

CHAPTER 1018

ECONOMIC DEVELOPMENT — MISCELLANEOUS CHANGES

S.F. 2212

AN ACT relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

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

DIVISION I TARGETED JOBS WITHHOLDING ELIGIBILITY

Section 1. Section 403.19A, subsection 1, paragraph a, Code Supplement 2011, is amended to read as follows:

a. “Business” means any an enterprise that is located in this state and that is operated for profit and under a single management. “Business” includes professional services, or industrial enterprise, including and industrial enterprises, including but not limited to medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. “Business” does not include a retail operation, a government entity, or a business which closes or substantially reduces its operation in one area of this state and relocates substantially the same operation to another area of this state.

DIVISION II ACCELERATED CAREER EDUCATION PHYSICAL INFRASTRUCTURE PROJECTS

Sec. 2. Section 260G.6, subsections 1, 3, and 4, Code Supplement 2011, are amended to read as follows:

1. An accelerated career education fund is established in the state treasury ~~under the control of the economic development authority~~ consisting of moneys appropriated to the authority fund for purposes of funding the cost of accelerated career education program capital projects.

3. If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated ~~according to rules adopted by the economic development authority pursuant to chapter 17A~~ equally to each community college.

4. ~~In order to receive moneys pursuant to this section, a program agreement approved by the community college board of directors shall be in place, program capital cost requests shall be approved by the economic development authority created in section 15.105, and employer contributions toward program capital costs shall be certified and agreed to in the agreement. Program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the economic development authority.~~

DIVISION III IOWA INNOVATION COUNCIL

Sec. 3. Section 15.117A, subsection 2, Code Supplement 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A vacancy on the council shall be filled in the same manner as the original selection and shall be for the remainder of the term.

DIVISION IV ENTERPRISE ZONE CERTIFICATION SUNSET

Sec. 4. Section 15E.192, subsection 4, paragraph b, Code Supplement 2011, is amended to read as follows:

b. A county or city may apply to the authority for an area to be certified as an enterprise zone at any time prior to July 1, ~~2012~~ 2014. However, the total amount of land designated as enterprise zones under subsection 1, and any other enterprise zones certified by the authority,

excluding those approved pursuant to subsection 2 and section 15E.194, subsections 3 and 5, shall not exceed in the aggregate one percent of the total county area.

DIVISION V ENVIRONMENTAL RESPONSE PROJECTS

Sec. 5. Section 455I.2, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

“*Environmental response project*” means a plan or work performed for environmental remediation or flood control affecting real property and conducted under or by one of the following:

Sec. 6. Section 455I.11, subsection 3, Code 2011, is amended to read as follows:

3. A person is not responsible for or subject to liability for environmental remediation or flood control solely because it has the right to enforce an environmental covenant.

Sec. 7. RETROACTIVE APPLICABILITY AND COVENANT VALIDITY.

1. This division of this Act applies retroactively to an instrument entered into on or after July 1, 1992, and before the effective date of this division of this Act, if the instrument meets the following requirements:

a. The instrument creates restrictions or obligations with respect to flood control affecting real property that would qualify as activity and use limitations under chapter 455I, as amended in this division of this Act.

b. A grantor or holder or a party to or beneficiary of the instrument, as named in the instrument, files by July 1, 2013, in the office of the recorder of deeds of the county in which the real estate is situated, a statement in writing, duly acknowledged, doing all of the following:

(1) Definitely describing the real estate involved and the originally recorded instrument creating the restrictions or obligations with respect to flood control affecting real property.

(2) Declaring that such instrument is an environmental covenant for purposes of chapter 455I, as amended in this division of this Act.

2. An instrument meeting the requirements of this section of this division of this Act is valid and enforceable under the provisions of chapter 455I, as amended in this division of this Act, and the validity of the environmental covenant established by the instrument is not impaired by section 558.68 or 614.24.

DIVISION VI REGIONAL SPORTS AUTHORITY DISTRICTS

Sec. 8. Section 15E.321, subsection 2, Code Supplement 2011, is amended to read as follows:

2. a. A convention and visitors bureau may apply to the authority for certification of a regional sports authority district which may include more than one city and more than one convention and visitors bureau within the district. The authority shall not certify more than ten such districts.

b. If more than ten applications are received in any certification year, the authority shall certify the districts on a competitive basis. In evaluating the applications for certification, the authority shall consider the economic impact to the state of the activities proposed in the application, the geographic diversity of the districts applying, and any other factors the authority deems relevant.

DIVISION VII CONFIDENTIAL INFORMATION

Sec. 9. Section 15.118, subsection 2, Code Supplement 2011, is amended to read as follows:

2. All information contained in an application for financial assistance submitted to the authority shall remain confidential while the authority is reviewing the application,

processing requests for confidentiality, negotiating with the applicant, and preparing the application for consideration by the director or the board. The authority may release certain information in an application for financial assistance to a third party for technical review. If the authority releases such information to a third party, the authority shall ensure that the third party protects such information from public disclosure. After the authority has considered a request for confidentiality pursuant to subsection 3, any information not deemed confidential shall be made publicly available. Any information deemed confidential by the authority shall also be kept confidential during and following administration of a contract executed pursuant to a successful application. Information deemed confidential may be treated as such for as long as the authority deems necessary to protect an applicant's competitive position, and the confidential treatment of the information shall apply whether the authority is in possession of the information or whether the information has been sent to off-site storage or to the state archivist.

DIVISION VIII
EMPLOYEES ELIGIBLE FOR JOBS TRAINING PROGRAMS

Sec. 10. Section 260E.2, subsection 6, Code 2011, is amended to read as follows:

6. *“Employee”* means the person employed in a new job. *“Employee”* does not include a person not subject to the withholding of Iowa income pursuant to a reciprocal agreement under section 422.8, subsection 5.

Sec. 11. Section 260F.2, subsection 6, Code Supplement 2011, is amended to read as follows:

6. *“Employee”* means a person currently employed by a business who is to be trained. However, *“employee”* does not include a person with executive responsibilities or replacement workers who are hired as a result of a strike, lockout, or other labor dispute in Iowa.

Approved March 22, 2012