

Senate File 548 - Reprinted

SENATE FILE 548
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1221)

(As Amended and Passed by the Senate March 20, 2019)

A BILL FOR

1 An Act relating to the acquisition, donation, or sale of real
2 property for specified purposes.

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

1 Section 1. Section 455B.291, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. *“Private entity”* means a corporation,
4 limited liability company, trust, estate, partnership,
5 association, or any other legal entity or a legal
6 representative, agent, officer, employee, or assignee of such
7 entity. *“Private entity”* does not include an individual,
8 municipality, city utility as defined in section 362.2, public
9 water supply system as defined in 455B.171, or a qualified
10 entity as defined in section 384.84.

11 Sec. 2. Section 455B.291, subsection 9, paragraph a, Code
12 2019, is amended to read as follows:

13 a. In the context of water pollution control facilities,
14 the acquisition, construction, reconstruction, extension,
15 equipping, improvement, or rehabilitation of any works and
16 facilities useful for the collection, treatment, and disposal
17 of sewage and industrial waste in a sanitary manner including
18 treatment works as defined in section 212 of the Clean Water
19 Act, or the implementation and development of management
20 programs established under sections 319 and 320 of the Clean
21 Water Act, including construction and undertaking of nonpoint
22 source water pollution control projects and related development
23 activities authorized under those sections. However, on and
24 after July 1, 2019, nonpoint source water pollution control
25 projects shall not include the acquisition of real property by
26 a private entity for future donation or sale to a political
27 subdivision, the department, or the federal government.

28 Sec. 3. Section 455B.295, subsection 2, Code 2019, is
29 amended to read as follows:

30 2. Each of the revolving loan funds shall include sums
31 appropriated to the revolving loan funds by the general
32 assembly, sums transferred by action of the governor under
33 section 455B.296, subsection 3, sums allocated to the state
34 expressly for the purposes of establishing each of the
35 revolving loan funds under the Clean Water Act and the Safe

1 Drinking Water Act, all receipts by the revolving loan funds,
2 and any other sums designated for deposit to the revolving
3 loan funds from any public or private source. All moneys
4 appropriated to and deposited in the revolving loan funds
5 are appropriated and shall be used for the sole purpose of
6 making loans to eligible entities to finance all or part of the
7 cost of projects, including sponsor projects under the water
8 resource restoration sponsor program established in section
9 455B.199. The moneys appropriated to and deposited in the
10 water pollution control works revolving loan fund shall not
11 be used to pay the nonfederal share of the cost of projects
12 receiving grants under the Clean Water Act. On and after
13 July 1, 2019, moneys in the revolving loan funds shall not
14 be used to finance, subsidize, or enable the acquisition of
15 real property by a private entity except that moneys in the
16 revolving loan funds may be used to finance or subsidize an
17 acquisition of real property by a private entity that occurred
18 prior to July 1, 2019. The moneys in the revolving loan funds
19 are not considered part of the general fund of the state, are
20 not subject to appropriation for any other purpose by the
21 general assembly, and in determining a general fund balance
22 shall not be included in the general fund of the state but
23 shall remain in the revolving loan funds to be used for their
24 respective purposes. The revolving loan funds are separate
25 dedicated funds under the administration and control of the
26 authority and subject to [section 16.31](#). Moneys on deposit in
27 the revolving loan funds shall be invested by the treasurer
28 of state in cooperation with the authority, and the income
29 from the investments shall be credited to and deposited in the
30 appropriate revolving loan funds.