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SENATE FILE
BY MCKEAN

166

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

A BILL FOR

1 An Act creating the state strategic development council and
2 providing an effective date.

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

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SF 166
STATE GOVERNMENT

1 Section 1. NEW SECTION. 6C.1 TITLE.

2 This chapter shall be known and may be cited as the "State
3 Land Development Management Act".

4 Sec. 2. NEW SECTION. 6C.2 LAND DEVELOPMENT AND USE --
5 STATE POLICY ESTABLISHED.

6 It is the policy of this state to provide for the sound and
7 orderly development and use of land and to provide for the
8 protection and preservation of the private and public interest
9 in the land, water, and related resources of this state for
10 the public health, safety, morals, and general welfare of
11 present and future generations. It is further the policy of
12 this state to preserve the use of prime farmland for
13 agricultural production and to preserve natural, cultural, and
14 historical areas while striking a balance between legitimate
15 public purposes and private property rights.

16 Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.

17 1. "Council" means the state strategic development council
18 as created pursuant to section 6C.9.

19 2. "Development" means the construction or structural
20 alteration, conversion, or enlargement of a structure or use
21 of land, including the construction of basic improvements,
22 public improvements, buildings, structures, or impermeable
23 structures.

24 3. "Major public project" means any of the following:

25 a. The construction of a new or the relocation of an
26 existing highway.

27 b. The construction or expansion of an improvement,
28 including a structure or basic improvement, other than a
29 highway, which involves the development of more than fifty
30 acres of land or six thousand tons of topsoil.

31 c. The construction of any of the following:

32 (1) A dam or reservoir.

33 (2) A correctional institution as provided in chapter 904.

34 4. "Member agency" means a state agency which is
35 represented on the council as provided in section 6C.4.

1 5. "State agency" means the same as "agency" defined in
2 section 17A.2.

3 Sec. 4. NEW SECTION. 6C.4 STATE STRATEGIC DEVELOPMENT
4 COUNCIL.

5 1. A state strategic development council is created as the
6 state's principal agency overseeing planning by state agencies
7 involved in major public projects. The purpose of the council
8 is to ensure that development by state agencies is
9 coordinated, including through the adoption of a state
10 strategic development plan as provided in section 6C.8.

11 2. The council shall be composed of all of the following
12 persons:

13 a. The governor or the governor's designee who shall serve
14 as the chairperson of the council.

15 b. The director of the department of economic development
16 or a designee.

17 c. The director of the department of natural resources or
18 a designee.

19 d. The director of transportation or a designee.

20 e. The director of the department of corrections or a
21 designee.

22 f. The director of the department of general services or a
23 designee.

24 g. The secretary of agriculture or a designee.

25 h. The state historic preservation officer appointed by
26 the director of the department of cultural affairs.

27 i. A designee appointed by the state board of regents as
28 provided for in chapter 262. The member shall be appointed
29 from the university of Iowa, Iowa state university of science
30 and technology, and the university of northern Iowa on a
31 rotating basis. Each appointee shall serve one term prior to
32 replacement. A member appointed under this paragraph shall be
33 an expert in issues relating to land use planning.

34 j. Four members of the general assembly, who shall serve
35 as nonvoting, ex officio members. The members shall include

1 two members of the senate appointed by the president of the
2 senate, after consultation with the majority leader and the
3 minority leader of the senate, and two members of the house of
4 representatives appointed by the speaker of the house, after
5 consultation with the majority leader and the minority leader
6 of the house. The legislative members shall be appointed upon
7 the convening and for the period of each general assembly.
8 Not more than one member from each house shall be of the same
9 political party.

10 3. Except as otherwise provided, the council shall meet on
11 a regular basis and at the call of the chairperson or upon the
12 written request to the chairperson of two or more members.

13 4. A majority of voting members appointed to the council
14 constitute a quorum and the affirmative vote of a majority of
15 the voting members appointed is necessary for any substantive
16 action to be taken by the council, except that a lesser number
17 may adjourn a meeting. The majority shall not include any
18 member who has a conflict of interest and a statement by a
19 member that the member has a conflict of interest is
20 conclusive for this purpose. A vacancy in the membership does
21 not impair the right of a quorum to exercise all rights and
22 perform all duties of the council.

23 5. A vacancy on the council shall be filled in the same
24 manner as an original appointment. A person appointed to fill
25 a vacancy shall serve only for the unexpired portion of the
26 term. Except as provided in this chapter, a member is
27 eligible for reappointment.

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

33 Sec. 5. NEW SECTION. 6C.5 STAFFING AND EXPENSES.

34 The department of economic development shall provide office
35 space and staff assistance, and shall budget funds to cover

1 expenses of the council. The office of attorney general shall
2 provide legal counsel to the council.

3 Sec. 6. NEW SECTION. 6C.6 COUNCIL -- POWERS AND DUTIES.

4 1. The purpose of the council is to ensure that
5 development by state agencies is coordinated, including
6 through the adoption of a state strategic development plan as
7 provided in section 6C.8.

8 2. The council shall adopt rules pursuant to chapter 17A
9 which are necessary to administer its duties under this
10 chapter.

11 Sec. 7. NEW SECTION. 6C.7 STATE AGENCY PLANNING --
12 CONSULTATION DURING MAJOR PUBLIC PROJECTS.

13 1. The council shall meet regularly and its members shall
14 consult with a state agency when a state agency is engaged in
15 a major public project. The state agency must consult with
16 the council during regularly scheduled meetings conducted
17 throughout the planning stages of the major public project.

18 2. A state agency shall not begin construction of a major
19 public project prior to consulting with the council as
20 provided in section 6C.8, subsection 2.

21 3. In reviewing a major public project, the council shall
22 to every extent practical ensure that the missions, policies,
23 and goals of affected member agencies are not negatively
24 impacted. The major public project shall be planned and
25 constructed consistent with the state strategic development
26 plan as required by section 6C.8.

27 Sec. 8. NEW SECTION. 6C.8 STATE STRATEGIC DEVELOPMENT
28 PLAN.

29 1. a. The council shall establish, maintain, and revise a
30 state strategic development plan which shall be implemented by
31 state agencies as provided in this section. State agencies
32 shall consult with the council regarding major public
33 projects. The council may adopt rules which exempt major
34 public projects from the requirements of this section, to the
35 extent that the council determines that compliance with the

1 state strategic development plan or consultation with the
2 council is inconsistent with or unnecessary to carry out the
3 policy of this state as provided in section 6C.2.

4 b. The state plan shall include development standards and
5 practices that ensure that development conducted by state
6 agencies carries out the policies of this state as provided in
7 section 6C.2. Each state agency shall adopt policies
8 governing development, including planning and construction of
9 projects, which implement development standards and practices
10 as required in the state strategic development plan.

11 2. a. A state agency shall not begin construction of a
12 major public project unless the state agency consults with
13 member agencies during a council meeting. The state agency
14 proposing construction shall submit a plan of development to
15 the council for consideration. The plan shall summarize the
16 major public project and explain how the major public project
17 complies with the requirements of the state strategic
18 development plan and any applicable strategic development plan
19 governing the area where the major public project is proposed
20 to be developed. The state agency shall regularly inform the
21 council of the progress of the major public project during the
22 course of its construction.

23 b. Any concern about or objection to the planning or
24 construction of a major public project expressed by a member
25 agency or the council shall be noted in the minutes of the
26 council. This section does not authorize the council to
27 disapprove a plan for development or alter construction of the
28 major public project.

29 3. The council shall approve an initial state strategic
30 development plan by July 1, 2002.

31 Sec. 9. NEW SECTION. 6C.9 OVERSIGHT.

32 1. The council shall report to the city development board
33 established in section 368.9 as required by the board.

34 2. The council shall report to the committee of the
35 general assembly which is primarily responsible for

1 legislative oversight of state agencies, as required, by the
2 committee. The council shall do all of the following:

3 a. Present information to the committee as requested by
4 the committee.

5 b. Notify the committee of the planning stages of a major
6 public project initiated by a member agency, including any
7 comments or objections of the council or a member agency.

8 c. Submit a copy of its state strategic development plan
9 and any amendments to or revisions of the plan with the
10 committee.

11 Sec. 10. EFFECTIVE DATES.

12 1. Except as provided in this section, this Act takes
13 effect July 1, 2001.

14 2. The state strategic development council as created in
15 this Act shall be appointed as soon as practical upon the
16 enactment of this Act. The council shall carry out all
17 functions necessary to prepare for the administration of this
18 Act beginning July 1, 2001. This subsection takes effect upon
19 enactment.

20 EXPLANATION

21 This bill creates the state strategic development council
22 which is to oversee planning by state agencies involved in
23 major public projects. The bill provides that the council
24 shall prepare a state strategic development plan to be
25 implemented by state agencies involved with major public
26 projects.

27 Membership on the council is composed of representatives of
28 the governor's office, the department of economic development,
29 the department of natural resources, the state department of
30 transportation, the department of corrections, the department
31 of general services, and the office of the secretary of
32 agriculture. Also, members on the council are to include the
33 state historic preservation officer, a representative of the
34 board of regents, and four members of the general assembly.

35 The bill takes effect July 1, 2001. The bill directs,

1 however, that the portion of the bill requiring appointment of
2 members to the state strategic development council take effect
3 upon enactment.

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