

February 24, 1961.

Passed on File.

**House File 513**

By EDGINGTON, MENSING, HAGEDORN,  
GRASSLEY, ELDRED and HANSON of Lyon.

*Filed*  
 Passed House, Date *4-5-61* Passed Senate, Date.....  
 Vote: Ayes *36* Nays *67* Vote: Ayes..... Nays.....  
 Approved.....

# A BILL FOR

An Act relating to annexation of unincorporated territory adjoining a city or town.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section three hundred sixty-two point twenty-  
 2 six (362.26), subsection three (3), Code 1958, is hereby amended  
 3 by inserting in line two (2) after the word "election" the  
 4 following: ", and to the voters of the subject unincorporated  
 5 territory in a concurrent special election to be conducted  
 6 therein by the board of supervisors of the county involved,".

1 Sec. 2. Section three hundred sixty-two point twenty-six  
 2 (362.26), subsection four (4), Code 1958, is hereby amended  
 3 by striking the comma in line two (2) and inserting before the  
 4 word "the" the following: "in said city or town and by a  
 5 majority of those voting thereon in the subject unincorporated  
 6 territory,".

7 Subsection four (4) is further amended by inserting after  
 8 the word "city" in line eight (8) the following: "and by the  
 9 voters of the subject unincorporated territory".

1 Sec. 3. This Act shall apply to and be effective  
 2 as to any proposed annexation pending on the effective  
 3 date of this Act.

1 Sec. 4. This Act being deemed of immediate importance  
 2 shall take effect and be in full force from and after its

- 3 publication in the ....., a newspaper published
- 4 at ....., Iowa, and the ....., a newspaper
- 5 published at ....., Iowa.

EXPLANATION OF HOUSE FILE 513

This bill would give the voters in unincorporated territory the right to vote on proposed municipal annexations that would include such territory. Under the present law, only voters in the annexing city or town can vote on proposed annexations. The persons living in the unincorporated territory are the ones most affected by annexation and should therefore have the right to vote on such propositions.

HOUSE FILE 513

- 1 Amend the publication clause of House File 513 by
- 2 inserting therein the following newspapers:
- 3 The Decorah Journal, a newspaper published in Decorah, Iowa,
- 4 and The Nashua Reporter, a newspaper published in Nashua, Iowa.

Filed  
March 17, 1961.

COMMITTEE ON COUNTY AND TOWNSHIP AFFAIRS,  
LESTER SICKELS, Chairman

*(Substituted by  
city's resolution)*

HOUSE FILE 513

- 1 Amend House File 513 by striking everything after the
- 2 enacting clause and substituting in lieu thereof the following:
- 3 Section 1. Section three hundred sixty-two point twenty-six
- 4 (362.26), Code 1958, subsection three (3), is hereby amended by
- 5 inserting in line two (2) after the word "town" the words "and of
- 6 the area to be annexed if voters reside therein."
- 7 Sec. 2. Section three hundred sixty-two point twenty-six
- 8 (362.26), Code 1958, subsection three (3), is hereby amended by
- 9 adding the following at the end thereof:
- 10 "The council shall provide for a method by which voters
- 11 residing in the area to be annexed may vote on the proposition
- 12 at said election."
- 13 Sec. 3. Section three hundred sixty-two point twenty-six
- 14 (362.26), Code 1958, subsection four (4) is hereby amended by
- 15 striking in line eight (8) the words "of said city".

Filed  
April 4, 1961.

- RILEY of Linn.
- MESSERLY of Black Hawk.
- ANDERSEN of Woodbury.
- CARSTENSEN of Clinton.
- CAMP of Clinton.
- GITTINS of Pottawattamie.
- STAGEMAN of Pottawattamie.
- ELY of Linn.
- DIETZ of Scott.
- RAPSON of Cherokee.
- O'TOOLE of Dubuque.
- HOUGEN of Black Hawk.
- MOWRY of Marshall.
- WARE of Wapello.
- STANLEY of Muscatine.
- EVELAND of Boone.

*Sub  
4-5-61*

HOUSE FILE 513

- 1 Amend House File 513 by striking all of section four (4), the
- 2 publication clause.

Filed and adopted  
April 5, 1961.

DIETZ of Scott.

HOUSE FILE 513

- 1 Amend House File 513 by striking all of section three (3)
- 2 and inserting in lieu thereof the following:
- 3 "This Act shall apply to and be effective as to all
- 4 annexation proceedings except that this Act shall not apply to
- 5 annexation proceedings wherein litigation has been instituted
- 6 or is pending concerning such annexation prior to the effective
- 7 date of this Act."

Filed and adopted  
April 5, 1961.

MENSING of Cedar.