

Sen. Local Govt
DO PASS 4-6-89 (p 1240)

FEB 14 1989

LOCAL GOVERNMENT
DO PASS 3-2-89 (p 644)

HOUSE FILE 313
BY SHERZAN

Passed House, Date 3-15-89 (p 794) Passed Senate, Date 4-21-89 (p 1667)
Vote: Ayes 80 Nays 12 Vote: Ayes 39 Nays 7

Approved June 5, 1989

Repealed House 4-26-89 (p 2018)

Ayes 88 Nays 7 A BILL FOR
Motion to Reconsider
4-26-89 (p 2018)

3630-1 An Act relating to the common boundary for a voluntary
2 annexation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 313

1 Section 1. Section 368.1, subsection 11, Code 1989, is
2 amended to read as follows:

3 11. "Adjoining" means having a common boundary for not
4 less than ~~two-hundred~~ fifty feet. Land areas may be adjoining
5 although separated by a roadway or waterway.

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EXPLANATION

7 This bill provides that the common boundary of adjoining
8 property for a voluntary annexation is reduced from 200
9 hundred feet to 50 feet.

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SENATE AMENDMENT TO HOUSE FILE 313

H-4156

1 Amend House File 313, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 5 the
4 following:

5 "Sec. ____ . Section 368.7, unnumbered paragraphs 2
6 and 3, Code 1989, are amended to read as follows:

7 An application for annexation of territory not
8 within the urbanized area of a city other than the
9 city to which the annexation is directed must be
10 approved by resolution of the council which receives
11 the application. In the discretion of a city council,
12 the resolution may include a provision for a
13 transition for the imposition of taxes as provided in
14 section 368.11, subsection 13. Upon receiving
15 approval of the council, the city clerk shall file a
16 copy of the resolution, map, and legal description of
17 the territory involved with the state department of
18 transportation. The city clerk shall also file a copy
19 of the map and resolution with the county recorder and
20 secretary of state. The annexation is completed upon
21 acknowledgment by the secretary of state that the
22 secretary of state has received the map and
23 resolution.

24 An application for annexation of territory within
25 the urbanized area of a city other than the city to
26 which the annexation is directed must be approved both
27 by resolution of the council which receives the
28 application and by the board. In the discretion of a
29 city council, the resolution may include a provision
30 for a transition for the imposition of taxes as
31 provided in section 368.11, subsection 13. The
32 annexation is completed when the board has filed
33 copies of applicable portions of the proceedings as
34 required by section 368.20, subsection 2.

35 Sec. ____ . Section 368.11, Code 1989, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 13. In the discretion of a city
38 council, a provision for a transition for the
39 imposition of city taxes against property within an
40 annexation area. The provision shall not allow a
41 greater exemption from taxation than the tax exemption
42 formula schedule provided under section 427B.3,
43 paragraphs "a" through "e", and shall be applied in
44 the levy and collection of taxes. The provision may
45 also allow for the partial provision of city services
46 during the time in which the exemption from taxation
47 is in effect.

48 Sec. ____ . Section 403.17, subsection 20, Code
49 1989, is amended to read as follows:

50 20. "Economic development area" means an area of a

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Page 2

1 municipality designated by the local governing body as
2 appropriate for commercial and industrial enterprises.

3 Such designated area shall not include land which is
4 part of a century farm.

5 Sec. ____ . This Act, being deemed of immediate
6 importance, takes effect upon enactment."

7 2. Title page, by striking lines 1 and 2 and
8 inserting the following: "An Act relating to
9 voluntary annexation by authorizing a city to provide
10 for a transition for imposition of city taxes within
11 an annexed area and by reducing the common boundary of
12 an adjoining property and certain designated municipal
13 property, and providing an effective date."

14 3. By renumbering sections as required.

RECEIVED FROM THE SENATE

H-4156 FILED APRIL 24, 1989

House Concurred 4-26-89 (p. 2018)

HOUSE FILE 313

S-3630

1 Amend House File 313, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 5 the
4 following:

5 "Sec. _____. Section 368.7, unnumbered paragraphs 2
6 and 3, Code 1989, are amended to read as follows:

7 An application for annexation of territory not
8 within the urbanized area of a city other than the
9 city to which the annexation is directed must be
10 approved by resolution of the council which receives
11 the application. In the discretion of a city council,
12 the resolution may include a provision for a
13 transition for the imposition of taxes as provided in
14 section 368.11, subsection 13. Upon receiving
15 approval of the council, the city clerk shall file a
16 copy of the resolution, map, and legal description of
17 the territory involved with the state department of
18 transportation. The city clerk shall also file a copy
19 of the map and resolution with the county recorder and
20 secretary of state. The annexation is completed upon
21 acknowledgment by the secretary of state that the
22 secretary of state has received the map and
23 resolution.

24 An application for annexation of territory within
25 the urbanized area of a city other than the city to
26 which the annexation is directed must be approved both
27 by resolution of the council which receives the
28 application and by the board. In the discretion of a
29 city council, the resolution may include a provision
30 for a transition for the imposition of taxes as
31 provided in section 368.11, subsection 13. The
32 annexation is completed when the board has filed
33 copies of applicable portions of the proceedings as
34 required by section 368.20, subsection 2.

35 Sec. _____. Section 368.11, Code 1989, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 13. In the discretion of a city
38 council, a provision for a transition for the
39 imposition of city taxes against property within an
40 annexation area. The provision shall not allow a
41 greater exemption from taxation than the tax exemption
42 formula schedule provided under section 427B.3,
43 paragraphs "a" through "e", and shall be applied in
44 the levy and collection of taxes. The provision may
45 also allow for the partial provision of city services
46 during the time in which the exemption from taxation
47 is in effect."

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48 2. Title page, by striking lines 1 and 2 and
49 inserting the following: "An Act relating to
50 voluntary annexation by authorizing a city to provide

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Page 2

1 for a transition for imposition of city taxes within
2 an annexed area and by reducing the common boundary of
3743>3 an adjoining property."

4 3. By renumbering sections as required.

By CALVIN O. HULTMAN

S-3630 FILED APRIL 11, 1989

Adopted 4-21-89 (p. 1105)

HOUSE FILE 313

S-3743

1 Amend the amendment, S-3630, to House File 313 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by inserting after line 47 the
4 following:

5 "Sec. ____ . Section 403.17, subsection 20, Code
6 1989, is amended to read as follows:

7 20. "Economic development area" means an area of a
8 municipality designated by the local governing body as
9 appropriate for commercial and industrial enterprises.
10 Such designated area shall not include land which is
11 part of a century farm.

12 Sec. ____ . This Act, being deemed of immediate
13 importance, takes effect upon enactment."

14 2. Page 2, line 3, by inserting after the word
15 "property" the following: "and certain designated
16 municipal property, and providing an effective date".

By JOE WELSH

JOHN E. SOORHOLTZ

EMIL J. HUSAK

JIM LIND

BERL E. PRIEBE

S-3743 FILED APRIL 17, 1989

Adopted 4-21-89 (p. 1102)

HOUSE FILE 313

AN ACT

RELATING TO VOLUNTARY ANNEXATION BY AUTHORIZING A CITY TO PROVIDE FOR A TRANSITION FOR IMPOSITION OF CITY TAXES WITHIN AN ANNEXED AREA AND BY REDUCING THE COMMON BOUNDARY OF AN ADJOINING PROPERTY AND CERTAIN DESIGNATED MUNICIPAL PROPERTY, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 368.1, subsection 11, Code 1989, is amended to read as follows:

11. "Adjoining" means having a common boundary for not less than two-hundred fifty feet. Land areas may be adjoining although separated by a roadway or waterway.

Sec. 2. Section 368.7, unnumbered paragraphs 2 and 3, Code 1989, are amended to read as follows:

An application for annexation of territory not within the urbanized area of a city other than the city to which the annexation is directed must be approved by resolution of the council which receives the application. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. Upon receiving approval of the

council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder and secretary of state. The annexation is completed upon acknowledgment by the secretary of state that the secretary of state has received the map and resolution.

An application for annexation of territory within the urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section 368.20, subsection 2.

Sec. 3. Section 368.11, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In the discretion of a city council, a provision for a transition for the imposition of city taxes against property within an annexation area. The provision shall not allow a greater exemption from taxation than the tax exemption formula schedule provided under section 427B.3, paragraphs "a" through "e", and shall be applied in the levy and collection of taxes. The provision may also allow for the partial provision of city services during the time in which the exemption from taxation is in effect.

Sec. 4. Section 403.17, subsection 20, Code 1989, is amended to read as follows:

20. "Economic development area" means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises. Such designated area shall not include land which is part of a century farm.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 313, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 5, 1989

TERRY E. BRANSTAD
Governor