

House File 2110 - Introduced

HOUSE FILE 2110
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A BILL FOR

1 An Act establishing the quad cities regional metropolitan
2 authority and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

QUAD CITIES REGIONAL METROPOLITAN AUTHORITY COMPACT

Section 1. NEW SECTION. 28C.1 Quad cities regional metropolitan authority compact.

The state of Iowa may enter into the quad cities regional metropolitan authority compact with the state of Illinois if the state of Illinois joins the compact, in substantially the following form:

1. *Article 1 — Short title.* This compact may be cited as the "*Quad Cities Regional Metropolitan Authority Compact*".

2. *Article 2 — Authorization.* The states of Illinois and Iowa authorize the creation of the quad cities regional metropolitan authority to include the territories of Scott county in the state of Iowa and Rock Island county in the state of Illinois.

3. *Article 3 — Purposes.* The purposes of the authority are to provide facilities and to foster cooperative efforts, all for the development and public benefit of its territory. This compact shall be liberally interpreted to carry out these purposes.

4. *Article 4 — Creation.* The authority is created when the secretary of state of Iowa certifies to the secretary of state of Illinois and the secretary of state of Illinois certifies to the secretary of state of Iowa that substantially similar legislation is signed into law in both Iowa and Illinois and congress has given its consent.

5. *Article 5 — Board members.* The authority shall be governed by a board of not more than eight members, one-half of whom are residents of Rock Island county, Illinois, and one-half of whom are residents of Scott county, Iowa. The Iowa members shall be chosen in the manner and for the terms fixed by the law of Iowa. The Illinois members shall be chosen in the manner and for the terms fixed by the law of Illinois.

6. *Article 6 — Board officers.* The board shall elect annually from its members a chairperson, a vice chairperson, a

1 secretary, and other officers it determines necessary.

2 7. *Article 7 — Board operations.* The board shall adopt
3 bylaws governing its meetings, fiscal year, election of
4 officers, and other matters of procedure and operation.

5 8. *Article 8 — Board expenses and compensation.*

6 a. Members shall be reimbursed for reasonable expenses
7 incurred while carrying out official duties.

8 b. Members shall be compensated as authorized by
9 substantially identical laws of the states of Illinois and
10 Iowa.

11 9. *Article 9 — Employees.*

12 a. The board may hire an executive director, a treasurer,
13 and other employees it determines necessary and shall fix their
14 qualifications, duties, compensation, and terms of employment.

15 b. The executive director, treasurer, and other employees
16 shall have no pension benefits or rights of collective
17 bargaining other than those authorized by substantially
18 identical laws of the states of Iowa and Illinois.

19 10. *Article 10 — General powers.* The authority has the
20 following general powers:

21 a. To sue and be sued.

22 b. To own, operate, manage, or lease facilities within
23 the territory of the authority. "Facility" means an airport,
24 port, wharf, dock, harbor, bridge, school, tunnel, terminal,
25 industrial park, waste disposal system, mass transit system,
26 parking area, road, recreational area, conservation area, or
27 other project beneficial to the territory of the authority
28 as authorized by substantially identical laws of the states
29 of Iowa and Illinois, together with related or incidental
30 fixtures, equipment, improvements, and real or personal
31 property.

32 c. To fix and collect reasonable fees and charges for the
33 use of its facilities.

34 d. To own or lease interests in real or personal property.

35 e. To accept and receive money, services, property, and

1 other things of value.

2 *f.* To disburse funds for its lawful activities.

3 *g.* To enter into agreements with political subdivisions of
4 the state of Illinois or Iowa or with the United States.

5 *h.* To pledge or mortgage its property.

6 *i.* To perform other functions necessary or incidental to its
7 purposes and powers.

8 *j.* To exercise other powers conferred by substantially
9 identical laws of the states of Iowa and Illinois.

10 *k.* To impose any tax throughout the region, subject to
11 referendum approval by the voters of each county in the region,
12 that may be lawfully imposed in both Iowa and Illinois, and to
13 provide that such referendum language be placed on the ballot
14 in each state; a tax under this paragraph shall be imposed
15 for no longer than ten years unless it is reauthorized by a
16 subsequent referendum in each state. The referendum in each
17 state must include identical language specifying the purposes
18 for which tax proceeds shall be used, and those proceeds may be
19 used only for those purposes and for administrative purposes as
20 provided in subsection 11, paragraph "c".

21 11. *Article 11 — Taxes.*

22 *a.* Except as provided in subsection 10, paragraph "k", the
23 authority shall have no independent power to tax.

24 *b.* A political subdivision of the state of Iowa or Illinois
25 shall not impose taxes to fund the authority or any of the
26 authority's projects except as specifically authorized by
27 substantially identical laws of the states of Illinois and
28 Iowa.

29 *c.* In addition to the uses specified in the referendum
30 authorizing the imposition of a tax, the authority may use up
31 to one percent of the total revenue derived from the tax under
32 subsection 10, paragraph "k", for administrative purposes to
33 successfully carry out its duties.

34 12. *Article 12 — Reports.* The authority shall report
35 annually to the governors and legislatures of the states of

1 Iowa and Illinois concerning its facilities, activities, and
2 finances and may make recommendations for state legislation.

3 13. *Article 13 — Penalties.* The states of Illinois
4 and Iowa may provide by substantially identical laws for
5 the enforcement of the ordinances of the authority and for
6 penalties for the violation of those ordinances.

7 14. *Article 14 — Substantially identical*
8 *laws.* Substantially identical laws of the states of Iowa and
9 Illinois which are in effect before the authority is created
10 shall apply unless the laws are contrary to or inconsistent
11 with the provisions of this compact. A question of whether
12 the laws of the states of Iowa and Illinois are substantially
13 identical may be determined and enforced by a federal district
14 court.

15 15. *Article 15 — Dissolution.* The authority may be
16 dissolved by independent action of a political subdivision of
17 the state of Iowa or the state of Iowa as authorized by law
18 of the state of Iowa or by independent action of a political
19 subdivision of the state of Illinois or the state of Illinois
20 as authorized by law of the state of Illinois.

21 16. *Article 16 — Subject to laws and constitutions.* This
22 compact, the enabling laws of the states of Iowa and Illinois,
23 and the authority are subject to the laws and Constitution of
24 the United States and the constitutions of the states of Iowa
25 and Illinois.

26 17. *Article 17 — Consent of Congress.* The attorneys
27 general of the states of Iowa and Illinois shall jointly seek
28 the consent of the Congress of the United States to enter into
29 or implement this compact.

30 18. *Article 18 — Binding effect.* This compact and
31 substantially identical enabling laws are binding on the states
32 of Illinois and Iowa to the full extent allowed without the
33 consent of Congress. If the consent of Congress is necessary,
34 this compact and substantially identical enabling laws are
35 binding on the states of Iowa and Illinois to the full extent

1 when consent is obtained.

2 19. *Article 19 — Signing.* This compact shall be signed
3 in duplicate by the authorized representatives of the states
4 of Illinois and Iowa. One signed copy shall be filed with the
5 secretary of state of Iowa and the other with the secretary of
6 state of Illinois.

7 DIVISION II

8 QUAD CITIES REGIONAL METROPOLITAN AUTHORITY

9 Sec. 2. NEW SECTION. 28C.2 Citation.

10 This subchapter may be cited as the "*Quad Cities Regional*
11 *Metropolitan Authority Act*".

12 Sec. 3. NEW SECTION. 28C.3 Purposes.

13 1. This subchapter is enabling legislation for the quad
14 cities regional metropolitan authority compact entered into by
15 the states of Illinois and Iowa as provided in section 28C.1.

16 2. The authority shall engage in strategic investments that
17 can best be conducted for an areawide growth plan. The purpose
18 of the plan is to positively impact the greater metropolitan
19 area and improve the quality of life for area residents. The
20 plan may include any of the following:

21 a. Riverfront development, including flood mitigation.

22 b. Regional planning and economic development.

23 c. Transportation and infrastructure, including but not
24 limited to any of the following:

25 (1) Intermodal facilities.

26 (2) Waste disposal systems.

27 (3) Mass transit.

28 (4) Airports.

29 (5) Bridges.

30 (6) River transit and ports.

31 d. Cultural and recreational amenities, including but not
32 limited to any of the following:

33 (1) Parks.

34 (2) Museums.

35 (3) Trails.

- 1 (4) Tourist and destination assets.
- 2 (5) Zoos.
- 3 (6) Centers for performing arts.
- 4 (7) Botanical centers.
- 5 e. Education.
- 6 f. Natural resources.
- 7 g. Related facilities, fixtures, equipment, and property
- 8 necessary, appurtenant, or incidental to the operations
- 9 and services specified in paragraphs "a" through "f". The
- 10 authority shall be supportive of, and refrain from unnecessary
- 11 and unreasonable competition with, private and public sector
- 12 operations when possible.

13 3. The establishment, maintenance, and operation of safe,

14 adequate, and necessary metropolitan facilities, the creation

15 of an authority having powers necessary or desirable for the

16 establishment, maintenance, and operation of the metropolitan

17 facilities beneficial to the territory of the authority,

18 and the powers and corporate purposes and functions of the

19 authority are public and governmental in nature and essential

20 to the public interest in the territory of the authority.

21 Sec. 4. NEW SECTION. 28C.4 Definitions.

22 As used in this chapter, unless the context otherwise

23 requires:

24 1. "Authority" means the quad cities regional metropolitan

25 authority created as provided in this subchapter.

26 2. "Board" means the board of commissioners of the

27 authority.

28 3. "Cost" of any project for a metropolitan facility

29 includes construction contract costs and the costs of

30 engineering, architectural, technical, and legal services,

31 preliminary reports, property valuations, estimates, plans,

32 specifications, notices, acquisition of real and personal

33 property, consequential damages or costs, easements,

34 rights-of-way, supervision, inspection, testing, publications,

35 printing, and provisions for contingencies.

1 4. "*Greater metropolitan area*" means the combined area of
2 Rock Island county, Illinois, and Scott county, Iowa.

3 5. "*Metropolitan area*" means Rock Island county, Illinois,
4 as a separate and distinct area, or Scott county, Iowa, as a
5 separate and distinct area, or each as a part of the greater
6 metropolitan area.

7 6. "*Metropolitan facility*" means a structure or fixture,
8 equipment, or property of any kind or nature related to the
9 scope laid out in section 28C.3, subsection 2, which the
10 authority may construct, acquire, own, lease, or operate,
11 including all related facilities necessary, appurtenant, or
12 incidental to the facilities.

13 7. "*Person*" means an individual, firm, partnership,
14 corporation, company, association, or joint stock association,
15 and includes any trustee, receiver, assignee, or personal
16 representative of any of the entities.

17 Sec. 5. NEW SECTION. 28C.5 Board of commissioners —
18 appointment.

19 1. The authority established under this subchapter shall be
20 governed by a board of commissioners. Iowa members shall be
21 appointed as provided in subsection 2. The appointment of the
22 commissioners shall be made in writing and shall indicate the
23 legal residence of each appointee.

24 2. Four residents of Scott county shall be appointed to
25 the board as provided in this subsection. Two members shall
26 reside in the city of Davenport and shall be appointed by the
27 mayor of the city of Davenport with the advice and consent of
28 the city council of the city of Davenport. One member shall
29 reside in the city of Bettendorf and shall be appointed by the
30 mayor of the city of Bettendorf with the advice and consent of
31 the city council of the city of Bettendorf. One member shall
32 reside in Scott county and shall not reside in the cities of
33 Davenport or Bettendorf and shall be appointed by the county
34 chairperson with the advice and consent of the Scott county
35 board of supervisors.

1 3. The membership of the board shall be gender balanced if
2 possible. The appointing authorities shall strive for gender
3 balance on the board and shall comply with the requirements
4 of section 69.16A or similar laws of the state of Illinois
5 as determined by the appointing authorities. The appointing
6 authorities shall also provide representation for racial groups
7 residing in the metropolitan area based on the ratio of the
8 racial population to the population as a whole.

9 4. All projects approved by the board shall strive for
10 balanced investment in both metropolitan areas.

11 **Sec. 6. NEW SECTION. 28C.6 Commissioners — terms of**
12 **office.**

13 1. All initial appointments of commissioners shall be made
14 within thirty days after the establishment of the authority.
15 The authority is considered established when similar laws
16 are enacted in the state of Iowa and state of Illinois.
17 Each appointment shall be in writing and a certificate of
18 appointment signed by the appointing officer shall be filed and
19 made a matter of record in the office of the county recorder. A
20 commissioner shall be appointed for a term of four years and
21 shall qualify within ten days after appointment by acceptance
22 and the taking of an oath or affirmation to faithfully perform
23 the duties of office. Members initially appointed to the board
24 of commissioners shall serve from date of appointment until
25 June 30 of two or four years after the date of appointment
26 and shall draw lots to determine the terms for which each
27 shall be appointed. Lots shall be drawn so that one or two
28 commissioners from each metropolitan area shall serve in
29 each of two classes. Thereafter, commissioners shall be
30 appointed for four-year terms beginning on July 1 of the year
31 of appointment.

32 2. Within forty-five days after any vacancy occurs on the
33 board by death, resignation, change of residence to outside
34 of the metropolitan area, or for any other cause, a successor
35 shall be appointed in the same manner as the commissioner's

1 predecessor was appointed for the unexpired term of office.
2 Commissioners and board officers of the board shall serve until
3 a successor is appointed and qualifies. A current city or
4 county elected official is ineligible to serve as commissioner.
5 A former city or county elected official is ineligible to serve
6 as a commissioner for two years after leaving elective office.

7 3. An appointed member shall not serve more than eight
8 consecutive years on the board. A member who has served eight
9 years on the board may be reappointed to the board after two
10 years not serving on the board.

11 4. A city council or county board of supervisors may vote
12 to remove an appointed member appointed with the advice and
13 consent of the city council or county board of supervisors
14 for any reason so long as the city council or county board of
15 supervisors votes in favor of removal with a simple majority
16 vote of all eligible members. A vote of no, abstention, or
17 absent members shall be counted as voting against removal.

18 Sec. 7. NEW SECTION. **28C.7 Organization — officers —**
19 **meetings — compensation.**

20 1. The board of commissioners may exercise all of
21 its legislative and executive powers granted under this
22 subchapter. Within thirty days after the appointment of
23 the initial commissioners, the board shall meet and elect a
24 chairperson from among its members for a term of one year.
25 The chairperson's position shall alternate annually between a
26 commissioner from one state to a commissioner from the other
27 state. The board shall also select a vice-chair, secretary,
28 treasurer, and other officers or employees as necessary for
29 the accomplishment of its corporate objectives, none of whom
30 need be a commissioner. The board, at its first meeting, shall
31 define by ordinance the first and subsequent fiscal years of
32 the authority, and shall adopt a corporate seal and bylaws,
33 which shall determine the times for the annual election of
34 officers and for other regular and special meetings of the
35 board. The bylaws shall contain the rules for the transaction

1 of other business of the authority and for amending the bylaws.

2 2. Each commissioner of the authority shall devote the
3 amount of time to the duties of office as the faithful
4 discharge of the duties may require. The board shall reimburse
5 a commissioner for actual and necessary expenses incurred in
6 the performance of official duties as approved by the board.
7 A commissioner shall not receive a salary or per diem for the
8 performance of official duties.

9 3. Each commissioner shall comply with restrictions
10 relating to conflicts of interests or acceptance of gifts
11 as provided in chapter 68B or similar laws of the state of
12 Illinois as determined by the board.

13 4. The commissioners shall conduct the meetings as public
14 meetings with appropriate notice pursuant to chapter 21 or to
15 similar laws of the state of Illinois as determined by the
16 board.

17 5. The board shall keep and maintain its records as public
18 records pursuant to chapter 22 or to similar laws of the state
19 of Illinois as determined by the board.

20 Sec. 8. NEW SECTION. **28C.8 Powers and duties.**

21 1. The authority constitutes a municipal corporation and
22 body politic separate from any other municipality, state,
23 or other public or governmental agency. The authority has
24 the following express powers, subject to any restrictions or
25 limitations contained in this subchapter, and all other powers
26 incidental, necessary, convenient, or desirable to carry out
27 and effectuate the express powers to:

28 a. Sue and be sued.

29 b. Locate, acquire, own, establish, operate, and maintain
30 one or more metropolitan facilities upon any land or body of
31 water within its corporate limits, and to construct, develop,
32 expand, extend, and improve any metropolitan facility.

33 c. Acquire, within the corporate limits of the authority,
34 and in fee simple, rights in and over land or water, and
35 easements upon, over, or across land or water, and leasehold

1 interests in land or water, and tangible and intangible
2 personal property, used or useful for the location,
3 establishment, maintenance, development, expansion, extension,
4 or improvement of one or more metropolitan facilities. The
5 acquisition may be by dedication, purchase, gift, agreement,
6 lease, or by condemnation if within corporate limits of the
7 authority. The authority may acquire land in fee simple
8 subject to a mortgage and as part of the purchase price may
9 assume the payment of the indebtedness secured by the mortgage.
10 Land may be acquired, possessed, and used for its purposes by
11 the authority, under a written contract for a deed conveying
12 merchantable title and providing that the deed shall be placed
13 in escrow and be delivered upon payment of the purchase price
14 and containing other terms as are reasonably incident to the
15 contract. Personal property may be purchased on an installment
16 contract basis or lease-purchase contract.

17 *d.* Operate, maintain, manage, lease with or without
18 a lease-purchase option, sublease, and make and enter
19 into contracts for the use, operation, or management of a
20 metropolitan facility and enact regulations for the operation,
21 management, or use of a metropolitan facility.

22 *e.* Fix, charge, and collect reasonable rentals, tolls, fees,
23 and charges for the use of a metropolitan facility or any part
24 of a metropolitan facility. Rentals, tolls, fees, or charges
25 fixed and collected for the use of a metropolitan facility
26 shall be used for the construction, reconstruction, repair,
27 maintenance, or operation of that metropolitan facility or the
28 construction, reconstruction, repair, maintenance, or operation
29 of similar metropolitan facilities.

30 *f.* Establish and maintain streets and approaches on property
31 of the authority.

32 *g.* Remove and relocate hazards or structures on property of
33 the authority.

34 *h.* Restrict and reduce the height of objects or buildings
35 on property of the authority.

1 *i.* Accept grants, contributions, or loans from, and enter
2 into contracts, leases, or other transactions with, a city,
3 county, state, or federal government.

4 *j.* Employ or enter into contracts for the employment of
5 any person for professional services, necessary or desirable
6 for the accomplishment of the corporate objectives of the
7 authority or the proper administration, management, protection,
8 or control of its property.

9 *k.* Regulate traffic, speed, movement, and mooring of vessels
10 on property of the authority.

11 *l.* Regulate traffic, speed, movement, and parking of motor
12 vehicles upon property of the authority and employ parking
13 meters, signs, and other devices in the regulation of the motor
14 vehicles.

15 *m.* Contract for police and fire protection.

16 *n.* Establish, by ordinance of the board, all regulations for
17 the execution of the powers specified in this subchapter, for
18 the government of the authority, and for the protection of any
19 metropolitan facility within the jurisdiction of the authority,
20 or deemed necessary or desirable to effect its corporate
21 objectives. An ordinance may provide for the revocation,
22 cancellation, or suspension of an existing privilege or
23 franchise as a penalty for a second or subsequent violation
24 by the holder or franchisee of a regulation pertaining to the
25 enjoyment, use, or exercise of the privilege or franchise.
26 The use of a metropolitan facility of the authority shall
27 be subject to the reasonable regulation and control of the
28 authority and upon the reasonable terms and conditions as
29 established by the board.

30 *o.* Establish a general operating fund and other funds as
31 necessary.

32 *p.* Do all acts and things necessary or convenient for
33 the promotion of its business and the general welfare of the
34 authority, in order to carry out the powers granted to it by
35 this subchapter or any other laws.

1 2. The authority has no power to pledge the taxing power
2 of this state or any political subdivision or agency of this
3 state.

4 Sec. 9. NEW SECTION. **28C.9 Rules and ordinances.**

5 Rules adopted pursuant to section 28C.10 shall be contained
6 in an ordinance which shall be placed on file in the office
7 of the authority in typewritten or printed form for public
8 inspection not less than fifteen days before adoption. The
9 ordinance may impose fines as the board deems appropriate of
10 not more than one hundred dollars upon conviction or guilty
11 plea for each violation, and may provide that, in case of
12 continuing violation, each day during which a violation occurs
13 or continues constitutes a separate offense.

14 Sec. 10. NEW SECTION. **28C.10 Procedures.**

15 Actions of the board of a legislative character, including
16 the adoption of rules and referenda, shall be in the form of an
17 ordinance, and after adoption shall be filed with the secretary
18 and shall be made a matter of public record in the office of the
19 authority. Other action of the board shall be by resolution,
20 motion, or in other appropriate form. Executive or ministerial
21 duties may be delegated to one or more commissioners or to an
22 authorized officer, employee, agent, or other representative
23 of the authority. Six commissioners, three members from each
24 state within the greater metropolitan area, constitute a quorum
25 to conduct business, and an affirmative vote of a majority of
26 the commissioners from each metropolitan area is required to
27 adopt or approve an action of the board. The enacting clause
28 of any ordinance shall be substantially as follows:

29 Be it ordained by the Board of Commissioners of the Quad
30 Cities Regional Metropolitan Authority

31 Sec. 11. NEW SECTION. **28C.11 Official records — bond for**
32 **officers and employees.**

33 1. The board shall provide for the safekeeping of its
34 permanent records and for the recording of the corporate action
35 of the authority. The board shall keep a true and accurate

1 account of its receipts and an annual audit shall be made of
2 its books, records, and accounts by state or private auditors.

3 2. All officers and employees authorized to receive or
4 retain the custody of moneys or to sign vouchers, checks,
5 warrants, or evidences of indebtedness binding upon the
6 authority shall furnish surety bond for the faithful
7 performance of their duties and the faithful accounting for
8 all moneys that may come into their custody in an amount to be
9 fixed and in a form to be approved by the board.

10 Sec. 12. NEW SECTION. **28C.12 Change of name.**

11 The board may change the name of the authority by ordinance.
12 A certified copy of the ordinance shall be filed with the
13 appropriate state office and the county recorder or equivalent
14 county officer of each county in which the authority or part of
15 the authority is located. The name change shall be effective
16 on the date of the filing.

17 Sec. 13. NEW SECTION. **28C.13 Budget and appropriation.**

18 1. Annually, the board shall prepare and adopt a budget and
19 provide appropriations as provided in this section.

20 2. The budget shall show the amount required for each class
21 of proposed expenditures, a comparison of the amounts proposed
22 to be expended with the amounts expended for like purposes
23 for the two preceding years, if available, and the sources of
24 revenue.

25 3. Not less than twenty days before the date that a budget
26 must be certified as determined by the board and not less than
27 ten days before the date set for the hearing under subsection
28 4, the board shall file the budget with the treasurer of the
29 authority. The treasurer shall post a copy of the budget in
30 the authority offices for public inspection and comment.

31 4. The board shall set a time and place for a public hearing
32 on the budget before the final certification date and shall
33 publish notice of the hearing not less than ten nor more than
34 twenty days prior to the hearing in one or more newspapers
35 serving the greater metropolitan area. Proof of publication

1 shall be filed with and preserved by the treasurer.

2 5. At the hearing, any resident or taxpayer of the greater
3 metropolitan area may present to the board objections to or
4 arguments in favor of any part of the budget.

5 6. After the hearing, the board shall adopt by resolution a
6 budget and shall direct the treasurer to properly certify and
7 file the budget.

8 7. The board shall appropriate, by resolution, the amounts
9 deemed necessary for the ensuing fiscal year. All revenue from
10 taxes, fees, tolls, rental, charges, bonds, or any other source
11 shall be appropriated and used for the specific metropolitan
12 facility project for which it was collected or similar
13 metropolitan facility projects. Increases or decreases in
14 these appropriations do not require a budget amendment, but may
15 be provided by resolution at a regular meeting of the board.

16 Sec. 14. NEW SECTION. 28C.14 Local occupation and use
17 taxes.

18 1. If the authority secures a majority vote in both
19 jurisdictions, the department of revenue shall impose the tax
20 structure approved in the referendum within the metropolitan
21 area located in Iowa.

22 2. The department of revenue shall, upon collecting taxes
23 as provided in this section, pay such taxes over to the state
24 treasurer as trustee for the authority. Such taxes shall be
25 held in a trust fund outside the state treasury, to be known
26 as the quad cities regional metropolitan authority tax fund.
27 On or before the twenty-fifth day of each calendar month,
28 the department of revenue shall prepare and certify to the
29 director of the department of management the amount to be paid
30 to the authority, which shall be the then balance in the fund,
31 less any amount determined by the department of revenue to be
32 necessary for the payment of refunds. Within ten days after
33 receipt by the director of the department of management of such
34 certification of the amount to be paid to the authority, the
35 director of the department of management shall cause an order

1 to be drawn for such payment for such amount in accordance with
2 the direction in such certification.

3 3. The proceeds of a tax imposed under this section shall
4 be credited to the general operating fund of the authority.
5 When the referendum authorizing the imposition of the tax
6 is adopted and an ordinance or resolution is adopted and a
7 certified copy of the ordinance or resolution is filed with
8 the department of revenue, the department shall proceed to
9 administer and enforce this section as of the first day of the
10 fourth month following the filing of ordinance or resolution
11 with the department of revenue. For any subsequent periods, an
12 ordinance or resolution imposing, suspending, or discontinuing
13 the tax under this section shall be adopted and a certified
14 copy of the ordinance or resolution filed with the department
15 of revenue on or before the first day of October, whereupon the
16 department of revenue shall proceed to administer and enforce
17 this section as of the first day of January next following that
18 adoption and filing.

19 Sec. 15. NEW SECTION. 28C.15 Existing jurisdictions.

20 Existing jurisdictions, including those involving airports,
21 mass transit, river bridges, waste disposal systems, schools,
22 and intermodal water ports within their jurisdictional
23 boundaries, are protected from incorporation by the authority
24 and shall not be incorporated in the authority except by their
25 respective governing bodies. However, an existing jurisdiction
26 may negotiate with the authority to take over its entire
27 powers, incomes, and debts. The authority may assume the
28 powers, income, and debts for any type of facility authorized
29 by this subchapter.

30 Sec. 16. NEW SECTION. 28C.16 Cooperation with other
31 governments.

32 The authority may apply for and receive a grant or loan
33 of moneys or other financial aid from the state or federal
34 government or from any state or federal agency, department,
35 bureau, or board, necessary or useful for the undertaking,

1 performance, or execution of any of its corporate objectives
2 or purposes, and the authority may undertake the acquisition,
3 establishment, construction, development, expansion, extension,
4 or improvement of metropolitan facilities within its corporate
5 limits or within or upon any body of water within the corporate
6 limits aided by, in cooperation with, or as a joint enterprise
7 with the state or federal governments or with the aid of, or
8 in cooperation with, or as a joint project with the state and
9 federal governments. The authority shall assure, in compliance
10 with any state or federal requirements or directives, that the
11 proceeds of a state or federal grant, loan, or other financial
12 assistance for the provision of facilities or services are used
13 for the express purpose of the financial assistance and to the
14 specific benefit of service areas or persons as designated by
15 the local, state, or federal funding provider.

16 Sec. 17. NEW SECTION. **28C.17 Transfer of existing**
17 **facilities.**

18 1. Any county, city, commission, authority, or person
19 may sell, lease, lend, grant, or convey to the authority, a
20 facility or any part of a facility, or any interest in real
21 or personal property which may be used by an authority in the
22 construction, improvement, maintenance, leasing, or operation
23 of any metropolitan facilities. Any county, city, commission,
24 authority, or person may transfer and assign over to the
25 authority a contract which may have been awarded by the county,
26 city, commission, authority, or person for the construction of
27 facilities not begun or, if begun, not completed.

28 2. A proposed action of the board, and a proposed
29 agreement to acquire, shall be approved by the governing
30 body of the owner of the facilities. If the governing body
31 of a county, city, commission, or authority desires to sell,
32 lease, lend, grant, or convey to the authority a facility
33 or any part of a facility, the governing body shall adopt a
34 resolution signifying its intention to do so and shall publish
35 the resolution at least one time in a newspaper of general

1 circulation in the county and in a newspaper or newspapers,
2 if necessary, of general circulation in the area served by
3 the county, city, commission, or authority giving notice of a
4 hearing to be held on the question of the sale, lease, loan,
5 grant, or conveyance. The resolution shall be published at
6 least fourteen days prior to the date of hearing. After
7 the hearing and if in the public interest, the county, city,
8 commission, or authority shall enact an ordinance authorizing
9 the sale, lease, loan, grant, or conveyance.

10 3. An owner transferring an existing facility to the
11 authority under this section shall notify the board of and
12 make provision in the transfer documents for, where necessary,
13 existing rights, liens, securities, and rights of reentry
14 belonging to the state or federal government.

15 4. This section, without reference to any other law, shall
16 be deemed complete authority for the acquisition by agreement,
17 of a facility as provided in subsection 1, and no proceedings
18 or other action shall be required except as prescribed in this
19 subchapter.

20 Sec. 18. NEW SECTION. **28C.18 Moneys of the authority.**

21 Moneys of the authority shall be paid to the treasurer
22 of the authority who shall not commingle the moneys with any
23 other moneys, but shall deposit them in a separate account or
24 accounts. Moneys in the accounts shall be paid out on check
25 of the treasurer on requisition of the chairperson of the
26 authority, or of another person as the authority may authorize
27 to make the requisition. An authority may deposit any of its
28 rates, fees, rentals, or other charges, receipts, or income
29 with any bank or trust company that is federally insured.

30 Sec. 19. NEW SECTION. **28C.19 Award of contracts.**

31 All contracts entered into by an authority for the
32 construction, reconstruction, and improvement of metropolitan
33 facilities shall be entered into pursuant to and shall
34 comply with applicable state laws. However, if an authority
35 determines an emergency exists, it may enter into contracts

1 obligating the authority for not in excess of one hundred
2 thousand dollars per emergency without regard to the
3 requirements of applicable state laws, and the authority may
4 proceed with the necessary action as expeditiously as possible
5 to the extent necessary to resolve the emergency.

6 Sec. 20. NEW SECTION. **28C.20 Exemption from taxation.**

7 Since the authority is performing essential governmental
8 functions, the authority is not required to pay any taxes or
9 assessments of any kind or nature upon any property required
10 or used by it for its purposes, or any rates, fees, rentals,
11 receipts, or incomes at any time received by it, and the
12 bonds issued by an authority, their transfer, and the income,
13 including any profits made on the sale of the bonds, is
14 deductible in determining net income for the purposes of the
15 state individual and corporate income tax under chapter 422,
16 divisions II and III, and shall not be taxed by any political
17 subdivision of this state.

18 Sec. 21. NEW SECTION. **28C.21 Dissolution.**

19 1. The authority shall be dissolved by a unanimous vote of
20 the board.

21 2. The authority shall provide by ordinance for the disposal
22 of any remaining property, the proceeds of which shall first be
23 applied against any outstanding obligation of the authority.
24 The remaining balance shall be divided between the counties
25 included in the authority and credited to the general funds of
26 the respective counties.

27 Sec. 22. NEW SECTION. **28C.22 Supremacy of compact.**

28 The provisions of this subchapter are subject to all of the
29 provisions of the quad cities regional metropolitan authority
30 compact provided for in section 28C.1.

31 DIVISION III

32 CONFORMING CHANGES

33 Sec. 23. Section 28J.15, Code 2020, is amended to read as
34 follows:

35 **28J.15 Limitation on certain powers of political**

1 subdivisions.

2 A political subdivision creating or participating in the
3 creation of a port authority in accordance with [section 28J.2](#)
4 shall not, during the time the port authority is in existence,
5 exercise the rights and powers provided in [chapters 28A,](#)
6 [28C, 28K,](#) and [384](#) relating to the political subdivision's
7 authority over a port, wharf, dock, harbor or other facility
8 substantially similar to that political subdivision's authority
9 under a port authority granted under [this chapter](#).

10

DIVISION IV

11

EFFECTIVE DATE

12 Sec. 24. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14

EXPLANATION

15

The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill establishes the quad cities regional metropolitan
18 authority compact. The bill is organized into divisions.

19

DIVISION I — QUAD CITIES REGIONAL METROPOLITAN AUTHORITY

20

COMPACT. Division I of the bill enacts the quad cities

21

regional metropolitan authority compact. The bill creates the
22 quad cities regional metropolitan authority ("the authority")

23

upon the enactment of the compact in both Illinois and Iowa.

24

The authority consists of Rock Island county, Illinois, and

25

Scott county, Iowa. The compact provides that the authority

26

shall be governed by a board of not more than eight members,

27

with half being residents of Rock Island county and half being

28

residents of Scott county. Members of the board shall be

29

reimbursed for reasonable expenses and shall be compensated as

30

provided in substantially similar laws of Iowa and Illinois.

31

The board shall annually elect officers and may hire employees.

32

The authority has the power to sue and be sued, to own and

33

operate facilities and property within the territory of the

34

authority, to charge fees for the use of authority facilities,

35

to accept and receive property and services, to disburse

1 funds for its lawful activities, to enter into agreements
2 with political entities, to pledge or mortgage its property,
3 to perform other necessary and incidental functions, to
4 exercise other powers conferred by substantially identical
5 laws of Iowa and Illinois, and to impose taxes approved by
6 a referendum of voters in the territory of the authority.
7 Political subdivisions of Iowa and Illinois shall not impose
8 taxes to fund the authority except as provided in substantially
9 identical laws of Iowa and Illinois. Iowa and Illinois may
10 enact substantially identical laws to enforce the ordinances of
11 the authority. The authority may be dissolved by a political
12 subdivision of Illinois or Iowa as provided by law of Illinois
13 or Iowa, respectively. The compact requires the attorneys
14 general of each state to seek the consent of Congress to enter
15 into the compact.

16 DIVISION II — QUAD CITIES REGIONAL METROPOLITAN AUTHORITY.
17 Division II of the bill enacts enabling laws for the
18 functioning of the authority. The purpose of the authority is
19 to engage in strategic investments that can best be conducted
20 for an areawide growth plan.

21 The bill provides that four residents of Scott county
22 shall be appointed to the board of commissioners governing
23 the authority. Two shall reside in Davenport and shall be
24 appointed by the mayor of Davenport with the advice and consent
25 of the city council. One member shall reside in Bettendorf and
26 shall be appointed by the mayor of Bettendorf with the advice
27 and consent of the city council. One member shall reside
28 in Scott county but not in Davenport or Bettendorf and shall
29 be appointed by the county chairperson with the advice and
30 consent of the board of supervisors. The board shall be gender
31 balanced if possible and appointing authorities shall provide
32 for representation of racial minorities. Initial commissioners
33 shall be made within 30 days of establishment of the authority
34 and shall serve for terms of two or four years. Thereafter,
35 all commissioners shall serve terms of four years. Members

1 shall not serve more than eight consecutive years on the board
2 and may serve on the board again after two years off the board.
3 A city council or county board of supervisors may vote to
4 remove a board member appointed with the advice and consent of
5 the city council or county board of supervisors.

6 The board shall annually elect a chairperson, and the
7 position of chairperson shall alternate annually between a
8 resident of Rock Island county and a resident of Scott county.
9 Meetings of the board shall be public meetings and records of
10 the board shall be public records.

11 The bill expands the powers granted to the authority by
12 the compact, including by allowing the authority to contract
13 for police and fire protections, regulate traffic, establish
14 ordinances, and establish a general and other necessary funds.
15 Ordinances imposed by the authority shall not impose fines
16 of more than \$100. Actions of the board of a legislative
17 character shall be in the form of an ordinance, and other
18 actions shall be by resolution, motion, or other appropriate
19 form. An officer or employee of the board authorized to
20 conduct financial business on behalf of the board shall furnish
21 a surety bond. The authority may be dissolved by a unanimous
22 vote of the board, which shall provide for the disposition of
23 any remaining property and obligations of the authority.

24 The board may change the name of the authority by ordinance.
25 The board shall annually prepare and adopt a budget for the
26 authority. Contracts awarded by the authority shall comply
27 with the applicable laws of Illinois and Iowa.

28 The authority may impose a local occupation or use tax if it
29 secures a majority vote in both Rock Island county and Scott
30 county. Such a tax shall be administered by the departments of
31 revenue of both Illinois and Iowa.

32 Jurisdictions within Scott county and Rock Island county
33 are not incorporated into the authority. However, such a
34 jurisdiction may negotiate with the authority to transfer
35 the jurisdiction's powers, income, debts, and facilities

1 to the authority, or to transfer only facilities under the
2 jurisdiction's control to the authority. The authority may
3 apply for and receive grants and loans from other governmental
4 entities. Moneys of the authority shall be kept in a separate
5 fund in any federally insured bank or trust company. Moneys of
6 the authority are exempt from taxation.

7 The provisions of Division II are subordinate to the
8 provision of the quad cities regional metropolitan authority
9 compact.

10 The bill may cause a state agency or political subdivision to
11 offer for sale to the public a service or product that competes
12 with private enterprise.

13 DIVISION III — CONFORMING CHANGES. This division makes a
14 conforming change to Code section 28J.15 regarding the creation
15 of and participation in port authorities.

16 DIVISION IV — EFFECTIVE DATE. The bill becomes effective
17 upon enactment.