

10 tional one twenty-second of such retirement allowance for each addi-
 11 tional year of service not exceeding twenty-two years of service. The
 12 amount of the retirement allowance shall be based on the average
 13 final compensation at the time of termination of employment. The
 14 allowance shall not be available to a member who has chosen to with-
 15 draw his accumulated contributions as provided in section four hun-
 16 dred eleven point six (411.6), subsection ten (10), of the Code."

1 SEC. 3. Section four hundred eleven point six (411.6), subsection
 2 fourteen (14), Code 1971, is amended by adding the following new
 3 paragraph:

4 "e. A retired member who became eligible for benefits under the
 5 provisions of section four hundred eleven point six (411.6), subsec-
 6 tion one (1) but who did not serve twenty-two years and did not
 7 attain the age of fifty-five years prior to his termination of employ-
 8 ment shall not be eligible for the annual readjustment of pensions pro-
 9 vided for by this subsection."

Approved April 21, 1972.

CHAPTER 1103

POLLUTION CONTROL FACILITIES

S. F. 1158

AN ACT relating to certain municipalities' pollution control facilities and sewage construction projects.

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

1 SECTION 1. Section four hundred nineteen point one (419.1), sub-
 2 section two (2), Code 1971, is amended to read as follows:

3 2. "Project" means (a) any land, buildings or improvements,
 4 whether or not in existence at the time of issuance of the bonds issued
 5 under authority of this chapter, which shall be suitable for the use of
 6 any private college or university, whether for the establishment or
 7 maintenance of such college or university, or of any industry or indus-
 8 tries for the manufacturing, processing or assembling of any agricul-
 9 tural or manufactured products, even though such processed products
 10 may require further treatment before delivery to the ultimate con-
 11 sumer, or (b) *pollution control facilities which shall be suitable for*
 12 *use by any industry, commercial enterprise or utility. "Pollution con-*
 13 *trol facilities" means any land, buildings, structures, equipment, pipes,*
 14 *pumps, dams, reservoirs, improvements, or other facilities useful for*
 15 *the purpose of reducing, preventing, or eliminating pollution of the*
 16 *water or air by reason of the operations of any industry, commercial*
 17 *enterprise or utility. "Improve", "improving" and "improvements"*
 18 *shall embrace any real property, personal property or mixed property*
 19 *of any and every kind that can be used or that will be useful in a*
 20 *private college or university enterprise or an industrial enterprise*
 21 *or as pollution control facilities for any industry, commercial enter-*
 22 *prise or utility including, without limiting the generality of the fore-*

23 going, rights of way, roads, streets, sidings, foundations, tanks, struc-
 24 tures, pipes, pipe lines, reservoirs, utilities, materials, equipment,
 25 fixtures, machinery, furniture, furnishings, improvements, instrumen-
 26 talities and other real, personal or mixed property of every kind,
 27 whether above or below ground level.

1 SEC. 2. Section four hundred nineteen point two (419.2), unnum-
 2 bered paragraph one (1) and subsection two (2), Code 1971, are
 3 amended to read as follows:

4 In addition to any other powers which it may now have, in the event
 5 that local capital is not available for the development of industrial
 6 projects, *pollution control projects*, or private college or university
 7 projects, each municipality shall have the following powers:

8 2. To lease to others any or all of its projects for such rentals and
 9 upon such terms and conditions as the governing body may deem
 10 advisable but in no case shall the rentals be less than the average
 11 rental cost ~~per square feet~~ for like or similar facilities within the
 12 competitive commercial area.

1 SEC. 3. Section four hundred nineteen point eight (419.8), Code
 2 1971, is amended to read as follows:

3 **419.8 No payment by municipality.** No municipality shall have the
 4 power to pay out of its general fund or otherwise contribute any part
 5 of the costs of acquiring a project and shall not have the power to use
 6 land already owned by the municipality, or in which the municipality
 7 has an equity, unless specifically acquired for development of a private
 8 college or university or for industrial development *or for pollution*
 9 *control facilities* or unless the land is determined by the municipal
 10 governing body to no longer be necessary for municipal purposes, for
 11 the construction thereon of a project or any part thereof. The entire
 12 cost of acquiring any project must be paid out of the proceeds from
 13 the sale of bonds issued under the authority of this chapter, but this
 14 provision shall not be construed to prevent a municipality from accept-
 15 ing donations of property to be used as a part of any project or money
 16 to be used for defraying any part of the cost of any project.

1 SEC. 4. Section four hundred nineteen point eleven (419.11), Code
 2 1971, is amended to read as follows:

3 **419.11 Tax equivalent to be paid—assessment procedure—appeal.**
 4 Any municipality acquiring, purchasing, constructing, reconstructing,
 5 improving or extending any industrial buildings *or pollution control*
 6 *facilities*, as provided in this chapter, shall annually pay out of the
 7 revenue from such industrial buildings *or pollution control facilities*
 8 to the state of Iowa and to the city, town, school district and any other
 9 political subdivision, authorized to levy taxes, a sum equal to the
 10 amount of tax, determined by applying the millage rate of the taxing
 11 district to the assessed value of the property, which the state, county,
 12 city, town, school district or other political subdivision would receive
 13 if the property were owned by any private person or corporation, any
 14 other statute to the contrary notwithstanding. For purposes of arriv-
 15 ing at such tax equivalent, the property shall be valued and assessed
 16 by the assessor in whose jurisdiction the property is located, in accord-
 17 ance with chapter 441, but the municipality, the lessee on behalf of
 18 the municipality, and such other persons as are authorized by chapter
 19 441 shall be entitled to protest any assessment and take appeals in the

20 same manner as any taxpayer. Such valuations shall be included in
 21 any summation of valuations in the taxing district for all purposes
 22 known to the law. Income from this source shall be considered under
 23 the provisions of section 24.3, subsection 1. If and to the extent the
 24 proceedings under which the bonds authorized to be issued under the
 25 provisions of this chapter so provide, the municipality may agree to
 26 co-operate with the lessee of a project in connection with any admin-
 27 istrative or judicial proceedings for determining the validity or
 28 amount of any such payments and may agree to appoint or designate
 29 and reserve the right in and for such lessee to take all action which
 30 the municipality may lawfully take in respect of such payments and
 31 all matters relating thereto, provided, however, that such lessee shall
 32 bear and pay all costs and expenses of the municipality thereby
 33 incurred at the request of such lessee or by reason of any such action
 34 taken by such lessee in behalf of the municipality. Any lessee of a
 35 project which has paid, as rentals additional to those required to be
 36 paid pursuant to section 419.5, the amounts required by the first sen-
 37 tence of this section to be paid by the municipality shall not be re-
 38 quired to pay any such taxes to the state or to any such county, city,
 39 town, school district or other political subdivision, any other statute
 40 to the contrary notwithstanding. This section shall not be applicable
 41 to any municipality acquiring, purchasing, constructing, reconstruct-
 42 ing, improving, or extending any buildings for the purpose of estab-
 43 lishing, maintaining, or assisting any private college or university.

44 *The payment, collection, and apportionment of the tax equivalent*
 45 *shall be subject to the provisions of chapters four hundred forty-five*
 46 *(445), four hundred forty-six (446), and four hundred forty-seven*
 47 *(447) of the Code.*

1 SEC. 5. Section four hundred fifty-five C point four (455C.4),*
 2 subsection two (2), Code 1971, is amended to read as follows:

3 2. An agreement by the commission to pay to the municipality, dur-
 4 ing the progress of construction or following completion of the con-
 5 struction as may be agreed upon by the parties, an amount equal to
 6 ~~one-half of that portion of the actual cost of the project, or the reason-~~
 7 ~~able cost of the project as determined by the commission, whichever~~
 8 ~~is less, that is not paid by the federal government but not less than~~
 9 ~~twenty-five percent of the cost as determined that portion of the~~
 10 ~~reasonable cost of the project which the state must agree to pay in~~
 11 ~~order to obtain maximum federal pollution abatement assistance.~~

1 SEC. 6. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Globe-
 3 Gazette, a newspaper published in Mason City, Iowa, and in The
 4 Clear Lake Mirror-Reporter, a newspaper published in Clear Lake,
 5 Iowa.

Approved April 22, 1972.

I hereby certify that the foregoing Act, Senate File 1158, was published in the Globe-
 Gazette, Mason City, Iowa, May 2, 1972, and in The Clear Lake Mirror-Reporter, Clear
 Lake, Iowa, May 3, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

*Repealed by 64 GA, ch. 1119, §112.