

*Reprinted*

FILED FEB 28 1989

SENATE FILE 300  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 206)

Passed Senate, Date 3-14-89 (p.778) Passed House, Date 4-12-89 (p.1505)  
Vote: Ayes 48 Nays 0 vote: Ayes 94 Nays 0  
Approved 5-2-89

**A BILL FOR**

1 An Act relating to the annexation of territory including  
2 secondary roads.

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

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**SENATE FILE 300**

**S-3183**

1 Amend Senate File 300 as follows:  
2 1. Page 1, line 6, by striking the word  
3 ""Territory"" and inserting the following: "Except as  
4 provided for by an agreement pursuant to chapter 28E,  
5 "territory"."

By ELAINE SZYMONIAK

S-3183 FILED MARCH 8, 1989

*Adopted 3-14-89 (p.778)*

1 Section 1. Section 368.1, subsection 10, Code 1989, is  
2 amended to read as follows:

3 10. "Territory" means the land area or areas proposed to  
4 be incorporated, annexed, or severed, whether or not  
5 contiguous to all other areas proposed to be incorporated,  
6 annexed, or severed. "Territory" having a common boundary  
7 with the right-of-way of a secondary road extends to the  
8 center line of the road.

9 EXPLANATION

10 This bill provides that in an incorporation, annexation, or  
11 severance proceeding, territory having a common boundary with  
12 the right-of-way of a secondary road extends to the center  
13 line of the road.

14 This bill may create a state mandate under chapter 25B.

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HOUSE LOCAL GOV  
DD PASS 4-5-89 (p. 1297)

SENATE FILE 300  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 206)

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1989)

~~\_\_\_\_\_~~ - New Language by the Senate

Passed Senate, Date 4-17-89 (p. 157) Passed House, Date 4-12-89 (p. 155)  
Vote: Ayes 44 Nays 0 Vote: Ayes 94 Nays 0  
Approved 5-2-89 (p. 185)

A BILL FOR

3751 An Act relating to the annexation of territory including  
2 secondary roads.

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

4 SENATE FILE 300

5 H-3939

6 1 Amend Senate File 300, as amended, passed, and  
7 2 reprinted by the Senate, as follows:

8 3 1. Page 1, by inserting after line 9 the  
9 4 following:

10 5 "Sec. \_\_\_\_ . Section 368.5, Code 1989, is amended by  
11 6 adding the following new unnumbered paragraph:

12 34510 7 NEW UNNUMBERED PARAGRAPH. Territory owned by a  
13 8 county may be annexed, but the county attorney of that  
14 9 county must be served with notice of the hearing and a  
15 10 copy of the proposal.

16 11 Sec. \_\_\_\_ . APPLICABILITY.

17 12 This Act applies to actions taken pursuant to  
18 13 chapter 368 which commence after the effective date of  
19 14 this Act."

By FULLER of Hardin  
ROYER of Page

20 H-3939 FILED APRIL 10, 1989 Adopted 4-12-89 (p. 155)

21 SENATE FILE 300

22 H-3956

1 Amend the amendment, H-3939, to Senate File 300, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 7, by inserting after the word  
5 "Territory" the following: "within the road right-of-  
6 way".

By FULLER of Hardin  
Adopted 4-10-89 (p. 155)

H-3956 FILED APRIL 10, 1989

1 Section 1. Section 368.1, subsection 10, Code 1989, is  
2 amended to read as follows:

3 10. "Territory" means the land area or areas proposed to  
4 be incorporated, annexed, or severed, whether or not  
5 contiguous to all other areas proposed to be incorporated,  
6 annexed, or severed. Except as provided for by an agreement  
7 pursuant to chapter 28E, "territory" having a common boundary  
8 with the right-of-way of a secondary road extends to the  
9 center line of the road.

303,  
313, 3708

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HOUSE AMENDMENT TO  
SENATE FILE 300

S-3703

1 Amend Senate File 300, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 9 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 368.5, Code 1989, is amended by  
6 adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. Territory within the  
8 road right-of-way owned by a county may be annexed,  
9 but the county attorney of that county must be served  
10 with notice of the hearing and a copy of the proposal.  
11 Sec. \_\_\_\_ . APPLICABILITY.  
12 This Act applies to actions taken pursuant to  
13 chapter 368 which commence after the effective date of  
14 this Act."

RECEIVED FROM THE HOUSE

S-3703 FILED APRIL 14, 1989

*Unrot. concurred 4-17-89 (p. 1477)*

SENATE FILE 300

H-3758

1 Amend Senate File 300 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 9 the  
4 following:

5 "Sec. \_\_\_\_ . Section 368.19, unnumbered paragraph 1,  
6 Code 1989, is amended to read as follows:

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

32 2. Title page, by striking lines 1 and 2 and  
33 inserting the following: "An Act relating to city  
34 development, including the annexation and severance of  
35 territory, and amending the definition of  
36 "territory"."

37 3. By numbering and renumbering as necessary.

By HANSON of Delaware

H-3758 FILED MARCH 31, 1989

*Not Amended 4-12-89 (p. 1304)*

SZYMONIAK, CH.  
MILLER  
TINSMAN

SSB 206  
LOCAL GOVERNMENT

SENATE FILE 300  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL)

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

A BILL FOR

1 An Act relating to the annexation of territory including  
2 secondary roads.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 368.1, subsection 10, Code 1989, is  
2 amended to read as follows:

3 10. "Territory" means the land area or areas proposed to  
4 be incorporated, annexed, or severed, whether or not  
5 contiguous to all other areas proposed to be incorporated,  
6 annexed, or severed. "Territory" having a common boundary  
7 with the right-of-way of a secondary road extends to the  
8 center line of the road.

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EXPLANATION

10 This bill provides that in an incorporation, annexation, or  
11 severance proceeding, territory having a common boundary with  
12 the right-of-way of a secondary road extends to the center  
13 line of the road.

14 This bill may create a state mandate under chapter 25B.

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Sec. 3. APPLICABILITY. This Act applies to actions taken pursuant to chapter 368 which commence after the effective date of this Act.

SENATE FILE 300

AN ACT  
RELATING TO THE ANNEXATION OF TERRITORY INCLUDING SECONDARY  
ROADS.

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

Section 1. Section 368.1, subsection 10, Code 1989, 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. Except as provided for by an agreement pursuant to chapter 28E, "territory" having a common boundary with the right-of-way of a secondary road extends to the center line of the road.

Sec. 2. Section 368.5, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Territory within the road right-of-way owned by a county may be annexed, but the county attorney of that county must be served with notice of the hearing and a copy of the proposal.

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 300, Seventy-third General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved 5/2 \_\_\_\_\_, 1989

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TERRY E. BRANSTAD  
Governor

SF 300