

H-1336

1 Amend House File 655 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE
5 APPLICATIONS>

6 2. Page 13, after line 27 by inserting:

7 <DIVISION
8 REINVESTMENT DISTRICTS AND FLOOD MITIGATION

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

11 a. The municipality shall submit a copy of the
12 resolution, the proposed district plan, and all
13 accompanying materials adopted pursuant to this section
14 to the board for evaluation. The board shall not
15 approve a proposed district plan or an amendment to an
16 existing district's plan on or after July 1, 2018.

17 Sec. _____. Section 28F.12, Code 2015, is amended to
18 read as follows:

19 **28F.12 Additional powers of the entity.**

20 1. If the entity is comprised solely of cities,
21 counties, and sanitary districts established under
22 chapter 358, or any combination thereof, the entity
23 shall have in addition to all the powers enumerated in
24 this chapter, the powers which that a county has with
25 respect to solid waste disposal projects.

26 2. If the entity is comprised solely of cities,
27 counties, and sanitary districts established under
28 chapter 358, or any combination thereof, it is a
29 governmental entity with respect to projects undertaken
30 pursuant to chapter 418 and may exercise all of the
31 powers of a governmental entity under that chapter in
32 connection with the flood mitigation project. Unless
33 otherwise provided in chapter 418, if undertaking a
34 flood mitigation project as a governmental entity
35 under chapter 418, the provisions of chapter 418 shall
36 prevail over any conflicting provision in this chapter.

37 Sec. _____. Section 418.1, subsection 4, paragraph c,
38 unnumbered paragraph 1, Code 2015, is amended to read
39 as follows:

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

44 Sec. _____. Section 418.1, subsection 4, paragraph
45 c, Code 2015, is amended by adding the following new
46 subparagraph:

47 **NEW SUBPARAGRAPH.** (4) One or more counties, one or
48 more cities that are located in whole or in part within
49 those counties, and one or more sanitary districts
50 established under chapter 358 or a combined water and

1 sanitary district as provided for in sections 357.1B
2 and 358.1B, located in whole or in part within those
3 counties.

4 Sec. _____. Section 418.4, subsection 1, paragraph b,
5 Code 2015, is amended to read as follows:

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

20 Sec. _____. Section 418.11, subsection 3, paragraph
21 c, Code 2015, is amended to read as follows:

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

35 Sec. _____. Section 418.11, subsection 3, Code 2015,
36 is amended by adding the following new paragraph:

37 NEW PARAGRAPH. d. For all projects, the area used
38 to ~~determine the~~ sales tax increment shall not include
39 any parcels of real property that are included in a
40 reinvestment district designated pursuant to chapter
41 15J.

42 Sec. _____. Section 418.14, subsection 3, paragraph
43 a, Code 2015, is amended to read as follows:

44 a. Except as otherwise provided in this section,
45 bonds issued pursuant to this section shall not be
46 subject to the provisions of any other law or charter
47 relating to the authorization, issuance, or sale of
48 bonds. Bonds issued under this section shall not limit
49 or restrict the authority of a governmental entity as
50 defined in section 418.1, subsection 4, paragraphs

1 "a" and "b", or a city, county, ~~or~~ drainage district,
2 sanitary district, or combined water and sanitary
3 district participating in a governmental entity as
4 defined in section 418.1, subsection 4, paragraph "c",
5 to issue bonds for the project under other provisions
6 of the Code.

7 Sec. _____. Section 418.14, subsection 4, paragraph
8 b, Code 2015, is amended to read as follows:

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

23 Sec. _____. Section 418.15, subsection 4, Code 2015,
24 is amended to read as follows:

25 4. All property and improvements acquired by
26 a governmental entity as defined in section 418.1,
27 subsection 4, paragraph "c", relating to a project
28 shall be transferred to the county, city, ~~or~~ drainage
29 district, sanitary district, or combined water and
30 sanitary district designated in the chapter 28E or 28F
31 agreement to receive such property and improvements.
32 The county, city, ~~or~~ drainage district, sanitary
33 district, or combined water and sanitary district to
34 which such property or improvements are transferred
35 shall, unless otherwise provided in the chapter
36 28E or 28F agreement, be solely responsible for the
37 ongoing maintenance and support of such property and
38 improvements.

39 Sec. _____. Section 423.2, subsection 11, paragraph
40 b, Code 2015, is amended by adding the following new
41 subparagraph:

42 NEW SUBPARAGRAPH. (05) Beginning the first day
43 of the calendar quarter beginning on the reinvestment
44 district's commencement date, subject to remittance
45 limitations established by the economic development
46 authority board pursuant to section 15J.4, subsection
47 3, transfer to a district account created in the state
48 reinvestment district fund for each reinvestment
49 district established under chapter 15J, the amount of
50 new state sales tax revenue, determined in section

1 15J.5, subsection 1, paragraph "b", in the district,
2 that remains after the prior transfers required
3 under this paragraph "b". Such transfers shall cease
4 pursuant to section 15J.8.

5 Sec. _____. Section 423.2, subsection 11, paragraph
6 b, subparagraph (6), Code 2015, is amended by striking
7 the subparagraph.

8 Sec. _____. Section 423.2, Code 2015, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 11A. Of the amount of sales tax
11 revenue actually transferred per quarter pursuant to
12 subsection 11, paragraph "b", subparagraphs (05) and
13 (5), the department shall retain an amount equal to
14 the actual cost of administering the transfers under
15 subsection 11, paragraph "b", subparagraphs (05) and
16 (5), or twenty-five thousand dollars, whichever is
17 less. The amount retained by the department pursuant
18 to this subsection shall be divided pro rata each
19 quarter between the amounts that would have been
20 transferred pursuant to subsection 11, paragraph "b",
21 subparagraphs (05) and (5), without the deduction made
22 by operation of this subsection. Revenues retained by
23 the department pursuant to this subsection shall be
24 considered repayment receipts as defined in section
25 8.2.

26 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
27 of this Act, being deemed of immediate importance,
28 takes effect upon enactment.

29 Sec. _____. RETROACTIVE AND OTHER APPLICABILITY.

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

34 2. Except as provided in subsection 3, this
35 division of this Act applies to flood mitigation
36 project plan applications received under chapter
37 418 before, on, or after the effective date of this
38 division of this Act.

39 3. The sections of this division of this Act
40 amending section 423.2, subsection 11, and enacting
41 section 423.2, subsection 11A, apply to transfers of
42 sales tax revenues made on or after July 1, 2015.>

43 3. Title page, by striking lines 1 and 2 and
44 inserting <An Act relating to community development
45 by establishing application rules and limitations for
46 wireless communications facilities and infrastructure
47 and modifying provisions related to reinvestment
48 districts and flood mitigation projects, and including
49 effective date and retroactive and other applicability
50 provisions.>

1 4. By renumbering as necessary.

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