

# Senate Study Bill 1238

## Bill Text

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1 1 Section 1. NEW SECTION. 6C.1 STATE AND LOCAL FINANCIAL  
1 2 ASSISTANCE PROHIBITED.  
1 3 Effective for the fiscal year beginning July 1, 2003, and  
1 4 for all subsequent fiscal years, financial assistance programs  
1 5 authorized by state statute or local ordinance that are  
1 6 related to infrastructure, economic development, or community  
1 7 development, betterment, or expansion shall be unavailable in  
1 8 those counties and cities that have not adopted a  
1 9 comprehensive plan pursuant to section 335.5 or 414.3, as  
1 10 applicable. If a county or city has adopted a comprehensive  
1 11 plan, such financial assistance shall not be available if the  
1 12 project is not consistent with the use contemplated by the  
1 13 comprehensive plan for the area.

1 14 Sec. 2. NEW SECTION. 6C.2 PROHIBITION ON ANNEXATION AND  
1 15 OTHER DEVELOPMENT ACTIONS.

1 16 1. Beginning January 1, 2004, if an annexation application  
1 17 or petition filed pursuant to section 368.7 or 368.11 seeks to  
1 18 annex territory and the acquisition of such territory is not  
1 19 contemplated in the comprehensive plan of the city, the  
1 20 annexation application or petition shall be dismissed by the  
1 21 city council or the city development board, as appropriate.

1 22 2. Beginning January 1, 2004, a county shall not issue any  
1 23 permits, authorizations, or approvals necessary for the  
1 24 subdivision and partitioning of, or construction on, any land  
1 25 located in the unincorporated areas of the county if such  
1 26 development actions are not contemplated by the comprehensive  
1 27 plan of the county. This subsection does not apply to  
1 28 reconstruction or rehabilitation of existing buildings or  
1 29 structures and new construction, reconstruction, or  
1 30 rehabilitation of agricultural buildings.

1 31 Sec. 3. Section 368.7, Code 2001, is amended by adding the  
1 32 following new subsection:

1 33 NEW SUBSECTION. 5. An annexation application shall be  
1 34 dismissed if such application is prohibited pursuant to  
1 35 section 6C.2.

2 1 Sec. 4. Section 368.11, Code 2001, is amended by adding  
2 2 the following new unnumbered paragraph:

2 3 NEW UNNUMBERED PARAGRAPH. An annexation petition shall be  
2 4 dismissed if such petition is prohibited pursuant to section  
2 5 6C.2.

2 6 EXPLANATION

2 7 This bill provides that state or local financial assistance  
2 8 related to infrastructure, economic development, or community  
2 9 development, betterment, or expansion shall not be allowed in  
2 10 those counties and cities that have not adopted a  
2 11 comprehensive zoning plan. If a county or city has adopted a  
2 12 comprehensive zoning plan, such assistance shall not be  
2 13 available if the project in question is not consistent with  
2 14 the use for the area contemplated by the comprehensive plan.  
2 15 This portion of the bill applies to fiscal years beginning  
2 16 July 1, 2003, and all subsequent fiscal years.

2 17 The bill also provides that voluntary and involuntary  
2 18 annexations are prohibited if acquisition of the territory to  
2 19 be annexed is not contemplated in the comprehensive plan of  
2 20 the annexing city. The bill prohibits a county from issuing  
2 21 any permits or other development authorizations if the

2 22 development actions are not contemplated in the comprehensive  
2 23 plan of the county. This portion of the bill is effective  
2 24 January 1, 2004.  
2 25 LSB 2793SC 79  
2 26 sc/cf/24