

FILED FEB 28 2006

SENATE FILE 2273
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3158)

Passed Senate, Date 3-1-06 Passed House, Date _____
Vote: Ayes 49 Nays 1 Vote: Ayes _____ Nays _____
Approved March 29, 2006

A BILL FOR

1 An Act relating to financial and regulatory matters by making and
2 revising appropriations for the fiscal year beginning July 1,
3 2005, and providing an effective date.

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

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SENATE FILE 2273

S-5016

1 Amend Senate File 2273 as follows:
2 1. Page 5, line 21, by striking the words
3 "director of the department of management" and
4 inserting the following: "secretary of the executive
5 council".

By ROBERT E. DVORSKY
JEFF ANGELO

S-5016 FILED FEBRUARY 28, 2006

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DIVISION I
EDUCATION

Section 1. STATE BOARD OF REGENTS -- UNIVERSITY OF
NORTHERN IOWA'S GILCHRIST HALL. There is appropriated from
the rebuild Iowa infrastructure 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 purpose designated:

For repair and restoration of Gilchrist hall at the
university of northern Iowa:
..... \$ 2,000,000

Notwithstanding section 8.33, moneys appropriated in this
section that remain unencumbered or unobligated at the close
of the fiscal year shall revert at the close of the fiscal
year beginning July 1, 2007. However, if the projects for
which the moneys are appropriated are completed in an earlier
fiscal year, unencumbered or unobligated moneys shall revert
at the close of that fiscal year.

DIVISION II
HEALTH AND HUMAN SERVICES
MENTAL HEALTH INSTITUTE AT CLARINDA

Sec. 2. 2005 Iowa Acts, chapter 175, section 21,
subsection 2, is amended to read as follows:

2. For the state mental health institute at Clarinda for
salaries, support, maintenance, and miscellaneous purposes,
and for not more than the following full-time equivalent
positions:

..... \$ 7,439,591
7,689,591
..... FTEs 113.15

DIVISION III
JUSTICE SYSTEM

DEPARTMENT OF CORRECTIONS -- FACILITIES

Sec. 3. 2005 Iowa Acts, chapter 174, section 4, subsection
1, is amended to read as follows:

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

6 For the operation of adult correctional institutions,
7 reimbursement of counties for certain confinement costs, and
8 federal prison reimbursement, to be allocated as follows:

9 a. For the operation of the Fort Madison correctional
10 facility, including salaries, support, maintenance, and
11 miscellaneous purposes:

12 \$ 38,840,761
13 40,398,034

14 b. For the operation of the Anamosa correctional facility,
15 including salaries, support, maintenance, and miscellaneous
16 purposes:

17 \$ 27,199,702
18 27,345,641

19 Moneys are provided within this appropriation for one full-
20 time substance abuse counselor for the Luster Heights
21 facility, for the purpose of certification of a substance
22 abuse program at that facility.

23 c. For the operation of the Oakdale correctional facility,
24 including salaries, support, maintenance, and miscellaneous
25 purposes:

26 \$ 25,650,778
27 25,856,042

28 d. For the operation of the Newton correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:

31 \$ 24,916,132
32 25,085,801

33 e. For the operation of the Mt. Pleasant correctional
34 facility, including salaries, support, maintenance, and
35 miscellaneous purposes:

1 \$ 23,694,840
2 23,779,085

3 f. For the operation of the Rockwell City correctional
4 facility, including salaries, support, maintenance, and
5 miscellaneous purposes:
6 \$ 8,039,378
7 8,088,024

8 g. For the operation of the Clarinda correctional
9 facility, including salaries, support, maintenance, and
10 miscellaneous purposes:
11 \$ 22,853,497
12 22,970,960

13 Moneys received by the department of corrections as
14 reimbursement for services provided to the Clarinda youth
15 corporation are appropriated to the department and shall be
16 used for the purpose of operating the Clarinda correctional
17 facility.

18 h. For the operation of the Mitchellville correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 \$ 13,867,603
22 13,935,233

23 i. For the operation of the Fort Dodge correctional
24 facility, including salaries, support, maintenance, and
25 miscellaneous purposes:
26 \$ 26,244,693
27 26,368,089

28 j. For reimbursement of counties for temporary confinement
29 of work release and parole violators, as provided in sections
30 901.7, 904.908, and 906.17 and for offenders confined pursuant
31 to section 904.513:
32 \$ 674,954
33 799,954

34 k. For federal prison reimbursement, reimbursements for
35 out-of-state placements, and miscellaneous contracts:

1 \$ 241,293

2 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

3 Sec. 4. 2005 Iowa Acts, chapter 174, section 5, subsection
4 1, paragraph a, unnumbered paragraph 1, is amended to read as
5 follows:

6 For general administration, including salaries, support,
7 maintenance, employment of an education director to administer
8 a centralized education program for the correctional system,
9 and miscellaneous purposes:

10 \$ 2,829,708

11 3,454,708

12 STATE PUBLIC DEFENDER

13 Sec. 5. 2005 Iowa Acts, chapter 174, section 10,
14 subsection 2, is amended to read as follows:

15 2. For the fees of court-appointed attorneys for indigent
16 adults and juveniles, in accordance with section 232.141 and
17 chapter 815:

18 \$ ~~21,163,082~~

19 25,163,082

20 DEPARTMENT OF PUBLIC SAFETY

21 Sec. 6. 2005 Iowa Acts, chapter 174, section 14,
22 subsections 1 and 2, are amended to read as follows:

23 1. For the department's administrative functions,
24 including the criminal justice information system, and for not
25 more than the following full-time equivalent positions:

26 \$ ~~3,073,274~~

27 3,473,274

28 FTEs 38.00

29 2. For the division of criminal investigation and bureau
30 of identification, including the state's contribution to the
31 peace officers' retirement, accident, and disability system
32 provided in chapter 97A in the amount of 17 percent of the
33 salaries for which the funds are appropriated, to meet federal
34 fund matching requirements, and for not more than the
35 following full-time equivalent positions:

1	\$ 14,760,898
2		<u>15,760,898</u>
3 FTEs	228.50
4		<u>257.50</u>

DIVISION IV
MISCELLANEOUS

7 Sec. 7. Section 7D.29, Code 2005, is amended to read as
8 follows:

9 7D.29 PERFORMANCE OF DUTY -- EXPENSE.

10 1. The executive council shall not employ others, or incur
11 any expense, for the purpose of performing any duty imposed
12 upon the council when the duty may, without neglect of their
13 usual duties, be performed by the members, or by their regular
14 employees, but, subject to this limitation, the council may
15 incur the necessary expense to perform or cause to be
16 performed any legal duty imposed on the council, and pay the
17 same out of any money in the state treasury not otherwise
18 appropriated.

19 2. At least two weeks prior to the executive council's
20 approval of a payment authorization under this section, the
21 director of the department of management shall notify the
22 legislative services agency that the authorization request
23 will be considered by the executive council and shall provide
24 background information justifying the request.

25 3. The duties of the executive council under subsection 1
26 shall include but are not limited to the authority provided by
27 this subsection. If repairs to state property are necessary
28 on an emergency basis in order to address health or safety
29 considerations and if sufficient funds for making the repairs
30 have not been appropriated to the state department responsible
31 for the state property or are not otherwise available for such
32 purposes within the budget of the state department, the
33 executive council may authorize payment for the expenses
34 needed by the state department for repairing the state
35 property. This subsection is repealed June 30, 2008.

1 Sec. 8. Section 476C.3, subsection 3, Code Supplement
2 2005, is amended to read as follows:

3 3. A facility that is not operational within eighteen
4 months after issuance of an approval for the facility by the
5 board shall cease to be an eligible renewable energy facility.
6 However, a wind energy conversion facility that is approved as
7 eligible under this section but is not operational within
8 eighteen months due to the unavailability of necessary
9 equipment shall be granted an additional twelve months to
10 become operational. A facility that is granted and thereafter
11 loses approval may reapply to the board for a new
12 determination.

13 DIVISION V

14 EFFECTIVE DATE

15 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 This bill relates to financial and regulatory matters by
19 making and increasing appropriations for the fiscal year
20 beginning July 1, 2005. The bill is organized into divisions.

21 EDUCATION -- This division makes an appropriation from the
22 rebuild Iowa infrastructure fund to the state board of regents
23 in order to provide for repair and restoration of Gilchrist
24 hall at the university of northern Iowa and the appropriation
25 does not revert until the close of the fiscal year that begins
26 on July 1, 2007.

27 HEALTH AND HUMAN SERVICES -- This division increases an
28 appropriation from the general fund of the state to the
29 department of human services for the state mental health
30 institute at Clarinda.

31 JUSTICE SYSTEM -- This division addresses certain
32 appropriations from the general fund of the state included in
33 the justice system budget.

34 Appropriations to the department of corrections for
35 departmental facilities and general administration are

1 increased.

2 The appropriation for the state public defender for court-
3 appointed attorneys is increased.

4 Appropriations to the department of public safety for
5 administrative functions and the division of criminal
6 investigation and bureau of identification are increased.

7 MISCELLANEOUS -- This division provides miscellaneous
8 statutory provisions.

9 Code section 7D.29, providing a standing unlimited
10 appropriation to the executive council in order for the
11 council to incur expenses in order to perform its legal
12 duties, is amended. Under the amendments, at least two weeks
13 prior to the executive council approving a payment
14 authorization, notice to the legislative services agency is
15 required.

16 In addition, a new duty is provided in the event repairs to
17 state property are necessary on an emergency basis to address
18 health or safety considerations and the state agency
19 responsible for the property does not have an appropriation or
20 funding within the agency budget to make the repairs. If
21 these conditions are met, the executive council may authorize
22 payment. The new authority is repealed June 30, 2008.

23 Code section 476C.3, relating to eligibility provisions for
24 the renewable energy tax credit, is amended to extend the
25 period of time before an approved wind energy conversion
26 facility must be operational. If the facility is not
27 operational within 18 months due to the unavailability of
28 necessary equipment, the facility is required to be granted an
29 additional 12 months to become operational.

30 EFFECTIVE DATE -- This division provides that the bill
31 takes effect upon enactment.

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7,689,591

..... FTEs 113.15

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15 2. For the fees of court-appointed attorneys for indigent
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18 \$ ~~21,163,082~~
19 25,163,082

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22 subsections 1 and 2, are amended to read as follows:

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28 FTES 38.00

29 2. For the division of criminal investigation and bureau
30 of identification, including the state's contribution to the
31 peace officers' retirement, accident, and disability system
32 provided in chapter 97A in the amount of 17 percent of the
33 salaries for which the funds are appropriated, to meet federal
34 fund matching requirements, and for not more than the
35 following full-time equivalent positions:

1	\$ 14,760,898
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3 FTEs	228.50
4		<u>257.50</u>

DIVISION IV
MISCELLANEOUS

7 Sec. 7. Section 7D.29, Code 2005, is amended to read as
8 follows:

9 7D.29 PERFORMANCE OF DUTY -- EXPENSE.

10 1. The executive council shall not employ others, or incur
11 any expense, for the purpose of performing any duty imposed
12 upon the council when the duty may, without neglect of their
13 usual duties, be performed by the members, or by their regular
14 employees, but, subject to this limitation, the council may
15 incur the necessary expense to perform or cause to be
16 performed any legal duty imposed on the council, and pay the
17 same out of any money in the state treasury not otherwise
18 appropriated.

19 2. At least two weeks prior to the executive council's
20 approval of a payment authorization under this section, the
21 secretary of the executive council shall notify the
22 legislative services agency that the authorization request
23 will be considered by the executive council and shall provide
24 background information justifying the request.

25 3. The duties of the executive council under subsection 1
26 shall include but are not limited to the authority provided by
27 this subsection. If repairs to state property are necessary
28 on an emergency basis in order to address health or safety
29 considerations and if sufficient funds for making the repairs
30 have not been appropriated to the state department responsible
31 for the state property or are not otherwise available for such
32 purposes within the budget of the state department, the
33 executive council may authorize payment for the expenses
34 needed by the state department for repairing the state
35 property. This subsection is repealed June 30, 2008.

1 Sec. 8. Section 476C.3, subsection 3, Code Supplement
2 2005, is amended to read as follows:
3 3. A facility that is not operational within eighteen
4 months after issuance of an approval for the facility by the
5 board shall cease to be an eligible renewable energy facility.
6 However, a wind energy conversion facility that is approved as
7 eligible under this section but is not operational within
8 eighteen months due to the unavailability of necessary
9 equipment shall be granted an additional twelve months to
10 become operational. A facility that is granted and thereafter
11 loses approval may reapply to the board for a new
12 determination.

13 DIVISION V

14 EFFECTIVE DATE

15 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

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SENATE FILE 2273

H-8175

1 Amend Senate File 2273, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "MEDICAL ASSISTANCE PROGRAM -- GENERAL FUND

6 Sec. _____. 2005 Iowa Acts, chapter 175, section 9,
7 unnumbered paragraph 2, is amended to read as follows:

8 For medical assistance reimbursement and associated
9 costs as specifically provided in the reimbursement
10 methodologies in effect on June 30, 2005, except as
11 otherwise expressly authorized by law, including
12 reimbursement for abortion services, which shall be
13 available under the medical assistance program only
14 for those abortions which are medically necessary:

15 ~~\$519,040,317~~
16 549,040,317"

17 2. Page 5, by inserting after line 4 the
18 following:

19 "DIVISION ____ -- LOW-INCOME HOME ENERGY ASSISTANCE
20 PROGRAM

21 Sec. _____. APPROPRIATION. There is appropriated
22 from the general fund of the state to the division of
23 community action agencies of the department of human
24 rights for the fiscal year beginning July 1, 2005, and
25 ending June 30, 2006, the following amount, or so much
26 thereof as is necessary, to be used for the purpose
27 designated:

28 To supplement the federal funding received for the
29 low-income home energy assistance program:
30 \$ 6,000,000"

31 3. By renumbering as necessary.

By MURPHY of Dubuque

H-8175 FILED MARCH 9, 2006

Dvorsky co-chair
Angelo co-chair
Fraise
Miller

SSB# 3158

Appropriations

Succeeded

SENATE FILE HF 2273
BY (PROPOSED COMMITTEE
ON APPROPRIATIONS
BILL BY CO-CHAIRPERSONS
ANGELO AND DVORSKY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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S.F. _____ H.F. _____

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35 following full-time equivalent positions:

1	\$ 14,760,898
2		<u>15,760,898</u>
3 FTEs	228.50
4		<u>257.50</u>

DIVISION IV

EFFECTIVE DATE

7 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

EXPLANATION

10 This bill relates to financial and regulatory matters by
11 making and increasing appropriations for the fiscal year
12 beginning July 1, 2005. The bill is organized into divisions.

13 EDUCATION -- This division makes an appropriation from the
14 rebuild Iowa infrastructure fund to the state board of regents
15 in order to provide for repair and restoration of Gilchrist
16 hall at the university of northern Iowa and the appropriation
17 does not revert until the close of the fiscal year that begins
18 on July 1, 2007.

19 HEALTH AND HUMAN SERVICES -- This division increases an
20 appropriation from the general fund of the state to the
21 department of human services for the state mental health
22 institute at Clarinda.

23 JUSTICE SYSTEM -- This division addresses certain
24 appropriations from the general fund of the state included in
25 the justice system budget.

26 Appropriations to the department of corrections for
27 departmental facilities and general administration are
28 increased.

29 The appropriation for the state public defender for court-
30 appointed attorneys is increased.

31 Appropriations to the department of public safety for
32 administrative functions and the division of criminal
33 investigation and bureau of identification are increased.

34 EFFECTIVE DATE -- This division provides that the bill
35 takes effect upon enactment.

SENATE FILE 2273

AN ACT

RELATING TO FINANCIAL AND REGULATORY MATTERS BY MAKING AND REVISING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND PROVIDING AN EFFECTIVE DATE.

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

DIVISION I
EDUCATION

Section 1. STATE BOARD OF REGENTS -- UNIVERSITY OF NORTHERN IOWA'S GILCHRIST HALL. There is appropriated from the rebuild Iowa infrastructure 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 purpose designated:

For repair and restoration of Gilchrist hall at the university of northern Iowa:

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

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close

of the fiscal year shall revert at the close of the fiscal year beginning July 1, 2007. However, if the projects for which the moneys are appropriated are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that fiscal year.

DIVISION II
HEALTH AND HUMAN SERVICES

MENTAL HEALTH INSTITUTE AT CLARINDA

Sec. 2. 2005 Iowa Acts, chapter 175, section 21, subsection 2, is amended to read as follows:

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,439,591
..... 7,689,591
..... FTEs 113.15

DIVISION III
JUSTICE SYSTEM

DEPARTMENT OF CORRECTIONS -- FACILITIES

Sec. 3. 2005 Iowa Acts, chapter 174, section 4, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of corrections 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:

For the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 38,848,761
..... 40,398,034

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 27,199,782
27,345,641

Moneys are provided within this appropriation for one full-time substance abuse counselor for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 25,650,778
25,856,042

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 24,916,132
25,085,801

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 23,694,848
23,779,085

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 8,039,378
8,088,024

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 22,853,497
22,970,960

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 13,867,603
13,935,233

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 26,244,693
26,368,089

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

..... \$ 674,954
799,954

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 241,293

DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

Sec. 4. 2005 Iowa Acts, chapter 174, section 5, subsection 1, paragraph a, unnumbered paragraph 1, is amended to read as follows:

For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 27,829,788
3,454,708

Sec. 5. 2005 Iowa Acts, chapter 174, section 10, subsection 2, is amended to read as follows:

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... \$ ~~21,163,082~~
25,163,082

DEPARTMENT OF PUBLIC SAFETY

Sec. 6. 2005 Iowa Acts, chapter 174, section 14, subsections 1 and 2, are amended to read as follows:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

..... \$ 3,073,274
3,473,274
..... FTEs 38.00

2. For the division of criminal investigation and bureau of identification, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 14,760,898
15,760,898
..... FTEs 220.50
257.50

DIVISION IV
MISCELLANEOUS

Sec. 7. Section 7D:29, Code 2005, is amended to read as follows:

7D.29 PERFORMANCE OF DUTY -- EXPENSE.

1. The executive council shall not employ others, or incur any expense, for the purpose of performing any duty imposed upon the council when the duty may, without neglect of their

usual duties, be performed by the members, or by their regular employees, but, subject to this limitation, the council may incur the necessary expense to perform or cause to be performed any legal duty imposed on the council, and pay the same out of any money in the state treasury not otherwise appropriated.

2. At least two weeks prior to the executive council's approval of a payment authorization under this section, the secretary of the executive council shall notify the legislative services agency that the authorization request will be considered by the executive council and shall provide background information justifying the request.

3. The duties of the executive council under subsection 1 shall include but are not limited to the authority provided by this subsection. If repairs to state property are necessary on an emergency basis in order to address health or safety considerations and if sufficient funds for making the repairs have not been appropriated to the state department responsible for the state property or are not otherwise available for such purposes within the budget of the state department, the executive council may authorize payment for the expenses needed by the state department for repairing the state property. This subsection is repealed June 30, 2008.

Sec. 8. Section 476C.3, subsection 3, Code Supplement 2005, is amended to read as follows:

3. A facility that is not operational within eighteen months after issuance of an approval for the facility by the board shall cease to be an eligible renewable energy facility. However, a wind energy conversion facility that is approved as eligible under this section but is not operational within eighteen months due to the unavailability of necessary equipment shall be granted an additional twelve months to become operational. A facility that is granted and thereafter loses approval may reapply to the board for a new determination.

DIVISION V
EFFECTIVE DATE

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2273, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor