

House File 655 - Reprinted

HOUSE FILE 655

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 556)

(SUCCESSOR TO HSB 167)

(As Amended and Passed by the House May 6, 2015)

A BILL FOR

1 An Act relating to community development by establishing
2 application rules and limitations for wireless
3 communications facilities and infrastructure and modifying
4 provisions related to reinvestment districts and flood
5 mitigation projects, and including effective date and
6 retroactive and other applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I
2 WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE
3 APPLICATIONS

4 Section 1. NEW SECTION. 8C.1 Short title.

5 This chapter shall be known and may be cited as the "*Iowa*
6 *Cell Siting Act*".

7 Sec. 2. NEW SECTION. 8C.2 Definitions.

8 For the purposes of this chapter, unless the context
9 otherwise requires:

10 1. "*Applicant*" means any person engaged in the business of
11 providing wireless telecommunications services or the wireless
12 telecommunications infrastructure required for wireless
13 telecommunications services and who submits an application.

14 2. "*Application*" means a request submitted by an applicant
15 to an authority to construct a new tower, for the initial
16 placement of transmission equipment on a wireless support
17 structure, for the modification of an existing tower or
18 existing base station that constitutes a substantial change
19 to an existing tower or existing base station, or any other
20 request to construct or place transmission equipment that does
21 not meet the definition of an eligible facilities request.

22 3. "*Authority*", used as a noun, means a state, county,
23 or city governing body, board, agency, office, or commission
24 authorized by law to make legislative, quasi-judicial,
25 or administrative decisions relative to an application.
26 "*Authority*" does not include state courts having jurisdiction
27 over land use, planning, or zoning decisions made by an
28 authority, the utilities division of the department of
29 commerce, or entities that do not have zoning or permitting
30 authority.

31 4. a. "*Base station*" means a structure or equipment at a
32 fixed location that enables wireless communications licensed by
33 the federal communications commission or authorized wireless
34 communications between user equipment and a communications
35 network.

1 *b. "Base station"* does not mean a tower or equipment
2 associated with a tower.

3 *c. "Base station"* includes but is not limited to equipment
4 associated with wireless communications services such as
5 private, broadcast, and public safety services and unlicensed
6 wireless services and fixed wireless services such as microwave
7 backhaul.

8 *d. "Base station"* includes but is not limited to radio
9 transceivers, antennas, coaxial or fiberoptic cable, regular
10 and backup power supplies, and comparable equipment, regardless
11 of technological configuration.

12 *e. "Base station"* includes a structure other than a tower
13 that, at the time the relevant application is filed with
14 the state or local government, supports or houses equipment
15 described in this subsection that has been reviewed and
16 approved under the applicable zoning or siting process, or
17 under another state or local regulatory review process, even if
18 the structure was not built for the sole or primary purpose of
19 providing such support.

20 *f. "Base station"* does not include any structure that at
21 the time the relevant application is filed with the state or
22 local government does not support or house equipment described
23 in this subsection.

24 5. *"Collocation"* means the mounting or installation of
25 additional transmission equipment on a support structure
26 already in use for the purpose of transmitting or receiving
27 radio frequency signals for communications purposes.

28 5A. *"Electric utility"* means any owner or operator of
29 electric transmission or distribution facilities subject to the
30 regulation and enforcement activities of the Iowa utilities
31 board relating to safety standards.

32 6. *"Eligible facilities request"* means a request for
33 modification of an existing tower or base station that does
34 not substantially change the physical dimensions of the tower
35 or base station and involves collocation of new transmission

1 equipment, the removal of transmission equipment, or the
2 replacement of transmission equipment.

3 7. "*Existing tower*" or "*existing base station*" means a tower
4 or base station that has been reviewed and approved under the
5 applicable zoning or siting process, or under another state or
6 local regulatory review process. "*Existing tower*" includes a
7 tower that was not reviewed and approved because it was not in
8 a zoned area when it was built and lawfully constructed.

9 8. "*Initial placement or installation*" means the first time
10 transmission equipment is placed or installed on a wireless
11 support structure.

12 9. a. "*Site*", in relation to a tower that is not in the
13 public right-of-way, means the current boundaries of the leased
14 or owned property surrounding the tower and any access or
15 utility easements currently related to the site.

16 b. "*Site*", in relation to support structures other than
17 towers, means an area in proximity to the structure and to
18 other transmission equipment already deployed on the ground.

19 10. "*Substantial change*" means a change in the existing
20 support structure which results in one or more of the
21 following:

22 a. (1) Increase in the height of a tower, other than a
23 tower in the public right-of-way, by more than ten percent or
24 by the height of one additional antenna array with separation
25 from the nearest existing antenna not to exceed twenty feet,
26 whichever is greater.

27 (2) Increase in the height of existing support structures,
28 other than a tower in subparagraph (1), by more than ten
29 percent or more than ten feet, whichever is greater.

30 (3) Height shall be measured from the original support
31 structure in cases where deployments are or will be separated
32 horizontally, such as on buildings' rooftops. Otherwise,
33 height shall be measured from the dimensions of the tower or
34 base station, inclusive of originally approved appurtenances
35 and any modifications that were approved prior to the passage

1 of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

2 *b.* (1) Addition of an appurtenance to the body of the
3 tower, other than a tower in the public right-of-way, that
4 would protrude from the edge of the tower more than twenty
5 feet, or more than the width of the tower structure at the
6 level of the appurtenance, whichever is greater.

7 (2) Addition of an appurtenance to an existing support
8 structure, other than a tower under subparagraph (1), that
9 would protrude from the edge of the structure by more than six
10 feet.

11 *c.* (1) Installation of more than the standard number of
12 new equipment cabinets for the technology involved, but not to
13 exceed four cabinets.

14 (2) Installation of any new equipment cabinets on the ground
15 if there are no preexisting ground cabinets associated with the
16 tower in the public right-of-way or base station.

17 (3) Installation of ground cabinets that are more than
18 ten percent larger in height or overall volume than any
19 other ground cabinets associated with a tower in the public
20 right-of-way or base station.

21 *d.* Excavation or deployment outside the current site.

22 *e.* Defeat of concealment elements of the existing support
23 structure.

24 *f.* Noncompliance with conditions associated with the siting
25 approval of the construction or modification of the existing
26 support structure or base station equipment, except if the
27 change is noncompliant only in a manner that does not exceed
28 the thresholds identified in paragraphs "a" through "d".

29 11. "Tower" means a structure built for the sole or
30 primary purpose of supporting an antenna and the associated
31 facilities authorized or licensed by the federal communications
32 commission. "Tower" includes structures constructed for
33 wireless communications services, including but not limited to
34 private, broadcast, and public safety services and unlicensed
35 wireless services and fixed wireless services, such as

1 microwave backhaul, and the associated site.

2 12. *“Transmission equipment”* means equipment that
3 facilitates transmission for a wireless communications
4 service licensed or authorized by the federal communications
5 commission, including but not limited to radio transceivers,
6 antennas, coaxial or fiberoptic cable, and regular and backup
7 power supply. *“Transmission equipment”* includes equipment
8 associated with wireless communications services, including but
9 not limited to private, broadcast, and public safety services,
10 such as wireless local area network services and services
11 utilizing a set of specifications developed by the institute
12 of electrical and electronics engineers for interface between
13 a wireless client and a base station or between two wireless
14 clients, as well as unlicensed wireless services and fixed
15 wireless services, such as microwave backhaul.

16 12A. *“Utility pole”* means a structure owned or operated by
17 a public utility, municipality, or electric utility that is
18 designed specifically for and used to carry lines, cable, or
19 wires for telephone, cable television, or electricity, or to
20 provide lighting.

21 13. *“Wireless support structure”* means a structure that
22 exists at the time an application is submitted and is capable
23 of supporting the attachment or installation of transmission
24 equipment in compliance with applicable codes, including but
25 not limited to water towers, buildings, and other structures,
26 whether within or outside the public right-of-way. *“Wireless*
27 *support structure”* does not include a tower or existing base
28 station.

29 Sec. 3. NEW SECTION. 8C.3 Uniform rules and limitations —
30 applications.

31 In order to ensure uniformity across this state with respect
32 to the consideration of every application, and notwithstanding
33 any other provision to the contrary, an authority shall not do
34 any of the following:

35 1. Require an applicant to submit information about, or

1 evaluate an applicant's business decisions with respect to, the
2 applicant's designed service, customer demand for service, or
3 quality of the applicant's service to or from a particular area
4 or site.

5 2. a. Evaluate an application based on the availability of
6 other potential locations for the placement or construction of
7 a tower or transmission equipment.

8 b. Require the applicant to establish other options for
9 collocation instead of the construction of a new tower or
10 modification of an existing tower or existing base station
11 that constitutes a substantial change to an existing tower or
12 existing base station.

13 c. Notwithstanding paragraph "b", an authority may require
14 an applicant applying for the construction of a new tower to
15 state in its application that it conducted an analysis of
16 available collocation opportunities on existing towers or
17 existing base stations within the same search ring defined by
18 the applicant solely for the purpose of confirming that the
19 applicant undertook such analysis.

20 3. Dictate the type of transmission equipment or technology
21 to be used by the applicant or discriminate between different
22 types of infrastructure or technology.

23 4. a. Require the removal of existing towers, base
24 stations, or transmission equipment, wherever located, as a
25 condition to approval of an application.

26 b. Notwithstanding paragraph "a", the authority may adopt
27 reasonable rules regarding removal of abandoned towers or
28 transmission equipment.

29 5. Impose environmental testing, sampling, or monitoring
30 requirements, or other compliance measures, for radio frequency
31 emissions from transmission equipment that are categorically
32 excluded under the federal communications commission's
33 rules for radio frequency emissions pursuant to 47 C.F.R.
34 §1.1307(b)(1).

35 6. Establish or enforce regulations or procedures for radio

1 frequency signal strength or the adequacy of service quality.

2 7. Reject an application, in whole or in part, based on
3 perceived or alleged environmental effects of radio frequency
4 emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv).

5 8. Prohibit the placement of emergency power systems that
6 comply with federal and state environmental requirements.

7 9. Charge an application fee, consulting fee, or other fee
8 associated with the submission, review, processing, or approval
9 of an application that is not required for similar types of
10 commercial development within the authority's jurisdiction.
11 Fees imposed by an authority or by a third-party entity
12 providing review or technical consultation to the authority
13 shall be based on actual, direct, and reasonable administrative
14 costs incurred for the review, processing, and approval of an
15 application. In no case shall total charges and fees exceed
16 five hundred dollars for an eligible facilities request or
17 three thousand dollars for an application for a new tower, for
18 the initial placement or installation of transmission equipment
19 on a wireless support structure, for a modification of an
20 existing tower or existing base station that constitutes a
21 substantial change to an existing tower or base station, or any
22 other application to construct or place transmission equipment
23 that does not constitute an eligible facilities request. An
24 authority or any third-party entity shall not include within
25 its charges any travel expenses incurred in the review of an
26 application, and an applicant shall not be required to pay or
27 reimburse an authority for consultant or other third-party fees
28 based on a contingency or result-based arrangement.

29 10. Impose surety requirements, including bonds,
30 escrow deposits, letters of credit, or any other type
31 of financial surety, to ensure that abandoned or unused
32 towers or transmission equipment can be removed unless the
33 authority imposes similar requirements on other applicants
34 for other types of commercial development or land uses. If
35 surety requirements are imposed, the requirements must be

1 competitively neutral, nondiscriminatory, reasonable in
2 amount, and commensurate with the historical record for local
3 facilities and structures that are abandoned.

4 11. Condition the approval of an application on the
5 applicant's agreement to provide space on or near the tower,
6 base station, or wireless support structure for authority or
7 local governmental or nongovernmental services at less than the
8 market rate for such space or to provide other services via the
9 structure or facilities at less than the market rate for such
10 services.

11 12. Limit the duration of the approval of an application,
12 except that construction of the approved structure or
13 facilities shall be commenced within two years of final
14 approval, including the disposition of any appeals, and
15 diligently pursued to completion.

16 13. Discriminate on the basis of the ownership, including
17 ownership by the authority, of any property, structure, or
18 tower when promulgating rules or procedures for siting wireless
19 facilities or for evaluating applications.

20 Sec. 4. NEW SECTION. 8C.4 Uniform rules — new tower
21 applications.

22 1. An authority may exercise zoning, land use, planning,
23 and permitting authority within the authority's territorial
24 boundaries with regard to the siting of new towers, subject to
25 the provisions of this chapter and federal law.

26 2. An applicant that proposes to construct a new tower
27 within the jurisdiction of an authority that has adopted
28 planning and zoning regulations shall submit the necessary
29 copies and attachments of the application to the appropriate
30 authority and comply with applicable local ordinances
31 concerning land use and the appropriate permitting processes.

32 3. All records, documents, and electronic data, except
33 the name of the applicant and the location of the proposed
34 project, in the possession or custody of authority personnel
35 shall be considered confidential trade secrets as provided for

1 in section 22.7, subsection 3.

2 4. An authority, within one hundred fifty calendar days
3 of receiving an application to construct a new tower, unless
4 another date is specified in a written agreement between the
5 authority and the applicant, shall comply with the following
6 provisions:

7 a. Review the application for conformity with applicable
8 local zoning regulations, building permit requirements, and
9 consistency with this chapter. An application is deemed to
10 be complete unless the authority notifies the applicant in
11 writing, within thirty calendar days of submission of the
12 application, specifying the deficiencies in the application
13 which, if cured, would make the application complete. The
14 authority's timeframe to review the application is tolled
15 beginning the date the notice is sent. The authority's
16 timeframe of one hundred fifty days for review of the
17 application begins running again when the applicant cures the
18 specified deficiencies. Following the applicant's supplemental
19 submission, the authority has ten days to notify the
20 applicant that the supplemental submission did not provide the
21 information identified in the original notice that specified
22 deficiencies in the application. The authority's timeframe of
23 one hundred fifty days to review the application is tolled in
24 the case of second or subsequent notices in conformance with
25 this paragraph. The authority shall not include deficiencies
26 in a second or subsequent notice that were not delineated in
27 the original notice. The authority's timeframe for review does
28 not toll if the authority requests information regarding any of
29 the considerations an authority may not consider as described
30 in section 8C.3.

31 b. Make its final decision to approve or disapprove the
32 application.

33 c. Advise the applicant in writing of its final decision.

34 5. If the authority fails to act on an application to
35 construct a new tower within the timeframe for review specified

1 under subsection 4, the application shall be deemed approved.

2 6. A party aggrieved by the final action of an authority,
3 either by its affirmative disapproval of an application under
4 the provisions of this section or by its inaction, may bring an
5 action for review in any court of competent jurisdiction.

6 Sec. 5. NEW SECTION. **8C.5 Uniform rules for certain**
7 **changes.**

8 1. An authority may exercise zoning, land use, planning,
9 and permitting authority within the authority's territorial
10 boundaries with regard to an application for initial placement
11 or installation of transmission equipment on wireless support
12 structures, for modification of an existing tower or existing
13 base station that constitutes a substantial change, or for a
14 request for construction or placement of transmission equipment
15 that does not constitute an eligible facilities request,
16 subject to the provisions of this chapter and federal law.

17 2. An applicant that proposes an initial placement or
18 installation of transmission equipment on wireless support
19 structures, a modification of an existing tower or existing
20 base station that constitutes a substantial change, or a
21 request for construction or placement of transmission equipment
22 that does not constitute an eligible facilities request, within
23 the jurisdiction of an authority that has adopted planning
24 and zoning ordinances, rules, or regulations shall submit the
25 necessary copies and attachments of the application to the
26 authority and comply with such applicable local ordinances,
27 rules, or regulations concerning land use and zoning and the
28 appropriate local permitting processes.

29 3. All records, including but not limited to documents and
30 electronic data, in the possession or custody of authority
31 personnel shall be considered confidential trade secrets as
32 provided for in section 22.7, subsection 3.

33 4. An authority, within ninety calendar days of receiving an
34 application pursuant to subsection 2, unless another date is
35 specified in a written agreement between the authority and the

1 applicant, shall comply with the following provisions:

2 *a.* Review the application for conformity with applicable
3 local zoning ordinances, rules, or regulations, building
4 permit requirements, and consistency with this chapter. An
5 application is deemed to be complete unless the authority
6 notifies the applicant in writing, within thirty calendar
7 days of submission of the application, specifying the
8 deficiencies in the application which, if cured, would make
9 the application complete. The authority's timeframe for
10 review is tolled beginning the date the notice is sent. The
11 authority's ninety-day timeframe for review of the application
12 begins running again when the applicant cures the specified
13 deficiencies. Following the applicant's supplemental
14 submission, the authority has ten days to notify the
15 applicant that the supplemental submission did not provide the
16 information identified in the original notice that specified
17 deficiencies. The authority's ninety-day timeframe to review
18 the application is tolled in the case of second or subsequent
19 notices in conformance with this paragraph. The authority
20 shall not include deficiencies in a second or subsequent
21 notice that were not delineated in the original notice. The
22 authority's ninety-day timeframe for review does not toll
23 if the authority requests information regarding any of the
24 considerations an authority may not consider as described in
25 section 8C.3.

26 *b.* Make its final decision to approve or disapprove the
27 application.

28 *c.* Advise the applicant in writing of its final decision.

29 5. If the authority fails to act on an application for an
30 initial placement or installation of transmission equipment on
31 wireless support structures, for a modification of an existing
32 tower or existing base station that constitutes a substantial
33 change, or for a request for construction or placement of
34 transmission equipment that does not constitute an eligible
35 facilities request within the review period specified under

1 subsection 4, the application shall be deemed approved.

2 6. A party aggrieved by the final action of an authority,
3 either by its affirmative disapproval of an application under
4 the provisions of this section or by its inaction, may bring an
5 action for review in any court of competent jurisdiction.

6 Sec. 6. NEW SECTION. **8C.6 Use of public lands for towers**
7 **and transmission equipment.**

8 1. In accordance with other applicable laws, when entering
9 into a lease with an applicant for the applicant's use of
10 public lands, an authority shall offer the market rate value
11 for use of that land. The term of the lease shall be for at
12 least twenty years.

13 2. *a.* If the authority and the applicant cannot agree
14 on the market rate for lease of the public land and cannot
15 agree on the process to derive the market rate, the appraisals
16 of a three-person panel of appraisers shall determine the
17 market rate. Each party will appoint one appraiser and the
18 two appointed appraisers shall select a third appraiser. Each
19 appraiser shall independently appraise the appropriate market
20 rate for lease of the land. The market rate shall be set at
21 the median value between the highest and lowest market rates
22 determined by the three independent appraisers. However, if
23 the median between the appraisals of the appraisers appointed
24 by each party is greater than or less than ten percent of the
25 appraisal of the appraiser selected by the two appraisers, then
26 the appraisal of the appraiser selected by the two appraisers
27 shall determine the rate for the lease. Each appraiser
28 shall send a copy of the appraisal to the authority and the
29 applicant. The authority shall use the appraisal process under
30 this paragraph to determine the lease rate for purposes of this
31 subsection.

32 *Ob.* An authority shall approve or reject the lease rate as
33 determined by the appraisal process pursuant to paragraph "a"
34 within fifteen days following completion and receipt of the
35 appraisals obtained pursuant to paragraph "a". The authority's

1 failure to reject the lease rate as determined by the appraisal
2 process within fifteen days constitutes approval of the lease
3 rate determined pursuant to paragraph "a" as the market rate
4 value for the use of the land for purposes of the lease between
5 the authority and the applicant.

6 *b.* The authority and applicant shall conclude the appraisal
7 process within one hundred fifty calendar days from the date
8 the applicant first offered a proposed lease rate to the
9 authority.

10 *c.* If using the three-person panel, each party shall bear
11 the cost of its own appointed appraiser and equally share the
12 cost of the third appraiser.

13 **Sec. 7. NEW SECTION. 8C.7 Utility poles.**

14 Notwithstanding any provision to the contrary, an authority
15 shall not mandate, require, or regulate the installation,
16 location, or use of transmission equipment on a utility pole.

17 **Sec. 8. NEW SECTION. 8C.8 Application and construction.**

18 This chapter shall not be construed as:

19 1. Prohibiting an airport or authority from administering
20 and enforcing airport zoning pursuant to the provisions of
21 chapter 329 for the protection of navigable airspace.

22 2. Infringing upon the jurisdiction of a commission, as
23 defined in section 303.20, to approve or deny applications
24 for proposed alterations to exterior features within an area
25 designated as an area of historical significance.

26 3. Infringing upon the jurisdiction of a city or county,
27 or any other entity authorized by statute, to approve or deny
28 applications for proposed alterations to exterior features of
29 designated local historic landmarks.

30 **DIVISION II**

31 **REINVESTMENT DISTRICTS AND FLOOD MITIGATION**

32 **Sec. 9. Section 15J.4, subsection 3, paragraph a, Code 2015,**
33 **is amended to read as follows:**

34 *a.* The municipality shall submit a copy of the resolution,
35 the proposed district plan, and all accompanying materials

1 adopted pursuant to this section to the board for evaluation.
2 The board shall not approve a proposed district plan ~~or an~~
3 ~~amendment to an existing district's plan~~ on or after July 1,
4 2018.

5 Sec. 10. Section 28F.12, Code 2015, is amended to read as
6 follows:

7 **28F.12 Additional powers of the entity.**

8 1. If the entity is comprised solely of cities, counties,
9 and sanitary districts established under chapter 358, or any
10 combination thereof, the entity shall have in addition to all
11 the powers enumerated in this chapter, the powers ~~which~~ that a
12 county has with respect to solid waste disposal projects.

13 2. If the entity is comprised solely of cities, counties,
14 and sanitary districts established under chapter 358, or any
15 combination thereof, it is a governmental entity with respect
16 to projects undertaken pursuant to chapter 418 and may exercise
17 all of the powers of a governmental entity under that chapter
18 in connection with the flood mitigation project. Unless
19 otherwise provided in chapter 418, if undertaking a flood
20 mitigation project as a governmental entity under chapter
21 418, the provisions of chapter 418 shall prevail over any
22 conflicting provision in this chapter.

23 Sec. 11. Section 418.1, subsection 4, paragraph c,
24 unnumbered paragraph 1, Code 2015, is amended to read as
25 follows:

26 A joint board or other legal or administrative entity
27 established or designated in an agreement pursuant to chapter
28 28E or 28F between any of the following:

29 Sec. 12. Section 418.1, subsection 4, paragraph c, Code
30 2015, is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (4) One or more counties, one or more
32 cities that are located in whole or in part within those
33 counties, and one or more sanitary districts established under
34 chapter 358 or a combined water and sanitary district as
35 provided for in sections 357.1B and 358.1B, located in whole or

1 in part within those counties.

2 Sec. 13. Section 418.4, subsection 1, paragraph b, Code
3 2015, is amended to read as follows:

4 b. A governmental entity as defined in section 418.1,
5 subsection 4, paragraph "c", shall have the power to construct,
6 acquire, own, repair, improve, operate, and maintain a project,
7 may sue and be sued, contract, and acquire and hold real and
8 personal property, subject to the limitation in paragraph
9 "c", and shall have such other powers as may be included in
10 the chapter 28E or 28F agreement. Such a governmental entity
11 may contract with a city or the county participating in the
12 ~~chapter 28E~~ agreement to perform any governmental service,
13 activity, or undertaking that the city or county is authorized
14 by law to perform, including but not limited to contracts for
15 administrative services.

16 Sec. 14. Section 418.11, subsection 3, paragraph c, Code
17 2015, is amended to read as follows:

18 c. For projects approved for a governmental entity as
19 defined in section 418.1, subsection 4, paragraph "c", the
20 area used to determine the sales tax increment shall include
21 the incorporated areas of each participating city ~~that is~~
22 ~~participating in the chapter 28E agreement~~, the unincorporated
23 areas of the each participating county, ~~and~~ the area of any
24 participating drainage district not otherwise included in
25 the areas of the participating cities or county, and the
26 area served by any sanitary district or combined water and
27 sanitary district and not otherwise included in the areas of
28 the participating cities or counties, as applicable.

29 Sec. 15. Section 418.11, subsection 3, Code 2015, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. d. For all projects, the area used to
32 determine the sales tax increment shall not include any parcels
33 of real property that are included in a reinvestment district
34 designated pursuant to chapter 15J.

35 Sec. 16. Section 418.14, subsection 3, paragraph a, Code

1 2015, is amended to read as follows:

2 a. Except as otherwise provided in this section, bonds
3 issued pursuant to this section shall not be subject to
4 the provisions of any other law or charter relating to the
5 authorization, issuance, or sale of bonds. Bonds issued under
6 this section shall not limit or restrict the authority of a
7 governmental entity as defined in section 418.1, subsection 4,
8 paragraphs "a" and "b", or a city, county, ~~or~~ drainage district,
9 sanitary district, or combined water and sanitary district
10 participating in a governmental entity as defined in section
11 418.1, subsection 4, paragraph "c", to issue bonds for the
12 project under other provisions of the Code.

13 Sec. 17. Section 418.14, subsection 4, paragraph b, Code
14 2015, is amended to read as follows:

15 b. If the moneys in the governmental entity's flood project
16 fund are insufficient to pay the governmental entity's costs
17 related to bonds, notes, or other obligations issued under
18 this chapter, the amounts necessary to pay such costs may
19 be levied and transferred for deposit in the governmental
20 entity's flood project fund from the debt service fund of the
21 governmental entity or, if applicable, the debt service fund
22 of a participating city or county for a governmental entity as
23 defined in section 418.1, subsection 4, paragraph "c", but only
24 if and to the extent provided in the resolution authorizing the
25 issuance of bonds and, if applicable, the chapter 28E or 28F
26 agreement.

27 Sec. 18. Section 418.15, subsection 4, Code 2015, is amended
28 to read as follows:

29 4. All property and improvements acquired by a governmental
30 entity as defined in section 418.1, subsection 4, paragraph
31 "c", relating to a project shall be transferred to the county,
32 city, ~~or~~ drainage district, sanitary district, or combined
33 water and sanitary district designated in the chapter 28E or
34 28F agreement to receive such property and improvements. The
35 county, city, ~~or~~ drainage district, sanitary district, or

1 combined water and sanitary district to which such property or
2 improvements are transferred shall, unless otherwise provided
3 in the chapter 28E or 28F agreement, be solely responsible
4 for the ongoing maintenance and support of such property and
5 improvements.

6 Sec. 19. Section 423.2, subsection 11, paragraph b, Code
7 2015, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (05) Beginning the first day of the
9 calendar quarter beginning on the reinvestment district's
10 commencement date, subject to remittance limitations
11 established by the economic development authority board
12 pursuant to section 15J.4, subsection 3, transfer to a district
13 account created in the state reinvestment district fund for
14 each reinvestment district established under chapter 15J, the
15 amount of new state sales tax revenue, determined in section
16 15J.5, subsection 1, paragraph "b", in the district, that
17 remains after the prior transfers required under this paragraph
18 "b". Such transfers shall cease pursuant to section 15J.8.

19 Sec. 20. Section 423.2, subsection 11, paragraph b,
20 subparagraph (6), Code 2015, is amended by striking the
21 subparagraph.

22 Sec. 21. Section 423.2, Code 2015, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 11A. Of the amount of sales tax revenue
25 actually transferred per quarter pursuant to subsection 11,
26 paragraph "b", subparagraphs (05) and (5), the department shall
27 retain an amount equal to the actual cost of administering the
28 transfers under subsection 11, paragraph "b", subparagraphs
29 (05) and (5), or twenty-five thousand dollars, whichever is
30 less. The amount retained by the department pursuant to this
31 subsection shall be divided pro rata each quarter between the
32 amounts that would have been transferred pursuant to subsection
33 11, paragraph "b", subparagraphs (05) and (5), without the
34 deduction made by operation of this subsection. Revenues
35 retained by the department pursuant to this subsection shall be

1 considered repayment receipts as defined in section 8.2.

2 Sec. 22. EFFECTIVE UPON ENACTMENT. This division of this
3 Act, being deemed of immediate importance, takes effect upon
4 enactment.

5 Sec. 23. RETROACTIVE AND OTHER APPLICABILITY.

6 1. Except as provided in subsection 3, this division of this
7 Act applies retroactively to reinvestment districts designated
8 under chapter 15J in existence on or after July 1, 2014.

9 2. Except as provided in subsection 3, this division of
10 this Act applies to flood mitigation project plan applications
11 received under chapter 418 before, on, or after the effective
12 date of this division of this Act.

13 3. The sections of this division of this Act amending
14 section 423.2, subsection 11, and enacting section 423.2,
15 subsection 11A, apply to transfers of sales tax revenues made
16 on or after July 1, 2015.