

FEB 17 1977

Place (In Calendar)

Reprinted 3/77

HOUSE FILE 210

By COMMITTEE ON NATURAL
RESOURCES

(Formerly Study Bill 78)

Passed House, Date 3-10-77 (761) Passed Senate, Date _____
Vote: Ayes 52 Nays 36 Vote: Ayes _____ Nays _____
Approved 6/30/77

A BILL FOR

1 An Act to provide for a state land use policy, and to
2 create a department of soil conservation and land
3 use, a state land use policy commission, county land
4 use policy commissions, and to specify the powers
5 and duties of such agencies.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. STATEMENT OF LEGISLATIVE INTENT.

2 It is the intent of the general assembly of the state of Iowa
3 to provide for the orderly use and development of land and
4 related natural resources in Iowa, to preserve private property
5 rights, to preserve the use of prime agricultural land for
6 agricultural production, to preserve natural, cultural and
7 historical areas, to provide for future housing, commercial,
8 industrial and recreational needs and for such other uses
9 as needed, to provide for the coordination of comprehensive
10 plans for land use, and to control urban sprawl, and thereby
11 provide for the protection and preservation of the private
12 and public interest in the land, water, and related resources
13 of this state for the public health, safety and general
14 welfare, and for the benefit of present and future generations.

15 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act
16 unless the context otherwise requires:

17 1. "Department" means the department of soil conservation
18 and land use created by this Act.

19 2. "State commission" means the state land use policy
20 commission.

21 3. "Director" means the director of the department of
22 soil conservation and land use or a designee.

23 4. "State permit area" means any state critical area,
24 mining operation, or large-scale development.

25 5. "State critical area" means an area designated by the
26 state commission, on the basis of criteria adopted by the
27 general assembly, where substantial evidence indicates that
28 uncontrolled or incompatible development could result in
29 damage to the environment, life or property, or an area where
30 the long-term public interest is of more than local
31 significance. Such areas shall include but not necessarily
32 be limited to:

33 a. "Fragile or historic lands" where uncontrolled or
34 incompatible development could result in irreversible damage
35 to important historic, cultural, scientific, or aesthetic

1 values or natural systems which are of more than local
2 significance including shorelands of rivers, lakes, and
3 streams, rare or valuable ecosystems and geological formations,
4 significant wildlife habitats, and unique scenic or historic
5 sites.

6 b. "Natural hazard lands" where uncontrolled or
7 incompatible development could unreasonably endanger life
8 and property including flood plains and areas frequently
9 subject to weather disasters, and areas of unstable geological
10 formations.

11 c. "Renewable resource lands" where uncontrolled or incom-
12 patible development which results in the loss or reduction
13 of continued long-range productivity could endanger future
14 water, food, and fiber requirements of more than local concern
15 including watershed lands, aquifers and aquifer recharge
16 areas, and forest lands.

17 6. "Key facility" means a public facility designated by
18 the state commission, on the basis of criteria adopted by
19 the general assembly, which is expected to result in
20 development and urbanization exceeding local impact, including
21 but not limited to major airports, major highway interchanges
22 including interchanges with frontage roads, access streets
23 and other limited access highways, major recreational land
24 and facilities and major facilities for the development,
25 generation or transmission of energy.

26 7. "Large-scale development" means any private development
27 which is determined by the state commission, on the basis
28 of criteria adopted by the general assembly, to likely generate
29 issues of more than local significance because of its magnitude
30 or because of its location with respect to its surroundings.

31 8. "Local critical area" means any fragile or historic
32 lands or sites, natural hazard lands, or renewable resource
33 lands of local significance, designated by a city or county,
34 where substantial evidence indicates that the uncontrolled
35 or incompatible development could result in damage to the

1 environment, life or property, or the long-term public
2 interest, and which is not designated as a state permit area.

3 9. "County commission" means any county land use policy
4 commission.

5 10. "Special district" means a benefited water district,
6 a rural water district, a benefited fire district, a benefited
7 street lighting district, school district or a sanitary
8 district.

9 11. "Land use" means all activities, occupations, prac-
10 tices, and utilization of space, including ground space,
11 water, subsurface and air space.

12 12. "Land use planning" means the art, science, and pro-
13 cess of arranging ground space, and its accompanying activity
14 patterns, structures, systems and functions so as to adapt
15 it most economically, functionally, and gracefully to the
16 diverse present and anticipated future activities and
17 occupations of civilized man.

18 13. "Land use policy" means a definite course of action
19 selected after evaluation of alternative courses in order
20 to effectuate wise and prudent decisions for the use of land.

21 14. "Land use guideline" means a statement of the criteria,
22 standards, specifications, and procedures to be used in
23 developing land use policy.

24 15. "Land use goal or objective" means a broad statement
25 of ideals, aims, and desired results of land use planning
26 and policy projected as far as possible into the future.

27 16. "Comprehensive plan" means a document or documents
28 in map, text, tabular, chart or similar form which illustrates
29 land use goals or objectives and which is used as a tool in
30 present and future land use decision-making.

31 17. "Urban sprawl" means the irregular and uncontrolled
32 development of urban land uses without regard to land use
33 planning as defined in this section.

34 18. "Aggrieved person" means any person whose property
35 rights are adversely affected or who establishes that a

1 substantial public interest is adversely affected by a policy,
2 guideline, comprehensive plan provision, action, decision,
3 ordinance, or regulation relating to land use.

4 Sec. 3. NEW SECTION. DEPARTMENT CREATED. There is created
5 a department of soil conservation and land use. The department
6 shall be responsible for the administration of programs
7 relating to a state land use policy, the protection of soil
8 and water resources, and the prevention of soil erosion and
9 sedimentation damage as provided by law.

10 Sec. 4. NEW SECTION. STATE COMMISSION.

11 1. There is created within the department a state land
12 use policy commission consisting of thirteen voting members
13 appointed by the governor with the consent of two-thirds of
14 the members of the senate and fourteen ex officio, nonvoting
15 members. No more than eight members shall be of the same
16 political affiliation. The term of each voting member shall
17 be effective on the first day of July of the year of
18 appointment except in the case of a vacancy which shall be
19 filled by appointment of the governor with the consent of
20 two-thirds of the members of the senate for the unexpired
21 term subject to the same qualifications as the original
22 appointment. Voting members shall not be appointed to serve
23 more than two complete terms excluding an unexpired term to
24 which they may be appointed.

25 2. The thirteen voting members of the commission shall
26 be selected and appointed for six-year terms subject to the
27 following qualifications:

28 a. Six members shall be persons engaged in actual farming
29 operations with each being a resident of a different soil
30 conservancy district established in section four hundred
31 sixty-seven D point three (467D.3) of the Code and none being
32 a resident of the same county.

33 b. One member shall be selected from the state at large
34 to be representative of the mining industry.

35 c. One member shall be selected from the state at large

1 to be representative of cities.

2 d. One member shall be a representative of a city with
3 a population of over twenty-five thousand.

4 e. One member shall be a representative of a city with
5 a population of at least ten thousand but not over twenty-
6 five thousand.

7 f. One member shall be a representative of a city with
8 a population of under ten thousand.

9 g. Two members shall represent a broad cross section of
10 the public interest.

11 However, of the members of the initial state commission, the
12 eight members selected and appointed to meet the qualifica-
13 tions of paragraphs a, b, and c of this subsection shall be
14 the members of the state soil conservation committee on the
15 effective date of this Act and such members shall serve the
16 balance of their unexpired terms to which they were appointed
17 as members of such committee. The five members of the initial
18 state commission selected and appointed to meet the
19 qualifications of paragraphs d, e, f, and g of this subsection
20 shall be appointed to staggered terms, one member being
21 appointed to an initial term of six years, two members being
22 appointed to an initial term of four years, and two members
23 being appointed to an initial term of two years. The voting
24 members of the state commission shall not be elected or
25 appointed officers or employees of the federal or state
26 government.

27 3. The fourteen ex officio, nonvoting members of the state
28 commission are the secretary of agriculture, the director
29 of the state agricultural extension service, the director
30 of the state conservation commission, the director of the
31 Iowa natural resources council, the executive director of
32 the department of environmental quality, the director of the
33 office for planning and programming, the state geologist,
34 the director of the Iowa development commission, the director
35 of the department of transportation, the chairman of the city

1 development board, the chairman of the Iowa state commerce
2 commission, the director of the energy policy council, or
3 their respective designees, a member of a county commission
4 appointed by the league of Iowa municipalities, and a member
5 of a county commission appointed by the Iowa state association
6 of counties. The two members appointed by the league of Iowa
7 municipalities and the Iowa state association of counties
8 shall serve terms as determined by their respective appointing
9 authorities.

10 4. The state commission shall organize annually by the
11 election of a chairman and vice chairman from among its voting
12 members. Meetings may be called by the chairman at any time
13 and shall be called by the chairman on the written request
14 of a majority of the voting members. A majority of the voting
15 members shall constitute a quorum and the concurrence of a
16 quorum of the voting members shall be required to determine
17 any matter relating to its official duties.

18 5. Each member of the state commission, not otherwise
19 in the full-time employment of a public agency, is entitled
20 to receive the sum of forty dollars for each day that he is
21 engaged in the discharge of his official duties. Each member
22 is also entitled to receive reimbursement for travel and other
23 necessary expenses incurred in the performance of his official
24 duties.

25 Sec. 5. NEW SECTION. DUTIES OF THE STATE COMMISSION.

26 In addition to other duties provided by law, the state
27 commission shall:

28 1. Identify and evaluate on a continuing basis the land
29 use policy issues in this state.

30 2. Evaluate the impact of current laws, ordinances,
31 policies, regulations and taxes in this state upon land use
32 decisions.

33 3. Prepare and recommend to the general assembly a state
34 land use policy and state land use policy guidelines based
35 on the state land use policy objectives specified in section

1 nine (9) of this Act and on recommendations received from
2 public hearings held by the county commissions as provided
3 in section sixteen (16) of this Act, for the guidance and
4 direction of state agencies, county land use policy
5 commissions, cities, counties, and special districts on matters
6 relating to land use. The policy and guidelines shall be
7 reviewed annually and recommendations for revision or
8 modification shall be transmitted to the general assembly.
9 While formulating the initial state land use policy and
10 preparing state land use policy guidelines or upon
11 recommendation for substantive revision of such policy or
12 a guideline, the state commission shall hold at least ten
13 regional public hearings throughout the state and receive
14 testimony from any interested person relating to a state land
15 use policy or any state land use policy guideline. The state
16 commission shall give public notice of the dates, times, and
17 locations of such public hearings by publication in a newspaper
18 of general circulation within each regional area where the
19 hearing is to be conducted not later than two weeks before
20 the date of hearing. The initial recommendations of the state
21 commission shall be submitted to the general assembly not
22 later than eighteen months after the effective date of this
23 Act.

24 4. Provide for the preparation and revision of a state
25 inventory of land and natural resources.

26 5. Provide for the compilation and revision of data related
27 to population densities, population trends, economic charac-
28 teristics and projections, environmental conditions and trends,
29 and the directions and extent of urban and rural growth.

30 6. Provide for the compilation and revision of statewide
31 projections of the nature, quantity, and compatibility of
32 land needed and suitable for recreation, parks, and open
33 spaces; scientific and educational purposes; protection of
34 areas of critical environmental concern; conservation and
35 preservation of natural resources including any known

1 commercial mineral deposits; agriculture, mineral development,
2 and forestry; industry and commerce, including the exploration,
3 development, production, mining, generation, and transmission
4 of energy; solid waste management and resource recovery;
5 transportation; housing; urban development, including the
6 revitalization of existing communities, the development of
7 new cities, and the economic diversification of existing
8 communities having a narrow economic base; rural development;
9 and state and local governmental services.

10 7. Provide for the periodic monitoring of land use data
11 to determine changes in land usage, the comparison of such
12 changes to state and local land use guidelines, plans,
13 programs, and projections, and the reporting of the findings
14 to the affected local governments, state agencies and the
15 federal government, upon request.

16 8. Provide for the preparation and revision of an inven-
17 tory of state, local government, and private needs and
18 priorities concerning the use of federal lands within the
19 state.

20 9. Provide for the preparation and revision of an inven-
21 tory of public and private institutional and financial
22 resources, including citizen public interest organizations,
23 available for land use planning and implementation within
24 the state and of state and local programs and activities which
25 have a land use impact of more than local concern.

26 10. Provide, where appropriate, technical assistance for,
27 and training programs for state and local governmental person-
28 nel who are concerned with, the development and implementa-
29 tion of state and local land use guidelines and comprehensive
30 plans.

31 11. Consult and cooperate in the establishment of the
32 exchange of land use planning and data information with state
33 agencies, local governments, the federal government, and other
34 states and their political subdivisions. Each state agency
35 and agency of a political subdivision of this state shall

1 cooperate, within time, personnel and budgetary limitations,
2 in providing information, data, surveys and studies as
3 requested by the state commission.

4 12. Provide information and educational programs through
5 existing educational institutions.

6 13. Authorize the application for, receipt, and expendi-
7 ture of any private or public funds for the purpose of carrying
8 out the provisions of this Act. The state commission may
9 apportion such funds to county land use policy commissions
10 for developing and enforcing land use plans as provided in
11 section seventeen (17) of this Act.

12 14. Recommend criteria to the general assembly for the
13 designation of state critical areas. Each administrative
14 order issued by the state commission designating a state
15 critical area shall specify the criteria developed and reasons
16 for the proposed designation, the damages that would result
17 from uncontrolled development within the area, the reasons
18 for the implementation of state regulations for the proposed
19 area, and the state regulations to be applied to the area.
20 The total area of all designated state critical areas shall
21 not exceed five percent of the area of this state.

22 15. Recommend criteria to the general assembly for the
23 designation of key facilities by the state commission.

24 16. Recommend criteria to the general assembly for the
25 designation of large scale developments by the state
26 commission. In developing such criteria, the state commission
27 shall consider the amount of pedestrian or vehicular traffic
28 likely to be generated, the number of persons likely to be
29 present, the potential for creating air, water, or noise
30 pollution, the size of the site to be occupied, the possibility
31 of additional or subsidiary development, and other factors
32 deemed pertinent.

33 17. Recommend criteria to the general assembly for the
34 designation of mining operations as state permit areas by
35 the state commission.

1 18. Recommend, to the general assembly, a definition
2 of confined feedlot operation.

3 19. Establish, by rule, procedures for the review and
4 approval of county land use policy guidelines based on
5 compliance with the state land use policy and the state land
6 use policy guidelines. If the state commission determines
7 that a county guideline does not comply, the state commission
8 shall recommend modifications which will bring the guideline
9 into compliance.

10 20. Establish, by rule, procedures for the review of
11 comprehensive plans of cities, counties, and special dis-
12 tricts which have been approved by the county commission,
13 based on compliance with the state land use policy and state
14 land use policy guidelines. If the state commission determines
15 that a comprehensive plan does not comply, the state commission
16 shall recommend modifications which will bring the
17 comprehensive plan provision into compliance; however, the
18 state commission shall not have the authority to require
19 changes in any county or city comprehensive plan unless the
20 state commission identifies an unresolved conflict in the
21 comprehensive plans of two contiguous counties. If the
22 counties are unable to reconcile their plans, the conflict
23 shall be resolved by the state commission. Upon recommendation
24 for modification, the comprehensive plan shall be returned
25 to such city, county, or special district through the county
26 commission which approved and recommended such plan.

27 21. Establish, by rule, procedures for the review and
28 approval of state agency comprehensive plans and plan modifica-
29 tions which shall include the locations of key facilities,
30 based on compliance with the state land use policy and state
31 land use policy guidelines. If the state commission determines
32 that a comprehensive plan provision does not comply, the
33 commission shall recommend modifications which will bring
34 the comprehensive plan provision into compliance.

35 22. Establish, by rule, for the hearing and determination

1 of a petition by a state agency that a land use action or
2 activity planned or taken by another state agency is in con-
3 flict with the state land use policy, state land use policy
4 guidelines, or a comprehensive plan provision of a state
5 agency. The decision of the state commission shall be final.

6 23. Issue permits for activities and development of state
7 permit areas.

8 24. Prepare model zoning, subdivision or other ordinances
9 and regulations to guide state agencies, cities, counties
10 and special districts in implementing state and county land
11 use policy guidelines.

12 25. Advise, consult and cooperate with state agencies
13 and other public or private agencies in the development of
14 a state land use policy and state land use policy guidelines.

15 26. Make a concise annual report to the governor and the
16 general assembly, which report shall contain information
17 relating to the accomplishments of the state commission and
18 include recommendations for legislative action. The annual
19 report shall conform to the provisions of section seventeen
20 point three (17.3) of the Code.

21 27. Approve a budget for the department relating to its
22 powers and duties under this Act.

23 28. Allocate state appropriated funds to the county land
24 use policy commission.

25 29. Approve all contracts and agreements between the
26 department and other public or private persons or agencies
27 relating to its powers and duties under this Act. The state
28 commission may contract with any public agency for the
29 performance of services or the exchange of employees or ser-
30 vices and may contract for the services of and consultation
31 with professional persons, not otherwise available through
32 federal, state and local governments, as may be necessary
33 to carry out the provisions of this Act.

34 30. Obtain an adequate public employees' fidelity bond
35 to cover those employees of the department accountable for

1 property or funds of this state under this Act.

2 31. Adopt, amend, or repeal internal rules to provide
3 for the effective administration of the department under this
4 Act.

5 Sec. 6. NEW SECTION. TEMPORARY EMERGENCY POWER OF THE
6 STATE COMMISSION. When prior to the effective date for
7 compliance with the provisions of this Act, the state
8 commission determines that there is in progress or proposed,
9 a land use activity which constitutes a danger of irreparable
10 injury, loss, or damage of serious and major proportions to
11 the public health, welfare or safety and is not in compliance
12 with the state land use policy objectives as provided in
13 section nine (9) of this Act, the state commission shall
14 immediately give written notice to the board of supervisors
15 or the city council of each county and city involved, of the
16 pertinent facts and dangers with respect to such activity.
17 If the county board of supervisors or the city council does
18 not remedy the situation within sixty days, the state
19 commission may, upon one-week's written notice to the affected
20 city council or board of supervisors, and the person involved
21 in such land use activity, hold a public hearing on the matter.
22 If, after the hearing, the state commission determines that
23 the activity does constitute a danger, the state commission
24 after approval of the executive council may issue a written
25 cease and desist order to the person in control of the
26 activity. If the activity is continued, the attorney general,
27 at the request of the state commission, shall initiate civil
28 proceedings in the name of the state to enjoin such person
29 from the activity. Any such action shall be given precedence
30 over all other matters pending in the district court. The
31 court may, in this action as a matter of judicial review
32 consistent with chapter seventeen A (17A) of the Code, uphold,
33 modify, or overrule the order of the state commission.

34 Sec. 7. NEW SECTION. DIRECTOR APPOINTED. The state
35 commission shall appoint a director who shall be the chief

1 administrative officer of the department and shall serve at
2 its pleasure.

3 The salary of the director shall be set by the general
4 assembly.

5 Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE DIRECTOR.

6 In addition to other powers and duties provided by law, the
7 director shall:

8 1. Recommend to the state commission the adoption of
9 internal rules and the appointment of technical, professional,
10 secretarial, and clerical staff, subject to the provisions
11 of chapter nineteen A (19A) of the Code, that are necessary
12 for the effective administration of the department under this
13 Act.

14 2. Direct and administer the land use programs and services
15 of the department in compliance with provisions of this Act
16 and the rules adopted by the state commission.

17 3. Establish or reorganize, with the approval of the state
18 commission, the administrative structure of the department.

19 4. Prepare, pursuant to chapter eight (8) of the Code,
20 a budget for the department relating to its duties under this
21 Act.

22 5. Perform other duties assigned by the state commission.

23 The director may appoint a member of his staff to be acting
24 director in his absence. Such acting director shall have
25 the powers delegated to him by the director.

26 The director and other employees of the department shall
27 receive, in addition to salary, their necessary traveling
28 and related expenses when engaged in the performance of
29 official duties.

30 Sec. 9. NEW SECTION. STATE LAND USE POLICY OBJECTIVES.

31 In developing a state land use policy and preparing state
32 land use policy guidelines for adoption by the general
33 assembly, the state commission shall conform its recommended
34 guidelines to the following state land use policy objectives.
35 Where the objectives conflict the state commission shall

1 submit a statement of the reasons for and the merits of the
2 proposed guidelines. The state land use policy objectives
3 include:

4 1. Preservation of agricultural land for food and fiber
5 production.

6 2. Preservation of state or local critical areas.

7 3. Establishment of criteria for the approval of large-
8 scale developments.

9 4. Establishment of criteria for the approval of key
10 facilities and any development adjacent to or near such key
11 facilities.

12 5. Establishment of criteria for the approval of
13 residential, commercial and industry developments.

14 6. Establishment of criteria for the approval of the use
15 of underground resources.

16 7. Provision for the maximum degree of uniformity of
17 county land use policy guidelines with due consideration given
18 to the unique characteristics and problems of the geographical
19 areas of the state and each local government.

20 8. Supervision of and guidance for state agencies relating
21 to the acquisition and use of land.

22 9. Provision for future recreational areas and facil-
23 ities.

24 10. Provision for an orderly and efficient transition
25 from rural to urban land use.

26 11. Provision and encouragement for a safe, convenient
27 and economic transportation system including all modes of
28 transportation and recognition of differences in the social
29 costs in the various modes of transportation.

30 12. Development of a timely, orderly and efficient arrange-
31 ment of public facilities and services to serve as a frame-
32 work for urban and rural development.

33 13. Diversification and improvement of the economy of
34 the state.

35 14. Assurance that the development of properties within

1 the state is commensurate with the character and the physical
2 limitations of the land.

3 15. Provision for a balance of anticipated energy resources
4 and consumption.

5 Sec. 10. NEW SECTION. STATE PLANNING AND SITING PERMITS.

6 After a state permit area has been designated as provided
7 in section five (5) of this Act, a person shall not initiate
8 a proposed project for the development or use of a state
9 permit area without obtaining a planning and siting permit
10 from the department or without approval of the state commission
11 as provided in section eleven (11) of this Act.

12 If a permit is required under this section, any person
13 desiring to initiate a project constituting the development
14 or use of a state permit area shall apply to the department
15 for a planning and siting permit for such project. The
16 application shall include plans for the project and a land
17 use impact statement containing such information as required
18 by rules of the state commission.

19 The department shall transmit copies of the application
20 to affected county land use policy commissions and state
21 agencies for their review and recommendation. Within sixty
22 days after the mailing of the application, the affected county
23 land use policy commissions and state agencies shall submit
24 their recommendations to the state commission.

25 If the state commission finds after review of the
26 application and the recommendations of the affected city,
27 county, special district, county land use policy commission,
28 and state agency that the proposed project complies with its
29 comprehensive plans, and the state land use policy guidelines,
30 it shall approve the application and issue a planning and
31 siting permit for the proposed project. Approval or
32 disapproval of the application shall be made by the state
33 commission within one hundred twenty days following receipt
34 of the application.

35 The state commission may prescribe and include in the

1 planning and siting permit such conditions or restrictions
2 that it considers necessary to assure that the proposed project
3 complies with the state land use policy, state land use policy
4 guidelines, and the comprehensive plans of the city, county
5 or special district. As a condition for the issuance of a
6 planning and siting permit, the state commission may require
7 the submission of a surety bond or a financial statement by
8 the applicant.

9 Sec. 11. NEW SECTION. APPROVAL BY STATE COMMISSION.

10 If a state agency, other than the department, has jurisdiction
11 to regulate the development or use of a state permit area,
12 any person desiring to initiate a project constituting the
13 development or use of a state permit area shall apply to that
14 state agency for an appropriate permit. However, before the
15 permit is issued to the applicant, the state agency shall
16 submit the application with plans for the project and a land
17 use impact statement containing such information as required
18 by rules of the state commission to the department for review
19 and approval. If the state commission finds that the
20 application and plans for the proposed project comply with
21 the state land use policy and state land use policy guidelines,
22 it shall approve the application. If the application is not
23 approved, the state commission shall return the application
24 with the reasons for the disapproval. Approval or disapproval
25 of the application shall be made by the state commission
26 within sixty days of receipt of the application.

27 The state commission may prescribe and attach to an approved
28 application such conditions and restrictions that it considers
29 necessary to assure that the proposed project on or use of
30 a state permit area complies with the state land use policy
31 and state land use policy guidelines.

32 Sec. 12. NEW SECTION. QUESTION ON PERMIT REQUIREMENT.

33 If any person is in doubt whether a proposed project requires
34 a planning and siting permit as required under section ten
35 (10) of this Act or approval of the state commission as

1 provided in section eleven (11) of this Act, he may petition
2 for a declaratory ruling from the state commission on the
3 question. Within sixty days after the date of the receipt
4 of the request, the state commission shall issue a binding
5 declaratory ruling with respect to the proposed project.
6 Requests for declaratory ruling under this section shall be
7 made to the state commission in writing and in such form and
8 containing such information as may be prescribed by rule of
9 the state commission.

10 Sec. 13. NEW SECTION. INJUNCTION. If any person initiates
11 a project for the development or use of a state permit area
12 without obtaining a planning and siting permit or approval
13 of the state commission as provided in sections ten (10) or
14 eleven (11) of this Act, the attorney general, at the request
15 of the state commission, shall initiate civil proceeding in
16 the name of the state to enjoin such person from such
17 development or use.

18 Sec. 14. NEW SECTION. INVESTIGATIONS. If the depart-
19 ment determines the existence of an actual or alleged viola-
20 tion of the provisions of sections ten (10) or eleven (11)
21 of this Act, the director may enter at any reasonable time
22 in and upon any private or public property, except private
23 dwellings, to investigate any such actual or alleged violation.
24 Before carrying out any investigations or exercising any other
25 power authorized under this Act which may require entry in
26 or upon private property, the director shall notify the owner,
27 renter or other person in charge of such property of the
28 director's presence and the purpose for which he is entering
29 in or upon such property.

30 1. If the owner or occupant of any property refuses ad-
31 mittance thereto, or if prior to such refusal the director
32 demonstrates the necessity for a search warrant, the direc-
33 tor may make application under oath or affirmation to the
34 district court of the county in which the property is located
35 for the issuance of a search warrant.

1 2. In the application the director shall state that an
2 inspection of the premises is mandated by the laws of this
3 state or that a search of certain premises, areas, or things
4 designated in the application may result in evidence tending
5 to reveal the existence of violations of public health, safety,
6 or welfare requirements imposed by statutes, rules or ordi-
7 nances adopted pursuant to this Act established by the state
8 or a political subdivision thereof. The application shall
9 describe the area, premises, or thing to be searched, give
10 the date of the last inspection if known, give the date and
11 time of the proposed inspection, declare the need for such
12 inspection, recite that notice of desire to make an inspection
13 has been given to affected persons and that admission was
14 refused if that be the fact, and state that the inspection
15 has no purpose other than to carry out the purpose of this
16 Act or statutes, rules, or ordinances adopted pursuant to
17 this Act for which inspection is to be made.

18 3. If the court is satisfied from the examination of the
19 applicant, and of other witnesses, if any, and of the allega-
20 tions of the application of the existence of the grounds of
21 the application, or that there is probable cause to believe
22 their existence, the court may issue a search warrant.

23 4. In making inspections and searches pursuant to the
24 authority of this Act, the director must execute the warrant,
25 in a reasonable manner within ten days after its date, and
26 subject to any other restrictions imposed by the statute or
27 regulation pursuant to which inspection is made.

28 Sec. 15. NEW SECTION. COUNTY LAND USE POLICY COMMIS-
29 SION. There is established in each county of the state a
30 county land use policy commission. The county commission
31 shall consist of not less than nine nor more than fifteen
32 members, an equal number selected from and appointed by the
33 board of supervisors, the soil conservation district
34 commissioners, and the mayors and councilmen of the county.
35 In counties having more than three members on the board of

1 supervisors, the board of supervisors, the soil district
2 commissioners, and the mayors and councilmen of the county
3 may agree to appoint four or five members respectively to
4 the county commission.

5 Within thirty days after the effective date of this Act,
6 the county auditor shall call a convention of the mayors and
7 councilmen of all cities in the county by giving written
8 notice of the date, time and place of the convention to each
9 mayor and councilman. The convention shall meet at the place,
10 time and date of the notice, organize itself, and select from
11 its membership the number of members of the county commission
12 as determined under this Act. For purposes of selecting its
13 membership, each city shall have one vote. However, in a
14 county where one city has fifty percent or more of the total
15 population of the incorporated areas, that city shall be
16 entitled to at least fifty percent of the persons selected
17 by the convention. Each fourth year thereafter during the
18 month of January or as soon as possible after he becomes aware
19 of a vacancy on the county commission which must be filled
20 by the convention, the county auditor shall call the convention
21 of mayors and councilmen by written notice as provided in
22 this section.

23 The members of the county commission shall be appointed
24 to four-year terms except that of the membership of the initial
25 county commission, one-third of the members shall serve a
26 two-year term, one-third of the members shall serve a three-
27 year term, and one-third of the members shall serve a four-
28 year term. In the case of a nine-member county commission,
29 one member appointed by each appointing authority shall be
30 appointed to an initial term of two years, one member to an
31 initial term of three years, and one member to an initial
32 term of four years. In the case of a twelve-member county
33 commission, one member appointed by each appointing authority
34 shall be appointed to an initial term of two years, one member
35 to an initial term of three years, and two members to an

1 initial term of four years. In the case of a fifteen-member
2 county commission, one member appointed by each appointing
3 authority shall be appointed to an initial term of two years.
4 two members to an initial term of three years, and two members
5 to an initial term of four years. The term of each member
6 shall be effective on the first day of January of the year
7 of appointment except in the case of a vacancy which shall
8 be filled by appointment for the unexpired term subject to
9 the same qualifications as the original appointment. A vacancy
10 shall occur when a member of the county commission dies,
11 resigns or no longer holds the office which qualified that
12 person for appointment to the county commission.

13 All members of the initial county commission shall be
14 appointed and the county commission shall meet and organize
15 by the election of a chairman and vice chairman from among
16 its membership within sixty days after the effective date
17 of this Act. Thereafter, the county commission shall organize
18 annually by election of a chairman and vice chairman from
19 among its membership. Meetings may be called by the chair-
20 man at any time and shall be called within five days by the
21 chairman on the written request of a majority of the mem-
22 bership. A majority of the members of the county commission
23 shall constitute a quorum and the concurrence of a quorum
24 of the county commission shall be required to determine any
25 matter relating to its official duties.

26 Each member of the commission is entitled to receive re-
27 imbursement for travel and other necessary expenses incurred
28 in the performance of his official duties.

29 Sec. 16. NEW SECTION. INITIAL RECOMMENDATIONS TO STATE
30 COMMISSION.

31 1. It is the intent of the general assembly that, under
32 the provisions of subsection two (2) of this section, in-
33 terested citizens of this state be given an opportunity to
34 recommend provisions to be included in the initial state land
35 use policy and state land use policy guidelines.

1 2. Each county commission shall, within one hundred twenty
2 days after the effective date of this Act, conduct a public
3 hearing, receive testimony from any interested person relating
4 to what provisions should be included in the initial
5 recommendations of the state commission for a state land use
6 policy and state land use policy guidelines, and transmit
7 such testimony to the state commission. The county commission
8 shall give public notice of the date, time and location of
9 the public hearing in a newspaper having general circulation
10 within the county not later than two weeks before the date
11 of such hearing.

12 Sec. 17. NEW SECTION. POWERS AND DUTIES OF THE COUNTY
13 COMMISSION.

14 1. The county commission shall inventory and evaluate
15 on a continuing basis the physical, social, and economic re-
16 sources of the county.

17 2. The county commission shall study and evaluate the
18 current comprehensive plans, ordinances, policies and regu-
19 lations of the county, special districts, and the cities
20 within the county relating to land use.

21 3. In compliance with the state land use policy and state
22 land use policy guidelines adopted by the general assembly,
23 and to provide an integrated comprehensive plan for the county,
24 the county commission shall adopt guidelines for the
25 preparation of comprehensive plans for:

26 a. Coordinated systems of solid waste disposal, sewage
27 collection and treatment, and water supply and distribution.

28 b. The siting and development of industrial, commercial,
29 educational, cultural, residential and recreational facili-
30 ties and areas.

31 c. The designation, development, or use of local critical
32 areas.

33 d. A coordinated countywide transportation system which
34 shall include elements of a statewide transportation plan.

35 e. The designation, siting and development of confined

1 feedlot operations which are not designated as state permit
2 areas.

3 4. Before adopting the county land use policy guidelines,
4 the county commission shall conduct at least three public
5 hearings, to be held at different locations in the county,
6 and receive testimony from any interested person relating
7 to any such guideline. The county commission shall annually
8 review the county land use policy guidelines and may revise
9 or modify any guidelines. The county commission shall give
10 public notice of the date, time and location of each public
11 hearing by publication in a newspaper of general circulation
12 within the county not later than two weeks before the date
13 of such hearing. The county land use policy guidelines shall
14 be adopted not later than twelve months after the adoption
15 of the state land use policy and policy guidelines, however,
16 a county land use policy guideline shall not be adopted or
17 become effective until it is approved by the state commission.

18 5. The county commission may employ a director and such
19 other professional, technical, and secretarial personnel
20 deemed necessary.

21 6. The county commission shall annually adopt a budget
22 which shall be funded by the board of supervisors from state
23 funds appropriated for that purpose.

24 7. The county commission shall approve all contracts and
25 agreements between the county commission and other public
26 or private persons or agencies on matters relating to its
27 powers and duties.

28 8. The county commission shall advise, consult, and co-
29 operate with the state land use policy commission, the de-
30 partment, the county, and cities and special districts of
31 the county in carrying out the provisions of this Act.

32 9. Upon the expiration of one year after the state land
33 use policy and state land use policy guidelines are adopted
34 by the general assembly, the county commission shall report
35 to the state commission on the status of the comprehensive

1 plans of the county and each city and special district of
2 the county. Each report shall include:

3 a. Copies of the comprehensive plans reviewed by the
4 county commission and copies of the land use ordinances and
5 regulations applied to the respective jurisdictions.

6 b. For the county and cities and special districts with-
7 in the county without comprehensive plans, a statement and
8 review of the progress made toward the preparation and adop-
9 tion of such plans and compliance with the provisions of this
10 Act.

11 10. The county commission shall review all comprehensive
12 plans, ordinances or regulations for land use, recommended
13 or being prepared by the county, special districts and cities
14 within the county as provided in the Act to assure an
15 integrated comprehensive plan for the county. The county
16 commission shall advise the county, the special districts
17 and the cities whether or not their respective comprehensive
18 plans and ordinances or regulations are in conformity with
19 the county land use policy guidelines. A comprehensive plan
20 or a modification of such plan and any ordinances or
21 regulations relating to land use prepared by a city, county
22 or special district under this Act shall not be adopted or
23 become effective until approved by the county commission as
24 provided in this Act.

25 11. A county commission may apply for, receive, and spend
26 any public or private funds for the purpose of accomplishing
27 its responsibilities for land use under this Act.

28 12. If the county commission determines that an action
29 taken by a county, city or special district affecting land
30 use is in conflict with the county land use policy guide-
31 lines or any comprehensive plan provision, ordinance, or
32 regulation of a county, city, or special district within the
33 county, the county commission may issue an order to require
34 compliance or a conflicting activity to cease. If such
35 conflicting action or activity continues, the county attorney

1 shall petition, at the request of the county commission, the
2 district court of the county for injunctive relief.

3 Sec. 18. NEW SECTION. JURISDICTION OF COUNTY COMMIS-
4 SION--OVERLAPPING BOUNDARIES OF POLITICAL SUBDIVISIONS. A
5 city or special district, the boundaries of which overlap
6 two or more counties, shall be subject to the jurisdiction
7 of the county commission of the county in which the largest
8 portion of the land area of such city or special district
9 is located.

10 Sec. 19. NEW SECTION. COMPREHENSIVE PLANS FOR LAND USE.

11 1. Each city and county shall prepare and the city council
12 or board of supervisors shall adopt a comprehensive plan for
13 land use in accordance with the adopted state land use policy,
14 state land use policy guidelines, county land use policy
15 guidelines and the time schedule as provided in section twenty
16 (20) of this Act. A city, in lieu of preparing and adopting
17 its own comprehensive plan, may agree to be included in the
18 comprehensive plan of the county. A city or a county may
19 contract with a metropolitan or regional planning commission
20 or a council of governments or other public or private agency
21 to prepare a comprehensive plan for land use, which a city
22 or a county may adopt. However, a comprehensive plan shall
23 not be adopted or become effective until it has been approved
24 by the county commission and reviewed by the state commission.

25 2. Each special district shall cooperate in the preparation
26 of a comprehensive plan for land use with the appropriate
27 city or county, and exercise its powers and responsibilities
28 that are authorized by law with respect to programs affecting
29 land use in accordance with the adopted state land use policy,
30 state land use policy guidelines, county land use policy
31 guidelines and the time schedule as provided in section twenty
32 (20) of this Act. However, a comprehensive plan shall not
33 be adopted or become effective until it has been approved
34 by the county commission and reviewed by the state commission.

35 3. Each state agency having jurisdiction or control of

1 land shall prepare a comprehensive plan for land use and
2 exercise its powers and responsibilities that are authorized
3 by law with respect to programs affecting land use in
4 accordance with the adopted state land use policy, state land
5 use policy guidelines, and the time schedule as provided in
6 section twenty (20) of this Act. However, a comprehensive
7 plan shall not be adopted or become effective until it has
8 been approved by the state commission.

9 Sec. 20. NEW SECTION. NONCOMPLIANCE BY PUBLIC AGENCIES.

10 1. If a state agency fails to prepare and adopt a
11 comprehensive plan for land use approved by the state
12 commission and exercise its powers and duties as provided
13 by law to enforce the provisions of such comprehensive plan
14 as provided in this Act within eighteen months after the
15 adoption of the state land use policy and policy guidelines,
16 the state commission shall provide for the preparation and
17 adoption of a comprehensive plan for land use and the
18 enforcement of necessary rules in behalf of such state agency
19 through the department or by contract with another agency
20 of this state. However, the state commission may grant an
21 extension of time for compliance if it finds that satisfactory
22 progress is being made toward compliance.

23 2. If a city or county fails to prepare and adopt a
24 comprehensive plan for land use and exercise its powers and
25 duties as provided by law to enforce the provisions of such
26 comprehensive plan as provided in this Act within eighteen
27 months after the adoption of the state land use policy and
28 policy guidelines, the state commission may provide for the
29 preparation of a comprehensive plan for land use for such
30 city or county, which plan shall be adopted and enforced by
31 such city or county. However, the state commission may grant
32 an extension of time for compliance if it finds that
33 satisfactory progress is being made toward compliance.

34 Sec. 21. NEW SECTION. EMPLOYMENT OF LEGAL COUNSEL. In
35 any legal proceedings taken under this Act, the county

1 commission may employ private legal counsel for such
2 proceedings.

3 Sec. 22. NEW SECTION. PRIOR PLANS, ORDINANCES, AND
4 REGULATIONS. Comprehensive plans and zoning, subdivision
5 and other ordinances and regulations whether adopted prior
6 or subsequent to the effective date of this Act shall remain
7 in effect unless revised under this Act.

8 Sec. 23. NEW SECTION. JOINT EXERCISE OF POWERS AND DUTIES.
9 A state agency, city, county, county commission, or special
10 district may contract with any regional or metropolitan
11 planning commission or any other private or public agency
12 under chapters twenty-eight E (28E) or four hundred seventy-
13 three A (473A) for any planning purposes authorized or required
14 under this Act.

15 Sec. 24. NEW SECTION. APPEAL TO THE STATE COMMISSION.

16 1. As provided in sections twenty-six (26) and twenty-
17 seven (27) of this Act, the state commission shall review
18 upon:

19 a. Petition by a county commission, a comprehensive plan
20 provision or land use action or activity of a state agency
21 that the county commission considers in conflict with the
22 state land use policy or a state land use policy guideline
23 adopted by the general assembly.

24 b. Petition by a city council, board of supervisors, or
25 special district, a comprehensive plan provision or land use
26 action or activity of a state agency or an order of the county
27 commission issued under subsection ten (10) of section
28 seventeen (17) of this Act that the city council, board of
29 supervisors, or special district considers to be in conflict
30 with the state land use policy and state land use policy
31 guidelines adopted by the general assembly.

32 c. Petition by an aggrieved person, a land use action
33 or activity or a comprehensive plan provision of a state
34 agency or an order of the county commission issued under
35 subsection ten (10) of section seventeen (17) of this Act

1 alleged to be in violation of the state land use policy and
2 a state land use policy guideline approved by the general
3 assembly.

4 2. A petition filed with the state commission under
5 subsection one (1) of this section shall be filed not later
6 than sixty days after the date of final adoption or approval
7 of the action or comprehensive plan provision for land use
8 upon which the petition is based.

9 3. An appeal to the state commission stays all proceedings
10 in furtherance of the action appealed from, unless the
11 authority from whom the appeal is taken certifies to the state
12 commission after notice of appeal shall have been filed with
13 such authority that by reason of facts stated in the
14 certificate, a stay would cause imminent peril to life or
15 property. In such case, proceedings shall not be stayed other
16 than by a restraining order which may be issued by the state
17 commission or by a district court on application on notice
18 to the authority from which the appeal is taken and on due
19 cause shown.

20 Sec. 25. NEW SECTION. APPEALS TO COUNTY COMMISSION.

21 1. The county commission shall review upon:

22 a. Petition by a city council, board of supervisors, or
23 special district, a comprehensive plan provision or any zoning,
24 subdivision, or other ordinance, or regulation adopted or
25 land use action taken by a city, county or special district
26 that the city council, board of supervisors, or special
27 district directors consider to be in conflict with the county
28 land use policy guidelines.

29 b. Petition by an aggrieved person, any comprehensive
30 plan provision or zoning, subdivision, or other ordinance
31 or regulation adopted or land use action taken by a city,
32 county or special district that the aggrieved person considers
33 to be in conflict with the county land use policy guidelines.

34 2. A petition filed with the county commission under sub-
35 section one (1) of this section shall be filed not later than

1 sixty days after the date of final adoption or approval of
2 the action, comprehensive plan provision, or zoning,
3 subdivision or other ordinance or regulation upon which the
4 petition is based.

5 3. An appeal to the county commission stays all proceedings
6 in furtherance of the action appealed from, unless the
7 authority from whom the appeal is taken certifies to the
8 county commission after notice of appeal shall have been filed
9 with such authority that by reason of facts stated in the
10 certificate, a stay would cause imminent peril to life or
11 property. In such case, proceedings shall not be stayed other
12 than by a restraining order which may be issued by the county
13 commission or by a district court on application on notice
14 to the authority from which the appeal is taken and on due
15 cause shown.

16 4. All review proceedings conducted by the county commis-
17 sion under this Act shall be based on the administrative
18 record, if any, prepared with respect to the proceedings for
19 the adoption or approval of the comprehensive plan provision,
20 subdivision or other ordinance or regulation, or action that
21 is the subject of the review proceeding and the provisions
22 of sections twenty-six (26), twenty-seven (27) and twenty-
23 eight (28) of this Act shall govern the conduct of all review
24 proceedings before the county commission.

25 5. The county commission may enforce orders issued pursu-
26 ant to a review proceeding under this section in appropriate
27 judicial proceedings brought by the county commission.

28 Sec. 26. NEW SECTION. APPEAL PROCEDURES.

29 1. All review proceedings conducted by the state commission
30 pursuant to section twenty-four (24) of this Act shall be
31 based on the administrative record, if any, prepared with
32 respect to the proceedings for the adoption or approval of
33 the comprehensive plan provision or action that is the sub-
34 ject of the review proceeding.

35 2. The state commission shall adopt, pursuant to chapter

1 seventeen A (17A) of the Code, such rules, procedures and
2 regulations for the conduct of review proceedings held pursuant
3 to section twenty-four (24) of this Act.

4 3. A city, county, state agency, special district or any
5 aggrieved person may intervene in and be made a party to any
6 review proceedings conducted by the state commission with
7 the approval of the state commission, upon the request of
8 the hearings officer appointed to conduct such proceeding
9 or upon the approval by the hearings officer of a request
10 by such agency or person for intervention in the review
11 proceedings.

12 Sec. 27. NEW SECTION. HEARING OFFICER--PROCEDURES.

13 1. In carrying out its duties under section twenty-four
14 (24) of this Act, the chairman of the state commission may
15 assign each petition to be reviewed by the state commission
16 to a hearing officer who shall conduct the review proceeding.

17 2. A hearing officer shall conduct a review proceeding
18 in accordance with the rules, procedures and regulations
19 adopted by the state commission. Upon the conclusion of a
20 hearing, the hearing officer shall make a proposed decision
21 pursuant to chapter seventeen A (17A) of the Code and submit
22 a copy of his recommendation to the state commission and to
23 each party to the proceedings.

24 3. The state commission shall upon appeal by a party or
25 on its own motion, review the proposed decision of the hearing
26 officer and the record of the proceeding and issue its order
27 with respect to the review proceeding within sixty days
28 following the date of the filing of the petition upon which
29 such review proceeding is based. The state commission may
30 adopt, reject or amend the recommendation of the hearing
31 officer in any matter.

32 4. No order of the state commission issued under subsection
33 three (3) of this section is valid unless all members of the
34 state commission have received the recommendation of the
35 hearing officer in the matter and at least a quorum of the

1 members of the state commission concur in its action in the
2 matter.

3 5. The state commission may enforce orders issued under
4 subsection three (3) of this section in appropriate judicial
5 proceedings brought by the attorney general at the request
6 of the state commission.

7 Sec. 28. NEW SECTION. ADDITIONAL INFORMATION.

8 1. If, upon its review of the proposed decision of a
9 hearing officer and the record of the review proceeding
10 prepared following a review proceeding before the state
11 commission, the state commission is unable to reach a decision
12 in the matter without further information or evidence, it
13 may refer the matter back to the hearing officer and request
14 that the additional information or evidence be acquired by
15 him or that he correct any errors or deficiencies found by
16 the state commission to exist in his recommendation or record
17 of the proceeding.

18 2. In case of a referral of a matter back to the hearing
19 officer pursuant to subsection one (1) of this section, the
20 sixty-day period referred to in subsection three (3) of sec-
21 tion twenty-seven (27) of this Act is suspended for an interval
22 not to exceed sixty days.

23 Sec. 29. NEW SECTION. JUDICIAL REVIEW. Judicial review
24 of an order by the state commission may be sought in accordance
25 with the provisions of chapter seventeen A (17A) of the Code
26 and judicial review of an order of a county commission may
27 be sought in the district court of the county.

28 Sec. 30. NEW SECTION. RULES OF THE STATE COMMISSION.

29 All rules adopted by the state commission under the provisions
30 of this Act are subject to chapter seventeen A (17A) of the
31 Code.

32 Sec. 31. NEW SECTION. PRIVATE PROPERTY RIGHTS. Nothing
33 in this Act shall be construed to deprive a person of his
34 property without just compensation and due process of law
35 as guaranteed by the Fifth and Fourteenth Amendments of the

1 Constitution of the United States and the Constitution of
2 the State of Iowa.

3 Sec. 32. Section sixty-eight B point two (68B.2),
4 subsection four (4), Code 1977, is amended to read as follows:

5 4. "Regulatory agency" means department of agriculture,
6 industrial commissioner, bureau of labor, department of job
7 service, department of banking, insurance department of Iowa,
8 state department of health, department of public safety,
9 department of public instruction, state board of regents,
10 department of social services, department of revenue, Iowa
11 state commerce commission, Iowa beer and liquor control
12 department, board of pharmacy examiners, state conservation
13 commission, state department of transportation, Iowa state
14 civil rights commission, department of soil conservation and
15 land use, department of public defense, and Iowa natural
16 resources council.

17 Sec. 33. Section eighty-three A point two (83A.2), subsec-
18 tions eleven (11) and fourteen (14), Code 1977, are amended
19 to read as follows:

20 11. "Department" means the department of soil conservation
21 and land use.

22 14. "~~Administrator~~ Director" means the ~~administrative~~
23 ~~officer~~ director of the department responsible for
24 administration or enforcement of this chapter or his designee.

25 Sec. 34. Section eighty-three A point three (83A.3),
26 unnumbered paragraph one (1), Code 1977, is amended to read
27 as follows:

28 There is ~~hereby~~ established within the department of soil
29 conservation and land use a land rehabilitation advisory board
30 which shall consist of seven members appointed by the governor,
31 as follows:

32 Sec. 35. Section eighty-three A point twenty-six (83A.26),
33 Code 1977, is amended to read as follows:

34 83A.26 INSPECTION OF SITE. The ~~administrator~~ director
35 of the department ~~or-his-designee~~ may enter at all times upon

1 any lands on which any operator is authorized to operate
2 a mine for the purpose of determining whether the operator
3 is or has been complying with the provisions of this chap-
4 ter. The department shall give written notice to any opera-
5 tor who violates any of the provisions of this chapter or
6 any rules adopted by the department pursuant to this chapter.
7 If corrective measures approved by the department are not
8 commenced within ninety days, the violation shall be referred
9 to the committee. The operator shall be notified in writing
10 of the referral. All operators shall co-operate with the
11 department in seeking methods of operation which will cause
12 minimum disruption to the land and property adjoining a mining
13 operation.

14 Sec. 36. Chapter eighty-four (84), Code 1977, is amended
15 by adding the following new section:

16 NEW SECTION. APPROVAL OF PERMIT. After a state permit
17 area has been designated as provided in section five (5) of
18 this Act, a permit shall not be issued under this chapter
19 affecting the use or development of such state permit area
20 without the approval of the state land use policy commission
21 as provided in section eleven (11) of this Act.

22 Sec. 37. Chapter one hundred ten A (110A), Code 1977,
23 is amended by adding the following new section:

24 NEW SECTION. APPROVAL OF LICENSE. After a state permit
25 area has been designated as provided in section five (5) of
26 this Act, a license shall not be issued under this chapter
27 affecting the use or development of such state permit area
28 without the approval of the state land use policy commission
29 as provided in section eleven (11) of this Act.

30 Sec. 38. Chapter one hundred eleven (111), Code 1977,
31 is amended by adding the following new section:

32 NEW SECTION. APPROVAL OF PERMIT. After a state permit
33 area has been designated as provided in section five (5) of
34 this Act, a construction permit or water recreational area
35 permit shall not be issued under this chapter affecting the

1 use or development of such state permit area without the
2 approval of the state land use policy commission as provided
3 in section eleven (11) of this Act.

4 Sec. 39. Chapter one hundred twelve (112), Code 1977,
5 is amended by adding the following new section:

6 NEW SECTION. PERMIT FOR CONSTRUCTION. After a state
7 permit area has been designated as provided in section five
8 (5) of this Act, a dam or spillway shall not be constructed
9 or reconstructed under this chapter affecting such state
10 permit area without obtaining a permit from the state land
11 use policy commission as provided in section ten (10) of this
12 Act.

13 Sec. 40. Chapter three hundred six (306), Code 1977, is
14 amended by adding the following new section:

15 NEW SECTION. PERMIT FOR HIGHWAY CONSTRUCTION. After a
16 state permit area has been designated as provided in section
17 five (5) of this Act, a highway authority shall not establish,
18 construct or reconstruct a highway or road under this chapter
19 affecting such state permit area without obtaining a permit
20 from the state land use policy commission as provided in
21 section ten (10) of this Act.

22 Sec. 41. Chapter three hundred six A (306A), Code 1977,
23 is amended by adding the following new section:

24 NEW SECTION. PERMIT FOR CONSTRUCTION. After a state
25 permit area has been designated as provided in section five
26 (5) of this Act, a highway authority shall not establish,
27 construct or reconstruct a controlled-access highway under
28 this chapter affecting such state permit area without obtaining
29 a permit from the state land use policy commission as provided
30 in section ten (10) of this Act.

31 Sec. 42. Chapter three hundred eight (308), Code 1977,
32 is amended by adding the following new section:

33 NEW SECTION. PERMIT FOR CONSTRUCTION. After a state
34 permit area has been designated as provided in section five
35 (5) of this Act, the state transportation commission shall

1 not establish, construct or reconstruct a highway or road
2 under this chapter affecting such state permit area without
3 obtaining a permit from the state land use policy commission
4 as provided in section ten (10) of this Act.

5 Sec. 43. Section three hundred twenty-nine point three
6 (329.3), Code 1977, is amended to read as follows:

7 329.3 ZONING REGULATIONS--POWERS GRANTED. Every muni-
8 cipality having an airport hazard area within its territorial
9 limits or under its jurisdiction may adopt, administer, and
10 enforce in the manner and upon the conditions prescribed by
11 this chapter, zoning regulations for such airport hazard area,
12 which regulations may divide such area into zones and, within
13 such zones, specify the land uses permitted, and regulate
14 and restrict, for the purpose of preventing airport hazards,
15 the height to which structures and trees may be erected or
16 permitted to grow except that eighteen months after the
17 adoption of the state land use policy and policy guidelines,
18 it shall be mandatory that such zoning ordinances or
19 regulations are adopted and enforced in accordance with a
20 comprehensive plan adopted as provided in this Act, unless
21 a time extension is granted as provided in section twenty
22 (20) of this Act.

23 Sec. 44. Section three hundred fifty-eight A point one
24 (358A.1), Code 1977, is amended to read as follows:

25 358A.1 WHERE APPLICABLE. The provisions of this chap-
26 ter shall be applicable to any county of the state at the
27 option of the board of supervisors of any such county except
28 that effective eighteen months after the adoption of the state
29 land use policy and policy guidelines it shall be mandatory
30 that a comprehensive plan for land use be adopted in accordance
31 with the state land use policy, state land use policy
32 guidelines, and county land use policy guidelines; and that
33 appropriate subdivision, zoning, or other ordinances or
34 regulations are adopted and enforced, unless a time extension
35 is granted as provided in section twenty (20) of this Act.

1 Sec. 45. Section four hundred fourteen point one (414.1),
2 Code 1977, is amended to read as follows:

3 414.1 BUILDING RESTRICTIONS--POWERS GRANTED. For the
4 purpose of promoting the health, safety, morals, or the gen-
5 eral welfare of the community, any city is hereby empowered
6 to regulate and restrict the height, number of stories, and
7 size of buildings and other structures, the percentage of
8 lot that may be occupied, the size of yards, courts, and other
9 open spaces, the density of population, and the location and
10 use of buildings, structures, and land for trade, industry,
11 residence, or other purposes. However, eighteen months after
12 the adoption of the state land use policy and policy guidelines
13 it shall be mandatory that zoning, subdivision, or other
14 ordinances and regulations are adopted and enforced in
15 accordance with a comprehensive plan adopted as provided in
16 this Act, unless a time extension is granted as provided in
17 section twenty (20) of this Act.

18 Sec. 46. Chapter four hundred fifty-five A (455A), Code
19 1977, is amended by adding the following new section:

20 NEW SECTION. APPROVAL OF PERMIT. After a state permit
21 area has been designated as provided in section five (5) of
22 this Act, a permit shall not be issued under this chapter
23 affecting the use of development of such state permit area
24 without the approval of the state land use policy commission
25 as provided in section eleven (11) of this Act.

26 Sec. 47. Section four hundred fifty-five A point nineteen
27 (455A.19), subsection three (3), Code 1977, is amended to
28 read as follows:

29 3. The water commissioner shall cause due notice of the
30 hearing to be published. Said notice shall specify the date,
31 time and place of hearing and shall include a concise statement
32 of the designated beneficial purposes for which diversion
33 is sought, the specific limits as to quantity, time, place,
34 and rate of diversion, storage or withdrawal of waters, the
35 name of the applicant and the description of the land upon

1 which waters are to be diverted, stored or withdrawn. In
2 addition to the foregoing, the water commissioner shall cause
3 a copy of the notice to be sent to the director of the
4 conservation commission, commissioner of public health, the
5 ~~secretary-of-the-soil-conservation-committee~~ director of the
6 department of soil conservation and land use, secretary of
7 agriculture, director of the Iowa geological survey, the
8 director of the Iowa development commission, and to any other
9 person who has filed a written request for a notification
10 of any hearings affecting a designated area, by ordinary
11 mail, prior to the date of last publication.

12 Sec. 48. Section four hundred fifty-five B point four
13 (455B.4), subsection four (4), unnumbered paragraph one (1),
14 Code 1977, is amended to read as follows:

15 The chemical technology commission shall consist of the
16 secretary of agriculture, the commissioner of public health,
17 the director of the Iowa natural resources council, the chair-
18 man of the state ~~soil-conservation-committee~~ land use policy
19 commission, the chief executive of the league of Iowa munici-
20 palities, the state conservation director, and the dean,
21 college of agriculture of Iowa State University of science
22 and technology, or their designees, a representative of a
23 firm in Iowa actively engaged in the manufacture or formulation
24 of agricultural chemicals, and a farmer experienced in the
25 application of agricultural chemicals to be appointed by the
26 governor with the consent of two-thirds of the senate. The
27 members appointed by the governor shall serve four-year terms,
28 except that of the membership of the initial commission, the
29 members appointed by the governor shall be the appointed
30 members of the chemical technology review board abolished
31 by this chapter, whose terms expired on the thirtieth of June,
32 1974. The terms of these two members shall expire on the
33 thirtieth of June, 1974.

34 Sec. 49. Section four hundred fifty-five B point six
35 (455B.6), Code 1977, is amended to read as follows::

1 455B.6 EXECUTIVE COMMITTEE. The executive committee of
2 the department shall consist of the chairmen of the four com-
3 missions within the department. When a member of the executive
4 committee is unable to attend a meeting, the vice chairman
5 of the respective commission shall serve in his or her place.
6 The director of the state conservation commission, the
7 ~~administrative-officer~~ director of the department of soil
8 conservation and land use, the director of the bacteriological
9 laboratory at the state University of Iowa, the secretary
10 of agriculture, the commissioner of public health, and the
11 state geologist, or their designees shall be ex officio,
12 nonvoting members of the executive committee. The executive
13 committee shall organize annually during the month of July
14 and select a chairman and vice chairman. The executive
15 director shall act as the secretary of the executive committee.
16 Meetings shall be called by the chairman or upon written
17 request of any two voting members. A majority of the executive
18 committee shall constitute a quorum and the concurrence of
19 a majority of the executive committee shall be required to
20 determine any matter relating to its duties. The voting
21 members of the executive committee shall be paid a forty-
22 dollar per diem while in session, and shall be reimbursed
23 for their actual and necessary expenses while engaged in the
24 performance of their official duties as members of the
25 executive committee. All per diem and expense moneys paid
26 to members shall be paid from funds appropriated to the
27 commission of which they are members.

28 Sec. 50. Chapter four hundred fifty-five B (455B), Code
29 1977, is amended by adding the following new section:

30 NEW SECTION. APPROVAL OF PERMIT. After a state permit
31 area has been designated as provided in section five (5) of
32 this Act, a permit shall not be issued by a commission or
33 the department under this chapter affecting the use or
34 development of such state permit area without the approval
35 of the state land use policy commission as provided in section

1 eleven (11) of this Act.

2 Sec. 51. Chapter four hundred sixty-seven A (467A), Code
3 1977, is amended by inserting the word "district" before the
4 word "commissioner" wherever such word is found in chapter
5 four hundred sixty-seven A (467A) of the Code.

6 Sec. 52. Chapters four hundred sixty-seven A (467A) and
7 four hundred sixty-seven D (467D), Code 1977, are amended
8 by striking the words "committee" and "state soil conservation
9 committee" and inserting in lieu thereof the words "commission"
10 and "state land use policy commission" respectively wherever
11 such words are found in chapters four hundred sixty-seven
12 A (467A) and four hundred sixty-seven D (467D) of the Code.

13 Sec. 53. Section four hundred sixty-seven A point three
14 (467A.3), subsection three (3), Code 1977, is amended to read
15 as follows:

16 3. "Department" ~~or "department of soil conservation"~~ means
17 ~~the agency created by section 467A-4~~ means the department
18 of soil conservation and land use.

19 Sec. 54. Section four hundred sixty-seven A point three
20 (467A.3), subsection four (4), Code 1977, is amended to read
21 as follows:

22 4. "~~COMMITTEE COMMISSION~~" or "~~STATE SOIL-CONSERVATION~~
23 ~~COMMITTEE LAND USE POLICY COMMISSION~~" means the ~~committee~~
24 commission established by section ~~467A-4~~ four (4) of this
25 Act.

26 Sec. 55. Section four hundred sixty-seven A point three
27 (467A.3), Code 1977, is amended by adding the following new
28 subsection:

29 NEW SUBSECTION. "Director" means the director of the
30 department of soil conservation and land use or his designee.

31 Sec. 56. Section four hundred sixty-seven A point four
32 (467A.4), subsection one (1), Code 1977, is amended by striking
33 the subsection and inserting in lieu thereof the following:

34 1. The department of soil conservation and land use shall
35 serve as the agency of the state to perform the functions

1 conferred on it by this chapter in accordance with the policies
2 of the state land use policy commission. The commission shall
3 adopt a seal which shall be judicially noticed and may perform
4 such acts, hold public hearings and promulgate rules pursuant
5 to chapter seventeen A (17A) of the Code as may be necessary
6 for the execution of its functions under this chapter.

7 Sec. 57. Section four hundred sixty-seven A point four
8 (467A.4), subsection two (2), Code 1977, is amended to read
9 as follows:

10 2. The ~~state-soil-conservation-committee-may-employ-an~~
11 director shall be the chief administrative officer of the
12 department and he may appoint such other agents and employees,
13 permanent and temporary, as ~~it-may-require~~ required, and shall
14 determine their qualifications, duties and compensation.
15 The committee or department may call upon the attorney general
16 of the state for such legal services as either may require.
17 The committee shall have authority to delegate to its chairman,
18 to one or more of its members, or to one or more agents or
19 employees, such powers and duties as it may deem proper.
20 Upon request of the committee, for the purpose of carrying
21 out any of the functions assigned the committee or the
22 department by law, the supervising officer of any state agency,
23 or of any state institution of learning shall, insofar as
24 may be possible under available appropriations, and having
25 due regard to the needs of the agency to which the request
26 is directed, assign or detail to the department members of
27 the staff or personnel of such agency or institution of
28 learning, and make such special reports, surveys, or studies
29 as the committee may request.

30 Sec. 58. Section four hundred sixty-seven A point four
31 (467A.4), Code 1977, is amended by striking subsection three
32 (3).

33 Sec. 59. Section four hundred sixty-seven A point four
34 (467A.4), subsection four (4), unnumbered paragraph one (1),
35 Code 1977, is amended to read as follows:

1 In addition to the duties and powers hereinafter conferred
2 upon the department ~~of soil conservation~~, it shall have the
3 following duties and powers:

4 Sec. 60. Section four hundred sixty-seven A point six
5 (467A.6), unnumbered paragraph four (4), Code 1977, is amended
6 to read as follows:

7 The commissioners may call upon the attorney general of
8 the state for such legal services as they may require. The
9 commissioners may delegate to their chairman, to one or more
10 commissioners or to one or more agents, or employees, such
11 powers and duties as they may deem proper. The commissioners
12 shall furnish to the department ~~of soil conservation~~, upon
13 request, copies of such ordinances, rules, regulations, orders,
14 contracts, forms, and other documents as they shall adopt
15 or employ, and such other information concerning their
16 activities as it may require in the performance of its duties
17 under this chapter.

18 Sec. 61. Section four hundred sixty-seven D point two
19 (467D.2), subsection five (5), Code 1977, is amended to read
20 as follows:

21 5. "Department" or "department of soil conservation and
22 land use" means the agency established by section 467A.4.

23 Sec. 62. Chapter four hundred sixty-nine (469), Code 1977,
24 is amended by adding the following new section:

25 NEW SECTION. APPROVAL OF PERMIT. After a state permit
26 area has been designated as provided in section five (5) of
27 this Act, a permit shall not be issued under this chapter
28 affecting the use or development of a state permit area without
29 the approval of the state land use policy commission as
30 provided in section eleven (11) of this Act.

31 Sec. 63. Chapter four hundred sixty-nine A (469A), Code
32 1977, is amended by adding the following new section:

33 NEW SECTION. APPROVAL OF CERTIFICATE. After a state
34 permit area has been designated as provided in section five
35 (5) of this Act, a certificate of convenience and necessity

1 shall not be issued under this chapter affecting the use or
2 development of a state permit area without approval of the
3 state land use policy commission as provided in section eleven
4 (11) of this Act.

5 Sec. 64. Section four hundred seventy-seven point one
6 (477.1), Code 1977, is amended to read as follows:

7 477.1 RIGHT OF WAY. Any Subject to the provisions of
8 section ten (10) of this Act, any person or firm, and any
9 corporation organized for such purpose, within or without
10 the state, may construct a telegraph or telephone line along
11 the public roads of the state, or across the rivers or over
12 any lands belonging to the state or any private individual,
13 and may erect the necessary fixtures therefor.

14 Sec. 65. Chapter four hundred seventy-eight (478), Code
15 1977, is amended by adding the following new section:

16 NEW SECTION. APPROVAL OF FRANCHISE OR PERMIT. After a
17 state permit area has been designated as provided in section
18 five (5) of this Act, a franchise or permit shall not be
19 issued under this chapter affecting the use or development
20 of a state permit area without the approval of the state land
21 use policy commission as provided in section eleven (11) of
22 this Act.

23 Sec. 66. Chapter four hundred seventy-nine (479), Code
24 1977, is amended by adding the following new section:

25 NEW SECTION. APPROVAL OF PERMIT. After a state permit
26 area has been designated as provided in section five (5) of
27 this Act, a permit shall not be issued under this chapter
28 affecting the use or development of a state permit area without
29 the approval of the state land use policy commission as
30 provided in section eleven (11) of this Act.

31 Sec. 67. Section three hundred sixty-eight point sixteen
32 (368.16), subsection two (2), Code 1977, is amended to read
33 as follows:

34 2. Recommendations of the local or regional planning
35 authority for the area.

EXPLANATION

1
2 This bill provides for the reorganization of the department
3 of soil conservation into the department of soil conservation
4 and land use and grants authority to the department and the
5 state land use policy commission to prepare and supervise
6 the implementation of a state land use policy and state land
7 use policy guidelines. The state land use policy commission
8 consists of the eight appointive members of the state soil
9 conservation committee and five additional members selected
10 and appointed by the governor from the state at large with
11 the approval of two-thirds of the senate, and fourteen ex
12 officio, nonvoting members.

13 The principal duties of the state land use policy commis-
14 sion are to recommend a state land use policy and state land
15 use policy guidelines to be acted upon by the general assembly,
16 to review local comprehensive plans for land use submitted
17 by cities, counties, and special districts, to guide, review
18 and approve comprehensive plans for land use submitted by
19 state agencies, recommend criteria for adoption by the general
20 assembly, for the designation of state permit areas, the use
21 and development of which shall be regulated by a planning
22 and siting permit issued by the department, review and approval
23 of county land use policy guidelines which are to be prepared
24 in compliance with the state guidelines to guide cities,
25 counties and special districts in preparing comprehensive
26 plans, and hear appeals from local governments or persons
27 aggrieved by a comprehensive plan provision, regulation or
28 action of a state agency or county land use policy guide-
29 lines.

30 This bill also creates a county land use policy commis-
31 sion in each county. The county commission shall consist
32 of not less than nine nor more than fifteen members, selected
33 and appointed by and from members of the board of supervisors,
34 a convention of mayors and city councilmen, and the soil con-
35 servation district commission. The principal duties of the

1 county commission are to prepare and adopt county land use
2 policy guidelines in conformity with the state land use policy
3 and state land use policy guidelines, to guide the counties,
4 cities and special districts in preparing comprehensive plans
5 for land use, to review and approve such plans and
6 corresponding ordinances or regulations, and to advise the
7 county, city, and special district concerning compliance with
8 state policy.

9 The authority of cities and counties to prepare compre-
10 hensive plans and enforce ordinances or regulations within
11 their respective jurisdictions remains unchanged from present
12 law except for those areas designated by the state commission
13 as state permit areas and eighteen months after the adoption
14 of the state land use policy the adoption and enforcement
15 of comprehensive plans is mandatory in compliance with the
16 state land use policy, state land use policy guidelines and
17 county land use policy guidelines.

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H-3172

1 Amend House File 210 as follows:

2 1. Page 11, by striking lines 23 and 24 and in-
3 sserting in lieu thereof the following:

4 "28. Allocate state appropriated funds to the
5 county boards of supervisors each fiscal year for the
6 following purposes:

7 a. To fund the budgets of the county land use
8 commissions as set out in Section seventeen (17) of
9 this Act.

10 b. In each county having a zoning commission
11 established under Chapter three hundred fifty-eight A
12 (358A) of the Code, an amount not less than one dol-
13 lar per capita to be used for the enforcement of the
14 zoning and land use ordinances and regulations. The
15 board of supervisors shall allocate a proportionate
16 share to any city or special district within the
17 county which administers and enforces the zoning and
18 land use ordinances promulgated under this Act or
19 Chapter four hundred and fourteen (414), Code 1977."

H-3172 FILED - *Law 31* BY WELDEN of Hardin
MARCH 7, 1977 *1977* MILLEN of Van Buren

H-3158

1 Amend House File 210 as follows:

2 1. Page 3, by striking from lines 7 and 8
3 the words "or a sanitary district" and inserting
4 in lieu thereof the following: ", sanitary district,
5 or any organization formed under chapter twenty-
6 eight E (28E), and chapter four hundred seventy-
7 three A (473A) of the Code".

H-3158 FILED - *Law 31* BY KOOGLER of Mahaska
MARCH 7, 1977 *3/10/77*
Accepted 3/10/77

H-3142

1 Amend House File 210 as follows:

2 1. Page 15, by inserting after line 4 the
3 following:

4 "Sec. ____ . NEW SECTION. A special district for
5 sewer, water or lights or for nonfarm drainage or
6 a city for the same purposes shall not impose benefit
7 assessments or special ad valorem levies on land used
8 for primarily agricultural production on the basis
9 of frontage, acreage, or value, except a lot not
10 exceeding one-half acre surrounding any dwelling or
11 nonfarm structure located on that land, unless the
12 benefit assessments or special ad valorem levies were
13 imposed prior to the effective date of this Act."

14 2. Renumber the sections and correct internal
15 references to conform with this amendment.

H-3142 FILED *Public german* BY HALVORSON of Clayton
MARCH 4, 1977 *and Accepted*
in committee by 3-3-77
3/10/77 "52"

H-3238

1 Amend amendment H-3142 to page 15 of House
2 File 210 as follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. _____. No controlled access facilities or
6 systems of highways may be constructed, in areas
7 of the state where secondary roads are laid out
8 in a grid system which is oriented on cardinal
9 points if such facilities or highways extend in
10 a diagonal direction for a distance of more than
11 five miles at an angle which is forty-five degrees
12 or less with reference to the direction of those
13 secondary roads of the area which extend in the
14 same direction as the overall general direction of
15 the highway, without the approval of the state
16 commission. The approval of the state commission
17 shall not be required for any highway for which
18 the route has been approved by the Department of
19 Transportation and which route has been finalized
20 by the effective date of this Act.

H-3238 FILED - *As filed* BY BRANDT of Black Hawk
MARCH 10, 1977 *Revised to*

file 3236 Rebuilt out of order 3/10 (762)

H-3239 Amend House Amendment H-3142 to page 15 of
1 House File 210 as follows:

2 1. Page 1, line 13, by inserting after the
3 word "Act." the following:

4 "If the land used primarily for agricultural
5 production is changed to a non-agricultural use,
6 any benefit assessment or special ad valorem levy
7 which was not imposed because of the provisions
8 of this section or section three hundred eighty-
9 four point sixty-three (384.63) of the Code
10 shall be imposed and the undepreciated amount
11 shall become payable.
12

H-3239 FILED - *After* BY JUNKER of Woodbury

MARCH 10, 1977 *consideration*
of 3142 Rebuilt out of order 3/10 (762)

H-3236

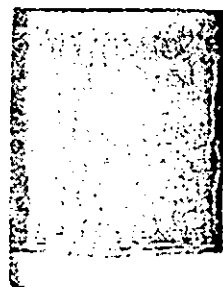
1 Amend amendment H-3142 to page 15 of
2 House File 210 as follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "NEW SECTION. It is declared to be the policy
6 of the state of Iowa that relocation of primary
7 highways through cultivated land should be avoided
8 to the maximum extent possible. Whenever the volume
9 of traffic for which the road is designed or
10 other conditions require such relocation diagonal
11 routes should be avoided wherever possible."

H-3236 FILED AND WITHDRAWN BY BRANDT of Black Hawk

MARCH 10, 1977 (*p. 152*)



H-3232

1 - Amend House Amendment H-3142 to page 15 of
2 House File 210 as follows:
3 1. Page 1, line 13, by inserting after the word
4 "Act." the following: "If within ten years of the
5 original assessment or levy the land used primarily
6 for agricultural production is changed to a nonagri-
7 cultural use, any benefit assessment or special ad-
8 valorem levy which was not imposed because of the
9 provisions of this section shall be imposed and the
10 full amount shall become payable in the same manner
11 as the levy or assessment would have become payable
12 if it had been imposed."

H-3232 FILED - *Adopted 3/10* BY HALVORSON of Clayton
MARCH 10, 1977 (*750*)

H-3233

1 Amend House Amendment H-3204 to page 19 of
2 House File 210 as follows:
3 1. Page 1, line 3, by inserting after the word
4 "if" the words "a county's population exceeds fifty
5 thousand and".
6 2. Page 1, by striking lines 7 through 12 and
7 inserting in lieu thereof the following:
8 "commission shall consist of three members
9 engaged in actual farming operations appointed by
10 the county board of supervisors, three members
11 appointed by and from the soil conservation district
12 commissioners, three members appointed by and from
13 the mayor and councilmen of that city, and three
14 members appointed by and from the mayors and council-
15 men of cities other than that city."

H-3233 FILED - *Adopted 3/10* BY LIPSKY of Linn
MARCH 10, 1977 (*750*) SCHNEKLOTH of Scott
MIDDLESWART of Warren
PELTON of Clinton
BINA of Scott

H-3234

1 Amend amendment H-3142 to page 15 of House
2 File 210 as follows:
3 1. Page 1, by inserting after line 13 the
4 following:
5 "Sec. _____. No controlled access facilities
6 or systems of highways may be constructed in
7 areas of the state where secondary roads are
8 laid out in a grid system which is oriented on
9 cardinal points if such facilities or highways
10 extend in a diagonal direction for a distance
11 of more than five miles at an angle which is
12 forty-five degrees or less with reference to
13 the direction of those secondary roads of the
14 area which extend in the same direction as the
15 overall general direction of the highway with-
16 out the approval of the state commission."

H-3234 FILED - *Filed now* BY WYCKOFF of Benton
MARCH 10, 1977 *german*
added to appendix
rule book 3/10 (750)

H-3227

- 1 Amend House Amendment H-3216 amending page 22
 2 of House File 210 as follows:
 3 1. Page 1, by inserting after line 1 the follow-
 4 ing:
 5 "_____. Page 10, lines 3 and 4, by striking the
 6 words "and approval".
 7 _____ Page 10, lines 27 and 28, by striking the
 8 words "and approval"."

H-3227 FILED - *Adopted 3/10* BY HOWELL of Floyd
 MARCH 9, 1977 (757)

HOUSE FILE 210

H-3228

- 1 Amend H-3163 to House File 210 as follows:
 2 1. Page 2, line 8 by striking the words
 3 "two-year terms" and inserting in lieu thereof
 4 the words "a two-year term".

H-3228 FILED - *Adopted 3/10* BY WELDEN of Hardin
 MARCH 9, 1977 (732)

HOUSE FILE 210

H-3230

- 1 Amend amendment H-3158, to page 3 of House
 2 File 210, as follows:
 3 1. Page 1, by striking lines 5 through 7
 4 and inserting in lieu thereof the following:
 5 "or a solid waste disposal project established
 6 pursuant to part 1, division IV of chapter four
 7 hundred fifty-five B (455B) of the Code."

H-3230 FILED - *Adopted 3/10* BY KOOGLER of Mahaska
 MARCH 9, 1977 (747)

HOUSE FILE 210

H-3229

- 1 Amend amendment H-3163 to House File 210 as
 2 follows:
 3 "Page 2, line 42, by inserting after the word
 4 "commission," the words "the director of the
 5 department of soil conservation,".

H-3229 FILED - *Adopted 3/10* BY PELLETT of Cass
 MARCH 9, 1977 (730)

H-3213

1 Amend House File 210 as follows:

- 2 1. Page 4, line 28, by striking the word "Six"
3 and inserting in lieu thereof the word "Four".
4 2. Page 4, line 35, by striking the words "One
5 member" and inserting in lieu thereof the words "Two
6 members".
7 3. Page 5, by striking line 7 and inserting in
8 lieu thereof the following:
9 "f. Two members shall be representatives of cities
10 with".

H-3213 FILED - *Linn 3/10* BY HORN of Linn
MARCH 8, 1977 (744)

H-3216

1 Amend House File 210 as follows:

- 2 1. Page 22, line 17, by striking the word "approved"
3 and inserting in lieu thereof the word "reviewed".
4 2. Page 25, line 8, by striking the word "approved"
5 and inserting in lieu thereof the word "reviewed".

H-3216 FILED - *Willbourn 3/10* BY HOWELL of Floyd
MARCH 8, 1977 (757)

H-3226

1 Amend House Amendment H-3213, to House File 210,
2 found on page 4, as follows:

- 3 1. Page 1, by inserting after line 10 the follow-
4 ing:
5 "4. Page 5, by striking lines 11 through 23 and
6 inserting in lieu thereof the following: "However,
7 of the initial voting members of the state commission
8 the five members appointed to meet the qualifications
9 of paragraphs a and b of this subsection and one of
10 the members appointed to meet the qualifications of
11 paragraph c of this subsection shall be members of
12 the state soil conservation committee on the effective
13 date of this Act and those members shall serve the
14 balance of their unexpired terms to which they were
15 appointed as members of the committee. The terms
16 of the remaining members of the state soil conservation
17 committee shall expire upon the effective date of
18 this Act. Of the other seven initial voting members
19 of the state commission, two shall be appointed to
20 initial terms of six years, two shall be appointed
21 to initial terms of four years, and three shall be
22 appointed to initial terms of two years. The voting"."

H-3226 FILED - *Adopted 3/10* BY HORN of Linn
MARCH 9, 1977 (745)

H-3207

Amend H-3163 to House File 210 as follows:

1. Page 1, by inserting after line 44 the following:

3 "7. "Key facility" means a public facility
4 designated by the state commission, on the basis of
5 criteria adopted by the general assembly, which is
6 expected to result in development exceeding local
7 impact, including but not limited to major airports,
8 major highway interchanges including interchanges
9 with frontage roads, access streets and other limited
10 access highways, major recreational land and
11 facilities and major facilities for the development,
12 generation or transmission of energy.

13 8. "Large-scale development" means any private
14 development which is determined by the state
15 commission, on the basis of criteria adopted by the
16 general assembly, to likely generate issues of more
17 than local significance because of its magnitude or
18 because of its location with respect to its
19 surroundings including, but not limited to, privately-
20 owned power generating plants, transmission lines,
21 pipelines, and dock facilities.

22 9. "State critical area" means an area designated
23 by the general assembly where substantial evidence
24 indicates that uncontrolled or incompatible
25 development could result in damage to the environment,
26 life or property, or an area where the long-term
27 public interest is of more than local significance.
28 Such areas shall include but not necessarily be
29 limited to:

30 a. "Fragile or historic lands" where substantial
31 evidence indicates that uncontrolled or incompatible
32 development will result in irreversible damage to
33 important historic, cultural, scientific, or aesthetic
34 values or natural systems which are of more than
35 local significance including shorelands of rivers,
36 lakes, and streams, rare or valuable ecosystems and
37 geological formations, significant wildlife habitats,
38 and unique scenic or historic sites.

39 b. "Natural hazard lands" where substantial
40 evidence indicates that uncontrolled or incompatible
41 development will unreasonably endanger life and
42 property including flood plains and areas frequently
43 subject to weather disasters, and areas of unstable
44 geological formations.

45 c. "Renewable resource lands" where substantial
46 evidence indicates that uncontrolled or incompatible
47 development which results in the loss or reduction
48 of continued long-range productivity will endanger
49 future water, food, and fiber requirements of more
50 than local concern including watershed lands, aquifers

H-3207

Page 2

1 and aquifer recharge areas, and forest lands."

H-3207 FILED - Adopted 3/10 (p. 131)

MARCH 3, 1977

HOUSE FILE 210

H-3203

1 Amend House File 210 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "sprawl" the words "and to preserve and renew the
4 urban core".

5 2. Page 3, by inserting after line 33 the
6 following:

7 "_____. "Urban core" means the central portion of
8 a city containing the traditional commercial and
9 business services of that city."

10 3. Page 14, by inserting after line 25 the
11 following:

12 "_____. Provision for encouraging development in
13 urban areas for the preservation, renovation, and
14 more effective vertical use of the urban core as an
15 alternative to urban sprawl."

16 4. By renumbering the subsections to confirm with
17 this amendment.

H-3203 FILED - *Adopted 2/10* BY LIPSKY of Linn
MARCH 8, 1977 (*p. 740*) BINA of Scott

HOUSE FILE 210

H-3204

1 Amend House File 210 as follows:

2 1. Page 19, line 4, by inserting after the word
3 "commission" the words "; however, if a city con-
4 tains more than one-half of the total population of
5 a county, that city shall not participate in the
6 convention of mayors and councilmen and the county
7 commission shall consist of the nine members appointed
8 by and from the board of supervisors, the soil
9 conservation district commissioners, and the mayors
10 and councilmen of the cities other than that city
11 and three members appointed by and from the mayor
12 and councilmen of that city".

13 2. Page 19, line 13, by inserting after the word
14 "each" the word "participating".

15 3. Page 19, line 15, by inserting after the word
16 "areas" the words "participating in the convention".

H-3204 FILED - *Adopted* BY LIPSKY of Linn
MARCH 8, 1977 *amendment* TAURKE of Dubuque
By 2233 2/10 (756) WULFF of Blackhawk
RINAS of Linn
BINA of Scott
WELLS of Linn
CONNORS of Polk
THOMPSON of Polk

HOUSE FILE 210

H-3200

- 1 Amend House File 210 as follows:
- 2 1. Page 22, line 17, by striking the word
 - 3 "approved" and inserting the word "reviewed".
 - 4 2. Page 24, lines 13 and 14, by striking the
 - 5 words "the adopted state land use policy,
 - 6 state land use policy guidelines,".

H-3200 FILED *Withdrawn* BY BENNETT of Ida
 MARCH 8, 1977 *3/10 (757)*

HOUSE FILE 210

H-3202

- 1 Amend House File 210 as follows:
- 2 1. Page 1, by inserting after line 14 the following:
 - 3 "NEW SECTION. STATEMENT OF LEGISLATIVE POLICY. 4
 - 4 Land use decisions should rest primarily at the
 - 5 local government level. It is the intent of the
 - 6 general assembly that a state land use policy provide
 - 7 maximum emphasis on the local development of land
 - 8 use goals and objectives, local development of
 - 9 comprehensive land use plans, and local regulation
 - 10 and enforcement of land use decisions. It is
 - 11 further the policy of the general assembly that the
 - 12 State Land Use Commission provide maximum emphasis
 - 13 on developing a statewide land inventory and compiling
 - 14 land use data and projections to aid local governments
 - 15 in land use decisions."
 - 16 2. Page 10, line 3 by striking the word "and". 5
 - 17 3. Page 10, line 4 by striking the word "approval".
 - 18 4. Page 22, line 17 by striking the word "approved"
 - 19 and inserting in lieu thereof the word "reviewed".

H-3202 FILED BY HARVEY of Scott
 MARCH 8, 1977 HINKHOUSE of Cedar
A - Reported 3/10 (741) SCHNEKLOTH of Scott
B - Lost 3/10 (742) BAKER of Buena Vista
 WOODS of Polk
~~BYERLY of Polk~~ *3/10*
 TAUKE of Dubuque
 MILLER of Buchanan
 SHIMANEK of Jones

HOUSE FILE 210

H-3206

- 1 Amend House File 210 as follows:
- 2 1. By striking page 4, line 35 through page 5,
 - 3 line 1, and inserting in lieu thereof the following:
 - 4 "c. One member shall be a representative of a
 - 5 city with a population of over sixty thousand."

H-3206 FILED - *Adopted* 3/10 BY LIPSKY of Linn
 MARCH 8, 1977 *(747)* BINA of Scott
 THOMPSON of Polk

1 Amend House File 210 as follows:

2 1. Page 3, lines 3 and 4, by striking the words
3 "any county land use policy commission" and inserting
4 in lieu thereof the words "the soil district commis-
5 sioners for the county".

6 2. Page 7, line 4, by striking the words "land
7 use policy".

8 3. Page 9, line 9, by striking the words "land
9 use policy".

10 4. Page 11, lines 23 and 24, by striking the words
11 "land use policy".

12 5. Page 15, line 20, by striking the words "land
13 use policy".

14 6. Page 15, line 23, by striking the words "land
15 use policy".

16 7. Page 15, line 27, by striking the words "land
17 use policy".

18 8. Strike page 18, line 28 through page 20, line
19 28.

20 9. Page 34, by striking lines 28 through 35 and
21 inserting in lieu thereof the following: "that within
22 eighteen months after adoption of a state land use
23 policy and state land use policy guidelines by the
24 general assembly the provisions of this chapter shall
25 be mandatory. Any comprehensive plans, subdivision,
26 zoning or other ordinances or regulations, and any
27 actions of the board of adjustment shall be consistent
28 with the state land use policy and state land use
29 policy guidelines."

30 10. Page 35, by striking lines 12 through 17 and
31 inserting in lieu thereof the following: "the adoption
32 of a state land use policy and state land use policy
33 guidelines by the general assembly it shall be
34 mandatory that zoning, subdivision and other ordinances
35 and regulations shall be adopted and enforced in
36 accordance with a comprehensive plan. The plan and
37 the ordinances and regulations adopted shall be
38 consistent with the state land use policy and the
39 state land use policy guidelines."

40 11. Renumber the sections and correct internal
41 references to conform with this amendment.

42 12. Amend the title, lines 3 and 4, by striking
43 the words "land use policy".

H-3198 FILED *Lois 3/10* BY STROMER of Hancock
MARCH 8, 1977 (743)

H-3199

1 Amend House File 210 as follows:

2 1. Page 41, by inserting after line 35 the
3 following:

4 "Sec. 68. This Act is repealed effective January
5 1, 1983."

H-3199 FILED *Adopted 3/10* BY HARVEY of Scott
MARCH 8, 1977 (761) TAUKE of Dubuque
CLARK of Lee

H-3163

1 Amend House File 210 by striking everything
2 after the enacting clause and inserting in lieu there-
3 of the following"

4 "Section 1. NEW SECTION. STATEMENT OF LEGISLA-
5 TIVE INTENT. It is the intent of the general assem-
6 bly of the state of Iowa to provide for the orderly
7 use and development of land and related natural re-
8 sources in Iowa, to preserve private property rights,
9 to preserve the use of prime agricultural land for ag-
10 ricultural production, to preserve natural, cultural
11 and historical areas, to provide for future housing,
12 commercial, industrial and recreational needs and
13 for such other uses as needed, to provide for the co-
14 ordination of comprehensive plans for land use, and to
15 control urban sprawl, and thereby provide for the pro-
16 tection and preservation of the private and public in-
17 terest in the land, water, and related resources of
18 this state for the public health, safety and general
19 welfare, and for the benefit of present and future
20 generations.

21 Sec. 2. NEW SECTION. DEFINITIONS. As used in
22 this Act unless the context otherwise requires:

23 1. "State commission" means the state land use
24 policy commission.

25 2. "Land use" means all activities, occupations,
26 practices, and utilization of space, including
27 ground space, water, subsurface and air space.

28 3. "Land use planning" means the art, science,
29 and process of arranging ground space, and its accom-
30 panying activity patterns, structures, systems and
31 functions so as to adapt it most economically, func-
32 tionally, and gracefully to the diverse present and
33 anticipated future activities and occupations of
34 civilized man.

35 4. "Land use policy" means a definite course of
36 action selected after evaluation of alternative courses
37 in order to effectuate wise and prudent decisions for
38 the use of land.

39 5. "Land use guideline" means a statement of the
40 criteria, standards, specifications, and procedures
41 to be used in developing land use policy.

42 6. "Land use goal or objective" means a broad state-
43 ment of ideals, aims, and desired results of land use
44 planning .

45 Sec. 3. NEW SECTION. STATE COMMISSION.

46 1. There is created a state land use policy com-
47 mission of fifteen members appointed by the governor
48 with the consent of two-thirds of the members of the
49 senate. No more than eight members shall be of the
50 same political affiliation. The term of each member

1 shall be effective on the first day of July of the
2 year of appointment except in the case of a vacancy
3 which shall be filled by appointment of the governor
4 with the consent of two-thirds of the members of the
5 senate for the unexpired term subject to the same
6 qualifications as the original appointment.

7 2. The members of the commission shall be se-
8 lected and appointed for two-year terms subject to
9 the following qualifications:

10 a. Six members shall be persons engaged in ac-
11 tual farming operations with each being a resident
12 of a different soil conservancy district established
13 in section four hundred sixty-seven D point three
14 (467D.3) of the Code and none being a resident of the
15 same county.

16 b. One member shall be selected from the state
17 at large to be a representative of the mining indus-
18 try.

19 c. One member shall be selected from the state
20 at large to be a representative of counties.

21 d. One member shall be selected from the state
22 at large to be a representative of the building and
23 land development industry.

24 e. Two members shall be a representative of a
25 city with a population of over twenty-five thousand.

26 f. One member shall be a representative of a
27 city with a population of at least ten thousand but
28 not over twenty-five thousand.

29 g. One member shall be a representative of a
30 city with a population of under ten thousand.

31 h. Two members shall represent a broad cross
32 section of the public interest.

33 However, the members appointed under paragraphs
34 e, f, g, and h of this subsection shall not be ap-
35 pointed or elected officers or employees of state or
36 federal government.

37 3. In addition to any other notices of meetings
38 of the commission, the following persons shall be
39 notified of the time and place of meetings.

40 The secretary of agriculture, the director of the
41 state agricultural extension service, the director of
42 the state conservation commission, the director of
43 the Iowa natural resources council, the executive
44 director of the office of planning and programming,
45 the state geologist, the director of the Iowa devel-
46 opment commission, the director of the department of
47 transportation, and the director of the energy policy
48 council.

49 4. The state commission shall organize by the
50 election of a chairman and vice chairman from among

1 its members. Meetings may be called by the chairman
2 at any time and shall be called by the chairman on
3 the written request of a majority of the voting mem-
4 bers. A majority of the members shall constitute a
5 quorum and the concurrence of a quorum of the mem-
6 bers shall be required to determine any matter rela-
7 ting to its official duties.

8 5. Each member of the state commission, not
9 otherwise in the full-time employment of a public
10 agency, is entitled to receive the sum of forty
11 dollars for each day that he is engaged in the discharge
12 of his official duties. Each member is also entitled
13 to receive reimbursement for travel and other neces-
14 sary expenses incurred in the performance of his of-
15 ficial duties.

16 Sec. 4. NEW SECTION. DUTIES OF THE STATE COM-
17 MISSION. In addition to other duties provided by law,
18 the state commission shall:

19 1. Identify and evaluate the land use policy is-
20 sues in this state.

21 2. Evaluate the impact of current laws, ordi-
22 nances, policies, regulations and taxes in this state
23 upon land use decisions.

24 3. Prepare and recommend, for adoption by the
25 general assembly, a state land use policy and state
26 land use policy guidelines based on the state land
27 use policy objectives specified in section five (5)
28 of this Act.

29 4. Provide for the preparation of a state inven-
30 tory of land and natural resources.

31 5. Provide for the compilation of data related
32 to population densities, population trends, econo-
33 mic characteristics and projections, environmental
34 conditions and trends, and the directions and extent
35 of urban and rural growth.

36 6. Provide for the compilation of statewide pro-
37 jections of the nature, quantity, and compatibility
38 of transportation; housing; urban development, includ-
39 ing the revitalization of existing communities, the
40 development of new cities, and the economic diversi-
41 fication of existing communities having a narrow
42 economic base; rural development; and state and local
43 government services.

44 7. Provide for the preparation of an inventory of
45 state, local government, and private needs and priori-
46 ties concerning the use of federal lands within the
47 state.

48 8. Provide for the preparation of an inventory
49 of public and private institutional and financial re-
50 sources, including citizen public interest organiza-

tions, available for land use planning and implementation within the state and of state and local programs and activities which have a land use impact of more than local concern.

While formulating the state land use policy and preparing state land use guidelines the state commission shall hold at least ten regional public hearings throughout the state and receive testimony from any interested person relating to a state land use policy or any state land use policy guideline. The state commission shall give public notice of the dates, times, and locations of such public hearings by publication in a newspaper of general circulation within each regional area where the hearing is to be conducted not later than two weeks before the date of the hearing. The recommendations of the commission shall be submitted to the general assembly not later than eighteen months after the effective date of this Act.

The commission shall employ such technical, professional, secretarial, and clerical staff that are necessary to accomplish the duties of this Act. The employees of the commission shall receive, in addition to salary, their necessary and related expenses when engaged in the performance of official duties.

Sec. 5. NEW SECTION. STATE LAND USE POLICY OBJECTIVES. In developing a state land use policy and preparing state land use policy guidelines for adoption by the general assembly, the state commission shall conform its recommended guidelines to the following state land use policy objectives. Where the objectives conflict the state commission shall submit a statement of the reasons for and the merits of the proposed guidelines. The state land use policy objectives include:

1. Preservation of agricultural land for food and fiber production.
2. Establishment of criteria for the approval of large scale developments.
3. Establishment of criteria for the approval of residential, commercial and industrial developments.
4. Establishment of criteria for the approval of the use of underground resources.
5. Establishment of criteria for the maximum degree of uniformity of land use policy guidelines with due consideration given to the unique characteristics and problems of the geographical areas of the state and each local government.
6. Establishment of criteria for future recreational areas and facilities.
7. Establishment of criteria for an orderly and

1 efficient transition from rural to urban land use.
2 8. Establishment of criteria for development of
3 a timely, orderly and efficient arrangement of pub-
4 lic facilities and services to serve as a framework
5 for urban and rural development.
6 9. Establishment of criteria for diversifica-
7 tion and improvement of the economy of the state.
8 10. Establishment of criteria for assurance that
9 the development of properties within the state is
10 commensurate with the character and the physical
11 limitations of the land.
12 11. Establishment of criteria for the preserva-
13 tion of private property rights or compensation for
14 any loss of property rights as provided under the
15 federal and state constitutions which may be affected
16 by the operation of a land use policy and plan which
17 may be enacted by the general assembly.
18 Sec. 6. Section three hundred fifty-eight A point
19 one (358A.1), Code 1977, is amended to read as follows:
20 358A.1 WHERE APPLICABLE. The provisions of this
21 chapter shall be applicable to any county of the state
22 at the option of the board of supervisors of any such
23 county except that within eighteen months after adop-
24 tion of a state land use policy and state land use
25 policy guidelines by the general assembly the provis-
26 ions of this chapter shall be mandatory. Any compre-
27 hensive plans, subdivision, zoning or other ordinances
28 or regulations, and any actions of the board of ad-
29 justment shall be consistent with the state land use
30 policy and state land use policy guidelines.
31 Sec. 7. Section four hundred fourteen point one
32 (414.1), Code 1977, is amended to read as follows:
33 414.1 BUILDING RESTRICTIONS--POWERS GRANTED.
34 For the purpose of promoting the health, safety,
35 morals, or the general welfare of the community, any
36 city is hereby empowered to regulate and restrict
37 the height, number of stories, and size of buildings
38 and other structures, the percentage of lot that may
39 be occupied, the size of yards, courts, and other
40 open spaces, the density of population, and the lo-
41 cation and use of buildings, structures, and land
42 for trade, industry, residence, or other purposes.
43 However, within eighteen months after the adoption
44 of a state land use policy and state land use policy
45 guidelines by the general assembly it shall be man-
46 datory that zoning, subdivision and other ordinances
47 and regulations shall be adopted and enforced in ac-
48 cordance with a comprehensive plan. The plan and the
49 ordinances and regulations adopted shall be consistent
50 with the state land use policy and the state land

H-3163

Page 6

1 use policy guidelines.

H-3163 FILED - *Lost 2/10* BY
MARCH 7, 1977 (135)

WELDEN of Hardin
MILLEN of Van Buren
STROMER of Hancock
BRANSTAD of Winnebago
BROCKETT of Marshall
EVANS of Grundy
WYCKOFF of Benton

H-3173

1 Amend House File 210 as follows:

2 1. Page 34, by inserting after line 35 the
3 following:

4 "Sec. ____ . Section three hundred sixty-eight point
5 nineteen (368.19), unnumbered paragraph one (1), Code
6 1977, is amended to read as follows:

7 The committee shall approve or disapprove the
8 petition or plan as amended, within ninety days of
9 the final hearing, and shall file its decision for
10 record and promptly notify the parties to the
11 proceeding of its decision. If a petition or plan
12 is approved, the board shall set a date within ninety
13 days for a special election on the proposal and the
14 county commissioner of elections shall conduct the
15 election. In a case of incorporation or
16 discontinuance, qualified electors of the territory
17 or city may vote, and the proposal is authorized if
18 a majority of those voting approves it. In a case
19 of annexation or severance, qualified electors of
20 the territory and of the city may vote, and the
21 proposal is authorized if a majority of the ~~total~~
22 ~~number of~~ persons voting approves in the city and
23 a majority of the persons voting in the territory
24 approve it. In a case of consolidation, qualified
25 electors of each city to be consolidated may vote,
26 and the proposal is authorized only if it receives
27 a favorable majority vote in each city. The county
28 commissioner of elections shall publish notice of
29 the election as provided in section 49.53 and shall
30 conduct the election in the same manner as other
31 special city elections."

32 2. Renumber the sections and correct internal
33 references to conform with this amendment.

H-3173 FILED BY WOODS of Polk
MARCH 7, 1977 BAKER of Buena Vista

H-3166

1 Amend amendment H-3083 to House File 210 as
2 follows:

3 1. Page 1, by inserting after line 4 the following:

4 "2. Page 18, line 32, by inserting after the
5 comma the words "eight members consisting of".

6 2. Page 1, line 9, by inserting after the comma
7 the words "and four members consisting of members of the
8 general public who reside in the county, through
9 application to and appointment by the eight members
10 as selected above. At least two of the public members
11 shall be farm owner-operators".

H-3166 FILED BY PELTON of Clinton
MARCH 7, 1977

3063

1 Amend House File 210 as follows:

2 1. By striking page 18, line 28 through page 20,
3 line 28 and inserting in lieu thereof the following:

4 "Sec. 15. NEW SECTION. COUNTY LAND USE POLICY
5 COMMISSION.

6 1. There is established in each county of the
7 state a county land use policy commission. The voting
8 members of the county commission shall be the members
9 of the soil conservation district commissioners elected
10 pursuant to section four hundred sixty-seven A point
11 five (467A.5) of the Code and the members of the
12 county conservation board appointed pursuant to section
13 one hundred eleven A point two (111A.2) of the Code.

14 2. In those counties where there is no county
15 conservation board, the board of supervisors shall
16 within thirty days after the effective date of this
17 Act appoint five members to the county commission.
18 The members first appointed shall hold office for
19 terms of one, two, three, four and five years or parts
20 thereof respectively, as indicated and fixed by the
21 county board of supervisors. Thereafter, succeeding
22 members shall be appointed for a term of five years
23 with terms expiring on the thirty-first day of
24 December. Vacancies occurring otherwise than by
25 expiration of the term shall be filled by appoint-
26 ment for the unexpired term.

27 3. The members of the county conference board
28 established in section four hundred forty-one point
29 two (441.2) of the Code shall be ex officio, nonvoting
30 members of the county commission.

31 4. Within sixty days after the effective date
32 of this Act, the voting members of the initial county
33 commission shall meet and organize by the election
34 of a chairman and vice chairman from among its
35 membership. Thereafter, the county commission shall
36 organize annually during the month of January by
37 election of a chairman and vice chairman from among
38 its membership. Meetings may be called by the chairman
39 at any time and shall be called within five days by
40 the chairman on the written request of a majority
41 of the voting membership. A majority of the voting
42 members of the county commission shall constitute
43 a quorum and the concurrence of a quorum of the county
44 commission shall be required to determine any matter
45 relating to its official duties.

46 5. Each voting member of the commission is entitled
47 to receive reimbursement for travel and other necessary
48 expenses incurred in the performance of his official
49 duties."

H-3083

1 Amend House File 210 as follows:

2 1. Page 18, line 31, by striking the words "not
3 less than nine nor more than fifteen" and inserting
4 in lieu thereof the word "twelve".

5 2. Page 18, line 34, by inserting after the word
6 "commissioners," the words "the members of the county
7 committee established under the federal Soil Conserva-
8 tion and Domestic Allotment Act (16 U.S.C. 590h as
9 amended),".

10 3. By striking page 18, line 35, through page 19,
11 line 4.

12 4. Page 19, line 25, by striking all after the
13 word "commission,".

14 5. Page 19, by striking line 26 through line 32.

15 6. Page 19, line 33, by striking the word
16 "commission,".

17 7. Page 19, line 35, by striking the words "two
18 members" and inserting in lieu thereof the words "one
19 member".

20 8. Page 20, line 1, by striking all after the
21 word "years.".

22 9. Page 20, by striking lines 2 through 5 and
23 inserting in lieu thereof the words "The term of
24 each member".

H-3083 FILED - *Withdrawn* BY SCHNEKLOTH of Scott
FEBRUARY 24, 1977 *2/20 (757)*

H-3157

1 Amend House File 210 as follows:

2 1. Page 24, by striking all of lines 7, 8,
3 and 9 and inserting in lieu thereof the following:
4 "of the joint county commissions of those
5 counties in which the land area of such city or
6 special district is located."

H-3157 FILED - *Adopted 3/10* BY KOOGLER of Mahaska
MARCH 7, 1977 *(758)*

H-3201

1 Amend House File 210, as follows:

2 1. Page 4, line 34, by striking the words
3 "the mining".

H-3201 FILED - *Lost 3/10* BY MILLER of Buchanan
MARCH 8, 1977 *(746)*

FISCAL NOTE
HOUSE FILE 210

Date Prepared March 10, 1977

Requested by Representative Thompson

Prepared in regard to H.F. 210, An Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

H.F. 210 provides for the reorganization of the department of soil conservation into the department of soil conservation and land use and grants authority to the department and the state land use policy commission to prepare and supervise the implementation of a state land use policy guidelines.

	<u>FY 1977/78</u>
Estimated cost of state commission, including personal services, support and maintenance	\$ 198,900
Estimated cost of county land use policy commissions	<u>1,919,884</u>
	\$2,118,784

A detail of the above estimates are available in the Legislative Fiscal Bureau office.

These costs include all necessary personnel and according to the Department of Soil Conservation, would increase in future years only the normal salary and support increases.

Source: Department of Soil Conservation
FILED GERRY D. RANKIN
MARCH 10, 1977 LEGISLATIVE FISCAL BUREAU

FISCAL NOTE
HOUSE FILE 210

Date Prepared March 10, 1977

Requested by Representative Thompson

Prepared in regard to H.F. 210, Amendment H-3163, An Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

House Amendment H.-3163 replaces everything after the enacting clause in H.F. 210 and provides for a state land use policy commission who will report back to the General Assembly within eighteen months of the effective date.

	<u>FY 1977/78</u>
Estimated cost of state commission, including personal services, support and maintenance	\$ 236,900

A detail of the above estimates are available in the Legislative Fiscal Bureau office.

These costs include all necessary personnel and according to the Department of Soil Conservation, would increase in future years only the normal salary and support increases.

Source: Department of Soil Conservation

FILED
MARCH 10, 1977

GERRY D. RANKIN
LEGISLATIVE FISCAL BUREAU

FISCAL NOTE
HOUSE FILE 210

Date Prepared March 10, 1977

Requested by Representative Thompson

Prepared in regard to H.F. 210, An Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commission, and to specify the powers and duties of such agencies. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

In the original fiscal note, we indicated that in the opinion of the Department of Soil Conservation there would be no new personnel necessary to carry out the duties outlined in H.F. 210. Increased operating costs would be projected as follows:

	<u>FY 1977/78</u>	<u>FY 1978/79</u>	<u>FY 1979/80</u>	<u>FY 1980/81</u>	<u>FY 1981/82</u>
Estimated cost of state commission, including personal services, support and maintenance	\$ 198,900	\$ 218,790	\$ 240,669	\$ 264,735	\$ 291,208
Estimated cost of county land use policy commissions	<u>1,919,834</u>	<u>2,111,872</u>	<u>2,323,060</u>	<u>2,555,366</u>	<u>2,810,9</u>
	\$2,118,784	\$2,330,662	\$2,563,729	\$2,820,101	\$3,102,111

FILED
MARCH 10, 1977

GERRY D. RANKIN
LEGISLATIVE FISCAL BUREAU

Natural Resources
Jenkins, Chairperson
Tieden
E. Miller
Culver

HOUSE FILE 210

BY COMMITTEE ON NATURAL
RESOURCES

State Gov. De Pace 4/27 (p. 1258)

(As Amended and Passed by the House)

HOUSE FILE 210

State Government
Slater, Chairperson
Shaff
Culver

per conference Report
per *committee Report*
Passed House, Date 5-20-77 (p. 1844) Passed Senate, Date 5-2-77 (p. 1299)

Vote: Ayes 36 Nays 10 Vote: Ayes 27 Nays 22

Approved 6/30/77

Approved Senate per Conference Committee Report
5-20-77 (p. 2011)
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A BILL FOR

1 An Act to provide for a state land use policy, and to
2 create a department of soil conservation and land
3 use, a state land use policy commission, county land
4 use policy commissions, and to specify the powers
5 and duties of such agencies.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Conference Committee Appointed
Representative O'Halloran (Chair), Middlemiss, Perkins, Varley, Jaffe 5/11 (p. 2079)
Senators Bricker (Chair), Jenkins, Merritt, Shaff, Ramsey 5/10 (143C)

1 Section 1. NEW SECTION. STATEMENT OF LEGISLATIVE INTENT.
2 It is the intent of the general assembly of the state of Iowa
3 to provide for the orderly use and development of land and
4 related natural resources in Iowa, to preserve private property
5 rights, to preserve the use of prime agricultural land for
6 agricultural production, to preserve natural, cultural and
7 historical areas, to provide for future housing, commercial,
8 industrial and recreational needs and for such other uses
9 as needed, to provide for the coordination of comprehensive
10 plans for land use, and to control urban sprawl and to preserve
11 and renew the urban core, and thereby provide for the
12 protection and preservation of the private and public interest
13 in the land, water, and related resources of this state for
14 the public health, safety and general welfare, and for the
15 benefit of present and future generations.

16 NEW SECTION. STATEMENT OF LEGISLATIVE POLICY. Land use
17 decisions should rest primarily at the local government level.
18 It is the intent of the general assembly that a state land
19 use policy provide maximum emphasis on the local development
20 of land use goals and objectives, local development of
21 comprehensive land use plans, and local regulation and
22 enforcement of land use decisions. It is further the policy
23 of the general assembly that the State Land Use Commission
24 provide maximum emphasis on developing a statewide land
25 inventory and compiling land use data and projections to aid
26 local governments in land use decisions.

27 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act
28 unless the context otherwise requires:

29 1. "Department" means the department of soil conservation
30 and land use created by this Act.

31 2. "State commission" means the state land use policy
32 commission.

33 3. "Director" means the director of the department of
34 soil conservation and land use or a designee.

35 4. "State permit area" means any state critical area,

1 mining operation, or large-scale development.

2 5. "State critical area" means an area designated by the
3 state commission, on the basis of criteria adopted by the
4 general assembly, where substantial evidence indicates that
5 uncontrolled or incompatible development could result in
6 damage to the environment, life or property, or an area where
7 the long-term public interest is of more than local
8 significance. Such areas shall include but not necessarily
9 be limited to:

10 a. "Fragile or historic lands" where uncontrolled or
11 incompatible development could result in irreversible damage
12 to important historic, cultural, scientific, or aesthetic
13 values or natural systems which are of more than local
14 significance including shorelands of rivers, lakes, and
15 streams, rare or valuable ecosystems and geological formations,
16 significant wildlife habitats, and unique scenic or historic
17 sites.

18 b. "Natural hazard lands" where uncontrolled or
19 incompatible development could unreasonably endanger life
20 and property including flood plains and areas frequently
21 subject to weather disasters, and areas of unstable geological
22 formations.

23 c. "Renewable resource lands" where uncontrolled or incom-
24 patible development which results in the loss or reduction
25 of continued long-range productivity could endanger future
26 water, food, and fiber requirements of more than local concern
27 including watershed lands, aquifers and aquifer recharge
28 areas, and forest lands.

29 6. "Key facility" means a public facility designated by
30 the state commission, on the basis of criteria adopted by
31 the general assembly, which is expected to result in
32 development and urbanization exceeding local impact, including
33 but not limited to major airports, major highway interchanges
34 including interchanges with frontage roads, access streets
35 and other limited access highways, major recreational land

1 and facilities and major facilities for the development,
2 generation or transmission of energy.

3 7. "Large-scale development" means any private development
4 which is determined by the state commission, on the basis
5 of criteria adopted by the general assembly, to likely generate
6 issues of more than local significance because of its magnitude
7 or because of its location with respect to its surroundings.

8 8. "Local critical area" means any fragile or historic
9 lands or sites, natural hazard lands, or renewable resource
10 lands of local significance, designated by a city or county,
11 where substantial evidence indicates that the uncontrolled
12 or incompatible development could result in damage to the
13 environment, life or property, or the long-term public
14 interest, and which is not designated as a state permit area.

15 9. "County commission" means any county land use policy
16 commission.

17 10. "Special district" means a benefited water district,
18 a rural water district, a benefited fire district, a benefited
19 street lighting district, school district, sanitary district,
20 or a solid waste disposal project established pursuant to
21 part 1, division IV of chapter four hundred fifty-five B
22 (455B) of the Code.

23 11. "Land use" means all activities, occupations, prac-
24 tices, and utilization of space, including ground space,
25 water, subsurface and air space.

26 12. "Land use planning" means the art, science, and pro-
27 cess of arranging ground space, and its accompanying activity
28 patterns, structures, systems and functions so as to adapt
29 it most economically, functionally, and gracefully to the
30 diverse present and anticipated future activities and
31 occupations of civilized man.

32 13. "Land use policy" means a definite course of action
33 selected after evaluation of alternative courses in order
34 to effectuate wise and prudent decisions for the use of land.

35 14. "Land use guideline" means a statement of the criteria,

1 standards, specifications, and procedures to be used in
2 developing land use policy.

3 15. "Land use goal or objective" means a broad statement
4 of ideals, aims, and desired results of land use planning
5 and policy projected as far as possible into the future.

6 16. "Comprehensive plan" means a document or documents
7 in map, text, tabular, chart or similar form which illustrates
8 land use goals or objectives and which is used as a tool in
9 present and future land use decision-making.

10 17. "Urban sprawl" means the irregular and uncontrolled
11 development of urban land uses without regard to land use
12 planning as defined in this section.

13 18. "Urban core" means the central portion of a city
14 containing the traditional commercial and business services
15 of that city.

16 19. "Aggrieved person" means any person whose property
17 rights are adversely affected or who establishes that a
18 substantial public interest is adversely affected by a policy,
19 guideline, comprehensive plan provision, action, decision,
20 ordinance, or regulation relating to land use.

21 Sec. 3. NEW SECTION. DEPARTMENT CREATED. There is created
22 a department of soil conservation and land use. The department
23 shall be responsible for the administration of programs
24 relating to a state land use policy, the protection of soil
25 and water resources, and the prevention of soil erosion and
26 sedimentation damage as provided by law.

27 Sec. 4. NEW SECTION. STATE COMMISSION.

28 1. There is created within the department a state land
29 use policy commission consisting of thirteen voting members
30 appointed by the governor with the consent of two-thirds of
31 the members of the senate and fourteen ex officio, nonvoting
32 members. No more than eight members shall be of the same
33 political affiliation. The term of each voting member shall
34 be effective on the first day of July of the year of
35 appointment except in the case of a vacancy which shall be

1 filled by appointment of the governor with the consent of
2 two-thirds of the members of the senate for the unexpired
3 term subject to the same qualifications as the original
4 appointment. Voting members shall not be appointed to serve
5 more than two complete terms excluding an unexpired term to
6 which they may be appointed.

7 2. The thirteen voting members of the commission shall
8 be selected and appointed for six-year terms subject to the
9 following qualifications:

10 a. Six members shall be persons engaged in actual farming
11 operations with each being a resident of a different soil
12 conservancy district established in section four hundred
13 sixty-seven D point three (467D.3) of the Code and none being
14 a resident of the same county.

15 b. One member shall be selected from the state at large
16 to be representative of the mining industry.

17 c. One member shall be a representative of a city with
18 a population of over sixty thousand.

19 d. One member shall be a representative of a city with
20 a population of over twenty-five thousand.

21 e. One member shall be a representative of a city with
22 a population of at least ten thousand but not over twenty-
23 five thousand.

24 f. One member shall be a representative of a city with
25 a population of under ten thousand.

26 g. Two members shall represent a broad cross section of
27 the public interest.

28 However, of the members of the initial state commission, the
29 eight members selected and appointed to meet the qualifica-
30 tions of paragraphs a, b, and c of this subsection shall be
31 the members of the state soil conservation committee on the
32 effective date of this Act and such members shall serve the
33 balance of their unexpired terms to which they were appointed
34 as members of such committee. The five members of the initial
35 state commission selected and appointed to meet the

1 qualifications of paragraphs d, e, f, and g of this subsection
2 shall be appointed to staggered terms, one member being
3 appointed to an initial term of six years, two members being
4 appointed to an initial term of four years, and two members
5 being appointed to an initial term of two years. The voting
6 members of the state commission shall not be elected or
7 appointed officers or employees of the federal or state
8 government.

9 3. The fourteen ex officio, nonvoting members of the state
10 commission are the secretary of agriculture, the director
11 of the state agricultural extension service, the director
12 of the state conservation commission, the director of the
13 Iowa natural resources council, the executive director of
14 the department of environmental quality, the director of the
15 office for planning and programming, the state geologist,
16 the director of the Iowa development commission, the director
17 of the department of transportation, the chairman of the city
18 development board, the chairman of the Iowa state commerce
19 commission, the director of the energy policy council, or
20 their respective designees, a member of a county commission
21 appointed by the league of Iowa municipalities, and a member
22 of a county commission appointed by the Iowa state association
23 of counties. The two members appointed by the league of Iowa
24 municipalities and the Iowa state association of counties
25 shall serve terms as determined by their respective appointing
26 authorities.

27 4. The state commission shall organize annually by the
28 election of a chairman and vice chairman from among its voting
29 members. Meetings may be called by the chairman at any time
30 and shall be called by the chairman on the written request
31 of a majority of the voting members. A majority of the voting
32 members shall constitute a quorum and the concurrence of a
33 quorum of the voting members shall be required to determine
34 any matter relating to its official duties.

35 5. Each member of the state commission, not otherwise

1 in the full-time employment of a public agency, is entitled
2 to receive the sum of forty dollars for each day that he is
3 engaged in the discharge of his official duties. Each member
4 is also entitled to receive reimbursement for travel and other
5 necessary expenses incurred in the performance of his official
6 duties.

7 Sec. 5. NEW SECTION. DUTIES OF THE STATE COMMISSION.

8 In addition to other duties provided by law, the state
9 commission shall:

10 1. Identify and evaluate on a continuing basis the land
11 use policy issues in this state.

12 2. Evaluate the impact of current laws, ordinances,
13 policies, regulations and taxes in this state upon land use
14 decisions.

15 3. Prepare and recommend to the general assembly a state
16 land use policy and state land use policy guidelines based
17 on the state land use policy objectives specified in section
18 nine (9) of this Act and on recommendations received from
19 public hearings held by the county commissions as provided
20 in section seventeen (17) of this Act, for the guidance and
21 direction of state agencies, county land use policy
22 commissions, cities, counties, and special districts on matters
23 relating to land use. The policy and guidelines shall be
24 reviewed annually and recommendations for revision or
25 modification shall be transmitted to the general assembly.
26 While formulating the initial state land use policy and
27 preparing state land use policy guidelines or upon
28 recommendation for substantive revision of such policy or
29 a guideline, the state commission shall hold at least ten
30 regional public hearings throughout the state and receive
31 testimony from any interested person relating to a state land
32 use policy or any state land use policy guideline. The state
33 commission shall give public notice of the dates, times, and
34 locations of such public hearings by publication in a newspaper
35 of general circulation within each regional area where the

1 hearing is to be conducted not later than two weeks before
2 the date of hearing. The initial recommendations of the state
3 commission shall be submitted to the general assembly not
4 later than eighteen months after the effective date of this
5 Act.

6 4. Provide for the preparation and revision of a state
7 inventory of land and natural resources.

8 5. Provide for the compilation and revision of data related
9 to population densities, population trends, economic charac-
10 teristics and projections, environmental conditions and trends,
11 and the directions and extent of urban and rural growth.

12 6. Provide for the compilation and revision of statewide
13 projections of the nature, quantity, and compatibility of
14 land needed and suitable for recreation, parks, and open
15 spaces; scientific and educational purposes; protection of
16 areas of critical environmental concern; conservation and
17 preservation of natural resources including any known
18 commercial mineral deposits; agriculture, mineral development,
19 and forestry; industry and commerce, including the exploration,
20 development, production, mining, generation, and transmission
21 of energy; solid waste management and resource recovery;
22 transportation; housing; urban development, including the
23 revitalization of existing communities, the development of
24 new cities, and the economic diversification of existing
25 communities having a narrow economic base; rural development;
26 and state and local governmental services.

27 7. Provide for the periodic monitoring of land use data
28 to determine changes in land usage, the comparison of such
29 changes to state and local land use guidelines, plans,
30 programs, and projections, and the reporting of the findings
31 to the affected local governments, state agencies and the
32 federal government, upon request.

33 8. Provide for the preparation and revision of an inven-
34 tory of state, local government, and private needs and
35 priorities concerning the use of federal lands within the

1 state.

2 9. Provide for the preparation and revision of an inven-
3 tory of public and private institutional and financial
4 resources, including citizen public interest organizations,
5 available for land use planning and implementation within
6 the state and of state and local programs and activities which
7 have a land use impact of more than local concern.

8 10. Provide, where appropriate, technical assistance for,
9 and training programs for state and local governmental person-
10 nel who are concerned with, the development and implementa-
11 tion of state and local land use guidelines and comprehensive
12 plans.

13 11. Consult and cooperate in the establishment of the
14 exchange of land use planning and data information with state
15 agencies, local governments, the federal government, and other
16 states and their political subdivisions. Each state agency
17 and agency of a political subdivision of this state shall
18 cooperate, within time, personnel and budgetary limitations,
19 in providing information, data, surveys and studies as
20 requested by the state commission.

21 12. Provide information and educational programs through
22 existing educational institutions.

23 13. Authorize the application for, receipt, and expendi-
24 ture of any private or public funds for the purpose of carrying
25 out the provisions of this Act. The state commission may
26 apportion such funds to county land use policy commissions
27 for developing and enforcing land use plans as provided in
28 section eighteen (18) of this Act.

29 14. Recommend criteria to the general assembly for the
30 designation of state critical areas. Each administrative
31 order issued by the state commission designating a state
32 critical area shall specify the criteria developed and reasons
33 for the proposed designation, the damages that would result
34 from uncontrolled development within the area, the reasons
35 for the implementation of state regulations for the proposed

1 area, and the state regulations to be applied to the area.
2 The total area of all designated state critical areas shall
3 not exceed five percent of the area of this state.

4 15. Recommend criteria to the general assembly for the
5 designation of key facilities by the state commission.

6 16. Recommend criteria to the general assembly for the
7 designation of large scale developments by the state
8 commission. In developing such criteria, the state commission
9 shall consider the amount of pedestrian or vehicular traffic
10 likely to be generated, the number of persons likely to be
11 present, the potential for creating air, water, or noise
12 pollution, the size of the site to be occupied, the possibility
13 of additional or subsidiary development, and other factors
14 deemed pertinent.

15 17. Recommend criteria to the general assembly for the
16 designation of mining operations as state permit areas by
17 the state commission.

18 18. Recommend, to the general assembly, a definition of
19 confined feedlot operation.

20 19. Establish, by rule, procedures for the review and
21 approval of county land use policy guidelines based on
22 compliance with the state land use policy and the state land
23 use policy guidelines. If the state commission determines
24 that a county guideline does not comply, the state commission
25 shall recommend modifications which will bring the guideline
26 into compliance.

27 20. Establish, by rule, procedures for the review of
28 comprehensive plans of cities, counties, and special dis-
29 tricts which have been approved by the county commission,
30 based on compliance with the state land use policy and state
31 land use policy guidelines. If the state commission determines
32 that a comprehensive plan does not comply, the state commission
33 shall recommend modifications which will bring the
34 comprehensive plan provision into compliance; however, the
35 state commission shall not have the authority to require

1 changes in any county or city comprehensive plan unless the
2 state commission identifies an unresolved conflict in the
3 comprehensive plans of two contiguous counties. If the
4 counties are unable to reconcile their plans, the conflict
5 shall be resolved by the state commission. Upon recommendation
6 for modification, the comprehensive plan shall be returned
7 to such city, county, or special district through the county
8 commission which approved and recommended such plan.

9 21. Establish, by rule, procedures for the review and
10 approval of state agency comprehensive plans and plan modifica-
11 tions which shall include the locations of key facilities,
12 based on compliance with the state land use policy and state
13 land use policy guidelines. If the state commission determines
14 that a comprehensive plan provision does not comply, the
15 commission shall recommend modifications which will bring
16 the comprehensive plan provision into compliance.

17 22. Establish, by rule, for the hearing and determination
18 of a petition by a state agency that a land use action or
19 activity planned or taken by another state agency is in con-
20 flict with the state land use policy, state land use policy
21 guidelines, or a comprehensive plan provision of a state
22 agency. The decision of the state commission shall be final.

23 23. Issue permits for activities and development of state
24 permit areas.

25 24. Prepare model zoning, subdivision or other ordinances
26 and regulations to guide state agencies, cities, counties
27 and special districts in implementing state and county land
28 use policy guidelines.

29 25. Advise, consult and cooperate with state agencies
30 and other public or private agencies in the development of
31 a state land use policy and state land use policy guidelines.

32 26. Make a concise annual report to the governor and the
33 general assembly, which report shall contain information
34 relating to the accomplishments of the state commission and
35 include recommendations for legislative action. The annual

1 report shall conform to the provisions of section seventeen
2 point three (17.3) of the Code.

3 27. Approve a budget for the department relating to its
4 powers and duties under this Act.

5 28. Allocate state appropriated funds to the county land
6 use policy commission.

7 29. Approve all contracts and agreements between the
8 department and other public or private persons or agencies
9 relating to its powers and duties under this Act. The state
10 commission may contract with any public agency for the
11 performance of services or the exchange of employees or ser-
12 vices and may contract for the services of and consultation
13 with professional persons, not otherwise available through
14 federal, state and local governments, as may be necessary
15 to carry out the provisions of this Act.

16 30. Obtain an adequate public employees' fidelity bond
17 to cover those employees of the department accountable for
18 property or funds of this state under this Act.

19 31. Adopt, amend, or repeal internal rules to provide
20 for the effective administration of the department under this
21 Act.

22 Sec. 6. NEW SECTION. TEMPORARY EMERGENCY POWER OF THE
23 STATE COMMISSION. When prior to the effective date for
24 compliance with the provisions of this Act, the state
25 commission determines that there is in progress or proposed,
26 a land use activity which constitutes a danger of irreparable
27 injury, loss, or damage of serious and major proportions to
28 the public health, welfare or safety and is not in compliance
29 with the state land use policy objectives as provided in
30 section nine (9) of this Act, the state commission shall
31 immediately give written notice to the board of supervisors
32 or the city council of each county and city involved, of the
33 pertinent facts and dangers with respect to such activity.
34 If the county board of supervisors or the city council does
35 not remedy the situation within sixty days, the state

1 commission may, upon one-week's written notice to the affected
2 city council or board of supervisors, and the person involved
3 in such land use activity, hold a public hearing on the matter.
4 If, after the hearing, the state commission determines that
5 the activity does constitute a danger, the state commission
6 after approval of the executive council may issue a written
7 cease and desist order to the person in control of the
8 activity. If the activity is continued, the attorney general,
9 at the request of the state commission, shall initiate civil
10 proceedings in the name of the state to enjoin such person
11 from the activity. Any such action shall be given precedence
12 over all other matters pending in the district court. The
13 court may, in this action as a matter of judicial review
14 consistent with chapter seventeen A (17A) of the Code, uphold,
15 modify, or overrule the order of the state commission.

16 Sec. 7. NEW SECTION. DIRECTOR APPOINTED. The state
17 commission shall appoint a director who shall be the chief
18 administrative officer of the department and shall serve at
19 its pleasure.

20 The salary of the director shall be set by the general
21 assembly.

22 Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE DIRECTOR.
23 In addition to other powers and duties provided by law, the
24 director shall:

25 1. Recommend to the state commission the adoption of
26 internal rules and the appointment of technical, professional,
27 secretarial, and clerical staff, subject to the provisions
28 of chapter nineteen A (19A) of the Code, that are necessary
29 for the effective administration of the department under this
30 Act.

31 2. Direct and administer the land use programs and services
32 of the department in compliance with provisions of this Act
33 and the rules adopted by the state commission.

34 3. Establish or reorganize, with the approval of the state
35 commission, the administrative structure of the department.

1 4. Prepare, pursuant to chapter eight (8) of the Code,
2 a budget for the department relating to its duties under this
3 Act.

4 5. Perform other duties assigned by the state commission.

5 The director may appoint a member of his staff to be acting
6 director in his absence. Such acting director shall have
7 the powers delegated to him by the director.

8 The director and other employees of the department shall
9 receive, in addition to salary, their necessary traveling
10 and related expenses when engaged in the performance of
11 official duties.

12 Sec. 9. NEW SECTION. STATE LAND USE POLICY OBJECTIVES.

13 In developing a state land use policy and preparing state
14 land use policy guidelines for adoption by the general
15 assembly, the state commission shall conform its recommended
16 guidelines to the following state land use policy objectives.

17 Where the objectives conflict the state commission shall
18 submit a statement of the reasons for and the merits of the
19 proposed guidelines. The state land use policy objectives
20 include:

21 1. Preservation of agricultural land for food and fiber
22 production.

23 2. Preservation of state or local critical areas.

24 3. Establishment of criteria for the approval of large-
25 scale developments.

26 4. Establishment of criteria for the approval of key
27 facilities and any development adjacent to or near such key
28 facilities.

29 5. Establishment of criteria for the approval of
30 residential, commercial and industry developments.

31 6. Establishment of criteria for the approval of the use
32 of underground resources.

33 7. Provision for the maximum degree of uniformity of
34 county land use policy guidelines with due consideration given
35 to the unique characteristics and problems of the geographical

1 areas of the state and each local government.

2 8. Supervision of and guidance for state agencies relating
3 to the acquisition and use of land.

4 9. Provision for future recreational areas and facil-
5 ities.

6 10. Provision for an orderly and efficient transition
7 from rural to urban land use.

8 11. Provision for encouraging development in urban areas
9 for the preservation, renovation, and more effective vertical
10 use of the urban core as an alternative to urban sprawl.

11 12. Provision and encouragement for a safe, convenient
12 and economic transportation system including all modes of
13 transportation and recognition of differences in the social
14 costs in the various modes of transportation.

15 13. Development of a timely, orderly and efficient arrange-
16 ment of public facilities and services to serve as a frame-
17 work for urban and rural development.

18 14. Diversification and improvement of the economy of
19 the state.

20 15. Assurance that the development of properties within
21 the state is commensurate with the character and the physical
22 limitations of the land.

23 16. Provision for a balance of anticipated energy resources
24 and consumption.

25 Sec. 10. NEW SECTION. A special district for sewer, water
26 or lights or for nonfarm drainage or a city for the same
27 purposes shall not impose benefit assessments or special ad
28 valorem levies on land used for primarily agricultural
29 production on the basis of frontage, acreage, or value, except
30 a lot not exceeding one-half acre surrounding any dwelling
31 or nonfarm structure located on that land, unless the benefit
32 assessments or special ad valorem levies were imposed prior
33 to the effective date of this Act. If within ten years of
34 the original assessment or levy the land used primarily for
35 agricultural production is changed to a nonagricultural use,

1 any benefit assessment or special ad valorem levy which was
2 not imposed because of the provisions of this section shall
3 be imposed and the full amount shall become payable in the
4 same manner as the levy or assessment would have become payable
5 if it had been imposed.

6 Sec. 11. NEW SECTION. STATE PLANNING AND SITING PERMITS.
7 After a state permit area has been designated as provided
8 in section five (5) of this Act, a person shall not initiate
9 a proposed project for the development or use of a state
10 permit area without obtaining a planning and siting permit
11 from the department or without approval of the state commission
12 as provided in section twelve (12) of this Act.

13 If a permit is required under this section, any person
14 desiring to initiate a project constituting the development
15 or use of a state permit area shall apply to the department
16 for a planning and siting permit for such project. The
17 application shall include plans for the project and a land
18 use impact statement containing such information as required
19 by rules of the state commission.

20 The department shall transmit copies of the application
21 to affected county land use policy commissions and state
22 agencies for their review and recommendation. Within sixty
23 days after the mailing of the application, the affected county
24 land use policy commissions and state agencies shall submit
25 their recommendations to the state commission.

26 If the state commission finds after review of the
27 application and the recommendations of the affected city,
28 county, special district, county land use policy commission,
29 and state agency that the proposed project complies with its
30 comprehensive plans, and the state land use policy guidelines,
31 it shall approve the application and issue a planning and
32 siting permit for the proposed project. Approval or
33 disapproval of the application shall be made by the state
34 commission within one hundred twenty days following receipt
35 of the application.

1 The state commission may prescribe and include in the
2 planning and siting permit such conditions or restrictions
3 that it considers necessary to assure that the proposed project
4 complies with the state land use policy, state land use policy
5 guidelines, and the comprehensive plans of the city, county
6 or special district. As a condition for the issuance of a
7 planning and siting permit, the state commission may require
8 the submission of a surety bond or a financial statement by
9 the applicant.

10 Sec. 12. NEW SECTION. APPROVAL BY STATE COMMISSION.

11 If a state agency, other than the department, has jurisdiction
12 to regulate the development or use of a state permit area,
13 any person desiring to initiate a project constituting the
14 development or use of a state permit area shall apply to that
15 state agency for an appropriate permit. However, before the
16 permit is issued to the applicant, the state agency shall
17 submit the application with plans for the project and a land
18 use impact statement containing such information as required
19 by rules of the state commission to the department for review
20 and approval. If the state commission finds that the
21 application and plans for the proposed project comply with
22 the state land use policy and state land use policy guidelines,
23 it shall approve the application. If the application is not
24 approved, the state commission shall return the application
25 with the reasons for the disapproval. Approval or disapproval
26 of the application shall be made by the state commission
27 within sixty days of receipt of the application.

28 The state commission may prescribe and attach to an approved
29 application such conditions and restrictions that it considers
30 necessary to assure that the proposed project on or use of
31 a state permit area complies with the state land use policy
32 and state land use policy guidelines.

33 Sec. 13. NEW SECTION. QUESTION ON PERMIT REQUIREMENT.

34 If any person is in doubt whether a proposed project requires
35 a planning and siting permit as required under section eleven

1 (11) of this Act or approval of the state commission as
2 provided in section twelve (12) of this Act, he may petition
3 for a declaratory ruling from the state commission on the
4 question. Within sixty days after the date of the receipt
5 of the request, the state commission shall issue a binding
6 declaratory ruling with respect to the proposed project.
7 Requests for declaratory ruling under this section shall be
8 made to the state commission in writing and in such form and
9 containing such information as may be prescribed by rule of
10 the state commission.

11 Sec. 14. NEW SECTION. INJUNCTION. If any person initiates
12 a project for the development or use of a state permit area
13 without obtaining a planning and siting permit or approval
14 of the state commission as provided in sections eleven (11)
15 or twelve (12) of this Act, the attorney general, at the
16 request of the state commission, shall initiate civil
17 proceeding in the name of the state to enjoin such person
18 from such development or use.

19 Sec. 15. NEW SECTION. INVESTIGATIONS. If the depart-
20 ment determines the existence of an actual or alleged viola-
21 tion of the provisions of sections eleven (11) or twelve (12)
22 of this Act, the director may enter at any reasonable time
23 in and upon any private or public property, except private
24 dwellings, to investigate any such actual or alleged violation.
25 Before carrying out any investigations or exercising any other
26 power authorized under this Act which may require entry in
27 or upon private property, the director shall notify the owner,
28 renter or other person in charge of such property of the
29 director's presence and the purpose for which he is entering
30 in or upon such property.

31 1. If the owner or occupant of any property refuses ad-
32 mittance thereto, or if prior to such refusal the director
33 demonstrates the necessity for a search warrant, the direc-
34 tor may make application under oath or affirmation to the
35 district court of the county in which the property is located

1 for the issuance of a search warrant.

2 2. In the application the director shall state that an
3 inspection of the premises is mandated by the laws of this
4 state or that a search of certain premises, areas, or things
5 designated in the application may result in evidence tending
6 to reveal the existence of violations of public health, safety,
7 or welfare requirements imposed by statutes, rules or ordi-
8 nances adopted pursuant to this Act established by the state
9 or a political subdivision thereof. The application shall
10 describe the area, premises, or thing to be searched, give
11 the date of the last inspection if known, give the date and
12 time of the proposed inspection, declare the need for such
13 inspection, recite that notice of desire to make an inspection
14 has been given to affected persons and that admission was
15 refused if that be the fact, and state that the inspection
16 has no purpose other than to carry out the purpose of this
17 Act or statutes, rules, or ordinances adopted pursuant to
18 this Act for which inspection is to be made.

19 3. If the court is satisfied from the examination of the
20 applicant, and of other witnesses, if any, and of the allega-
21 tions of the application of the existence of the grounds of
22 the application, or that there is probable cause to believe
23 their existence, the court may issue a search warrant.

24 4. In making inspections and searches pursuant to the
25 authority of this Act, the director must execute the warrant,
26 in a reasonable manner within ten days after its date, and
27 subject to any other restrictions imposed by the statute or
28 regulation pursuant to which inspection is made.

29 Sec. 16. NEW SECTION. COUNTY LAND USE POLICY COMMIS-
30 SION. There is established in each county of the state a
31 county land use policy commission. The county commission
32 shall consist of not less than nine nor more than fifteen
33 members, an equal number selected from and appointed by the
34 board of supervisors, the soil conservation district
35 commissioners, and the mayors and councilmen of the county.

1 In counties having more than three members on the board of
2 supervisors, the board of supervisors, the soil district
3 commissioners, and the mayors and councilmen of the county
4 may agree to appoint four or five members respectively to
5 the county commission; however, if a county's population
6 exceeds fifty thousand and a city contains more than one-half
7 of the total population of a county, that city shall not
8 participate in the convention of mayors and councilmen and
9 the county commission shall consist of three members engaged
10 in actual farming operations appointed by the county board
11 of supervisors, three members appointed by and from the soil
12 conservation district commissioners, three members appointed
13 by and from the mayor and councilmen of that city, and three
14 members appointed by and from the mayors and councilmen of
15 cities other than that city.

16 Within thirty days after the effective date of this Act,
17 the county auditor shall call a convention of the mayors and
18 councilmen of all cities in the county by giving written
19 notice of the date, time and place of the convention to each
20 mayor and councilman. The convention shall meet at the place,
21 time and date of the notice, organize itself, and select from
22 its membership the number of members of the county commission
23 as determined under this Act. For purposes of selecting its
24 membership, each participating city shall have one vote.
25 However, in a county where one city has fifty percent or more
26 of the total population of the incorporated areas participating
27 in the convention, that city shall be entitled to at least
28 fifty percent of the persons selected by the convention.
29 Each fourth year thereafter during the month of January or
30 as soon as possible after he becomes aware of a vacancy on
31 the county commission which must be filled by the convention,
32 the county auditor shall call the convention of mayors and
33 councilmen by written notice as provided in this section.
34 The members of the county commission shall be appointed
35 to four-year terms except that of the membership of the initial

1 county commission, one-third of the members shall serve a
2 two-year term, one-third of the members shall serve a three-
3 year term, and one-third of the members shall serve a four-
4 year term. In the case of a nine-member county commission,
5 one member appointed by each appointing authority shall be
6 appointed to an initial term of two years, one member to an
7 initial term of three years, and one member to an initial
8 term of four years. In the case of a twelve-member county
9 commission, one member appointed by each appointing authority
10 shall be appointed to an initial term of two years, one member
11 to an initial term of three years, and two members to an
12 initial term of four years. In the case of a fifteen-member
13 county commission, one member appointed by each appointing
14 authority shall be appointed to an initial term of two years,
15 two members to an initial term of three years, and two members
16 to an initial term of four years. The term of each member
17 shall be effective on the first day of January of the year
18 of appointment except in the case of a vacancy which shall
19 be filled by appointment for the unexpired term subject to
20 the same qualifications as the original appointment. A vacancy
21 shall occur when a member of the county commission dies,
22 resigns or no longer holds the office which qualified that
23 person for appointment to the county commission.

24 All members of the initial county commission shall be
25 appointed and the county commission shall meet and organize
26 by the election of a chairman and vice chairman from among
27 its membership within sixty days after the effective date
28 of this Act. Thereafter, the county commission shall organize
29 annually by election of a chairman and vice chairman from
30 among its membership. Meetings may be called by the chair-
31 man at any time and shall be called within five days by the
32 chairman on the written request of a majority of the mem-
33 bership. A majority of the members of the county commission
34 shall constitute a quorum and the concurrence of a quorum
35 of the county commission shall be required to determine any

1 matter relating to its official duties.

2 Each member of the commission is entitled to receive re-
3 imbursement for travel and other necessary expenses incurred
4 in the performance of his official duties.

5 Sec. 17. NEW SECTION. INITIAL RECOMMENDATIONS TO STATE
6 COMMISSION.

7 1. It is the intent of the general assembly that, under
8 the provisions of subsection two (2) of this section, in-
9 terested citizens of this state be given an opportunity to
10 recommend provisions to be included in the initial state land
11 use policy and state land use policy guidelines.

12 2. Each county commission shall, within one hundred twenty
13 days after the effective date of this Act, conduct a public
14 hearing, receive testimony from any interested person relating
15 to what provisions should be included in the initial
16 recommendations of the state commission for a state land use
17 policy and state land use policy guidelines, and transmit
18 such testimony to the state commission. The county commission
19 shall give public notice of the date, time and location of
20 the public hearing in a newspaper having general circulation
21 within the county not later than two weeks before the date
22 of such hearing.

23 Sec. 18. NEW SECTION. POWERS AND DUTIES OF THE COUNTY
24 COMMISSION.

25 1. The county commission shall inventory and evaluate
26 on a continuing basis the physical, social, and economic re-
27 sources of the county.

28 2. The county commission shall study and evaluate the
29 current comprehensive plans, ordinances, policies and regu-
30 lations of the county, special districts, and the cities
31 within the county relating to land use.

32 3. In compliance with the state land use policy and state
33 land use policy guidelines adopted by the general assembly,
34 and to provide an integrated comprehensive plan for the county,
35 the county commission shall adopt guidelines for the

1 preparation of comprehensive plans for:

2 a. Coordinated systems of solid waste disposal, sewage
3 collection and treatment, and water supply and distribution.

4 b. The siting and development of industrial, commercial,
5 educational, cultural, residential and recreational facili-
6 ties and areas.

7 c. The designation, development, or use of local critical
8 areas.

9 d. A coordinated countywide transportation system which
10 shall include elements of a statewide transportation plan.

11 e. The designation, siting and development of confined
12 feedlot operations which are not designated as state permit
13 areas.

14 4. Before adopting the county land use policy guidelines,
15 the county commission shall conduct at least three public
16 hearings, to be held at different locations in the county,
17 and receive testimony from any interested person relating
18 to any such guideline. The county commission shall annually
19 review the county land use policy guidelines and may revise
20 or modify any guidelines. The county commission shall give
21 public notice of the date, time and location of each public
22 hearing by publication in a newspaper of general circulation
23 within the county not later than two weeks before the date
24 of such hearing. The county land use policy guidelines shall
25 be adopted not later than twelve months after the adoption
26 of the state land use policy and policy guidelines, however,
27 a county land use policy guideline shall not be adopted or
28 become effective until it is approved by the state commission.

29 5. The county commission may employ a director and such
30 other professional, technical, and secretarial personnel
31 deemed necessary.

32 6. The county commission shall annually adopt a budget
33 which shall be funded by the board of supervisors from state
34 funds appropriated for that purpose.

35 7. The county commission shall approve all contracts and

1 agreements between the county commission and other public
2 or private persons or agencies on matters relating to its
3 powers and duties.

4 8. The county commission shall advise, consult, and co-
5 operate with the state land use policy commission, the de-
6 partment, the county, and cities and special districts of
7 the county in carrying out the provisions of this Act.

8 9. Upon the expiration of one year after the state land
9 use policy and state land use policy guidelines are adopted
10 by the general assembly, the county commission shall report
11 to the state commission on the status of the comprehensive
12 plans of the county and each city and special district of
13 the county. Each report shall include:

14 a. Copies of the comprehensive plans reviewed by the
15 county commission and copies of the land use ordinances and
16 regulations applied to the respective jurisdictions.

17 b. For the county and cities and special districts with-
18 in the county without comprehensive plans, a statement and
19 review of the progress made toward the preparation and adop-
20 tion of such plans and compliance with the provisions of this
21 Act.

22 10. The county commission shall review all comprehensive
23 plans, ordinances or regulations for land use, recommended
24 or being prepared by the county, special districts and cities
25 within the county as provided in the Act to assure an
26 integrated comprehensive plan for the county. The county
27 commission shall advise the county, the special districts
28 and the cities whether or not their respective comprehensive
29 plans and ordinances or regulations are in conformity with
30 the county land use policy guidelines. A comprehensive plan
31 or a modification of such plan and any ordinances or
32 regulations relating to land use prepared by a city, county
33 or special district under this Act shall not be adopted or
34 become effective until approved by the county commission as
35 provided in this Act.

1 11. A county commission may apply for, receive, and spend
2 any public or private funds for the purpose of accomplishing
3 its responsibilities for land use under this Act.

4 12. If the county commission determines that an action
5 taken by a county, city or special district affecting land
6 use is in conflict with the county land use policy guide-
7 lines or any comprehensive plan provision, ordinance, or
8 regulation of a county, city, or special district within the
9 county, the county commission may issue an order to require
10 compliance or a conflicting activity to cease. If such
11 conflicting action or activity continues, the county attorney
12 shall petition, at the request of the county commission, the
13 district court of the county for injunctive relief.

14 Sec. 19. NEW SECTION. JURISDICTION OF COUNTY COMMIS-
15 SION--OVERLAPPING BOUNDARIES OF POLITICAL SUBDIVISIONS. A
16 city or special district, the boundaries of which overlap
17 two or more counties, shall be subject to the jurisdiction
18 of the joint county commissions of those counties in which
19 the land area of such city or special district is located.

20 Sec. 20. NEW SECTION. COMPREHENSIVE PLANS FOR LAND USE.

21 1. Each city and county shall prepare and the city council
22 or board of supervisors shall adopt a comprehensive plan for
23 land use in accordance with the adopted state land use policy,
24 state land use policy guidelines, county land use policy
25 guidelines and the time schedule as provided in section twenty-
26 one (21) of this Act. A city, in lieu of preparing and
27 adopting its own comprehensive plan, may agree to be included
28 in the comprehensive plan of the county. A city or a county
29 may contract with a metropolitan or regional planning
30 commission or a council of governments or other public or
31 private agency to prepare a comprehensive plan for land use,
32 which a city or a county may adopt. However, a comprehensive
33 plan shall not be adopted or become effective until it has
34 been approved by the county commission and reviewed by the
35 state commission.

1 2. Each special district shall cooperate in the preparation
2 of a comprehensive plan for land use with the appropriate
3 city or county, and exercise its powers and responsibilities
4 that are authorized by law with respect to programs affecting
5 land use in accordance with the adopted state land use policy,
6 state land use policy guidelines, county land use policy
7 guidelines and the time schedule as provided in section twenty-
8 one (21) of this Act. However, a comprehensive plan shall
9 not be adopted or become effective until it has been approved
10 by the county commission and reviewed by the state commission.

11 3. Each state agency having jurisdiction or control of
12 land shall prepare a comprehensive plan for land use and
13 exercise its powers and responsibilities that are authorized
14 by law with respect to programs affecting land use in
15 accordance with the adopted state land use policy, state land
16 use policy guidelines, and the time schedule as provided in
17 section twenty-one (21) of this Act. However, a comprehensive
18 plan shall not be adopted or become effective until it has
19 been approved by the state commission.

20 Sec. 21. NEW SECTION. NONCOMPLIANCE BY PUBLIC AGENCIES.

21 1. If a state agency fails to prepare and adopt a
22 comprehensive plan for land use approved by the state
23 commission and exercise its powers and duties as provided
24 by law to enforce the provisions of such comprehensive plan
25 as provided in this Act within eighteen months after the
26 adoption of the state land use policy and policy guidelines,
27 the state commission shall provide for the preparation and
28 adoption of a comprehensive plan for land use and the
29 enforcement of necessary rules in behalf of such state agency
30 through the department or by contract with another agency
31 of this state. However, the state commission may grant an
32 extension of time for compliance if it finds that satisfactory
33 progress is being made toward compliance.

34 2. If a city or county fails to prepare and adopt a
35 comprehensive plan for land use and exercise its powers and

1 duties as provided by law to enforce the provisions of such
2 comprehensive plan as provided in this Act within eighteen
3 months after the adoption of the state land use policy and
4 policy guidelines, the state commission may provide for the
5 preparation of a comprehensive plan for land use for such
6 city or county, which plan shall be adopted and enforced by
7 such city or county. However, the state commission may grant
8 an extension of time for compliance if it finds that
9 satisfactory progress is being made toward compliance.

10 Sec. 22. NEW SECTION. EMPLOYMENT OF LEGAL COUNSEL. In
11 any legal proceedings taken under this Act, the county
12 commission may employ private legal counsel for such
13 proceedings.

14 Sec. 23. NEW SECTION. PRIOR PLANS, ORDINANCES, AND
15 REGULATIONS. Comprehensive plans and zoning, subdivision
16 and other ordinances and regulations whether adopted prior
17 or subsequent to the effective date of this Act shall remain
18 in effect unless revised under this Act.

19 Sec. 24. NEW SECTION. JOINT EXERCISE OF POWERS AND DUTIES.
20 A state agency, city, county, county commission, or special
21 district may contract with any regional or metropolitan
22 planning commission or any other private or public agency
23 under chapters twenty-eight E (28E) or four hundred seventy-
24 three A (473A) for any planning purposes authorized or required
25 under this Act.

26 Sec. 25. NEW SECTION. APPEAL TO THE STATE COMMISSION.

27 1. As provided in sections twenty-seven (27) and twenty-
28 eight (28) of this Act, the state commission shall review
29 upon:

30 a. Petition by a county commission, a comprehensive plan
31 provision or land use action or activity of a state agency
32 that the county commission considers in conflict with the
33 state land use policy or a state land use policy guideline
34 adopted by the general assembly.

35 b. Petition by a city council, board of supervisors, or

1 special district, a comprehensive plan provision or land use
2 action or activity of a state agency or an order of the county
3 commission issued under subsection ten (10) of section eighteen
4 (18) of this Act that the city council, board of supervisors,
5 or special district considers to be in conflict with the state
6 land use policy and state land use policy guidelines adopted
7 by the general assembly.

8 c. Petition by an aggrieved person, a land use action
9 or activity or a comprehensive plan provision of a state
10 agency or an order of the county commission issued under
11 subsection ten (10) of section eighteen (18) of this Act
12 alleged to be in violation of the state land use policy and
13 a state land use policy guideline approved by the general
14 assembly.

15 2. A petition filed with the state commission under
16 subsection one (1) of this section shall be filed not later
17 than sixty days after the date of final adoption or approval
18 of the action or comprehensive plan provision for land use
19 upon which the petition is based.

20 3. An appeal to the state commission stays all proceedings
21 in furtherance of the action appealed from, unless the
22 authority from whom the appeal is taken certifies to the state
23 commission after notice of appeal shall have been filed with
24 such authority that by reason of facts stated in the
25 certificate, a stay would cause imminent peril to life or
26 property. In such case, proceedings shall not be stayed other
27 than by a restraining order which may be issued by the state
28 commission or by a district court on application on notice
29 to the authority from which the appeal is taken and on due
30 cause shown.

31 Sec. 26. NEW SECTION. APPEALS TO COUNTY COMMISSION.

32 1. The county commission shall review upon:

33 a. Petition by a city council, board of supervisors, or
34 special district, a comprehensive plan provision or any zoning,
35 subdivision, or other ordinance, or regulation adopted or

1 land use action taken by a city, county or special district
2 that the city council, board of supervisors, or special
3 district directors consider to be in conflict with the county
4 land use policy guidelines.

5 b. Petition by an aggrieved person, any comprehensive
6 plan provision or zoning, subdivision, or other ordinance
7 or regulation adopted or land use action taken by a city,
8 county or special district that the aggrieved person considers
9 to be in conflict with the county land use policy guidelines.

10 2. A petition filed with the county commission under sub-
11 section one (1) of this section shall be filed not later than
12 sixty days after the date of final adoption or approval of
13 the action, comprehensive plan provision, or zoning,
14 subdivision or other ordinance or regulation upon which the
15 petition is based.

16 3. An appeal to the county commission stays all proceedings
17 in furtherance of the action appealed from, unless the
18 authority from whom the appeal is taken certifies to the
19 county commission after notice of appeal shall have been filed
20 with such authority that by reason of facts stated in the
21 certificate, a stay would cause imminent peril to life or
22 property. In such case, proceedings shall not be stayed other
23 than by a restraining order which may be issued by the county
24 commission or by a district court on application on notice
25 to the authority from which the appeal is taken and on due
26 cause shown.

27 4. All review proceedings conducted by the county commis-
28 sion under this Act shall be based on the administrative
29 record, if any, prepared with respect to the proceedings for
30 the adoption or approval of the comprehensive plan provision,
31 subdivision or other ordinance or regulation, or action that
32 is the subject of the review proceeding and the provisions
33 of sections twenty-seven (27), twenty-eight (28) and twenty-
34 nine (29) of this Act shall govern the conduct of all review
35 proceedings before the county commission.

1 5. The county commission may enforce orders issued pursu-
2 ant to a review proceeding under this section in appropriate
3 judicial proceedings brought by the county commission.

4 Sec. 27. NEW SECTION. APPEAL PROCEDURES.

5 1. All review proceedings conducted by the state commission
6 pursuant to section twenty-five (25) of this Act shall be
7 based on the administrative record, if any, prepared with
8 respect to the proceedings for the adoption or approval of
9 the comprehensive plan provision or action that is the sub-
10 ject of the review proceeding.

11 2. The state commission shall adopt, pursuant to chapter
12 seventeen A (17A) of the Code, such rules, procedures and
13 regulations for the conduct of review proceedings held pursuant
14 to section twenty-five (25) of this Act.

15 3. A city, county, state agency, special district or any
16 aggrieved person may intervene in and be made a party to any
17 review proceedings conducted by the state commission with
18 the approval of the state commission, upon the request of
19 the hearings officer appointed to conduct such proceeding
20 or upon the approval by the hearings officer of a request
21 by such agency or person for intervention in the review
22 proceedings.

23 Sec. 28. NEW SECTION. HEARING OFFICER--PROCEDURES.

24 1. In carrying out its duties under section twenty-five
25 (25) of this Act, the chairman of the state commission may
26 assign each petition to be reviewed by the state commission
27 to a hearing officer who shall conduct the review proceeding.

28 2. A hearing officer shall conduct a review proceeding
29 in accordance with the rules, procedures and regulations
30 adopted by the state commission. Upon the conclusion of a
31 hearing, the hearing officer shall make a proposed decision
32 pursuant to chapter seventeen A (17A) of the Code and submit
33 a copy of his recommendation to the state commission and to
34 each party to the proceedings.

35 3. The state commission shall upon appeal by a party or

1 on its own motion, review the proposed decision of the hearing
2 officer and the record of the proceeding and issue its order
3 with respect to the review proceeding within sixty days
4 following the date of the filing of the petition upon which
5 such review proceeding is based. The state commission may
6 adopt, reject or amend the recommendation of the hearing
7 officer in any matter.

8 4. No order of the state commission issued under subsection
9 three (3) of this section is valid unless all members of the
10 state commission have received the recommendation of the
11 hearing officer in the matter and at least a quorum of the
12 members of the state commission concur in its action in the
13 matter.

14 5. The state commission may enforce orders issued under
15 subsection three (3) of this section in appropriate judicial
16 proceedings brought by the attorney general at the request
17 of the state commission.

18 Sec. 29. NEW SECTION. ADDITIONAL INFORMATION.

19 1. If, upon its review of the proposed decision of a
20 hearing officer and the record of the review proceeding
21 prepared following a review proceeding before the state
22 commission, the state commission is unable to reach a decision
23 in the matter without further information or evidence, it
24 may refer the matter back to the hearing officer and request
25 that the additional information or evidence be acquired by
26 him or that he correct any errors or deficiencies found by
27 the state commission to exist in his recommendation or record
28 of the proceeding.

29 2. In case of a referral of a matter back to the hearing
30 officer pursuant to subsection one (1) of this section, the
31 sixty-day period referred to in subsection three (3) of sec-
32 tion twenty-eight (28) of this Act is suspended for an interval
33 not to exceed sixty days.

34 Sec. 30. NEW SECTION. JUDICIAL REVIEW. Judicial review
35 of an order by the state commission may be sought in accordance

1 with the provisions of chapter seventeen A (17A) of the Code
2 and judicial review of an order of a county commission may
3 be sought in the district court of the county.

4 Sec. 31. NEW SECTION. RULES OF THE STATE COMMISSION.
5 All rules adopted by the state commission under the provisions
6 of this Act are subject to chapter seventeen A (17A) of the
7 Code.

8 Sec. 32. NEW SECTION. PRIVATE PROPERTY RIGHTS. Nothing
9 in this Act shall be construed to deprive a person of his
10 property without just compensation and due process of law
11 as guaranteed by the Fifth and Fourteenth Amendments of the
12 Constitution of the United States and the Constitution of
13 the State of Iowa.

14 Sec. 33. Section sixty-eight B point two (68B.2),
15 subsection four (4), Code 1977, is amended to read as follows:

16 4. "Regulatory agency" means department of agriculture,
17 industrial commissioner, bureau of labor, department of job
18 service, department of banking, insurance department of Iowa,
19 state department of health, department of public safety,
20 department of public instruction, state board of regents,
21 department of social services, department of revenue, Iowa
22 state commerce commission, Iowa beer and liquor control
23 department, board of pharmacy examiners, state conservation
24 commission, state department of transportation, Iowa state
25 civil rights commission, department of soil conservation and
26 land use, department of public defense, and Iowa natural
27 resources council.

28 Sec. 34. Section eighty-three A point two (83A.2), subsec-
29 tions eleven (11) and fourteen (14), Code 1977, are amended
30 to read as follows:

31 11. "Department" means the department of soil conservation
32 and land use.

33 14. "~~Administrator~~ Director" means the ~~administrative~~
34 ~~officer~~ director of the department responsible for
35 administration or enforcement of this chapter or his designee.

1 Sec. 35. Section eighty-three A point three (83A.3),
2 unnumbered paragraph one (1), Code 1977, is amended to read
3 as follows:

4 There is ~~hereby~~ established within the department of soil
5 conservation and land use a land rehabilitation advisory board
6 which shall consist of seven members appointed by the governor,
7 as follows:

8 Sec. 36. Section eighty-three A point twenty-six (83A.26),
9 Code 1977, is amended to read as follows:

10 33A.26 INSPECTION OF SITE. The ~~administrator~~ director
11 of the department ~~or-his-designee~~ may enter at all times upon
12 any lands on which any operator is authorized to operate a
13 mine for the purpose of determining whether the operator is
14 or has been complying with the provisions of this chapter.
15 The department shall give written notice to any operator who
16 violates any of the provisions of this chapter or any rules
17 adopted by the department pursuant to this chapter. If
18 corrective measures approved by the department are not
19 commenced within ninety days, the violation shall be referred
20 to the committee. The operator shall be notified in writing
21 of the referral. All operators shall co-operate with the
22 department in seeking methods of operation which will cause
23 minimum disruption to the land and property adjoining a mining
24 operation.

25 Sec. 37. Chapter eighty-four (84), Code 1977, is amended
26 by adding the following new section:

27 NEW SECTION. APPROVAL OF PERMIT. After a state permit
28 area has been designated as provided in section five (5) of
29 this Act, a permit shall not be issued under this chapter
30 affecting the use or development of such state permit area
31 without the approval of the state land use policy commission
32 as provided in section twelve (12) of this Act.

33 Sec. 38. Chapter one hundred ten A (110A), Code 1977,
34 is amended by adding the following new section:

35 NEW SECTION. APPROVAL OF LICENSE. After a state permit

1 area has been designated as provided in section five (5) of
2 this Act, a license shall not be issued under this chapter
3 affecting the use or development of such state permit area
4 without the approval of the state land use policy commission
5 as provided in section twelve (12) of this Act.

6 Sec. 39. Chapter one hundred eleven (111), Code 1977,
7 is amended by adding the following new section:

8 NEW SECTION. APPROVAL OF PERMIT. After a state permit
9 area has been designated as provided in section five (5) of
10 this Act, a construction permit or water recreational area
11 permit shall not be issued under this chapter affecting the
12 use or development of such state permit area without the
13 approval of the state land use policy commission as provided
14 in section twelve (12) of this Act.

15 Sec. 40. Chapter one hundred twelve (112), Code 1977,
16 is amended by adding the following new section:

17 NEW SECTION. PERMIT FOR CONSTRUCTION. After a state
18 permit area has been designated as provided in section five
19 (5) of this Act, a dam or spillway shall not be constructed
20 or reconstructed under this chapter affecting such state
21 permit area without obtaining a permit from the state land
22 use policy commission as provided in section eleven (11) of
23 this Act.

24 Sec. 41. Chapter three hundred six (306), Code 1977, is
25 amended by adding the following new section:

26 NEW SECTION. PERMIT FOR HIGHWAY CONSTRUCTION. After a
27 state permit area has been designated as provided in section
28 five (5) of this Act, a highway authority shall not establish,
29 construct or reconstruct a highway or road under this chapter
30 affecting such state permit area without obtaining a permit
31 from the state land use policy commission as provided in
32 section eleven (11) of this Act.

33 Sec. 42. Chapter three hundred six A (306A), Code 1977,
34 is amended by adding the following new section:

35 NEW SECTION. PERMIT FOR CONSTRUCTION. After a state

1 permit area has been designated as provided in section five
2 (5) of this Act, a highway authority shall not establish,
3 construct or reconstruct a controlled-access highway under
4 this chapter affecting such state permit area without obtaining
5 a permit from the state land use policy commission as provided
6 in section eleven (11) of this Act.

7 Sec. 43. Chapter three hundred eight (308), Code 1977,
8 is amended by adding the following new section:

9 NEW SECTION. PERMIT FOR CONSTRUCTION. After a state
10 permit area has been designated as provided in section five
11 (5) of this Act, the state transportation commission shall
12 not establish, construct or reconstruct a highway or road
13 under this chapter affecting such state permit area without
14 obtaining a permit from the state land use policy commission
15 as provided in section eleven (11) of this Act.

16 Sec. 44. Section three hundred twenty-nine point three
17 (329.3), Code 1977, is amended to read as follows:

18 329.3 ZONING REGULATIONS--POWERS GRANTED. Every muni-
19 cipality having an airport hazard area within its territorial
20 limits or under its jurisdiction may adopt, administer, and
21 enforce in the manner and upon the conditions prescribed by
22 this chapter, zoning regulations for such airport hazard area,
23 which regulations may divide such area into zones and, within
24 such zones, specify the land uses permitted, and regulate
25 and restrict, for the purpose of preventing airport hazards,
26 the height to which structures and trees may be erected or
27 permitted to grow except that eighteen months after the
28 adoption of the state land use policy and policy guidelines,
29 it shall be mandatory that such zoning ordinances or
30 regulations are adopted and enforced in accordance with a
31 comprehensive plan adopted as provided in this Act, unless
32 a time extension is granted as provided in section twenty-
33 one (21) of this Act.

34 Sec. 45. Section three hundred fifty-eight A point one
35 (358A.1), Code 1977, is amended to read as follows:

1 358A.1 WHERE APPLICABLE. The provisions of this chap-
2 ter shall be applicable to any county of the state at the
3 option of the board of supervisors of any such county except
4 that effective eighteen months after the adoption of the state
5 land use policy and policy guidelines it shall be mandatory
6 that a comprehensive plan for land use be adopted in accordance
7 with the state land use policy, state land use policy
8 guidelines, and county land use policy guidelines; and that
9 appropriate subdivision, zoning, or other ordinances or
10 regulations are adopted and enforced, unless a time extension
11 is granted as provided in section twenty-one (21) of this
12 Act.

13 Sec. 46. Section four hundred fourteen point one (414.1),
14 Code 1977, is amended to read as follows:

15 414.1 BUILDING RESTRICTIONS--POWERS GRANTED. For the
16 purpose of promoting the health, safety, morals, or the gen-
17 eral welfare of the community, any city is hereby empowered
18 to regulate and restrict the height, number of stories, and
19 size of buildings and other structures, the percentage of
20 lot that may be occupied, the size of yards, courts, and other
21 open spaces, the density of population, and the location and
22 use of buildings, structures, and land for trade, industry,
23 residence, or other purposes. However, eighteen months after
24 the adoption of the state land use policy and policy guidelines
25 it shall be mandatory that zoning, subdivision, or other
26 ordinances and regulations are adopted and enforced in
27 accordance with a comprehensive plan adopted as provided in
28 this Act, unless a time extension is granted as provided in
29 section twenty-one (21) of this Act.

30 Sec. 47. Chapter four hundred fifty-five A (455A), Code
31 1977, is amended by adding the following new section:

32 NEW SECTION. APPROVAL OF PERMIT. After a state permit
33 area has been designated as provided in section five (5) of
34 this Act, a permit shall not be issued under this chapter
35 affecting the use of development of such state permit area

1 without the approval of the state land use policy commission
2 as provided in section twelve (12) of this Act.

3 Sec. 48. Section four hundred fifty-five A point nineteen
4 (455A.19), subsection three (3), Code 1977, is amended to
5 read as follows:

6 3. The water commissioner shall cause due notice of the
7 hearing to be published. Said notice shall specify the date,
8 time and place of hearing and shall include a concise statement
9 of the designated beneficial purposes for which diversion
10 is sought, the specific limits as to quantity, time, place,
11 and rate of diversion, storage or withdrawal of waters, the
12 name of the applicant and the description of the land upon
13 which waters are to be diverted, stored or withdrawn. In
14 addition to the foregoing, the water commissioner shall cause
15 a copy of the notice to be sent to the director of the
16 conservation commission, commissioner of public health, the
17 ~~secretary of the soil conservation committee~~ director of the
18 department of soil conservation and land use, secretary of
19 agriculture, director of the Iowa geological survey, the
20 director of the Iowa development commission, and to any other
21 person who has filed a written request for a notification
22 of any hearings affecting a designated area, by ordinary mail,
23 prior to the date of last publication.

24 Sec. 49. Section four hundred fifty-five B point four
25 (455B.4), subsection four (4), unnumbered paragraph one (1),
26 Code 1977, is amended to read as follows:

27 The chemical technology commission shall consist of the
28 secretary of agriculture, the commissioner of public health,
29 the director of the Iowa natural resources council, the chair-
30 man of the state ~~soil conservation committee~~ land use policy
31 commission, the chief executive of the league of Iowa munici-
32 palities, the state conservation director, and the dean,
33 college of agriculture of Iowa State University of science
34 and technology, or their designees, a representative of a
35 firm in Iowa actively engaged in the manufacture or formulation

1 of agricultural chemicals, and a farmer experienced in the
2 application of agricultural chemicals to be appointed by the
3 governor with the consent of two-thirds of the senate. The
4 members appointed by the governor shall serve four-year terms,
5 except that of the membership of the initial commission, the
6 members appointed by the governor shall be the appointed
7 members of the chemical technology review board abolished
8 by this chapter, whose terms expired on the thirtieth of June,
9 1974. The terms of these two members shall expire on the
10 thirtieth of June, 1974.

11 Sec. 50. Section four hundred fifty-five B point six
12 (455B.6), Code 1977, is amended to read as follows:

13 455B.6 EXECUTIVE COMMITTEE. The executive committee of
14 the department shall consist of the chairmen of the four com-
15 missions within the department. When a member of the executive
16 committee is unable to attend a meeting, the vice chairman
17 of the respective commission shall serve in his or her place.
18 The director of the state conservation commission, the
19 ~~administrative-officer~~ director of the department of soil
20 conservation and land use, the director of the bacteriological
21 laboratory at the state University of Iowa, the secretary
22 of agriculture, the commissioner of public health, and the
23 state geologist, or their designees shall be ex officio,
24 nonvoting members of the executive committee. The executive
25 committee shall organize annually during the month of July
26 and select a chairman and vice chairman. The executive
27 director shall act as the secretary of the executive committee.
28 Meetings shall be called by the chairman or upon written
29 request of any two voting members. A majority of the executive
30 committee shall constitute a quorum and the concurrence of
31 a majority of the executive committee shall be required to
32 determine any matter relating to its duties. The voting
33 members of the executive committee shall be paid a forty-
34 dollar per diem while in session, and shall be reimbursed
35 for their actual and necessary expenses while engaged in the

1 performance of their official duties as members of the
2 executive committee. All per diem and expense moneys paid
3 to members shall be paid from funds appropriated to the
4 commission of which they are members.

5 Sec. 51. Chapter four hundred fifty-five B (455B), Code
6 1977, is amended by adding the following new section:

7 NEW SECTION. APPROVAL OF PERMIT. After a state permit
8 area has been designated as provided in section five (5) of
9 this Act, a permit shall not be issued by a commission or
10 the department under this chapter affecting the use or
11 development of such state permit area without the approval
12 of the state land use policy commission as provided in section
13 twelve (12) of this Act.

14 Sec. 52. Chapter four hundred sixty-seven A (467A), Code
15 1977, is amended by inserting the word "district" before the
16 word "commissioner" wherever such word is found in chapter
17 four hundred sixty-seven A (467A) of the Code.

18 Sec. 53. Chapters four hundred sixty-seven A (467A) and
19 four hundred sixty-seven D (467D), Code 1977, are amended
20 by striking the words "committee" and "state soil conservation
21 committee" and inserting in lieu thereof the words "commission"
22 and "state land use policy commission" respectively wherever
23 such words are found in chapters four hundred sixty-seven
24 A (467A) and four hundred sixty-seven D (467D) of the Code.

25 Sec. 54. Section four hundred sixty-seven A point three
26 (467A.3), subsection three (3), Code 1977, is amended to read
27 as follows:

28 3. "Department" ~~or "department of soil conservation"~~ means
29 ~~the agency created by section 467A.4~~ means the department
30 of soil conservation and land use.

31 Sec. 55. Section four hundred sixty-seven A point three
32 (467A.3), subsection four (4), Code 1977, is amended to read
33 as follows:

34 4. "~~COMMITTEE COMMISSION~~" or "~~STATE SOIL-CONSERVATION~~
35 ~~COMMITTEE LAND USE POLICY COMMISSION~~" means the committee

1 commission established by section ~~467A.4~~ four (4) of this
2 Act.

3 Sec. 56. Section four hundred sixty-seven A point three
4 (467A.3), Code 1977, is amended by adding the following new
5 subsection:

6 NEW SUBSECTION. "Director" means the director of the
7 department of soil conservation and land use or his designee.

8 Sec. 57. Section four hundred sixty-seven A point four
9 (467A.4), subsection one (1), Code 1977, is amended by striking
10 the subsection and inserting in lieu thereof the following:

11 1. The department of soil conservation and land use shall
12 serve as the agency of the state to perform the functions
13 conferred on it by this chapter in accordance with the policies
14 of the state land use policy commission. The commission shall
15 adopt a seal which shall be judicially noticed and may perform
16 such acts, hold public hearings and promulgate rules pursuant
17 to chapter seventeen A (17A) of the Code as may be necessary
18 for the execution of its functions under this chapter.

19 Sec. 58. Section four hundred sixty-seven A point four
20 (467A.4), subsection two (2), Code 1977, is amended to read
21 as follows:

22 2. The ~~state-soil-conservation-committee-may-employ-an~~
23 director shall be the chief administrative officer of the
24 department and he may appoint such other agents and employees,
25 permanent and temporary, as ~~it-may-require~~ required, and shall
26 determine their qualifications, duties and compensation.
27 The committee or department may call upon the attorney general
28 of the state for such legal services as either may require.
29 The committee shall have authority to delegate to its chairman,
30 to one or more of its members, or to one or more agents or
31 employees, such powers and duties as it may deem proper.
32 Upon request of the committee, for the purpose of carrying
33 out any of the functions assigned the committee or the
34 department by law, the supervising officer of any state agency,
35 or of any state institution of learning shall, insofar as

1 may be possible under available appropriations, and having
2 due regard to the needs of the agency to which the request
3 is directed, assign or detail to the department members of
4 the staff or personnel of such agency or institution of
5 learning, and make such special reports, surveys, or studies
6 as the committee may request.

7 Sec. 59. Section four hundred sixty-seven A point four
8 (467A.4), Code 1977, is amended by striking subsection three
9 (3).

10 Sec. 60. Section four hundred sixty-seven A point four
11 (467A.4), subsection four (4), unnumbered paragraph one (1),
12 Code 1977, is amended to read as follows:

13 In addition to the duties and powers hereinafter conferred
14 upon the department ~~of soil conservation~~, it shall have the
15 following duties and powers:

16 Sec. 61. Section four hundred sixty-seven A point six
17 (467A.6), unnumbered paragraph four (4), Code 1977, is amended
18 to read as follows:

19 The commissioners may call upon the attorney general of
20 the state for such legal services as they may require. The
21 commissioners may delegate to their chairman, to one or more
22 commissioners or to one or more agents, or employees, such
23 powers and duties as they may deem proper. The commissioners
24 shall furnish to the department ~~of soil conservation~~, upon
25 request, copies of such ordinances, rules, regulations, orders,
26 contracts, forms, and other documents as they shall adopt
27 or employ, and such other information concerning their
28 activities as it may require in the performance of its duties
29 under this chapter.

30 Sec. 62. Section four hundred sixty-seven D point two
31 (467D.2), subsection five (5), Code 1977, is amended to read
32 as follows:

33 5. "Department" or "department of soil conservation and
34 land use" means the agency established by section 467A.4.

35 Sec. 63. Chapter four hundred sixty-nine (469), Code 1977,

1 is amended by adding the following new section:

2 NEW SECTION. APPROVAL OF PERMIT. After a state permit
3 area has been designated as provided in section five (5) of
4 this Act, a permit shall not be issued under this chapter
5 affecting the use or development of a state permit area without
6 the approval of the state land use policy commission as
7 provided in section twelve (12) of this Act.

8 Sec. 64. Chapter four hundred sixty-nine A (469A), Code
9 1977, is amended by adding the following new section:

10 NEW SECTION. APPROVAL OF CERTIFICATE. After a state
11 permit area has been designated as provided in section five
12 (5) of this Act, a certificate of convenience and necessity
13 shall not be issued under this chapter affecting the use or
14 development of a state permit area without approval of the
15 state land use policy commission as provided in section twelve
16 (12) of this Act.

17 Sec. 65. Section four hundred seventy-seven point one
18 (477.1), Code 1977, is amended to read as follows:

19 477.1 RIGHT OF WAY. Any Subject to the provisions of
20 section eleven (11) of this Act, any person or firm, and any
21 corporation organized for such purpose, within or without
22 the state, may construct a telegraph or telephone line along
23 the public roads of the state, or across the rivers or over
24 any lands belonging to the state or any private individual,
25 and may erect the necessary fixtures therefor.

26 Sec. 66. Chapter four hundred seventy-eight (478), Code
27 1977, is amended by adding the following new section:

28 NEW SECTION. APPROVAL OF FRANCHISE OR PERMIT. After a
29 state permit area has been designated as provided in section
30 five (5) of this Act, a franchise or permit shall not be
31 issued under this chapter affecting the use or development
32 of a state permit area without the approval of the state land
33 use policy commission as provided in section twelve (12) of
34 this Act.

35 Sec. 67. Chapter four hundred seventy-nine (479), Code

1 1977, is amended by adding the following new section:

2 NEW SECTION. APPROVAL OF PERMIT. After a state permit
3 area has been designated as provided in section five (5) of
4 this Act, a permit shall not be issued under this chapter
5 affecting the use or development of a state permit area without
6 the approval of the state land use policy commission as
7 provided in section twelve (12) of this Act.

8 Sec. 68. Section three hundred sixty-eight point sixteen
9 (368.16), subsection two (2), Code 1977, is amended to read
10 as follows:

11 2. Recommendations of the local or regional planning
12 authority for the area.

13 Sec. 69. This Act is repealed effective January 1, 1983.

14 EXPLANATION

15 This bill provides for the reorganization of the department
16 of soil conservation into the department of soil conservation
17 and land use and grants authority to the department and the
18 state land use policy commission to prepare and supervise
19 the implementation of a state land use policy and state land
20 use policy guidelines. The state land use policy commission
21 consists of the eight appointive members of the state soil
22 conservation committee and five additional members selected
23 and appointed by the governor from the state at large with
24 the approval of two-thirds of the senate, and fourteen ex
25 officio, nonvoting members.

26 The principal duties of the state land use policy commis-
27 sion are to recommend a state land use policy and state land
28 use policy guidelines to be acted upon by the general assembly,
29 to review local comprehensive plans for land use submitted
30 by cities, counties, and special districts, to guide, review
31 and approve comprehensive plans for land use submitted by
32 state agencies, recommend criteria for adoption by the general
33 assembly, for the designation of state permit areas, the use
34 and development of which shall be regulated by a planning
35 and siting permit issued by the department, review and approval

1 of county land use policy guidelines which are to be prepared
2 in compliance with the state guidelines to guide cities,
3 counties and special districts in preparing comprehensive
4 plans, and hear appeals from local governments or persons
5 aggrieved by a comprehensive plan provision, regulation or
6 action of a state agency or county land use policy guide-
7 lines.

8 This bill also creates a county land use policy commis-
9 sion in each county. The county commission shall consist
10 of not less than nine nor more than fifteen members, selected
11 and appointed by and from members of the board of supervisors,
12 a convention of mayors and city councilmen, and the soil con-
13 servation district commission. The principal duties of the
14 county commission are to prepare and adopt county land use
15 policy guidelines in conformity with the state land use policy
16 and state land use policy guidelines, to guide the counties,
17 cities and special districts in preparing comprehensive plans
18 for land use, to review and approve such plans and
19 corresponding ordinances or regulations, and to advise the
20 county, city, and special district concerning compliance with
21 state policy.

22 The authority of cities and counties to prepare compre-
23 hensive plans and enforce ordinances or regulations within
24 their respective jurisdictions remains unchanged from present
25 law except for those areas designated by the state commission
26 as state permit areas and eighteen months after the adoption
27 of the state land use policy the adoption and enforcement
28 of comprehensive plans is mandatory in compliance with the
29 state land use policy, state land use policy guidelines and
30 county land use policy guidelines.

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S-3480

1 Amend Amendment 3437 to House File 210 as
 2 amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 2, by striking line 36, and insert-
 5 in lieu there of the following:
 6 "commissioners; however, if a county's
 7 population exceeds fifty thousand and a city
 8 contains more than one-half of the total popul-
 9 ation of a county, that city shall not partici-
 10 pate in the convention of mayors and councilmen
 11 and the county commission shall consist of three
 12 members engaged in actual farming operations
 13 appointed by the county extension council, three
 14 members appointed by and from the soil conser-
 15 vation district commissioners, three members
 16 appointed by and from the mayor and councilmen
 17 of that city, and three members appointed by and
 18 from the mayors and councilmen of cities other
 19 than that city. The temporary county land pre-
 20 servation"

S-3480 FILED & LOST (p 1297)
 MAY 2, 1977

BY ROGER J. SHAFF

HOUSE FILE 210

S-3484

1 Amend Senate amendment S-3437 to House File 210
 2 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 5, by inserting after line 3 the
 5 following:
 6 "_____. The temporary state land preservation
 7 commission shall, prior to making its recommenda-
 8 tions to the general assembly:
 9 a. Provide the citizens with information re-
 10 garding the extent of land use planning and regu-
 11 lation by this state, other states, and the federal
 12 government and other information important to stimu-
 13 late public interest in land preservation policy
 14 determination.
 15 b. Hold public hearings inviting citizen
 16 participation."
 17 2. By renumbering the subsections to conform
 18 with this amendment.

S-3484 FILED & ADOPTED (p 1298)
 MAY 2, 1977

BY RAY TAYLOR

HOUSE FILE 210

S-3478

1 Amend Senate Amendment S-3437 amending House File
2 210 as amended, passed, and reprinted by the House
3 as follows:

4 1. Page 1, by striking line 5 through page 5,
5 line 28 and inserting in lieu thereof the following:

6 "Section 1. NEW SECTION. LAND USE REPORT.

7 1. The department of soil conservation shall
8 prepare a report to be submitted to the general
9 assembly by January 1, 1979 describing the use of
10 land in the state of Iowa and making recommendations
11 as to the future use of land in this state.

12 2. The report shall, to the maximum extent
13 possible, use the information provided by the
14 comprehensive state water plan prepared by the natural
15 resources council, the plans and soil surveys prepared
16 by the department of soil conservation and the soil
17 conservation districts, and the geological survey
18 prepared by the state geologist.

19 3. The report shall describe by quantity and
20 category the uses of land in this state at the present,
21 five years ago, and ten years ago. The report shall
22 describe the transitions in the use of land to
23 different uses over the period covered in the report
24 by quantity and category.

25 4. The report shall also identify those transitions
26 in land use which the department considers a misuse
27 of the land of this state and describe the reasons
28 for those determinations. The report shall make
29 recommendations as to statutory changes needed to
30 prevent further misuse of the land of the state.

31 5. All state agencies and political subdivisions
32 shall, to the extent their resources allow, assist
33 and cooperate with the department of soil conservation
34 in providing information for this report."

35 2. Page 5, by striking lines 31 and 32 and
36 inserting in lieu thereof the following: "Act to
37 provide for a report on the use of land in the state
38 with recommendations as to the future land use in
39 the state."

S-3478 FILED & LOST (p. 1296)
MAY 2, 1977

BY CALVIN O. HULTMAN

S-3479

1 Amend the Committee on Natural Resources
2 amendment S-3437 to House File 210 as amended,
3 passed and reprinted by the House as follows:
4 1. Page 4, by striking lines 14 through 25
5 and inserting in lieu thereof the following:
6 "1. There is created within the soil conser-
7 vation department a temporary state land use pol-
8 icy commission consisting of thirteen voting mem-
9 bers appointed by the governor with the consent of
10 two-thirds of the members of the Senate and four-
11 teen ex officio, non-voting members. No more
12 than eight members shall be of the same political
13 affiliation. In the case of a vacancy, such
14 vacancy shall be filled by appointment of the
15 governor with the consent of two-thirds of the
16 members of the Senate.

17 2. The thirteen voting members of the comm-
18 ission shall be selected and appointed subject to
19 the following qualifications:

20 a. Six members shall be persons engaged in
21 actual farming operations with each being a res-
22 ident of a different soil conservancy district
23 established in section four hundred sixty-seven
24 D point three (467 D.3) of the Code and none
25 being a resident of the same county.

26 b. One member shall be selected from the state
27 at large to be representative of the mining in-
28 dustry.

29 c. One member shall be selected from the
30 state at large to be representative of a city
31 with a population of over sixty thousand.

32 d. One member shall be a representative of
33 a city with a population of over twenty-five
34 thousand.

35 e. One member shall be a representative of
36 a city with a population of at least ten thous-
37 and but not over twenty-five thousand.

38 f. One member shall be a representative of
39 a city with a population of under ten thousand.

40 g. Two members shall represent a broad cross
41 section of the public interest.

42 However, of the members of the state commis-
43 sion the eight members selected and appointed to meet
44 the qualifications of paragraphs a, b, and c of
45 this subsection shall be the members of the state
46 soil conservation committee on the effective date
47 of this Act. The voting members of the state
48 commission shall not be elected or appointed
49 officers or employees of the federal or state
50

1 government.

2 3. The fourteen ex officio, nonvoting
3 members of the state commission are the secre-
4 tary of agriculture, the director of the state
5 agricultural extension service, the director of
6 the state conservation commission, the director of
7 the Iowa natural resources council, the exe-
8 cutive director of the office for planning and
9 programming, the state geologist, the director
10 of the Iowa development commission, the director
11 of the department of transportation, the chairman
12 of the city development board, the chairman of
13 the Iowa state commerce commission, the director
14 of the energy policy council, or their respective
15 designees, a member of a county commission app-
16 ointed by the league of Iowa municipalities, and
17 a member of the county commission appointed by
18 the Iowa state association of counties. The two
19 members appointed by the league of Iowa municipal-
20 ities and the Iowa state association of counties
21 shall serve terms as determined by their respective
22 appointing authorities.

23 4. The state commission shall organize no
24 later than 1 year from the effective date of
25 this Act by the election of a chairman and vice
26 chairman from among its voting members. Meetings
27 may be called by the chairman at any time and shall
28 be called by the chairman on the written request
29 of a majority of the voting members. A majority
30 of the voting members shall constitute a quorum
31 and the concurrence of a quorum of the voting mem-
32 bers shall be required to determine any matter re-
33 lating to its official duties.

34 Each member of the state commission, not
35 otherwise in the full-time employment of a public
36 agency, is entitled to receive the sum of forty
37 dollars for each day that he is engaged in the
38 discharge of his official duties. Each member is
39 also entitled to receive reimbursement for travel
40 and other necessary expenses incurred in the per-
41 formance of his official duties."

42 2. Renumber other sections as necessary.

S-3442

1 Amend S-3437 amending House File 210 as amended,
2 passed and reprinted by the House as follows:

3 1. Page 1, by striking line 5 through page 5,
4 line 28, and inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. DEFINITIONS. As used
6 in this Act:

7 1. "Commission" means the state land use policy
8 commission.

9 2. "Director" means the chief administrative
10 office of the commission.

11 3. "Land use" means any activity or practice
12 relating to the utilization of space, including ground,
13 water, subsurface and air space.

14 Sec. 2. NEW SECTION. LAND USE POLICY COMMISSION
15 CREATED. There is created a state land use policy
16 commission consisting of fifteen members appointed
17 by the governor with the consent of two-thirds of
18 the members of the senate. The members shall be
19 selected from the state at large to be representative
20 of the general public and shall be appointed to four-
21 year terms except that of the initial appointees to
22 the commission, seven members shall be appointed for
23 two-year terms. The terms of each member shall be
24 effective on the first day of July of the year of
25 appointment except in the case of a vacancy which
26 shall be filled by appointment of the governor with
27 the consent of two-thirds of the members of the senate
28 for the unexpired term.

29 Sec. 3. NEW SECTION. ORGANIZATION OF COMMISSION.
30 The commission shall organize annually by the election
31 of a chairman and vice chairman from among its
32 membership. Meetings may be called by the chairman
33 at any time and shall be called as soon as possible
34 by the chairman on the written request of a majority
35 of the members. A majority of the members shall
36 constitute a quorum and the concurrence of a quorum
37 of the commission shall be required to determine any
38 matter relating to its official duties.

39 Sec. 4. NEW SECTION. COMPENSATION OF COMMISSION.
40 Each member of the commission, not otherwise in the
41 full-time employment of a public agency, is entitled
42 to receive a per diem of forty dollars for each day
43 that he is engaged in the discharge of his official
44 duties. Each member is also entitled to receive
45 reimbursement for travel and other necessary expenses
46 incurred in the performance of his official duties.

47 Sec. 5. NEW SECTION. POWERS AND DUTIES OF
48 COMMISSION. The commission shall:

49 1. Identify and evaluate issues relating to land
50 use in this state.

1 2. Prepare and recommend, for adoption by the
2 general assembly, a state land use policy and state
3 land use policy guidelines based on the state land
4 use policy objectives specified in section six (6)
5 of this Act, for the guidance of state agencies,
6 cities and counties on matters relating to land use.
7 The initial recommendations of the commission shall
8 be submitted to the general assembly not later than
9 March 1, 1978.

10 3. Cooperate in the exchange of information
11 relating to land use with any public or private person.

12 4. Authorize, the application for, receipt, and
13 expenditure of any public or private funds for the
14 purpose of carrying out the provisions of this Act.

15 5. Advise, consult and cooperate with state
16 agencies and other public or private agencies in the
17 preparation of recommendations for a state land use
18 policy or state land use policy guidelines.

19 6. Monitor the actions and decisions of state
20 agencies, counties and cities on matters relating
21 to land use and report its findings and any
22 recommendations to the general assembly.

23 7. Approve a budget for the commission.

24 8. Approve all contracts and agreements between
25 the commission and other public or private persons
26 relating to its powers and duties under this Act.

27 9. Obtain an adequate public employees fidelity
28 bond to cover those employees of the commission
29 accountable for the property or funds of the state
30 under this Act.

31 10. Adopt, amend or repeal internal rules to
32 provide for the efficient operation of the commission.

33 11. Recommend to the general assembly a method
34 for resolving conflicts which may arise between state
35 agencies on matters relating to land use.

36 Sec. 6. NEW SECTION. STATE LAND USE POLICY
37 OBJECTIVES. In developing a state land use policy
38 and guidelines for adoption by the general assembly
39 the state commission shall give consideration to the
40 following:

41 1. Identification of the best agricultural areas
42 for farming, commercial feedlots, and farm related
43 activities.

44 2. Identification of space for orderly urban and
45 industrial development.

46 3. Inventorying and utilization of natural
47 resources including minerals, timber and water.

48 4. Identification of areas for parks and
49 recreations.

50 5. Location of highways, rail lines, and airports.

1 In all of its deliberations and recommendations the
2 state commission shall give due consideration to the
3 preservation of the environment and the avoidance
4 of pollution.

5 Sec. 7. NEW SECTION. APPOINTMENT OF DIRECTOR.
6 The commission shall appoint a director who shall
7 be the chief administrative officer of the commission
8 and shall serve at its pleasure. The director shall
9 be qualified by education, experience and
10 administrative ability to perform the powers and
11 duties assigned to him. The salary of the director
12 shall be initially determined by the commission, but
13 it shall not exceed twenty-five thousand dollars per
14 annum and, thereafter, it shall be set by the general
15 assembly.

16 Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE
17 DIRECTOR. The director shall:

18 1. Direct and supervise the preparation of
19 recommendations for a state land use policy and state
20 land use policy guidelines and perform such other
21 duties as authorized by the commission under this
22 Act.

23 2. Prepare, pursuant to chapter eight (8) of the
24 Code, a budget for the commission.

25 3. Appoint, with the approval of the commission,
26 the technical, professional, secretarial, and clerical
27 staff deemed necessary to accomplish the purposes
28 of this Act subject to the provisions of chapter
29 nineteen A (19A) of the Code. The director may appoint
30 a member of his staff to be acting director in his
31 absence. The acting director shall have the powers
32 delegated to him by the director.

33 Sec. 9. NEW SECTION. EXPENSES. The director
34 and other employees of the commission shall receive,
35 in addition to salary, their travel and other necessary
36 expenses incurred while engaged in the performance
37 of their official duties.

38 Sec. 10. NEW SECTION. OFFICE FACILITIES. The
39 department of general services shall provide the
40 commission with appropriate office facilities and
41 equipment.

42 Sec. 11. NEW SECTION. COMPLIANCE BY STATE
43 AGENCIES. Effective July 1, 1978, a state agency
44 shall not take any action or issue any order or permit
45 relating to land use except in compliance with the
46 state land use policy and state land use policy
47 guidelines adopted by the general assembly as provided
48 in this Act. Any person aggrieved by any order or
49 action of a state agency on a matter relating to land
50 use, which is alleged to be in violation of the state

1 land use policy or state land use policy guidelines
2 adopted by the general assembly, may seek judicial
3 review of such order or action as provided in chapter
4 seventeen A (17A) of the Code.

5 Sec. 12. Section three hundred fifty-eight A point
6 one (358A.1), Code 1977, is amended to read as follows:

7 358A.1 WHERE APPLICABLE. The provisions of this
8 chapter shall be applicable to any county of the state
9 at the option of the board of supervisors of any such
10 county, however, effective July 1, 1978, it shall
11 be mandatory that each county adopt a comprehensive
12 plan and adopt and enforce regulations in compliance
13 with the provisions of this chapter.

14 Sec. 13. Section three hundred fifty-eight A point
15 five (358A.5), unnumbered paragraph one (1), Code
16 1977, is amended to read as follows:

17 Such regulations shall be made in accordance with
18 a comprehensive plan which shall conform to the state
19 land use policy and state land use policy guidelines
20 adopted by the general assembly, and designed to
21 lessen congestion in the street or highway; to secure
22 safety from fire, flood, panic, and other dangers;
23 to protect health and the general welfare; to provide
24 adequate light and air; to prevent the overcrowding
25 of land; to avoid undue concentration of population;
26 to facilitate the adequate provision of transportation,
27 water, sewerage, schools, parks and other public
28 requirements.

29 Sec. 14. Section four hundred fourteen point one
30 (414.1), Code 1977, is amended to read as follows:

31 414.1 BUILDING RESTRICTIONS--POWERS GRANTED.
32 For the purpose of promoting the health, safety,
33 morals, or the general welfare of the community, ~~any~~
34 each city is hereby empowered to may and effective
35 July 1, 1978, shall regulate and restrict the height,
36 number of stories, and size of buildings and other
37 structures, the percentage of lot that may be occupied,
38 the size of yards, courts, and other open spaces,
39 the density of population, and the location and use
40 of buildings, structures, and land for trade, industry,
41 residence, or other purposes. However, a city may,
42 in lieu of adopting its own comprehensive plan and
43 regulations, agree to be included in the comprehensive
44 plan of the county and to have the county adopt and
45 enforce regulations.

46 Sec. 15. Section four hundred fourteen point three
47 (414.3), unnumbered paragraph one (1), Code 1977,
48 is amended to read as follows:

49 Such regulations shall be made in accordance with
50 a comprehensive plan which shall conform to the state

1 land use policy and state land use policy guidelines
2 adopted by the general assembly, and designed to
3 lessen congestion in the street; to secure safety
4 from fire, flood, panic, and other dangers; to promote
5 health and the general welfare; to provide adequate
6 light and air; to prevent the overcrowding of land;
7 to avoid undue concentration of population; to
8 facilitate the adequate provision of transportation,
9 water, sewerage, schools, parks, and other public
10 requirements.

11 Sec. 16. There is appropriated from the general
12 fund of the state to the state land use policy
13 commission for the fiscal year beginning July 1, 1977
14 and ending June 30, 1978, the sum of one hundred
15 thousand (100,000) dollars, or so much thereof as
16 may be necessary, for the purpose of carrying out
17 the provisions of this Act."

18 2. Page 5, by striking lines 31 and 32, and
19 inserting in lieu thereof the following: "Act to
20 provide for a state land use policy, to create a state
21 land use policy commission and to specify its powers
22 and duties, to provide for the regulation of the use
23 of land, and to make an appropriation."

S-3437

1 Amend House File 210 as amended, passed and
2 reprinted by the House as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. LEGISLATIVE INTENT.
6 It is the intent of the general assembly of the state
7 of Iowa to provide for the development of land
8 preservation policy recommendations for the
9 consideration of the general assembly through a process
10 that emphasizes the participation and recommendations
11 of citizens and local governments. The general
12 assembly intends to provide for the development of
13 recommendations which will provide for the orderly
14 use and development of land and related natural
15 resources in Iowa, preserve private property rights,
16 preserve the use of prime agricultural land for
17 agricultural production, preserve, guide the
18 development of critical areas, key facilities and
19 large-scale development, and provide for the future
20 housing, commercial, industrial and recreational needs
21 of the state.

22 Sec. 2. NEW SECTION. DEFINITIONS. As used in
23 this Act unless the context otherwise requires:

24 1. "State critical area" means an area where
25 substantial evidence indicates that uncontrolled or
26 incompatible development could result in damage to
27 the environment, life or property, or an area where
28 the long-term public interest is of more than local
29 significance. Such areas shall include but are not
30 limited to:

31 a. "Fragile or historic lands" where uncontrolled
32 or incompatible development could result in
33 irreversible damage to important historic, cultural,
34 scientific, or aesthetic values or natural systems
35 which are of more than local significance including
36 shorelands of rivers, lakes, and streams, rare or
37 valuable ecosystems and geological formations,
38 significant wildlife habitats, and unique scenic or
39 historic sites.

40 b. "Natural hazard lands" where uncontrolled or
41 incompatible development could unreasonably endanger
42 life and property including flood plains and areas
43 frequently subject to weather disasters, and areas
44 of unstable geological formations.

45 c. "Renewable resource lands" where uncontrolled
46 or incompatible development which results in the loss
47 or reduction of continued long-range productivity
48 could endanger future water, food, and fiber
49 requirements of more than local concern including
50 watershed lands, aquifers and aquifer recharge areas,

1 and forest lands.

2 2. "Key facility" means a public facility which
3 is expected to result in development and urbanization
4 exceeding local impact, including but not limited
5 to major airports, major highway interchanges including
6 interchanges with frontage roads, access streets and
7 other limited access highways, major recreational
8 land and facilities and major facilities for the
9 development, generation or transmission of energy.

10 3. "Large-scale development" means any private
11 development which is likely to generate issues of
12 more than local significance because of its magnitude
13 or because of its location with respect to its
14 surroundings.

15 4. "Local critical area" means any fragile or
16 historic lands or sites, natural hazard lands, or
17 renewable resource lands of local significance where
18 substantial evidence indicates that the uncontrolled
19 or incompatible development could result in damage
20 to the environment, life or property or the long-term
21 public interest.

22 5. "Land preservation policy" means a definite
23 course of action selected after evaluation of alter-
24 native courses in order to effectuate wise and pru-
25 dent decisions for the preservation of land.

26 Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND
27 PRESERVATION POLICY COMMISSION CREATED.

28 1. There is created a temporary county land
29 preservation policy commission which shall consist
30 of nine members. Three members shall be appointed
31 by and shall be from the county board of supervisors,
32 three shall be appointed by and shall be from a
33 convention of mayors and council persons of the cities
34 in the county, and three shall be appointed by and
35 shall be from the district soil conservation
36 commissioners. The temporary county land preservation
37 policy commission shall meet and organize by the
38 election of a chairperson and vice chairperson from
39 among its members within sixty days of the effective
40 date of this Act. A majority of the members of the
41 temporary county land preservation commission shall
42 constitute a quorum and the concurrence of a quorum
43 shall be required to determine any matter relating
44 to its official duties. Each member of the temporary
45 county land preservation policy commission shall be
46 entitled to receive reimbursement for travel and other
47 necessary expenses incurred in the performance of
48 the member's official duties. The reimbursement shall
49 be made by the city or county government of which
50 the temporary county land preservation policy

1 commissioner is a member.

2 2. The temporary county land preservation policy
3 commission shall submit its recommendations to the
4 state land preservation policy commission as to a
5 state land preservation policy and a land preservation
6 policy for that county within one year of the effective
7 date of this Act. The recommendation for the state
8 land preservation policy should address the issues
9 contained in the statement of legislative intent of
10 this Act and shall include the content of a state
11 land preservation policy and the method by which the
12 state land preservation policy should be implemented.
13 The latter recommendation shall include whether it
14 is necessary or desirable for an existing or new state
15 agency to be given the responsibility for monitoring,
16 reviewing or supervising the implementation of the
17 state land preservation policy. Prior to making its
18 recommendations, the temporary county land preservation
19 policy commission shall hold at least three public
20 hearings to receive testimony from citizens of the
21 county as to what provisions shall be included in
22 the recommendations to the state land preservation
23 policy commission. The temporary county land
24 preservation policy commission shall give public
25 notice of the date, time and location of each public
26 hearing in a newspaper having general circulation
27 within the county not later than two weeks before
28 the date of each public hearing.

29 3. The chairperson of the temporary county land
30 preservation policy commission of each county shall
31 file with the secretary of the senate and the chief
32 clerk of the house a written report to the general
33 assembly by July 1, 1978 containing the following:

34 a. The extent to which the county and the cities
35 in the county have adopted zoning ordinances and have
36 prepared comprehensive plans to be implemented by
37 the zoning ordinances.

38 b. Whether the county has established a county
39 conservation board and the extent to which it has
40 adopted a plan for the conservation and recreation
41 needs of the county.

42 c. The extent to which the county and the cities
43 and private agencies of the county have implemented
44 plans for the disposal of solid waste.

45 d. The extent to which a survey of the soil of
46 the county has been conducted.

47 e. The extent to which a comprehensive plan for
48 the conservation of soil resources and the control
49 and preservation of soil erosion has been prepared
50 and implemented.

1 4. After making its recommendations to the state
2 land preservation policy commission and participating
3 in the convention to select the members of the state
4 land preservation policy commission, the temporary
5 county land preservation policy commission shall be
6 dissolved.

7 5. The office for planning and programming shall
8 assist temporary county land preservation policy
9 commissions upon request, with technical assistance,
10 and in obtaining information from government agencies
11 useful to the development of land preservation policy.

12 Sec. 4. NEW SECTION. TEMPORARY STATE LAND
13 PRESERVATION POLICY COMMISSION CREATED.

14 1. One year from the effective date of this Act,
15 the members of the temporary county land preservation
16 policy commissions in the counties located within
17 each of the sixteen planning areas designated by the
18 office for planning and programming shall convene
19 and elect a member to the temporary state land
20 preservation policy commission. The office for
21 planning and programming shall provide assistance
22 in making the arrangements for the conventions. Each
23 member present of each temporary county land
24 preservation policy commission shall have one vote
25 at the convention.

26 2. Within sixty days of the last election of a
27 member of the temporary state land preservation policy
28 commission, the temporary state land preservation
29 policy commission shall convene and organize by the
30 election of a chairperson and a vice chairperson.
31 A majority of the members of the temporary state land
32 preservation policy commission shall constitute a
33 quorum and the concurrence of a quorum shall be
34 required to determine any matter relating to its
35 official duties. Each member of the temporary state
36 land preservation policy commission is entitled to
37 receive a forty dollar per diem and shall be reimbursed
38 for actual and necessary expenses.

39 3. The temporary state land preservation policy
40 commission shall receive the recommendations of the
41 temporary county land preservation policy commissions
42 and, within thirty months of the effective date of
43 this Act, shall file with the secretary of the senate
44 and the chief clerk of the house its written
45 recommendations to the general assembly. The
46 recommendations shall include a state land preservation
47 policy and the method by which the state land
48 preservation policy should be implemented. The latter
49 recommendation shall include whether it is necessary
50 or desirable for an existing or new state agency to

1 be given the responsibility for monitoring, reviewing
2 or supervising the implementation of the state land
3 preservation policy.

4 4. Each state agency and agency of a political
5 subdivision of the state shall cooperate, within time,
6 personnel and budgetary limitations, in providing
7 information, data, surveys and studies as requested
8 by the temporary state land preservation policy
9 commission. The temporary state land preservation
10 policy commission may contract with any public agency
11 for the performance of services or the exchange of
12 employees.

13 5. The temporary state land preservation policy
14 commission may apply for, receive and expend any
15 private or public funds for the purposes of carrying
16 out this Act.

17 6. The temporary state land preservation commission
18 shall use the completed state water plan, the completed
19 state standard soil survey and the completed state
20 recreational needs plan in conducting a comprehensive
21 land inventory. The inventory shall also show the
22 changes in the use of land in the state during the
23 preceding five years.

24 7. The temporary state land preservation policy
25 commission shall be dissolved upon final action by
26 the general assembly of the recommendations presented
27 by the temporary state land preservation policy
28 commission."

29 2. Amend the title, by striking lines 1 through
30 5 and inserting in lieu thereof the following: "An
31 Act to provide for the development of a temporary
32 state land preservation policy."

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 210

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 210, a bill for an Act to provide for a state land use policy, and to create a department of soil conservation and land use, a state land use policy commission, county land use policy commissions, and to specify the powers and duties of such agencies, respectfully make the following report:

1. That the Senate recede from its amendment H-3931 to House File 210 as amended, passed and reprinted by the House.

2. That House File 210 as amended, passed and reprinted by the House be amended as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. NEW SECTION. LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to provide for the development of land preservation policy recommendations for the consideration of the general assembly through a process that emphasizes the participation and recommendations of citizens and local governments. The general assembly intends to provide for the development of recommendations which will provide for the orderly use and development of land and related natural resources in Iowa, preserve private property rights, preserve the use of prime agricultural land for agricultural production, preserve, guide the development of critical areas, key facilities and large-scale development, and provide for the future housing, commercial, industrial and recreational needs of the state.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "State critical area" means an area where substantial

evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property, or an area where the long-term public interest is of more than local significance. Such areas shall include but are not limited to:

a. "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems which are of more than local significance including shorelands of rivers, lakes, and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats, and unique scenic or historic sites.

b. "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property including flood plains and areas frequently subject to weather disasters, and areas of unstable geological formations.

c. "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern including watershed lands, aquifers and aquifer recharge areas, and forest lands.

2. "Key facility" means a public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access highways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development which is likely to generate issues of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary land preservation policy commission composed of the following members:

a. Three members appointed by and from the district soil conservation commissioners.

b. Three members appointed by and from the county board of supervisors.

c. Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under this paragraph.

However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under subparagraph c of this subsection shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under subparagraph b of this subsection shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this Act. A majority of the members of the temporary county land preservation commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the unit of government of which the temporary county land preservation policy commissioner is a member or which appointed the member.

3. The temporary county land preservation policy commission shall submit its recommendations to the state land preservation policy commission as to a state land preservation policy and a land preservation policy for that county within one year of the effective date of this Act. The recommendation for the state land preservation policy should address the issues contained in the statement of legislative intent of this Act. Within nine months of the effective date of this Act, the temporary county land preservation policy commission shall hold at least three public hearings to receive testimony from citizens of the county as to what provisions shall be included in the recommendations to the state land preservation policy commission. The temporary county land preservation policy commission shall give public notice of the date, time and location of each public hearing in a newspaper having general circulation within the county not later than two weeks before the date of each public hearing.

4. The state agricultural extension service shall assist temporary county land preservation commission policy commissions with technical, informational, and clerical assistance.

5. In developing its policy recommendations, the temporary land preservation policy commission shall consider the following:

a. The preservation of agricultural land for the production of food and fiber.

b. A review of the available resources, growth trends and land use issues of the county.

c. A review of the present comprehensive plans, ordinances, regulations and policies of the local units of government that have an impact on the use of land.

d. The development of a local land preservation policy for:

(1) Solid waste disposal, sewage treatment and an adequate water supply.

(2) Siting of industrial, commercial, educational, cultural, residential and recreational facilities.

(3) Designation and appropriate use of critical areas.

(4) Coordination of a countywide transportation with the state transportation system.

e. State land preservation guidelines for state agencies.

f. Suggestions for the content of a state land preservation policy and methods for implementation.

g. The implementation of a county land preservation policy.

h. The preservation of private property rights.

6. The chairperson of the temporary county land preservation policy commission of each county shall file with the executive secretary of the temporary state land preservation policy commission a written report by July 1, 1978 containing the following:

a. The extent to which the county and the cities in the county have adopted zoning ordinances and have prepared comprehensive plans to be implemented by the zoning ordinances.

b. Whether the county has established a county conservation board and the extent to which it has adopted a plan for the conservation and recreation needs of the county.

c. The extent to which the county and the cities and private agencies of the county have implemented or pending plans for the disposal of solid waste.

d. The extent to which a survey of the soil of the county has been conducted.

e. The extent to which a comprehensive plan for the conservation of soil resources and the control and preservation of soil erosion has been prepared and implemented.

7. The temporary county land preservation policy commissions shall be dissolved effective January 1, 1979.

Sec. 4. NEW SECTION. TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. Prior to the congressional district convention, the members of the temporary county land preservation policy commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by and from the members appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one member shall be appointed by and from the members appointed under subparagraph b of that subsection, and one member for each three members appointed under subparagraph c of that subsection shall be appointed by and from those members. Nine months from the effective date of this Act, the members of the temporary county land preservation policy commissions in the counties located within each congressional district who have been appointed to attend the convention shall convene and elect three members to the temporary state land preservation policy commission. Of the three members, one shall be elected by the members of the temporary county land preservation policy commission appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one by the members appointed under subparagraph b of that subsection, and one by the members appointed under subparagraph c of that subsection. The state agricultural extension service shall provide assistance in making the arrangements for the

conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within thirty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election from its members of a chairperson and a vice chairperson. A majority of the members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commissions and, within twenty months of the effective date of this Act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The temporary state land preservation policy commission may be granted an extension of time not to exceed six months for the filing of its recommendations by the passage of a concurrent resolution by the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to be given the responsibility for monitoring, reviewing or supervising the implementation of the state land preservation policy.

4. In developing its policy recommendations, the temporary state land preservation policy commission shall consider the following:

a. The preservation of agricultural land for food and

fiber production.

- b. The effect of current laws on land use decisions.
- c. The recommendation of a state policy for the guidance and direction of state agencies in the use of land.
- d. The criteria for the designation and preservation of critical areas.
- e. The designation of key facilities.
- f. The designation of large-scale development which will have impact beyond county boundaries.
- g. The control of urban sprawl and the orderly and efficient transition of land from rural to urban use.
- h. The balance of anticipated energy resources and consumption.
 1. The protection of private property rights.
 5. The temporary state land preservation commission shall, prior to making its recommendations to the general assembly, hold public hearings and provide the citizens with information regarding the extent of land use planning and regulation by this state, other states, and the federal government and other information important to stimulate public interest in land preservation policy determination.
 6. Each state agency and agency of a political subdivision of the state shall cooperate, within time, personnel and budgetary limitations, in providing information, data, surveys and studies as requested by the temporary state land preservation policy commission. The legislative council shall, prior to the election of the temporary state land preservation policy commission, appoint an executive secretary of the commission. Prior to the organization of the temporary state land preservation policy commission, the executive secretary shall compile and develop information which will be of assistance to the commission in executing its duties. The temporary state land preservation policy commission shall be administratively attached to the department of soil conservation. The department of soil conservation shall

provide support services to the temporary state land preservation policy commission.

7. The temporary state land preservation policy commission shall give notice of each of its meetings to the secretary of agriculture, the director of the state agricultural extension service, the director of the state conservation commission, the director of the Iowa natural resources council, the executive director of the department of environmental quality, the director of the office for planning and programming, the state geologist, the director of the Iowa development commission, the director of the department of transportation, the chairman of the city development board, the chairman of the Iowa state commerce commission, the director of the energy policy council, or their respective designees, a member of a temporary county land preservation policy commission designated by the league of Iowa municipalities, and a member of a temporary county land preservation policy commission designated by the Iowa state association of counties.

8. The temporary state land preservation policy commission may apply for, receive and expend any private or public funds for the purposes of carrying out this Act.

9. The temporary state land preservation commission shall use the state water plan, the state standard soil survey and the state recreational needs plan in conducting a comprehensive land inventory. The inventory shall also show the changes in the use of land in the state during the preceding five years.

10. The temporary state land preservation policy commission shall be dissolved upon final action by the general assembly of the recommendations presented by the temporary state land preservation policy commission or upon the adjournment of the session of the general assembly to which the recommendations are presented, whichever occurs first."

2. Amend the title, by striking lines 1 through 5 and

inserting in lieu thereof the following:

"An Act to provide for the development of a state land preservation policy."

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

BERL E. PRIESE, CHAIR

MARY O'HALLORAN, CHAIR

LOWELL L. JUNKINS

JAMES I. MIDDLESWART

MILO MERRITT

CARROLL PERKINS

RICHARD R. RAMSEY

SEMOR C. TOFTE

ROGER SHAFF

ANDREW VARLEY

FILED, ADOPTED

MAY 20, 1977

Senate adopted 5/20 (p. 1843)
House adopted 5/20 (p. 2611)

H-3931

1 Amend House File 210 as amended, passed and
2 reprinted by the House as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. LEGISLATIVE INTENT.
6 It is the intent of the general assembly of the state
7 of Iowa to provide for the development of land
8 preservation policy recommendations for the
9 consideration of the general assembly through a process
10 that emphasizes the participation and recommendations
11 of citizens and local governments. The general
12 assembly intends to provide for the development of
13 recommendations which will provide for the orderly
14 use and development of land and related natural
15 resources in Iowa, preserve private property rights,
16 preserve the use of prime agricultural land for
17 agricultural production, preserve, guide the
18 development of critical areas, key facilities and
19 large-scale development, and provide for the future
20 housing, commercial, industrial and recreational needs
21 of the state.

22 Sec. 2. NEW SECTION. DEFINITIONS. As used in
23 this Act unless the context otherwise requires:

24 1. "State critical area" means an area where
25 substantial evidence indicates that uncontrolled or
26 incompatible development could result in damage to
27 the environment, life or property, or an area where
28 the long-term public interest is of more than local
29 significance. Such areas shall include but are not
30 limited to:

31 a. "Fragile or historic lands" where uncontrolled
32 or incompatible development could result in
33 irreversible damage to important historic, cultural,
34 scientific, or aesthetic values or natural systems
35 which are of more than local significance including
36 shorelands of rivers, lakes, and streams, rare or
37 valuable ecosystems and geological formations,
38 significant wildlife habitats, and unique scenic or
39 historic sites.

40 b. "Natural hazard lands" where uncontrolled or
41 incompatible development could unreasonably endanger
42 life and property including flood plains and areas
43 frequently subject to weather disasters, and areas
44 of unstable geological formations.

45 c. "Renewable resource lands" where uncontrolled
46 or incompatible development which results in the loss
47 or reduction of continued long-range productivity
48 could endanger future water, food, and fiber
49 requirements of more than local concern including
50 watershed lands, aquifers and aquifer recharge areas,

and forest lands.

2. "Key facility" means a public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access highways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development which is likely to generate issues of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary county land preservation policy commission which shall consist of nine members. Three members shall be appointed by and shall be from the county board of supervisors, three shall be appointed by and shall be from a convention of mayors and council persons of the cities in the county, and three shall be appointed by and shall be from the district soil conservation commissioners. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this Act. A majority of the members of the temporary county land preservation commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the city or county government of which the temporary county land preservation policy

1 commissioner is a member.

2 2. The temporary county land preservation policy
3 commission shall submit its recommendations to the
4 state land preservation policy commission as to a
5 state land preservation policy and a land preservation
6 policy for that county within one year of the effective
7 date of this Act. The recommendation for the state
8 land preservation policy should address the issues
9 contained in the statement of legislative intent of
10 this Act and shall include the content of a state
11 land preservation policy and the method by which the
12 state land preservation policy should be implemented.
13 The latter recommendation shall include whether it
14 is necessary or desirable for an existing or new state
15 agency to be given the responsibility for monitoring,
16 reviewing or supervising the implementation of the
17 state land preservation policy. Prior to making its
18 recommendations, the temporary county land preservation
19 policy commission shall hold at least three public
20 hearings to receive testimony from citizens of the
21 county as to what provisions shall be included in
22 the recommendations to the state land preservation
23 policy commission. The temporary county land
24 preservation policy commission shall give public
25 notice of the date, time and location of each public
26 hearing in a newspaper having general circulation
27 within the county not later than two weeks before
28 the date of each public hearing.

29 3. The chairperson of the temporary county land
30 preservation policy commission of each county shall
31 file with the secretary of the senate and the chief
32 clerk of the house a written report to the general
33 assembly by July 1, 1978 containing the following:

34 a. The extent to which the county and the cities
35 in the county have adopted zoning ordinances and have
36 prepared comprehensive plans to be implemented by
37 the zoning ordinances.

38 b. Whether the county has established a county
39 conservation board and the extent to which it has
40 adopted a plan for the conservation and recreation
41 needs of the county.

42 c. The extent to which the county and the cities
43 and private agencies of the county have implemented
44 plans for the disposal of solid waste.

45 d. The extent to which a survey of the soil of
46 the county has been conducted.

47 e. The extent to which a comprehensive plan for
48 the conservation of soil resources and the control
49 and preservation of soil erosion has been prepared
50 and implemented.

4. After making its recommendations to the state land preservation policy commission and participating in the convention to select the members of the state land preservation policy commission, the temporary county land preservation policy commission shall be dissolved.

5. The office for planning and programming shall assist temporary county land preservation policy commissions upon request, with technical assistance, and in obtaining information from government agencies useful to the development of land preservation policy.

Sec. 4. NEW SECTION. TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. One year from the effective date of this Act, the members of the temporary county land preservation policy commissions in the counties located within each of the sixteen planning areas designated by the office for planning and programming shall convene and elect a member to the temporary state land preservation policy commission. The office for planning and programming shall provide assistance in making the arrangements for the conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within sixty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election of a chairperson and a vice chairperson. A majority of the members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commissions and, within thirty months of the effective date of this Act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to

1 be given the responsibility for monitoring, reviewing
2 or supervising the implementation of the state land
3 preservation policy.

4 c. The temporary state land preservation commission
5 shall, prior to making its recommendations to the
6 general assembly:

7 a. Provide the citizens with information regarding
8 the extent of land use planning and regulation by
9 this state, other states, and the federal government
10 and other information important to stimulate public
11 interest in land preservation policy determination.

12 b. Hold public hearings inviting citizen
13 participation.

14 5. Each state agency and agency of a political
15 subdivision of the state shall cooperate, within time,
16 personnel and budgetary limitations, in providing
17 information, data, surveys and studies as requested
18 by the temporary state land preservation policy
19 commission. The temporary state land preservation
20 policy commission may contract with any public agency
21 for the performance of services or the exchange of
22 employees.

23 6. The temporary state land preservation policy
24 commission may apply for, receive and expend any
25 private or public funds for the purposes of carrying
26 out this Act.

27 7. The temporary state land preservation commission
28 shall use the completed state water plan, the completed
29 state standard soil survey and the completed state
30 recreational needs plan in conducting a comprehensive
31 land inventory. The inventory shall also show the
32 changes in the use of land in the state during the
33 preceding five years.

34 8. The temporary state land preservation policy
35 commission shall be dissolved upon final action by
36 the general assembly of the recommendations presented
37 by the temporary state land preservation policy
38 commission."

39 2. Amend the title, by striking lines 1 through
40 5 and inserting in lieu thereof the following: "An
41 Act to provide for the development of a temporary
42 state land preservation policy."

H-3931 FILED
RECEIVED FROM SENATE
MAY 3, 1977

*Home advised to convene 5/4 (p. 1889)
Senate waited 5/4 (p. 1405)*

HOUSE FILE 210

AN ACT

TO PROVIDE FOR THE DEVELOPMENT OF A STATE LAND PRESERVATION POLICY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to provide for the development of land preservation policy recommendations for the consideration of the general assembly through a process that emphasizes the participation and recommendations of citizens and local governments. The general assembly intends to provide for the development of recommendations which will provide for the orderly use and development of land and related natural resources in Iowa, preserve private property rights, preserve the use of prime agricultural land for agricultural production, preserve, guide the development of critical areas, key facilities and large-scale developments, and provide for the future housing, commercial, industrial and recreational needs of the state.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "State critical area" means an area where substantial evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property, or an area where the long-term public interest is of more than local significance. Such areas shall include but are not limited to:

a. "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems which are of more than local significance including shorelands of rivers, lakes, and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats, and unique scenic or historic

sites.

b. "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property including flood plains and areas frequently subject to weather disasters, and areas of unstable geological formations.

c. "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern including watershed lands, aquifers and aquifer recharge areas, and forest lands.

2. "Key facility" means a public facility which is expected to result in development and organization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access byways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development which is likely to generate issues of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary land preservation policy commission composed of the following members:

a. Three members appointed by and from the district soil conservation commissions.

a. Three members appointed by and from the county board of supervisors.

c. Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under this paragraph.

However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under subparagraph c of this subsection shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under subparagraph b of this subsection or shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this Act. A majority of the members of the temporary county land preservation commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the unit of government of which the temporary county land preservation policy commissioner is a member or which appointed the member.

3. The temporary county land preservation policy commission shall submit its recommendations to the state land preservation

policy commission as to a state land preservation policy and a land preservation policy for that county within one year of the effective date of this Act. The recommendations for the state land preservation policy should address the issues contained in the statement of legislative intent of this Act. Within nine months of the effective date of this Act, the temporary county land preservation policy commission shall hold at least three public hearings to receive testimony from citizens of the county as to what provisions shall be included in the recommendations to the state land preservation policy commission. The temporary county land preservation policy commission shall give public notice of the date, time and location of each public hearing in a newspaper having general circulation within the county not later than two weeks before the date of each public hearing.

4. The state agriculture extension service shall assist temporary county land preservation commission policy commissions with technical, informational, and clerical assistance.

5. In developing its policy recommendations, the temporary land preservation policy commission shall consider the following:

- a. The preservation of agricultural land for the production of food and fiber.
- b. A review of the available resources, growth trends and land use issues of the county.
- c. A review of the present comprehensive plans, ordinances, regulations and policies of the local units of government that have an impact on the use of land.
- d. The development of a local land preservation policy for:
 - (1) Solid waste disposal, sewage treatment and an adequate water supply.
 - (2) Siting of industrial, commercial, educational, cultural, residential and recreational facilities.
 - (3) Designation and appropriate use of critical areas.
 - (4) Coordination of a countywide transportation with the

state transportation system.

- e. State land preservation guidelines for state agencies.
 - f. Suggestions for the content of a state land preservation policy and methods for implementation.
 - g. The implementation of a county land preservation policy.
 - h. The preservation of private property rights.
6. The chairperson of the temporary county land preservation policy commission of each county shall file with the executive secretary of the temporary state land preservation policy commission a written report by July 1, 1978 containing the following:

- a. The extent to which the county and the cities in the county have adopted zoning ordinances and have prepared comprehensive plans to be implemented by the zoning ordinances.
- b. Whether the county has established a county conservation board and the extent to which it has adopted a plan for the conservation and recreation needs of the county.
- c. The extent to which the county and the cities and private agencies of the county have implemented or pending plans for the disposal of solid waste.
- d. The extent to which a survey of the soil of the county has been conducted.
- e. The extent to which a comprehensive plan for the conservation of soil resources and the control and preservation of soil erosion has been prepared and implemented.
- f. The temporary county land preservation policy commissions shall be dissolved effective January 1, 1979.

Sec. 4. ~~THE SECTION~~. TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. Prior to the congressional district convention, the members of the temporary county land preservation policy commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by and from the members appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one member shall be appointed by and from the members appointed under subparagraph b of the subsection, and one member for each three

members appointed under subparagraph c of that subsection shall be appointed by and from those members. Nine months from the effective date of this Act, the members of the temporary county land preservation policy commissions in the counties located within each congressional district who have been appointed to attend the convention shall convene and elect three members to the temporary state land preservation policy commission. Of the three members, one shall be elected by the members of the temporary county land preservation policy commission appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one by the members appointed under subparagraph b of that subsection, and one by the members appointed under subparagraph c of that subsection. The state agricultural extension service shall provide assistance in making the arrangements for the conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within thirty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election from its members of a chairperson and a vice chairperson. A majority of the members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official business. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commission and, within twenty months of the effective date of this Act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The temporary state land preservation policy commission may be granted an

extension of time not to exceed six months for the filing of its recommendations by the passage of a concurrent resolution by the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to be given the responsibility for monitoring, reviewing or supervising the implementation of the state land preservation policy.

4. In developing its policy recommendations, the temporary state land preservation policy commission shall consider the following:

- a. The preservation of agricultural land for food and fiber production.
- b. The effect of current laws on land use decisions.
- c. The recommendation of a state policy for the guidance and direction of state agencies in the use of land.
- d. The criteria for the designation and preservation of critical areas.
- e. The designation of key facilities.
- f. The designation of large-scale development which will have impact beyond county boundaries.
- g. The control of urban sprawl and the orderly and efficient transition of land from rural to urban use.
- h. The balance of anticipated energy resources and consumption.
- i. The protection of private property rights.

5. The temporary state land preservation commission shall, prior to making its recommendations to the general assembly, hold public hearings and provide the citizens with information regarding the extent of land use planning and regulation by this state, other states, and the federal government and other information important to stimulate public interest in land preservation policy determination.

6. Each state agency and agency of a political subdivision of the state shall cooperate, within time, personnel and budgetary limitations, in providing information, data, surveys

and studies as requested by the temporary state land preservation policy commission. The legislative council shall, prior to the election of the temporary state land preservation policy commission, appoint an executive secretary of the commission. Prior to the organization of the temporary state land preservation policy commission, the executive secretary shall compile and develop information which will be of assistance to the commission in executing its duties. The temporary state land preservation policy commission shall be administratively attached to the department of soil conservation. The department of soil conservation shall provide support services to the temporary state land preservation policy commission.

7. The temporary state land preservation policy commission shall give notice of each of its meetings to the secretary of agriculture, the director of the state agricultural extension service, the director of the state conservation commission, the director of the Iowa natural resources council, the executive director of the department of environmental quality, the director of the office for planning and programming, the state geologist, the director of the Iowa development commission, the director of the department of transportation, the chairman of the city development board, the chairman of the Iowa state commerce commission, the director of the energy policy council, or their respective designees, a member of a temporary county land preservation policy commission designated by the league of Iowa municipalities, and a member of a temporary county land preservation policy commission designated by the Iowa state association of counties.

8. The temporary state land preservation policy commission may apply for, receive and expend any private or public funds for the purposes of carrying out this Act.

9. The temporary state land preservation commission shall use the state water plan, the state standard soil survey and the state recreational needs plan in conducting a comprehensive land inventory. The inventory shall also show the changes

in the use of land in the state during the preceding five years.

10. The temporary state land preservation policy commission shall be dissolved upon final action by the general assembly of the recommendations presented by the temporary state land preservation policy commission or upon the adjournment of the session of the general assembly to which the recommendations are presented, whichever occurs first.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 210, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 6/30, 1977

ROBERT D. RAY
Governor

Reprinted 3/77

FEB 15 1977

HOUSE FILE 209

Place On Calendar

By COMMITTEE ON STATE GOVERNMENT
(Formerly Study Bill 76)

Passed House, Date 3-3-77 (593) Passed Senate, Date _____
Vote: Ayes 82 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

*Motion to reconsider filed 3-3 (608)
" withdrawn 3/7 (635)*

A BILL FOR

1 An Act to amend the statutes relating to school districts by
2 permitting the school board secretary to designate an alter-
3 nate person to receive nomination papers relating to school
4 elections, by reenacting previous amendments to sections
5 two hundred seventy-nine point three (279.3) of the Code
6 authorizing the appointment of a secretary of the school
7 board and a treasurer of the school district, and two hun-
8 dred ninety-eight point twenty-two (298.22) of the Code,
9 authorizing the school board secretary to register bonds,
10 by legalizing all acts of a treasurer of the school dis-
11 trict appointed in compliance with section two hundred
12 seventy-nine point three (279.3) of the Code, and by legal-
13 izing school district bond issues subject to approval by a
14 vote of the people which may have been registered in com-
15 pliance with section two hundred ninety-eight point twenty-
16 two (298.22) of the Code.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H-3082

1 Amend House File 209, page 1, lines 33 and 34,
2 by striking the words "shall not be a teacher or other
3 employee of the board" and inserting in lieu thereof
4 the words "may be another employee of the board".

H-3082 FILED *Withdrawn 3/3/77* BY THOMPSON of Polk
FEBRUARY 24, 1977

1 Section 1. Section two hundred seventy-seven point four
2 (277.4), unnumbered paragraph one (1), Code 1977, is amended
3 to read as follows:

4 Nomination papers for all candidates for election to office
5 in each school district shall be filed with the secretary
6 of the school board not more than sixty-five days, nor less
7 than forty days prior to the election. Nomination petitions
8 shall be filed not later than five o'clock p.m. on the last
9 day for filing. If the school board secretary is not readily
10 available during normal office hours, the secretary may
11 designate a full-time employee of the school district who
12 is ordinarily available to accept nomination papers under
13 this section. Each candidate shall be nominated by a petition
14 signed by not less than ten eligible electors of the district.
15 To each such petition shall be attached the affidavit of an
16 eligible elector of the district that all of the signers
17 thereof are electors of such district and that the signatures
18 thereto are genuine. The candidate being nominated by the
19 petition may sign the affidavit only if he or she personally
20 circulated the petition. If the affiant also signed the
21 nomination petition, that signature shall not be counted
22 toward the total required by this section. The petition
23 shall include the affidavit of the candidate being nominated,
24 stating his the candidate's name, his place of residence,
25 that he such person is a candidate and is eligible for the
26 office he the candidate seeks, and that if elected he the
27 candidate will qualify for the office.

28 Sec. 2. Section two hundred seventy-nine point three
29 (279.3), Code 1977, is amended by striking the section and
30 inserting in lieu thereof the following:

31 279.3 APPOINTMENT OF SECRETARY AND TREASURER. At the
32 meeting of the board the first secular day after the seventh
33 day in July the board shall appoint a secretary who shall
34 not be a teacher or other employee of the board. It shall
35 also appoint a treasurer who may be another employee of the

1 board. These officers shall be appointed from outside the
2 membership of the board for terms of one year beginning with
3 the first secular day after the seventh day in July which
4 appointment and qualification shall be entered of record in
5 the minutes of the secretary. They shall qualify within ten
6 days following appointment by taking the oath of office in
7 the manner required by section two hundred seventy-seven point
8 twenty-eight (277.28) of the Code and filing a bond as required
9 by section two hundred ninety-one point two (291.2) of the
10 Code and shall hold office until their successors are appointed
11 and qualified.

12 Sec. 3. Section two hundred ninety-eight point twenty-
13 two (298.22), Code 1977, is amended by striking the section
14 and inserting in lieu thereof the following:

15 298.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All
16 of said bonds shall be substantially in the form provided
17 for county bonds, but subject to changes that will conform
18 them to the action of the board providing therefor; shall
19 run not more than twenty years, and may be sooner paid if
20 so nominated in the bond; bear a rate of interest not exceed-
21 ing seven percent per annum, payable semiannually; be signed
22 by the president and countersigned by the secretary of the
23 board of directors; and shall not be disposed of for less
24 than par value, nor issued for other purposes than this chapter
25 provides.

26 All of said bonds, when issued, shall be delivered to the
27 secretary of the board of directors, who shall register them
28 in a book to be kept for that purpose, and shall deliver them
29 when they have been properly countersigned.

30 The expenses of engraving and printing of bonds may be
31 paid out of the general fund.

32 Sec. 4. The general assembly finds and declares that the
33 Sixty-sixth General Assembly in 1975 intended to amend section
34 two hundred seventy-nine point three (279.3) of the Code to
35 read as it appears in section two (2) of this Act, that the

1 section was so printed in the Code of 1977 and may have been
2 relied upon in good faith by school districts in this state,
3 but that doubts have arisen as to the validity of the 1975
4 action purporting to amend section two hundred seventy-nine
5 point three (279.3) of the Code. All acts taken by a treasurer
6 of a school district appointed on or after July 1, 1974 in
7 reliance upon section two hundred seventy-nine point three
8 (279.3) of the Code as amended by Acts of the Sixty-sixth
9 General Assembly, 1975 Session, chapter eighty-one (81) section
10 one hundred thirty-four (134), are hereby legalized and
11 validated.

12 Sec. 5. The general assembly hereby finds and declares
13 that the Sixty-fifth General Assembly in 1974 intended to
14 amend section two hundred ninety-eight point twenty-two
15 (298.22) of the Code to read as it appears in the preceding
16 section of this Act, that the section was so printed in the
17 Code of 1975 and the Code of 1977 and may have been relied
18 upon in good faith by school districts in this state in
19 handling bond issues approved by their respective electorates,
20 but that doubts have arisen as to the validity of the 1974
21 action purporting to amend section two hundred ninety-eight
22 point twenty-two (298.22) of the Code. All school district
23 bond issues registered with school district treasurers on
24 or after July 1, 1974 in reliance upon section two hundred
25 ninety-eight point twenty-two (298.22) of the Code as amended
26 by Acts of the Sixty-fifth General Assembly, 1974 Session,
27 chapter one thousand one hundred one (1101), section seventy-
28 three (73), are hereby legalized and validated.

29 EXPLANATION

30 This bill makes three specific amendments to the school
31 election laws of Iowa. One authorizes the school board
32 secretary in each district to delegate to another school
33 district employee the function of accepting nomination papers
34 of school board candidates, if the other employee is more
35 readily available at times than the secretary. The other

1 two amendments strike and reenact without substantial change
2 sections 279.3, providing for appointment of the school board
3 secretary and treasurer, and 298.22, providing that school
4 district bonds sold after a favorable vote of the people must
5 be registered by the school board secretary. The school board
6 treasurer was formerly an elective officer, and the function
7 of registering school bonds formerly rested with the county
8 auditor. Doubts have been raised about the adequacy of the
9 titles of the bills which included amendments that placed
10 these sections in their present form. For this reason,
11 legalizing sections are included in the bill to validate any
12 actions by school district treasurers appointed under section
13 279.3, and bond issues that may have been registered by school
14 board secretaries under section 298.22, since they were so
15 amended.

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HOUSE FILE 209

H-3132

1 Amend House File 209 as follows:

2 1. Page 1, by striking lines 31, 32 and 33, and
3 inserting in lieu thereof the following:

4 "279.3 APPOINTMENT OF SECRETARY AND TREASURER.

5 At a regular or special meeting of the board held
6 in July prior to or on July fifteenth the board shall
7 appoint a secretary who shall".

8 2. Page 2, by striking line 3 and inserting in
9 lieu thereof the words "the date of appointment, and
10 the".

11 3. Page 2, by inserting after line 11 the
12 following:

13 "Sec. ____ . Section two hundred seventy-nine point
14 thirty-two (279.32), unnumbered paragraph one (1),
15 Code 1977, is amended to read as follows:

16 The board shall fix the compensation to be paid
17 the secretary. No member of the board ~~or treasurer~~
18 shall receive compensation for official services,
19 ~~except that in consolidated districts that contain~~
20 ~~a city having a population less than one thousand,~~
21 ~~the.~~ The board may pay a legally-qualified school
22 treasurer a reasonable compensation.

23 4. Page 3, line 23, by striking the words "district
24 treasurers" and inserting in lieu thereof the words
25 "board secretaries".

26 5. Amend the title, line 1 by striking the word
27 "amend" and inserting in lieu thereof the following:
28 "make technical amendments to".

29 6. Amend the title, line 4 by adding after the
30 word "elections," the following: "by permitting any
31 school board to compensate a school treasurer,".

H-3132 FILED, ADOPTED (592) BY MONROE of Des Moines
MARCH 3, 1977

Law Education 3/11, 20 pass 4/14 (p. 1062)

HOUSE FILE 209

3/18

Education
Merritt, Chairperson
DeKoster
Slater

HOUSE FILE 209

By COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House)

as amended - 27
Passed House, Date 4-22-77 (p. 1573) Passed Senate, Date 4-18-77 (p. 1076)

Vote: Ayes 80 Nays 4 Vote: Ayes 37 Nays 0

Approved May 13, 1977

*motion to reconsider 4/19 (1098) prevailed 4/20 (1109)
Repassed Senate 4/20/77 (p. 1110)*

48-0

A BILL FOR

1 An Act to make technical amendments to the statutes relating to
 2 school districts by permitting the school board secretary
 3 to designate an alternate person to receive nomination
 4 papers relating to school elections, by permitting any
 5 school board to compensate a school treasurer, by
 6 reenacting previous amendments to sections two hundred
 7 seventy-nine point three (279.3) of the Code authorizing
 8 the appointment of a secretary of the school board and
 9 a treasurer of the school district, and two hundred
 10 ninety-eight point twenty-two (298.22) of the Code,
 11 authorizing the school board secretary to register bonds,
 12 by legalizing all acts of a treasurer of the school district
 13 appointed in compliance with section two hundred seventy-
 14 nine point three (279.3) of the Code, and by legalizing
 15 school district bond issues subject to approval by a vote
 16 of the people which may have been registered in compliance
 17 with section two hundred ninety-eight point twenty-
 18 two (298.22) of the Code.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred seventy-seven point four
2 (277.4), unnumbered paragraph one (1), Code 1977, is amended
3 to read as follows:

4 Nomination papers for all candidates for election to office
5 in each school district shall be filed with the secretary
6 of the school board not more than sixty-five days, nor less
7 than forty days prior to the election. Nomination petitions
8 shall be filed not later than five o'clock p.m. on the last
9 day for filing. If the school board secretary is not readily
10 available during normal office hours, the secretary may
11 designate a full-time employee of the school district who
12 is ordinarily available to accept nomination papers under
13 this section. Each candidate shall be nominated by a petition
14 signed by not less than ten eligible electors of the district.
15 To each such petition shall be attached the affidavit of an
16 eligible elector of the district that all of the signers
17 thereof are electors of such district and that the signatures
18 thereto are genuine. The candidate being nominated by the
19 petition may sign the affidavit only if he or she personally
20 circulated the petition. If the affiant also signed the
21 nomination petition, that signature shall not be counted
22 toward the total required by this section. The petition shall
23 include the affidavit of the candidate being nominated, stating
24 his the candidate's name, his place of residence, that he
25 such person is a candidate and is eligible for the office
26 he the candidate seeks, and that if elected he the candidate
27 will qualify for the office.

28 Sec. 2. Section two hundred seventy-nine point three
29 (279.3), Code 1977, is amended by striking the section and
30 inserting in lieu thereof the following:

31 279.3 APPOINTMENT OF SECRETARY AND TREASURER. At a regular
32 or special meeting of the board held in July prior to or on
33 July fifteenth the board shall appoint a secretary who shall
34 not be a teacher or other employee of the board. It shall
35 also appoint a treasurer who may be another employee of the

1 board. These officers shall be appointed from outside the
2 membership of the board for terms of one year beginning with
3 the date of appointment, and the appointment and qualification
4 shall be entered of record in the minutes of the secretary.
5 They shall qualify within ten days following appointment by
6 taking the oath of office in the manner required by section
7 two hundred seventy-seven point twenty-eight (277.28) of the
8 Code and filing a bond as required by section two hundred
9 ninety-one point two (291.2) of the Code and shall hold office
10 until their successors are appointed and qualified.

11 Sec. 3. Section two hundred seventy-nine point thirty-
12 two (279.32), unnumbered paragraph one (1), Code 1977, is
13 amended to read as follows:

14 The board shall fix the compensation to be paid the
15 secretary. No member of the board ~~or treasurer~~ shall receive
16 compensation for official services, ~~except that in consolidated~~
17 ~~districts that contain a city having a population less than~~
18 ~~one thousand, the.~~ The board may pay a legally-qualified
19 school treasurer a reasonable compensation.

20 Sec. 4. Section two hundred ninety-eight point twenty-
21 two (298.22), Code 1977, is amended by striking the section
22 and inserting in lieu thereof the following:

23 293.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All
24 of said bonds shall be substantially in the form provided
25 for county bonds, but subject to changes that will conform
26 them to the action of the board providing therefor; shall
27 run not more than twenty years, and may be sooner paid if
28 so nominated in the bond; bear a rate of interest not exceed-
29 ing seven percent per annum, payable semiannually; be signed
30 by the president and countersigned by the secretary of the
31 board of directors; and shall not be disposed of for less
32 than par value, nor issued for other purposes than this chapter
33 provides.
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35 All of said bonds, when issued, shall be delivered to the
secretary of the board of directors, who shall register them

1 in a book to be kept for that purpose, and shall deliver them
2 when they have been properly countersigned.

3 The expenses of engraving and printing of bonds may be
4 paid out of the general fund.

5 Sec. 5. The general assembly finds and declares that the
6 Sixty-sixth General Assembly in 1975 intended to amend section
7 two hundred seventy-nine point three (279.3) of the Code to
8 read as it appears in section two (2) of this Act, that the
9 section was so printed in the Code of 1977 and may have been
10 relied upon in good faith by school districts in this state,
11 but that doubts have arisen as to the validity of the 1975
12 action purporting to amend section two hundred seventy-nine
13 point three (279.3) of the Code. All acts taken by a treasurer
14 of a school district appointed on or after July 1, 1974 in
15 reliance upon section two hundred seventy-nine point three
16 (279.3) of the Code as amended by Acts of the Sixty-sixth
17 General Assembly, 1975 Session, chapter eighty-one (81) section
18 one hundred thirty-four (134), are hereby legalized and
19 validated.

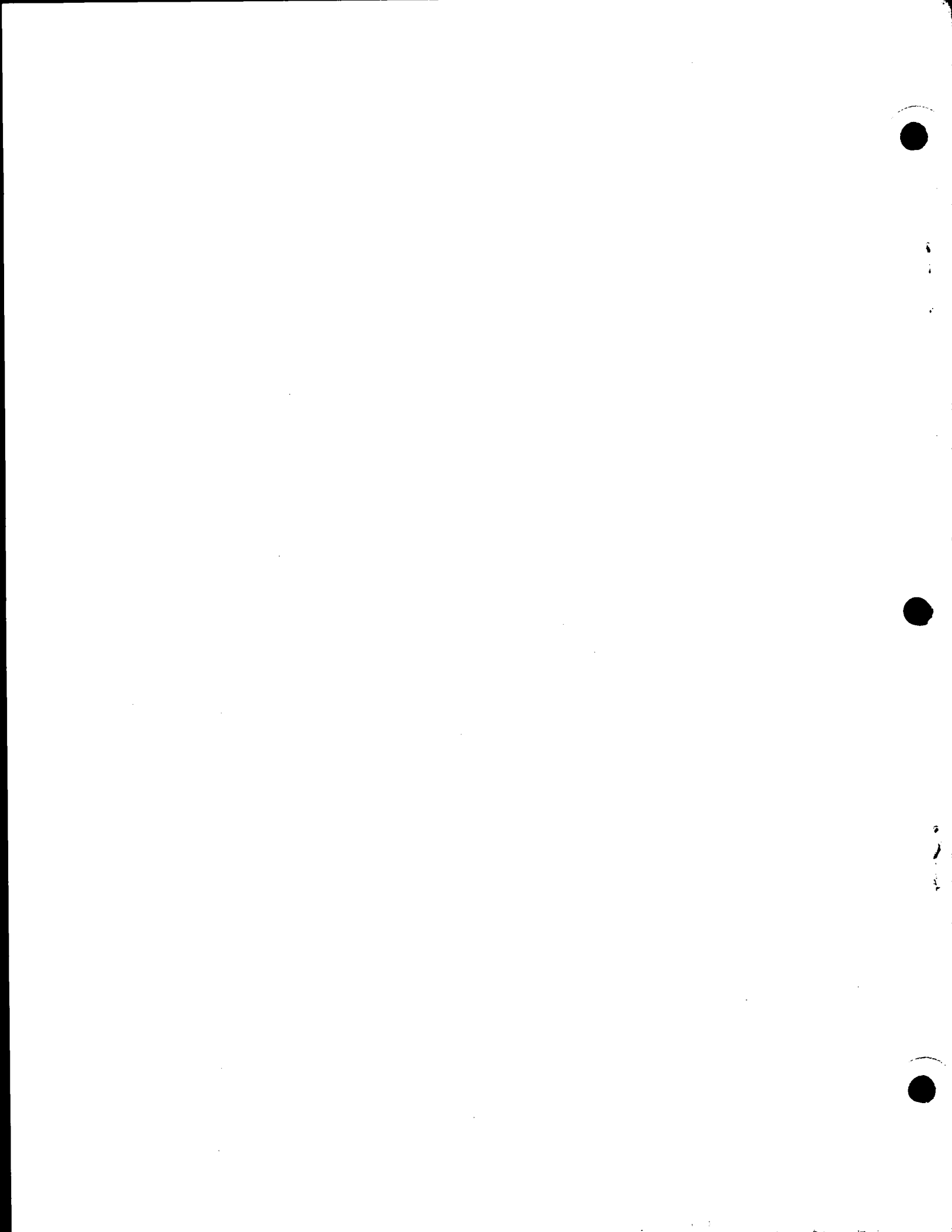
20 Sec. 6. The general assembly hereby finds and declares
21 that the Sixty-fifth General Assembly in 1974 intended to
22 amend section two hundred ninety-eight point twenty-two
23 (298.22) of the Code to read as it appears in the preceding
24 section of this Act, that the section was so printed in the
25 Code of 1975 and the Code of 1977 and may have been relied
26 upon in good faith by school districts in this state in
27 handling bond issues approved by their respective electorates,
28 but that doubts have arisen as to the validity of the 1974
29 action purporting to amend section two hundred ninety-eight
30 point twenty-two (298.22) of the Code. All school district
31 bond issues registered with school board secretaries on or
32 after July 1, 1974 in reliance upon section two hundred ninety-
33 eight point twenty-two (298.22) of the Code as amended by
34 Acts of the Sixty-fifth General Assembly, 1974 Session, chapter
35 one thousand one hundred one (1101), section seventy-three

1 (73), are hereby legalized and validated.

2 EXPLANATION

3 This bill makes three specific amendments to the school
4 election laws of Iowa. One authorizes the school board
5 secretary in each district to delegate to another school
6 district employee the function of accepting nomination papers
7 of school board candidates, if the other employee is more
8 readily available at times than the secretary. The other
9 two amendments strike and reenact without substantial change
10 sections 279.3, providing for appointment of the school board
11 secretary and treasurer, and 298.22, providing that school
12 district bonds sold after a favorable vote of the people must
13 be registered by the school board secretary. The school board
14 treasurer was formerly an elective officer, and the function
15 of registering school bonds formerly rested with the county
16 auditor. Doubts have been raised about the adequacy of the
17 titles of the bills which included amendments that placed
18 these sections in their present form. For this reason,
19 legalizing sections are included in the bill to validate any
20 actions by school district treasurers appointed under section
21 279.3, and bond issues that may have been registered by school
22 board secretaries under section 298.22, since they were so
23 amended.

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H-3716

1 Amend the Senate amendment H-3692 to House File
2 209, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the following
5 amendment:

6 "_____. Page 1, by inserting before line 1 the
7 following section:

8 "Section 1. Section two hundred seventy-four point
9 thirteen (274.13), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the
11 following:

12 274.13 ATTACHING TERRITORY TO ADJOINING DISTRICT.
13 Any portion of the landowners in a school district
14 may file a petition with the area education agency
15 administrator to include their land or a portion of
16 their land within the boundaries of an adjacent school
17 district. The area education agency administrator
18 shall transmit the petition to the board of directors
19 of the area education agency for review. If the board
20 approves the transfer, the area education agency
21 administrator, following approval by the board of
22 the affected adjacent district, shall by a written
23 order attach the part thus affected to the adjoining
24 school district. One copy of the order shall be
25 transmitted to the secretary of each school district
26 involved in the transfer who shall record the transfer
27 and make the proper designation on the plat of the
28 district. One copy of the order shall also be
29 transmitted to the department of public instruction." "

30 2. Page 1, by inserting after line 15 the following
31 amendment:

32 "_____. Page 4, by inserting after line 1 the
33 following section:

34 "Sec. _____. Section two hundred seventy-four point
35 fourteen (274.14), Code 1977, is repealed." "

36 3. Page 1, by inserting after line 15 the following
37 amendment:

38 "_____. Amend the title, line 2, by inserting after
39 the word "by" the words "revising the provisions
40 relating to attachment of portions of school districts
41 to adjoining school districts, by". "

42 4. By numbering and renumbering sections as
43 necessary.

H-3716 FILED, NOT GERMANE BY SCHROEDER of Pottawattamie
APRIL 22, 1977 (p. 1570)

HOUSE FILE 209

S-3366

1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 19 the following
4 section:

5 "Sec. _____. Section two hundred ninety-one point
6 two (291.2), Code 1977, is amended to read as follows:

7 291.2 BONDS OF SECRETARY AND TREASURER. The
8 secretary and treasurer shall give bond to the school
9 corporation in such penalty as the board may require,
10 and with sureties to be approved by it, which bond shall
11 be filed with the president, conditioned for the faith-
12 ful performance of the official duties of office, but in
13 no case less than five hundred dollars. The secretary and
14 treasurer may give bond under a single blanket bond covering
15 other employees of the district."

16 2. Amend the title, line 5, by inserting after the
17 word "by" the words "permitting a single blanket bond for
18 all employees including the secretary and treasurer of a
19 school district, by".

20 3. By numbering and renumbering sections as
21 necessary.

S-3366 FILED - *Adopted 4/20 (1110)* BY WILLARD R. HANSEN
APRIL 19, 1977

1 Amend the Senate amendment H-3692 to House File
2 209, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2, the following
5 amendment:

6 "_____. Page 1, by inserting before line 1 the
7 following section:

8 "Sec. _____. Section two hundred seventy-five point
9 twenty-five (275.25), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the
11 following:

12 275.25 ELECTION OF DIRECTORS. If the proposition
13 to establish a new corporation carries under the
14 method provided, the board of the reorganized district
15 shall consist of the members of the boards of the
16 districts involved in the reorganization who are
17 residents of the reorganized district until the second
18 regular school election held thereafter, except as
19 otherwise provided in this section. Terms of office
20 of such members shall be extended beyond their
21 expiration to the organizational meeting after the
22 second regular school election held thereafter.
23 Vacancies occurring on the board during the period
24 shall be filled by appointment of the remaining
25 members.

26 At the first election at which members will be
27 elected, three members of the board shall remain in
28 office, one for a one-year term, one for a two-year
29 term, and one for a three-year term. The determination
30 of the members to be retained shall be made by lot.
31 At the election, one member shall be elected for a
32 one-year term and one for a two-year term, except
33 in districts which include all or part of a city of
34 fifteen thousand or more population and in districts
35 in which the proposition to establish a new corporation
36 provides for seven directors, two directors shall
37 be elected for a three-year term. Provided, however,
38 that in all community school districts which include
39 a city of fifteen thousand or more population and
40 which became effective prior to July 4, 1955, and
41 in all community school districts containing a city
42 which has attained a population of fifteen thousand
43 or more as shown by the most recent decennial federal
44 census, the board of directors shall consist of seven
45 members. The county board of supervisors shall canvass
46 the votes and the county commissioner of elections
47 report the results to the area education agency
48 administrator who shall notify the persons who are
49 elected directors.

50 The board consisting of members of the former

1 school districts shall organize within fifteen days
2 following the effective date of the reorganization
3 upon call of the administrator. The board of directors
4 shall have complete control of the employment of all
5 personnel for the newly-formed community school
6 district for the ensuing school year. Following the
7 organization of the board, the board shall establish
8 policy, organize curriculum, enter into contracts
9 and complete such other planning and take such action
10 as is essential for the efficient management of the
11 newly-formed community school district."

12 2. Page 1, by inserting after line 15 the following
13 amendment:

14 "_____. Amend the title, line 2, by inserting after
15 the word "by" the words "revising the composition
16 of the board of directors of a reorganized school
17 district, by"."

18 3. By numbering and renumbering sections as
19 necessary.

H-3717 FILED, RULED NOT BY SCHROEDER of Pottawattamie
GERMANE; MOVED TO SUSPEND
RULES TO CONSIDER, LOST (p. 1573)
APRIL 22, 1977

SENATE AMENDMENT TO HOUSE FILE 209

H-3692

1 Amend House File 209, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 19 the following
4 section:

5 "Sec. _____. Section two hundred ninety-one point
6 two (291.2), Code 1977, is amended to read as follows:

7 291.2 BONDS OF SECRETARY AND TREASURER. The
8 secretary and treasurer shall give bond to the school
9 corporation in such penalty as the board may require,
10 and with sureties to be approved by it, which bond shall
11 be filed with the president, conditioned for the faith-
12 ful performance of his the official duties of office, but in
13 no case less than five hundred dollars. The secretary and
14 treasurer may give bond under a single blanket bond covering
15 other employees of the district."

16 2. Amend the title, line 5, by inserting after the
17 word "by" the words "permitting a single blanket bond for
18 all employees including the secretary and treasurer of a
19 school district, by".

20 3. By numbering and renumbering sections as
21 necessary.

House concurred 4/22 (1573)

H-3692 FILED: RECEIVED FROM SENATE
APRIL 20, 1977

HOUSE FILE 209

AN ACT

TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES RELATING TO SCHOOL DISTRICTS BY PERMITTING A SINGLE BLANKET BOND FOR ALL EMPLOYEES INCLUDING THE SECRETARY AND TREASURER OF A SCHOOL DISTRICT, BY PERMITTING THE SCHOOL BOARD SECRETARY TO DESIGNATE AN ALTERNATE PERSON TO RECEIVE NOMINATION PAPERS RELATING TO SCHOOL ELECTIONS, BY PERMITTING ANY SCHOOL BOARD TO COMPENSATE A SCHOOL TREASURER, BY REENACTING PREVIOUS AMENDMENTS TO SECTIONS TWO HUNDRED SEVENTY-NINE POINT THREE (279.3) OF THE CODE AUTHORIZING THE APPOINTMENT OF A SECRETARY OF THE SCHOOL BOARD AND A TREASURER OF THE SCHOOL DISTRICT, AND TWO HUNDRED NINETY-EIGHT POINT TWENTY-TWO (298.22) OF THE CODE, AUTHORIZING THE SCHOOL BOARD SECRETARY TO REGISTER BONDS, BY LEGALIZING ALL ACTS OF A TREASURER OF THE SCHOOL DISTRICT APPOINTED IN COMPLIANCE WITH SECTION TWO HUNDRED SEVENTY-NINE POINT THREE (279.3) OF THE CODE, AND BY LEGALIZING SCHOOL DISTRICT BOND ISSUES SUBJECT TO APPROVAL BY A VOTE OF THE PEOPLE WHICH MAY HAVE BEEN REGISTERED IN COMPLIANCE WITH SECTION TWO HUNDRED NINETY-EIGHT POINT TWENTY-TWO (298.22) OF THE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section two hundred seventy-seven point four (277.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-five days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who

is ordinarily available to accept nomination papers under this section. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. To each such petition shall be attached the affidavit of an eligible elector of the district that all of the signers thereof are electors of such district and that the signatures thereto are genuine. The candidate being nominated by the petition may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section. The petition shall include the affidavit of the candidate being nominated, stating his the candidate's name, his place of residence, that he such person is a candidate and is eligible for the office he the candidate seeks, and that if elected he the candidate will qualify for the office.

Sec. 2. Section two hundred seventy-nine point three (279.3), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

279.3 APPOINTMENT OF SECRETARY AND TREASURER. At a regular or special meeting of the board held in July prior to or on July fifteenth the board shall appoint a secretary who shall not be a teacher or other employee of the board. It shall also appoint a treasurer who may be another employee of the board. These officers shall be appointed from outside the membership of the board for terms of one year beginning with the date of appointment, and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following appointment by taking the oath of office in the manner required by section two hundred seventy-seven point twenty-eight (277.28) of the Code and filing a bond as required by section two hundred

ninety-one point two (291.2) of the Code and shall hold office until their successors are appointed and qualified.

Sec. 3. Section two hundred seventy-nine point thirty-two (279.32), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board shall fix the compensation to be paid the secretary. No member of the board ~~or treasurer~~ shall receive compensation for official services, ~~except that in consolidated districts that contain a city having a population less than one thousand, the~~. The board may pay a legally-qualified school treasurer a reasonable compensation.

Sec. 4. Section two hundred ninety-one point two (291.2), Code 1977, is amended to read as follows:

291.2 BONDS OF SECRETARY AND TREASURER. The secretary and treasurer shall give bond to the school corporation in such penalty as the board may require, and with sureties to be approved by it, which bond shall be filed with the president, conditioned for the faithful performance of ~~his~~ the official duties of office, but in no case less than five hundred dollars. The secretary and treasurer may give bond under a single blanket bond covering other employees of the district.

Sec. 5. Section two hundred ninety-eight point twenty-two (298.22), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

298.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor; shall run not more than twenty years, and may be sooner paid if so nominated in the bond; bear a rate of interest not exceeding seven percent per annum, payable semiannually; be signed by the president and countersigned by the secretary of the board

of directors; and shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides.

All of said bonds, when issued, shall be delivered to the secretary of the board of directors, who shall register them in a book to be kept for that purpose, and shall deliver them when they have been properly countersigned.

The expenses of engraving and printing of bonds may be paid out of the general fund.

Sec. 6. The general assembly finds and declares that the Sixty-sixth General Assembly in 1975 intended to amend section two hundred seventy-nine point three (279.3) of the Code to read as it appears in section two (2) of this Act, that the section was so printed in the Code of 1977 and may have been relied upon in good faith by school districts in this state, but that doubts have arisen as to the validity of the 1975 action purporting to amend section two hundred seventy-nine point three (279.3) of the Code. All acts taken by a treasurer of a school district appointed on or after July 1, 1974 in reliance upon section two hundred seventy-nine point three (279.3) of the Code as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred thirty-four (134), are hereby legalized and validated.

Sec. 7. The general assembly hereby finds and declares that the Sixty-fifth General Assembly in 1974 intended to amend section two hundred ninety-eight point twenty-two (298.22) of the Code to read as it appears in the preceding section of this Act, that the section was so printed in the Code of 1975 and the Code of 1977 and may have been relied upon in good faith by school districts in this state in handling bond issues approved by their respective electorates, but that doubts have arisen as to the validity of the 1974

action purporting to amend section two hundred ninety-eight point twenty-two (298.22) of the Code. All school district bond issues registered with school board secretaries on or after July 1, 1974 in reliance upon section two hundred ninety-eight point twenty-two (298.22) of the Code as amended by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred one (1101), section seventy-three (73), are hereby legalized and validated.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 209, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1977

ROBERT D. RAY
Governor