

only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section 49.53 and shall conduct the election in the same manner as other special city elections.

Sec. 11. TRANSITION.

1. The members of the city development board serving unexpired terms of office immediately before the effective date of this Act may continue to serve their unexpired terms unless they are otherwise disqualified under this Act. Within thirty days of the effective date of this Act, the governor shall appoint only those additional members needed to comply with section 368.9, subsection 2. Of the board members appointed by the governor pursuant to section 368.9, subsection 2, paragraphs "a" through "e", one shall be appointed to an initial term of two years, two shall be appointed to an initial term of four years, and the remainder to an initial term of six years.

2. Any voluntary application or involuntary city development petition which is pending before the board or a committee of the board on or after April 1, 1991, shall be remanded to the board for action under chapter 368 as amended by this Act. Notice of the remand shall be served upon the council of each city whose boundary adjoins the territory or is within two miles of the territory, the board of supervisors of each county which contains a portion of the territory, and the regional planning authority of the territory involved.

Sec. 12. EFFECTIVE DATES.

1. Except as provided in subsection 2 of this section, this Act, being deemed of immediate importance, takes effect upon enactment.

2. Section 6 of this Act takes effect July 1, 1991, and is applicable to petitions for involuntary annexation filed on or after July 1, 1991.

Approved June 10, 1991

CHAPTER 251

AIR POLLUTION CONTROL

S.F. 324

AN ACT relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties.

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

Section 1. Section 455B.146, Code 1991, is amended to read as follows:

455B.146 **CIVIL ACTION FOR COMPLIANCE — LOCAL PROGRAM ACTIONS.**

If any order, permit, or rule of the department is being violated, the attorney general shall, at the request of the department or the director, institute a civil action in any district court for injunctive relief to prevent any further violation of the order, permit, or rule, or for the assessment of a civil penalty as determined by the court, not to exceed five ten thousand dollars per day for each day such violation continues, or both such injunctive relief and civil penalty. Notwithstanding sections 331.302 and 331.307, a city or county which maintains air pollution control programs authorized by certificate of acceptance under this division may provide civil penalties consistent with the amount established for such penalties under this division.

Approved June 10, 1991