

Reprinted

APR 30 1991

HOUSE FILE 704
BY COMMITTEE ON WAYS AND MEANS

WAYS & MEANS CALENDAR

(SUCCESSOR TO HSB 314)

Passed House, Date 5/7/91 (p. 2156) Passed Senate, Date 5/11/91 (P. 1806)
Vote: Ayes 92 Nays 6 Vote: Ayes 38 Nays 10
Approved May 28, 1991

A BILL FOR

1 An Act granting urban renewal and urban revitalization authority
2 to counties.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 704

1 Section 1. Section 403.15, subsections 2 and 5, Code 1991,
2 are amended to read as follows:

3 2. If the urban renewal agency is authorized to transact
4 business and exercise powers hereunder pursuant to the
5 chapter, the mayor or chairperson of the board, as applicable,
6 by and with the advice and consent of the local governing
7 body, shall appoint a board of commissioners of the urban
8 renewal agency, which board shall consist of five
9 commissioners. The term of office of each such commissioner
10 shall be one year.

11 5. The mayor or chairperson of the board, as applicable,
12 shall designate a chairperson and vice chairperson from among
13 the commissioners. An agency may employ an executive
14 director, technical experts and such other agents and
15 employees, permanent and temporary, as it may require, and the
16 agency may determine their qualifications, duties and
17 compensation. For such legal service as it may require, an
18 agency may employ or retain its own counsel and legal staff.
19 An agency authorized to transact business and exercise powers
20 under this chapter shall file, with the local governing body,
21 on or before September 30 of each year, a report of its
22 activities for the preceding fiscal year, which report shall
23 include a complete financial statement setting forth its
24 assets, liabilities, income and operating expense as of the
25 end of such fiscal year. At the time of filing the report,
26 the agency shall publish in a newspaper of general circulation
27 in the community city or county, as applicable, a notice to
28 the effect that such report has been filed with the
29 municipality, and that the report is available for inspection
30 during business hours in the office of the city clerk or
31 county auditor, as applicable, and in the office of the
32 agency.

33 Sec. 2. Section 403.17, subsections 2, 4, and 17, Code
34 1991, are amended to read as follows:

35 2. "Municipality" ~~shall-mean~~ means any city or county in

1 the state.

2 4. "Local governing body" ~~shall-mean~~ means the council,
3 board of supervisors, or other legislative body charged with
4 governing the municipality.

5 17. "Area of operation" ~~shall-mean~~ of a city means the
6 area within the corporate limits of ~~the-municipality-and-the~~
7 ~~area-within-five-miles-of-such-limits~~ a city, except that it
8 ~~shall~~ does not include any area which lies within the
9 territorial boundaries of another incorporated city, unless a
10 resolution ~~shall-have~~ has been adopted by the governing body
11 of ~~such-other~~ the city declaring a need ~~therefor~~ to be
12 included in the area. The "area of operation" of a county
13 means an area outside the corporate limits of a city.
14 However, in that area outside a city's boundary but within two
15 miles of the city's boundary, a joint agreement between the
16 city and the county is required allowing the county to proceed
17 with the activities authorized under this chapter.

18 Sec. 3. Section 403.17, Code 1991, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 21. "Chairperson of the board" means the
21 chairperson of the board of supervisors or other legislative
22 body charged with governing a county.

23 Sec. 4. Section 404.1, unnumbered paragrapn 1, Code 1991,
24 is amended to read as follows:

25 The governing body of a city may, by ordinance, designate
26 an area of the city or the governing body of a county may, by
27 ordinance, designate an area of the county outside the
28 boundaries of a city, as a revitalization area, if that area
29 is any of the following:

30 Sec. 5. Section 404.1, Code 1991, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 4. An area which is appropriate as an
economic development area as defined in section 403.17.

33 Sec. 6. Section 404.2, subsection 1, Code 1991, is amended
34 to read as follows:
35

1 1. The governing body has adopted a resolution finding
2 that the rehabilitation, conservation, redevelopment, economic
3 development, or a combination thereof of the area is necessary
4 in the interest of the public health, safety, or welfare of
5 the residents of the city, or county as applicable, and the
6 area substantially meets the criteria of section 404.1.

7 Sec. 7. Section 404.2, subsections 3 and 6, Code 1991, are
8 amended to read as follows:

9 3. The city or county has scheduled a public hearing and
10 notified all owners of record of real property located within
11 the proposed area and the tenants living within the proposed
12 area in accordance with section 362.3 or 331.305, as
13 applicable. In addition to notice by publication,
14 notification shall also be given by ordinary mail to the last
15 known address of the owners of record. The city or county
16 shall also send notice by ordinary mail addressed to the
17 "occupants" of city addresses located within the proposed
18 area, unless the city council or board of supervisors, by
19 reason of lack of a reasonably current and complete address
20 list, or for other good cause, shall have waived the notice.
21 Notwithstanding section 362.3 or 331.305, as applicable, the
22 notice shall be given by the thirtieth day prior to the public
23 hearing.

24 6. The city or county has adopted the proposed or amended
25 plan for the revitalization area after the requisite number of
26 hearings. The city or county may subsequently amend this plan
27 after a hearing. Notice of the hearing shall be published as
28 provided in section 362.3 or 331.305, except that at least
29 seven days' notice must be given and the public hearing shall
30 not be held earlier than the next regularly scheduled city
31 council or board of supervisors meeting following the
32 published notice.

33 Sec. 8. Except as otherwise provided in this Act, sections
34 404.2 through 404.7, Code 1991, are amended by striking the
35 word "city" and where it appears in those sections and

1 inserting in lieu thereof the words "city or county".

2 EXPLANATION

3 This bill authorizes a county to exercise authority with
4 regard to urban renewal and urban revitalization under
5 chapters 403 and 404, respectively, in the same manner as a
6 city.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 704

H-4011

1 Amend House File 704 as follows:

2 1. Page 2, by striking lines 5 through 17, and
3 inserting the following:
4 "17. "Area of operation" ~~shall mean~~ of a city
5 means the area within the corporate limits of the
6 municipality and the area within five two miles of
7 such limits, except that it shall does not include any
8 area which lies within the territorial boundaries of
9 another incorporated city, unless a resolution shall
10 have has been adopted by the governing body of such
11 other the city declaring a need therefor to be
12 included in the area. The "area of operation" of a
13 county means an area outside the corporate limits of a
14 city. However, in that area outside a city's boundary
15 but within two miles of the city's boundary, a joint
16 agreement between the city and the county is required
17 allowing the county to proceed with the activities
18 authorized under this chapter. In addition, a county
19 may proceed with activities authorized under this
20 chapter in an area inside the boundaries of a city,
21 provided a joint agreement is entered into with
22 respect to such activities between a city and a
23 county."

By DICKINSON of Jackson

H-4011 FILED MAY 1, 1991

Adopted 5/7/91 (p 2154)

HOUSE FILE 704

H-4050

1 Amend House File 704 as follows:

2 1. Page 1, line 35, by striking the words "or
3 county".
4 2. Page 2, line 1, by inserting after the word
5 "state" the following: "or any county in the state
6 which has adopted zoning ordinances under chapter 358A
7 for areas of the county outside of the incorporated
8 areas of the cities".
9 3. Page 3, by inserting after line 6 the
10 following:
11 "Sec. ____ . Section 404.2, subsection 2, paragraph
12 h, Code 1991, is amended by adding the following new
13 unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. In the case of a county,
15 the tax schedules used shall only be applicable to
16 property of the type for which the revitalization area
17 is zoned for at the time the county designates the
18 area a revitalization area."

By HANSON of Delaware

OSTERBERG of Linn

CARPENTER of Polk

RENKEN of Grundy

HALVORSON of Webster

METCALF of Polk

H-4050 FILED MAY 3, 1991

Adopted as amended by H-4080 5/7/91 (p 2155)

HOUSE FILE 704

H-4080

1 Amend amendment, H-4050, to House File 704, as
2 follows:

3 1. Page 1, by striking lines 2 through 8 and
4 inserting the following:

A 5 "____. Page 2, line 1, by inserting after the word
6 "state." the following: "However, effective January
7 1, 1993, a county, within the definition of
8 "municipality", means a county which has adopted
9 zoning ordinances under chapter 358A for areas of the
10 county outside of the incorporated areas of cities.""

11 2. Page 1, by inserting after line 8 the
12 following:

13 "____. Page 2, by inserting after line 22 the
14 following:

15 "Sec. ____ . Section 403.19, Code 1991, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 7. For the purposes of this
18 section, a county shall include taxes levied on
19 industrial property within an urban renewal area only.

20 Sec. ____ . Section 404.2, subsection 2, paragraph
21 f, Code 1991, is amended to read as follows:

B 22 f. A statement specifying whether the
23 revitalization is applicable to none, some, or all of
24 the property assessed as residential, agricultural,
25 commercial or industrial property within the
26 designated area or a combination thereof and whether
27 the revitalization is for rehabilitation and additions
28 to existing buildings or new construction or both. If
29 revitalization is made applicable only to some
30 property within an assessment classification, the
31 definition of that subset of eligible property must be
32 by uniform criteria which further some planning
33 objective identified in the plan. The city shall
34 state how long it is estimated that the area shall
35 remain a designated revitalization area which time
36 shall be longer than one year from the date of
37 designation and shall state any plan by the city to
38 issue revenue bonds for revitalization projects within
39 the area. For a county, a revitalization area shall
40 include only property which will be used as industrial
41 property only."

By HANSON of Delaware

H-4080 FILED MAY 7, 1991

A-ADOPTED B-ADOPTED (p 2155)

HOUSE FILE 704

H-4077

1 Amend amendment, H-4050, to House File 704, as
2 follows:

3 1. Page 1, line 6, by inserting after the figure
4 "358A" the following: "which are effective not later
5 than January 1, 1993,".

6 2. Page 1, by inserting after line 8 the
7 following:

8 "____. Page 2, by inserting after line 22 the
9 following:

10 "Sec. ____ . Section 403.19, Code 1991, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 7. For the purposes of this
13 section, a county shall include taxes levied on
14 industrial property within an urban renewal area only.

15 Sec. ____ . Section 404.2, subsection 2, paragraph
16 f, Code 1991, is amended to read as follows:

17 f. A statement specifying whether the
18 revitalization is applicable to none, some, or all of
19 the property assessed as residential, agricultural,
20 commercial or industrial property within the
21 designated area or a combination thereof and whether
22 the revitalization is for rehabilitation and additions
23 to existing buildings or new construction or both. If
24 revitalization is made applicable only to some
25 property within an assessment classification, the
26 definition of that subset of eligible property must be
27 by uniform criteria which further some planning
28 objective identified in the plan. The city shall
29 state how long it is estimated that the area shall
30 remain a designated revitalization area which time
31 shall be longer than one year from the date of
32 designation and shall state any plan by the city to
33 issue revenue bonds for revitalization projects within
34 the area. For a county, a revitalization area shall
35 include property assessed as industrial property
36 only."

By HANSON of Delaware
DVORSKY of Johnson

METCALF of Polk
CARPENTER of Polk

H-4077 FILED MAY 7, 1991

WITHDRAWN (p. 2154)

Sen. W. Rep. - Missouri 5/8 Amend (3761), Do Pass 5/10/91 (y 1761)

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 314)

(As Amended and Passed by the House May 7, 1991)

Passed House, Date 5/11/91 (y 2427) Passed Senate, Date 5/11/91 (y 1806)

Vote: Ayes 80 Nays 14 Vote: Ayes 38 Nays 10

Approved May 28, 1991

A BILL FOR

1 An Act granting urban renewal and urban revitalization authority
2 to counties.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

House Amendments _____

Deleted Language ~~X~~

1 Section 1. Section 403.15, subsections 2 and 5, Code 1991,
2 are amended to read as follows:

3 2. If the urban renewal agency is authorized to transact
4 business and exercise powers hereunder pursuant to the
5 chapter, the mayor or chairperson of the board, as applicable,
6 by and with the advice and consent of the local governing
7 body, shall appoint a board of commissioners of the urban
8 renewal agency, which board shall consist of five
9 commissioners. The term of office of each such commissioner
10 shall be one year.

11 5. The mayor or chairperson of the board, as applicable,
12 shall designate a chairperson and vice chairperson from among
13 the commissioners. An agency may employ an executive
14 director, technical experts and such other agents and
15 employees, permanent and temporary, as it may require, and the
16 agency may determine their qualifications, duties and
17 compensation. For such legal service as it may require, an
18 agency may employ or retain its own counsel and legal staff.
19 An agency authorized to transact business and exercise powers
20 under this chapter shall file, with the local governing body,
21 on or before September 30 of each year, a report of its
22 activities for the preceding fiscal year, which report shall
23 include a complete financial statement setting forth its
24 assets, liabilities, income and operating expense as of the
25 end of such fiscal year. At the time of filing the report,
26 the agency shall publish in a newspaper of general circulation
27 in the community city or county, as applicable, a notice to
28 the effect that such report has been filed with the
29 municipality, and that the report is available for inspection
30 during business hours in the office of the city clerk or
31 county auditor, as applicable, and in the office of the
32 agency.

33 Sec. 2. Section 403.17, subsections 2, 4, and 17, Code
34 1991, are amended to read as follows:

35 2. "Municipality" ~~shall mean~~ means any city or county in

1 the state. However, effective January 1, 1993, a county,
 2 within the definition of "municipality", means a county which
 3 has adopted zoning ordinances under chapter 358A for areas of
 4 the county outside of the incorporated areas of cities.

5 4. "Local governing body" shall-mean means the council,
 6 board of supervisors, or other legislative body charged with
 7 governing the municipality.

8 17. "Area of operation" shall-mean of a city means the
 9 area within the corporate limits of the municipality and the
 10 area within five two miles of such limits, except that it
 11 shall does not include any area which lies within the
 12 territorial boundaries of another incorporated city, unless a
 13 resolution shall-have has been adopted by the governing body
 14 of such-other the city declaring a need therefor to be
 15 included in the area. The "area of operation" of a county
 16 means an area outside the corporate limits of a city.
 17 However, in that area outside a city's boundary but within two
 18 miles of the city's boundary, a joint agreement between the
 19 city and the county is required allowing the county to proceed
 20 with the activities authorized under this chapter. In
 21 addition, a county may proceed with activities authorized
 22 under this chapter in an area inside the boundaries of a city,
 23 provided a joint agreement is entered into with respect to
 24 such activities between a city and a county.

25 Sec. 3. Section 403.17, Code 1991, is amended by adding
 26 the following new subsection:

27 NEW SUBSECTION. 21. "Chairperson of the board" means the
 28 chairperson of the board of supervisors or other legislative
 29 body charged with governing a county.

30 Sec. 4. Section 403.19, Code 1991, is amended by adding
 31 the following new subsection:

32 NEW SUBSECTION. 7. For the purposes of this section, a
 33 county shall include taxes levied on industrial property
 34 within an urban renewal area only.

35 Sec. 5. Section 404.2, subsection 2, paragraph f, Code

1 1991, is amended to read as follows:

2 f. A statement specifying whether the revitalization is
3 applicable to none, some, or all of the property assessed as
4 residential, agricultural, commercial or industrial property
5 within the designated area or a combination thereof and
6 whether the revitalization is for rehabilitation and additions
7 to existing buildings or new construction or both. If
8 revitalization is made applicable only to some property within
9 an assessment classification, the definition of that subset of
10 eligible property must be by uniform criteria which further
11 some planning objective identified in the plan. The city
12 shall state how long it is estimated that the area shall
13 remain a designated revitalization area which time shall be
14 longer than one year from the date of designation and shall
15 state any plan by the city to issue revenue bonds for
16 revitalization projects within the area. For a county, a
17 revitalization area shall include only property which will be
18 used as industrial property only.

19 Sec. 6. Section 404.1, unnumbered paragraph 1, Code 1991,
20 is amended to read as follows:

21 The governing body of a city may, by ordinance, designate
22 an area of the city or the governing body of a county may, by
23 ordinance, designate an area of the county outside the
24 boundaries of a city, as a revitalization area, if that area
25 is any of the following:

26 Sec. 7. Section 404.1, Code 1991, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. An area which is appropriate as an
29 economic development area as defined in section 403.17.

30 Sec. 8. Section 404.2, subsection 1, Code 1991, is amended
31 to read as follows:

32 1. The governing body has adopted a resolution finding
33 that the rehabilitation, conservation, redevelopment, economic
34 development, or a combination thereof of the area is necessary
35 in the interest of the public health, safety, or welfare of

1 the residents of the city, or county as applicable, and the
2 area substantially meets the criteria of section 404.1.

3 Sec. 9. Section 404.2, subsection 2, paragraph h, Code
4 1991, is amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. In the case of a county, the tax
7 schedules used shall only be applicable to property of the
8 type for which the revitalization area is zoned for at the
9 time the county designates the area a revitalization area.

10 Sec. 10. Section 404.2, subsections 3 and 6, Code 1991,
11 are amended to read as follows:

12 3. The city or county has scheduled a public hearing and
13 notified all owners of record of real property located within
14 the proposed area and the tenants living within the proposed
15 area in accordance with section 362.3 or 331.305, as
16 applicable. In addition to notice by publication,
17 notification shall also be given by ordinary mail to the last
18 known address of the owners of record. The city or county
19 shall also send notice by ordinary mail addressed to the
20 "occupants" of city addresses located within the proposed
21 area, unless the city council or board of supervisors, by
22 reason of lack of a reasonably current and complete address
23 list, or for other good cause, shall have waived the notice.
24 Notwithstanding section 362.3 or 331.305, as applicable, the
25 notice shall be given by the thirtieth day prior to the public
26 hearing.

27 6. The city or county has adopted the proposed or amended
28 plan for the revitalization area after the requisite number of
29 hearings. The city or county may subsequently amend this plan
30 after a hearing. Notice of the hearing shall be published as
31 provided in section 362.3 or 331.305, except that at least
32 seven days' notice must be given and the public hearing shall
33 not be held earlier than the next regularly scheduled city
34 council or board of supervisors meeting following the
35 published notice.

1 Sec. 11. Except as otherwise provided in this Act,
2 sections 404.2 through 404.7, Code 1991, are amended by
3 striking the word "city" and where it appears in those
4 sections and inserting in lieu thereof the words "city or
5 county".

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 704

S-3763

1 Amend House File 704, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 4, by inserting after line 35 the
4 following:

5 "Sec. ____ . NEW SECTION. 404.10 CREATION OF
6 AGRICULTURAL REVITALIZATION AREAS.

7 1. A county board of supervisors may by ordinance
8 designate part of the county as being appropriate for
9 intensive agricultural activities. This part shall be
10 referred to as an "agricultural revitalization area."

11 The land included within this agricultural
12 revitalization area is not required to be contiguous.

13 As used in this section "agricultural activity"
14 means an activity directly connected to the raising,
15 drying, or storage of crops, the care or feeding of
16 livestock as defined in section 267.1, the handling or
17 transportation of crops or livestock, or the treatment
18 or disposal of wastes resulting from livestock.

19 2. In a county that has adopted a zoning ordinance
20 that establishes one or more agricultural zones, all
21 of the land within an agricultural zone is eligible to
22 be included in the agricultural revitalization area,
23 except for land within the corporate limits of a city
24 or land within a state park or state preserve.

25 3. In a county that has not adopted a zoning
26 ordinance that establishes one or more agricultural
27 zones, all of the land within the county is eligible
28 to be included in the agricultural revitalization
29 area, except for land within the corporate limits of a
30 city, land within an area over which a city has
31 exercised its zoning authority under section 414.23,
32 or land within a state park or state preserve.

33 4. All of the eligible land shall be included in
34 the agricultural revitalization area, except to the
35 extent that the board of supervisors excludes eligible
36 land from the agricultural revitalization area because
37 the land is, or is located in close proximity to, one
38 of the following:

39 a. Land that is unique, and of scientifically
40 recognized ecological value.

41 b. Towns, residential subdivisions, or other
42 population centers.

43 c. Locations at which a significant number of
44 people regularly congregate.

45 The determination by the board of supervisors that
46 land is in close proximity to a location excluded
47 under this section shall be a legislative
48 determination.

49 5. The board of supervisors shall conduct a public
50 hearing on the adoption of a proposed ordinance

S-3763

Page 2

1 establishing an agricultural revitalization area
2 within sixty days after either of the following:
3 a. The board of supervisors receives a petition
4 requesting adoption of such an ordinance. The
5 petition shall specify the proposed boundaries of the
6 agricultural revitalization area. The petition must
7 be signed by at least fifty eligible electors of the
8 county.

9 b. The board of supervisors approves a resolution
10 indicating its intent to establish an agricultural
11 revitalization area.

12 6. The board of supervisors may amend the
13 boundaries of the agricultural revitalization area,
14 rezone areas included within the agricultural
15 revitalization area, or eliminate the agricultural
16 revitalization area. When establishing an
17 agricultural revitalization area, rezoning the land
18 within the agricultural revitalization area, or
19 amending its borders, the board of supervisors shall
20 comply with the notice, hearing, and adoption
21 requirements provided in section 358A.6. When
22 establishing such an agricultural revitalization area,
23 the board of supervisors shall mail a notice, at least
24 ten days before the public hearing on the ordinance,
25 to the owners of any eligible parcel of land having
26 more than two acres which the board is considering
27 excluding from the agricultural revitalization area.
28 When amending the borders of the agricultural
29 revitalization area, or rezoning land within the
30 agricultural revitalization area, the board of
31 supervisors shall mail this notice to the owners of
32 any parcel of land within the agricultural
33 revitalization area having more than two acres which
34 the board is considering excluding from the
35 agricultural revitalization area.

36 7. Upon the creation of an agricultural
37 revitalization area, or the amendment of its borders,
38 the board of supervisors shall cause its description
39 to be filed with the county auditor and placed on
40 record in the office of the county recorder.

41 Sec. ____ . NEW SECTION. 404.11 NUISANCE
42 RESTRICTIONS WITHIN AGRICULTURAL REVITALIZATION AREAS.

43 1. Subject to the exceptions in subsection 2, an
44 agricultural activity located in an agricultural
45 revitalization area established pursuant to section
46 404.10 shall not be found to be a public or private
47 nuisance regardless of the established date of
48 operation or expansion of the agricultural activity.

49 2. This section does not apply to any of the
50 following:

S-3763

Page 3

1 a. A public or private nuisance which is the
2 result of an agricultural activity determined to be in
3 violation of a federal statute or regulation or state
4 statute or rule.

5 b. An action or proceeding arising from injury or
6 damage to person or property caused by the
7 agricultural activity before the creation of the
8 agricultural revitalization area.

9 c. The right of a person to recover damages for
10 injury or damage sustained by the person because of
11 the pollution or change in condition of the waters of
12 a stream, the overflowing of such waters on the
13 person's land, or excessive soil erosion onto another
14 person's land.

15 3. This section shall apply to an agricultural
16 activity for fifteen years following the exclusion of
17 land within an agricultural revitalization area due to
18 the elimination of the agricultural revitalization
19 area, the rezoning of the land included in the
20 agricultural revitalization area by the county or a
21 city, or the change in the boundaries of the
22 agricultural revitalization area. This section shall
23 apply to an agricultural activity from the earliest
24 date of either the filing of an application by or on
25 behalf of the property owner for a local or state
26 permit authorizing work related to the activity, or
27 the commencement of construction of any facility
28 related to the activity.

29 4. As used in this section "agricultural activity"
30 means the same as defined in section 404.10.

31 Sec. . NEW SECTION. 427B.8 PROPERTY TAX
32 EXEMPTION FOR QUALIFIED LIVESTOCK FACILITIES.

33 1. As used in this section, unless the context
34 otherwise requires:

35 a. "Agricultural revitalization area" means an
36 agricultural revitalization area created pursuant to
37 section 404.10.

38 b. "Livestock" means livestock as defined in
39 section 267.1.

40 c. "Livestock facility" means a building,
41 structure, or addition to an existing building or
42 structure which is primarily adapted for providing
43 shelter to or feeding of livestock.

44 2. The board of supervisors creating an
45 agricultural revitalization area may, as part of the
46 ordinance creating the agricultural revitalization
47 area, establish a partial exemption from taxation on
48 the assessed value of a structure which is constructed
49 or improved as a livestock facility within the
50 agricultural revitalization area, if the construction

S-3763

Page 4

1 or improvements occur during the period when the
2 agricultural revitalization area exists. The assessed
3 value of the real estate must be increased by at least
4 ten percent by the construction or improvement. The
5 exemption is for a period of ten years, beginning in
6 the year that the construction or improvement is first
7 assessed for taxation. The amount of the partial
8 exemption is equal to a percent of the assessed value
9 added by the construction or improvements, which shall
10 be determined as follows:

- 11 a. For the first year, one hundred percent.
- 12 b. For the second year, one hundred percent.
- 13 c. For the third year, one hundred percent.
- 14 d. For the fourth year, ninety percent.
- 15 e. For the fifth year, eighty-five percent.
- 16 f. For the sixth year, eighty-five percent.
- 17 g. For the seventh year, eighty-five percent.
- 18 h. For the eighth year, eighty-five percent.
- 19 i. For the ninth year, eighty-five percent.
- 20 j. For the tenth year, eighty-five percent.

21 3. A person may submit an application to the board
22 of supervisors in the county where the real estate is
23 located and the agricultural revitalization area is
24 created. An application shall be filed for each new
25 exemption claimed. The first application for an
26 exemption shall be filed by the owner of the property
27 with the board of supervisors by February 1 of the
28 assessment year for which the exemption is claimed.
29 The application shall contain information relating to
30 the construction or improvement of the livestock
31 facility, including but not limited to all of the
32 following information:

- 33 a. The nature of the construction or improvement.
 - 34 b. The date of completion.
 - 35 c. The cost of the construction or improvement.
- 36 The board shall approve the application, subject to
37 review by the county assessor. A person is not
38 required to obtain approval of a previously approved
39 exemption for succeeding years.

40 4. The county assessor shall review each first-
41 year application by making a physical review of the
42 property, to determine if the construction or
43 improvements made increased the assessed value of the
44 real estate by at least ten percent. If the county
45 assessor determines that the assessed value of the
46 real estate has increased by at least ten percent, the
47 county assessor shall proceed to determine the
48 assessed value of the property and certify the
49 valuation determined pursuant to subsection 2 to the
50 county auditor at the time of transmitting the

S-3763

Page 5

1 assessment rolls. The county assessor shall notify
2 the applicant of the determination, and the assessor's
3 decision may be appealed to the local board of review
4 as provided in section 441.37. If an application for
5 an exemption is denied as a result of a failure to
6 sufficiently increase the value of the real estate,
7 the owner may file a first annual application in a
8 subsequent year when additional improvements are made
9 to satisfy the requirement. After the tax exemption
10 is granted, the county assessor shall continue to
11 grant the tax exemption, with periodic physical review
12 by the assessor for the remaining period of the
13 scheduled exemption."

By BERL E. PRIEBE
DONALD V. DOYLE
EMIL J. HUSAK
LEONARD L. BOSWELL
JACK W. HESTER
RICHARD VANDE HOEF
DERRYL MC LAREN

JOHN E. SOORHOLTZ
H. KAY HEDGE
SHELDON RITTMER
EUGENE S. FRAISE
JOHN A. PETERSON
DALE L. TIEDEN

S-3763 FILED MAY 10, 1991
RULED OUT OF ORDER (p. 1765)

HOUSE FILE 704

S-3761

1 Amend House File 704 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 1 through 4 and
4 inserting the following: "the state."

By COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3761 FILED MAY 10, 1991
ADOPTED (p. 1761)

SENATE AMENDMENT TO HOUSE FILE 704

H-4137

1 Amend House File 704 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 1 through 4 and
4 inserting the following: "the state."

RECEIVED FROM THE SENATE

H-4137 FILED MAY 11, 1991

CONCURRED (p 2427)

HSB 314

WAYS AND MEANS

HOUSE FILE 704
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON GRONINGA)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act granting urban renewal and urban revitalization authority
2 to counties.

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

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1 Section 1. Section 403.17, subsections 2, 4, 5, and 17,
2 Code 1991, are amended to read as follows:

3 2. "Municipality" ~~shall-mean~~ means any city or county in
4 the state.

5 4. "Local governing body" ~~shall-mean~~ means the council,
6 board of supervisors, or other legislative body charged with
7 governing the municipality.

8 5. "Mayor" ~~shall-mean~~ means the mayor of a municipality
9 city, chairperson of the board of supervisors, or other
10 officer or body having the duties customarily imposed upon the
11 executive head of a municipality.

12 17. "Area of operation" ~~shall-mean~~ means the area within
13 the corporate limits of the municipality and, for a city, the
14 area within five miles of such the corporate limits of the
15 city, except that it ~~shall~~ does not include any area which
16 lies within the territorial boundaries of another an
17 incorporated city, unless a resolution ~~shall-have~~ has been
18 adopted by the governing body of ~~such-other~~ the city declaring
19 a need therefor to be included in the area.

20 Sec. 2. NEW SECTION. 404.1A DEFINITION.

21 As used in this chapter, the term "city" or "municipality"
22 also means a county. When a county exercises its authority as
23 provided in this chapter, references to section 362.3 shall be
24 considered references to section 331.305.

25 EXPLANATION

26 This bill authorizes a county to exercise authority with
27 regard to urban renewal and urban revitalization under
28 chapters 403 and 404, respectively, in the same manner as a
29 city.

30

31

32

33

34

35

HOUSE FILE 704

AN ACT

GRANTING URBAN RENEWAL AND URBAN REVITALIZATION AUTHORITY
TO COUNTIES.

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

Section 1. Section 403.15, subsections 2 and 5, Code 1991, are amended to read as follows:

2. If the urban renewal agency is authorized to transact business and exercise powers hereunder pursuant to the chapter, the mayor or chairperson of the board, as applicable, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency, which board shall consist of five commissioners. The term of office of each such commissioner shall be one year.

5. The mayor or chairperson of the board, as applicable, shall designate a chairperson and vice chairperson from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation

in the community city or county, as applicable, a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk or county auditor, as applicable, and in the office of the agency.

Sec. 2. Section 403.17, subsections 2, 4, and 17, Code 1991, are amended to read as follows:

2. "Municipality" shall-mean means any city or county in the state.

4. "Local governing body" shall-mean means the council, board of supervisors, or other legislative body charged with governing the municipality.

17. "Area of operation" shall-mean of a city means the area within the corporate limits of the municipality and the area within five two miles of such limits, except that it shall does not include any area which lies within the territorial boundaries of another incorporated city, unless a resolution shall-have has been adopted by the governing body of such-other the city declaring a need therefor to-be included in the area. The "area of operation" of a county means an area outside the corporate limits of a city. However, in that area outside a city's boundary but within two miles of the city's boundary, a joint agreement between the city and the county is required allowing the county to proceed with the activities authorized under this chapter. In addition, a county may proceed with activities authorized under this chapter in an area inside the boundaries of a city, provided a joint agreement is entered into with respect to such activities between a city and a county.

Sec. 3. Section 403.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 21. "Chairperson of the board" means the chairperson of the board of supervisors or other legislative body charged with governing a county.

Sec. 4. Section 403.19, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For the purposes of this section, a county shall include taxes levied on industrial property within an urban renewal area only.

Sec. 5. Section 404.2, subsection 2, paragraph f, Code 1991, is amended to read as follows:

f. A statement specifying whether the revitalization is applicable to none, some, or all of the property assessed as residential, agricultural, commercial or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new construction or both. If revitalization is made applicable only to some property within an assessment classification, the definition of that subset of eligible property must be by uniform criteria which further some planning objective identified in the plan. The city shall state how long it is estimated that the area shall remain a designated revitalization area which time shall be longer than one year from the date of designation and shall state any plan by the city to issue revenue bonds for revitalization projects within the area. For a county, a revitalization area shall include only property which will be used as industrial property only.

Sec. 6. Section 404.2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The governing body of a city may, by ordinance, designate an area of the city or the governing body of a county may, by ordinance, designate an area of the county outside the boundaries of a city, as a revitalization area, if that area is any of the following:

Sec. 7. Section 404.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An area which is appropriate as an economic development area as defined in section 403.17.

Sec. 8. Section 404.2, subsection 1, Code 1991, is amended to read as follows:

1. The governing body has adopted a resolution finding that the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of the area is necessary in the interest of the public health, safety, or welfare of the residents of the city, or county as applicable, and the area substantially meets the criteria of section 404.1.

Sec. 9. Section 404.2, subsection 2, paragraph h, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In the case of a county, the tax schedules used shall only be applicable to property of the type for which the revitalization area is zoned for at the time the county designates the area a revitalization area.

Sec. 10. Section 404.2, subsections 3 and 6, Code 1991, are amended to read as follows:

3. The city or county has scheduled a public hearing and notified all owners of record of real property located within the proposed area and the tenants living within the proposed area in accordance with section 362.3 or 331.305, as applicable. In addition to notice by publication, notification shall also be given by ordinary mail to the last known address of the owners of record. The city or county shall also send notice by ordinary mail addressed to the "occupants" of city addresses located within the proposed area, unless the city council or board of supervisors, by reason of lack of a reasonably current and complete address list, or for other good cause, shall have waived the notice. Notwithstanding section 362.3 or 331.305, as applicable, the notice shall be given by the thirtieth day prior to the public hearing.

6. The city or county has adopted the proposed or amended plan for the revitalization area after the requisite number of hearings. The city or county may subsequently amend this plan

after a hearing. Notice of the hearing shall be published as provided in section 362.3 or 331.305, except that at least seven days' notice must be given and the public hearing shall not be held earlier than the next regularly scheduled city council or board of supervisors meeting following the published notice.

Sec. 11. Except as otherwise provided in this Act, sections 404.2 through 404.7, Code 1991, are amended by striking the word "city" and where it appears in those sections and inserting in lieu thereof the words "city or county".

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 704, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 28, 1991

TERRY E. BRANSTAD
Governor

HF 704