To implement and administer the honey creek
43 premier destination park bond program and to establish
44 a stable source of revenue to be used for the purposes
45 designated in this chapter.

46 b. To issue bonds and enter into funding options,
47 consistent with this chapter, including refunding and
48 refinancing its debt and obligations.

49 c. To provide for and secure the issuance and
50 repayment of its bonds.

1 d. To invest funds available under this chapter to
2 provide for a source of revenue in accordance with the
3 program plan.

4 e. To refund and refinance the authority's debts
5 and obligations, and to manage its funds, obligations,
6 and investments as necessary and if consistent with
7 its purpose.

8 f. To implement the purposes of this chapter.

9 3. The authority shall invest its funds and
10 accounts in accordance with this chapter and shall not
11 take action or invest in any manner that would cause
12 the state to become a stockholder in any corporation
13 or that would cause the state to assume or agree to
14 pay the debt or liability of any corporation in
15 violation of the United States Constitution or the
16 Constitution of the State of Iowa.

17 4. The authority shall not create any obligation
18 of this state or any political subdivision of this
19 state within the meaning of any constitutional or
20 statutory debt limitation.

21 5. The authority shall not pledge the credit or
22 taxing power of this state or any political
23 subdivision of this state, or make its debts payable
24 out of any moneys except those of the authority
25 specifically pledged for their payment.

26 Sec. ____ . NEW SECTION. 463C.5 GOVERNING BOARD.

27 1. The powers of the authority are vested in and
28 shall be exercised by a board consisting of the
29 treasurer of state, the auditor of state, and the
30 director of the department of management.
31 Notwithstanding the provisions of section 12.30,
32 subsection 2, regarding ex officio nonvoting status,
33 the treasurer of state shall act as a voting member of
34 the authority.

35 2. Two members of the board constitute a quorum.

36 3. The members shall elect a chairperson, vice
37 chairperson, and secretary, annually, and other
38 officers as the members determine necessary. The
39 treasurer of state shall serve as treasurer of the
40 authority.

41 4. Meetings of the board shall be held at the call
42 of the chairperson or when a majority of the members
43 so requests.

44 5. The members of the board shall not receive
45 compensation by reason of their membership on the
46 board.

47 Sec. ____ . NEW SECTION. 463C.6 STAFF --
48 ASSISTANCE BY STATE OFFICERS, AGENCIES, AND
49 DEPARTMENTS.

50 1. The staff of the office of the treasurer of

1 state shall also serve as staff of the authority under
2 the supervision of the treasurer.

3 2. State officers, agencies, and departments may
4 render services to the authority within their
5 respective functions, as requested by the authority.

6 Sec. ____ . NEW SECTION. 463C.7 LIMITATION OF
7 LIABILITY.

8 Members of the board and persons acting on the
9 authority's behalf, while acting within the scope of
10 their employment or agency, are not subject to
11 personal liability resulting from carrying out the
12 powers and duties conferred on them under this
13 chapter.

14 Sec. ____ . NEW SECTION. 463C.8 GENERAL POWERS OF
15 AUTHORITY.

16 1. The authority has all the general powers
17 necessary to carry out its purposes and duties and to
18 exercise its specific powers, including but not
19 limited to all of the following powers:

20 a. The power to issue its bonds and to enter into
21 other funding options as provided in this chapter.

22 b. The power to have perpetual succession as a
23 public instrumentality and agency of the state, until
24 dissolved in accordance with this chapter.

25 c. The power to sue and be sued in its own name.

26 d. The power to make and execute agreements,
27 contracts, and other instruments, with any public or
28 private person, in accordance with this chapter.

29 e. The power to hire and compensate legal counsel,
30 notwithstanding chapter 13.

31 f. The power to hire investment advisors and other
32 persons as necessary to fulfill its purpose.

33 g. The power to invest or deposit moneys of or
34 held by the authority in any manner determined by the
35 authority, notwithstanding chapter 12B or 12C.

36 h. The power to procure insurance, other credit
37 enhancements, and other financing arrangements, and to
38 execute instruments and contracts and to enter into
39 agreements convenient or necessary to facilitate
40 financing arrangements of the authority and to fulfill
41 the purposes of the authority under this chapter,
42 including but not limited to such arrangements,
43 instruments, contracts, and agreements as bond
44 insurance, liquidity facilities, interest rate
45 agreements, and letters of credit.

46 i. The power to accept appropriations, gifts,
47 grants, loans, or other aid from public or private
48 entities.

49 j. The power to adopt rules consistent with this
50 chapter and in accordance with chapter 17A, as the

1 board determines necessary.

2 k. The power to acquire, own, hold, administer,
3 and dispose of property.

4 1. The power to determine, in connection with the
5 issuance of bonds, and subject to the sales agreement,
6 the terms and other details of financing, and the
7 method of implementation of the program plan.

8 m. The power to perform any act not inconsistent
9 with federal or state law necessary to carry out the
10 purposes of the authority.

11 2. The authority is exempt from the requirements
12 of chapter 8A, subchapter III.

13 Sec. ____ . NEW SECTION. 463C.9 POWERS NOT
14 RESTRICTED -- LAW COMPLETE IN ITSELF.

15 This chapter shall not restrict or limit the powers
16 which the authority has under any other law of this
17 state, but is cumulative as to any such powers. A
18 proceeding, notice, or approval is not required for
19 the creation of the authority or the issuance of
20 obligations or an instrument as security, except as
21 provided in this chapter.

22 Sec. ____ . NEW SECTION. 463C.10 HONEY CREEK
23 PREMIER DESTINATION PARK BOND PROGRAM.

24 The authority shall assist in the development and
25 expansion of the honey creek premier destination park
26 in the state through the establishment of the honey
27 creek premier destination park bond program. The
28 authority may issue its bonds or notes, or series of
29 bonds or notes, for the purpose of defraying the cost
30 of one or more projects for the development and
31 expansion of the honey creek premier destination park
32 in the state, including lodges, campgrounds, cabins,
33 and golf courses, and make secured and unsecured loans
34 for the acquisition and construction of such projects
35 on terms the authority determines.

36 Sec. ____ . NEW SECTION. 463C.11 HONEY CREEK
37 PREMIER DESTINATION PARK BOND FUND.

38 1. The honey creek premier destination park bond
39 fund is established as a separate and distinct fund in
40 the state treasury consisting of honey creek premier
41 destination park revenues, any moneys appropriated by
42 the general assembly to the fund, and any other moneys
43 available to and obtained or accepted by the authority
44 for placement in the fund. The moneys in the fund
45 shall be used to develop the honey creek premier
46 destination park in the state by funding the
47 development and construction of facilities in the park
48 including but not limited to lodges, campgrounds,
49 cabins, and golf courses.

50 2. Payments of interest, repayments of moneys

1 loaned pursuant to this chapter, and recaptures of
2 awards shall be deposited in the fund.
3 3. Moneys in the fund may be used by the authority
4 for the purpose of providing grants, loans, forgivable
5 loans, loan guarantees under the honey creek premier
6 destination park bond program established in this
7 chapter, and otherwise funding the development and
8 construction of facilities in the park including but
9 not limited to lodges, campgrounds, cabins, and golf
10 courses. The moneys in the fund shall be used for the
11 development and construction of facilities in the
12 honey creek premier destination park.

13 4. The authority, in consultation with the
14 department, shall determine which projects qualify for
15 assistance from the fund, and which projects shall be
16 funded.

17 Sec. ____ . NEW SECTION. 463C.12 PREMIER
18 DESTINATION PARK BONDS.

19 1. The authority may issue bonds for the purpose
20 of funding the honey creek premier destination park
21 bond fund established in section 463C.11 and for the
22 purpose of refunding any bonds issued under this
23 section. The authority may issue bonds in principal
24 amounts which, in the opinion of the board, are
25 necessary to provide sufficient funds for the honey
26 creek premier destination park bond fund established
27 in section 463C.11, the payment of interest on the
28 bonds, the establishment of reserves to secure the
29 bonds, the costs of issuance of the bonds, other
30 expenditures of the authority incident to and
31 necessary or convenient to carry out the bond issue
32 for the fund, and all other expenditures of the board
33 necessary or convenient to administer the fund;
34 provided, however, excluding the issuance of refunding
35 bonds, bonds issued pursuant to this section shall not
36 be issued in an aggregate principal amount which
37 exceeds twenty-eight million dollars.

38 2. The bonds are investment securities and
39 negotiable instruments within the meaning of and for
40 the purposes of the uniform commercial code.

41 3. The authority may pledge amounts deposited in
42 the honey creek premier destination park bond fund
43 established in section 463C.11 as security for the
44 payment of the principal of premium, if any, and
45 interest on the bonds. Bonds issued under this
46 section are payable solely and only out of the moneys,
47 assets, or revenues of the honey creek premier
48 destination park bond fund and any bond reserve funds
49 established pursuant to section 463C.13, all of which
50 may be deposited with trustees or depositories in

1 accordance with bond or security documents, and are
2 not an indebtedness of this state, or a charge against
3 the general credit or general fund of the state, and
4 the state shall not be liable for the bonds except
5 from amounts on deposit in the funds. Bonds issued
6 under this section shall contain a statement that the
7 bonds do not constitute an indebtedness of the state.

8 4. The bonds shall be:

9 a. In a form, issued in denominations, executed in
10 a manner, payable over terms and with rights of
11 redemption, and subject to such other terms and
12 conditions as prescribed in the trust indenture,
13 resolution, or other instrument authorizing their
14 issuance.

15 b. Negotiable instruments under the laws of this
16 state and may be sold at prices, at public or private
17 sale, and in a manner as prescribed by the authority.
18 Chapters 73A, 74, 74A, and 75 do not apply to the sale
19 or issuance of the bonds.

20 c. Subject to the terms, conditions, and covenants
21 providing for the payment of the principal, redemption
22 premiums, if any, interest, and other terms,
23 conditions, covenants, and protective provisions
24 safeguarding payment, not inconsistent with this
25 section and as determined by the trust indenture,
26 resolution, or other instrument authorizing their
27 issuance.

28 5. The bonds are securities in which public
29 officers and bodies of this state, political
30 subdivisions of this state, insurance companies and
31 associations and other persons carrying on an
32 insurance business, banks, trust companies, savings
33 associations, savings and loan associations, and
34 investment companies, administrators, guardians,
35 executors, trustees, and other fiduciaries, and other
36 persons authorized to invest in bonds or other
37 obligations of the state, may properly and legally
38 invest funds, including capital, in their control or
39 belonging to them.

40 6. Bonds must be authorized by a trust indenture,
41 resolution, or other instrument of the authority that
42 is approved by the authority. However, a trust
43 indenture, resolution, or other instrument authorizing
44 the issuance of bonds may delegate to an officer of
45 the authority the power to negotiate and fix the
46 details of an issuance of bonds.

47 7. Neither the resolution, trust agreement, or any
48 other instrument by which a pledge is created is
49 required to be recorded or filed under the uniform
50 commercial code to be valid, binding, or effective.

1 8. All bonds issued by the authority in connection
2 with the program are exempt from taxation by the state
3 of Iowa and the interest on the bonds is exempt from
4 state income taxes and state inheritance and estate
5 taxes.

6 9. The authority may issue bonds for the purpose
7 of refunding any bonds or notes issued pursuant to
8 this section then outstanding, including the payment
9 of any redemption premiums thereon and any interest
10 accrued or to accrue to the date of redemption of the
11 outstanding bonds or notes. Until the proceeds of
12 bonds issued for the purpose of refunding outstanding
13 bonds or notes are applied to the purchase or
14 retirement of outstanding bonds or notes or the
15 redemption of outstanding bonds or notes, the proceeds
16 may be placed in escrow and be invested and reinvested
17 in accordance with the provisions of this section.
18 The interest, income, and profits earned or realized
19 on an investment may also be applied to the payment of
20 the outstanding bonds or notes to be refunded by
21 purchase, retirement, or redemption. After the terms
22 of the escrow have been fully satisfied and carried
23 out, any balance of proceeds and interest earned or
24 realized on the investments may be returned to the
25 board for deposit in the honey creek premier
26 destination park bond fund established in section
27 463C.11. All refunding bonds shall be issued and
28 secured and subject to the provisions of this chapter
29 in the same manner and to the same extent as other
30 bonds issued pursuant to this section.

31 Sec. ____ . NEW SECTION. 463C.13 BOND RESERVE
32 FUNDS.

33 1. The authority may create and establish one or
34 more special funds, to be known as bond reserve funds,
35 and shall pay into each bond reserve fund any moneys
36 appropriated and made available by the authority for
37 the purpose of the bond reserve fund, any proceeds of
38 sale of notes or bonds to the extent provided in the
39 trust indenture, resolution, or other instrument of
40 the treasurer of state authorizing their issuance, and
41 any other moneys which may be available to the
42 authority for the purpose of the bond reserve fund
43 from any other sources. All moneys held in a bond
44 reserve fund, except as otherwise provided in this
45 section, shall be used as required solely for the
46 payment of the principal of bonds secured in whole or
47 in part by the bond reserve fund or of the sinking
48 fund payments with respect to the bonds, the purchase
49 or redemption of the bonds, the payment of interest on
50 the bonds, or the payments of any redemption premium

1 required to be paid when the bonds are redeemed prior
2 to maturity.

3 2. Moneys in a bond reserve fund shall not be
4 withdrawn from the bond reserve fund at any time in an
5 amount that will reduce the amount of the bond reserve
6 fund to less than the bond reserve fund requirement
7 established for the bond reserve fund, as provided in
8 this section, except for the purpose of making, with
9 respect to bonds secured in whole or in part by the
10 bond reserve fund, payment when due of principal,
11 interest, redemption premiums, and the sinking fund
12 payments with respect to the bonds for the payment of
13 which other moneys are not available. Any income or
14 interest earned by, or incremental to, a bond reserve
15 fund due to the investment of moneys in the bond
16 reserve fund may be transferred by the authority to
17 other reserve funds or the honey creek premier
18 destination park bond fund to the extent the transfer
19 does not reduce the amount of that bond reserve fund
20 below the bond reserve fund requirement for the bond
21 reserve fund.

22 3. The authority shall not at any time issue
23 bonds, secured in whole or in part by a bond reserve
24 fund, if, upon the issuance of the bonds, the amount
25 in the bond reserve fund will be less than the bond
26 reserve fund requirement for the bond reserve fund,
27 unless the authority at the time of issuance of the
28 bonds deposits in the bond reserve fund from the
29 proceeds of the bonds issued or from other sources an
30 amount which, together with the amount then in the
31 bond reserve fund, will not be less than the bond
32 reserve fund requirement for the bond reserve fund.
33 For the purposes of this section, the term "bond
34 reserve fund requirement" means, as of any particular
35 date of computation, an amount of money, as provided
36 in the trust indenture, resolution, or other
37 instrument of the authority authorizing the bonds with
38 respect to which the bond reserve fund is established,
39 equal to not more than ten percent of the outstanding
40 principal amount of bonds secured in whole or in part
41 by the bond reserve fund.

42 4. To assure the continued operation and solvency
43 of the authority for the carrying out of its corporate
44 purposes, provision is made in subsection 1 for the
45 accumulation in each bond reserve fund of an amount
46 equal to the bond reserve fund requirement for the
47 fund. In order further to assure maintenance of the
48 bond reserve funds, the chairperson of the authority
49 shall, on or before July 1 of each calendar year, make
50 and deliver to the governor the chairperson's

1 certificate stating the sum, if any, required to
 2 restore each bond reserve fund to the bond reserve
 3 fund requirement for that fund. Within thirty days
 4 after the beginning of the session of the general
 5 assembly next following the delivery of the
 6 certificate, the governor may submit to both houses
 7 printed copies of a budget including the sum, if any,
 8 required to restore each bond reserve fund to the bond
 9 reserve fund requirement for that fund. Any sums
 10 appropriated by the general assembly and paid to the
 11 authority pursuant to this section shall be deposited
 12 by the authority in the applicable bond reserve fund.

13 Sec. ____ . NEW SECTION. 463C.14 PLEDGES.

14 It is the intention of the general assembly that a
 15 pledge made in respect of bonds or notes shall be
 16 valid and binding from the time the pledge is made,
 17 that the money or property so pledged and received
 18 after the pledge by the treasurer of state shall
 19 immediately be subject to the lien of the pledge
 20 without physical delivery or further act, and that the
 21 lien of the pledge shall be valid and binding as
 22 against all parties having claims of any kind in tort,
 23 contract, or otherwise against the treasurer of state
 24 whether or not the parties have notice of the lien.

25 Sec. ____ . NEW SECTION. 463C.15 MONEYS OF THE
 26 AUTHORITY.

27 1. Moneys of the authority from whatever source
 28 derived, except as otherwise provided in this chapter,
 29 shall be paid to the authority and shall be deposited
 30 in the honey creek premier destination park bond fund.
 31 The moneys shall be withdrawn on the order of the
 32 person authorized by the authority. Deposits shall,
 33 if required by the authority, be secured in the manner
 34 determined by the authority. The auditor of state and
 35 the auditor's legally authorized representatives may
 36 periodically examine the accounts and books of the
 37 authority, including its receipts, disbursements,
 38 contracts, leases, sinking funds, investments and any
 39 other records and papers relating to its financial
 40 standing, and the authority shall not be required to
 41 pay a fee for the examination.

42 2. The authority may contract with holders of its
 43 bonds or notes as to the custody, collection,
 44 security, investment, and payment of moneys of the
 45 authority, of moneys held in trust or otherwise for
 46 the payment of bonds or notes, and to carry out the
 47 contract. Moneys held in trust or otherwise for the
 48 payment of bonds or notes or in any way to secure
 49 bonds or notes and deposits of the moneys may be
 50 secured in the same manner as moneys of the authority,

1 and banks and trust companies may give security for
2 the deposits.

3 3. Subject to the provisions of any contract with
4 bondholders or noteholders and to the approval of the
5 director of the department of administrative services,
6 the authority shall prescribe a system of accounts.

7 4. The authority shall submit to the governor, the
8 auditor of state, the department of management, and
9 the department of administrative services, within
10 thirty days of its receipt by the authority, a copy of
11 the report of every external examination of the books
12 and accounts of the authority other than copies of the
13 reports of examinations made by the auditor of state.

14 Sec. _____. NEW SECTION. 463C.16 ANNUAL REPORT.

15 1. The authority shall submit to the governor, the
16 general assembly, and the attorney general, on or
17 before December 31, annually, a report including
18 information regarding all of the following:

19 a. Its operations and accomplishments.

20 b. Its receipts and expenditures during the
21 previous fiscal year, in accordance with
22 classifications it establishes for its operating and
23 capital accounts.

24 c. Its assets and liabilities at the end of the
25 previous fiscal year and the status of reserve,
26 special, and other funds.

27 d. A schedule of its bonds outstanding at the end
28 of the previous fiscal year, and a statement of the
29 amounts redeemed and issued during the previous fiscal
30 year.

31 e. A statement of its proposed and projected
32 activities.

33 f. Recommendations to the governor and the general
34 assembly, as deemed necessary.

35 g. A statement of all projects funded in the
36 previous fiscal year.

37 h. Any other information deemed necessary.

38 2. The annual report shall identify performance
39 goals of the authority, and clearly indicate the
40 extent of progress during the reporting period in
41 attaining these goals.

42 Sec. _____. NEW SECTION. 463C.17 EXEMPTION FROM
43 COMPETITIVE BID LAWS.

44 The authority and contracts entered into by the
45 authority in carrying out its public and essential
46 governmental functions are exempt from the laws of the
47 state which provide for competitive bids and hearings
48 in connection with contracts, except as provided in
49 section 12.30.

50 Sec. _____. NEW SECTION 463C.18 BANKRUPTCY.

1 Prior to the date which is three hundred sixty-six
2 days after which the authority no longer has any bonds
3 outstanding, the authority is prohibited from filing a
4 voluntary petition under chapter 9 of the federal
5 bankruptcy code or such corresponding chapter or
6 section as may, from time to time, be in effect, and a
7 public official or organization, entity, or other
8 person shall not authorize the authority to be or
9 become a debtor under chapter 9 or any successor or
10 corresponding chapter or sections during such periods.
11 The provisions of this section shall be part of any
12 contractual obligation owed to the holders of bonds
13 issued under this chapter. Any such contractual
14 obligation shall not subsequently be modified by state
15 law, during the period of the contractual obligation.

16 Sec. ____ . NEW SECTION. 463C.19 DISSOLUTION OF
17 THE AUTHORITY.

18 The authority shall dissolve no later than two
19 years after the date of final payment of all
20 outstanding bonds and the satisfaction of all
21 outstanding obligations of the authority, except to
22 the extent necessary to remain in existence to fulfill
23 any outstanding covenants or provisions with
24 bondholders or third parties made in accordance with
25 this chapter. Upon dissolution of the authority, all
26 assets of the authority shall be returned to the state
27 and shall be deposited in the general fund of the
28 state, unless otherwise directed by the general
29 assembly, and the authority shall execute any
30 necessary assignments or instruments, including any
31 assignment of any right, title, or ownership to the
32 state for receipt of payments.

33 Sec. ____ . NEW SECTION. 463C.20 LIBERAL
34 INTERPRETATION.

35 This chapter, being deemed necessary for the
36 welfare of the state and its people, shall be
37 liberally construed to effect its purpose.

38 Sec. ____ . MATCHING FUNDS. Moneys appropriated in
39 this Act, if enacted, to be used for the purpose of
40 funding the development and construction of the honey
41 creek premier destination park shall be available only
42 for projects that contain a match of four dollars of
43 private funds for each three dollars of state funds.

44 Sec. ____ . EFFECTIVE DATE. This division of this
45 Act, being deemed of immediate importance, takes
46 effect upon enactment."

47 51. Title page, line 5, by inserting after the
48 word "matters," the following: "and creating the
49 honey creek premier destination park bond program and
50 authority and providing for the issuance of tax-exempt

H-1679

Page 19

1 bonds,".

2 52. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1679 FILED MAY 11, 2005

CONCURRED

HOUSE FILE 875

H-1680

1 Amend the Senate amendment, H-1679, to House File
2 875, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 5, by inserting after line 32, the
5 following:

6 "Sec. _____. Section 8D.3, subsection 3, paragraph
7 d, Code 2005, is amended to read as follows:

8 d. Review and approve for adoption, rules as
9 proposed and submitted by an authorized user group
10 necessary for the authorized ~~user group's~~ user's
11 access and use of the network. The commission may
12 refuse to approve and adopt a proposed rule, and upon
13 such refusal, shall return the proposed rule to the
14 respective authorized user ~~group~~ proposing the rule
15 with a statement indicating the commission's reason
16 for refusing to approve and adopt the rule.

17 Sec. _____. Section 8D.3, subsection 3, paragraph f,
18 Code 2005, is amended by striking the paragraph."

19 2. Page 5, by inserting after line 48, the
20 following:

21 "Sec. _____. Section 8D.6, subsection 1, Code 2005,
22 is amended by striking the subsection.

23 Sec. _____. Section 8D.6, subsection 2, Code 2005,
24 is amended to read as follows:

25 ~~2.~~ The commission may establish ~~other~~ and abolish
26 advisory committees as necessary representing
27 authorized users of the network and providing other
28 expertise needed to assist the commission in
29 accomplishing its duties."

30 3. Page 6, by striking line 9, and inserting the
31 following: "department of administrative services.

32 Sec. _____. Section 8D.7, Code 2005, is repealed.""

By LENSING of Johnson
WINCKLER of Scott

H-1680 FILED MAY 11, 2005

LOST

HOUSE FILE 875

H-1681

1 Amend the Senate amendment, H-1679, to House File
2 875, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 40, by striking the figure
5 "1,161,045" and inserting the following: "1,061,045".
6 2. Page 2, by striking lines 13 and 14.
7 3. Page 3, line 25, by striking the figure
8 "1,521,045" and inserting the following: "1,621,045".
9 4. By striking page 7, line 15, through page 19,
10 line 1.

By DIX of Butler

H-1681 FILED MAY 11, 2005

A:WITHDRAWN B:LOST

HOUSE FILE 875

H-1684

1 Amend the Senate amendment, H-1679, to House File
2 875, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 44, by inserting after the word
5 "fire" the following: "regional".
6 2. Page 3, line 4, by inserting after the word
7 "fire" the following: "regional".

By HUSER of Polk
LUKAN of Dubuque

H-1684 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 875

H-1705

1 Amend the Senate amendment, H-1679, to House File
2 875, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 7, and
5 inserting the following:

6 "____. Page 1, by striking lines 8 through 21."

7 2. Page 1, by inserting after line 42, the
8 following:

9 "____. Page 3, by inserting after line 11, the
10 following:

11 "d. For maintenance costs of the department of
12 corrections and board of parole associated with the
13 department of administrative services, notwithstanding
14 section 8.57, subsection 6, paragraph "c":

15 \$ 105,300

16 e. For rent payments for the community-based
17 corrections facility located in Davenport and the
18 department of corrections training center,
19 notwithstanding section 8.57, subsection 6, paragraph
20 "c":

21 \$ 122,000

22 2A. DEPARTMENT OF CULTURAL AFFAIRS

23 For continuation of the project recommended by the
24 Iowa battle flag advisory committee to stabilize the
25 condition of the battle flag collection,
26 notwithstanding section 8.57, subsection 6, paragraph
27 "c":

28 \$ 220,000"

29 3. Page 2, by inserting after line 9, the
30 following:

31 "____. Page 4, by inserting after line 2 the
32 following:

33 "d. For major renovation and major repair needs,
34 including health, life, and fire safety needs, and for
35 compliance with the federal Americans With
36 Disabilities Act, for state buildings and facilities
37 under the purview of the community colleges:

38 \$ 2,000,000

39 The moneys appropriated in this lettered paragraph
40 shall be allocated to the community colleges based
41 upon the distribution formula established in section
42 260C.18C, if enacted by 2005 Iowa Acts, House File
43 816.

44 e. For implementation of the provisions of Code
45 chapter 280A, as amended by 2005 Iowa Acts, House File
46 739, if enacted, notwithstanding section 8.57,
47 subsection 6, paragraph "c":

48 \$ 500,000"

49 _____. Page 4, by inserting after line 8 the
50 following:

H-1705

1 "5A. IOWA FINANCE AUTHORITY
2 For deposit into the transitional housing revolving
3 loan program fund created in section 16.184, if
4 enacted by 2005 Iowa Acts, House File 825:
5 \$ 1,400,000"
6 4. Page 2, by striking lines 13 and 14.
7 5. Page 2, line 44, by inserting after the word
8 "fire" the following: "regional".
9 6. Page 3, line 4, by inserting after the word
10 "fire" the following: "regional".
11 7. Page 3, by striking lines 13 and 14, and
12 inserting the following:
13 "____. Page 6, line 4, by striking the word "For"
14 and inserting the following: "a. For major".
15 _____. Page 6, by inserting after line 6, the
16 following:
17 "b. For major renovation and major repair needs,
18 including health, life, and fire safety needs, and for
19 compliance with the federal Americans With
20 Disabilities Act, for state buildings and facilities
21 under the purview of the state board of regents
22 institutions:
23 \$ 6,250,000"
24 8. Page 3, by inserting after line 17, the
25 following:
26 "____. Page 6, line 13, by striking the figure
27 "500,000" and inserting the following: "564,792"."
28 9. Page 3, by inserting after line 23, the
29 following:
30 "____. Page 6, by inserting after line 27, the
31 following:
32 "d. For the rail assistance program and to provide
33 economic development project funding:
34 \$ 35,959"
35 10. Page 3, by inserting after line 41, the
36 following:
37 "____. Page 10, by inserting after line 4, the
38 following:
39 "Sec. _____. 2005 Iowa Acts, House File 466, section
40 3, is repealed."
41 11. Page 11, line 49, by inserting after the word
42 "courses." the following: "The treasurer of state is
43 authorized to establish separate and distinct accounts
44 within the honey creek premier destination park bond
45 fund in connection with the issuance of the
46 authority's bonds in accordance with the trust
47 indenture or resolution authorizing the bonds and the
48 authority is authorized to determine which revenues
49 and accounts shall be pledged as security for the
50 bonds. Amounts deposited in the honey creek premier

1 destination park bond fund shall be deposited in the
2 separate and distinct accounts as set forth in the
3 trust indenture or resolution authorizing the bonds.
4 The authority is authorized to pledge and use the
5 gross revenues from the honey creek premier
6 destination park to and for payment of the bonds.
7 Revenues may also be used for the payment of
8 insurance, other credit enhancements, and other
9 financing arrangements. Operating expenses of the
10 honey creek premier destination park may be paid from
11 the revenues to the extent the revenues exceed the
12 amount determined by the authority to be necessary for
13 debt service on the bonds."

14 12. Page 15, line 49, by striking the word "July"
15 and inserting the following: "January".

16 13. Page 16, line 6, by striking the word "may"
17 and inserting the following: "shall".

18 14. Page 17, line 49, by inserting after the
19 figure "12.30." the following: "However, the
20 exemption from competitive bid laws in this section
21 shall not be construed to apply to contracts for the
22 development of the park or the development or
23 construction of facilities in the park, including, but
24 not limited to, lodges, campgrounds, cabins, and golf
25 courses."

By HUSEMAN of Cherokee

H-1705 FILED MAY 20, 2005

ADOPTED

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 875

S-3325

1 Amend the Senate amendment, H-1679, to House File
2 875, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 7, and
5 inserting the following:

6 "____. Page 1, by striking lines 8 through 21."

7 2. Page 1, by inserting after line 42, the
8 following:

9 "____. Page 3, by inserting after line 11, the
10 following:

11 "d. For maintenance costs of the department of
12 corrections and board of parole associated with the
13 department of administrative services, notwithstanding
14 section 8.57, subsection 6, paragraph "c":

15 \$ 105,300

16 e. For rent payments for the community-based
17 corrections facility located in Davenport and the
18 department of corrections training center,
19 notwithstanding section 8.57, subsection 6, paragraph
20 "c":

21 \$ 122,000

22 2A. DEPARTMENT OF CULTURAL AFFAIRS

23 For continuation of the project recommended by the
24 Iowa battle flag advisory committee to stabilize the
25 condition of the battle flag collection,
26 notwithstanding section 8.57, subsection 6, paragraph
27 "c":

28 \$ 220,000"

29 3. Page 2, by inserting after line 9, the
30 following:

31 "____. Page 4, by inserting after line 2 the
32 following:

33 "d. For major renovation and major repair needs,
34 including health, life, and fire safety needs, and for
35 compliance with the federal Americans With
36 Disabilities Act, for state buildings and facilities
37 under the purview of the community colleges:

38 \$ 2,000,000

39 The moneys appropriated in this lettered paragraph
40 shall be allocated to the community colleges based
41 upon the distribution formula established in section
42 260C.18C, if enacted by 2005 Iowa Acts, House File
43 816.

44 e. For implementation of the provisions of Code
45 chapter 280A, as amended by 2005 Iowa Acts, House File
46 739, if enacted, notwithstanding section 8.57,
47 subsection 6, paragraph "c":

48 \$ 500,000"

49 _____. Page 4, by inserting after line 8 the
50 following:

S-3325

1 "5A. IOWA FINANCE AUTHORITY
2 For deposit into the transitional housing revolving
3 loan program fund created in section 16.184, if
4 enacted by 2005 Iowa Acts, House File 825:
5 \$ 1,400,000"
6 4. Page 2, by striking lines 13 and 14.
7 5. Page 2, line 44, by inserting after the word
8 "fire" the following: "regional".
9 6. Page 3, line 4, by inserting after the word
10 "fire" the following: "regional".
11 7. Page 3, by striking lines 13 and 14, and
12 inserting the following:
13 "____. Page 6, line 4, by striking the word "For"
14 and inserting the following: "a. For major".
15 _____. Page 6, by inserting after line 6, the
16 following:
17 "b. For major renovation and major repair needs,
18 including health, life, and fire safety needs, and for
19 compliance with the federal Americans With
20 Disabilities Act, for state buildings and facilities
21 under the purview of the state board of regents
22 institutions:
23 \$ 6,250,000"
24 8. Page 3, by inserting after line 17, the
25 following:
26 "____. Page 6, line 13, by striking the figure
27 "500,000" and inserting the following: "564,792".
28 9. Page 3, by inserting after line 23, the
29 following:
30 "____. Page 6, by inserting after line 27, the
31 following:
32 "d. For the rail assistance program and to provide
33 economic development project funding:
34 \$ 35,959"
35 10. Page 3, by inserting after line 41, the
36 following:
37 "____. Page 10, by inserting after line 4, the
38 following:
39 "Sec. _____. 2005 Iowa Acts, House File 466, section
40 3, is repealed."
41 11. Page 11, line 49, by inserting after the word
42 "courses." the following: "The treasurer of state is
43 authorized to establish separate and distinct accounts
44 within the honey creek premier destination park bond
45 fund in connection with the issuance of the
46 authority's bonds in accordance with the trust
47 indenture or resolution authorizing the bonds and the
48 authority is authorized to determine which revenues
49 and accounts shall be pledged as security for the
50 bonds. Amounts deposited in the honey creek premier

1 destination park bond fund shall be deposited in the
2 separate and distinct accounts as set forth in the
3 trust indenture or resolution authorizing the bonds.
4 The authority is authorized to pledge and use the
5 gross revenues from the honey creek premier
6 destination park to and for payment of the bonds.
7 Revenues may also be used for the payment of
8 insurance, other credit enhancements, and other
9 financing arrangements. Operating expenses of the
10 honey creek premier destination park may be paid from
11 the revenues to the extent the revenues exceed the
12 amount determined by the authority to be necessary for
13 debt service on the bonds."

14 12. Page 15, line 49, by striking the word "July"
15 and inserting the following: "January".

16 13. Page 16, line 6, by striking the word "may"
17 and inserting the following: "shall".

18 14. Page 17, line 49, by inserting after the
19 figure "12.30." the following: "However, the
20 exemption from competitive bid laws in this section
21 shall not be construed to apply to contracts for the
22 development of the park or the development or
23 construction of facilities in the park, including, but
24 not limited to, lodges, campgrounds, cabins, and golf
25 courses."

RECEIVED FROM THE HOUSE

S-3325 FILED MAY 20, 2005
CONCURRED

1 by 2005 Iowa Acts, House File 761, section 9, is
2 amended to read as follows:

3 14. With the assistance of the state departments
4 represented on the Iowa empowerment board and the
5 community empowerment office, develop and implement
6 requirements for community empowerment areas and the
7 state administrators of programs providing early care
8 or early care services to annually report to the
9 public and the early care ~~coordinator~~ staff designated
10 pursuant to section 28.3 regarding the results
11 produced by the community empowerment initiative and
12 by the programs. Source data shall also be made
13 available to the early care ~~coordinator~~."

14 _____. Page 43, by inserting after line 17, the
15 following:

16 "____. Section 135M.6, as enacted by 2005 Iowa
17 Acts, House File 724, section 6, is amended to read as
18 follows:

19 135M.6 SAMPLE PRESCRIPTION DRUGS.
20 This chapter shall not be construed to restrict the
21 use of samples by a physician or other person legally
22 authorized to prescribe drugs ~~pursuant to section~~
23 ~~147.107~~ under state and federal law during the course
24 of the physician's or other person's duties at a
25 medical facility or pharmacy."

26 _____. Page 46, by inserting after line 18, the
27 following:

28 "Sec. _____. Section 453A.47A, subsection 4, and
29 subsection 9, unnumbered paragraph 1, as enacted by
30 2005 Iowa Acts, House File 339, section 4, are amended
31 to read as follows:

32 4. RETAILER -- CIGARETTES AND TOBACCO PRODUCTS. A
33 retailer, as defined in section 453A.1, who holds a
34 permit under division I of this chapter is not
35 required to also obtain a ~~retailer~~ retail permit under
36 this division. However, if a retailer, as defined in
37 section 453A.1, only holds a permit under division I
38 of this chapter and that permit is suspended, revoked,
39 or expired, the retailer shall not sell any cigarettes
40 or tobacco products during the time which the permit
41 is suspended, revoked, or expired.

42 ~~Retailer~~ Retail permits shall be issued only upon
43 applications, accompanied by the fee indicated above,
44 made upon forms furnished by the department upon
45 written request. The failure to furnish such forms
46 shall be no excuse for the failure to file the form
47 unless absolute refusal is shown. The forms shall
48 specify:

49 Sec. _____. Section 483A.8, subsection 5, Code 2005,
50 is amended to read as follows:

1 5. A nonresident owning land in this state may
2 apply for ~~one of the first six thousand~~ a nonresident
3 ~~antlered or any sex deer licenses not limited to~~
4 ~~antlerless deer hunting license~~, and the provisions of
5 subsection 3 shall apply. However, if a nonresident
6 owning land in this state is unsuccessful in obtaining
7 one of the ~~first six thousand~~ nonresident antlered or
8 any sex deer hunting licenses, the landowner shall be
9 given preference for one of the ~~two thousand five~~
10 ~~hundred~~ antlerless deer only nonresident deer hunting
11 licenses available pursuant to subsection 3. A
12 nonresident owning land in this state shall pay the
13 fee for a nonresident antlerless only deer license and
14 the license shall be valid to hunt on the
15 nonresident's land only. ~~A nonresident owning land in~~
16 ~~this state is eligible for only one nonresident deer~~
17 ~~license annually~~. If one or more parcels of land have
18 multiple nonresident owners, only one of the
19 nonresident owners is eligible for a nonresident
20 antlerless only deer license. If a nonresident
21 jointly owns land in this state with a resident, the
22 nonresident shall not be given preference for a
23 nonresident antlerless only deer license. The
24 department may require proof of land ownership from a
25 nonresident landowner applying for a nonresident
26 antlerless only deer license.

27 Sec. _____. Section 501A.231, subsection 5, if
28 enacted by 2005 Iowa Acts, House File 859, section 17,
29 is amended to read as follows:

30 5. The secretary of state may provide for the
31 change of registered office or registered agent on the
32 form prescribed by the secretary of state for the
33 biennial report, provided that the form contains the
34 information required by section 501A.402. If the
35 secretary of state determines that a biennial report
36 does not contain the information required by this
37 section but otherwise meets the requirements of
38 section ~~501.402~~ 501A.402 for the purpose of changing
39 the registered office or registered agent, the
40 secretary of state shall file the statement of change
41 of registered office or registered agent, effective as
42 provided in section 501A.203, before returning the
43 biennial report to the cooperative as provided in this
44 section. A statement of change of registered office
45 or agent pursuant to this subsection shall be executed
46 by a person authorized to execute the biennial report.

47 Sec. _____. Section 501A.1001, subsection 4, if
48 enacted by 2005 Iowa Acts, House File 859, section 73,
49 is amended to read as follows:

50 4. The determinations of the board as to the

1 amount or fair value or the fairness to the
2 cooperative of the contribution accepted or to be
3 accepted by the cooperative or the terms of payment or
4 performance, including under a contribution ~~rights~~
5 agreement in section 501A.1003, and a contribution
6 rights agreement in section 501A.1004, are presumed to
7 be proper if they are made in good faith and on the
8 basis of accounting methods, or a fair valuation or
9 other method, reasonable in the circumstances.

10 Directors who are present and entitled to vote, and
11 who, intentionally or without reasonable
12 investigation, fail to vote against approving a
13 consideration that is unfair to the cooperative, or
14 overvalue property or services received or to be
15 received by the cooperative as a contribution, are
16 jointly and severally liable to the cooperative for
17 the benefit of the then members who did not consent to
18 and are damaged by the action to the extent of the
19 damages of those members. A director against whom a
20 claim is asserted under this subsection, except in
21 case of knowing participation in a deliberate fraud,
22 is entitled to contribution on an equitable basis from
23 other directors who are liable under this subsection.

24 Sec. _____. Section 10B.4, subsection 1, Code 2005,
25 as amended by 2005 Iowa Acts, House File 859, section
26 102, if enacted, is amended to read as follows:

27 1. A biennial report shall be filed by a reporting
28 entity with the secretary of state on or before March
29 31 of each odd-numbered year as required by rules
30 adopted by the secretary of state pursuant to chapter
31 17A. However, a reporting entity required to file a
32 biennial report pursuant to chapter 490, 490A, 496C,
33 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
34 report required by this section in the same year as
35 required by that chapter. The reporting entity may
36 file the report required by this section together with
37 the biennial report required to be filed by one of the
38 other chapters referred to in this subsection. The
39 reports shall be filed on forms prepared and supplied
40 by the secretary of state. The secretary of state may
41 provide for combining its reporting forms with other
42 biennial reporting forms required to be used by the
43 reporting entities.

44 Sec. _____. 2005 Iowa Acts, House File 859, section
45 104, if enacted, is amended by striking the section
46 and inserting in lieu thereof the following:

47 SEC. 104. Section 15.385, subsection 4, paragraph
48 a, Code 2005, is amended to read as follows:

49 a. An eligible business may claim a tax credit
50 equal to a percentage of the new investment directly

1 related to new jobs created by the location or
2 expansion of an eligible business under the program.
3 The tax credit shall be allowed against taxes imposed
4 under chapter 422, division II, III, or V. If the
5 business is a partnership, S corporation, limited
6 liability company, cooperative organized under chapter
7 501 or 501A and filing as a partnership for federal
8 tax purposes, or estate or trust electing to have the
9 income taxed directly to the individual, an individual
10 may claim the tax credit allowed. The amount claimed
11 by the individual shall be based upon the pro rata
12 share of the individual's earnings of the partnership,
13 S corporation, limited liability company, cooperative
14 organized under chapter 501 or 501A and filing as a
15 partnership for federal tax purposes, or estate or
16 trust. The percentage shall be equal to the amount
17 provided in paragraph "d". Any tax credit in excess
18 of the tax liability for the tax year may be credited
19 to the tax liability for the following seven years or
20 until depleted, whichever occurs first.

21 Subject to prior approval by the department of
22 economic development, in consultation with the
23 department of revenue, an eligible business whose
24 project primarily involves the production of value-
25 added agricultural products or uses
26 biotechnology-related processes may elect to receive a
27 refund of all or a portion of an unused tax credit.
28 For purposes of this subsection, such an eligible
29 business includes a cooperative described in section
30 521 of the Internal Revenue Code which is not required
31 to file an Iowa corporate income tax return, and whose
32 project primarily involves the production of ethanol.
33 The refund may be applied against a tax liability
34 imposed under chapter 422, division II, III, or V. If
35 the business is a partnership, S corporation, limited
36 liability company, cooperative organized under chapter
37 501 or 501A and filing as a partnership for federal
38 tax purposes, or estate or trust electing to have the
39 income taxed directly to the individual, an individual
40 may claim the tax credit allowed. The amount claimed
41 by the individual shall be based upon the pro rata
42 share of the individual's earnings of the partnership,
43 S corporation, limited liability company, cooperative
44 organized under chapter 501 or 501A and filing as a
45 partnership for federal tax purposes, or estate or
46 trust."

47 _____. Page 48, by inserting after line 23 the
48 following:

49 "Sec. _____. Section 805.8C, subsection 6, as
50 amended by 2005 Iowa Acts, Senate File 169, section 9,

1 is amended to read as follows:

2 6. PSEUDOEPHEDRINE SALES VIOLATIONS. For
3 violations of section 126.23A, subsection 1, by an
4 employee of a retailer, or for violations of section
5 126.23A, subsection 2, paragraph "a", by a purchaser,
6 the scheduled fine is as follows:

7 a. If the violation is a first offense, the
8 scheduled fine is one hundred dollars.

9 b. If the violation is a second offense, the
10 scheduled fine is two hundred fifty dollars.

11 c. If the violation is a third or subsequent
12 offense, the scheduled fine is five hundred dollars."

13 _____. Page 48, by inserting after line 23, the
14 following:

15 "Sec. _____. 2005 Iowa Acts, House File 739, section
16 7, if enacted, is amended to read as follows:

17 SEC. 7. CONTINGENT EFFECTIVENESS. The sections of
18 this Act ~~creating~~ amending Code chapter 280A or
19 enacting new sections in Code chapter 280A take effect
20 only if the general assembly appropriates funds for
21 the fiscal year beginning July 1, 2005, in an amount
22 sufficient to implement the provisions of Code chapter
23 280A, if enacted.

24 Sec. _____. 2005 Iowa Acts, House File 839, is
25 amended by adding the following new section:

26 SEC. _____. EFFECTIVE DATE. This Act, being deemed
27 of immediate importance, takes effect upon enactment
28 of 2005 Iowa Acts, House File 882."

29 _____. Page 48, by inserting after line 26 the
30 following:

31 "DIVISION

32 STATE LIQUOR ACTIVITIES

33 Sec. _____. Section 123.53, subsection 3, Code 2005,
34 is amended to read as follows:

35 3. The treasurer of state shall transfer into a
36 special revenue account in the general fund of the
37 state, a sum of money at least equal to seven percent
38 of the gross amount of sales made by the division from
39 the beer and liquor control fund on a monthly basis
40 but not less than nine million dollars annually, ~~and~~
41 ~~any amounts so.~~ Of the amounts transferred, two
42 million dollars, plus an additional amount determined
43 by the general assembly, shall be used by appropriated
44 to the substance abuse division of the Iowa department
45 of public health to be used for substance abuse
46 treatment and prevention programs in an amount
47 determined by the general assembly and any. Any
48 amounts received in excess of the amounts appropriated
49 to the substance abuse division of the Iowa department
50 of public health shall be considered part of the

1 general fund balance.
 2 Sec. ____ . ALCOHOLIC BEVERAGES DIVISION -- STATE
 3 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The
 4 department of administrative services shall issue a
 5 request for proposals developed with the alcoholic
 6 beverages division of the department of commerce or
 7 otherwise utilize a competitive process not
 8 inconsistent with the division's current charter
 9 agency agreement to select a provider to perform the
 10 state liquor warehouse and trucking functions. The
 11 request for proposals or competitive process shall be
 12 issued or commenced as soon as is reasonably possible
 13 and a provider shall be selected no later than
 14 December 31, 2005. The division may submit a bid in
 15 response to a request for proposals issued or
 16 competitive process conducted pursuant to this
 17 section. If the division submits a bid, the division
 18 shall include in the bid the cost of labor to perform
 19 the contract which shall be calculated by using the
 20 cost of hiring full-time equivalent positions to
 21 perform the contract pursuant to state pay grade
 22 classifications and benefits as outlined in the most
 23 recent collective bargaining agreement applicable to
 24 other employees of the division. Notwithstanding any
 25 provision of chapter 22 to the contrary, the
 26 division's bid and any documents the division uses in
 27 developing its bid shall be considered a confidential
 28 record until the department of administrative services
 29 announces the results of the request for proposals or
 30 competitive process.
 31 Sec. ____ . EFFECTIVE DATE. The section of this
 32 division of this Act amending section 123.53 takes
 33 effect July 1, 2006.

34 DIVISION
 35 BOARD OF REGENTS

36 Sec. ____ . Section 12B.10C, Code 2005, is amended
 37 by adding the following new subsection:
 38 NEW SUBSECTION. 10. The state board of regents
 39 governed by chapter 262.
 40 Sec. ____ . Section 73A.1, subsection 2, Code 2005,
 41 is amended to read as follows:
 42 2. "Municipality" as used in this chapter means
 43 township, school corporation, and state fair board,
 44 ~~and state board of regents.~~
 45 Sec. ____ . Section 262.9, subsection 7, Code 2005,
 46 is amended to read as follows:
 47 7. ~~With the approval of the executive council,~~
 48 ~~acquire~~ Acquire real estate for the proper uses of
 49 ~~said~~ institutions under its control, and dispose of
 50 real estate belonging to ~~said~~ the institutions when

1 not necessary for their purposes. A The disposal of
2 ~~such~~ real estate shall be made upon such terms,
3 conditions, and consideration as the board may
4 recommend ~~and subject to the approval of the executive~~
5 ~~council~~. If real estate subject to sale hereunder has
6 been purchased or acquired from appropriated funds,
7 the proceeds of such sale shall be deposited with the
8 treasurer of state and credited to the general fund of
9 the state. There is hereby appropriated from the
10 general fund of the state a sum equal to the proceeds
11 so deposited and credited to the general fund of the
12 state to the state board of regents, ~~which, with the~~
13 ~~prior approval of the executive council,~~ may be used
14 to purchase other real estate and buildings, and for
15 the construction and alteration of buildings and other
16 capital improvements. All transfers shall be by state
17 patent in the manner provided by law. The board is
18 also authorized to grant easements for rights-of-way
19 over, across, and under the surface of public lands
20 under its jurisdiction when in the board's judgment
21 such easements are desirable and will benefit the
22 state of Iowa.

23 Sec. _____. Section 262.9, subsection 15, unnumbered
24 paragraph 2, Code 2005, is amended by striking the
25 unnumbered paragraph.

26 Sec. _____. Section 262.10, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:

28 No sale or purchase of real estate shall be made
29 save upon the order of the board, made at a regular
30 meeting, or one called for that purpose, and then in
31 such manner and under such terms as the board may
32 prescribe ~~and only with the approval of the executive~~
33 ~~council~~. No member of the board or any of its
34 committees, offices or agencies nor any officer of any
35 institution, shall be directly or indirectly
36 interested in such purchase or sale.

37 Sec. _____. Section 262.33A, Code 2005, is amended
38 to read as follows:

39 262.33A FIRE AND ENVIRONMENTAL SAFETY -- REPORT --
40 EXPENDITURES.

41 It is the intent of the general assembly that each
42 institution of higher education under the control of
43 the state board of regents shall, in consultation with
44 the state fire marshal, identify and correct all
45 critical fire and environmental safety deficiencies.
46 ~~The state fire marshal shall report annually to the~~
47 ~~joint subcommittee on education appropriations. The~~
48 ~~report shall include, but is not limited to, the~~
49 ~~identified deficiencies in fire and environmental~~
50 ~~safety at the institutions, and plans for correction~~

1 of the deficiencies and for compliance with this
2 section. Commencing July 1, 1993, each institution
3 under the control of the state board of regents shall
4 expend annually for fire safety and deferred
5 maintenance at least the amount budgeted for these
6 purposes for the fiscal year beginning July 1, 1992,
7 in addition to any moneys appropriated from the
8 general fund for these purposes in succeeding years.

9 Sec. ____ . Section 262.34, Code 2005, is amended to
10 read as follows:

11 262.34 IMPROVEMENTS -- ADVERTISEMENT FOR BIDS --
12 DISCLOSURES -- PAYMENTS.

13 1. When the estimated cost of construction,
14 repairs, or improvement of buildings or grounds under
15 charge of the state board of regents exceeds ~~twenty-~~
16 five one hundred thousand dollars, the board shall
17 advertise for bids for the contemplated improvement or
18 construction and shall let the work to the lowest
19 responsible bidder. However, if in the judgment of
20 the board bids received are not acceptable, the board
21 may reject all bids and proceed with the construction,
22 repair, or improvement by a method as the board may
23 determine. All plans and specifications for repairs
24 or construction, together with bids on the plans or
25 specifications, shall be filed by the board and be
26 open for public inspection. All bids submitted under
27 this section shall be accompanied by a deposit of
28 money, a certified check, or a credit union certified
29 share draft in an amount as the board may prescribe.

30 2. A bidder awarded a contract shall disclose the
31 names of all subcontractors, who will work on the
32 project being bid, within forty-eight hours after the
33 award of the contract. If a subcontractor named by a
34 bidder awarded a contract is replaced, or if the cost
35 of work to be done by a subcontractor is reduced, the
36 bidder shall disclose the name of the new
37 subcontractor or the amount of the reduced cost.

38 3. Payments made by the board for the construction
39 of public improvements shall be made in accordance
40 with the provisions of chapter 573 except that:

41 a. Payments may be made without retention until
42 ninety-five percent of the contract amount has been
43 paid. The remaining five percent of the contract
44 amount shall be paid as provided in section 573.14,
45 except that:

46 (1) At any time after all or any part of the work
47 is substantially completed in accordance with
48 paragraph "c", the contractor may request the release
49 of all or part of the retainage owed. Such request
50 shall be accompanied by a waiver of claim rights under

1 the provisions of chapter 573 from any person, firm,
2 or corporation who has, under contract with the
3 principal contractor or with subcontractors performed
4 labor, or furnished materials, service, or
5 transportation in the construction of that portion of
6 the work for which release of the retainage is
7 requested.

8 (2) Upon receipt of the request, the board shall
9 release all or part of the unpaid funds. Retainage
10 that is approved as payable shall be paid at the time
11 of the next monthly payment or within thirty days,
12 whichever is sooner. If partial retainage is released
13 pursuant to a contractor's request, no retainage shall
14 be subsequently held based on that portion of the
15 work. If within thirty days of when payment becomes
16 due the board does not release the retainage due,
17 interest shall accrue on the retainage amount due as
18 provided in section 573.14 until that amount is paid.

19 (3) If at the time of the request for the
20 retainage there are remaining or incomplete minor
21 items, an amount equal to two hundred percent of the
22 value of each remaining or incomplete item, as
23 determined by the board's authorized contract
24 representative, may be withheld until such item or
25 items are completed.

26 (4) An itemization of the remaining or incomplete
27 items, or the reason that the request for release of
28 the retainage was denied, shall be provided to the
29 contractor in writing within thirty calendar days of
30 the receipt of the request for release of retainage.

31 b. For purposes of this section, "authorized
32 contract representative" means the architect or
33 engineer who is in charge of the project and chosen by
34 the board to represent its interests, or if there is
35 no architect or engineer, then such other contract
36 representative or officer as designated in the
37 contract documents as the party representing the
38 board's interest regarding administration and
39 oversight of the project.

40 c. For purposes of this section, "substantially
41 completed" means the first date on which any of the
42 following occurs:

43 (1) Completion of the project or when the work has
44 been substantially completed in general accordance
45 with the terms and provisions of the contract.

46 (2) The work or the portion designated is
47 sufficiently complete in accordance with the
48 requirements of the contract so the board can occupy
49 or utilize the work for its intended purpose.

50 (3) The project is certified as having been

1 substantially completed by either of the following:
2 (a) The architect or engineer authorized to make
3 such certification.
4 (b) The contracting authority representing the
5 board.
6 4. Each contractor or subcontractor shall withhold
7 retainage, if at all, in the same manner as retainage
8 is withheld from the contractor or subcontractor; and
9 each subcontractor shall pass through all retainage
10 payments to lower tier subcontractors in accordance
11 with the provisions of chapter 573.

12 Sec. ____. Section 262.57, unnumbered paragraph 1,
13 Code 2005, is amended to read as follows:
14 To pay all or any part of the cost of carrying out
15 any project at any institution the board is authorized
16 to borrow money and to issue and sell negotiable bonds
17 or notes and to refund and refinance bonds or notes
18 heretofore issued or as may be hereafter issued for
19 any project or for refunding purposes at a lower rate,
20 the same rate or a higher rate or rates of interest
21 and from time to time as often as the board shall find
22 it to be advisable and necessary so to do. Such bonds
23 or notes may be sold by said board at public sale in
24 the manner prescribed by chapter 75 but if the board
25 shall find it to be advantageous and in the public
26 interest to do so, such bonds or notes may be sold by
27 the board at private sale without published notice of
28 any kind and without regard to the requirements of
29 chapter 75 in such manner and upon such terms as may
30 be prescribed by the resolution authorizing the same,
31 ~~but such bonds or notes shall in any event be sold~~
32 ~~upon terms of not less than par plus accrued interest.~~
33 Bonds or notes issued to refund other bonds or notes
34 heretofore or hereafter issued by the board for
35 residence hall or dormitory purposes at any
36 institution, including dining or other facilities and
37 additions, or heretofore or hereafter issued for
38 refunding purposes, may either be sold in the manner
39 hereinbefore specified and the proceeds thereof
40 applied to the payment of the obligations being
41 refunded, or the refunding bonds or notes may be
42 exchanged for and in payment and discharge of the
43 obligations being refunded, and a finding by the board
44 in the resolution authorizing the issuance of such
45 refunding bonds or notes that the bonds or notes being
46 refunded were issued for a purpose specified in this
47 division and constitute binding obligations of the
48 board shall be conclusive and may be relied upon by
49 any holder of any refunding bond or note issued under
50 the provisions of this division. The refunding bonds

1 or notes may be sold or exchanged in installments at
2 different times or an entire issue or series may be
3 sold or exchanged at one time. Any issue or series of
4 refunding bonds or notes may be exchanged in part or
5 sold in parts in installments at different times or at
6 one time. The refunding bonds or notes may be sold or
7 exchanged at any time on, before, or after the
8 maturity of any of the outstanding notes, bonds or
9 other obligations to be refinanced thereby and may be
10 issued for the purpose of refunding a like or greater
11 principal amount of bonds or notes, except that the
12 principal amount of the refunding bonds or notes may
13 exceed the principal amount of the bonds or notes to
14 be refunded to the extent necessary to pay any premium
15 due on the call of the bonds or notes to be refunded
16 or to fund interest in arrears or about to become due.

17 Sec. _____. Section 262.78, subsection 6, Code 2005,
18 is amended by striking the subsection.

19 Sec. _____. Section 262A.5, unnumbered paragraph 1,
20 Code 2005, is amended to read as follows:

21 The board is authorized to borrow money under this
22 chapter, and the board may issue and sell negotiable
23 bonds to pay all or any part of the cost of carrying
24 out any project at any institution and may refund and
25 refinance bonds issued for any project or for
26 refunding purposes at the same rate or at a higher or
27 lower rate or rates of interest. Bonds issued under
28 the provisions of this chapter shall be sold by said
29 board at public sale on the basis of sealed proposals
30 received pursuant to a notice specifying the time and
31 place of sale and the amount of bonds to be sold which
32 shall be published at least once not less than seven
33 days prior to the date of sale in a newspaper
34 published in the state of Iowa and having a general
35 circulation in said state. The provisions of chapter
36 75 shall ~~not~~ apply to bonds issued under authority
37 contained in this chapter, ~~but such bonds shall be~~
38 ~~sold upon terms of not less than par plus accrued~~
39 ~~interest to the extent not in conflict with this~~
40 chapter. Bonds issued to refund other bonds issued
41 under the provisions of this chapter may either be
42 sold in the manner hereinbefore specified and the
43 proceeds thereof applied to the payment of the
44 obligations being refunded, or the refunding bonds may
45 be exchanged for and in payment and discharge of the
46 obligations being refunded. The refunding bonds may
47 be sold or exchanged in installments at different
48 times or an entire issue or series may be sold or
49 exchanged at one time. Any issue or series of
50 refunding bonds may be exchanged in part or sold in

1 parts in installments at different times or at one
2 time. The refunding bonds may be sold or exchanged at
3 any time on, before, or after the maturity of any of
4 the outstanding bonds or other obligations to be
5 refinanced thereby and may be issued for the purpose
6 of refunding a like or greater principal amount of
7 bonds, except that the principal amount of the
8 refunding bonds may exceed the principal amount of the
9 bonds to be refunded to the extent necessary to pay
10 any premium due on the call of the bonds to be
11 refunded or to fund interest in arrears or which is to
12 become due.

13 Sec. _____. Section 266.39F, subsection 2,
14 unnumbered paragraph 2, Code 2005, is amended to read
15 as follows:

16 The provisions of section 262.9, subsection 7, and
17 ~~section 262.10~~, shall not apply to the sale of any
18 portion of land to be sold in accordance with this
19 section or to the use of the proceeds from the sale of
20 the land.

21 Sec. _____. Section 573.12, subsection 1, unnumbered
22 paragraph 1, Code 2005, is amended to read as follows:

23 Payments made under contracts for the construction
24 of public improvements, unless provided otherwise by
25 law, shall be made on the basis of monthly estimates
26 of labor performed and material delivered, as
27 determined by the project architect or engineer. The
28 public corporation shall retain from each monthly
29 payment not more than five percent of that amount
30 which is determined to be due according to the
31 estimate of the architect or engineer. ~~However,~~
32 ~~institutions governed pursuant to chapter 262 may, on~~
33 ~~contracts where a bond is required under section~~
34 ~~573.2, make payments under this section without~~
35 ~~retention until ninety-five percent of the contract~~
36 ~~amount has been paid and the remaining five percent of~~
37 ~~the contract amount shall be paid as provided under~~
38 ~~section 573.14.~~

39 Sec. _____. Section 573.14, unnumbered paragraph 2,
40 Code 2005, is amended to read as follows:

41 The public corporation shall order payment of any
42 amount due the contractor to be made in accordance
43 with the terms of the contract. Except as provided in
44 section 573.12 for progress payments, failure to make
45 payment pursuant to this section, of any amount due
46 the contractor, within forty days, unless a greater
47 time period not to exceed fifty days is specified in
48 the contract documents, after the work under the
49 contract has been completed and if the work has been
50 accepted and all required materials, certifications,

and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding public corporation by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of this paragraph and ending on the date of payment. The rate of interest shall be determined by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under section 12C.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. However, for institutions governed pursuant to chapter 262, the rate of interest shall be determined by the period of time during which interest accrues, and shall be calculated as the prime rate plus one percent per year as of the day interest begins to accrue. This paragraph does not abridge any of the rights set forth in section 573.16. Except as provided in sections 573.12 and 573.16, interest shall not accrue on funds retained by the public corporation to satisfy the provisions of this section regarding claims on file. This chapter does not apply if the public corporation has entered into a contract with the federal government or accepted a federal grant which is governed by federal law or rules that are contrary to the provisions of this chapter. For purposes of this unnumbered paragraph, "prime rate" means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

Sec. _____. Sections 262.64A, 262.67, 262A.3, 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are repealed.

DIVISION

ENTREPRENEURS WITH DISABILITIES

Sec. _____. **ENTREPRENEURS WITH DISABILITIES PROGRAM TRANSFER OF ADMINISTRATION.** The department of economic development shall transfer the administrative duties of the entrepreneurs with disabilities program to the Iowa finance authority. The authority shall adopt rules pursuant to chapter 17A for purposes of administering the program. Any contract entered into under the program by the department of economic development remains valid. The transfer of administrative duties to the authority shall not constitute grounds for rescission or modification of a

1 contract under the program entered into with the
2 department.

3 Sec. _____. ENTREPRENEURS WITH DISABILITIES PROGRAM
4 -- APPROPRIATION. For the fiscal year beginning July
5 1, 2005, and ending June 30, 2006, there is
6 appropriated from the general fund of the state to the
7 Iowa finance authority two hundred thousand dollars
8 for purposes of the entrepreneurs with disabilities
9 program."

10 _____. Page 48, by inserting after line 26, the
11 following:

12 "DIVISION

13 WIND ENERGY PRODUCTION TAX CREDIT

14 Sec. _____. Section 476B.1, subsection 4, paragraph
15 c, Code 2005, is amended to read as follows:

16 c. Was originally placed in service on or after
17 July 1, 2004 2005, but before July 1, 2007 2008.

18 Sec. _____. Section 476B.3, Code 2005, is amended to
19 read as follows:

20 476B.3 CREDIT AMOUNT.

21 ~~1. Except as limited by subsection 2, the~~ The wind
22 energy production tax credit allowed under this
23 chapter equals the product of one cent multiplied by
24 the number of kilowatt-hours of qualified electricity
25 sold by the owner during the taxable year.

26 ~~2. a. The maximum amount of tax credit which a~~
27 ~~group of qualified facilities operating as one unit~~
28 ~~may receive for a taxable year equals the rate of~~
29 ~~credit times thirty-two percent of the total number of~~
30 ~~kilowatts of nameplate generating capacity.~~

31 ~~b. However, if for the previous taxable year the~~
32 ~~amount of the tax credit for the group of qualified~~
33 ~~facilities operating as one unit is less than the~~
34 ~~maximum amount available as provided in paragraph "a",~~
35 ~~the maximum amount for the next taxable year shall be~~
36 ~~increased by the amount of the previous year's unused~~
37 ~~maximum credit.~~

38 Sec. _____. Section 476B.4, subsection 1, paragraph
39 b, Code 2005, is amended by striking the paragraph.

40 Sec. _____. Section 476B.5, Code 2005, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 476B.5 DETERMINATION OF ELIGIBILITY.

44 1. An owner may apply to the board for a written
45 determination regarding whether a facility is a
46 qualified facility by submitting to the board a
47 written application containing all of the following:

48 a. Information regarding the ownership of the
49 facility including the percentage of equity interest
50 held by each owner.

- 1 b. The nameplate generating capacity of the
- 2 facility.
- 3 c. Information regarding the facility's initial
- 4 placement in service.
- 5 d. Information regarding the type of facility.
- 6 e. A copy of an executed power purchase agreement
- 7 or other agreement to purchase electricity upon
- 8 completion of the project.
- 9 f. Any other information the board may require.
- 10 2. The board shall review the application and
- 11 supporting information and shall make a preliminary
- 12 determination regarding whether the facility is a
- 13 qualified facility. The board shall notify the
- 14 applicant of the approval or denial of the application
- 15 within thirty days of receipt of the application and
- 16 information required. If the board fails to notify
- 17 the applicant of the approval or denial within thirty
- 18 days, the application shall be deemed denied. An
- 19 applicant who receives a determination denying an
- 20 application may file an appeal with the board within
- 21 thirty days from the date of the denial pursuant to
- 22 the provisions of chapter 17A. In the absence of a
- 23 timely appeal, the preliminary determination shall be
- 24 final. If the application is incomplete, the board
- 25 may grant an extension of time for the provision of
- 26 additional information.
- 27 3. A facility that is not operational within
- 28 eighteen months after issuance of an approval for the
- 29 facility by the board shall cease to be a qualified
- 30 facility. A facility that is granted and thereafter
- 31 loses approval may reapply to the board for a new
- 32 determination.
- 33 4. The maximum amount of nameplate generating
- 34 capacity of all qualified facilities the board may
- 35 find eligible under this chapter shall not exceed four
- 36 hundred fifty megawatts of nameplate generating
- 37 capacity.
- 38 5. An owner shall not be an owner of more than two
- 39 qualified facilities.
- 40 Sec. _____. Section 476B.6, Code 2005, is amended by
- 41 striking the section and inserting in lieu thereof the
- 42 following:
- 43 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.
- 44 1. a. To be eligible to receive the wind energy
- 45 production tax credit, the owner must first receive
- 46 approval of the board of supervisors of the county in
- 47 which the qualified facility is located. The
- 48 application for approval may be submitted prior to
- 49 commencement of the construction of the qualified
- 50 facility but shall be submitted no later than the

1 close of the owner's first taxable year for which the
2 credit is to be applied for. The application must
3 contain the owner's name and address, the address of
4 the qualified facility, and the dates of the owner's
5 first and last taxable years for which the credit will
6 be applied for. Within forty-five days of the receipt
7 of the application for approval, the board of
8 supervisors shall either approve or disapprove the
9 application. After the forty-five-day limit, the
10 application is deemed to be approved.

11 b. Upon approval of the application, the owner may
12 apply for the tax credit as provided in subsection 2.
13 In addition, approval of the application is acceptance
14 by the applicant for the assessment of the qualified
15 facility for property tax purposes for a period of
16 twelve years and approval by the board of supervisors
17 for the payment of the property taxes levied on the
18 qualified property to the state. For purposes of
19 property taxation, the qualified facility shall be
20 centrally assessed and shall be exempt from any
21 replacement tax under section 437A.6 for the period
22 during which the facility is subject to property
23 taxation. The property taxes to be paid to the state
24 are those property taxes which make up the
25 consolidated tax levied on the qualified facility and
26 which are due and payable in the twelve-year period
27 beginning with the first fiscal year beginning on or
28 after the end of the owner's first taxable year for
29 which the credit is applied for. Upon approval of the
30 application, the board of supervisors shall notify the
31 county treasurer to state on the tax statement which
32 lists the taxes on the qualified facility that the
33 amount of the property taxes shall be paid to the
34 department. Payment of the designated property taxes
35 to the department shall be in the same manner as
36 required for the payment of regular property taxes and
37 failure to pay designated property taxes to the
38 department shall be treated the same as failure to pay
39 property taxes to the county treasurer.

40 c. Once the owner of the qualified facility
41 receives approval under paragraph "a", subsequent
42 approval under paragraph "a" is not required for the
43 same qualified facility for subsequent taxable years.

44 2. An owner of a qualified facility may apply to
45 the board for the wind energy production tax credit by
46 submitting to the board all of the following:

47 a. A completed application in a form prescribed by
48 the board.

49 b. A copy of the determination granting approval
50 of the facility as a qualified facility by the board.

1 c. A copy of a signed power purchase agreement or
2 other agreement to purchase electricity.

3 d. Sufficient documentation that the electricity
4 has been generated by the qualified facility and sold
5 to a purchaser.

6 e. Any other information the board deems
7 necessary.

8 3. The board shall notify the department of the
9 amount of kilowatt-hours generated and purchased from
10 a qualified facility. The department shall calculate
11 the amount of the tax credit for which the applicant
12 is eligible and shall issue the tax credit certificate
13 for that amount or notify the applicant in writing of
14 its refusal to do so. An applicant whose application
15 is denied may file an appeal with the department
16 within sixty days from the date of the denial pursuant
17 to the provisions of chapter 17A.

18 4. Each tax credit certificate shall contain the
19 owner's name, address, and tax identification number,
20 the amount of tax credits, the first taxable year the
21 certificate may be used, the type of tax to which the
22 tax credits shall be applied, and any other
23 information required by the department. The tax
24 credit certificate shall only list one type of tax to
25 which the amount of the tax credit may be applied.
26 Once issued by the department, the tax credit
27 certificate shall not be terminated or rescinded.

28 5. If the tax credit application is filed by a
29 partnership, limited liability company, S corporation,
30 estate, trust, or other reporting entity all of the
31 income of which is taxed directly to its equity
32 holders or beneficiaries, for the taxes imposed under
33 chapter 422, division II or III, the tax credit
34 certificate shall be issued directly to equity holders
35 or beneficiaries of the applicant in proportion to
36 their pro rata share of the income of such entity.
37 The applicant shall, in the application made under
38 this section, identify its equity holders or
39 beneficiaries, and the percentage of such entity's
40 income that is allocable to each equity holder or
41 beneficiary. If the tax credit application is filed
42 by a partnership, limited liability company, S
43 corporation, estate, trust, or other reporting entity,
44 all of whose income is taxed directly to its equity
45 holders or beneficiaries for the taxes imposed under
46 chapter 422, division V, or under chapter 432, the tax
47 credit certificate shall be issued directly to the
48 partnership, limited liability company, S corporation,
49 estate, trust, or other reporting entity.

50 6. The department shall not issue a tax credit

1 certificate if the facility approved by the board as a
2 qualified facility is not operational within eighteen
3 months after the approval is issued.

4 7. Once a tax credit certificate is issued
5 pursuant to this section, the tax credit may only be
6 claimed against the type of tax reflected on the
7 certificate.

8 8. A tax credit certificate shall not be used or
9 attached to a return filed for a taxable year
10 beginning prior to July 1, 2006.

11 Sec. _____. Section 476B.7, unnumbered paragraph 1,
12 Code 2005, is amended to read as follows:

13 Wind energy production tax credit certificates
14 issued under this chapter may be transferred to any
15 person or entity. Within thirty days of transfer, the
16 transferee must submit the transferred tax credit
17 certificate to the ~~board~~ department along with a
18 statement containing the transferee's name, tax
19 identification number, and address, and the
20 denomination that each replacement tax credit
21 certificate is to carry and any other information
22 required by the department. Within thirty days of
23 receiving the transferred tax credit certificate and
24 the transferee's statement, the ~~board~~ department shall
25 issue one or more replacement tax credit certificates
26 to the transferee. Each replacement certificate must
27 contain the information required under section 476B.6
28 and must have the same effective taxable year and the
29 same expiration date that appeared in the transferred
30 tax credit certificate. Tax credit certificate
31 amounts of less than the minimum amount established by
32 rule of the board shall not be transferable. A tax
33 credit shall not be claimed by a transferee under this
34 chapter until a replacement tax credit certificate
35 identifying the transferee as the proper holder has
36 been issued.

37 Sec. _____. Section 476B.8, Code 2005, is amended to
38 read as follows:

39 476B.8 USE OF TAX CREDIT CERTIFICATES.

40 To claim a wind energy production tax credit under
41 this chapter, a taxpayer must attach one or more tax
42 credit certificates to the taxpayer's tax return. A
43 tax credit certificate shall not be used or attached
44 to a return filed for a taxable year beginning prior
45 to July 1, ~~2005~~ 2006. The tax credit certificate or
46 certificates attached to the taxpayer's tax return
47 shall be issued in the taxpayer's name, expire on or
48 after the last day of the taxable year for which the
49 taxpayer is claiming the tax credit, and show a tax
50 credit amount equal to or greater than the tax credit

1 claimed on the taxpayer's tax return. Any tax credit
2 in excess of the taxpayer's tax liability for the
3 taxable year may be credited to the taxpayer's tax
4 liability for the following seven taxable years or
5 until depleted, whichever is the earlier.

6 Sec. _____. Section 476B.9, Code 2005, is amended to
7 read as follows:

8 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

9 ~~The board shall, in conjunction with the~~
10 ~~department,~~ shall develop a system for the
11 registration of the wind energy production tax credit
12 certificates issued or transferred under this chapter
13 and a system that permits verification that any tax
14 credit claimed on a tax return is valid and that
15 transfers of the tax credit certificates are made in
16 accordance with the requirements of this chapter. The
17 tax credit certificates issued under this chapter
18 shall not be classified as a security pursuant to
19 chapter 502.

20 Sec. _____. NEW SECTION. 476B.10 RULES.

21 The department and the board may adopt rules
22 pursuant to chapter 17A for the administration and
23 enforcement of this chapter."

24 _____. Page 48, by inserting after line 26, the
25 following:

26 "DIVISION

27 PROVISIONS RELATING TO THE PRACTICE OF PHARMACY

28 Sec. _____. Section 155A.3, subsection 11, Code
29 2005, is amended to read as follows:

30 11. "Dispense" means to deliver a prescription
31 drug, device, or controlled substance to an ultimate
32 user or research subject by or pursuant to the lawful
33 prescription drug order or medication order of a
34 practitioner, including the prescribing,
35 administering, packaging, labeling, or compounding
36 necessary to prepare the substance for that delivery.

37 Sec. _____. Section 155A.3, Code 2005, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 22A. "Logistics provider" means
40 an entity that provides or coordinates warehousing,
41 distribution, or other services on behalf of a
42 manufacturer or other owner of a drug, but does not
43 take title to the drug or have general responsibility
44 to direct its sale or other disposition.

45 Sec. _____. Section 155A.3, Code 2005, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 23A. "Pedigree" means a recording
48 of each distribution of any given drug or device, from
49 the sale by the manufacturer through acquisition and
50 sale by any wholesaler, pursuant to rules adopted by

1 the board.

2 Sec. _____. Section 155A.3, subsection 33, paragraph
3 b, Code 2005, is amended to read as follows:

4 b. A drug or device that under federal law is
5 required, prior to being dispensed or delivered, to be
6 labeled with ~~either~~ one of the following statements:

7 (1) Caution: Federal law prohibits dispensing
8 without a prescription.

9 (2) Caution: Federal law restricts this drug to
10 use by or on the order of a licensed veterinarian.

11 (3) Caution: Federal law restricts this device to
12 sale by, or on the order of, a physician.

13 (4) Rx only.

14 Sec. _____. Section 155A.3, subsection 35, Code
15 2005, is amended to read as follows:

16 35. "Proprietary medicine" or "over-the-counter
17 medicine" means a nonnarcotic drug or device that may
18 be sold without a prescription and that is labeled and
19 packaged in compliance with applicable state or
20 federal law.

21 Sec. _____. Section 155A.3, subsection 38, Code
22 2005, is amended to read as follows:

23 38. "Wholesaler" means a person operating or
24 maintaining, either within or outside this state, a
25 manufacturing plant, wholesale distribution center,
26 wholesale business, or any other business in which
27 prescription drugs or devices, medicinal chemicals,
28 medicines, or poisons are sold, manufactured,
29 compounded, dispensed, stocked, exposed, distributed
30 from, or offered for sale at wholesale in this state.

31 "Wholesaler" does not include those wholesalers who
32 sell only proprietary or over-the-counter medicines.

33 "Wholesaler" also does not include a commercial
34 carrier that temporarily stores prescription drugs or
35 devices, medicinal chemicals, medicines, or poisons
36 while in transit.

37 Sec. _____. Section 155A.4, subsection 2, paragraph
38 a, Code 2005, is amended to read as follows:

39 a. A ~~manufacturer or~~ wholesaler to distribute
40 prescription drugs or devices as provided by state or
41 federal law.

42 Sec. _____. Section 155A.13, subsection 6,
43 unnumbered paragraph 1, Code 2005, is amended to read
44 as follows:

45 To qualify for a pharmacy license, the applicant
46 shall submit to the board a license fee as determined
47 by the board and a completed application on a form
48 prescribed by the board ~~that shall include the~~
49 ~~following information and.~~ The application shall
50 include the following and such other information as

1 required by rules of the board and shall be given
2 under oath:

3 Sec. _____. Section 155A.17, subsection 2, Code
4 2005, is amended to read as follows:

5 2. The board shall establish standards for drug
6 wholesaler licensure and may define specific types of
7 wholesaler licenses. The board may deny, suspend, or
8 revoke a drug wholesale license for failure to meet
9 the applicable standards or for a violation of the
10 laws of this state, another state, or the United
11 States relating to prescription drugs, devices, or
12 controlled substances, or for a violation of this
13 chapter, chapter 124, 124A, 124B, 126, or 205, or a
14 rule of the board.

15 Sec. _____. Section 155A.17, subsection 3, Code
16 2005, is amended to read as follows:

17 3. The board shall adopt rules pursuant to chapter
18 17A on matters pertaining to the issuance of a
19 wholesale drug license. The rules shall provide for
20 conditions of licensure, compliance standards,
21 licensure fees, disciplinary action, and other
22 relevant matters. Additionally, the rules shall
23 establish provisions or exceptions for pharmacies,
24 chain pharmacy distribution centers, logistics
25 providers, and other types of wholesalers relating to
26 pedigree requirements, drug or device returns, and
27 other related matters, so as not to prevent or
28 interfere with usual, customary, and necessary
29 business activities.

30 Sec. _____. Section 155A.19, subsection 1, paragraph
31 f, Code 2005, is amended by striking the paragraph and
32 inserting in lieu thereof the following:

33 f. Change of legal name or doing-business-as name.

34 Sec. _____. Section 155A.19, Code 2005, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 3. A wholesaler shall report in
37 writing to the board, pursuant to its rules, the
38 following:

39 a. Permanent closing or discontinuation of
40 wholesale distributions into this state.

41 b. Change of ownership.

42 c. Change of location.

43 d. Change of the wholesaler's responsible
44 individual.

45 e. Change of legal name or doing-business-as name.

46 f. Theft or significant loss of any controlled
47 substance on discovery of the theft or loss.

48 g. Disasters, accidents, and emergencies that may
49 affect the strength, purity, or labeling of drugs,
50 medications, devices, or other materials used in the

1 diagnosis or the treatment of injury, illness, and
2 disease.

3 h. Other information or activities as required by
4 rule.

5 Sec. _____. Section 155A.20, subsection 1, Code
6 2005, is amended to read as follows:

7 1. A person, other than a pharmacy or wholesaler
8 licensed under this chapter, shall not display in or
9 on any store, internet site, or place of business, nor
10 use in any advertising or promotional literature,
11 communication, or representation, the word or words:
12 "apothecary", "drug", "drug store", or "pharmacy",
13 either in English or any other language, any other
14 word or combination of words of the same or similar
15 meaning, or any graphic representation in a manner
16 that would mislead the public ~~unless it is a pharmacy~~
17 ~~or drug wholesaler licensed under this chapter~~.

18 Sec. _____. Section 155A.21, Code 2005, is amended
19 to read as follows:

20 155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG
21 OR DEVICE -- PENALTY.

22 1. A person found in possession of a drug or
23 device limited to dispensation by prescription, unless
24 the drug or device was so lawfully dispensed, commits
25 a serious misdemeanor.

26 2. Subsection 1 does not apply to a licensed
27 pharmacy, licensed wholesaler, physician,
28 veterinarian, dentist, podiatric physician,
29 therapeutically certified optometrist, advanced
30 registered nurse practitioner, physician assistant, a
31 nurse acting under the direction of a physician, or
32 the board of pharmacy examiners, its officers, agents,
33 inspectors, and representatives, nor to a common
34 carrier, manufacturer's representative, or messenger
35 when transporting the drug or device in the same
36 unbroken package in which the drug or device was
37 delivered to that person for transportation.

38 Sec. _____. Section 155A.23, Code 2005, is amended
39 to read as follows:

40 155A.23 PROHIBITED ACTS.

41 A person shall not perform or cause the performance
42 of or aid and abet any of the following acts:

43 1. ~~Obtain or attempt~~ Obtaining or attempting to
44 obtain a prescription drug or device or procure or
45 ~~attempt~~ procuring or attempting to procure the
46 administration of a prescription drug or device by:

47 a. ~~Fraud~~ Engaging in fraud, deceit,
48 misrepresentation, or subterfuge.

49 b. ~~Forgery or alteration of~~ Forging or altering a
50 written, electronic, or facsimile prescription or of

- 1 any written, electronic, or facsimile order.
- 2 c. ~~Concealment of~~ Concealing a material fact.
- 3 d. ~~Use of~~ Using a false name or ~~the~~ giving of a
- 4 false address.
- 5 2. Willfully ~~make~~ making a false statement in any
- 6 prescription, report, or record required by this
- 7 chapter.
- 8 3. For the purpose of obtaining a prescription
- 9 drug or device, falsely ~~assume~~ assuming the title of
- 10 or ~~claim~~ claiming to be a manufacturer, wholesaler,
- 11 pharmacist, pharmacy owner, physician, dentist,
- 12 podiatric physician, veterinarian, or other authorized
- 13 person.
- 14 4. ~~Make or utter~~ Making or uttering any false or
- 15 forged oral, written, electronic, or facsimile
- 16 prescription or oral, written, electronic, or
- 17 facsimile order.
- 18 5. ~~Affix any false or forged label to a package or~~
- 19 ~~receptacle containing prescription drugs~~ Forging,
- 20 counterfeiting, simulating, or falsely representing
- 21 any drug or device without the authority of the
- 22 manufacturer, or using any mark, stamp, tag, label, or
- 23 other identification device without the authorization
- 24 of the manufacturer.
- 25 6. Manufacturing, repackaging, selling,
- 26 delivering, or holding or offering for sale any drug
- 27 or device that is adulterated, misbranded,
- 28 counterfeit, suspected of being counterfeit, or that
- 29 has otherwise been rendered unfit for distribution.
- 30 7. Adulterating, misbranding, or counterfeiting
- 31 any drug or device.
- 32 8. Receiving any drug or device that is
- 33 adulterated, misbranded, stolen, obtained by fraud or
- 34 deceit, counterfeit, or suspected of being
- 35 counterfeit, and delivering or proffering delivery of
- 36 such drug or device for pay or otherwise.
- 37 9. Adulterating, mutilating, destroying,
- 38 obliterating, or removing the whole or any part of the
- 39 labeling of a drug or device or committing any other
- 40 act with respect to a drug or device that results in
- 41 the drug or device being misbranded.
- 42 10. Purchasing or receiving a drug or device from
- 43 a person who is not licensed to distribute the drug or
- 44 device to that purchaser or recipient.
- 45 11. Selling or transferring a drug or device to a
- 46 person who is not authorized under the law of the
- 47 jurisdiction in which the person receives the drug or
- 48 device to purchase or possess the drug or device from
- 49 the person selling or transferring the drug or device.
- 50 12. Failing to maintain or provide records as

1 required by this chapter, chapter 124, or rules of the
2 board.

3 13. Providing the board or any of its
4 representatives or any state or federal official with
5 false or fraudulent records or making false or
6 fraudulent statements regarding any matter within the
7 scope of this chapter, chapter 124, or rules of the
8 board.

9 14. Distributing at wholesale any drug or device
10 that meets any of the following conditions:

11 a. The drug or device was purchased by a public or
12 private hospital or other health care entity.

13 b. The drug or device was donated or supplied at a
14 reduced price to a charitable organization.

15 c. The drug or device was purchased from a person
16 not licensed to distribute the drug or device.

17 d. The drug or device was stolen or obtained by
18 fraud or deceit.

19 15. Failing to obtain a license or operating
20 without a valid license when a license is required
21 pursuant to this chapter or chapter 147.

22 16. Engaging in misrepresentation or fraud in the
23 distribution of a drug or device.

24 17. Distributing a drug or device to a patient
25 without a prescription drug order or medication order
26 from a practitioner licensed by law to use or
27 prescribe the drug or device.

28 18. Distributing a drug or device that was
29 previously dispensed by a pharmacy or distributed by a
30 practitioner except as provided by rules of the board.

31 19. Failing to report any prohibited act.

32 Information communicated to a physician in an
33 unlawful effort to procure a prescription drug or
34 device or to procure the administration of a
35 prescription drug shall not be deemed a privileged
36 communication.

37 Subsections 6 and 7 shall not apply to the
38 wholesale distribution by a manufacturer of a
39 prescription drug or device that has been delivered
40 into commerce pursuant to an application approved by
41 the federal food and drug administration.

42 Sec. ____. Section 155A.24, Code 2005, is amended
43 to read as follows:

44 155A.24 PENALTIES.

45 1. Except as otherwise provided in this section,
46 a person who violates a provision of section 155A.23
47 or who sells or offers for sale, gives away, or
48 administers to another person any prescription drug or
49 device in violation of this chapter commits a public
50 offense and shall be punished as follows:

1 a. If the prescription drug is a controlled
2 substance, the person shall be punished pursuant to
3 ~~section 124.401, subsection 1, and section 124.411~~
4 chapter 124, division IV.

5 b. If the prescription drug is not a controlled
6 substance, the person, upon conviction of a first
7 offense, is guilty of a serious misdemeanor. For a
8 second offense, or if in case of a first offense the
9 offender previously has been convicted of any
10 violation of the laws of the United States or of any
11 state, territory, or district thereof relating to
12 prescription drugs or devices, the offender is guilty
13 of an aggravated misdemeanor. For a third or
14 subsequent offense or if in the case of a second
15 offense the offender previously has been convicted two
16 or more times in the aggregate of any violation of the
17 laws of the United States or of any state, territory,
18 or district thereof relating to prescription drugs or
19 devices, the offender is guilty of a class "D" felony.

20 2. A person who violates any provision of this
21 chapter by selling, giving away, or administering any
22 prescription drug or device to a minor is guilty of a
23 class "C" felony.

24 3. A wholesaler who, with intent to defraud or
25 deceive, fails to deliver to another person, when
26 required by rules of the board, complete and accurate
27 pedigree concerning a drug prior to transferring the
28 drug to another person is guilty of a class "C"
29 felony.

30 4. A wholesaler who, with intent to defraud or
31 deceive, fails to acquire, when required by rules of
32 the board, complete and accurate pedigree concerning a
33 drug prior to obtaining the drug from another person
34 is guilty of a class "C" felony.

35 5. A wholesaler who knowingly destroys, alters,
36 conceals, or fails to maintain, as required by rules
37 of the board, complete and accurate pedigree
38 concerning any drug in the person's possession is
39 guilty of a class "C" felony.

40 6. A wholesaler who is in possession of pedigree
41 documents required by rules of the board, and who
42 knowingly fails to authenticate the matters contained
43 in the documents as required, and who nevertheless
44 distributes or attempts to further distribute drugs is
45 guilty of a class "C" felony.

46 7. A wholesaler who, with intent to defraud or
47 deceive, falsely swears or certifies that the person
48 has authenticated any documents related to the
49 wholesale distribution of drugs or devices is guilty
50 of a class "C" felony.

1 8. A wholesaler who knowingly forges,
2 counterfeits, or falsely creates any pedigree, who
3 falsely represents any factual matter contained in any
4 pedigree, or who knowingly omits to record material
5 information required to be recorded in a pedigree is
6 guilty of a class "C" felony.

7 9. A wholesaler who knowingly purchases or
8 receives drugs or devices from a person not authorized
9 to distribute drugs or devices in wholesale
10 distribution is guilty of a class "C" felony.

11 10. A wholesaler who knowingly sells, barter,
12 brokers, or transfers a drug or device to a person not
13 authorized to purchase the drug or device under the
14 jurisdiction in which the person receives the drug or
15 device in a wholesale distribution is guilty of a
16 class "C" felony.

17 11. A person who knowingly manufactures, sells,
18 or delivers, or who possesses with intent to sell or
19 deliver, a counterfeit, misbranded, or adulterated
20 drug or device is guilty of the following:

21 a. If the person manufactures or produces a
22 counterfeit, misbranded, or adulterated drug or
23 device; or if the quantity of a counterfeit,
24 misbranded, or adulterated drug or device being sold,
25 delivered, or possessed with intent to sell or deliver
26 exceeds one thousand units or dosages; or if the
27 violation is a third or subsequent violation of this
28 subsection, the person is guilty of a class "C"
29 felony.

30 b. If the quantity of a counterfeit, misbranded,
31 or adulterated drug or device being sold, delivered,
32 or possessed with intent to sell or deliver exceeds
33 one hundred units or dosages but does not exceed one
34 thousand units or dosages; or if the violation is a
35 second or subsequent violation of this subsection, the
36 person is guilty of a class "D" felony.

37 c. All other violations of this subsection shall
38 constitute an aggravated misdemeanor.

39 12. A person who knowingly forges, counterfeits,
40 or falsely creates any label for a drug or device or
41 who falsely represents any factual matter contained on
42 any label of a drug or device is guilty of a class "C"
43 felony.

44 13. A person who knowingly possesses, purchases,
45 or brings into the state a counterfeit, misbranded, or
46 adulterated drug or device is guilty of the following:

47 a. If the quantity of a counterfeit, misbranded,
48 or adulterated drug or device being possessed,
49 purchased, or brought into the state exceeds one
50 hundred units or dosages; or if the violation is a

1 second or subsequent violation of this subsection, the
2 person is guilty of a class "D" felony.

3 b. All other violations of this subsection shall
4 constitute an aggravated misdemeanor.

5 14. This section does not prevent a licensed
6 practitioner of medicine, dentistry, podiatry,
7 nursing, veterinary medicine, optometry, or pharmacy
8 from acts necessary in the ethical and legal
9 performance of the practitioner's profession.

10 15. Subsections 1 and 2 shall not apply to a
11 parent or legal guardian administering, in good faith,
12 a prescription drug or device to a child of the parent
13 or a child for whom the individual is designated a
14 legal guardian.

15 Sec. ____ . NEW SECTION. 155A.40 CRIMINAL HISTORY
16 RECORD CHECKS.

17 1. The board may request and obtain,
18 notwithstanding section 692.2, subsection 5, criminal
19 history data for any applicant for an initial or
20 renewal license or registration issued pursuant to
21 this chapter or chapter 147, any applicant for
22 reinstatement of a license or registration issued
23 pursuant to this chapter or chapter 147, or any
24 licensee or registrant who is being monitored as a
25 result of a board order or agreement resolving an
26 administrative disciplinary action, for the purpose of
27 evaluating the applicant's, licensee's, or
28 registrant's eligibility for licensure, registration,
29 or suitability for continued practice of the
30 profession. Criminal history data may be requested
31 for all owners, managers, and principal employees of a
32 pharmacy or drug wholesaler licensed pursuant to this
33 chapter. The board shall adopt rules pursuant to
34 chapter 17A to implement this section. The board
35 shall inform the applicant, licensee, or registrant of
36 the criminal history requirement and obtain a signed
37 waiver from the applicant, licensee, or registrant
38 prior to submitting a criminal history data request.

39 2. A request for criminal history data shall be
40 submitted to the department of public safety, division
41 of criminal investigation and bureau of
42 identification, pursuant to section 692.2, subsection

43 1. The board may also require such applicants,
44 licensees, and registrants to provide a full set of
45 fingerprints, in a form and manner prescribed by the
46 board. Such fingerprints may be submitted to the
47 federal bureau of investigation through the state
48 criminal history repository for a national criminal
49 history check. The board may authorize alternate
50 methods or sources for obtaining criminal history

1 record information. The board may, in addition to any
2 other fees, charge and collect such amounts as may be
3 incurred by the board, the department of public
4 safety, or the federal bureau of investigation in
5 obtaining criminal history information. Amounts
6 collected shall be considered repayment receipts as
7 defined in section 8.2.

8 3. Criminal history information relating to an
9 applicant, licensee, or registrant obtained by the
10 board pursuant to this section is confidential. The
11 board may, however, use such information in a license
12 or registration denial proceeding. In a disciplinary
13 proceeding, such information shall constitute
14 investigative information under section 272C.6,
15 subsection 4, and may be used only for purposes
16 consistent with that section.

17 4. This section shall not apply to a manufacturer
18 of a prescription drug or device that has been
19 delivered into commerce pursuant to an application
20 approved by the federal food and drug administration.

21 Sec. ____ . NEW SECTION. 155A.41 CONTINUOUS
22 QUALITY IMPROVEMENT PROGRAM.

23 1. Each licensed pharmacy shall implement or
24 participate in a continuous quality improvement
25 program to review pharmacy procedures in order to
26 identify methods for addressing pharmacy medication
27 errors and for improving patient use of medications
28 and patient care services. Under the program, each
29 pharmacy shall assess its practices and identify areas
30 for quality improvement.

31 2. The board shall adopt rules for the
32 administration of a continuous quality improvement
33 program. The rules shall address all of the
34 following:

- 35 a. Program requirements and procedures.
- 36 b. Program record and reporting requirements.
- 37 c. Any other provisions necessary for the
38 administration of a program."

39 ____ . Title page, line 1, by inserting after the
40 word "Act" the following: "relating to state and
41 local finances by providing for tax exemptions,
42 credits, tax credit transfers, and other tax-related
43 matters and by".

44 ____ . Title page, line 2, by inserting after the
45 word "fees," the following: "providing for wind
46 energy production tax credits,".

47 ____ . Title page, line 2, by inserting after the
48 word "matters" the following: "and penalties"."

49 11. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

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Succeeded By
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HSB 303

APPROPRIATIONS

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DIX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to state departments
2 and agencies from the rebuild Iowa infrastructure fund,
3 environment first fund, tobacco settlement trust fund,
4 vertical infrastructure fund, general fund of the state, and
5 related matters, and including an effective date provision.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For technology improvement projects:

..... \$ 3,802,000

Of the amount appropriated in this lettered paragraph, \$2,700,000 is allocated for continued implementation and operation of the integrated information for Iowa system; \$792,000 is allocated for continued development and implementation of the electronic tax administration project; and \$310,000 is allocated for maintenance and costs associated with upgrading the enterprise data warehouse.

b. For relocation and project costs directly associated with remodeling projects on the capitol complex and for facility lease payments:

..... \$ 1,824,000

c. For routine maintenance of state buildings and facilities:

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

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

..... \$ 1,925,427

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

..... \$ 1,843,878

f. For remodeling and renovation of the sexually violent predators unit at Cherokee:

..... \$ 1,400,000

1 g. For the costs associated with the replacement of the
 2 powerhouse facilities at the Iowa juvenile home at Toledo:
 3 \$ 1,311,045
 4 h. For improvements to the Wallace state office building:
 5 \$ 625,000
 6 2. DEPARTMENT OF CORRECTIONS
 7 a. For maintenance costs of the department of corrections
 8 and board of parole associated with the department of
 9 administrative services:
 10 \$ 105,300
 11 b. For construction of a community-based correctional
 12 facility, including district offices, in Fort Dodge:
 13 \$ 50,000
 14 c. For the lease-payment under the lease-purchase
 15 agreement to connect the electrical system supporting the
 16 special needs unit in Fort Madison:
 17 \$ 333,168
 18 d. For remodeling and renovation of the kitchen facilities
 19 at the Anamosa correctional facility:
 20 \$ 1,090,000
 21 3. DEPARTMENT OF CULTURAL AFFAIRS
 22 For continuation of the project recommended by the Iowa
 23 battle flag advisory committee to stabilize the condition of
 24 the battle flag collection:
 25 \$ 220,000
 26 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
 27 a. To provide a grant to match federal grant dollars that
 28 affect areas that are both an enterprise zone and a brownfield
 29 site in a county with a population of at least 103,000:
 30 \$ 500,000
 31 b. For costs associated with a study involving an
 32 environmental assessment and preliminary cultural and
 33 historical impact related to the establishment of a regional
 34 ferryboat service between Iowa and Illinois:
 35 \$ 60,000

1 The funds are to be allocated to an area of the state that
2 has an established ferryboat task force. The funds
3 appropriated in this lettered paragraph are contingent upon
4 the receipt of federal matching funds and financial
5 participation by the state of Illinois in the study.

6 5. DEPARTMENT OF EDUCATION

7 a. To provide resources for structural and technological
8 improvements to local libraries and for the enrich Iowa
9 program:

10 \$ 600,000

11 b. For maintenance and lease costs associated with
12 connections for part III of the Iowa communications network:

13 \$ 2,727,000

14 c. To the public broadcasting division for replacing
15 transmitters:

16 \$ 2,000,000

17 d. To the vocational rehabilitation division to replace
18 lost indirect costs:

19 \$ 101,164

20 6. DEPARTMENT OF HUMAN SERVICES

21 To provide a grant for the planning, design, and
22 construction of a residential treatment facility for youth
23 with emotional and behavioral disorders in a central Iowa
24 county with a population of approximately 80,000:

25 \$ 250,000

26 7. IOWA STATE FAIR AUTHORITY

27 For vertical infrastructure projects on the state
28 fairgrounds:

29 \$ 750,000

30 For purposes of this subsection, "vertical infrastructure"
31 means the same as defined in section 8.57, subsection 6,
32 paragraph "c".

33 8. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
34 UNIVERSITY OF NORTHERN IOWA

35 For the Iowa safe surfacing initiative:

1 \$ 500,000

2 Not more than 2.5 percent of the funds appropriated in this
3 subsection shall be used by the national program for
4 playground safety for administrative costs associated with the
5 Iowa safe surfacing initiative.

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

10 9. DEPARTMENT OF NATURAL RESOURCES

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

14 \$ 1,000,000

15 The department shall consider the following criteria for
16 funding lake dredging projects as provided in this lettered
17 paragraph, and shall prioritize projects based on the
18 following:

19 (1) Documented efforts to address watershed protection,
20 considering testing, conservation efforts, and amount of time
21 devoted to watershed protection.

22 (2) Protection of a natural resource and natural habitat.

23 (3) Percentage of public access and undeveloped lakefront
24 property.

25 (4) Continuation of current projects partially funded by
26 state resources to achieve department recommendations.

27 b. For the purchase of property adjacent to Waubonsie
28 state park and for the improvement of facilities at Waubonsie
29 state park:

30 \$ 1,500,000

31 c. For costs associated with renovation and improvements
32 at the Fort Atkinson state preserve:

33 \$ 500,000

34 d. For costs associated with Iowa's membership in the mid-
35 America port commission established in chapter 28K:

1 \$ 80,000
2 10. DEPARTMENT OF PUBLIC SAFETY
3 a. For costs of entering into and making payments under a
4 lease-purchase agreement to replace and upgrade the automated
5 fingerprint identification system:
6 \$ 550,000
7 b. To the division of fire safety for allocation to the
8 fire service training bureau for the planning, design, and
9 construction of a regional training facility in the state:
10 \$ 500,000
11 c. To the division of fire safety for allocation to the
12 fire service training bureau to be used for the revolving loan
13 program for equipment purchases by local fire departments:
14 \$ 500,000
15 d. For capitol building and judicial building security:
16 \$ 800,000
17 11. STATE BOARD OF REGENTS
18 For maintenance at the Iowa school for the deaf and the
19 Iowa braille and sight saving school:
20 \$ 500,000
21 12. STATE DEPARTMENT OF TRANSPORTATION
22 a. For operation and maintenance of the network of
23 automated weather observation and data transfer systems
24 associated with the Iowa aviation weather system, the runway
25 marking program for public airports, the windsock program for
26 public airports, and the aviation improvement program:
27 \$ 500,000
28 b. For a vertical infrastructure improvement grant program
29 for improvements at general aviation airports within the
30 state:
31 \$ 750,000
32 c. For acquiring, constructing, and improving recreational
33 trails within the state:
34 \$ 1,000,000
35 Of the amount appropriated in this lettered paragraph,

1 \$500,000 shall be used for funding, on a matching basis,
2 recreational trail projects, with priority given to completion
3 of trail connections and sections between existing trails and
4 parks within the established state recreational trails system.
5 Such projects shall be matched by \$1 of private or other funds
6 for each \$3 of state funds.

7 Sec. 2. There is appropriated from the rebuild Iowa
8 infrastructure fund to the following departments and agencies
9 for the fiscal year beginning July 1, 2006, and ending June
10 30, 2007, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For costs associated with the remodeling of the records
14 and property center:

15 \$ 2,200,000

16 b. For costs associated with the replacement of the
17 powerhouse facilities at the Iowa juvenile home at Toledo:

18 \$ 1,371,045

19 2. DEPARTMENT OF CORRECTIONS

20 a. For construction of a community-based correctional
21 facility, including district offices, in Fort Dodge:

22 \$ 1,400,000

23 b. For the remodeling and renovation of the kitchen
24 facilities at the Anamosa correctional facility:

25 \$ 1,690,000

26 Sec. 3. DEPARTMENT OF CORRECTIONS. There is appropriated
27 from the rebuild Iowa infrastructure fund to the department of
28 corrections for the fiscal year beginning July 1, 2007, and
29 ending June 30, 2008, the following amount, or so much thereof
30 as is necessary, to be used for the purpose designated:

31 For construction of a community-based correctional
32 facility, including district offices, in Fort Dodge:

33 \$ 2,450,000

34 Sec. 4. 2004 Iowa Acts, chapter 1175, section 288,
35 subsection 13, paragraph c, is amended to read as follows:

1 c. For costs of entering into and making a down payment
2 under a lease-purchase agreement to replace and upgrade the
3 automated fingerprint identification system, notwithstanding
4 section 8.57, subsection 5, paragraph "c":

5 FY 2004-2005 \$ 550,000

6 The appropriation made in this lettered paragraph to enter
7 into and make payments under a lease-purchase agreement
8 constitutes approval by the general assembly of a financing
9 agreement in excess of \$1 million as required by section
10 12.28, subsection 6.

11 Sec. 5. COMMISSION OF VETERANS AFFAIRS TRANSFER.

12 Notwithstanding 2002 Iowa Acts, chapter 1173, section 10,
13 subsection 13, any unencumbered and unobligated moneys
14 remaining on the effective date of this section from the
15 appropriation made in 2002 Iowa Acts, chapter 1173, section
16 10, subsection 12, may be transferred to the appropriation
17 made in 2000 Iowa Acts, chapter 1225, section 19, to be used
18 for the purposes designated in 2000 Iowa Acts, chapter 1225,
19 section 19, as amended by 2004 Iowa Acts, chapter 1175,
20 section 296.

21 Sec. 6. REVERSION. Notwithstanding section 8.33, moneys
22 appropriated from the rebuild Iowa infrastructure fund in this
23 division of this Act, except for the moneys appropriated in
24 section 1, subsection 2, paragraph "a", for maintenance costs
25 of the department of corrections and subsection 5, paragraph
26 "d", for the vocational rehabilitation division of the
27 department of education, shall not revert at the close of the
28 fiscal year for which they were appropriated but shall remain
29 available for the purposes designated until the close of the
30 fiscal year that begins July 1, 2008, or until the project for
31 which the appropriation was made is completed, whichever is
32 earlier. This section does not apply to the sections in this
33 division of this Act that were previously enacted and are
34 amended in this division of this Act.

35 Sec. 7. The provision in section 8.57, subsection 6,

1 paragraph "c", that limits the use of the moneys in the
2 rebuild Iowa infrastructure fund shall not apply to the
3 appropriations made from such fund in this division of this
4 Act.

5 Sec. 8. EFFECTIVE DATE. The sections of this division of
6 this Act relating to the amendment to 2004 Iowa Acts, chapter
7 1175, section 288, subsection 13, appropriating moneys for a
8 lease-purchase agreement, and relating to the commission of
9 veterans affairs transfer, being deemed of immediate
10 importance, take effect upon enactment.

11 DIVISION II

12 ENVIRONMENT FIRST FUND

13 Sec. 9. There is appropriated from the environment first
14 fund to the following departments and agencies for the fiscal
15 year beginning July 1, 2005, and ending June 30, 2006, the
16 following amounts, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

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

24 \$ 1,500,000

25 Not more than 5 percent of the moneys appropriated in this
26 lettered paragraph may be used for costs of administration and
27 implementation of soil and water conservation practices.

28 b. For continuation of a program that provides
29 multiobjective resource protections for flood control, water
30 quality, erosion control, and natural resource conservation:

31 \$ 2,700,000

32 Not more than 5 percent of the moneys appropriated in this
33 lettered paragraph may be used for costs of administration and
34 implementation of soil and water conservation practices.

35 c. For continuation of a statewide voluntary farm

1 management demonstration program to demonstrate the
2 effectiveness and adaptability of emerging practices in
3 agronomy that protect water resources and provide other
4 environmental benefits:

5 \$ 850,000

6 Not more than 5 percent of the moneys appropriated in this
7 lettered paragraph may be used for costs of administration and
8 implementation of soil and water conservation practices.

9 Of the amount appropriated in this lettered paragraph,
10 \$400,000 shall be allocated to the Iowa soybean association's
11 agriculture and environment performance program.

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

16 \$ 500,000

17 Not more than 5 percent of the moneys appropriated in this
18 lettered paragraph may be used for costs of administration and
19 implementation of soil and water conservation practices.

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

22 \$ 5,500,000

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

26 (2) Of the moneys appropriated in this lettered paragraph,
27 5 percent shall be allocated for financial incentives to
28 establish practices to protect watersheds above publicly owned
29 lakes of the state from soil erosion and sediment as provided
30 in section 161A.73.

31 (3) Not more than 30 percent of a soil and water
32 conservation district's allocation of moneys as financial
33 incentives may be provided for the purpose of establishing
34 management practices to control soil erosion on land that is
35 row-cropped, including but not limited to no-till planting,

1 ridge-till planting, contouring, and contour strip-cropping as
2 provided in section 161A.73.

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

8 (5) The financial incentive payments may be used in
9 combination with department of natural resources moneys.

10 (6) Not more than 10 percent of the moneys appropriated in
11 this lettered paragraph may be used for costs of
12 administration and implementation of soil and water
13 conservation practices.

14 f. To encourage and assist farmers in enrolling in and the
15 implementation of federal conservation programs and work with
16 them to enhance their revegetation efforts to improve water
17 quality and habitat:

18 \$ 2,000,000

19 Not more than 5 percent of the moneys appropriated in this
20 lettered paragraph may be used for costs of administration and
21 implementation of soil and water conservation practices.

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

24 \$ 600,000

25 Of the amount appropriated in this lettered paragraph,
26 \$400,000 shall be allocated to the hungry canyons account and
27 \$200,000 shall be allocated to the loess hills alliance
28 account to be used for the purposes for which the moneys in
29 those accounts are authorized to be used under chapter 161D.
30 No more than 5 percent of the moneys allocated to each account
31 in this lettered paragraph may be used for administrative
32 costs.

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

35 \$ 300,000

1 Not more than 5 percent of the moneys appropriated in this
2 lettered paragraph may be used for administrative costs.

3 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

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

7 \$ 500,000

8 3. DEPARTMENT OF NATURAL RESOURCES

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

11 \$ 100,000

12 b. For purposes of funding capital projects for the
13 purposes specified in section 452A.79, and for expenditures
14 for the local cost-share grants to be used for capital
15 expenditures to local governmental units for boating
16 accessibility:

17 \$ 2,300,000

18 c. For regular maintenance of state parks and staff time
19 associated with these activities:

20 \$ 2,000,000

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

24 \$ 195,000

25 e. For continuing the establishment and operation of water
26 quality monitoring stations:

27 \$ 2,955,000

28 f. For deposit in the administration account of the water
29 quality protection fund, to carry out the purposes of that
30 account:

31 \$ 500,000

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

35 \$ 1,500,000

1 The department shall consider the following criteria for
2 funding lake dredging projects as provided in this lettered
3 paragraph, and shall prioritize projects based on the
4 following:

5 (1) Documented efforts to address watershed protection,
6 considering testing, conservation efforts, and the amount of
7 time devoted to watershed protection.

8 (2) Protection of a natural resource and natural habitat.

9 (3) Percentage of public access and undeveloped lakefront
10 property.

11 (4) Continuation of current projects partially funded by
12 state resources to achieve department recommendations.

13 RESOURCES ENHANCEMENT AND PROTECTION FUND

14 Sec. 10. Notwithstanding the amount of the standing
15 appropriation from the general fund of the state under section
16 455A.18, subsection 3, there is appropriated from the
17 environment first fund to the Iowa resources enhancement and
18 protection fund, in lieu of the appropriation made in section
19 455A.18, for the fiscal year beginning July 1, 2005, and
20 ending June 30, 2006, the following amount, to be allocated as
21 provided in section 455A.19:

22 \$ 11,000,000

23 Sec. 11. REVERSION.

24 1. Except as provided in subsection 2, and notwithstanding
25 section 8.33, moneys appropriated in this division of this Act
26 that remain unencumbered or unobligated shall not revert at
27 the close of the fiscal year for which they were appropriated
28 but shall remain available for the purposes designated until
29 the close of the fiscal year beginning July 1, 2006, or until
30 the project for which the appropriation was made is completed,
31 whichever is earlier.

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

1 practices that remain unencumbered or unobligated at the close
2 of the fiscal year shall not revert but shall remain available
3 for expenditure for the purposes designated until the close of
4 the fiscal year that begins July 1, 2008.

5 DIVISION III

6 TOBACCO SETTLEMENT TRUST FUND

7 Sec. 12.

8 1. There is appropriated from the tax-exempt bond proceeds
9 restricted capital funds account of the tobacco settlement
10 trust fund to the following departments and agencies for the
11 fiscal year beginning July 1, 2005, and ending June 30, 2006,
12 the following amounts, or so much thereof as is necessary, to
13 be used for the purposes designated:

14 a. DEPARTMENT OF ADMINISTRATIVE SERVICES

15 (1) For capitol interior restoration:

16 \$ 4,500,000

17 (2) For remodeling and renovation of the sexually violent
18 predators unit located at the state mental health institute at
19 Cherokee:

20 \$ 650,000

21 b. DEPARTMENT OF CORRECTIONS

22 For the remodeling and renovation of the kitchen facilities
23 at the Anamosa correctional facility:

24 \$ 600,000

25 c. DEPARTMENT OF ECONOMIC DEVELOPMENT

26 For accelerated career education program capital projects
27 at community colleges that are authorized under chapter 260G
28 and that meet the definition of "vertical infrastructure" in
29 section 8.57B, subsection 3:

30 \$ 1,500,000

31 The moneys appropriated in this lettered paragraph shall be
32 allocated equally among the community colleges in the state.
33 If any portion of the equal allocation to a community college
34 is not obligated or encumbered by April 1, 2006, the
35 unobligated and unencumbered portions shall be available for

1 use by other community colleges.

2 d. DEPARTMENT OF HUMAN SERVICES

3 For planning, design, and construction of a family resource
4 center in a city with a population between 95,000 and 100,000
5 residents:

6 \$ 250,000

7 e. DEPARTMENT OF PUBLIC SAFETY

8 For the first phase of the regional emergency responder
9 training facility project of the nonprofit Dubuque county fire
10 fighters association:

11 \$ 100,000

12 f. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

13 For replacement of equipment for the Iowa communications
14 network:

15 \$ 1,704,719

16 g. STATE DEPARTMENT OF TRANSPORTATION

17 For vertical infrastructure improvements at the commercial
18 air service airports within the state:

19 \$ 1,500,000

20 Fifty percent of the funds appropriated in this lettered
21 paragraph shall be allocated equally between each commercial
22 service airport, 40 percent of the funds shall be allocated
23 based on the percentage that the number of enplaned passengers
24 at each commercial service airport bears to the total number
25 of enplaned passengers in the state during the previous fiscal
26 year, and 10 percent of the funds shall be allocated based on
27 the percentage that the air cargo tonnage at each commercial
28 service airport bears to the total air cargo tonnage in the
29 state during the previous fiscal year. In order for a
30 commercial service airport to receive funding under this
31 lettered paragraph, the airport shall be required to submit
32 applications for funding of specific projects to the
33 department for approval by the state transportation
34 commission.

35 2. TAX-EXEMPT STATUS -- USE OF APPROPRIATIONS. Payment of

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

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

12 Sec. 13. PAYMENTS IN LIEU OF TUITION. There is
13 appropriated from the tax-exempt bond proceeds restricted
14 capital funds account of the tobacco settlement trust fund to
15 the state board of regents for the fiscal year beginning July
16 1, 2005, and ending June 30, 2006, the following amount, or so
17 much thereof as is necessary, to be used for the purposes
18 designated:

19 For allocation by the state board of regents to the state
20 university of Iowa, the Iowa state university of science and
21 technology, and the university of northern Iowa to reimburse
22 the institutions for deficiencies in their operating funds
23 resulting from the pledging of tuitions, student fees and
24 charges, and institutional income to finance the cost of
25 providing academic and administrative buildings and facilities
26 and utility services at the institutions:

27 \$ 10,329,981

28 Sec. 14. PRISON DEBT SERVICE. There is appropriated from
29 the tax-exempt bond proceeds restricted capital funds account
30 of the tobacco settlement trust fund to the office of the
31 treasurer of state for the fiscal year beginning July 1, 2005,
32 and ending June 30, 2006, the following amount, or so much
33 thereof as is necessary, to be used for the purpose
34 designated:

35 For repayment of prison infrastructure bonds under section

1 16.177:

2 \$ 5,422,390

3 Sec. 15. The provision in section 12E.12, subsection 1,
4 paragraph "b", subparagraph (1), that limits the use of the
5 moneys in the tax-exempt bond proceeds restricted capital
6 funds account of the tobacco settlement trust fund shall not
7 apply to the appropriations made from such account in this
8 division of this Act.

9 DIVISION IV

10 VERTICAL INFRASTRUCTURE FUND

11 Sec. 16. There is appropriated from the vertical
12 infrastructure fund to the following departments and agencies
13 for the fiscal year beginning July 1, 2005, and ending June
14 30, 2006, the following amounts, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

17 For major renovation and major repair needs, including
18 health, life, and fire safety needs, and for compliance with
19 the federal Americans With Disabilities Act, for state
20 buildings and facilities under the purview of the department:

21 \$ 5,623,200

22 Of the amount appropriated in this subsection, up to
23 \$200,000 may be used for costs associated with the vertical
24 infrastructure program, notwithstanding section 8.57B,
25 subsection 3.

26 2. DEPARTMENT OF CULTURAL AFFAIRS

27 For historical site preservation grants, to be used for the
28 restoration, preservation, and development of historical
29 sites:

30 \$ 500,000

31 Historical site preservation grants shall only be awarded
32 for projects which meet the definition of "vertical
33 infrastructure" in section 8.57B, subsection 3.

34 In making grants pursuant to this subsection, the
35 department shall consider the existence and amount of other

1 funds available to an applicant for the designated project. A
2 grant awarded from moneys appropriated in this subsection
3 shall not exceed \$100,000 per project. Not more than two
4 grants may be awarded in the same county.

5 3. DEPARTMENT OF ECONOMIC DEVELOPMENT

6 For accelerated career education program capital projects
7 at community colleges that are authorized under chapter 260G
8 and that meet the definition of "vertical infrastructure" in
9 section 8.57B, subsection 3:

10 \$ 4,000,000

11 The moneys appropriated in this subsection shall be
12 allocated equally among the community colleges in the state.
13 If any portion of the equal allocation to a community college
14 is not obligated or encumbered by April 1, 2006, the
15 unobligated and unencumbered portions shall be available for
16 use by other community colleges.

17 4. DEPARTMENT OF PUBLIC DEFENSE

18 a. For construction of a national guard readiness center
19 in or near Fort Dodge:

20 \$ 608,000

21 b. For maintenance and repair of national guard armories
22 and facilities:

23 \$ 1,269,000

24 c. For upgrading the water treatment facility at Camp
25 Dodge:

26 \$ 1,939,800

27 5. OFFICE OF TREASURER OF STATE

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

31 \$ 1,060,000

32 Sec. 17. REVERSION. Notwithstanding section 8.33, moneys
33 appropriated from the vertical infrastructure fund in this
34 division of this Act shall not revert at the close of the
35 fiscal year for which they were appropriated but shall remain

1 available for the purposes designated until the close of the
2 fiscal year that begins July 1, 2008, or until the project for
3 which the appropriation was made is completed, whichever is
4 earlier.

5 DIVISION V

6 RAILROAD REVOLVING LOAN AND GRANT FUND

7 Sec. 18. Section 327H.20A, Code 2005, is amended to read
8 as follows:

9 327H.20A RAILROAD REVOLVING LOAN AND GRANT FUND.

10 1. A railroad revolving loan and grant fund is established
11 in the office of the treasurer of state under the control of
12 the department. Moneys in ~~this~~ the fund shall be expended for
13 ~~loans~~ the following purposes:

14 a. Grants or loans to provide assistance for the
15 restoration, conservation, improvement, and construction of
16 railroad main lines, branch lines, switching yards, sidings,
17 rail connections, intermodal yards, highway grade separations,
18 and other railroad-related improvements.

19 b. Grants or loans for rail economic development projects
20 that improve rail facilities, including the construction of
21 branch lines, sidings, rail connections, intermodal yards, and
22 other rail-related improvements that spur economic development
23 and job growth.

24 2. The department shall administer a program for the
25 granting and administration of loans and grants under this
26 section. No more than fifty percent of the total moneys
27 available in the fund in any year shall be awarded in the form
28 of grants. The department may establish a limit on the amount
29 that may be awarded as a grant for any given project in order
30 to maximize the use of the moneys in the fund. The department
31 may enter into agreements with railroad corporations, the
32 United States government, cities, counties, and other persons
33 for carrying out the purposes of this section.

34 3. Moneys Notwithstanding any other provision to the
35 contrary, on or after July 1, 2006, moneys received as loan

1 repayments for loans made pursuant to this chapter or chapter
2 327I before, on, or after July 1, 2005, other than repayments
3 of federal moneys subject to section 327H.21, shall be
4 credited to the railroad revolving loan and grant fund.
5 Notwithstanding section 8.33, moneys in the railroad revolving
6 loan and grant fund shall not revert to the general fund of
7 the state but shall remain available indefinitely for
8 expenditure under this section.

9 Sec. 19. Sections 327H.18 and 327H.20, Code 2005, are
10 repealed.

11 Sec. 20. Notwithstanding section 327H.18, Code 2005, and
12 chapter 327I, there is appropriated from the general fund of
13 the state to the state department of transportation for the
14 fiscal year beginning July 1, 2004, and ending June 30, 2005,
15 for deposit in the railroad revolving fund established in
16 section 327H.20A, an amount equal to the amount of the loan
17 repayments made under section 327H.18, Code 2005, and chapter
18 327I that exceed \$1,308,704 during the fiscal year beginning
19 July 1, 2004.

20 Sec. 21. Notwithstanding section 327H.18, Code 2005, and
21 chapter 327I, there is appropriated from the general fund of
22 the state to the state department of transportation for the
23 fiscal year beginning July 1, 2005, and ending June 30, 2006,
24 for deposit in the railroad revolving loan and grant fund
25 established in section 327H.20A, as amended by this Act, an
26 amount equal to the amount of the loan repayments made under
27 section 327H.18, Code 2005, and chapter 327I that exceed
28 \$1,288,481 during the fiscal year beginning July 1, 2005.

29 Sec. 22. CONTINUATION OF PRIOR AGREEMENTS. It is the
30 intent of the general assembly that the enactment of this
31 division of this Act shall not affect the terms or duration of
32 railroad assistance agreements entered into under chapter 327H
33 prior to the effective date of this division of this Act.

34 Sec. 23. EFFECTIVE DATE AND APPLICABILITY. The section of
35 this division of this Act that appropriates excess rail

1 assistance loan repayments for the fiscal year beginning July
2 1, 2004, and ending June 30, 2005, being deemed of immediate
3 importance, takes effect upon enactment and applies
4 retroactively to July 1, 2004.

5

EXPLANATION

6 This bill makes appropriations for FY 2005-2006 from the
7 rebuild Iowa infrastructure fund, environment first fund, tax-
8 exempt bond proceeds restricted capital funds account of the
9 tobacco settlement trust fund, and vertical infrastructure
10 fund for various capital and other projects. Appropriations
11 from the rebuild Iowa infrastructure fund include projects for
12 the departments of administrative services, corrections,
13 cultural affairs, economic development, education, human
14 services, natural resources, public safety, and
15 transportation, and the national program for playground
16 safety, Iowa state fair authority, and state board of regents.

17 The bill also appropriates from the rebuild Iowa
18 infrastructure fund for FY 2006-2007 and FY 2007-2008 for
19 projects of the departments of administrative services and
20 corrections.

21 The bill appropriates funds from the environment first fund
22 to the departments of agriculture and land stewardship,
23 economic development, and natural resources. The bill
24 appropriates \$11 million from the environment first fund to
25 the resources enhancement and protection fund in lieu of the
26 \$20 million appropriated by statute from the general fund of
27 the state.

28 The bill makes appropriations from the tax-exempt bond
29 proceeds restricted capital funds account of the tobacco
30 settlement trust fund for projects for the departments of
31 administrative services, corrections, economic development,
32 human services, public safety, and transportation and the Iowa
33 telecommunications and technology commission.

34 The bill also appropriates funds from the tax-exempt bond
35 proceeds restricted capital funds account of the tobacco

1 settlement trust fund to the state board of regents for
2 tuition replacement and to the office of the treasurer of
3 state for debt service for repayment of prison infrastructure
4 bonds.

5 The bill also appropriates funds from the vertical
6 infrastructure fund for capital projects of the departments of
7 administrative services, cultural affairs, economic
8 development, and public defense, and the treasurer of state.

9 Amendments to Code section 327H.20A change the railroad
10 revolving loan fund to the railroad revolving loan and grant
11 fund to allow moneys in the fund to be used for both grants
12 and loans for rail economic development projects and for rail
13 assistance purposes. No more than 50 percent of available
14 moneys may be awarded as grants in any year, and the state
15 department of transportation may limit the grant amount that
16 may be awarded for a given project. Amounts in excess of
17 anticipated state rail assistance loan repayments in FY 2004-
18 2005 and FY 2005-2006 are appropriated for deposit in the
19 railroad revolving loan and grant fund. Beginning in FY 2006-
20 2007, all moneys from state rail assistance loan repayments
21 are to be credited to the fund. Conflicting and obsolete Code
22 provisions relating to rail assistance are repealed.

23 The bill includes an effective date provision.

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DATE .

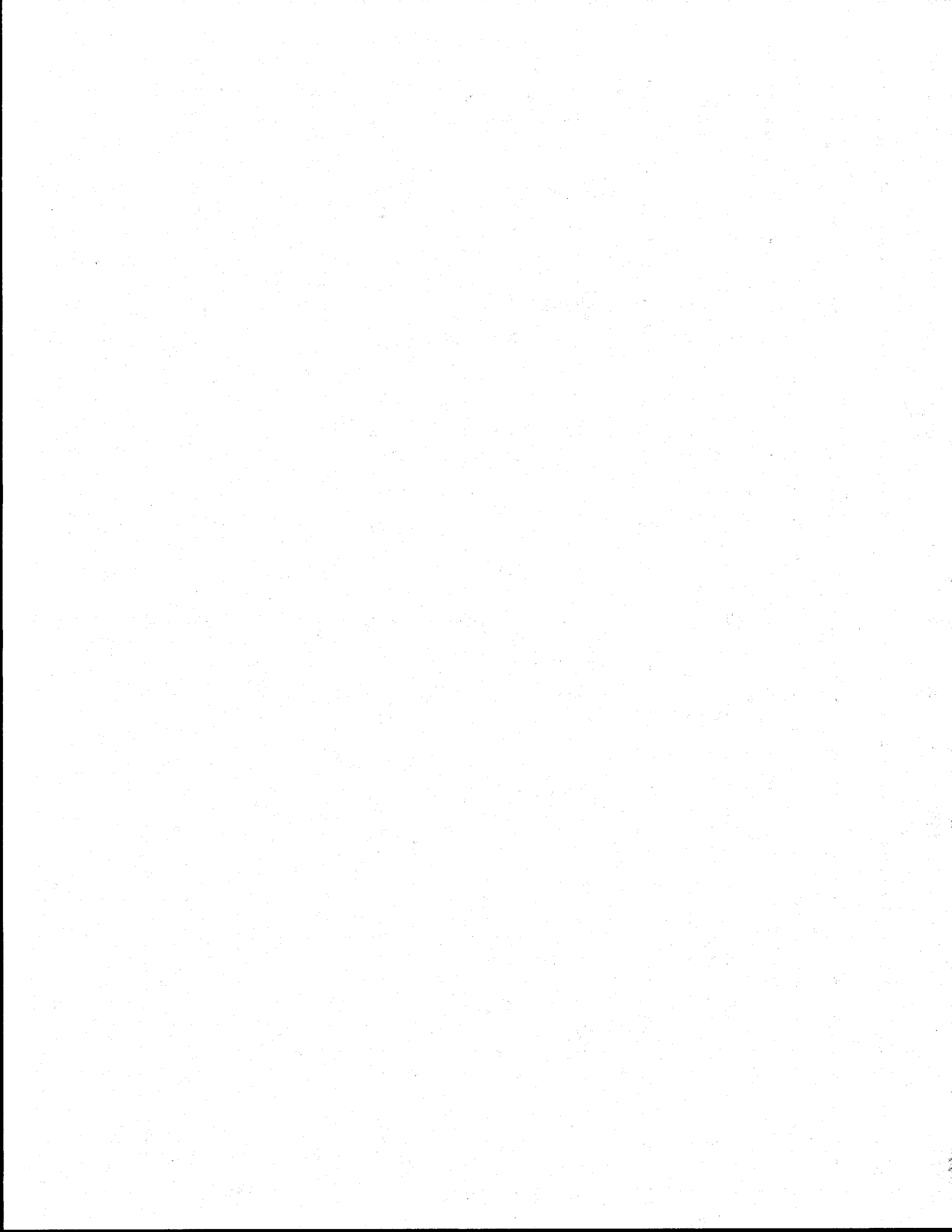
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ACTION TEXT

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By Appropriations.

A bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and creating the honey creek premier destination park bond program and authority and providing for the issuance of tax-exempt bonds, and including effective and retroactive applicability date provisions. Effective 07-01-05, with exception of sections 7, 22-24, 35 and Division X effective 06-15-05.

Apr. 21 05 Introduced, placed on Appropriations calendar. H.J. 1460.
 Apr. 25 05 Amendment H-1481 filed. H.J. 1485.
 Apr. 26 05 Deferred, retained on calendar. H.J. 1490.
 Apr. 26 05 Amendment H-1505 filed. H.J. 1494.
 Apr. 26 05 Amendment H-1525 to H-1505 filed, adopted. H.J. 1496.
 Apr. 26 05 Amendment H-1521 to H-1505 filed, withdrawn. H.J. 1496.
 Apr. 26 05 Amendment H-1505B withdrawn. H.J. 1496.
 Apr. 26 05 Amendment H-1503 filed. H.J. 1497.
 Apr. 26 05 Amendment H-1503 lost. H.J. 1498.
 Apr. 26 05 Amendment H-1533 filed, lost. H.J. 1498.
 Apr. 26 05 Amendment H-1488 filed. H.J. 1498.
 Apr. 26 05 Amendment H-1488 lost. H.J. 1499.
 Apr. 26 05 Amendment H-1494 filed, adopted. H.J. 1499.
 Apr. 26 05 Amendment H-1481 withdrawn. H.J. 1499.
 Apr. 26 05 Amendment H-1524 filed. H.J. 1499.
 Apr. 26 05 Amendment H-1524 out of order. H.J. 1499.
 Apr. 26 05 Amendment H-1507 filed. H.J. 1499.
 Apr. 26 05 Amendment H-1507 adopted. H.J. 1501.
 Apr. 26 05 Amendment H-1517 filed. H.J. 1501.
 Apr. 26 05 Amendment H-1517 lost. H.J. 1503.
 Apr. 26 05 Amendment H-1502 filed. H.J. 1503.
 Apr. 26 05 Amendment H-1520 to H-1502 filed, adopted. H.J. 1503.
 Apr. 26 05 Amendment H-1522 to H-1502 filed. H.J. 1503.
 Apr. 26 05 Amendment H-1522 to H-1502 out of order. H.J. 1503.
 Apr. 26 05 Amendment H-1502 as amended, adopted. H.J. 1504.
 Apr. 26 05 Amendment H-1489 filed, withdrawn. H.J. 1504.
 Apr. 26 05 Amendments H-1512, H-1523 filed. H.J. 1504.
 Apr. 26 05 Amendments H-1512, H-1523 out of order. H.J. 1504.
 Apr. 26 05 Amendment H-1505A as amended, adopted. H.J. 1504.
 Apr. 26 05 Passed House, ayes 99, nays 1. H.J. 1504.
 Apr. 26 05 Immediate message. H.J. 1508.
 Apr. 27 05 Message from House. S.J. 1029.
 Apr. 27 05 Read first time, referred to Appropriations. S.J. 1029.
 May 02 05 Subcommittee, Kettering, Warnstadt, Angelo, and Dvorsky. S.J. 1099.
 May 03 05 Committee report, without recommendation. S.J. 1115.
 May 04 05 Amendment S-3258 filed, adopted. S.J. 1132.
 May 04 05 Amendment S-3260 filed, adopted. S.J. 1133.
 May 04 05 Amendment S-3256 filed, withdrawn. S.J. 1133.
 May 04 05 Passed Senate, ayes 47, nays 2. S.J. 1133.
 May 04 05 Motion filed to reconsider vote on bill. S.J. 1137.
 May 11 05 Motion to reconsider vote withdrawn. S.J. 1184.
 May 11 05 Immediate message. S.J. 1185.
 May 11 05 Message from Senate. H.J. 1866.
 May 11 05 Senate amendment H-1679. H.J. 1867.
 May 11 05 Amendment H-1681 to Senate amendment H-1679 filed. H.J. 1886.



May 11 05 Amendment H-1681B to Senate amendment H-1679 lost. H.J. 1886.
May 11 05 Amendment H-1684 to Senate amendment H-1679 filed, withdrawn. H.J. 1887.
May 11 05 Amendment H-1681A to Senate amendment H-1679 withdrawn. H.J. 1887.
May 11 05 Amendment H-1680 to Senate amendment H-1679 filed, lost. H.J. 1887.
May 11 05 House concurred H-1679. H.J. 1888.
May 11 05 Passed House, ayes 95, nays 2. H.J. 1888.
May 11 05 Motion filed to reconsider vote on the bill by Gipp. H.J. 1929.
May 20 05 Motion to reconsider vote withdrawn. H.J. 2007.
May 20 05 Asked and received unanimous consent to reconsider the bill and Senate amendment H-1679. H.J. 2007.
May 20 05 Amendment H-1705 to Senate amendment H-1679 filed. H.J. 2007.
May 20 05 Amendment H-1705 to Senate amendment H-1679 adopted. H.J. 2010.
May 20 05 House concurred H-1679 as House amended. H.J. 2010.
May 20 05 Passed House, ayes 94, nays 1. H.J. 2010.
May 20 05 Explanation of vote. H.J. 2228.
May 20 05 Immediate message. H.J. 2011.
May 20 05 Message from House, with amendment S-3325. S.J. 1207.
May 20 05 Senate concurred with S-3325. S.J. 1209.
May 20 05 Passed Senate, ayes 44, nays 2. S.J. 1209.
May 20 05 Explanation of vote. S.J. 1235.
May 20 05 Immediate message. S.J. 1211.
May 20 05 Message from Senate. H.J. 2044.
May 20 05 Reported correctly enrolled, signed by Speaker and President. H.J. 2228.
May 20 05 Sent to Governor. H.J. 2228.
Jun. 15 05 Signed by Governor. H.J. 2236.

* * * * * END OF 2005 ACTIONS * * * * *

HOUSE FILE 875

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO STATE DEPARTMENTS AND AGENCIES FROM THE REBUILD IOWA INFRASTRUCTURE FUND, ENVIRONMENT FIRST FUND, TOBACCO SETTLEMENT TRUST FUND, VERTICAL INFRASTRUCTURE FUND, GENERAL FUND OF THE STATE, AND RELATED MATTERS, AND CREATING THE HONEY CREEK PREMIER DESTINATION PARK BOND PROGRAM AND AUTHORITY AND PROVIDING FOR THE ISSUANCE OF TAX-EXEMPT BONDS, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

DIVISION I STATE GENERAL FUND

Section 1. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF EDUCATION

To the vocational rehabilitation division to replace lost indirect costs:
..... \$ 101,164

2. DEPARTMENT OF PUBLIC SAFETY

For capitol building and judicial building security:
..... \$ 800,000

DIVISION II

STORMWATER DISCHARGE PERMIT FEES

Sec. 2. STORMWATER DISCHARGE PERMIT FEES APPROPRIATION -- AIR QUALITY MONITORING. Notwithstanding any contrary provision of state law, there is appropriated from stormwater

discharge permit fees as authorized to be collected pursuant to section 455B.103A to the department of natural resources for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For full-time personnel to conduct air quality monitoring, which may include but is not limited to staffing required to perform field monitoring and laboratory functions, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 275,000

DIVISION III

REBUILD IOWA INFRASTRUCTURE FUND

Sec. 3. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For technology improvement projects, notwithstanding section 8.57, subsection 6, paragraph "c":
..... \$ 3,802,000

Of the amount appropriated in this lettered paragraph, \$2,700,000 is allocated for continued implementation and operation of the integrated information for Iowa system; \$792,000 is allocated for continued development and implementation of the electronic tax administration project; and \$310,000 is allocated for maintenance and costs associated with upgrading the enterprise data warehouse.

b. For relocation and project costs directly associated with remodeling projects on the capitol complex and for facility lease payments, notwithstanding section 8.57, subsection 6, paragraph "c":
..... \$ 1,824,000

c. For routine maintenance of state buildings and facilities, notwithstanding section 8.57, subsection 6,

paragraph "c":

- \$ 2,000,000
- d. For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:
 - \$ 291,891
- e. For upgrades to the electrical distribution system serving the capitol complex:
 - \$ 1,843,878
- f. For remodeling and renovation of the sexually violent predators unit at Cherokee:
 - \$ 1,400,000
- g. For the costs associated with the replacement of the powerhouse facilities at the Iowa juvenile home at Toledo:
 - \$ 1,161,045
- h. For improvements to the Wallace state office building:
 - \$ 625,000
- i. For maintenance of the Terrace Hill complex:
 - \$ 571,000
- 2. DEPARTMENT OF CORRECTIONS
 - a. For construction of a community-based correctional facility, including district offices, in Fort Dodge:
 - \$ 50,000
 - b. For the lease-payment under the lease-purchase agreement to connect the electrical system supporting the special needs unit in Fort Madison:
 - \$ 333,168
 - c. For remodeling and renovation of the kitchen facilities at the Anamosa correctional facility:
 - \$ 940,000
 - d. For maintenance costs of the department of corrections and board of parole associated with the department of administrative services, notwithstanding section 8.57, subsection 6, paragraph "c":
 - \$ 105,300

- e. For rent payments for the community-based corrections facility located in Davenport and the department of corrections training center, notwithstanding section 8.57, subsection 6, paragraph "c":
 - \$ 122,000
- 3. DEPARTMENT OF CULTURAL AFFAIRS
 - For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection, notwithstanding section 8.57, subsection 6, paragraph "c":
 - \$ 220,000
 - 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
 - a. To provide a grant to match federal grant dollars that affect areas that are both an enterprise zone and a brownfield site in a county with a population of at least 103,000, notwithstanding section 8.57, subsection 6, paragraph "c":
 - \$ 500,000
 - b. For costs associated with a study involving an environmental assessment and preliminary cultural and historical impact related to the establishment of a regional ferryboat service between Iowa and Illinois, notwithstanding section 8.57, subsection 6, paragraph "c":
 - \$ 60,000
- The funds are to be allocated to an area of the state that has an established ferryboat task force. The funds appropriated in this lettered paragraph are contingent upon the receipt of federal matching funds and financial participation by the state of Illinois in the study.
- 5. DEPARTMENT OF EDUCATION
 - a. 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":
 - \$ 700,000

b. For maintenance and lease costs associated with connections for part III of the Iowa communications network, notwithstanding section 8.57, subsection 6, paragraph "c":
 \$ 2,727,000

c. To the public broadcasting division for replacing transmitters, notwithstanding section 8.57, subsection 6, paragraph "c":
 \$ 2,000,000

d. For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the community colleges:
 \$ 2,000,000

The moneys appropriated in this lettered paragraph shall be allocated to the community colleges based upon the distribution formula established in section 260C.18C, if enacted by 2005 Iowa Acts, House File 816.

e. For implementation of the provisions of Code chapter 280A, as amended by 2005 Iowa Acts, House File 739, if enacted, notwithstanding section 8.57, subsection 6, paragraph "c":
 \$ 500,000

6. DEPARTMENT OF HUMAN SERVICES

To provide a grant for the planning, design, and construction of a residential treatment facility for youth with emotional and behavioral disorders in a central Iowa county with a population of approximately 80,000:
 \$ 250,000

7. IOWA FINANCE AUTHORITY

For deposit into the transitional housing revolving loan program fund created in section 16.184, if enacted by 2005 Iowa Acts, House File 825:
 \$ 1,400,000

8. IOWA STATE FAIR AUTHORITY

For vertical infrastructure projects on the state fairgrounds:
 \$ 750,000

For purposes of this subsection, "vertical infrastructure" means the same as defined in section 8.57, subsection 6, paragraph "c".

9. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE UNIVERSITY OF NORTHERN IOWA

For the Iowa safe surfacing initiative, notwithstanding section 8.57, subsection 6, paragraph "c":
 \$ 500,000

Not more than 2.5 percent of the funds appropriated in this subsection 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.

The national program for playground safety shall submit a report by January 15, 2006, to the joint appropriations subcommittee on transportation, infrastructure, and capitals detailing the use of the moneys appropriated in this subsection. The report shall specify the projects for which moneys were used and the cost of each project including the amounts spent on administration.

10. DEPARTMENT OF NATURAL RESOURCES

a. For lake dredging and the construction of bike trails at Lake Cornelia in Wright county, notwithstanding section 8.57, subsection 6, paragraph "c":
 \$ 429,000

b. For the purchase of property adjacent to Waubonsie state park and for the improvement of facilities at Waubonsie state park:
 \$ 1,500,000

c. For costs associated with renovation and improvements at the Fort Atkinson state preserve:

..... \$ 500,000

d. For costs associated with Iowa's membership in the mid-America port commission established in chapter 28K, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 80,000

e. For costs associated with the planning, design, and construction of a destination park:

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

11. DEPARTMENT OF PUBLIC SAFETY

a. For costs of entering into and making payments under a lease-purchase agreement to replace and upgrade the automated fingerprint identification system, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 550,000

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

..... \$ 800,000

Of the amount appropriated in this lettered paragraph, \$300,000 shall be allocated to the Waterloo fire regional training center.

Of the amount appropriated in this lettered paragraph, \$200,000 shall be allocated to the Dubuque fire regional training center.

The division of fire safety shall submit a report by January 15, 2006, to the joint appropriations subcommittee on transportation, infrastructure, and capitals detailing the use of the moneys appropriated in this subsection.

c. To the division of fire safety for allocation to the fire service training bureau to be used for the revolving loan program for equipment purchases by local fire departments, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 500,000

12. STATE BOARD OF REGENTS

a. For major maintenance at the Iowa school for the deaf and the Iowa braille and sight saving school:

..... \$ 500,000

b. For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the state board of regents institutions:

..... \$ 6,250,000

13. STATE DEPARTMENT OF TRANSPORTATION

a. 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, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 564,792

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

..... \$ 750,000

In awarding assistance under the vertical infrastructure improvement grant program, the department shall give preference to projects that demonstrate a collaborative effort between airports.

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

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

Of the amount appropriated in this lettered paragraph, \$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.

d. For the rail assistance program and to provide economic development project funding:

..... \$ 35,959

Sec. 4. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For costs associated with the remodeling of the records and property center: \$ 2,200,000

b. For costs associated with the replacement of the powerhouse facilities at the Iowa juvenile home at Toledo: \$ 1,521,045

2. DEPARTMENT OF CORRECTIONS

a. For construction of a community-based correctional facility, including district offices, in Fort Dodge: \$ 1,400,000

b. For the remodeling and renovation of the kitchen facilities at the Anamosa correctional facility: \$ 1,840,000

Sec. 5. DEPARTMENT OF CORRECTIONS. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For construction of a community-based correctional facility, including district offices, in Fort Dodge: \$ 2,450,000

Sec. 6. 2001 Iowa Acts, chapter 185, section 12, is amended to read as follows:

SEC. 12. REVERSION. Notwithstanding

1. Except as provided in subsection 2 and 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, 2004, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in section 6, subsection 1, 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, 2005, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 7. 2004 Iowa Acts, chapter 1175, section 288, subsection 13, paragraph c, is amended to read as follows:

c. For costs of entering into and making a down payment under a lease-purchase agreement to replace and upgrade the automated fingerprint identification system, notwithstanding section 8.57, subsection 5, paragraph "c":
FY 2004-2005 \$ 550,000

The appropriation made in this lettered paragraph to enter into and make payments under a lease-purchase agreement constitutes approval by the general assembly of a financing agreement in excess of \$1 million as required by section 12.28, subsection 6.

Sec. 8. COMMISSION OF VETERANS AFFAIRS TRANSFER. Notwithstanding 2002 Iowa Acts, chapter 1173, section 10, subsection 13, any unencumbered and unobligated moneys remaining on the effective date of this section from the appropriation made in 2002 Iowa Acts, chapter 1173, section 10, subsection 12, may be transferred to the appropriation made in 2000 Iowa Acts, chapter 1225, section 19, to be used for the purposes designated in 2000 Iowa Acts, chapter 1225, section 19, as amended by 2004 Iowa Acts, chapter 1175, section 296.

Sec. 9. REVERSION. 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.

Sec. 10. Section 8.57B, subsection 4, Code 2005, is amended to read as follows:

4. There is appropriated from the rebuild Iowa infrastructure fund to the vertical infrastructure fund, the following:

a. For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of fifteen million dollars.

b. For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of fifteen million dollars.

c. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of fifty million dollars.

d. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of fifty million dollars.

Sec. 11. Section 328.1, subsection 9, Code 2005, is amended to read as follows:

9. "Airport" means any landing area used regularly by aircraft for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established. "Airport" includes land within a city with a population greater than one

hundred seventy-five thousand which is acquired to replace or mitigate land used in an airport runway project at an existing airport when federal law, grant, or action requires such replacement or mitigation.

Sec. 12. Section 452A.79, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Annually For the fiscal year beginning July 1, 2005, the first four hundred eleven thousand three hundred eleven dollars derived from the excise tax on the sale of motor fuel used in watercraft shall be deposited in the general fund of the state.--The and the moneys in excess of four hundred eleven thousand three hundred eleven dollars shall be deposited in the rebuild Iowa infrastructure fund. For the fiscal years beginning on or after July 1, 2006, all revenues derived from the excise tax on the sale of motor fuel used in watercraft shall be deposited in the rebuild Iowa infrastructure fund. Moneys deposited to the general fund and to the rebuild Iowa infrastructure fund under this section and section 452A.84 are subject to the requirements of section 8.60 and are subject to appropriation by the general assembly to the department of natural resources for use in its recreational boating program, which may include but is not limited to:

Sec. 13. 2005 Iowa Acts, House File 466, section 3, is repealed.

Sec. 14. EFFECTIVE DATE. The sections of this division of this Act relating to the amendment to 2004 Iowa Acts, chapter 1175, section 288, subsection 13, appropriating moneys for a lease-purchase agreement, relating to the amendment to 2001 Iowa Acts, chapter 185, section 12, and relating to the commission of veterans affairs transfer, being deemed of immediate importance, take effect upon enactment.

DIVISION IV
ENVIRONMENT FIRST FUND

Sec. 15. There is appropriated from the environment first fund to the following departments and agencies for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. 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

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

b. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

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

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

c. 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

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

Of the amount appropriated in this lettered paragraph, \$400,000 shall be allocated to the Iowa soybean association's agriculture and environment performance program.

d. 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

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

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

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

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

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

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

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

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

(6) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of

administration and implementation of soil and water conservation practices.

f. To encourage and assist farmers in enrolling in and the implementation of federal conservation programs and work with them to enhance their revegetation efforts to improve water quality and habitat:

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

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

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

..... \$ 600,000

Of the amount appropriated in this lettered paragraph, \$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 5 percent of the moneys allocated to the hungry canyons account in this lettered paragraph may be used for administrative costs. No more than 10 percent of the moneys allocated to the loess hills alliance account in this lettered paragraph may be used for administrative costs.

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

..... \$ 300,000

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for administrative costs.

2. DEPARTMENT OF ECONOMIC DEVELOPMENT

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

..... \$ 500,000

3. DEPARTMENT OF NATURAL RESOURCES

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

..... \$ 100,000

b. 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

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

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

d. 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

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

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

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

..... \$ 500,000

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

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

Of the amount appropriated in this lettered paragraph, \$100,000 shall be allocated for the five island lake in Palo Alto county.

The department shall consider the following criteria for funding lake dredging projects as provided in this lettered paragraph, and shall prioritize projects based on the following:

(1) Documented efforts to address watershed protection, considering testing, conservation efforts, and the amount of time devoted to watershed protection.

(2) Protection of a natural resource and natural habitat.

(3) Percentage of public access and undeveloped lakefront property.

(4) Continuation of current projects partially funded by state resources to achieve department recommendations.

RESOURCES ENHANCEMENT AND PROTECTION FUND

Sec. 16. 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, 2005, and ending June 30, 2006, the following amount, to be allocated as provided in section 455A.19:

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

Sec. 17. Section 161A.80, subsection 2, paragraphs a and b, Code 2005, are amended to read as follows:

a. This section is repealed on July 1, 2005 2015.

b. The principal and interest from any blufflands protection loan outstanding on July 1, 2005 2015, and payable to the blufflands protection revolving fund, shall be paid to the administrative director of the division of soil conservation on or after July 1, 2005 2015, pursuant to the terms of the loan agreement and shall be credited to the rebuild Iowa infrastructure fund.

Sec. 18. 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, 2006, 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, 2008.

DIVISION V

TOBACCO SETTLEMENT TRUST FUND

Sec. 19.

1. 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, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. DEPARTMENT OF ADMINISTRATIVE SERVICES

(1) For capitol interior restoration:

..... \$ 4,500,000

Of the amount appropriated in this subparagraph, \$700,000 shall be used for cleanup costs associated with the water damage in the statehouse resulting from the pipe break that occurred on December 24, 2004, and for renovation of areas in the statehouse that experienced such water damage.

The use of the moneys allocated in this subparagraph shall not be construed or interpreted as an indication by the governor or general assembly that the state is the responsible party for the water damage in the statehouse resulting from the pipe break that occurred on December 24, 2004, and for the resulting costs or that the amounts allocated in this subparagraph represent the total amount necessary to address all costs associated with the water damage.

(2) For remodeling and renovation of the sexually violent predators unit located at the state mental health institute at Cherokee:

..... \$ 650,000

(3) For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:

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

b. DEPARTMENT OF CORRECTIONS

For the remodeling and renovation of the kitchen facilities at the Anamosa correctional facility:

..... \$ 600,000

c. 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 8.57B, subsection 3:

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

The moneys appropriated in this lettered paragraph 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, 2006, the unobligated and unencumbered portions shall be available for use by other community colleges.

d. DEPARTMENT OF HUMAN SERVICES

For planning, design, and construction of a family resource center in a city with a population between 95,000 and 100,000 residents:

..... \$ 250,000

e. DEPARTMENT OF PUBLIC SAFETY

For the first phase of the regional emergency responder training facility project of the nonprofit Dubuque county fire fighters association:

..... \$ 100,000

f. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

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

..... \$ 1,704,719

g. STATE DEPARTMENT OF TRANSPORTATION

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

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

Fifty percent of the funds appropriated in this lettered paragraph shall be allocated equally between each commercial 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 lettered paragraph, the airport shall be required to submit applications for funding of specific projects to the department for approval by the state transportation commission.

2. 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.

3. 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. 20. PAYMENTS IN LIEU OF TUITION. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the state board of regents for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes 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):

..... \$ 10,329,981

Sec. 21. PRISON DEBT SERVICE. There is appropriated from the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund to the office of the treasurer of state for the fiscal year beginning July 1, 2005, and ending June 30, 2006, 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):
..... \$ 5,422,390

Sec. 22. 2001 Iowa Acts, chapter 185, section 30, is amended to read as follows:

SEC. 30. REVERSION. Notwithstanding

1. Except as provided in subsection 2 and 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, 2004, or until the project for which the appropriation was made is completed, whichever is earlier.

2. Notwithstanding section 8.33, moneys appropriated in section 25, subsection 3, paragraph "b", and section 28 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, 2005, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 23. 2002 Iowa Acts, chapter 1173, section 1, subsection 7, paragraph a, as amended by 2004 Iowa Acts, chapter 1175, section 310, is amended to read as follows:

a. For parking improvements and provision of street access for the judicial building:

FY 2002-2003	\$ 700,000
FY 2003-2004	\$ 0
FY 2004-2005	\$ 0
FY 2005-2006	\$ 0

Of the amount appropriated in this lettered paragraph for FY 2002-2003, up to \$330,000 may be used for costs associated with ~~operation of the judicial building, notwithstanding section 12E.12, subsection 1, paragraph "b", subparagraph (1)~~ site work in the vicinity of the judicial building.

Sec. 24. 2003 Iowa Acts, chapter 177, section 22, subsection 6, paragraph a, is amended by striking the paragraph.

Sec. 25. EFFECTIVE DATE. The section of this division of this Act relating to the amendment to 2001 Iowa Acts, chapter 185, section 30, being deemed of immediate importance, takes effect upon enactment.

Sec. 26. EFFECTIVE DATE. The section of this division of this Act amending 2002 Iowa Acts, chapter 1173, section 1, subsection 7, being deemed of immediate importance, takes effect upon enactment.

Sec. 27. EFFECTIVE DATE. The section of this division of this Act amending 2003 Iowa Acts, chapter 177, section 22, subsection 6, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
VERTICAL INFRASTRUCTURE FUND

Sec. 28. There is appropriated from the vertical infrastructure fund to the following departments and agencies for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:
..... \$ 5,623,200

Of the amount appropriated in this subsection, up to \$200,000 may be used for costs associated with the vertical infrastructure program, notwithstanding section 8.57B, subsection 3.

2. DEPARTMENT OF CULTURAL AFFAIRS

For historical site preservation grants, to be used for the restoration, preservation, and development of historical sites:
..... \$ 500,000

Historical site preservation grants shall only be awarded for projects which meet the definition of "vertical infrastructure" in section 8.57B, subsection 3.

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. A grant awarded from moneys appropriated in this subsection shall not exceed \$100,000 per project. Not more than two grants may be awarded in the same county.

3. 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 8.57B, subsection 3:
..... \$ 4,000,000

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, 2006, the unobligated and unencumbered portions shall be available for use by other community colleges.

4. DEPARTMENT OF PUBLIC DEFENSE

a. For construction of a national guard readiness center in or near Fort Dodge:
..... \$ 608,000
b. For maintenance and repair of national guard armories and facilities, notwithstanding section 8.57B, subsection 3:
..... \$ 1,269,000
c. For upgrading the water treatment facility at Camp Dodge:
..... \$ 1,939,800

5. 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

Sec. 29. REVERSION. Notwithstanding section 8.33, moneys appropriated from the vertical infrastructure fund for the fiscal year that begins July 1, 2005, 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, 2008, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 30. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the vertical infrastructure fund to the department of administrative services for the designated fiscal years, the following amounts, or so much thereof as if necessary, to be used for the purposes designated:

For major renovation and major repair needs, including health, life, and fire safety needs, and for compliance with the federal Americans With Disabilities Act, for state buildings and facilities under the purview of the department:
FY 2006-2007..... \$ 10,000,000
FY 2007-2008..... \$ 40,000,000
FY 2008-2009..... \$ 40,000,000

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, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VII

RAILROAD REVOLVING LOAN AND GRANT FUND

Sec. 31. Section 327H.20A, Code 2005, is amended to read as follows:

327H.20A RAILROAD REVOLVING LOAN AND GRANT FUND.

1. A railroad revolving loan and grant fund is established in the office of the treasurer of state under the control of the department authority. Moneys in this fund shall be expended for loans the following purposes:

a. Grants or loans to provide assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, sidings, rail connections, intermodal yards, highway grade separations, and other railroad-related improvements.

b. Grants or loans for rail economic development projects that improve rail facilities, including the construction of

branch lines, sidings, rail connections, intermodal yards, and other rail-related improvements that spur economic development and job growth.

2. The department authority shall administer a program for the granting and administration of loans and grants under this section. No more than fifty percent of the total moneys available in the fund in any year shall be awarded in the form of grants. The authority may establish a limit on the amount that may be awarded as a grant for any given project in order to maximize the use of the moneys in the fund. The department authority may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this section.

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

Sec. 32. Section 327H.26, Code 2005, is amended to read as follows:

327H.26 DEFINITION DEFINITIONS.

As used in this chapter, unless the context otherwise requires, "department":

- 1. "Department" means the state department of transportation.
- 2. "Authority" means the railway finance authority created in chapter 327I.

Sec. 33. Section 327I.8, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Administer the railroad revolving loan and grant fund as provided in section 327H.20A.

Sec. 34. Sections 327H.18 and 327H.20, Code 2005, are repealed.

Sec. 35. Notwithstanding section 327H.18, Code 2005, and chapter 327I, there is appropriated from the general fund of the state to the railroad revolving loan fund established in section 327H.20A for the fiscal year beginning July 1, 2004, and ending June 30, 2005, an amount equal to the amount of the loan repayments made under section 327H.18, Code 2005, and chapter 327I that exceed \$1,308,704 during the fiscal year beginning July 1, 2004.

Sec. 36. Notwithstanding section 327H.18, Code 2005, and chapter 327I, there is appropriated from the general fund of the state to the railroad revolving loan and grant fund established in section 327H.20A, as amended by this Act, for the fiscal year beginning July 1, 2005, and ending June 30, 2006, an amount equal to the amount of the loan repayments made under section 327H.18, Code 2005, and chapter 327I that exceed \$1,288,481 during the fiscal year beginning July 1, 2005.

Sec. 37. CONTINUATION OF PRIOR AGREEMENTS. It is the intent of the general assembly that the enactment of this division of this Act shall not affect the terms or duration of railroad assistance agreements entered into under chapter 327H prior to the effective date of this division of this Act.

Sec. 38. EFFECTIVE DATE AND APPLICABILITY. The section of this division of this Act that appropriates excess rail assistance loan repayments for the fiscal year beginning July 1, 2004, and ending June 30, 2005, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2004.

DIVISION VIII
IOWA COMMUNICATIONS NETWORK

Sec. 39. Section 8D.3, subsection 3, paragraph i, Code 2005, is amended to read as follows:

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system excluding the cost of construction and lease costs for Parts I, II, and III. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network and shall consider all costs of the network in establishing the rates. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

Sec. 40. Section 8D.13, subsection 11, Code 2005, is amended to read as follows:

11. The fees charged for use of the network and state communications shall be based on the ongoing operational-costs expenses of the network and of providing state communications only. For the services rendered to state agencies by the commission, the commission shall prepare a statement of services rendered and the agencies shall pay in a manner consistent with procedures established by the department of administrative services.

DIVISION IX
ACCESS IOWA HIGHWAYS

Sec. 41.

1. INTENT. It is the intent of the general assembly to formulate an access Iowa plan which shall designate portions of the commercial and industrial network of highways as access Iowa highways. The goal of the access Iowa plan shall be to enhance the existing Iowa economy and ensure its continuing development and growth in the national and global competitive marketplace by providing for early completion of the construction of the most important portions of the Iowa

highway system. These portions of the system shall be those that are essential for support of intrastate transportation and commerce and essential for ensuring Iowans direct access to the nation's system of interstate highways and transportation services.

The general assembly's past actions are consistent with the access Iowa plan. The general assembly has set general policy guidelines for the state transportation commission's planning and programming development, directed that road service be equalized throughout the state, determined that a commercial and industrial network of highways would benefit Iowa transportation services, directed the commission to focus at least part of their legislatively provided resources on the commercial and industrial network, and directed that the commission consider equalization of accessibility for economic development as one of the factors in establishing its plan and program priorities for the commercial and industrial network. These actions recognize that interstate commerce and national economic development are furthered and supported by the national system of interstate and defense highways and the national highway system, and that Iowa commerce and economic development are supported by Iowa's commercial and industrial network of highways.

2. ACCESS IOWA HIGHWAY DESIGNATION. The state department of transportation shall designate portions of the commercial and industrial network of highways as access Iowa highways and shall expedite and accelerate development of access Iowa highways. When designating those portions of the commercial and industrial network as access Iowa highways, the department shall consider the direct and priority linkages between economic centers within the state with populations of 20,000 or more and the enhancement of intrastate mobility and Iowa regional accessibility and national accessibility.

3. REPEAL. This section is repealed effective July 1, 2015.

DIVISION X
HONEY CREEK PREMIER DESTINATION
PARK BOND PROGRAM

Sec. 42. Section 12.30, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including, but not limited to, the authority created under chapter 12E, 16, 16A, 175, 257C, 261A, or 327I, or 463C, which has the power to issue obligations, except that "authority" does not include the state board of regents or the Iowa finance authority to the extent it acts pursuant to chapter 260C.

Sec. 43. NEW SECTION. 463C.1 TITLE.

This chapter shall be known and may be cited as the "Honey Creek Premier Destination Park Bond Program".

Sec. 44. NEW SECTION. 463C.2 DEFINITIONS.

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

1. "Authority" means the honey creek premier destination park authority created in section 463C.4.
2. "Board" means the governing board of the authority.
3. "Bonds" means bonds, notes, and other obligations and financing arrangements issued or entered into by the authority pursuant to this chapter.
4. "Department" means the department of natural resources.
5. "Fund" means the honey creek premier destination park bond fund created in section 463C.11.
6. "Program" means the honey creek premier destination park bond program established in section 463C.10.

Sec. 45. NEW SECTION. 463C.3 LEGISLATIVE FINDINGS.

1. The establishment of the honey creek premier destination park bond program and honey creek premier destination park authority is in all respects for the benefit of the people of the state of Iowa, for the improvement of their health and welfare, and for the promotion of the economy, which are public purposes.

2. The authority will be performing an essential governmental function in the exercise of the powers and duties conferred upon it by this chapter.

3. The authority will assist in the establishment of the honey creek premier destination park in the state which will provide important recreational and economic benefits to the state.

4. Current efforts to develop the honey creek premier destination park in the state have fallen short and the creation of an authority which has the mission of engaging and assisting in these efforts will increase the likelihood of reaching the desired goal.

5. It is necessary to create the honey creek premier destination park bond program and authority to encourage the investment of private capital to stimulate the development and construction of the park including lodges, campgrounds, cabins, and golf courses through the use of public financing, and to this extent it is the public policy of this state to support the honey creek premier destination park bond program in the procurement of necessary moneys for deposit into the honey creek premier destination park bond fund.

Sec. 46. NEW SECTION. 463C.4 ESTABLISHMENT OF HONEY CREEK PREMIER DESTINATION PARK AUTHORITY.

1. The honey creek premier destination park authority is created and constitutes a public instrumentality and agency of the state, separate and distinct from the state, exercising public and essential governmental functions.

2. The purposes of the authority include all of the following:

a. To implement and administer the honey creek premier destination park bond program and to establish a stable source of revenue to be used for the purposes designated in this chapter.

b. To issue bonds and enter into funding options, consistent with this chapter, including refunding and refinancing its debt and obligations.

c. To provide for and secure the issuance and repayment of its bonds.

d. To invest funds available under this chapter to provide for a source of revenue in accordance with the program plan.

e. To refund and refinance the authority's debts and obligations, and to manage its funds, obligations, and investments as necessary and if consistent with its purpose.

f. To implement the purposes of this chapter.

3. The authority shall invest its funds and accounts in accordance with this chapter and shall not take action or invest in any manner that would cause the state to become a stockholder in any corporation or that would cause the state to assume or agree to pay the debt or liability of any corporation in violation of the United States Constitution or the Constitution of the State of Iowa.

4. The authority shall not create any obligation of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitation.

5. The authority shall not pledge the credit or taxing power of this state or any political subdivision of this state, or make its debts payable out of any moneys except those of the authority specifically pledged for their payment.

Sec. 47. NEW SECTION. 463C.5 GOVERNING BOARD.

1. The powers of the authority are vested in and shall be exercised by a board consisting of the treasurer of state, the auditor of state, and the director of the department of management. Notwithstanding the provisions of section 12.30, subsection 2, regarding ex officio nonvoting status, the treasurer of state shall act as a voting member of the authority.

2. Two members of the board constitute a quorum.

3. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. The treasurer of state shall serve as treasurer of the authority.

4. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so requests.

5. The members of the board shall not receive compensation by reason of their membership on the board.

Sec. 48. NEW SECTION. 463C.6 STAFF -- ASSISTANCE BY STATE OFFICERS, AGENCIES, AND DEPARTMENTS.

1. The staff of the office of the treasurer of state shall also serve as staff of the authority under the supervision of the treasurer.

2. State officers, agencies, and departments may render services to the authority within their respective functions, as requested by the authority.

Sec. 49. NEW SECTION. 463C.7 LIMITATION OF LIABILITY.

Members of the board and persons acting on the authority's behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under this chapter.

Sec. 50. NEW SECTION. 463C.8 GENERAL POWERS OF AUTHORITY.

1. The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including but not limited to all of the following powers:

a. The power to issue its bonds and to enter into other funding options as provided in this chapter.

b. The power to have perpetual succession as a public instrumentality and agency of the state, until dissolved in accordance with this chapter.

c. The power to sue and be sued in its own name.

d. The power to make and execute agreements, contracts, and other instruments, with any public or private person, in accordance with this chapter.

e. The power to hire and compensate legal counsel, notwithstanding chapter 13.

f. The power to hire investment advisors and other persons as necessary to fulfill its purpose.

g. The power to invest or deposit moneys of or held by the authority in any manner determined by the authority, notwithstanding chapter 12B or 12C.

h. The power to procure insurance, other credit enhancements, and other financing arrangements, and to execute instruments and contracts and to enter into agreements convenient or necessary to facilitate financing arrangements of the authority and to fulfill the purposes of the authority under this chapter, including but not limited to such arrangements, instruments, contracts, and agreements as bond insurance, liquidity facilities, interest rate agreements, and letters of credit.

i. The power to accept appropriations, gifts, grants, loans, or other aid from public or private entities.

j. The power to adopt rules consistent with this chapter and in accordance with chapter 17A, as the board determines necessary.

k. The power to acquire, own, hold, administer, and dispose of property.

1. The power to determine, in connection with the issuance of bonds, and subject to the sales agreement, the terms and other details of financing, and the method of implementation of the program plan.

m. The power to perform any act not inconsistent with federal or state law necessary to carry out the purposes of the authority.

2. The authority is exempt from the requirements of chapter 8A, subchapter III.

Sec. 51. NEW SECTION. 463C.9 POWERS NOT RESTRICTED -- LAW COMPLETE IN ITSELF.

This chapter shall not restrict or limit the powers which the authority has under any other law of this state, but is cumulative as to any such powers. A proceeding, notice, or

approval is not required for the creation of the authority or the issuance of obligations or an instrument as security, except as provided in this chapter.

Sec. 52. NEW SECTION. 463C.10 HONEY CREEK PREMIER DESTINATION PARK BOND PROGRAM.

The authority shall assist in the development and expansion of the honey creek premier destination park in the state through the establishment of the honey creek premier destination park bond program. The authority may issue its bonds or notes, or series of bonds or notes, for the purpose of defraying the cost of one or more projects for the development and expansion of the honey creek premier destination park in the state, including lodges, campgrounds, cabins, and golf courses, and make secured and unsecured loans for the acquisition and construction of such projects on terms the authority determines.

Sec. 53. NEW SECTION. 463C.11 HONEY CREEK PREMIER DESTINATION PARK BOND FUND.

1. The honey creek premier destination park bond fund is established as a separate and distinct fund in the state treasury consisting of honey creek premier destination park revenues, any moneys appropriated by the general assembly to the fund, and any other moneys available to and obtained or accepted by the authority for placement in the fund. The moneys in the fund shall be used to develop the honey creek premier destination park in the state by funding the development and construction of facilities in the park including but not limited to lodges, campgrounds, cabins, and golf courses. The treasurer of state is authorized to establish separate and distinct accounts within the honey creek premier destination park bond fund in connection with the issuance of the authority's bonds in accordance with the trust indenture or resolution authorizing the bonds and the authority is authorized to determine which revenues and accounts shall be pledged as security for the bonds. Amounts

deposited in the honey creek premier destination park bond fund shall be deposited in the separate and distinct accounts as set forth in the trust indenture or resolution authorizing the bonds. The authority is authorized to pledge and use the gross revenues from the honey creek premier destination park to and for payment of the bonds. Revenues may also be used for the payment of insurance, other credit enhancements, and other financing arrangements. Operating expenses of the honey creek premier destination park may be paid from the revenues to the extent the revenues exceed the amount determined by the authority to be necessary for debt service on the bonds.

2. Payments of interest, repayments of moneys loaned pursuant to this chapter, and recaptures of awards shall be deposited in the fund.

3. Moneys in the fund may be used by the authority for the purpose of providing grants, loans, forgivable loans, loan guarantees under the honey creek premier destination park bond program established in this chapter, and otherwise funding the development and construction of facilities in the park including but not limited to lodges, campgrounds, cabins, and golf courses. The moneys in the fund shall be used for the development and construction of facilities in the honey creek premier destination park.

4. The authority, in consultation with the department, shall determine which projects qualify for assistance from the fund, and which projects shall be funded.

Sec. 54. NEW SECTION. 463C.12 PREMIER DESTINATION PARK BONDS.

1. The authority may issue bonds for the purpose of funding the honey creek premier destination park bond fund established in section 463C.11 and for the purpose of refunding any bonds issued under this section. The authority may issue bonds in principal amounts which, in the opinion of the board, are necessary to provide sufficient funds for the honey creek premier destination park bond fund established in

section 463C.11, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the authority incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the board necessary or convenient to administer the fund; provided, however, excluding the issuance of refunding bonds, bonds issued pursuant to this section shall not be issued in an aggregate principal amount which exceeds twenty-eight million dollars.

2. The bonds are investment securities and negotiable instruments within the meaning of and for the purposes of the uniform commercial code.

3. The authority may pledge amounts deposited in the honey creek premier destination park bond fund established in section 463C.11 as security for the payment of the principal of premium, if any, and interest on the bonds. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the honey creek premier destination park bond fund and any bond reserve funds established pursuant to section 463C.13, all of which may be deposited with trustees or depositories in accordance with bond or security documents, and are not an indebtedness of this state, or a charge against the general credit or general fund of the state, and the state shall not be liable for the bonds except from amounts on deposit in the funds. Bonds issued under this section shall contain a statement that the bonds do not constitute an indebtedness of the state.

4. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, payable over terms and with rights of redemption, and subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments under the laws of this state and may be sold at prices, at public or private sale, and in a manner as prescribed by the authority. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state, political subdivisions of this state, insurance companies and associations and other persons carrying on an insurance business, banks, trust companies, savings associations, savings and loan associations, and investment companies, administrators, guardians, executors, trustees, and other fiduciaries, and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the authority that is approved by the authority. However, a trust indenture, resolution, or other instrument authorizing the issuance of bonds may delegate to an officer of the authority the power to negotiate and fix the details of an issuance of bonds.

7. Neither the resolution, trust agreement, or any other instrument by which a pledge is created is required to be recorded or filed under the uniform commercial code to be valid, binding, or effective.

8. All bonds issued by the authority in connection with the program are exempt from taxation by the state of Iowa and the interest on the bonds is exempt from state income taxes and state inheritance and estate taxes.

9. The authority may issue bonds for the purpose of refunding any bonds or notes issued pursuant to this section then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the board for deposit in the honey creek premier destination park bond fund established in section 463C.11. All refunding bonds shall be issued and secured and subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this section.

Sec. 55. NEW SECTION. 463C.13 BOND RESERVE FUNDS.

1. The authority may create and establish one or more special funds, to be known as bond reserve funds, and shall pay into each bond reserve fund any moneys appropriated and made available by the authority for the purpose of the bond reserve fund, any proceeds of sale of notes or bonds to the extent provided in the trust indenture, resolution, or other instrument of the treasurer of state authorizing their issuance, and any other moneys which may be available to the authority for the purpose of the bond reserve fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this section, shall be used as required solely for the payment of the principal of bonds

secured in whole or in part by the bond reserve fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

2. Moneys in a bond reserve fund shall not be withdrawn from the bond reserve fund at any time in an amount that will reduce the amount of the bond reserve fund to less than the bond reserve fund requirement established for the bond reserve fund, as provided in this section, except for the purpose of making, with respect to bonds secured in whole or in part by the bond reserve fund, payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other moneys are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of moneys in the bond reserve fund may be transferred by the authority to other reserve funds or the honey creek premier destination park bond fund to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for the bond reserve fund.

3. The authority shall not at any time issue bonds, secured in whole or in part by a bond reserve fund, if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the bond reserve fund, unless the authority at the time of issuance of the bonds deposits in the bond reserve fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the bond reserve fund, will not be less than the bond reserve fund requirement for the bond reserve fund. For the purposes of this section, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money, as provided in the trust indenture, resolution, or other instrument of the authority authorizing the bonds with respect

to which the bond reserve fund is established, equal to not more than ten percent of the outstanding principal amount of bonds secured in whole or in part by the bond reserve fund.

4. To assure the continued operation and solvency of the authority for the carrying out of its corporate purposes, provision is made in subsection 1 for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the chairperson of the authority shall, on or before January 1 of each calendar year, make and deliver to the governor the chairperson's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the authority pursuant to this section shall be deposited by the authority in the applicable bond reserve fund.

Sec. 56. NEW SECTION. 463C.14 PLEDGES.

It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

Sec. 57. NEW SECTION. 463C.15 MONEYS OF THE AUTHORITY.

1. Moneys of the authority from whatever source derived, except as otherwise provided in this chapter, shall be paid to the authority and shall be deposited in the honey creek premier destination park bond fund. The moneys shall be withdrawn on the order of the person authorized by the authority. Deposits shall, if required by the authority, be secured in the manner determined by the authority. The auditor of state and the auditor's legally authorized representatives may periodically examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing, and the authority shall not be required to pay a fee for the examination.

2. The authority may contract with holders of its bonds or notes as to the custody, collection, security, investment, and payment of moneys of the authority, of moneys held in trust or otherwise for the payment of bonds or notes, and to carry out the contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of the moneys may be secured in the same manner as moneys of the authority, and banks and trust companies may give security for the deposits.

3. Subject to the provisions of any contract with bondholders or noteholders and to the approval of the director of the department of administrative services, the authority shall prescribe a system of accounts.

4. The authority shall submit to the governor, the auditor of state, the department of management, and the department of administrative services, within thirty days of its receipt by the authority, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

Sec. 58. NEW SECTION. 463C.16 ANNUAL REPORT.

1. The authority shall submit to the governor, the general assembly, and the attorney general, on or before December 31, annually, a report including information regarding all of the following:

- a. Its operations and accomplishments.
- b. Its receipts and expenditures during the previous fiscal year, in accordance with classifications it establishes for its operating and capital accounts.
- c. Its assets and liabilities at the end of the previous fiscal year and the status of reserve, special, and other funds.
- d. A schedule of its bonds outstanding at the end of the previous fiscal year, and a statement of the amounts redeemed and issued during the previous fiscal year.
- e. A statement of its proposed and projected activities.
- f. Recommendations to the governor and the general assembly, as deemed necessary.
- g. A statement of all projects funded in the previous fiscal year.
- h. Any other information deemed necessary.

2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress during the reporting period in attaining these goals.

Sec. 59. NEW SECTION. 463C.17 EXEMPTION FROM COMPETITIVE BID LAWS.

The authority and contracts entered into by the authority in carrying out its public and essential governmental functions are exempt from the laws of the state which provide for competitive bids and hearings in connection with contracts, except as provided in section 12.30. However, the exemption from competitive bid laws in this section shall not be construed to apply to contracts for the development of the park or the development or construction of facilities in the park, including, but not limited to, lodges, campgrounds, cabins, and golf courses.

Sec. 60. NEW SECTION. 463C.18 BANKRUPTCY.

Prior to the date which is three hundred sixty-six days after which the authority no longer has any bonds outstanding, the authority is prohibited from filing a voluntary petition under chapter 9 of the federal bankruptcy code or such corresponding chapter or section as may, from time to time, be in effect, and a public official or organization, entity, or other person shall not authorize the authority to be or become a debtor under chapter 9 or any successor or corresponding chapter or sections during such periods. The provisions of this section shall be part of any contractual obligation owed to the holders of bonds issued under this chapter. Any such contractual obligation shall not subsequently be modified by state law, during the period of the contractual obligation.

Sec. 61. NEW SECTION. 463C.19 DISSOLUTION OF THE AUTHORITY.

The authority shall dissolve no later than two years after the date of final payment of all outstanding bonds and the satisfaction of all outstanding obligations of the authority, except to the extent necessary to remain in existence to fulfill any outstanding covenants or provisions with bondholders or third parties made in accordance with this chapter. Upon dissolution of the authority, all assets of the authority shall be returned to the state and shall be deposited in the general fund of the state, unless otherwise directed by the general assembly, and the authority shall execute any necessary assignments or instruments, including any assignment of any right, title, or ownership to the state for receipt of payments.

Sec. 62. NEW SECTION. 463C.20 LIBERAL INTERPRETATION.

This chapter, being deemed necessary for the welfare of the state and its people, shall be liberally construed to effect its purpose.

Sec. 63. MATCHING FUNDS. Moneys appropriated in this Act, if enacted, to be used for the purpose of funding the

development and construction of the honey creek premier destination park shall be available only for projects that contain a match of four dollars of private funds for each three dollars of state funds.

Sec. 64. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 875, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 6/15, 2005

THOMAS J. VILSACK
Governor

