

FEB 7 1995

LOCAL GOVERNMENT

HOUSE FILE 146

BY COON

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

A BILL FOR

1 An Act relating to the disapproval of an involuntary annexation  
 2 proposal by referendum.

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

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HF 146

1 Section 1. Section 368.19, Code 1995, is amended to read  
2 as follows:

3 368.19 TIME LIMIT -- ELECTION.

4 1. The committee shall approve or disapprove the petition  
5 or plan as amended, within ninety days of the final hearing,  
6 and shall file its decision for record and promptly notify the  
7 parties to the proceeding of its decision. If a petition or  
8 plan is approved, the board shall set a date not less than  
9 thirty days nor more than ninety days after approval for a  
10 special election on the proposal and the county commissioner  
11 of elections shall conduct the election.

12 2. In a case of incorporation or discontinuance, qualified  
13 electors registered voters of the territory or city may vote,  
14 and the proposal is authorized if a majority of those voting  
15 approves it.

16 3. In a case of annexation or severance, qualified  
17 electors registered voters of the territory and of the city  
18 may vote, and the proposal is authorized if a majority of the  
19 total number of persons registered voters voting approves it.

20 However, if there are two hundred fifty or more registered  
21 voters residing in a territory to be annexed, the registered  
22 voters of the territory may petition the board within thirty  
23 days after the petition or plan is approved for a special  
24 election which shall include registered voters of the  
25 territory to be annexed only. The petition shall include the  
26 number of valid signatures as provided in section 362.4. If a  
27 majority of the registered voters voting approve of the  
28 annexation, the implementation of the annexation plan or  
29 petition shall proceed without an election including the city  
30 electorate. If a majority of the registered voters voting do  
31 not approve of the annexation plan or petition, the plan or  
32 petition is void.

33 4. In a case of consolidation, qualified-electors  
34 registered voters of each city to be consolidated may vote,  
35 and the proposal is authorized only if it receives a favorable

1 majority vote in each city.

2 5. The county commissioner of elections shall publish  
3 notice of the election as provided in section 49.53 and shall  
4 conduct the election in the same manner as other special city  
5 elections.

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

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EXPLANATION

11 This bill provides that if there are 250 or more registered  
12 voters residing in a territory to be annexed, the registered  
13 voters of the territory may petition for a special election  
14 within 30 days after the involuntary plan or petition is  
15 approved by the board. The petition is subject to the  
16 requirements of section 362.4. The election shall include the  
17 registered voters of the territory to be annexed only. If a  
18 majority of the actual voters approve of the annexation, the  
19 implementation of the annexation petition or plan shall  
20 proceed without an election including the city electorate. If  
21 the voters do not approve of the annexation petition or plan,  
22 the petition or plan is void.

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