

Richardson, Chair
Alons
Carroll

HSB 724

LOCAL GOVERNMENT

SUC
SF / (HF)

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON HOUSER)

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

A BILL FOR

1 An Act relating to the division and development of land by
2 amending provisions relating to subdivision plats and plats of
3 survey and relating to annexation and other boundary
4 adjustments, and providing for the Act's applicability.

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

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1 Section 1. Section 354.6, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. A subdivision plat shall be made when a tract of land
4 is subdivided by repeated divisions or simultaneous division
5 into three or more parcels, any of which are described by
6 metes and bounds description ~~for which no plat of survey is~~
7 recorded. A subdivision plat is not required when land is
8 divided by conveyance to a governmental agency for public
9 improvements.

10 Sec. 2. Section 354.8, Code 1999, is amended to read as
11 follows:

12 354.8 REVIEW AND APPROVAL BY GOVERNING BODIES.

13 A proposed subdivision plat or plat of survey lying within
14 the jurisdiction of a governing body shall be submitted to
15 that governing body for review and approval prior to
16 recording. A city may establish jurisdiction to review
17 subdivisions or plats of survey outside its boundaries
18 pursuant to the provisions of section 354.9. Governing bodies
19 shall apply reasonable standards and conditions in accordance
20 with applicable statutes and ordinances for the review and
21 approval of subdivisions or plats of survey. The governing
22 body, within sixty days of application for final approval of
23 the subdivision plat or plat of survey, shall determine
24 whether the subdivision or plat of survey conforms to its
25 comprehensive plan and shall give consideration to the
26 possible burden on public improvements and to a balance of
27 interests between the proprietor, future purchasers, and the
28 public interest in the subdivision when reviewing the proposed
29 subdivision or plat of survey and when requiring the
30 installation of public improvements in conjunction with
31 approval of a subdivision. The governing body shall not issue
32 final approval of a subdivision plat or plat of survey unless
33 the subdivision plat or plat of survey conforms to sections
34 354.6, 354.11, and 355.8.

35 If the subdivision plat or plat of survey and all matters

1 related to final approval of the subdivision plat or plat of
 2 survey conform to the standards and conditions established by
 3 the governing body, including a city that has established
 4 jurisdiction under section 354.9, and conform to this chapter
 5 and chapter 355, the governing body, by resolution, shall
 6 approve the plat and certify the resolution which shall be
 7 recorded with the plat. The recorder shall refuse to accept a
 8 subdivision plat or plat of survey presented for recording
 9 without a resolution from each applicable governing body
 10 approving the subdivision plat or waiving the right to review.

11 Sec. 3. Section 354.9, subsections 1 and 2, Code 1999, are
 12 amended to read as follows:

13 1. If a city, which has adopted ordinances regulating the
 14 division of land, desires to review subdivision plats or plats
 15 of survey for divisions or subdivisions outside the city's
 16 boundaries, then the city shall establish by ordinance
 17 specifically referring to the authority of this section, the
 18 area subject to the city's review and approval. The area of
 19 review may be identified by individual tracts, by describing
 20 the boundaries of the area, or by including all land within a
 21 certain distance of the city's boundaries, which shall not
 22 extend more than two miles distance from the city's
 23 boundaries. However, for cities with a population over fifty
 24 thousand, such area may extend up to four miles from the
 25 city's boundaries. The ordinance establishing the area of
 26 review or modifying the area of review by a city, shall be
 27 recorded in the office of the recorder and filed with the
 28 county auditor.

29 2. If a subdivision lies in a county, which has adopted
 30 ordinances regulating the division of land, and also lies
 31 within the area of review established by a city pursuant to
 32 this section, then the subdivision plat or plat of survey for
 33 the division or subdivision shall be submitted to both the
 34 city and county for approval. The standards and conditions
 35 applied by a city or county for review and approval of the

1 subdivision shall be the same standards and conditions used
2 for review and approval of subdivisions within the city limits
3 or shall be the standards and conditions for review and
4 approval established by agreement of the city and county
5 pursuant to chapter 28E. Either the city or county may, by
6 resolution, waive its right to review the subdivision or waive
7 the requirements of any of its standards or conditions for
8 approval of subdivisions, and certify the resolution which
9 shall be recorded with the plat.

10 Sec. 4. Section 368.4, Code 1999, is amended to read as
11 follows:

12 368.4 ANNEXING MORATORIUM.

13 A city, following notice and hearing, may by resolution
14 agree with another city or cities to refrain from annexing
15 specifically described territory for a period not to exceed
16 ten years and, following notice and hearing, may by resolution
17 extend the agreement for subsequent periods not to exceed ten
18 years each. Notice of a hearing shall be served at least
19 thirty days before the hearing on the city development board,
20 and-a on the board of supervisors of the county in which the
21 territory is located, and on all persons owning land within
22 the area subject to the agreement. Service shall be by
23 certified mail or personal service. The notice shall include
24 the time and place of the hearing, describe the territory
25 subject to the proposed agreement, and the general terms of
26 the agreement. After passage of a resolution by the cities
27 approving the agreements, a copy of the agreement and a copy
28 of any resolution extending an agreement shall be filed with
29 the city development board within thirty ten days of
30 enactment.

31 The city development board shall review the agreement and
32 make a determination of approval or disapproval upon receipt
33 of a petition challenging the resolution. The petition must
34 be filed with the city development board by the county board
35 of supervisors of a county in which the territory is located

1 or by property owners comprising twenty-five percent of the
 2 land area in the territory impacted by the agreement. The
 3 petition must be filed within twenty days of enactment of the
 4 resolution by the cities. If a petition is not filed with the
 5 city development board, the agreement is deemed approved. The
 6 city development board shall base its finding upon all
 7 relevant information, including but not limited to the
 8 following:

9 1. The degree to which the projected population growth
 10 patterns of the communities is consistent with the agreement.

11 2. The degree to which the agreement is consistent with
 12 wishes of the landowners and residents of the territory.

13 3. The degree to which the agreement is consistent with
 14 street addresses and school districts of the territory.

15 4. The degree to which the agreement is consistent with
 16 the ability of the respective cities and private service
 17 providers to logically provide cost-effective services to the
 18 area, including by not limited to water supply, sewer
 19 disposal, road maintenance and repair, and fire and police.

20 5. The degree to which the agreement is consistent with
 21 existing land use plans for the area.

22 6. The location of the territory in relation to each
 23 city's urbanized area.

24 PARAGRAPH DIVIDED. If such an agreement is in force, the
 25 board shall dismiss a an involuntary petition or plan which
 26 violates the terms of the agreement. A voluntary annexation
 27 of territory is not subject to the terms of an agreement
 28 created pursuant to this section, and shall not be dismissed
 29 on the basis that it would violate the terms of such an
 30 agreement.

31 Sec. 5. Section 368.7, subsection 1, Code 1999, is amended
 32 to read as follows:

33 1. All of the owners of land in a territory adjoining a
 34 city may apply in writing to the council of the adjoining city
 35 requesting annexation of the territory. Territory comprising

1 railway right-of-way or territory comprising not more than
2 twenty ten percent of the land area may be included in the
3 application without the consent of the owner to avoid creating
4 an island or to create more uniform boundaries if a copy of
5 the application is mailed by certified mail to the owner and
6 each affected public utility, at least ten fourteen days prior
7 to any action taken by the city council on the application.
8 The application must contain a legal description and a map of
9 the territory showing its location in relationship to the
10 city.

11 An application for voluntary annexation of territory by a
12 city must be approved by resolution of the council that
13 receives the application. The city council shall approve or
14 deny the application following notice and public hearing as
15 required in this section. An annexation including territory
16 comprising not more than twenty ten percent of the land area
17 without consent of the property owners is not complete without
18 approval by four-fifths of the members of the board after a
19 hearing for all affected property owners and the county. Upon
20 approval of the annexation, the board shall file a copy of the
21 resolution, map, and legal description of the territory with
22 the county recorder of each county which contains a portion of
23 the territory.

24 Sec. 6. Section 368.7, Code 1999, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 1A. The city shall provide for a public
27 hearing on the application before approving or denying it.
28 The city shall provide written notice at least fourteen days
29 prior to any action by the city council regarding the
30 application, including a public hearing, by certified mail to
31 the chairperson of the board of supervisors of each county
32 which contains a portion of the territory proposed to be
33 annexed, each public utility which serves the territory
34 proposed to be annexed, each public utility which serves the
35 territory proposed to be annexed, each owner of property

1 located within the territory to be annexed who is not a party
 2 to the application, and each owner of property which adjoins
 3 the territory to be annexed. The city shall publish notice of
 4 the application and public hearing on the application in an
 5 official county newspaper in each county which contains a
 6 portion of the territory proposed to be annexed. Both the
 7 written and published notice shall include the time and place
 8 of the public hearing and a legal description of the territory
 9 to be annexed. The city may assess the costs of providing
 10 notice as required in this section to the applicants.

11 Sec. 7. Section 368.7, subsection 2, Code 1999, is amended
 12 to read as follows:

13 2. An application for annexation of territory not within
 14 an urbanized area of a city other than the city to which the
 15 annexation is directed must be approved by resolution of the
 16 council which receives the application. In the discretion of
 17 a city council, the resolution may include a provision for a
 18 transition for the imposition of taxes as provided in section
 19 368.11, subsection 13. The city council shall mail a copy of
 20 the application by certified mail to the board of supervisors
 21 of each county which contains a portion of the territory at
 22 least fourteen days prior to any action taken by the city
 23 council on the application. The council shall also publish
 24 notice of the application in an official county newspaper in
 25 each county which contains a portion of the territory at least
 26 fourteen days prior to any action taken by the council on the
 27 application. Upon receiving approval of the council, the city
 28 clerk shall file a copy of the resolution, map, and legal
 29 description of the territory involved with the secretary of
 30 state, the county board-of-supervisors recorder of each county
 31 which contains a portion of the territory, each affected
 32 public utility, and the state department of transportation.
 33 The city clerk shall also record a copy of the legal
 34 description, map, and resolution with the county recorder.
 35 The secretary of state shall not accept and acknowledge a copy

1 of a legal description, map, and resolution of annexation
2 which would create an island. The annexation is completed
3 upon acknowledgment by the secretary of state that the
4 secretary of state has received the legal description, map,
5 and resolution.

6 Sec. 8. Section 368.9, subsection 2, paragraphs c and d,
7 Code 1999, are amended to read as follows:

8 c. One member, who resides in an unincorporated area,
9 appointed from a county with a population of more than fifty
10 thousand, according to the most recent certified federal
11 census.

12 d. One member, who resides in an unincorporated area,
13 appointed from a county with a population of fifty thousand or
14 less, according to the most recent certified federal census.

15 Sec. 9. Section 368.11, Code 1999, is amended by adding
16 the following new unnumbered paragraph before unnumbered
17 paragraph 3:

18 NEW UNNUMBERED PARAGRAPH. Plans required by this section
19 to be filed with a petition shall include specific information
20 pertaining to estimated costs of implementing the plan, the
21 time frame involved in implementing the plan, and any other
22 specific information related to implementing the plan.

23 Sec. 10. Section 368.11, Code 1999, is amended by adding
24 the following new subsections:

25 NEW SUBSECTION. 14. Plans for extending municipal
26 services to be provided by the annexing city to the annexed
27 territory within three years of completion of the annexation
28 process, which date is established pursuant to section 368.7
29 or 368.20.

30 NEW SUBSECTION. 15. Historical, current, and projected
31 economic and population growth for the territory to be annexed
32 and the city, including the source or methodology of the
33 information or projections.

34 NEW SUBSECTION. 16. Historical, current, transitional,
35 and projected land usage and density for the land

1 classifications established by the board within the boundaries
2 of the city.

3 NEW SUBSECTION. 17. Identification of potential locations
4 for industrial, commercial, and residential infill
5 development, and any vacant land or land that has not been
6 subject to development within the corporate limits of the
7 city.

8 NEW SUBSECTION. 18. Description of infill development
9 incentives and programs, including the provision of basic
10 improvement and public benefits and services to meet
11 development needs, for land within the current boundaries of
12 the city.

13 NEW SUBSECTION. 19. Projection of the ability to meet
14 residential, commercial, and industrial development needs with
15 land currently within the boundaries of the city for the next
16 five years.

17 NEW SUBSECTION. 20. Projection of the ability of the
18 petitioner to absorb the costs of development, including
19 public municipal services, without causing an unreasonable
20 burden on owners or residents of land located within the city
21 limits, or owners or residents of the land proposed to be
22 annexed.

23 NEW SUBSECTION. 21. Identification of all agricultural
24 land located in the area proposed to be annexed and such
25 land's corn suitability rating.

26 NEW SUBSECTION. 22. Programs and incentives developed by
27 the petitioner to preserve agricultural, open space, and
28 environmentally sensitive land.

29 Sec. 11. Section 368.14, subsection 3, Code 1999, is
30 amended to read as follows:

31 3. From a territory to be annexed to or severed from a
32 city, one representative residing in the territory to be
33 annexed to or severed from the city and appointed by the
34 county board of supervisors. If there are no registered
35 voters residing in an area to be annexed to or severed from a

1 city, the county board of supervisors shall appoint as local
2 representative an individual owning property in the territory
3 whether or not the individual is a registered voter or appoint
4 a designee of such individual. If the territory is in more
5 than one county, the board shall direct the appointment of a
6 local representative from each county involved by its board of
7 supervisors.

8 Sec. 12. Section 368.16, Code 1999, is amended to read as
9 follows:

10 368.16 APPROVAL OF PROPOSAL.

11 Subject to section 368.17, the committee shall approve any
12 proposal which it finds to be in the public interest. A
13 committee shall base its finding upon all relevant information
14 before the committee, including but not limited to the
15 following:

16 1. Statements in the petition or plan, and evidence
17 supporting or not supporting those statements.

18 2. Recommendations of the regional planning authority for
19 the area.

20 3. ~~Commercial~~ The potential need, or lack thereof, for
21 territory to accommodate future commercial, residential, and
22 industrial development.

23 4. Potential growth in population causing the exhaustion
24 of available land in the city limits within the next ten
25 years.

26 5. Cost and adequacy of existing services and facilities
27 to the persons owning land located within the territory and to
28 persons owning land located within city limits.

29 6. Potential effect of the proposal and of possible
30 alternative proposals on the cost and adequacy of services and
31 facilities to the persons owning land located within the
32 territory and to persons owning land located within city
33 limits.

34 7. Potential effect of the proposal on adjacent areas, and
35 on any unit of government directly affected, including but not

1 limited to the potential effect on future revenues of any such
2 unit of government.

3 8. The wishes of the residents of the territory to be
4 annexed and of those residents affected by annexation. The
5 board may order a special election held by the city of the
6 residents of the territory to be annexed to determine the
7 wishes of the residents.

8 Sec. 13. Section 368.17, Code 1999, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 8. An annexation of territory that
11 exceeds twenty-five percent of the land area within the
12 corporate limits of the city unless approved by a majority of
13 the residents of the territory in a special election held in
14 substantially the same manner as an election on an annexation
15 proposal in section 368.19.

16 NEW SUBSECTION. 9. An annexation when the development
17 opportunities on undeveloped, vacant, or abandoned properties
18 within the boundaries of the city are sufficient to
19 accommodate projected industrial, commercial, and residential
20 growth for the next five years.

21 NEW SUBSECTION. 10. An annexation when inadequate infill
22 development incentives or programs are in effect in the city.

23 NEW SUBSECTION. 11. An annexation when providing
24 municipal services to land annexed will place an unreasonable
25 financial burden on landowners or residents within the city or
26 landowners or residents within the territory.

27 NEW SUBSECTION. 12. An annexation of undeveloped land
28 when developed land adjacent to the city has not been annexed
29 to the city.

30 NEW SUBSECTION. 13. An annexation unless it finds that
31 the projected population or economic growth rate indicates a
32 need for the additional territory for urban development in the
33 next five years.

34 NEW SUBSECTION. 14. An annexation of territory for which
35 evidence exists that projected development density is low for

1 the type of projected development.

2 NEW SUBSECTION. 15. An annexation if agricultural land is
3 included in the territory to be annexed and such land is in
4 the top twenty-five percent of productive land in the county
5 based on its corn stability rating.

6 NEW SUBSECTION. 16. Annexation when accommodations are
7 not made to preserve existing agricultural activities on
8 agricultural land within the territory to be annexed until its
9 transition to urban development.

10 Sec. 14. Section 368.19, unnumbered paragraph 1, Code
11 1999, is amended to read as follows:

12 The committee shall approve or disapprove the petition or
13 plan as amended, within ninety days of the final hearing, and
14 shall file its decision for record and promptly notify the
15 parties to the proceeding of its decision. If a petition or
16 plan is approved, the board shall set a date not less than
17 thirty days nor more than ninety days after approval for a
18 special election on the proposal and the county commissioner
19 of elections shall conduct the election. In a case of
20 incorporation or discontinuance, registered voters of the
21 territory or city may vote, and the proposal is authorized if
22 a majority of those voting approves it. In a case of
23 annexation ~~or severance~~, registered voters of the territory
24 and of the city may vote, and the proposal is authorized if a
25 majority of the total number of persons residing in the
26 territory and voting approves it and if a majority of the
27 total number of persons residing in the city and voting
28 approves it. In case of severance, registered voters of that
29 area of the city to be severed and of the remainder of the
30 city may vote, and the proposal is authorized if a majority of
31 the total number of persons residing in the area to be severed
32 and voting approves it and if a majority of the total number
33 of persons residing in the remainder of the city and voting
34 approves it. However, if there are no registered voters in
35 the territory to be severed or annexed, a special election on

1 the proposal shall not be conducted and the proposal shall be
 2 implemented as if the proposal was approved at a special
 3 election. In a case of consolidation, registered voters of
 4 each city to be consolidated may vote, and the proposal is
 5 authorized only if it receives a favorable majority vote in
 6 each city. The county commissioner of elections shall publish
 7 notice of the election as provided in section 49.53 and shall
 8 conduct the election in the same manner as other special city
 9 elections.

10 Sec. 15. NEW SECTION. 368.25 RECORDING DATE -- VALUATION
 11 OF PROPERTY.

12 If applicable portions of the annexation proceedings are
 13 recorded with the county recorder on or before December 1 of
 14 the calendar year in which the annexation was completed, the
 15 taxes collected in the annexed territory for the following
 16 fiscal year shall be disbursed to the annexing city. If such
 17 recording is made after December 1, taxes collected in the
 18 annexed territory for the following fiscal year shall be
 19 disbursed as if the territory had not been annexed.

20 Sec. 16. NEW SECTION. 368.26 FAILURE TO PROVIDE
 21 MUNICIPAL SERVICES.

22 If a city fails to provide municipal services to territory
 23 involuntarily annexed within three years after the annexation
 24 process is completed, the city development board shall
 25 initiate proceedings to sever the annexed territory from the
 26 city. A petition for severance filed pursuant to this section
 27 shall be filed and acted upon in the same manner as a petition
 28 under section 368.11. For purposes of this section and
 29 section 368.11, subsection 14, "municipal services" includes,
 30 but is not limited to, water supply, sewer disposal, solid
 31 waste collection, and police and fire protection.

32 Sec. 17. APPLICABILITY.

33 1. Section 14 of this Act, amending section 368.19,
 34 applies to elections held on or after the effective date of
 35 this Act.

1 2. The remainder of this Act applies to applications,
2 petitions, or plans filed for boundary adjustment on or after
3 the effective date of this Act.

4 EXPLANATION

5 This bill makes changes to the law relating to development
6 of land by subdividing land and by annexation of territory and
7 other boundary adjustments.

8 Code section 354.6 is amended to require that a subdivision
9 plat be made when a tract of land is subdivided regardless of
10 whether or not a plat of survey is recorded for the
11 subdivision.

12 Code sections 354.8 and 354.9 are amended to give a city
13 council and board of supervisors authority to review for
14 approval subdivisions of land lying within their jurisdiction
15 for which a plat of survey has been prepared. Current law
16 gives them authority to review subdivision plats. Code
17 section 354.9 is also amended to provide that the
18 extraterritorial area for cities with populations over 50,000
19 may extend up to four miles from the city's boundaries.
20 Current law gives a city extraterritorial authority up to two
21 miles from its boundaries, within which the city, by
22 ordinance, may regulate the division of land.

23 Code section 368.4, relating to annexing moratorium
24 agreements, is amended to require notice of a hearing on an
25 agreement to be served at least 30 days before the hearing.
26 Besides notice being served on the city development board, the
27 bill requires that notice also be served on the board of
28 supervisors of the county where the area is located and on all
29 landowners whose property is located in the area that is the
30 subject of the agreement. The bill provides that notice must
31 be served by certified mail or by personal service. The
32 county or property owners may challenge the moratorium
33 agreement by filing a petition with the city development
34 board. Finally, the bill amends Code section 368.4 to provide
35 that a voluntary annexation shall not be dismissed on the

1 basis that it violates the terms of an annexing moratorium
2 agreement.

3 Code section 368.7 is amended to provide that an
4 application for voluntary annexation must be approved by
5 resolution of the city council after notice and public
6 hearing. The bill increases from 10 days to 14 days the time
7 period which must expire between the time a copy of an
8 application is mailed to each landowner and public utility and
9 the time at which the council may take action on the
10 application. The bill provides that the city must hold a
11 public hearing on the application and provide notice of the
12 hearing to the county board of supervisors, each land owner,
13 and each public utility in the territory to be annexed. The
14 bill provides that the city may assess the costs of providing
15 notice to the applicants. Code section 368.7 is also amended
16 to provide that not more than 10 percent of the land area in
17 the territory to be annexed may be included without the
18 consent of the landowner. The threshold is 20 percent in
19 current law.

20 Code section 368.7 is also amended, relating to annexation
21 applications involving territory within the urbanized area of
22 the annexing city and not within any other city's urbanized
23 area. The Code section is amended to provide that a copy of
24 the application for such annexations must be sent by certified
25 mail to the board of supervisors of the county at least 14
26 days prior to any action. The council is also required to
27 publish notice of the application at least 14 days prior to
28 any action taken by the council.

29 Code section 368.7 is amended to require that certain
30 documents relating to all voluntary annexation be filed with
31 the county recorder.

32 The requirements for voluntary annexations contained as
33 amendments to Code section 368.7 in this bill currently are in
34 place only for voluntary annexations of territory within the
35 urbanized area of a city other than the annexing city.

1 Code section 368.9 is amended to provide that those members
2 of the city development board appointed to represent a county
3 must reside in the unincorporated area of the county.

4 Code section 368.11 is amended to require that each plan
5 required to be filed with a petition must contain specific
6 information relating to implementation of the plan. Code
7 section 368.11 is also amended to require that a city include
8 in its petition for involuntary annexation the city's plans
9 for providing municipal services to territory proposed to be
10 annexed. Specific information about soil conditions,
11 development plans and programs within the territory and within
12 the annexing city, and historical and projected land usage is
13 also required to be contained in the plan.

14 Code section 368.14 is amended to provide that the member
15 of the local committee appointed by the board of supervisors
16 must be a resident of the territory to be annexed or severed.
17 The local committee is appointed to consider involuntary
18 annexation and severance petitions.

19 Code section 368.16 is amended to add more specific
20 information to the description of relevant information to be
21 considered by a local committee when considering whether to
22 approve a proposal.

23 Code section 368.17 is amended to add more reasons for
24 which the local committee may not approve a boundary
25 adjustment.

26 Code section 368.19 is amended to provide that, for any
27 election held on or after the effective date of the bill, an
28 annexation or severance of territory to or from a city shall
29 be approved by a majority of the city voters voting on the
30 issue and by a majority of the voters voting and residing in
31 the territory to be affected by the annexation or severance.
32 The city voters and the voters of the affected territory must
33 separately approve the proposal. Under current law, the
34 proposal is authorized if a majority of the combined votes of
35 the city voters and the affected territory voters approves the

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1 proposal. If there are no registered voters in a territory to
2 be annexed or severed, a special election on the proposal
3 shall not be conducted and the proposal shall be implemented
4 as if the proposal was approved at a special election.

5 Code section 368.25 is enacted to provide that if documents
6 relating to the annexation which are required to be filed with
7 the county recorder are filed on or before December 1 of the
8 year the annexation was completed, taxes collected in the
9 annexed territory for the following fiscal year shall be
10 disbursed to the annexing city. If recording is made after
11 December 1, such taxes for the following fiscal year shall be
12 disbursed as if the territory had not been annexed.

13 Code section 368.26 is enacted to require the city
14 development board to initiate an action for severance of
15 territory which had been involuntarily annexed to a city if
16 the city fails to provide municipal services to the territory
17 within three years of the date the annexation is completed. A
18 petition for severance filed by the board under these
19 circumstances is to be acted upon in the same manner as an
20 involuntary petition, and is subject to approval by the
21 committee of local representatives and is subject to approval
22 at an election.

23 The bill applies to annexation applications or petitions
24 filed on or after the effective date of the bill.

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3/21/00 *Removed from Calendar*

FEB 29 2000

Place On Calendar

HOUSE FILE **2503**
BY COMMITTEE ON
LOCAL GOVERNMENT

(SUCCESSOR TO HSB 724)

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

A BILL FOR

1 An Act relating to the division and development of land by
2 amending provisions relating to subdivision plats and plats of
3 survey and relating to annexation and other boundary
4 adjustments, and providing for the Act's applicability.

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

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HOUSE FILE 2503

8 **H-8397**

1 Amend House File 2503 as follows:

2 1. Page 11, line 26, by inserting after the word
3 "city." the following: "In addition, if municipal
4 services are not provided to territory involuntarily
5 annexed within three years after the annexation
6 process is completed, the city shall reimburse each
7 property owner within the annexed territory the total
8 amount of the difference between what was paid in
9 property taxes during the annexation period and what
10 would have been paid during that period of time if the
11 territory had not been annexed."

By BLODGETT of Cerro Gordo

12 **H-8397 FILED MARCH 20, 2000**

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H-8397

1 Section 1. Section 354.6, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. A subdivision plat shall be made when a tract of land
4 is subdivided by repeated divisions or simultaneous division
5 into three or more parcels, any of which are described by
6 metes and bounds description ~~for which no plat of survey is~~
7 recorded. A subdivision plat is not required when land is
8 divided by conveyance to a governmental agency for public
9 improvements.

10 Sec. 2. Section 354.8, Code 1999, is amended to read as
11 follows:

12 354.8 REVIEW AND APPROVAL BY GOVERNING BODIES.

13 A proposed subdivision plat or plat of survey lying within
14 the jurisdiction of a governing body shall be submitted to
15 that governing body for review and approval prior to
16 recording. A city may establish jurisdiction to review
17 subdivisions or plats of survey outside its boundaries
18 pursuant to the provisions of section 354.9. Governing bodies
19 shall apply reasonable standards and conditions in accordance
20 with applicable statutes and ordinances for the review and
21 approval of subdivisions or plats of survey. The governing
22 body, within sixty days of application for final approval of
23 the subdivision plat or plat of survey, shall determine
24 whether the subdivision or plat of survey conforms to its
25 comprehensive plan and shall give consideration to the
26 possible burden on public improvements and to a balance of
27 interests between the proprietor, future purchasers, and the
28 public interest in the subdivision when reviewing the proposed
29 subdivision or plat of survey and when requiring the
30 installation of public improvements in conjunction with
31 approval of a subdivision. The governing body shall not issue
32 final approval of a subdivision plat or plat of survey unless
33 the subdivision plat or plat of survey conforms to sections
34 354.6, 354.11, and 355.8.

35 If the subdivision plat or plat of survey and all matters

1 related to final approval of the subdivision plat or plat of
2 survey conform to the standards and conditions established by
3 the governing body, including a city that has established
4 jurisdiction under section 354.9, and conform to this chapter
5 and chapter 355, the governing body, by resolution, shall
6 approve the plat and certify the resolution which shall be
7 recorded with the plat. The recorder shall refuse to accept a
8 subdivision plat or plat of survey presented for recording
9 without a resolution from each applicable governing body
10 approving the subdivision plat or waiving the right to review.

11 Sec. 3. Section 354.9, subsections 1 and 2, Code 1999, are
12 amended to read as follows:

13 1. If a city, which has adopted ordinances regulating the
14 division of land, desires to review subdivision plats or plats
15 of survey for divisions or subdivisions outside the city's
16 boundaries, then the city shall establish by ordinance
17 specifically referring to the authority of this section, the
18 area subject to the city's review and approval. The area of
19 review may be identified by individual tracts, by describing
20 the boundaries of the area, or by including all land within a
21 certain distance of the city's boundaries, which shall not
22 extend more than two miles distance from the city's
23 boundaries. The ordinance establishing the area of review or
24 modifying the area of review by a city, shall be recorded in
25 the office of the recorder and filed with the county auditor.

26 2. If a subdivision lies in a county, which has adopted
27 ordinances regulating the division of land, and also lies
28 within the area of review established by a city pursuant to
29 this section, then the subdivision plat or plat of survey for
30 the division or subdivision shall be submitted to both the
31 city and county for approval. The standards and conditions
32 applied by a city or county for review and approval of the
33 subdivision shall be the same standards and conditions used
34 for review and approval of subdivisions within the city limits
35 or shall be the standards and conditions for review and

1 approval established by agreement of the city and county
2 pursuant to chapter 28E. Either the city or county may, by
3 resolution, waive its right to review the subdivision or waive
4 the requirements of any of its standards or conditions for
5 approval of subdivisions, and certify the resolution which
6 shall be recorded with the plat.

7 Sec. 4. Section 368.4, Code 1999, is amended to read as
8 follows:

9 368.4 ANNEXING MORATORIUM.

10 A city, following notice and hearing, may by resolution
11 agree with another city or cities to refrain from annexing
12 specifically described territory for a period not to exceed
13 ten years and, following notice and hearing, may by resolution
14 extend the agreement for subsequent periods not to exceed ten
15 years each. Notice of a hearing shall be served at least
16 thirty days before the hearing on the city development board,
17 and-a on the board of supervisors of the county in which the
18 territory is located, and on all persons owning land within
19 the area subject to the agreement. Service shall be by
20 certified mail or personal service. The notice shall include
21 the time and place of the hearing, describe the territory
22 subject to the proposed agreement, and the general terms of
23 the agreement. After passage of a resolution by the cities
24 approving the agreements, a copy of the agreement and a copy
25 of any resolution extending an agreement shall be filed with
26 the city development board within thirty ten days of
27 enactment.

28 The city development board shall review the agreement and
29 make a determination of approval or disapproval upon receipt
30 of a petition challenging the resolution. The petition must
31 be filed with the city development board by the county board
32 of supervisors of a county in which the territory is located
33 or by property owners comprising twenty-five percent of the
34 land area in the territory impacted by the agreement. The
35 petition must be filed within twenty days of enactment of the

1 resolution by the cities. If a petition is not filed with the
2 city development board, the agreement is deemed approved. The
3 city development board shall base its finding upon all
4 relevant information, including but not limited to the
5 following in descending order of importance:

6 1. The degree to which the agreement is consistent with
7 the ability of the respective cities and private service
8 providers to logically provide cost-effective services to the
9 area, including but not limited to water supply, sewer
10 disposal, road maintenance and repair, and fire and police.

11 2. The degree to which the agreement is consistent with
12 existing land use plans for the area.

13 3. The degree to which the agreement is consistent with
14 wishes of the landowners and residents of the territory.

15 4. The location of the territory in relation to each
16 city's urbanized area.

17 5. The degree to which the projected population growth
18 patterns of the communities is consistent with the agreement.

19 6. The degree to which the agreement is consistent with
20 street addresses and school districts of the territory.

21 PARAGRAPH DIVIDED. If such an agreement is in force, the
22 board shall dismiss a an involuntary petition or plan which
23 violates the terms of the agreement. A voluntary annexation
24 of territory is not subject to the terms of an agreement
25 created pursuant to this section, and shall not be dismissed
26 on the basis that it would violate the terms of such an
27 agreement.

28 Sec. 5. Section 368.7, subsection 1, Code 1999, is amended
29 to read as follows:

30 1. All of the owners of land in a territory adjoining a
31 city may apply in writing to the council of the adjoining city
32 requesting annexation of the territory. Territory comprising
33 railway right-of-way or territory comprising not more than
34 twenty percent of the land area may be included in the
35 application without the consent of the owner to avoid creating

1 an island or to create more uniform boundaries if a copy of
2 the application is mailed by certified mail to the owner and
3 each affected public utility, at least ~~ten~~ fourteen days prior
4 to any action taken by the city council on the application.
5 The application must contain a legal description and a map of
6 the territory showing its location in relationship to the
7 city.

8 An application for voluntary annexation of territory by a
9 city must be approved by resolution of the council that
10 receives the application. The city council shall approve or
11 deny the application following notice and public hearing as
12 required in this section. An annexation including territory
13 comprising not more than twenty percent of the land area
14 without consent of the property owners is not complete without
15 approval by four-fifths of the members of the board after a
16 hearing for all affected property owners and the county. Upon
17 approval of the annexation, the board shall file a copy of the
18 resolution, map, and legal description of the territory with
19 the county recorder of each county which contains a portion of
20 the territory.

21 Sec. 6. Section 368.7, Code 1999, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 1A. The city shall provide for a public
24 hearing on the application before approving or denying it.
25 The city shall provide written notice at least fourteen days
26 prior to any action by the city council regarding the
27 application, including a public hearing, by certified mail to
28 the chairperson of the board of supervisors of each county
29 which contains a portion of the territory proposed to be
30 annexed, each public utility which serves the territory
31 proposed to be annexed, each owner of property located within
32 the territory to be annexed who is not a party to the
33 application, and each owner of property which adjoins the
34 territory to be annexed. The city shall publish notice of the
35 application and public hearing on the application in an

1 official county newspaper in each county which contains a
2 portion of the territory proposed to be annexed. Both the
3 written and published notice shall include the time and place
4 of the public hearing and a legal description of the territory
5 to be annexed. The city may assess the costs of providing
6 notice as required in this section to the applicants.

7 Sec. 7. Section 368.7, subsection 2, Code 1999, is amended
8 to read as follows:

9 2. An application for annexation of territory not within
10 an urbanized area of a city other than the city to which the
11 annexation is directed must be approved by resolution of the
12 council which receives the application. In the discretion of
13 a city council, the resolution may include a provision for a
14 transition for the imposition of taxes as provided in section
15 368.11, subsection 13. The city council shall mail a copy of
16 the application by certified mail to the board of supervisors
17 of each county which contains a portion of the territory at
18 least fourteen days prior to any action taken by the city
19 council on the application. The council shall also publish
20 notice of the application in an official county newspaper in
21 each county which contains a portion of the territory at least
22 fourteen days prior to any action taken by the council on the
23 application. Upon receiving approval of the council, the city
24 clerk shall file a copy of the resolution, map, and legal
25 description of the territory involved with the secretary of
26 state, the county board of supervisors of each county which
27 contains a portion of the territory, each affected public
28 utility, and the state department of transportation. The city
29 clerk shall also record a copy of the legal description, map,
30 and resolution with the county recorder of each county which
31 contains a portion of the territory. The secretary of state
32 shall not accept and acknowledge a copy of a legal
33 description, map, and resolution of annexation which would
34 create an island. The annexation is completed upon
35 acknowledgment by the secretary of state that the secretary of

1 state has received the legal description, map, and resolution.

2 Sec. 8. Section 368.9, subsection 2, paragraphs c and d,
3 Code 1999, are amended to read as follows:

4 c. One member, who resides in an unincorporated area,
5 appointed from a county with a population of more than fifty
6 thousand, according to the most recent certified federal
7 census.

8 d. One member, who resides in an unincorporated area,
9 appointed from a county with a population of fifty thousand or
10 less, according to the most recent certified federal census.

11 Sec. 9. Section 368.11, Code 1999, is amended by adding
12 the following new unnumbered paragraph before unnumbered
13 paragraph 3:

14 NEW UNNUMBERED PARAGRAPH. Plans required by this section
15 to be filed with a petition shall include specific information
16 pertaining to estimated costs of implementing the plan, the
17 time frame involved in implementing the plan, and any other
18 specific information related to implementing the plan.

19 Sec. 10. Section 368.11, Code 1999, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 14. Plans for extending municipal
22 services to be provided by the annexing city to the annexed
23 territory within three years of completion of the annexation
24 process, which date is established pursuant to section 368.7
25 or 368.20.

26 NEW SUBSECTION. 15. Historical, current, transitional,
27 and projected land usage and density for the land
28 classifications established by the board within the boundaries
29 of the city and within the territory to be annexed.

30 NEW SUBSECTION. 16. Projection of the ability to meet
31 residential, commercial, and industrial development needs with
32 land currently within the boundaries of the city for the next
33 five years.

34 NEW SUBSECTION. 17. Projection of the ability of the
35 petitioner to absorb the costs of development, including

1 municipal services provided to owners or residents of land
2 located within the city limits, or owners or residents of the
3 land proposed to be annexed.

4 NEW SUBSECTION. 18. Identification of all agricultural
5 land located in the area proposed to be annexed and such
6 land's corn suitability rating.

7 NEW SUBSECTION. 19. Programs and incentives developed by
8 the petitioner to preserve agricultural, open space, and
9 environmentally sensitive land.

10 Sec. 11. Section 368.14, subsection 3, Code 1999, is
11 amended to read as follows:

12 3. From a territory to be annexed to or severed from a
13 city, one representative residing in the territory to be
14 annexed to or severed from the city and appointed by the
15 county board of supervisors. If there are no registered
16 voters residing in an area to be annexed to or severed from a
17 city, the county board of supervisors shall appoint as local
18 representative an individual owning property in the territory
19 whether or not the individual is a registered voter or appoint
20 a designee of such individual. If the territory is in more
21 than one county, the board shall direct the appointment of a
22 local representative from each county involved by its board of
23 supervisors.

24 Sec. 12. Section 368.16, Code 1999, is amended to read as
25 follows:

26 368.16 APPROVAL OF PROPOSAL.

27 Subject to section 368.17, ~~the committee shall approve any~~
28 ~~proposal which it finds to be in the public interest.~~ A a
29 committee shall base its finding upon all relevant information
30 before the committee, including but not limited to the
31 following:

32 1. Statements in the petition or plan, and evidence
33 supporting or not supporting those statements.

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

1 3. ~~Commercial~~ The potential need, or lack thereof, for
2 territory to accommodate future commercial, residential, and
3 industrial development.

4 4. Potential growth in population causing the exhaustion
5 of available land in the city limits within the next ten
6 years.

7 5. Cost and adequacy of existing services and facilities
8 to the persons owning land located within the territory and to
9 persons owning land located within city limits.

10 6. Potential effect of the proposal and of possible
11 alternative proposals on the cost and adequacy of services and
12 facilities to the persons owning land located within the
13 territory and to persons owning land located within city
14 limits.

15 7. Potential effect of the proposal on adjacent areas, and
16 on any unit of government directly affected, including but not
17 limited to the potential effect on future revenues of any such
18 unit of government.

19 8. The wishes of the residents of the territory to be
20 annexed and of those residents affected by the annexation.

21 Sec. 13. Section 368.17, Code 1999, is amended by adding
22 the following new subsections:

23 NEW SUBSECTION. 8. An annexation of territory that
24 exceeds twenty-five percent of the land area within the
25 corporate limits of the city.

26 NEW SUBSECTION. 9. An annexation when providing municipal
27 services to land annexed will place an unreasonable financial
28 burden on landowners or residents within the city or
29 landowners or residents within the territory.

30 NEW SUBSECTION. 10. An annexation of agricultural land
31 when developed land adjacent to the city has not been annexed
32 to the city.

33 NEW SUBSECTION. 11. An annexation of territory for which
34 evidence exists that projected development density is low for
35 the type of projected development.

1 NEW SUBSECTION. 12. An annexation of agricultural land is
2 included in the territory to be annexed and such land is in
3 the top twenty-five percent of productive land in the county
4 based on its corn stability rating.

5 NEW SUBSECTION. 13. Annexation when accommodations are
6 not made to preserve existing agricultural activities on
7 agricultural land within the territory to be annexed until its
8 transition to urban development.

9 Sec. 14. Section 368.19, unnumbered paragraph 1, Code
10 1999, is amended to read as follows:

11 The committee shall approve or disapprove the petition or
12 plan as amended, within ninety days of the final hearing, and
13 shall file its decision for record and promptly notify the
14 parties to the proceeding of its decision. If a petition or
15 plan is approved, the board shall set a date not less than
16 thirty days nor more than ninety days after approval for a
17 special election on the proposal and the county commissioner
18 of elections shall conduct the election. In a case of
19 incorporation or discontinuance, registered voters of the
20 territory or city may vote, and the proposal is authorized if
21 a majority of those voting approves it. In a case of
22 annexation ~~or severance~~, registered voters of the territory
23 and of the city may vote, and the proposal is authorized if a
24 majority of the total number of persons residing in the
25 territory and voting approves it and if a majority of the
26 total number of persons residing in the city and voting
27 approves it. In case of severance, registered voters of that
28 area of the city to be severed and of the remainder of the
29 city may vote, and the proposal is authorized if a majority of
30 the total number of persons residing in the area to be severed
31 and voting approves it and if a majority of the total number
32 of persons residing in the remainder of the city and voting
33 approves it. However, if there are no registered voters in
34 the territory to be severed or annexed, a special election on
35 the proposal shall not be conducted and the proposal shall be

1 implemented as if the proposal was approved at a special
2 election. In a case of consolidation, registered voters of
3 each city to be consolidated may vote, and the proposal is
4 authorized only if it receives a favorable majority vote in
5 each city. The county commissioner of elections shall publish
6 notice of the election as provided in section 49.53 and shall
7 conduct the election in the same manner as other special city
8 elections.

9 Sec. 15. NEW SECTION. 368.25 RECORDING DATE -- VALUATION
10 OF PROPERTY.

11 If applicable portions of the annexation proceedings are
12 recorded with the county recorder on or before December 1 of
13 the calendar year in which the annexation was completed, the
14 taxes collected in the annexed territory for the following
15 fiscal year shall be disbursed to the annexing city. If such
16 recording is made after December 1, taxes collected in the
17 annexed territory for the following fiscal year shall be
18 disbursed as if the territory had not been annexed.

19 Sec. 16. NEW SECTION. 368.26 FAILURE TO PROVIDE
20 MUNICIPAL SERVICES.

21 If a city fails to provide municipal services to territory
22 involuntarily annexed, according to the plan filed pursuant to
23 section 368.11, within three years after the annexation
24 process is completed, the city development board shall
25 initiate proceedings to sever the annexed territory from the
26 city. A petition for severance filed pursuant to this section
27 shall be filed and acted upon in the same manner as a petition
28 under section 368.11. For purposes of this section and
29 section 368.11, subsection 14, "municipal services" includes,
30 but is not limited to, water supply, sewer disposal, solid
31 waste collection, street and road maintenance, and police and
32 fire protection.

33 Sec. 17. APPLICABILITY.

34 1. Section 14 of this Act, amending section 368.19,
35 applies to elections held on or after the effective date of

1 this Act.

2 2. The remainder of this Act applies to applications,
3 petitions, or plans filed for boundary adjustment on or after
4 the effective date of this Act.

5 EXPLANATION

6 This bill makes changes to the law relating to development
7 of land by subdividing land and by annexation of territory and
8 other boundary adjustments.

9 Code section 354.6 is amended to require that a subdivision
10 plat be made when a tract of land is subdivided regardless of
11 whether or not a plat of survey is recorded for the
12 subdivision.

13 Code sections 354.8 and 354.9 are amended to give a city
14 council and board of supervisors authority to review for
15 approval subdivisions of land lying within their jurisdiction
16 for which a plat of survey has been prepared. Current law
17 gives them authority to review subdivision plats.

18 Code section 368.4, relating to annexing moratorium
19 agreements, is amended to require notice of a hearing on an
20 agreement to be served at least 30 days before the hearing.
21 Besides notice being served on the city development board, the
22 bill requires that notice also be served on the board of
23 supervisors of the county where the area is located and on all
24 landowners whose property is located in the area that is the
25 subject of the agreement. The bill provides that notice must
26 be served by certified mail or by personal service. The
27 county or property owners may challenge the moratorium
28 agreement by filing a petition with the city development
29 board. Finally, the bill amends Code section 368.4 to provide
30 that a voluntary annexation shall not be dismissed on the
31 basis that it violates the terms of an annexing moratorium
32 agreement.

33 Code section 368.7 is amended to provide that an
34 application for voluntary annexation must be approved by
35 resolution of the city council after notice and public

1 hearing. The bill increases from 10 days to 14 days the time
2 period which must expire between the time a copy of an
3 application is mailed to each landowner and public utility and
4 the time at which the council may take action on the
5 application. The bill provides that the city must hold a
6 public hearing on the application and provide notice of the
7 hearing to the county board of supervisors, each land owner,
8 and each public utility in the territory to be annexed. The
9 bill provides that the city may assess the costs of providing
10 notice to the applicants.

11 Code section 368.7 is also amended, relating to annexation
12 applications involving territory within the urbanized area of
13 the annexing city and not within any other city's urbanized
14 area. The Code section is amended to provide that a copy of
15 the application for such annexations must be sent by certified
16 mail to the board of supervisors of the county at least 14
17 days prior to any action. The council is also required to
18 publish notice of the application at least 14 days prior to
19 any action taken by the council. Code section 368.7 is
20 amended to require that certain documents relating to all
21 voluntary annexations be filed with the county recorder. The
22 requirements for voluntary annexations contained as amendments
23 to Code section 368.7 in this bill currently are in place only
24 for voluntary annexations of territory within the urbanized
25 area of a city other than the annexing city.

26 Code section 368.9 is amended to provide that those members
27 of the city development board appointed to represent a county
28 must reside in the unincorporated area of the county.

29 Code section 368.11 is amended to require that each plan
30 required to be filed with a petition must contain specific
31 information relating to implementation of the plan. Code
32 section 368.11 is also amended to require that a city include
33 in its petition for involuntary annexation the city's plans
34 for providing municipal services to territory proposed to be
35 annexed. Specific information about soil conditions and land

1 preservation programs within the territory, and historical and
2 projected land usage is also required to be contained in the
3 plan.

4 Code section 368.14 is amended to provide that the member
5 of the local committee appointed by the board of supervisors
6 must be a resident of the territory to be annexed or severed.
7 The local committee is appointed to consider involuntary
8 annexation and severance petitions.

9 Code section 368.16 is amended to add more specific
10 information to the description of relevant information to be
11 considered by a local committee when considering whether to
12 approve a proposal.

13 Code section 368.17 is amended to add more reasons for
14 which the local committee may not approve a boundary
15 adjustment.

16 Code section 368.19 is amended to provide that, for any
17 election held on or after the effective date of the bill, an
18 annexation or severance of territory to or from a city shall
19 be approved by a majority of the city voters voting on the
20 issue and by a majority of the voters voting and residing in
21 the territory to be affected by the annexation or severance.
22 The city voters and the voters of the affected territory must
23 separately approve the proposal. Under current law, the
24 proposal is authorized if a majority of the combined votes of
25 the city voters and the affected territory voters approves the
26 proposal. If there are no registered voters in a territory to
27 be annexed or severed, a special election on the proposal
28 shall not be conducted and the proposal shall be implemented
29 as if the proposal was approved at a special election.

30 Code section 368.25 is enacted to provide that if documents
31 relating to the annexation which are required to be filed with
32 the county recorder are filed on or before December 1 of the
33 year the annexation was completed, taxes collected in the
34 annexed territory for the following fiscal year shall be
35 disbursed to the annexing city. If recording is made after

1 December 1, such taxes for the following fiscal year shall be
2 disbursed as if the territory had not been annexed.

3 Code section 368.26 is enacted to require the city
4 development board to initiate an action for severance of
5 territory which had been involuntarily annexed to a city if
6 the city fails to provide municipal services to the territory
7 within three years of the date the annexation is completed. A
8 petition for severance filed by the board under these
9 circumstances is to be acted upon in the same manner as an
10 involuntary petition, and is subject to approval by the
11 committee of local representatives and is subject to approval
12 at an election.

13 The bill applies to annexation applications or petitions
14 filed on or after the effective date of the bill.

15

16

HOUSE FILE 2503

H-8381

- 1 Amend House 2503 as follows:
- 2 1. By striking page 1, line 10 through page 2,
- 3 line 10.
- 4 2. Page 2, by striking line 11, and inserting the
- 5 following:
- 6 "Sec. ____ Section 354.9, subsection 2, Code 1999,
- 7 is".
- 8 3. Page 2, by striking lines 13 through 25.
- 9 4. Page 2, by striking lines 29 and 30, and
- 10 inserting the following: "this section, then the
- 11 subdivision shall be submitted to both the".
- 12 5. By renumbering as necessary.

By CARROLL of Poweshiek

H-8381 FILED MARCH 15, 2000

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