

20 is exempt from this chapter. For the purpose of this section, "employment conditions" means areas included in the scope of negotiations listed in section 20.9.

Approved May 5, 1981

CHAPTER 31
PUBLIC AGENCIES TO JOINTLY FINANCE POWER COSTS
S. F. 48

AN ACT providing for the joint financing by public agencies of electric power facilities and other facilities.

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

Section 1. Section 28F.1, Code 1981, is amended to read as follows:

28F.1 SCOPE OF CHAPTER. This chapter is intended to provide a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, also electric power facilities constructed within the state of Iowa, water supply systems, swimming pools or golf courses. The provisions of this chapter ~~shall be deemed to~~ apply to the acquisition, construction, reconstruction, ownership, operation, repair, extension or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and execute all the powers conferred in this chapter.

A city shall not join an entity created under this chapter for the purpose of financing electric power facilities unless that city owned and operated a municipal electric utility as of the effective date of this Act. Power supplied by a municipal power agency may not be furnished to a municipal utility not existing as of the effective date of this Act.

After July 1, 1981, a city shall not join an entity created under this chapter or any separate administrative or legal entity created pursuant to chapter twenty-eight E (28E) of the Code for the purpose of utilizing the provisions of this chapter for financing electric power facilities until the proposal for the city to join such an entity has been submitted to and approved by the voters of the city.

The proposal shall be submitted at any city election by the council on its own motion. If a majority of those voting in the city does not approve the proposal, the same or a similar proposal may be submitted to the voters no sooner than one year from the date of the election at which the proposal was defeated.

Sec. 2. Section 28F.7, Code 1981, is amended to read as follows:

28F.7 CONSTRUCTION AND OPERATION OF PROJECT. ~~Such an~~ An entity shall operate, maintain and preserve ~~the a~~ project ~~or projects~~ in good repair and working order, and shall construct and operate the project ~~or projects~~ in an efficient and economical manner, provided, ~~however,~~ that the entity may lease or rent ~~the a~~ project ~~or projects~~ or any part thereof of a project, or otherwise provide for the construction and operation of ~~the a~~ project ~~or projects~~ or any part thereof of a project in ~~such~~ the manner and upon ~~such~~ the terms as the governing body of the entity ~~shall direct~~ directs.

The electric light and power plant and system of any public agency participating in and receiving wholesale power from electric power facilities owned, operated, or financed pursuant to this chapter shall meet the standards of the national electric safety code of 1968, as amended to and including January 1, 1981, of the national fire protection association.

Sec. 3. Section 28F.8, Code 1981, is amended to read as follows:

28F.8 DETAILS OF REVENUE BONDS. Revenue bonds issued pursuant to ~~the provisions--of~~ this chapter shall bear interest at ~~a rate--of~~ rates not exceeding ~~that those~~ permitted by chapter 74A for revenue bonds issued by a city, may be in one or more series, may bear ~~such date--of~~ dates, may mature at ~~such time--of~~ times not exceeding forty years from their respective dates, may be payable in ~~such a~~ medium of payment, at ~~such place--of~~ places within the state, may carry ~~such~~ registration privileges, may be subject to ~~such~~ terms of prior redemption, with or without premium, may be executed in ~~such the~~ manner, may contain ~~such~~ terms, covenants and conditions, may be sold at public or private sale in the manner and on terms provided by the entity or may be exchanged for outstanding interim notes, and may be in ~~such a~~ form otherwise, as ~~such the~~ resolution or subsequent resolutions ~~shall~~ provide.

Sec. 4. Section 28F.9, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

28F.9 ISSUANCE OF INTERIM NOTES. The entity may borrow money for the purposes for which bonds may be issued, in anticipation of the receipt of the proceeds of the sale of bonds. Notes shall be issued for moneys borrowed under this section, and the notes may be renewed. The notes shall be authorized by resolution of the governing body of the entity and may be issued in denominations, bear interest at rates not exceeding the maximum rate of interest permitted by chapter 74A for pledge orders issued by a city, shall be in a form and shall be executed in a manner, all as the entity prescribes. If the notes are renewal notes, they may be exchanged for notes then outstanding on terms the governing body of the entity determines. Notes may be sold at public or private sale or may be issued to persons furnishing materials and services constituting a part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of a project. The governing body of the entity may retire any notes from the revenues

derived from the project or from other moneys of the entity which are lawfully available for that purpose or from a combination of each, in lieu of retiring them by means of bond proceeds.

Sec. 5. Section 28F.11, Code 1981, is amended to read as follows:

28F.11 EMINENT DOMAIN. Any public agency participating in an agreement authorizing the joint exercise of governmental powers pursuant to this chapter may exercise its power of eminent domain to acquire interests in property, under provisions of law then in effect and applicable to ~~such the~~ public agency, for the use of the entity created to carry out ~~such the~~ agreement, provided that the power of eminent domain is not used to acquire interests in property which is part of a system of facilities in existence, under construction or planned, for the generation, transmission or sale of electric power. Any interests in property ~~so~~ acquired ~~shall--be--deemed~~ are acquired for a public purpose of the condemning public agency, and the payment of the costs of ~~such the~~ acquisition may be made pursuant to ~~such the~~ agreement or to any separate agreement between ~~or--among--said~~ the public agency and ~~such the~~ entity or the other public agencies participating in ~~such the~~ entity or any of them. Upon payment of ~~such~~ costs, any property ~~so~~ acquired ~~shall-be-and-become~~ is the property of the entity.

Sec. 6. Chapter 28F, Code 1981, is amended by adding the following new section:

NEW SECTION. An entity created to carry out an agreement authorizing the joint exercise of the powers enumerated in section 28F.1 with regard to electric power facilities shall be subject to the provisions of chapter 28A, relating to open meetings, chapter 68A, relating to the examination of public records, chapter 97B, relating to the Iowa public employees retirement system and chapter 476A, relating to electric power generators.

Sec. 7. NEW SECTION. "Electric power agency" means an entity financing or acquiring electric power facilities pursuant to chapter 28E or 28F.

Sec. 8. Section 427.1, subsection 2, Code 1981, is amended to read as follows:

2. MUNICIPAL AND MILITARY PROPERTY. The property of a county, township, city, school corporation, levee district, drainage district or military company of the state of Iowa, when devoted to public use and not held for pecuniary profit, except property of a municipally owned electric utility held under joint ownership and property of an electric power facility financed under chapter 28F which shall be subject to assessment and taxation under provisions of chapters 428 and 437. The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes. Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county.

Sec. 9. Section 428.24, Code 1981, is amended to read as follows:

428.24 PUBLIC UTILITY PLANTS. The lands, buildings, machinery, and mains belonging to individuals or corporations operating waterworks or gasworks or pipe lines; the lands, buildings, machinery, tracks, poles, and wires belonging to individuals, ~~or~~ corporations or electric power agencies furnishing electric light or power; the lands, buildings, machinery, poles, wires, overhead construction, tracks, cables, conduits, and fixtures belonging to individuals or corporations operating railways by cable or electricity, or operating elevated street railways; and the lands, buildings, tracks, and fixtures of street railways operated by animal power, shall be listed and assessed by the department of revenue. In the making of any such assessment of waterworks plants, the value of any interest in the property so assessed, of the municipal corporation wherein the same is situated, shall be deducted, whether such interest be evidenced by stock, bonds, contracts, or otherwise.

Sec. 10. Section 428.28, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Every individual, copartnership, corporation, association or city which operates a public utility on a nonprofit basis, as defined in section 428.24 shall annually, on or before the first day of May of each calendar year, make a report on blanks to be provided by the department of revenue of all of the property owned by such individual, copartnership, corporation, association or city within the incorporated limits of any city in the state, and give such other information as the director of revenue shall require. Any ~~public~~ city utility which reports according to this paragraph shall not be assessed.

Sec. 11. Section 428.37, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. "Electric power generating plant" means each taxable name plate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

Sec. 12. Section 428.37, subsection 2, paragraph c, Code 1981, is amended to read as follows:

c. Notwithstanding the provisions of paragraph "b" of this subsection, if the owner is a municipal electric utility or electric power facility financed under the provisions of chapter 28F, the remaining taxable value shall be allocated to each taxing district in which the municipal electric utility is serving customers and has electric meters in operation in the ratio that the number of operating electric meters of the municipal electric utility located in the taxing district bears to the total number of operating electric meters of the municipal electric utility in the state as of January 1 of the calendar year in which the assessment is made. If the municipal electric utility or electric power facility financed under the provisions of chapter 28F has no operating electric meters in this state, then the remainder shall be assessed and levied on at the current rate of the taxing district in which the electric power generating plant is located. Tax moneys received from

such remainder assessment and levies shall be paid to the county treasurer, who shall pay such tax moneys to the treasurer of state not later than fifteen days from the date the tax moneys are received by the county treasurer for deposit in the general fund of the state.

All municipal electric utilities which shall have taxable value apportioned under this section shall, annually on or before the first day of May of each calendar year, make a report listing the total operating meters of the municipal electric utility in each taxing district it serves as of the first day of January of each calendar year on forms provided by the department of revenue.

Approved June 16, 1981

CHAPTER 32

DISASTERS OR OTHER EMERGENCIES

H. F. 782

AN ACT relating to the powers and duties of the governor and the energy policy council during a disaster or other emergency, to be effective upon publication.

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

Section 1. Section 29C.2, Code 1981, is amended to read as follows:

29C.2 DEFINITIONS.

1. "Disaster" means man-made ~~catastrophes~~ and natural occurrences such as fire, flood, drought, earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage, or other hostile action from without the state.

2. "Public disorder" means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

Sec. 2. Section 29C.6, subsection 1, Code 1981, is amended to read as follows:

1. After finding a disaster exists or is ~~imminently~~ threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in