

MAR 14 2003  
Place On Calendar

HOUSE FILE 579  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 275)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to designation by a county of a property of  
2 historical significance, placing a moratorium on activities  
3 that imperil the property, and providing an effective date.

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

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HF 579

1 Section 1. QUARRY ACTIVITIES MORATORIUM. Commencing on  
2 the effective date of this Act and ending June 30, 2004, a  
3 county shall suspend the effectiveness of any permit that  
4 allows an individual to engage in quarry activities that may  
5 imperil the structural integrity of property in Iowa listed on  
6 the national register of historic places. An individual may  
7 submit a description of the proposed property of historical  
8 significance to the historical division, which shall determine  
9 if the proposed property is located on the national register  
10 of historic places, and shall notify the county of its  
11 determination by certified mail. "Quarry activities", for  
12 purposes of this section, means, at a minimum, activities  
13 conducted by an operator on a quarry site relative to the  
14 excavation of limestone and shall include disturbing  
15 overburden, excavation, and processing of limestone,  
16 stockpiling and removal of limestone from a site, and all  
17 reclamation activities conducted at a quarry site.

18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
19 immediate importance, takes effect upon enactment.

20 EXPLANATION

21 This bill places a moratorium, from the effective date of  
22 the bill until June 30, 2004, on county permits for quarry  
23 activities that imperil the structural integrity of properties  
24 listed on the national register of historic places. The bill  
25 defines "quarry activities" to mean, at a minimum, activities  
26 conducted by an operator on a quarry site relative to the  
27 excavation of limestone and shall include disturbing  
28 overburden, excavation, and processing of limestone,  
29 stockpiling and removal of limestone from a site, and all  
30 reclamation activities conducted at a quarry site.

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CHAIR: Tymeson

Boal  
Wise

Submitted  
579

HSB 275

EDUCATION

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON TYMESON)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to designation by a county of a property of  
2 historical significance, placing a moratorium on activities  
3 that imperil the property, and providing an effective date.

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

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1 Section 1. NEW SECTION. 303.35 COUNTY PROPERTIES OF  
2 HISTORICAL SIGNIFICANCE.

3 1. A county shall, to the extent practicable, preserve and  
4 protect properties the historical division has determined are  
5 properties of historical significance as provided in this  
6 section. A county may designate a property which is deemed to  
7 merit preservation as a property of historical significance  
8 under the following conditions:

9 a. The property of historical significance shall be  
10 proposed by the county board of supervisors on its own motion  
11 or upon the receipt by the board of a petition signed by at  
12 least one hundred residents of the county. The county shall  
13 submit a description of the proposed property of historical  
14 significance or the petition describing the proposed property,  
15 if the proposed property is a result of the receipt of a  
16 petition, to the historical division which shall determine if  
17 the proposed property meets the criteria in paragraph "b" and  
18 may make recommendations concerning the proposed property.  
19 Any recommendations made by the division shall be made  
20 available by the county to the public for viewing during  
21 normal working hours at a county government place of public  
22 access.

23 b. A county shall not designate a property as a property  
24 of historical significance unless it contains property which  
25 meets the criteria specified in subsection 5, paragraphs "a"  
26 to "d".

27 2. A property shall be designated a property of historical  
28 significance upon enactment of an ordinance of the county.

29 3. A county may provide by ordinance for the establishment  
30 of a commission to deal with matters involving a proposed  
31 property of historical significance, but shall provide for  
32 such commission upon the enactment of the ordinance  
33 designating a property as a property of historical  
34 significance as provided in subsection 2. Upon the  
35 establishment of the commission, the county shall provide by

1 ordinance for the method of appointment, the number, and terms  
2 of members of the commission and for the duties and powers of  
3 the commission. The commission shall contain not less than  
4 three members. The members of the commission shall be  
5 appointed with due regard to proper representation of  
6 residents and property owners of the county and their relevant  
7 fields of knowledge including but not limited to history,  
8 urban planning, architecture, archaeology, law, and sociology.  
9 Counties shall not appoint more than one-third of the members  
10 to the commission for a property of historical significance  
11 that are members of a county zoning commission appointed  
12 pursuant to section 335.8. The commission shall have the  
13 power to approve or deny applications for proposed activities  
14 near the property that place the property of historical  
15 significance at risk.

16 4. An aggrieved party may appeal the commission's action  
17 to the county board of supervisors. If not satisfied by the  
18 decision of the board of supervisors, the party may appeal  
19 within sixty days of the board of supervisors' decision to the  
20 district court for the county in which the property is  
21 located. On appeal, the board of supervisors or the district  
22 court as the case may be shall consider whether the commission  
23 has exercised its powers and followed the guidelines  
24 established by the law and ordinance, and whether the  
25 commission's action was patently arbitrary or capricious.

26 5. For purposes of this section, "property of historical  
27 significance" means any of the following:

28 a. Property in Iowa listed on the national register of  
29 historic places.

30 b. A historical site as defined in section 303.2.

31 c. A landmark, landmark site, or district that is  
32 significant in the history, architecture, archaeology, or  
33 culture of this state, its communities, or the nation.

34 d. Land that has a unique cultural, archaeological, or  
35 historical significance.

1     Sec. 2. QUARRY ACTIVITIES MORATORIUM. Commencing on the  
2 effective date of this Act and ending June 30, 2004, a county  
3 shall suspend the effectiveness of any permit that allows an  
4 individual to engage in quarry activities that may imperil the  
5 structural integrity of property in Iowa listed on the  
6 national register of historic places, or other property that  
7 the historical division of the department of cultural affairs  
8 determines to be property of historical significance. An  
9 individual may submit a description of the proposed property  
10 of historical significance to the historical division, which  
11 shall determine if the proposed property meets the criteria  
12 provided in section 303.35, subsection 5, paragraphs "b"  
13 through "d", as enacted by this Act, and shall notify the  
14 county of its determination by certified mail. "Quarry  
15 activities", for purposes of this section, means, at a  
16 minimum, activities conducted by an operator on a quarry site  
17 relative to the excavation of limestone and shall include  
18 disturbing overburden, excavation, and processing of  
19 limestone, stockpiling and removal of limestone from a site,  
20 and all reclamation activities conducted at a quarry site.

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

23

**EXPLANATION**

24     This bill relates to properties of historical significance  
25 by requiring counties, to the extent practicable, to preserve  
26 and protect such properties, and by permitting counties to  
27 designate a property of historical significance and to  
28 establish a commission with the power to approve or deny  
29 applications for proposed activities near the property that  
30 place the property at risk. The bill includes an approximate  
31 one-year moratorium on certain activities that may imperil  
32 such property.

33     The county may propose designation of a property of  
34 historical significance on its own motion or upon the receipt  
35 of a petition signed by residents of the county. The county

1 must submit the petition or a description of the proposed  
2 property of historical significance to the historical division  
3 of the department of cultural affairs, which must determine if  
4 the proposed property meets the criteria listed by the bill.  
5 An area that meets the criteria shall be designated an area of  
6 historical significance upon enactment of an ordinance of the  
7 county.

8 A county can provide for the establishment of a commission  
9 to deal with matters involving a proposed property of  
10 historical significance, but must provide for such a  
11 commission upon the enactment of the ordinance designating a  
12 property as a property of historical significance. The  
13 commission shall have the power to approve or deny  
14 applications for proposed activities near the property that  
15 place property of historical significance at risk.

16 An aggrieved party may appeal the commission's action to  
17 the county board of supervisors, and then the district court.

18 The bill defines "property of historical significance" as  
19 any of the following: a property in Iowa listed on the  
20 national register of historic places; a historical site; a  
21 landmark, landmark site, or district that is significant in  
22 the history, architecture, archaeology, or culture of this  
23 state, its communities, or the nation; or land that has a  
24 unique scenic, cultural, archaeological, scientific, or  
25 historic significance or contains a rare or valuable  
26 ecological system.

27 The bill also places a moratorium, from the effective date  
28 of the bill until June 30, 2004, on quarry activities that  
29 imperil the structural integrity of properties of historical  
30 significance. The bill defines "quarry activities" to mean,  
31 at a minimum, activities conducted by an operator on a quarry  
32 site relative to the excavation of limestone and shall include  
33 disturbing overburden, excavation, and processing of  
34 limestone, stockpiling and removal of limestone from a site,  
35 and all reclamation activities conducted at a quarry site.