

FILED APR 3 1978

SENATE FILE 2221

By COMMITTEE ON CITIES

Do pass 3/30 (p. 726)

Passed Senate, Date 4-13-78 (p. 870) Passed House, Date 5-4-78 (p. 2235)

Vote: Ayes 37 Nays 7 Vote: Ayes 80 Nays 10

Approved 6-5-78

Repassed Senate per House Amendment

5-9-78 (p. 1349)

47-0

A BILL FOR

1 An Act relating to city development by clarifying the defini-
 2 tion of territory, defining qualified elector, requiring
 3 the city development board to be notified of annexation
 4 moratorium agreements and hearings, allowing a property
 5 owner under certain circumstances to serve on the city
 6 development committee even though he or she is not a
 7 qualified elector, and assigning election costs.

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

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1 Section 1. Section three hundred sixty-eight point one
2 (368.1), subsection ten (10), Code 1977, is amended to read
3 as follows:

4 10. "Territory" means the land area or areas proposed
5 to be incorporated, annexed, or severed, whether or not
6 contiguous to all other areas proposed to be incorporated,
7 annexed, or severed.

8 Sec. 2. Section three hundred sixty-eight point one
9 (368.1), Code 1977, is amended by adding the following new
10 subsection:

11 NEW SUBSECTION. "Qualified elector" means a person who
12 is registered to vote pursuant to chapter forty-eight (48)
13 of the Code.

14 Sec. 3. Section three hundred sixty-eight point four
15 (368.4), Code 1977, is amended to read as follows:

16 368.4 ANNEXING MORATORIUM. A city, following notice and
17 hearing, may by resolution agree with another city or cities
18 to refrain from annexing specifically described territory
19 for a period not to exceed ten years and, following notice
20 and hearing, may by resolution extend the agreement for
21 subsequent periods not to exceed ten years each. Notice of
22 a hearing shall be served on the board, and a copy of the
23 agreement and a copy of any resolution extending an agreement
24 shall be filed with the board within thirty days of enactment.

25 If such an agreement is in force, the board shall dismiss
26 a petition or plan which violates the terms of the agreement.

27 Sec. 4. Section three hundred sixty-eight point four-
28 teen (368.14), subsection three (3), Code 1977, is amended
29 to read as follows:

30 3. From a territory to be annexed to or severed from a
31 city, one representative appointed by the county board of
32 supervisors. If there are no qualified electors residing
33 in an area to be annexed to or severed from a city, the county
34 board of supervisors shall appoint as local representative
35 an individual owning property in the territory whether or

1 not he or she is a qualified elector or appoint a designee
2 of such individual.

3 Sec. 5. Section three hundred sixty-eight point nineteen
4 (368.19), unnumbered paragraph two (2), Code 1977, is amended
5 to read as follows:

6 The costs of an incorporation election shall be borne by
7 the initiating petitioners if the election fails, but if the
8 proposition is approved the cost shall become a charge of
9 the new city. The costs of an election other than an
10 incorporation election shall be borne by the city, but if
11 the proposition fails the cost shall be borne by the
12 petitioners.

13 EXPLANATION

14 The bill clarifies the definition of territory, defines
15 qualified elector, requires the city development board be
16 notified of annexation moratorium agreements and hearings,
17 allows a property owner under certain circumstances to serve
18 on the city development committee even though he or she is
19 not a qualified elector, and assigns election costs.

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SENATE FILE 2221

S-5549

1 Amend Senate File 2221 as follows:

2 1. Page 2, by striking lines 4 and 5 and insert-
3 ing lieu thereof the following: "(368.19), unnumbered
4 paragraphs one (1) and two (2), Code 1977, are
5 amended to read as follows:

6 The committee shall approve or disapprove the
7 petition or plan as amended, within ninety days of
8 the final hearing, and shall file its decision for
9 record and promptly notify the parties to the
10 proceeding or its decision. If a petition or plan
11 is approved, the board shall set a date within ninety
12 days for a special election on the proposal and the
13 county commissioner of elections shall conduct the
14 election. In a case of incorporation or discontinu-
15 ance, qualified electors of the territory
16 or city may vote, and the proposal is authorized if
17 a majority of those voting approves it. In a case
18 of annexation or severance, qualified electors of
19 the territory and of the city may vote, and the
20 proposal is authorized if a majority of the total
21 number of persons voting approves in the city and
22 a majority of the persons voting in the territory
23 approve it. In a case of consolidation, qualified
24 electors of each city to be consolidated may vote,
25 and the proposal is authorized only if it receives
26 a favorable majority vote in each city. The county
27 commissioner of elections shall publish notice of
28 the election as provided in section 49.53 and shall
29 conduct the election in the same manner as other
30 special city elections."

S-5549 FILED
APRIL 13, 1978
RULED NOT GERMANE (p. 870)

BY BERL E. PRIEBE
ELIZABETH R. MILLER

HOUSE AMENDMENT TO SENATE FILE 2221

S-5831

1 Amend Senate File 2221 as follows:

- 2 1. Page 2, by striking lines 3 through 12.
3 2. Amend the title page, line 4, by inserting
4 after the word "hearings," the word "and".
5 3. Amend the title page, line 7, by striking the
6 following: ", and assigning election costs".

S-5831 FILED
MAY 5, 1978

RECEIVED FROM THE HOUSE

Senate concurred 5/9 (p. 1349)

SENATE FILE 2221

H-6112

1 Amend Senate File 2221 as follows:

2 1. Page 2, by striking lines 4 and 5 and insert-
3 ing in lieu thereof the following: "(368.19), unnumber-
4 ed paragraphs one (1) and two (2), Code 1977, are
5 amended to read as follows:

6 The committee shall approve or disapprove the
7 petition or plan as amended, within ninety days of
8 the final hearing, and shall file its decision for
9 record and promptly notify the parties to the
10 proceeding or its decision. If a petition or plan
11 is approved, the Board shall set a date within ninety
12 days for a special election on the proposal and the
13 county commissioner of elections shall conduct the
14 election. In a case of incorporation or discontinu-
15 ance, qualified electors of the territory
16 or city may vote, and the proposal is authorized if
17 a majority of those voting approves it. In a case
18 of annexation or severance, qualified electors of
19 the territory and of the city may vote, and the
20 proposal is authorized if a majority of the total
21 number of persons voting approves in the city and
22 a majority of the persons voting in the territory
23 approve it. In a case of consolidation, qualified
24 electors of each city to be consolidated may vote,
25 and the proposal is authorized only if it receives
26 a favorable majority vote in each city. The county
27 commissioner of elections shall publish notice of
28 the election as provided in section 49.53 and shall
29 conduct the election in the same manner as other
30 special city elections.

H-6112 FILED *One of order* BY WOODS of Polk
APRIL 18, 1978 *5/4 (p. 223?)*

SENATE FILE 2221

H-6161

1 Amend Senate File 2221 as follows:

2 1. Page 2, by striking lines 3 through 12.

3 2. Amend the title page, line 4, by inserting
4 after the word "hearings," the word "and".

5 3. Amend the title page, line 7, by striking
6 the following: ", and assigning election costs".

H-6161 FILED *Adopted 5/4* BY SPEAR of Lee
APRIL 20, 1978 *(p. 223?)*

SENATE FILE 2221

AN ACT

RELATING TO CITY DEVELOPMENT BY CLARIFYING THE DEFINITION OF TERRITORY, DEFINING QUALIFIED ELECTOR, REQUIRING THE CITY DEVELOPMENT BOARD TO BE NOTIFIED OF ANNEXATION MORATORIUM AGREEMENTS AND HEARINGS, AND ALLOWING A PROPERTY OWNER UNDER CERTAIN CIRCUMSTANCES TO SERVE ON THE CITY DEVELOPMENT COMMITTEE EVEN THOUGH HE OR SHE IS NOT A QUALIFIED ELECTOR.

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

Section 1. Section three hundred sixty-eight point one (368.1), subsection ten (10), Code 1977, is amended to read as follows:

10. "Territory" means the land area or areas proposed to be incorporated, annexed, or severed, whether or not contiguous to all other areas proposed to be incorporated, annexed, or severed.

Sec. 2. Section three hundred sixty-eight point one (368.1), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. "Qualified elector" means a person who is registered to vote pursuant to chapter forty-eight (48) of the Code.

Sec. 3. Section three hundred sixty-eight point four (368.4), Code 1977, is amended to read as follows:

368.4 ANNEXING MORATORIUM. A city, following notice and hearing, may by resolution agree with another city or cities to refrain from annexing specifically described territory for a period not to exceed ten years and, following notice and hearing, may by resolution extend the agreement for subsequent periods not to exceed ten years each. Notice of a hearing shall be served on the board, and a copy of the

agreement and a copy of any resolution extending an agreement shall be filed with the board within thirty days of enactment.

If such an agreement is in force, the board shall dismiss a petition or plan which violates the terms of the agreement.

Sec. 4. Section three hundred sixty-eight point fourteen (368.14), subsection three (3), Code 1977, is amended to read as follows:

3. From a territory to be annexed to or severed from a city, one representative appointed by the county board of supervisors. If there are no qualified electors residing in an area to be annexed to or severed from a city, the county board of supervisors shall appoint as local representative an individual owning property in the territory whether or not he or she is a qualified elector or appoint a designee of such individual.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2221, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved 6/5, 1978

ROBERT D. RAY
Governor