

Lamberti, Kramer, Hammond

SSB 3186

Appropriations

Succeeded By
SF/HF 2316

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON LAMBERTI)

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

A BILL FOR

1 An Act relating to the sale of certain farmland by Iowa state
2 university of science and technology, providing for the
3 appropriation and use of proceeds from the sale, and providing
4 an effective date.

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

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1 Section 1. LEGISLATIVE FINDINGS -- GOAL.

2 1. The general assembly finds and declares that Iowa state
3 university of science and technology has maintained a very
4 successful dairy research facility for more than fifty years
5 consisting of one thousand one hundred acres at its Ankeny
6 dairy farm. However, the dairy farm's facilities have become
7 outdated. The general assembly further finds that in the
8 years since the land for the dairy farm was first purchased by
9 the university, the city of Ankeny has grown and now surrounds
10 the facility. The general assembly finds that the dairy farm
11 is now inhibiting the city's future growth and forcing real
12 estate developers to develop land outside the city,
13 exacerbating urban sprawl.

14 2. The purpose of this Act is to encourage the
15 university's continued financial commitment to dairy research
16 and teaching, to promote economic growth in the state, and to
17 provide for intelligent growth within existing city limits.

18 Sec. 2. NEW SECTION. 266.39F SALE OF DAIRY BREEDING
19 RESEARCH FARM.

20 1. Immediately after the effective date of this Act, Iowa
21 state university of science and technology shall develop a
22 plan to sell, at market value, the one thousand one hundred-
23 acre tract of land within the city limits of Ankeny, commonly
24 referred to as the Iowa state university dairy breeding
25 research farm. The plan shall include the sale of substantial
26 portions of the tract as soon as practical, and the sale of
27 all of the tract within a commercially reasonable time. Prior
28 to implementing the plan, the university shall submit the plan
29 to the state board of regents for review and approval. The
30 sale shall be handled in a manner that is the most financially
31 beneficial to the university.

32 2. The proceeds from the sale of the property as provided
33 in subsection 1 are appropriated and shall be retained by Iowa
34 state university of science and technology for use in
35 establishing a new dairy research and dairy teaching facility.

1 If the proceeds from the sale of the property exceed those
2 necessary to establish the new facility, the excess funds
3 shall be used by the university for its plant sciences
4 institute.

5 The provisions of section 262.9, subsection 7, and section
6 262.10, shall not apply to the sale of any portion of land to
7 be sold in accordance with this section or to the use of the
8 proceeds from the sale of the land.

9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 This bill directs Iowa state university of science and
13 technology, immediately after the effective date of the bill,
14 to develop a plan to sell the university's 1,100-acre Ankeny
15 dairy breeding research farm in a manner that is the most
16 financially beneficial to the university. The plan must be
17 submitted to the state board of regents for approval prior to
18 its implementation.

19 As provided under the bill, the general assembly finds and
20 declares that although the 50-year-old facility has been very
21 successful, its facilities have become outdated and the city
22 of Ankeny has grown to surround the facility. The general
23 assembly finds that the dairy farm is inhibiting Ankeny's
24 future growth, contributing to the problem of urban sprawl.

25 The university is required to use the proceeds from the
26 sale of the property to establish a new dairy research and
27 dairy teaching facility. If any funds remain, the university
28 must use the excess funds for its plant sciences institute.

29 The bill exempts the sale of the Ankeny research farm, and
30 the use of the proceeds from the sale, from current Code
31 provisions that require the approval of the executive council
32 prior to the acquisition or sale of property by a regents
33 institution and which appropriate the proceeds from any sale
34 to the state board of regents.

35 The bill takes effect upon enactment.

REPRINTED

FILED MAR 20 2002

SENATE FILE 2316
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3186)

Passed Senate, Date (p.805) 3-26-02 Passed House, Date (p.1500) 4/12/02
Vote: Ayes 49 Nays 0 Vote: Ayes 67 Nays 26
Approved May 2, 2002

A BILL FOR

1 An Act relating to the sale of certain farmland by Iowa state
2 university of science and technology, providing for the
3 appropriation and use of proceeds from the sale, and providing
4 an effective date.

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

SENATE FILE 2316

S-5251

1 Amend Senate File 2316 as follows:

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

4 "3. By December 15 annually, the state board of
5 regents shall submit a report of the activities and
6 costs of the sale of any property in accordance with
7 subsection 1, including but not limited to the use of
8 any proceeds from the sale of the property and the
9 environmental cleanup costs for any proposed sale in
10 accordance with this section, to the general assembly
11 in accordance with section 7A.11A, and to the
12 legislative fiscal bureau, until such time as the sale
13 of the property is complete and the proceeds have been
14 expended by the university, at which time the state
15 board of regents shall submit a final report on the
16 sale of the property and use of the proceeds to the
17 general assembly in accordance with section 7A.11A and
18 to the legislative fiscal bureau."

By THOMAS FIEGEN
JEFF LAMBERTI

S-5251 FILED MARCH 26, 2002

ADOPTED 3/26/02 (p.805)

TLSB 5750SV 79

kh/pj/5

SF 2316

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3 university of science and technology has maintained a very
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5 consisting of one thousand one hundred acres at its Ankeny
6 dairy farm. However, the dairy farm's facilities have become
7 outdated. The general assembly further finds that in the
8 years since the land for the dairy farm was first purchased by
9 the university, the city of Ankeny has grown and now surrounds
10 the facility. The general assembly finds that the dairy farm
11 is now inhibiting the city's future growth and forcing real
12 estate developers to develop land outside the city,
13 exacerbating urban sprawl.

14 2. The purpose of this Act is to encourage the
15 university's continued financial commitment to dairy research
16 and teaching, to promote economic growth in the state, and to
17 provide for intelligent growth within existing city limits.

18 Sec. 2. NEW SECTION. 266.39F SALE OF DAIRY BREEDING
19 RESEARCH FARM.

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21 state university of science and technology shall develop a
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23 acre tract of land within the city limits of Ankeny, commonly
24 referred to as the Iowa state university dairy breeding
25 research farm. The plan shall include the sale of substantial
26 portions of the tract as soon as practical, and the sale of
27 all of the tract within a commercially reasonable time. Prior
28 to implementing the plan, the university shall submit the plan
29 to the state board of regents for review and approval. The
30 sale shall be handled in a manner that is the most financially
31 beneficial to the university.

32 2. The proceeds from the sale of the property as provided
33 in subsection 1 are appropriated and shall be retained by Iowa
34 state university of science and technology for use in
35 establishing a new dairy research and dairy teaching facility.

1 If the proceeds from the sale of the property exceed those
2 necessary to establish the new facility, the excess funds
3 shall be used by the university for its plant sciences
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6 262.10, shall not apply to the sale of any portion of land to
7 be sold in accordance with this section or to the use of the
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21 successful, its facilities have become outdated and the city
22 of Ankeny has grown to surround the facility. The general
23 assembly finds that the dairy farm is inhibiting Ankeny's
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26 sale of the property to establish a new dairy research and
27 dairy teaching facility. If any funds remain, the university
28 must use the excess funds for its plant sciences institute.

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30 the use of the proceeds from the sale, from current Code
31 provisions that require the approval of the executive council
32 prior to the acquisition or sale of property by a regents
33 institution and which appropriate the proceeds from any sale
34 to the state board of regents.

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6 262.10, shall not apply to the sale of any portion of land to
7 be sold in accordance with this section or to the use of the
8 proceeds from the sale of the land.

9 3. By December 15 annually, the state board of regents
10 shall submit a report of the activities and costs of the sale
11 of any property in accordance with subsection 1, including but
12 not limited to the use of any proceeds from the sale of the
13 property and the environmental cleanup costs for any proposed
14 sale in accordance with this section, to the general assembly
15 in accordance with section 7A.11A, and to the legislative
16 fiscal bureau, until such time as the sale of the property is
17 complete and the proceeds have been expended by the
18 university, at which time the state board of regents shall
19 submit a final report on the sale of the property and use of
20 the proceeds to the general assembly in accordance with
21 section 7A.11A and to the legislative fiscal bureau.

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23 immediate importance, takes effect upon enactment.

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SENATE FILE 2316

H-8541

- 1 Amend Senate File 2316, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "facility" the following: "or for the university's
- 5 plant sciences institute".
- 6 2. Page 2, by striking lines 1 through 4.

By COMMITTEE ON APPROPRIATIONS
MILLAGE of Scott, Chairperson

H-8541 FILED APRIL 8, 2002

Adopted 4/12/02 (p. 1499)

SENATE FILE 2316

H-8565

- 1 Amend Senate File 2316, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "approval" the following: ", subject to the
- 5 requirements of section 262.9, subsection 7, and
- 6 section 262.10".
- 7 2. Page 2, by striking lines 5 through 8.

By CORMACK of Webster

H-8565 FILED APRIL 9, 2002

Lost 4/12/02 (p. 1499)

SENATE FILE 2316

H-8542

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "DIVISION I
6 SALE OF CERTAIN FARMLAND"

7 2. Page 2, by striking lines 22 and 23, and
8 inserting the following:

9 "DIVISION II
10 STATE LAND MANAGEMENT AND PLANNING

11 Sec. ____ . NEW SECTION. 6C.1 TITLE.

12 This chapter shall be known and may be cited as the
13 "Land Management Planning Act".

14 Sec. ____ . NEW SECTION. 6C.2 LAND DEVELOPMENT AND
15 USE -- STATE POLICY ESTABLISHED.

16 It is the policy of this state to provide for the
17 sound and orderly development and use of land and to
18 provide for the protection and preservation of the
19 private and public interest in the land, water, and
20 related resources of this state for the public health,
21 safety, morals, and general welfare of present and
22 future generations. It is further the policy of this
23 state to preserve the use of prime agricultural land
24 for agricultural production and to preserve natural,
25 cultural, and historical areas while striking a
26 balance between legitimate public purposes and private
27 property rights.

28 Sec. ____ . NEW SECTION. 6C.3 DEFINITIONS.

29 1. "Agricultural land" means agricultural land as
30 that term is defined in section 9H.1.

31 2. "Board" means the land management planning
32 board established in section 6C.5.

33 3. "Department" means the department of economic
34 development.

35 4. "Public agency" means an agency as defined in
36 section 17A.2, a county, a city, or other political
37 subdivision, including but not limited to a principal
38 department as provided in section 7E.5, a school
39 corporation organized under chapter 273 or 274, a
40 community college as provided in chapter 260C, or a
41 township as provided in chapter 359.

42 5. "Strategic development plan" means a plan
43 adopted by a county and the cities within the county
44 and approved by the land management planning board as
45 provided in chapter 366.

46 Sec. ____ . NEW SECTION. 6C.5 LAND MANAGEMENT
47 PLANNING BOARD.

48 1. A land management planning board is established
49 as the state's principal agency overseeing land
50 management planning by cities and counties. The board

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1 shall oversee the administration of this chapter, and
2 chapters 366 and 368, monitor the effectiveness of
3 public agencies in carrying out the policy of this
4 state as established in section 6C.2, and study
5 methods to successfully implement the policy.

6 2. The board shall be composed of the following
7 members:

8 a. One member appointed from a city with a
9 population of more than forty-five thousand, according
10 to the most recent certified federal census.

11 b. One member appointed from a city with a
12 population of forty-five thousand or less, according
13 to the most recent certified federal census.

14 c. One member appointed from a county with a
15 population of more than fifty thousand, according to
16 the most recent certified federal census.

17 d. One member appointed from a county with a
18 population of fifty thousand or less, according to the
19 most recent certified federal census.

20 e. One member appointed to represent the general
21 public.

22 3. The members shall be appointed by the governor
23 subject to confirmation by the senate as provided in
24 section 2.32. The appointments shall be for six-year
25 staggered terms beginning and ending as provided in
26 section 69.19, or for an unexpired term if a vacancy
27 occurs. No member shall serve more than two complete
28 six-year terms.

29 4. The board shall elect a chairperson each year.

30 5. Members of the board, other than a state
31 officer or employee, are entitled to receive a per
32 diem as specified in section 7E.6 for each day spent
33 in performance of duties as members, and shall be
34 reimbursed for all actual and necessary expenses
35 incurred in the performance of duties as members.

36 6. The department shall provide office space and
37 staff assistance, and shall budget funds to cover
38 expenses of the board and of committees established
39 pursuant to chapter 368. The office of attorney
40 general shall provide legal counsel to the board.

41 Sec. _____. NEW SECTION. 6C.6 POWERS AND DUTIES OF
42 THE BOARD.

43 1. The board shall do all of the following:

44 a. Review strategic development plans submitted
45 for dispute resolution pursuant to section 366.6.

46 b. Review and approve plans submitted for final
47 approval pursuant to section 366.7.

48 c. Approve or disapprove petitions for boundary
49 adjustment as provided in chapter 368.

50 d. Establish policies for administration of the

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1 land management planning fund created in section 6C.7.
2 e. Adopt rules pursuant to chapter 17A necessary
3 to administer its duties under this chapter and
4 chapters 366 and 368. The rules may include
5 establishing filing fees for applications and
6 petitions submitted to the board pursuant to chapter
7 368.

8 2. The board may adopt forms to be completed and
9 submitted by cities and counties as necessary for the
10 efficient administration of this chapter and chapters
11 366 and 368.

12 Sec. ____ . NEW SECTION. 6C.7 LAND MANAGEMENT
13 PLANNING FUND.

14 1. A land management planning fund is created
15 within the state treasury under the control of the
16 department. Moneys in the fund shall be used
17 exclusively to pay for the costs of administration of
18 this chapter and chapters 366 and 368 by the
19 department.

20 2. The fund shall consist of all of the following:

21 a. Moneys appropriated by the general assembly.

22 b. Moneys available to and obtained or accepted by
23 the department from the federal government or private
24 sources for deposit in the fund.

25 c. Filing fees paid for applications and petitions
26 submitted to the board pursuant to chapter 368.

27 DIVISION III

28 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

29 Sec. ____ . NEW SECTION. 366.1 DEFINITIONS.

30 1. "Agricultural land" means agricultural land as
31 defined in section 9H.1.

32 2. "Board" means the land management planning
33 board created in section 6C.5.

34 Sec. ____ . NEW SECTION. 366.2 LOCAL STRATEGIC
35 DEVELOPMENT COMMITTEE.

36 1. A local strategic development committee is
37 created within each county whose population is forty
38 thousand or more or whose population is over ten
39 thousand and increased by six percent or more between
40 the 1990 federal decennial census and the 2000 federal
41 decennial census. Members shall be appointed to the
42 committee on or before September 1, 2002. The
43 committee shall be composed of the following members:

44 a. Three members appointed by the county board of
45 supervisors. Two of the three members must be
46 residents of the unincorporated area of the county.

47 b. One member appointed by the city council of
48 each city located in the county.

49 c. One member appointed by the mayor of each of
50 the two cities with the highest population located in

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1 the county.

2 d. An additional member shall be appointed by the
3 mayor of each participating city for every fifty
4 thousand residents in the city.

5 2. A city shall be represented on a committee if
6 any part of the city is located in the county.

7 3. Two or more contiguous counties required to
8 create a strategic development plan may organize as
9 one combined strategic development committee.

10 4. The committee shall hold an organizational
11 meeting no later than ten days after appointment of
12 members. The organizational meeting shall be convened
13 by the chairperson of the county board of supervisors.

14 Sec. ____ . NEW SECTION. 366.3 STRATEGIC
15 DEVELOPMENT PLAN -- GOALS AND OBJECTIVES.

16 1. The local strategic development committee shall
17 create and recommend a strategic development plan for
18 the county.

19 2. The purpose of a strategic development plan is
20 to direct coordinated, efficient, and orderly urban
21 development that will, based on an analysis of present
22 and future needs, best promote the public health,
23 safety, morals, and general welfare. The goals and
24 objectives of a strategic development plan include the
25 following:

26 a. Encouraging a pattern of compact development in
27 strategic development areas.

28 b. Promoting redevelopment of existing urban
29 areas.

30 c. Promoting employment opportunities and the
31 economic health of the county and all cities in the
32 county.

33 d. Providing for a variety of housing choices
34 within strategic development areas and assuring
35 affordable housing for future population growth.

36 e. Identifying and conserving natural resource
37 areas, environmentally sensitive land, and features of
38 significant local, statewide, or regional
39 architectural, cultural, historical, or archaeological
40 interest.

41 f. Preserving land identified by the strategic
42 development committee as prime agricultural land for
43 use in agricultural production.

44 g. Balancing the need for land management
45 regulations with the protection of private property
46 rights.

47 h. Ensuring the efficient use of infrastructure
48 and that adequate municipal services are provided
49 concurrently with development.

50 i. Taking into consideration such other matters

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1 that are related to the coordinated, efficient, and
2 orderly development of the county and all cities in
3 the county.

4 Sec. . NEW SECTION. 366.4 STRATEGIC
5 DEVELOPMENT PLAN -- REQUIREMENTS.

6 1. A strategic development plan shall divide the
7 county into strategic development areas where future
8 development would be allowed to occur and strategic
9 preservation areas where development would not be
10 allowed. A strategic development plan shall address
11 transportation, public infrastructure, municipal
12 services, economic development, housing, recreation,
13 natural resources, and land use. A strategic
14 development plan may address hazard mitigation, energy
15 systems, cultural preservation, and other elements
16 appropriate to the area governed by the plan.

17 2. The committee shall conduct a review of
18 existing comprehensive plans governing the county, if
19 applicable, and governing each city located in the
20 county.

21 3. Before the committee drafts a strategic
22 development plan, the committee shall hold a public
23 hearing in order to obtain citizen input on
24 preparation of the strategic development plan. The
25 hearing shall be held no later than thirty days after
26 the committee's organizational meeting. The county
27 auditor shall publish notice of the time, date, place,
28 and purpose of the public hearing in a newspaper of
29 general circulation in the county. The notice must be
30 published not less than ten days but no more than
31 twenty days before the hearing. The notice shall
32 include a description of the general duties of the
33 strategic development committee and the cities and
34 counties represented on the strategic development
35 committee.

36 4. A strategic development plan shall include
37 documents describing and depicting the corporate
38 limits of each city in the county and the boundaries
39 of each strategic development area and each strategic
40 preservation area.

41 5. a. In establishing a strategic development
42 area, the plan shall do all of the following:

43 (1) Identify territory that a reasonable and
44 prudent person would project as the likely site of
45 commercial, industrial, or residential growth over the
46 next twenty years based on historical experience,
47 economic trends, population growth patterns,
48 topographical characteristics, and any professional
49 planning, engineering, and economic studies that are
50 available. The city shall report population growth

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1 projections for the city based upon federal census
2 data.

3 (2) Identify agricultural land which has a corn
4 suitability rating of sixty or higher, according to
5 information released by Iowa state university to the
6 department of revenue and finance for assessment and
7 taxation of agricultural land. Agricultural land with
8 a corn suitability rating of sixty or higher shall not
9 be included in a strategic development area unless the
10 local strategic development committee makes a showing
11 that the land is necessary for the orderly development
12 of the strategic development area.

13 b. In establishing a strategic preservation area,
14 the plan shall identify territory to be preserved for
15 the next twenty years for agricultural purposes,
16 forests, recreational areas, wildlife management
17 areas, cultural areas, historical areas, or other
18 areas planned for preservation.

19 6. When designating that part of a strategic
20 development area contiguous to a city, the committee
21 shall identify, and give consideration to, the amount
22 of territory within the current incorporated
23 boundaries of the city that is vacant or undeveloped
24 land.

25 7. The committee shall utilize planning resources
26 that are available within the county, including city
27 and county planning commissions, zoning
28 administrators, and a council of governments
29 established pursuant to chapter 28H. The committee is
30 also encouraged to utilize the services of a joint
31 planning commission established pursuant to chapter
32 28I and colleges and universities in the state.

33 Sec. ____ . NEW SECTION. 366.5 LOCAL GOVERNMENT
34 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

35 1. Before the committee submits the plan
36 recommended for ratification, the committee shall hold
37 at least one public hearing on the proposed
38 recommended strategic development plan. The county
39 auditor shall publish notice of the time, place, and
40 purpose of the public hearing in a newspaper of
41 general circulation in the county. The notice must be
42 published at least ten days but no more than twenty
43 days before the hearing.

44 2. Not later than January 1, 2004, the committee
45 shall submit the recommended strategic development
46 plan to the county board of supervisors and the city
47 council of each city in the county.

48 a. Not later than sixty days after receiving the
49 recommended strategic development plan, the county
50 board of supervisors and each city council shall by

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1 resolution either ratify or reject the recommended
2 strategic development plan. A city or county that
3 fails to timely act on the resolution shall be deemed
4 to have ratified the recommended strategic development
5 plan on the last day of the sixty-day period. If the
6 strategic development plan is ratified, the committee
7 shall submit the plan to the land management planning
8 board for approval.

9 b. If the county board of supervisors or a city
10 council rejects the recommended strategic development
11 plan submitted by the committee, the county or city
12 shall submit its objections to the plan along with the
13 notice of rejection. After receiving objections to
14 the plan, the committee may recommend a revised
15 strategic development plan no later than sixty days
16 after the recommended plan is rejected or may resubmit
17 the original plan. Before the committee submits the
18 revised plan recommended for ratification, the
19 committee shall hold at least one public hearing on
20 the revised plan in the manner provided in subsection
21 1. The committee shall submit any revised strategic
22 development plan, or resubmit the original plan, to
23 the county board of supervisors and the city council
24 of each city in the county for ratification.

25 Not later than sixty days after receiving a revised
26 strategic development plan or resubmitted original
27 plan, the county board of supervisors and each city
28 council shall either ratify or reject the plan in the
29 same manner as provided in paragraph "a". A city or
30 county that fails to timely act on a resolution shall
31 be deemed to have ratified the plan on the last day of
32 the sixty-day period.

33 Sec. ____ . NEW SECTION. 366.6 DISPUTE RESOLUTION.

34 1. If a recommended strategic development plan and
35 a revised strategic development plan are rejected
36 pursuant to section 366.5, subsection 2, paragraph
37 "b", the committee shall submit each of the rejected
38 plans to the board for resolution of the matter within
39 ten days of rejection of the revised plan. The board
40 shall review the strategic development plans submitted
41 by the committee and may adopt such amendments to a
42 plan necessary for its approval by the board.

43 2. Not later than October 1, 2004, the board shall
44 have approved strategic development plans submitted to
45 the board for dispute resolution. Such approval is
46 deemed to satisfy the approval requirement of section
47 366.7.

48 Sec. ____ . NEW SECTION. 366.7 PLAN SUBMITTED TO
49 BOARD FOR FINAL APPROVAL.

50 A strategic development plan ratified pursuant to

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1 section 366.5 shall be submitted to the board for
2 approval within ten days of ratification of the plan.
3 If the board determines that a plan conforms with the
4 requirements of this chapter, the board shall approve
5 the plan. If the board determines that a plan does
6 not so conform, the board shall adopt such amendments
7 to the plan necessary for its approval by the board.
8 The board shall have approved all plans by January 1,
9 2005.

10 Sec. ____ . NEW SECTION. 366.8 RECORDING OF
11 STRATEGIC DEVELOPMENT PLAN.

12 After the board has approved a strategic
13 development plan, the board shall retain a copy of the
14 plan on file and shall forward a copy to the county
15 auditor who shall record the plan in the office of
16 county recorder no later than five days after
17 receiving the plan from the board.

18 Sec. ____ . NEW SECTION. 366.9 DURATION OF PLANS
19 -- REVIEW AND AMENDMENT.

20 After a strategic development plan has been
21 recorded with the county recorder, the plan shall
22 remain in effect for not less than five years absent a
23 showing of extraordinary circumstances necessitating a
24 change in the plan. After expiration of the five-year
25 period, the county or a city in the county may propose
26 an amendment to the strategic development plan or may
27 propose a review of the plan by filing notice with the
28 county board of supervisors for the county and the
29 city council of each city in the county. Upon receipt
30 of such notice by the county and each city, the county
31 board of supervisors shall promptly reconvene the
32 local strategic planning committee. The burden of
33 proving the reasonableness of a proposed amendment to
34 the plan shall be upon the party proposing the
35 amendment. The procedures for amending the strategic
36 development plan shall be the same as the procedures
37 set forth in this chapter for creating the original
38 strategic development plan.

39 Sec. ____ . NEW SECTION. 366.10 JUDICIAL REVIEW.

40 1. The county, a city in the county, a resident of
41 the county, or an owner of real property located in
42 the county may seek judicial review of a decision of
43 the board relating to the strategic development plan
44 presented to the board for its approval. The judicial
45 review provisions of this section and chapter 17A
46 shall be the exclusive means by which a person or
47 party who is aggrieved or adversely affected by action
48 of the board may seek judicial review of the action of
49 the board or of a local government.

50 2. A petition for judicial review must be filed

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1 within sixty days after the strategic development plan
2 is recorded with the county recorder. In accordance
3 with the Iowa rules of civil procedure pertaining to
4 service of process, copies of the petition shall be
5 served upon the board.

6 3. The court's review is limited to questions
7 relating to jurisdiction, regularity of proceedings,
8 and whether the action of the board is, by a
9 preponderance of the evidence, arbitrary,
10 unreasonable, or without substantial supporting
11 evidence. The court may nullify an action of the
12 board and return the plan with appropriate directions
13 to the board.

14 4. The filing of a petition for judicial review
15 does not stay the effectiveness of the strategic
16 development plan or recognition of strategic
17 development areas and strategic preservation areas
18 identified in the plan. However, the court may order
19 a stay upon appropriate terms if it is shown to the
20 satisfaction of the court that any party or the public
21 at large is likely to suffer significant injury if a
22 stay is not granted. If more than one petition for
23 judicial review regarding a single board action is
24 filed, all such petitions shall be consolidated and
25 tried as a single civil action.

26 5. The following portions of section 17A.19 are
27 not applicable to this chapter:

28 a. The portion of subsection 2 relating to where
29 proceedings for judicial review shall be instituted.

30 b. Subsection 5.

31 c. Subsection 8.

32 d. Subsections 10 through 12.

33 Sec. ____ . NEW SECTION. 366.11 LOCAL

34 IMPLEMENTATION.

35 1. A city or county governed by a strategic
36 development plan shall not adopt ordinances regulating
37 land development and management within its territory
38 that are inconsistent with the strategic development
39 plan governing the territory.

40 2. A county that has approved a strategic
41 development plan pursuant to this chapter, and any
42 city in such county, shall use the strategic
43 development plan as the basis for the comprehensive
44 plan required pursuant to section 335.5 or 414.3 if
45 the county or city has adopted a zoning ordinance.
46 The county and each city shall amend its comprehensive
47 plan to conform to the strategic development plan.
48 After a strategic development plan is approved, all
49 land use decisions made by the governing body of each
50 city and county and the city's or county's planning

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1 commission shall be consistent with the strategic
2 development plan.

3 3. A city or county is under no obligation to
4 provide municipal services for development that does
5 not conform to the applicable strategic development
6 plan.

7 Sec. ____ . NEW SECTION. 366.12 COUNTY AND CITY
8 ZONING DISCRETIONARY.

9 This chapter shall not be construed as imposing a
10 requirement on a county or city to adopt a zoning
11 ordinance pursuant to chapter 335 or 414.

12 Sec. ____ . NEW SECTION. 414.32 REGULATORY
13 INCENTIVES.

14 Cities may provide regulatory incentives, including
15 expedited permitting and waiver of permit fees, for
16 new development, expansion of existing development,
17 and redevelopment within all or part of the
18 incorporated boundaries of the city in areas
19 containing undeveloped or underdeveloped land or
20 buildings that are substandard, dilapidated, vacant,
21 abandoned, or functionally obsolete.

22 DIVISION IV

23 CITY DEVELOPMENT

24 Sec. ____ . Section 368.1, subsection 3, Code 2001,
25 is amended to read as follows:

26 3. "Board" means the ~~city development land~~
27 management planning board established in section ~~368.9~~
28 6C.5.

29 Sec. ____ . NEW SECTION. 368.5A ANNEXATION
30 PROHIBITED -- STRATEGIC PRESERVATION AREAS.

31 Beginning January 1, 2005, for territory located in
32 a county governed by a strategic development plan,
33 only territory contained in a strategic development
34 area may be annexed. The city council or land
35 management planning board shall not approve any
36 application or petition that seeks to annex territory
37 contained in a strategic preservation area. However,
38 a city may annex territory in a strategic preservation
39 area if the city intends to retain the area's
40 designation as a strategic preservation area and if
41 the annexation is a voluntary annexation applied for
42 pursuant to section 368.7.

43 Sec. ____ . Section 368.7A, subsection 1, Code 2001,
44 is amended to read as follows:

45 1. The board of supervisors of each affected
46 county shall notify the ~~city development land~~
47 management planning board of the existence of that
48 portion of any secondary road which extends to the
49 center line but has not become part of the city by
50 annexation and has a common boundary with a city. The

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1 notification shall include a legal description and a
2 map identifying the location of the secondary road.
3 The ~~city development~~ land management planning board
4 shall provide notice and an opportunity to be heard to
5 each city in or next to which the secondary road is
6 located. The ~~city development~~ land management
7 planning board shall certify that the notification is
8 correct and declare the road, or portion of the road
9 extending to the center line, annexed to the city as
10 of the date of certification. This section is not
11 intended to interfere with or modify existing chapter
12 28E agreements on jurisdictional transfer of roads, or
13 continuing negotiations between jurisdictions.

14 Sec. _____. Section 368.11, Code Supplement 2001, is
15 amended by adding the following new unnumbered
16 paragraph before unnumbered paragraph 3:

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

23 Sec. _____. Section 368.11, Code Supplement 2001, is
24 amended by adding the following new subsection:

25 NEW SUBSECTION. 14. A statement describing how
26 the boundary adjustment will conform to the strategic
27 development plan governing the territory, if
28 applicable.

29 Sec. _____. Sections 368.9 and 368.10, Code 2001,
30 are repealed.

31 DIVISION V

32 CORRESPONDING AMENDMENTS

33 Sec. _____. Section 15.108, subsection 3, paragraph
34 a, subparagraph (2), Code Supplement 2001, is amended
35 to read as follows:

36 (2) Provide office space and staff assistance to
37 the ~~city development~~ land management planning board as
38 provided in section ~~368.9~~ 6C.5.

39 Sec. _____. Section 331.304, subsection 7, Code
40 2001, is amended to read as follows:

41 7. The board may file a petition with the ~~city~~
42 ~~development~~ land management planning board as provided
43 in section 368.11.

44 Sec. _____. Section 331.321, subsection 1, paragraph
45 t, Code Supplement 2001, is amended to read as
46 follows:

47 t. Local representatives to serve with the ~~city~~
48 ~~development~~ land management planning board as provided
49 in section 368.14.

50 Sec. _____. Section 384.38, subsection 2, Code 2001,

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1 is amended to read as follows:

2 2. Upon petition as provided in section 384.41,
3 subsection 1, a city may assess to private property
4 affected by public improvements within three miles of
5 the city's boundaries the cost of construction and
6 repair of public improvements within that area. The
7 right-of-way of a railway company shall not be
8 assessed unless the company joins as a petitioner for
9 ~~said~~ such improvements. In the petition the property
10 owners shall waive the limitation provided in section
11 384.62 that an assessment may not exceed twenty-five
12 percent of the value of the lot. The petition shall
13 contain a statement that the owners agree to pay the
14 city an amount equal to five percent of the cost of
15 the improvements, to cover administrative expenses
16 incurred by the city. This amount may be added to the
17 cost of the improvements. Before the council may
18 adopt the resolution of necessity, the preliminary
19 resolution, preliminary plans and specifications,
20 plat, schedule, and estimate of cost must be submitted
21 to, and receive written approval from, the board of
22 supervisors of any county which contains part of the
23 property, and the ~~city development~~ land management
24 planning board established in section ~~368.9~~ 6C.5.

25 Sec. ____ . LAND MANAGEMENT PLANNING BOARD
26 TRANSITION. Terms of current city development board
27 members shall continue until their expiration.

28 Sec. ____ . IMPLEMENTATION OF ACT. Section 25B.2,
29 subsection 3, shall not apply to this Act.

30 Sec. ____ . EFFECTIVE DATES.

31 1. Division I of this Act, being deemed of
32 immediate importance, takes effect upon enactment.

33 2. The sections of this Act enacting Code section
34 368.5A and amending Code section 368.11 take effect
35 January 1, 2005.

36 3. The remainder of this Act takes effect May 1,
37 2002."

38 3. Title page, by striking lines 1 through 4, and
39 inserting the following: "An Act relating to land use
40 by providing for the sale of certain farmland by Iowa
41 state university of science and technology, providing
42 for the appropriation and use of proceeds from the
43 sale, providing a method for state and local land
44 management and planning, and providing effective
45 dates."

46 4. By renumbering as necessary.

By FALLON of Polk

H-8542 FILED APRIL 8, 2002

W/B
4/12/02
(p. 1498)

SENATE FILE 2316**H-8609**

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 31, by inserting after the word
4 "university." the following: "Appraisals conducted by
5 the university of the value of any portion of the
6 tract shall be made available to the public
7 immediately following the sale of that portion of the
8 tract."

By JENKINS of Black Hawk**H-8609** FILED APRIL 11, 2002

Adopted
4/12/02 (P.1500)

SENATE FILE 2316**H-8615**

1 Amend the amendment, H-8609, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 7, by striking the words
5 "immediately following" and inserting the following:
6 "prior to".

By CORMACK of Webster**H-8615** FILED APRIL 11, 2002

Lost
4/12/02
(P.1500)

**HOUSE AMENDMENT TO
SENATE FILE 2316****S-5516**

- 1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 31, by inserting after the word
4 "university." the following: "Appraisals conducted by
5 the university of the value of any portion of the
6 tract shall be made available to the public
7 immediately following the sale of that portion of the
8 tract."
9 2. Page 1, line 35, by inserting after the word
10 "facility" the following: "or for the university's
11 plant sciences institute".
12 3. Page 2, by striking lines 1 through 4.
13 4. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5516 FILED APRIL 12, 2002
CONCURRED

(p. 1202)

SENATE FILE 2316

AN ACT

RELATING TO THE SALE OF CERTAIN FARMLAND BY IOWA STATE
UNIVERSITY OF SCIENCE AND TECHNOLOGY, PROVIDING FOR THE
APPROPRIATION AND USE OF PROCEEDS FROM THE SALE, AND
PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS -- GOAL.

1. The general assembly finds and declares that Iowa state university of science and technology has maintained a very successful dairy research facility for more than fifty years consisting of one thousand one hundred acres at its Ankeny dairy farm. However, the dairy farm's facilities have become outdated. The general assembly further finds that in the years since the land for the dairy farm was first purchased by the university, the city of Ankeny has grown and now surrounds the facility. The general assembly finds that the dairy farm is now inhibiting the city's future growth and forcing real estate developers to develop land outside the city, exacerbating urban sprawl.

2. The purpose of this Act is to encourage the university's continued financial commitment to dairy research and teaching, to promote economic growth in the state, and to provide for intelligent growth within existing city limits.

Sec. 2. NEW SECTION. 266.39F SALE OF DAIRY BREEDING RESEARCH FARM.

1. Immediately after the effective date of this Act, Iowa state university of science and technology shall develop a plan to sell, at market value, the one thousand one hundred-acre tract of land within the city limits of Ankeny, commonly referred to as the Iowa state university dairy breeding research farm. The plan shall include the sale of substantial portions of the tract as soon as practical, and the sale of all of the tract within a commercially reasonable time. Prior to implementing the plan, the university shall submit the plan to the state board of regents for review and approval. The sale shall be handled in a manner that is the most financially beneficial to the university. Appraisals conducted by the university of the value of any portion of the tract shall be made available to the public immediately following the sale of that portion of the tract.

2. The proceeds from the sale of the property as provided in subsection 1 are appropriated and shall be retained by Iowa state university of science and technology for use in establishing a new dairy research and dairy teaching facility or for the university's plant sciences institute.

The provisions of section 262.9, subsection 7, and section 262.10, shall not apply to the sale of any portion of land to be sold in accordance with this section or to the use of the proceeds from the sale of the land.

3. By December 15 annually, the state board of regents shall submit a report of the activities and costs of the sale of any property in accordance with subsection 1, including but not limited to the use of any proceeds from the sale of the property and the environmental cleanup costs for any proposed sale in accordance with this section, to the general assembly in accordance with section 7A.11A, and to the legislative fiscal bureau, until such time as the sale of the property is complete and the proceeds have been expended by the university, at which time the state board of regents shall submit a final report on the sale of the property and use of

the proceeds to the general assembly in accordance with section 7A.11A and to the legislative fiscal bureau.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2316, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 2, 2002

THOMAS J. VILSACK
Governor