

the case as if a change of venue occurred. However, if a trial is moved to an adjacent judicial district or judicial election district, the judicial officers serving in the judicial district or judicial election district receiving the case shall preside over the case.

Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT — LEGISLATIVE SERVICES AGENCY. All reports or copies of reports required to be provided by the judicial branch for fiscal year 2009-2010 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 5. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal period beginning July 1, 2008, and ending June 30, 2010, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal period, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 6. EFFECTIVE DATE. The sections of this Act permitting waiver of travel reimbursement and unpaid leave for judicial officers, being deemed of immediate importance, take effect upon enactment.

Approved May 4, 2009

CHAPTER 173

IOWA JOBS PROGRAM, BONDING, MISCELLANEOUS APPROPRIATIONS AND REDUCTIONS, AND OTHER MISCELLANEOUS CHANGES

S.F. 376

AN ACT creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date.

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

DIVISION I REVENUE BONDING — IOWA JOBS PROGRAM

Section 1. NEW SECTION. 12.87 GENERAL AND SPECIFIC BONDING POWERS — REVENUE BONDS — IOWA JOBS PROGRAM.

1. The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide

funds for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell and secure bonds and carry out the treasurer of state's duties, and exercise the treasurer of state's authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than five hundred forty-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

a. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred eighty-five million dollars for capital projects which qualify as vertical infrastructure projects as defined in section 8.57, subsection 6, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.

b. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.

2. Bonds issued and sold under this section are payable solely and only out of the moneys in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89, and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance. All moneys in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89 may be deposited with trustees or depositories in accordance with the terms of the trust indentures, resolutions, or other instruments authorizing the issuance of bonds and pledged by the treasurer of state to the payment thereof. Bonds issued and sold under this section shall contain a statement that the bonds are limited special obligations of the state and do not constitute a debt or indebtedness of the state or a pledge of the faith or credit of the state or a charge against the general credit or general fund of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued and sold pursuant to this section payable out of any moneys except those in the revenue bonds debt service fund and any bond reserve funds established pursuant to section 12.89.

3. The proceeds of bonds issued and sold by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment as directed by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued and sold without regard to any limitation otherwise provided by law.

4. The bonds, if issued and sold, shall be:

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

b. Negotiable instruments and investment securities under the laws of the state and sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. 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 treasurer of state.

7. The resolution, trust indenture, or any other instrument by which a pledge is created shall not be required to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective.

8. Any bonds issued and sold under the provisions of this section are declared to be issued and sold for an essential public and governmental purpose, and all bonds issued and sold under this section except as otherwise provided in any trust indentures, resolutions, or other instruments authorizing their issuance shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

9. The treasurer of state may issue and sell bonds for the purpose of refunding any bonds issued and sold 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. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, 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 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 shall be returned to the treasurer of state for deposit in the revenue bonds debt service fund established in section 12.89. All refunding bonds shall be issued, sold and secured and subject to the provisions of this section in the same manner and to the same extent as other bonds issued and sold pursuant to this section.

10. Bonds issued and sold pursuant to this section are limited special obligations of the state and are not a debt or indebtedness of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance and sale of any bonds pursuant to this section by the treasurer of state do not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from or to levy or pledge any form of taxation whatever to, or to continue the appropriation of the funds for, the payment of the bonds. Bonds issued and sold under this section are payable solely and only from moneys in the revenue bonds debt service fund and any reserve fund created in section 12.89 and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance.

11. The treasurer of state may enter into or obtain authorizing documents and other agreements and ancillary arrangements with respect to the bonds as the treasurer of state determines to be in the best interests of the state, including but not limited to trust indentures, resolutions, other instruments authorizing the issuance of the bonds, liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, or interest rate exchange agreements.

12. Neither the treasurer of state, the Iowa jobs board, nor any person acting on behalf of the treasurer of state or the Iowa jobs board while acting within the scope of their employment

or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section and sections 12.88 through 12.90.

13. As used in this section and sections 12.88 through 12.90, the term “bonds” means bonds, notes, or other evidence of obligations.

Sec. 2. NEW SECTION. 12.88 REVENUE BONDS CAPITALS FUND.

1. A revenue bonds capitals fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state’s designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 3. NEW SECTION. 12.89 REVENUE BONDS DEBT SERVICE FUND AND BOND RESERVE FUNDS.

1. A revenue bonds debt service fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The moneys in such fund are appropriated and shall be used for the purpose of making all payments with respect to bonds issued and sold pursuant to section 12.87, including but not limited to the following:

a. Principal payments, interest payments, sinking fund payments, purchase price, redemption price, redemption premiums, and interest rate exchange payments.

b. Fees and expenses of trustees, paying agents, remarketing agents, financial advisors, underwriters, depositories, guarantors, bond insurers, liquidity or credit facility providers, interest rate indexing agents, and other professional services providers.

c. Costs and expenses of the treasurer of state incident to and necessary and convenient to carry out the issuance and sale of the bonds and the administration of the revenue bonds.

2. Moneys in the revenue bonds debt service fund shall include but are not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state’s designee as provided in any bond or security documents and credited to the fund:

a. The proceeds of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance and investment earnings on the proceeds.

b. The revenues required to be deposited into the fund pursuant to section 8.57, subsection 6, paragraph “e”, subparagraphs (1) and (2).

c. Transfers from any bond reserve fund created pursuant to this section.

d. Interest attributable to investment of moneys in the fund or an account of the fund.

e. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. a. The treasurer of state may create and establish one or more special funds, to be known as bond reserve funds, to secure one or more issues of bonds issued and sold pursuant to section 12.87. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance, and any other moneys which may be legally available to the treasurer of state for the purpose of the fund from any other sources. All moneys held in a bond reserve fund shall be used or transferred to the revenue bonds debt service fund to be used as required solely to make the payments authorized to be made from such fund pursuant to subsection 1.

b. Moneys in a bond reserve fund shall not be transferred or withdrawn from the fund at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, the payments authorized to be made from such fund pursuant to subsection 1 for the payment of which sufficient moneys in the revenue bonds debt service fund 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 treasurer of state to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the established bond reserve fund requirement.

c. The treasurer of state shall not at any time issue and sell 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 fund, unless the treasurer of state at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other legally available sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of moneys, as provided in the trust indenture, resolution, or other instrument authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by a bond reserve fund, provision is made in paragraph "c" 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 treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund and requesting that the budget and appropriation bills approved for such fiscal year include amounts sufficient to restore each bond reserve fund to the bond reserve fund requirement for such fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may 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 treasurer of state pursuant to this subsection shall be deposited by the treasurer of state in the applicable bond reserve fund.

4. Except as otherwise provided in this section, the moneys on deposit in the revenue bonds debt service fund or any bond reserve fund relating to bonds issued pursuant to section 12.87 shall be held for the sole benefit of the bonds and shall not be pledged or used for the benefit of any bonds issued by the treasurer of state pursuant to any other section of the Code.

5. Moneys in the revenue bonds debt service fund and any bond reserve fund created pursuant to this section are not subject to section 8.33; provided however, that on August 31 following the close of each fiscal year, any moneys on deposit in the revenue bonds debt service fund at the end of such fiscal year, which is determined by the treasurer of state to not be encumbered or obligated or otherwise necessary to make the payments for such fiscal year authorized to be made from such fund pursuant to subsection 1, shall be credited to the rebuild Iowa infrastructure fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revenue bonds debt service fund and any bond reserve fund shall be credited to such funds.

Sec. 4. NEW SECTION. 12.90 PLEDGES — CONSTRUCTION.

1. It is the intention of the general assembly that a pledge made in respect of bonds 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.

2. Sections 12.87 through 12.89, and this section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

DIVISION II
IOWA JOBS BOARD, IOWA JOBS PROGRAM,
AND IOWA JOBS FUND

Sec. 5. NEW SECTION. 16.191 IOWA JOBS BOARD.

1. An Iowa jobs board is established consisting of eleven members and is located for administrative purposes within the Iowa finance authority. The executive director of the Iowa finance authority shall provide staff assistance and necessary supplies and equipment for the board. The executive director shall budget funds received pursuant to section 16.193 to operate the program including but not limited to paying the per diem expenses of the board members. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

2. The membership of the board shall be as follows:

- a. Six members of the general public appointed by the governor.
- b. The director of the department of economic development or the director's designee.
- c. The executive director of the Iowa finance authority or the director's designee.
- d. The director of the department of workforce development or the director's designee.
- e. The executive director of the rebuild Iowa office or the director's designee until June 30, 2011, and then the administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.
- f. The treasurer of state or the treasurer of state's designee.

3. a. All public member appointments made pursuant to subsection 2, paragraph "a" shall comply with sections 69.16, 69.16A, and 69.16C, and shall be subject to confirmation by the senate.

b. Three of the public members appointed pursuant to subsection 2, paragraph "a" shall have demonstrable experience or expertise in the field of public financing, architecture, engineering, or major facility development or construction and one of the public members appointed pursuant to subsection 2, paragraph "a", shall be an employee of a not-for-profit organization.

c. All public members shall be from geographically diverse areas of this state.

d. All public members shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

4. The chairperson and vice chairperson of the board shall be designated by the governor from the public members appointed pursuant to subsection 2, paragraph "a". In case of the absence or disability of the chairperson and vice chairperson, the members of the board shall elect a temporary chairperson by a majority vote of those members who are present and voting.

5. A majority of the board constitutes a quorum.

Sec. 6. NEW SECTION. 16.192 BOARD DUTIES AND POWERS.

The Iowa jobs board has any and all powers necessary to carry out its purposes and duties, and to exercise its specific powers, including but not limited to doing all of the following:

1. Organize.
2. Establish the Iowa jobs program pursuant to section 16.194.
3. Oversee and provide approval of the administration of the Iowa jobs program.
4. Award financial assistance in the form of grants under the Iowa jobs program pursuant to sections 16.194 and 16.195.
5. Enter into and enforce grant agreements as necessary or convenient to implement the Iowa jobs program.

Sec. 7. NEW SECTION. 16.193 IOWA FINANCE AUTHORITY DUTIES — APPROPRIATION.

1. The Iowa finance authority, subject to approval by the Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program. The authority shall provide the board with assistance in implementing administrative functions, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.

2. During the term of the Iowa jobs program established in section 16.194, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 8. NEW SECTION. 16.194 IOWA JOBS PROGRAM.

1. An Iowa jobs program is created to assist in the development and completion of public construction projects relating to disaster relief and mitigation and to local infrastructure. “Local infrastructure” includes projects relating to disaster rebuilding, reconstruction and replacement of local public buildings, flood control and flood protection, and future flood prevention.

2. A city or county or a public organization in this state may submit an application to the Iowa jobs board for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state’s percentage in funding as contained in section 29C.6, subsection 17.

3. Financial assistance under the program shall be awarded in the form of grants.

4. The board shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.

b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.

c. Sustainability and energy efficiency.

d. Benefits for disaster recovery.

e. The project’s readiness to proceed.

5. An applicant must demonstrate local support for the project as defined by rule.

6. Any award of financial assistance to a project shall be limited as follows:

a. Up to seventy-five percent of the total cost of a project for replacing or rebuilding existing disaster-related damaged property.

b. Up to fifty percent of the total cost for all other projects.

7. In order for a project to be eligible to receive financial assistance from the board, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

8. The board shall not approve an application for assistance for any of the following purposes:

- a. To refinance a loan existing prior to the date of the initial financial assistance application.
 - b. For a project that has previously received financial assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.
9. a. The total amount of allocations for future flood prevention, reconstruction and replacement of local public buildings, disaster rebuilding, flood control and flood protection projects shall not exceed one hundred sixty-five million dollars for the fiscal year beginning July 1, 2009.
 - b. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the board. The board shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.
10. The board shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.
 11. For purposes of this section, "public organization" means a nonprofit organization that sponsors or supports the public needs of the local community.

Sec. 9. NEW SECTION. 16.195 IOWA JOBS PROGRAM APPLICATION REVIEW.

1. Applications for assistance under the Iowa jobs program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.
2. A review committee composed of members of the board as determined by the board shall review Iowa jobs program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in section 16.194. The board shall develop the appropriate level of transparency regarding project fund allocations.
3. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the Iowa finance authority any time moneys are disbursed to a recipient of financial assistance under the program.

Sec. 10. NEW SECTION. 16.196 IOWA JOBS RESTRICTED CAPITALS FUND — APPROPRIATIONS.

1. An Iowa jobs restricted capitals fund is created and established as a separate and distinct fund in the state treasury. The fund consists of moneys appropriated from the revenue bonds capitals fund created in section 12.88. The moneys in the fund are appropriated to the Iowa jobs board for purposes of the Iowa jobs program established in section 16.194. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the Iowa jobs program. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The fund shall be administered by the board which shall make allocations from the fund consistent with the purposes of the Iowa jobs program.
2. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the Iowa jobs restricted capitals fund, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, one hundred sixty-five million dollars to be allocated as follows:
 - a. One hundred eighteen million five hundred thousand dollars for competitive grants for local infrastructure projects relating to disaster rebuilding, reconstruction and replacement of local buildings, flood control and flood protection, and future flood prevention public projects. An applicant for a local infrastructure grant shall not receive more than fifty million dollars in financial assistance from the fund.
 - b. Forty-six million five hundred thousand dollars for disaster relief and mitigation and lo-

cal infrastructure grants for the following renovation and construction projects, notwithstanding any limitation on the state's percentage participation in funding as contained in section 29C.6, subsection 17:

(1) For grants to a county with a population between one hundred eighty nine thousand and one hundred ninety six thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Ten million dollars for the construction of a new, shared facility between nonprofit human service organizations serving the public, especially the needs of low-income Iowans, including those displaced as a result of the disaster of 2008.

(b) Five million dollars for the construction or renovation of a facility for a county-funded workshop program serving the public and particularly persons with mental illness or developmental disabilities.

(2) For grants to a city with a population between one hundred ten thousand and one hundred twenty thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Five million dollars for an economic redevelopment project benefiting the public by improving energy efficiency and the development of alternative and renewable energy technologies.

(b) Ten million dollars for a museum serving the public and dedicated to the preservation of an eastern European cultural heritage through the collection, exhibition, preservation, and interpretation of historical artifacts.

(c) Five million dollars for a theater serving the public and promoting culture, entertainment, and tourism.

(d) Five million dollars for a public library.

(e) Five million dollars for a public works building.

(3) One million five hundred thousand dollars, to be distributed as follows:

(a) Five hundred thousand dollars to a city with a population between six hundred and six hundred fifty in the latest preceding certified federal census, for a public fire station.

(b) Five hundred thousand dollars to a city with a population between one thousand four hundred and one thousand five hundred in the latest preceding certified federal census, for a public fire station.

(c) Five hundred thousand dollars for a city with a population between seven thousand eight hundred and seven thousand eight hundred fifty, for a public fire station.

3. Grant awards for a project under subsection 2, paragraph "b", are contingent upon submission of a plan for each project by the applicable county or city governing board or in the case of a project submitted pursuant to subsection 2, paragraph "b", subparagraph (2), subparagraph division (b), by the board of directors, to the Iowa jobs board, no later than September 1, 2009, detailing a description of the project, the plan to rebuild, and the amount or percentage of federal, state, local, or private matching moneys which will be or have been provided for the project. Funds not utilized in accordance with subsection 2, paragraph "b", due to failure to file a plan by the September 1 deadline shall revert to the Iowa jobs restricted capitals fund to be available for local infrastructure competitive grants. A grant recipient under subsection 2, paragraph "b", shall not be precluded from applying for a local infrastructure competitive grant pursuant to this section and section 16.195.

4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. Annually, on or before January 15 of each year, the board shall report to the legislative services agency and the department of management the status of all projects receiving moneys from the fund completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

6. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

Sec. 11. NEW SECTION. 16.197 LIMITATION OF LIABILITY.

A member of the Iowa jobs board, a person acting on behalf of the board while acting within the scope of their employment or agency, or the treasurer of state, shall not be subject to personal liability resulting from carrying out the powers and duties of the board or the treasurer, as applicable, in sections 16.192 through 16.196.

Sec. 12. EMERGENCY RULES. The Iowa finance authority, subject to approval by the Iowa jobs board, may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

DIVISION III
REVENUE BONDS CAPITALS FUND — APPROPRIATIONS

Sec. 13. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

To the soil conservation division of the department established in section 161A.4:
..... \$ 11,500,000

a. Of the moneys appropriated in this subsection, the department may provide moneys on a cost-share basis as provided in chapter 161A in order to accomplish any public purpose described in chapter 161A, including but not limited to providing for the reconstruction or repair of permanent soil and water conservation practices that were damaged by the 2008 precipitation event.

b. Of the moneys appropriated in this subsection, the department may award moneys to provide affordable wetland mitigation banks.

c. Of the moneys appropriated in this subsection, the department may award moneys to allow more landowners to participate in the conservation reserve enhancement program to improve water quality and intercept nitrates.

d. Any award of moneys made under paragraph “a”, “b”, or “c” shall be in the form of a grant. Any grant awards for conservation practices on private property shall be for flood control or soil and watershed management public purposes.

2. DEPARTMENT OF NATURAL RESOURCES
..... \$ 13,500,000

Of the moneys appropriated in this subsection, the department may provide moneys to construct, reconstruct, or repair infrastructure associated with the control and movement of surface water, including but not limited to addressing issues affected by combined sewer overflows, enrolling larger contiguous areas in emergency watershed programs, improving facilities or systems that provide water quality, mitigating flood damage or the threat of flood damage in the areas most severely affected by the 2008 flood, and improving or replacing low-head dams. Any award of moneys made under this subsection shall be in the form of a grant. Any grant awards for practices on private property shall be for the public purposes of flood control, watershed management, or improving water quality.

3. IOWA ENERGY CENTER

For deposit into the alternate energy revolving loan fund created in section 476.46 to encour-

age the development of alternate energy production facilities and small hydro facilities, as defined in section 476.42, within the state:

..... \$ 5,000,000

Any award of loans to private individuals or organizations must be for the public purpose of encouraging the development of alternate energy production facilities and small hydro facilities within the state in order to conserve finite and expensive energy resources and to provide for their most efficient use. Funds from bond proceeds shall not be used for administration or planning purposes. These moneys, and any loan repayments, shall be maintained in separate accounts and shall only be used for these public purposes.

4. IOWA FINANCE AUTHORITY

a. For water quality and wastewater improvement projects:

..... \$ 55,000,000

(1) Of the amount appropriated in this subsection, thirty-five million dollars shall be allocated for water quality and wastewater improvement projects located in cities with a population of ten thousand or less, as determined by the preceding federal census, or in townships.

(2) The Iowa finance authority shall establish and administer a water quality financial assistance program. The purpose of the program shall be to provide additional financial assistance to communities receiving loans from the Iowa water pollution control works and drinking water facilities financing program pursuant to section 16.131. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A.

b. For deposit into the public service shelter grant fund created in section 16.185 for grants for the construction, renovation, and improvements to homeless shelters, emergency shelters, and family and domestic violence shelters:

..... \$ 10,000,000

c. For deposit into the disaster damage housing assistance grant fund created in section 16.186 for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods:

..... \$ 5,000,000

d. For deposit into the affordable housing assistance grant fund created in section 16.187 for grants for housing for certain elderly, disabled, and low-income persons and public servants in critical skills shortage areas of the state:

..... \$ 20,000,000

5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For public¹ broadband technology grants for the deployment and sustainability of high-speed broadband access:

..... \$ 25,000,000

a. It is the intent of the general assembly that funds appropriated under this subsection for the deployment and sustainability of high-speed broadband access be used to access any federal funds made available. State and federal funds made available for broadband deployment shall be used to promote universal access to high-speed broadband services for speeds to exceed federal requirements throughout the state for the benefit of Iowans and for the sustainability of such services.

b. (1) The utilities board created in section 474.1, the economic development board created in section 15.103, and the telecommunications and technology commission established in section 8D.3 shall establish a joint governance board of fifteen members including the following:

(a) Eleven members shall be voting members as follows:

(i) Three members representing educational users and local governments including one member representing cities, one member representing counties, and one member representing educational users.

(ii) Two members, one representing urban residential users in the state, and one representing rural residential users in the state.

¹ See chapter 183, §71, 74 herein

(iii) Three members representing broadband and telecommunications providers including one member representing cable providers, one member representing wire-line telecommunications providers, and one member representing wireless providers.

(iv) Three members representing the state, including one member designated by the telecommunications and technology commission, one member designated by the economic development board, and one member designated by the utilities board.

(b) Four nonvoting, ex-officio members representing the general assembly as follows:

(i) Two members appointed from the senate with one member appointed by the majority leader of the senate and one member appointed by the minority leader of the senate.

(ii) Two members appointed from the house of representatives with one member appointed by the speaker of the house and one member appointed by the minority leader of the house.

(2) Administrative support and planning costs incurred for the governance board shall be provided jointly by the utilities board, the economic development board, and the telecommunications and technology commission. Any necessary rules shall be adopted by the economic development board on behalf of the governance board.

(3) A quorum of the governance board shall be a majority of the voting members.

c. The governance board established in paragraph "b" shall do all of the following:

(1) Establish a comprehensive plan for the deployment and sustainability of high-speed broadband access in areas capable of timely implementation of such access. The plan shall be consistent with federal requirements established for federal funds made available for the purposes of projects that may be considered by the governance board and shall be the basis for a comprehensive statewide plan. The governance board shall seek public input when establishing the plan and the competitive process established under subparagraph (2).

(2) Establish a competitive process for the disbursement of funds made available for the deployment and sustainability of high-speed broadband services in the form of grants. The governance board shall only consider applications from parties seeking to use funds for projects that are sustainable.

(a) Priority shall be given under the plan to applications submitted by qualified private providers of high-speed broadband services.

(b) The plan shall require collaboration involving qualified private providers and public entities, as appropriate.

(c) The plan shall allow for the participation of public entities to accomplish project purposes that are financially feasible in areas of the state that remain unserved or underserved as a result of a lack of private sector investment.

(3) Make recommendations to the general assembly regarding any necessary legislation needed to further the purposes of this subsection.

(4) Establish and maintain separate accounts for the use of bond proceeds and nonbond proceeds.

d. Applications submitted shall be designed to accomplish all of the following:

(1) Provide minimum broadband capacity throughout the area as determined by the governance board consistent with any applicable state and federal law or guidelines. The governance board shall ensure that the minimum broadband capacity established meets or exceeds any federal requirements established with regard to the availability of federal funds, in the form of grants.

(2) Provide broadband connections to all business, government, educational, and residential locations within the project area.

(3) Utilize, where appropriate and feasible, existing privately owned telecommunications fiber infrastructure and wireless facilities to establish universal access to high-speed broadband services, as appropriate and consistent with the priorities established by the governance board for the competitive process under paragraph "c", subparagraph (2).

(4) Demonstrate that any project undertaken and funded by the governance board shall be economically sustainable with no further government assistance based upon expected revenue generation.

6. DEPARTMENT OF TRANSPORTATION

For deposit into the bridge safety fund created in section 313.68 to be used for infrastructure projects relating to functionally obsolete and structurally deficient bridges:

..... \$ 50,000,000

Sec. 14. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

1. Payment of moneys appropriated in this division of this Act shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2. Payment of moneys appropriated in this division of this Act shall not used² for administrative or planning purposes.

Sec. 15. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION IV
REGENTS BONDING

Sec. 16. Section 263A.2, Code 2009, is amended to read as follows:

263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.

Subject to and in accordance with the provisions of this chapter, the state board of regents ~~after authorization by a constitutional majority of the general assembly and approval by the governor~~ may undertake and carry out any project as defined in this chapter at the state university of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

Sec. 17. Section 263A.3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The board is authorized to borrow money and to issue and sell negotiable bonds or notes to pay all or any part of the cost of carrying out any project at the institution and to refund and refinance bonds or notes issued for any project or for refunding purposes at the same rate or at a lower rate. ~~Such bonds or notes shall be sold by the board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in the state. The provisions of chapter 75 shall not apply to bonds or notes issued under authority contained in this chapter, but such bonds or notes shall be sold upon terms of not less than par plus accrued interest. The bonds or notes issued under this chapter may be sold at public sale as provided in chapter 75, but if the board finds it advisable and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75.~~ Bonds or notes issued to refund other bonds or notes issued under the provisions of this chapter may either be sold in the manner specified in this chapter and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in

² According to enrolled Act; the phrase "shall not be used" probably intended

part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

Sec. 18. Section 263A.4, Code 2009, is amended to read as follows:
263A.4 BONDS OR NOTES PROVISIONS.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form and denominations, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof, and may contain such terms and covenants, including the establishment of reserves, all as may be provided by this chapter, section 76.17, and the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, including site costs, the cost of the project may include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, engineering, architectural, administrative, and legal expenses and provision for contingencies. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director, secretary, or other official thereof performing the duties of executive director, and the coupons thereto attached shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official; provided, however, that the facsimile signature of either of such officers executing such bonds may be imprinted on the face of the bonds in lieu of the manual signature of such officer, but at least one of the signatures appearing on the face of each bond shall be a manual signature. Any bonds or notes bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from hospital income received by such institution as provided in this chapter, and that it does not constitute a debt of or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 19. 2004 Iowa Acts, chapter 1175, section 277, is amended by adding the following new subsection:

NEW SUBSECTION. 5. DEFINITION. For purposes of subsection 3, paragraph “b”, “project” means the same as defined in section 262A.2, subsection 6, and includes the construction of replacement facilities and flood recovery and flood mitigation expenses resulting from a disaster in an area included in a proclamation of disaster emergency in accordance with section 29C.6.

Sec. 20. 2007 Iowa Acts, chapter 205, section 1, is amended by adding the following new subsection:

NEW SUBSECTION. 4. DEFINITION. For purposes of subsection 2, paragraph “a”, “project” means the same as defined in section 262A.2, subsection 6, and includes the construction of replacement facilities and flood recovery and flood mitigation expenses resulting from a disaster in an area included in a proclamation of disaster emergency in accordance with section 29C.6.

DIVISION V
CHANGES TO PRIOR APPROPRIATIONS

Sec. 21. 2008 Iowa Acts, chapter 1179, section 7, is amended to read as follows:

SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430,³ if enacted:

FY 2009-2010	\$	10,000,000	<u>0</u>
FY 2010-2011	\$	10,000,000	
FY 2011-2012	\$	10,000,000	
FY 2012-2013	\$	10,000,000	

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.

Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.

Sec. 22. 2008 Iowa Acts, chapter 1179, section 18, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the ~~FY 2009 tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund revenue bonds capitals fund~~ pursuant to section 12E.12, subsection 1, paragraph "b", subparagraph (1A) 12.88, as if enacted in this Act by the Eighty-third General Assembly, 2009 Session,⁴ to the following departments and agencies for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Sec. 23. 2008 Iowa Acts, chapter 1179, section 18, subsection 1, paragraphs b through k, are amended to read as follows:

b. For renovations to the capitol complex utility tunnel system:	\$	4,763,078	<u>0</u>
c. For costs associated with capitol interior and exterior restoration:	\$	6,900,000	<u>0</u>

³ 2008 Iowa Acts, chapter 1178

⁴ See this chapter, §2

d. For upgrades to the electrical distribution system serving the capitol complex:	\$ 4,470,000
.....	0
e. For heating, ventilating, and air conditioning improvements in the Hoover state office building:	\$ 1,500,000
.....	0
f. For costs associated with the central energy plant addition and improvements:	\$ 623,000
.....	0
g. For building security and firewall protection in the Hoover state office building:	\$ 165,000
.....	0
h. For projects related to major repairs and major maintenance for state buildings and facilities under the purview of the department:	\$ 15,000,000
.....	<u>14,624,923</u>

Of the amount appropriated in this lettered paragraph, up to \$1,000,000 may be used for demolition purposes.

i. For the purchase of Mercy capitol hospital:	\$ 3,400,000
.....	0

It is the intent of the general assembly that the department will use other appropriations made or other funds available to the department for the acquisition of buildings to complete the purchase of this building.

j. For capital improvements at the civil commitment unit for a sexual offenders facility at Cherokee:	\$ 829,000
.....	0
k. For costs associated with the restoration and renovation, including major repairs and major maintenance, at the governor's mansion at Terrace Hill:	\$ 769,543
.....	0

Sec. 24. 2008 Iowa Acts, chapter 1179, section 18, subsections 2 through 9, are amended to read as follows:

2. DEPARTMENT FOR THE BLIND

For costs associated with the renovation of dormitory buildings:

.....	\$ 869,748
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3. DEPARTMENT OF CORRECTIONS

a. For expansion of the community-based corrections facility at Sioux City:	\$ 5,300,000
.....	\$ 4,100,000
b. For expansion of the community-based corrections facility at Ottumwa:	\$ 6,000,000
.....	\$ 2,100,000
<u>d. For expansion of the community-based corrections facility at Davenport:</u>	<u>\$ 2,100,000</u>
<u>e. For expansion, including land acquisition, of the community-based corrections facility at Des Moines:</u>	<u>\$ 13,100,000</u>

The appropriation in this lettered paragraph is contingent upon relocation of the sex offender treatment program from the community-based corrections facility at Des Moines to the

property in northeast Des Moines identified by the fifth judicial district in the facility and site study final report submitted December 12, 2008.

It is the intent of the general assembly that the funds appropriated in paragraphs "a" through "e" be used to expand the number of beds available through new construction and remodeling and not for the replacement expansion of existing facilities.

- d. f. For expansion of the Iowa correctional facility for women at Mitchellville:
 - \$ 47,500,000
- e. g. For the remodeling of kitchens at the correctional facilities at Mount Pleasant and Rockwell City:
 - \$ 12,500,000

4. DEPARTMENT OF ECONOMIC DEVELOPMENT

- a. For deposit into the community attraction and tourism fund created in section 15F.204:
 - \$ 12,000,000

- b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:
 - \$ 10,000,000

Moneys appropriated for grants awarded in paragraphs "a" and "b" shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

- c. 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 8.57, subsection 6, paragraph "c":
 - \$ 5,500,000

4. 5. DEPARTMENT OF EDUCATION

- 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 subsection shall be allocated to the community colleges based upon the distribution formula established in section 260C.18C.

5. 6. DEPARTMENT OF NATURAL RESOURCES

- a. For infrastructure improvements for a state river recreation area located in a county with a population between 21,900 and 22,100:
 - \$ 750,000
- b. For the construction and installation of an angled well, pumps, and piping to connect the existing infrastructure from the new well to a lake located in a county with a population between 87,500 and 88,000 For the implementation of a water quality improvement project for the restoration of a lake located in a county with a population between 87,500 and 88,000:
 - \$ 500,000

Moneys appropriated in this lettered paragraph are contingent upon receipt of matching funds from a state taxing authority surrounding such lake.

- c. For the construction of the cabins, activity building, picnic shelters, and other costs associated with the opening of the Honey creek premier destination park:
 - \$ 4,900,000

The department shall not obligate any funding under this appropriation without approval from the department of management. The department shall provide quarterly updates to the Honey creek premier destination park authority and the legislative services agency on the obligation and spending of this appropriation.

In light of this appropriation, the department shall not request additional appropriations for funding the construction of future additional amenities at the Honey creek destination park beyond the fiscal year ending June 30, 2009. In the event that the chairperson of the authority delivers a certificate to the governor, pursuant to section 463C.13, stating the amounts necessary to restore bond reserve funds, it is the general assembly's intent upon consideration of the governor's request to first seek refunding from the department's budget.

- d. c. For implementation of lake projects that have established watershed improvement ini-

tiatives and community support in accordance with the department’s annual lake restoration plan and report, notwithstanding section 8.57, subsection 6, paragraph “c”:

..... \$ 8,600,000
10,000,000

(1) It is the intent of the general assembly that the department of natural resources shall implement the lake restoration annual report and plan submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency on December 26, 2006, pursuant to section 456A.33B. The lake restoration projects that are recommended by the department to receive funding for fiscal year 2007-2008 and that satisfy the criteria in section 456A.33B, including local commitment of funding for the projects, shall be funded in the amounts provided in the report.

Of the amounts appropriated in this lettered paragraph, at least the following amounts shall be allocated as follows:

- (a) For clear lake in Cerro Gordo county:
..... \$ 3,000,000
- (b) For storm lake in Buena Vista county:
..... \$ 1,000,000
- (c) For carter lake in Pottawattamie county:
..... \$ 200,000

(2) Of the moneys appropriated in this lettered paragraph, \$200,000 shall be used for the purposes of supporting a low head dam public hazard improvement program. The moneys shall be used to provide grants to local communities, including counties and cities, for projects approved by the department.

(a) The department shall award grants to dam owners including counties, cities, state agencies, cooperatives, and individuals, to support projects approved by the department.

(b) The department shall require each dam owner applying for a project grant to submit a project plan for the expenditure of the moneys, and file a report with the department regarding the project, as required by the department.

(c) The funds can be used for signs, posts, and related cabling, and the department shall only award money on a matching basis, pursuant to the dam owner contributing at least 20 cents for every 80 cents awarded by the department, in order to finance the project. For the remainder of the funds, including any balance of money not awarded for signs, posts, and related cabling, the department shall only award moneys to a dam owner on a matching basis. A dam owner shall contribute one dollar for each dollar awarded by the department in order to finance a project.

6. 7. STATE BOARD OF REGENTS

- a. For infrastructure, deferred maintenance, and equipment related to Iowa public radio:
..... \$ 2,000,000
1,900,000

b. For phase II of the construction and renovation of the veterinary medical facilities at Iowa state university of science and technology, specifically the renovation and modernization of the area formerly occupied by the large animal area of the teaching hospital for expanded clinical services in a small animal hospital:

..... \$ 10,000,000

7. 8. IOWA STATE FAIR

For infrastructure improvements to the Iowa state fairgrounds including but not limited to the construction of an agricultural exhibition center on the Iowa state fairgrounds:

..... \$ 5,000,000
0

8. 9. DEPARTMENT OF TRANSPORTATION

- a. For deposit into the public transit infrastructure grant fund created in section 324A.6A:
..... \$ 2,200,000

- b. For infrastructure improvements at the commercial 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 air service airport, forty percent of the funds shall be allocated based on the percentage that the number of enplaned passengers at each commercial air service airport bears to the total number of enplaned passengers in the state during the previous fiscal year, and ten percent of the funds shall be allocated based on the percentage that the air cargo tonnage at each commercial air service airport bears to the total air cargo tonnage in the state during the previous fiscal year. In order for a commercial air 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.

9. 10. DEPARTMENT OF VETERANS AFFAIRS

a. For matching funds for the construction of resident living areas at the Iowa veterans home and related improvements associated with the Iowa veterans home comprehensive plan:

.....	\$	20,555,329
		<u>22,555,329</u>

b. ~~To build a memorial plaza that honors veterans from the Dubuque area:~~

.....	\$	100,000
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Sec. 25. 2008 Iowa Acts, chapter 1179, sections 19 and 20, are amended to read as follows:
 SEC. 19. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS. Payment of moneys from the appropriations in this division of this Act 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~~ treasurer of state.

SEC. 20. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, ~~2011~~ 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION VI
 MISCELLANEOUS CODE CHANGES

Sec. 26. Section 8.57, subsection 6, paragraph e, Code 2009, is amended to read as follows:
 e. (1) (a) (i) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of sixty million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(b) The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the fiscal year beginning July 1, 2019.

(c) The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state.

(d) (i) The total moneys in excess of the moneys deposited in the ~~general fund of the state~~

revenue bonds debt service fund, the vision Iowa fund, and the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, fifty-five million dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 2A.

(2) (3) If After the deposit of moneys directed to be deposited in the general fund of the state and the revenue bonds debt service fund as provided in subparagraph (2), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph "e", the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.⁵

Sec. 27. Section 15F.204, subsection 8, paragraph a, subparagraph (6), Code 2009, is amended by striking the subparagraph.

Sec. 28. NEW SECTION. 16.185 PUBLIC SERVICE SHELTER GRANT FUND.

1. A public service shelter grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants for construction, renovations, or improvements of homeless shelters, emergency shelters, and family and domestic violence shelters, to assist communities in providing certain essential social services including supportive services and other kinds of assistance to individuals in need of temporary housing necessary to improve their living situations.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the public service shelter grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 29. NEW SECTION. 16.186 DISASTER DAMAGE HOUSING ASSISTANCE GRANT FUND.

1. A disaster damage housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund

⁵ See chapter 179, §29 herein

shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants to ease and speed recovery efforts from the natural disasters of 2008, including stabilizing neighborhoods damaged by the natural disasters, preventing population loss and neighborhood deterioration, and improving the health, safety, and welfare of persons living in such disaster-damaged neighborhoods.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the disaster damage housing assistance grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 30. NEW SECTION. 16.187 AFFORDABLE HOUSING ASSISTANCE GRANT FUND.

1. An affordable housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for grants for housing for certain elderly, disabled, and low-income persons and public servants in professions meeting critical skill shortages in the state, to assist communities in providing safe and affordable housing for the general welfare and security of the citizens of the state.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation for the affordable housing assistance grant fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 31. Section 123.53, Code 2009, is amended by adding the following new subsections: NEW SUBSECTION. 2A. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund during the fiscal year pur-

suant to section 8.57, subsection 6, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 3 and 4. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

NEW SUBSECTION. 2B. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 2A. The department of management, the department of inspections and appeals and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 32. Section 123.53, subsections 3 and 4, Code 2009, are amended to read as follows:

3. ~~The treasurer of state~~ After any transfer provided for in subsection 2A is made, the department of commerce shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 for substance abuse treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

4. ~~The treasurer of state, after making the transfer~~ After any transfers provided for in subsections 2A and 3, the department of commerce shall transfer to the division from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the division for collecting and properly disposing of the liquor containers.

Sec. 33. Section 331.441, subsection 2, paragraph b, subparagraph (16), Code 2009, is amended to read as follows:

(16) Capital projects for the construction, reconstruction, improvement, repair, or equipping of bridges, roads, and culverts if such capital projects assist in economic development which creates jobs and wealth, if such capital projects relate to damage caused by a disaster as defined in section 29C.2, or if such capital projects are designed to prevent or mitigate future disasters as defined in section 29C.2.

Sec. 34. **NEW SECTION. 313.68 BRIDGE SAFETY FUND.**

1. A bridge safety fund is created in the department under the authority of the state transportation commission. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for infrastructure projects relating to functionally obsolete and structurally deficient bridges on the primary road system.

4. Annually, on or before January 15 of each year, the department of transportation shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 35. Section 476.46, subsection 2, paragraph d, subparagraph (1), Code 2009, is amended to read as follows:

(1) A gas or electric utility that is not required to be rate-regulated shall not be eligible for a loan under this section. However, gas and electric utilities not required to be rate-regulated shall be eligible for loans from moneys remitted to the fund except as provided in subsection 3. Such loans shall be limited to a maximum of five hundred thousand dollars per applicant and shall be limited to one loan every two years.

DIVISION VI⁶
EFFECTIVE DATE

Sec. 36. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 2009

CHAPTER 174
APPROPRIATIONS BONDING,
VERTICAL INFRASTRUCTURE CAPITALS FUNDING,
AND ALTERNATIVE ENERGY LOANS
S.F. 477

AN ACT authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision.

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

DIVISION I
APPROPRIATION BONDS

Section 1. NEW SECTION. 12.90A ANNUAL APPROPRIATION BONDS.

1. As used in this section, unless the context otherwise requires:

a. "Annual appropriation bonds" means bonds, notes, or other evidences of obligations of the state which may be payable during a fiscal year from one or more of the following sources, subject to the limitations contained in this section:

⁶ According to enrolled Act; the phrase "DIVISION VII" probably intended