

FEB 27 1989

LOCAL GOVERNMENT

DO PASS 32-89 (PL65)

HOUSE FILE 404

BY BEATTY

(COMPANION TO LSB 2462S

BY PETERSON)

Passed House, Date 3/9/89 (p. 75) Passed Senate, Date 3/14/89 (p. 767)
Vote: Ayes 95 Nays 0 Vote: Ayes 44 Nays 0
Approved 3-28-89 (p. 1063)

A BILL FOR

3222 -1 An Act relating to the effective date of a city incorporation,
2 annexation, discontinuance, or boundary adjustment proposal,
3 and providing an effective date.

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

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1 Section 1. Section 368.20, subsection 2, Code 1989, is
2 amended to read as follows:

3 2. File with the secretary of state, the clerk of each
4 city incorporated or involved in a boundary adjustment, and
5 with the recorder of each county which contains a portion of
6 any city or territory involved, copies of the proceedings
7 including the original petition or plan and any amendments,
8 the order of the board approving the petition or plan, proofs
9 of service and publication of required notices, certification
10 of the election result, and any other material deemed by the
11 board to be of primary importance to the proceedings. Upon
12 proper filing and expiration of time for appeal, ~~er-upon-a~~
13 ~~subsequent-date-as-provided-in-the-proposal;~~ the
14 incorporation, discontinuance, or boundary adjustment is
15 ~~complete,-except-that.~~ However, if an appeal to any of the
16 proceedings is pending, completion does not occur until the
17 appeal is decided, unless a subsequent date is provided in the
18 proposal. The board shall also file with the state department
19 of transportation a copy of the map and legal land description
20 of each completed incorporation or corporate boundary
21 adjustment completed under sections 368.11 ~~to~~ through 368.22
22 or approved annexation within an urbanized area.

23 Sec. 2. This Act, being deemed of immediate importance,
24 takes effect upon enactment.

25 EXPLANATION

26 This bill provides that a city incorporation, annexation,
27 discontinuance, or boundary adjustment proposal is complete
28 upon filing and expiration of the time for appeal. However,
29 if an appeal is pending, the proposal is not complete until
30 the appeal is decided unless a subsequent date is provided in
31 the proposal.

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HOUSE FILE 404

S-3222

1 Amend House File 404, as passed by the House, as follows:

2 1. Page 1, by inserting before line 1 the following:

3 "Section 1. Section 368.7, unnumbered paragraphs 2 and 3, Code 1989, are amended to read as follows:

4 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.

24 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.

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

37 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 be more favorable than the tax exemption formula allowable under section 427B.3 and shall be applied in the levy and collection of taxes."

44 2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to the operation of a city, by authorizing a city to provide for a transition for imposition of city taxes within an annexed area, by providing for an effective date of a city incorporation, annexation, discontinuance, or boundary adjustment proposal,".

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Page 2

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3. By renumbering sections as required.
By CALVIN O. HULTMAN

S-3222 FILED MARCH 10, 1989

withdrawn 3-14-89 (p. 766)

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

HOUSE FILE 404

AN ACT

RELATING TO THE EFFECTIVE DATE OF A CITY INCORPORATION, ANNEXATION, DISCONTINUANCE, OR BOUNDARY ADJUSTMENT PROPOSAL, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 368.20, subsection 2, Code 1989, is amended to read as follows:

2. File with the secretary of state, the clerk of each city incorporated or involved in a boundary adjustment, and with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings. Upon proper filing and expiration of time for appeal, ~~or upon a subsequent date as provided in the proposal~~, the incorporation, discontinuance, or boundary adjustment is ~~complete, except that~~. However, if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided, unless a subsequent date is provided in the proposal. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed incorporation or corporate boundary adjustment completed under sections 368.11 to through 368.22 or approved annexation within an urbanized area.

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 404, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 28, 1989

TERRY E. BRANSTAD
Governor