CHAPTER 30

IOWA FINANCE AUTHORITY —
QUALIFIED RESIDENTIAL RENTAL PROJECT BONDS

H.F. 370

AN ACT allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

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

Section 1. Section 7C.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Qualified residential rental project bond" means a qualified residential rental project bond as defined in section 142(d) of the Internal Revenue Code.

Sec. 2. Section 7C.4A, subsection 1, Code 2005, is amended to read as follows:

1. Thirty percent of the state ceiling shall be allocated solely to the Iowa finance authority for any of the following purposes:

a. Issuing qualified mortgage bonds.

b. Reallocating the amount, or any portion thereof, to another qualified political subdivision for the purpose of issuing qualified mortgage bonds~~; or.~~

c. Exchanging the allocation, or any portion thereof, for the authority to issue mortgage credit certificates by election under section 25(c) of the Internal Revenue Code.

d. Issuing qualified residential rental project bonds.

However, at any time during the calendar year the executive director of the Iowa finance authority may determine that a lesser amount need be allocated to the Iowa finance authority and on that date this lesser amount shall be the amount allocated to the authority and the excess shall be allocated under subsection 7.

Approved April 15, 2005

CHAPTER 31

SOLID WASTE MANAGEMENT AND DISPOSAL

H.F. 399

AN ACT relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

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

Section 1. Section 455B.305, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The director shall not issue or renew a permit for a transfer station operating as part of an agreement between two planning areas pursuant to section 455B.306, subsection 1A, until the applicant, in conjunction with all local governments using the transfer station, documents that alternative methods of solid waste disposal other than final disposal in a sanitary landfill have been implemented as set forth in the plan filed pursuant to section 455B.306.

Sec. 2. Section 455B.306, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A city, county, and a private agency operating or planning to operate a sanitary disposal project shall file with the director ~~a~~ one of two types of comprehensive ~~plan~~ plans detailing the method by which the city, county, or private agency will comply with this part 1. The first type is a comprehensive plan in which solid waste is disposed of in a sanitary landfill within the planning area. The second type is a comprehensive plan in which all solid waste is consolidated at and transported from a transfer station for disposal at a sanitary landfill in another comprehensive planning area.

PARAGRAPH DIVIDED. All cities and counties shall also file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents.

Sec. 3. Section 455B.306, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A planning area that closes all of the municipal solid waste sanitary landfills located in the planning area and chooses to use a municipal solid waste sanitary landfill in another planning area that complies with all requirements under subtitle D of the federal Resource Conservation and Recovery Act, with all solid waste generated within the planning area being consolidated at and transported from a permitted transfer station, may elect to retain autonomy as a planning area and shall not be required to join the planning area where the landfill being used for final disposal of solid waste is located. If a planning area makes the election under this subsection, the planning area receiving the solid waste from the planning area making the election shall not be required to include the planning area making the election in a comprehensive plan provided no services are shared between the two planning areas other than the acceptance of solid waste for sanitary landfill. The planning area receiving the solid waste shall only be responsible for the permitting, planning, and waste reduction and diversion programs in the planning area receiving the solid waste. If the department determines that solid waste cannot reasonably be consolidated and transported from a particular transfer station, the department may establish permit conditions to address the transport and disposal of the solid waste. An election may be made under this subsection only if the two comprehensive planning areas enter into an agreement pursuant to chapter 28E that includes, at a minimum, all of the following:

a. A detailed methodology of the manner in which solid waste will be tracked and reported between the two planning areas.

b. A detailed methodology of the manner in which the receiving sanitary landfill will collect, remit, and report tonnage fees, pursuant to section 455B.310, paid by the planning area that is transporting the solid waste. The methodology shall include both the remittances of tonnage fees to the state and the retained tonnage fees.

Sec. 4. Section 455B.306, subsection 6, paragraph e, Code 2005, is amended to read as follows:

e. A description of the planning area and service area to be served by the city, county, or private agency under the comprehensive plan. ~~A~~ Except as provided in subsection 1A, a comprehensive plan shall not include a planning area or service area, any part of which is included in another comprehensive plan.

Sec. 5. Section 455B.310, subsection 4, paragraph d, Code 2005, is amended to read as follows:

d. Each sanitary landfill owner or operator shall submit a return to the department identifying the use of all fees retained under this section including the manner in which the fees were distributed. A planning area entering into an agreement pursuant to section 455B.306, subsection 1A, shall submit such information to the department and a planning area receiving the solid waste under such an agreement shall, in addition, submit evidence to the department

demonstrating that required retained fees were returned in a timely manner to other planning areas under the agreement. The return shall be submitted concurrently with the return required under subsection 7.

Sec. 6. Section 455B.310, subsection 7, Code 2005, is amended to read as follows:

7. Fees imposed by this section shall be paid to the department on a quarterly basis with payment due by no more than ninety days following the quarter during which the fees were collected. The payment shall be accompanied by a return which shall identify the amount of fees to be allocated to the landfill alternative financial assistance program, the amount of fees, in terms of cents per ton, retained for meeting waste reduction and recycling goals under section 455D.3, and additional fees imposed for failure to meet the twenty-five percent waste reduction and recycling goal under section 455D.3. Sanitary landfills serving more than one planning area shall submit separate reports for each planning area.

Approved April 15, 2005

CHAPTER 32

INTERSTATE NATURAL GAS PIPELINES

H.F. 581

AN ACT relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

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

Section 1. Section 306A.3, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The department shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, 479, ~~479A,~~ and 479B. This paragraph shall not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

Sec. 2. Section 479A.1, Code 2005, is amended to read as follows:

479A.1 PURPOSE.

It is the purpose of the general assembly in enacting this law to confer upon the utilities