

FEB 15 1996

LOCAL GOVERNMENT

HOUSE FILE
BY COHOON

2215

(COMPANION TO LSB 3793SS
BY FRAISE)

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

A BILL FOR

1 An Act relating to voter approval of annexation or severance
2 proposals.

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

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FILED

TLSE 3793HH 76

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

3 The committee shall approve or disapprove the petition or
4 plan as amended, within ninety days of the final hearing, and
5 shall file its decision for record and promptly notify the
6 parties to the proceeding of its decision. If a petition or
7 plan is approved, the board shall set a date not less than
8 thirty days nor more than ninety days after approval for a
9 special election on the proposal and the county commissioner
10 of elections shall conduct the election. In a case of
11 incorporation or discontinuance, registered voters of the
12 territory or city may vote, and the proposal is authorized if
13 a majority of those voting approves it. In a case of
14 annexation or severance, registered voters of the territory
15 and of the city may vote, and the proposal is authorized if a
16 majority of the ~~total~~ number of persons residing in the city
17 and voting approves it and if a majority of the number of
18 persons residing in the territory and voting approves it. In
19 a case of consolidation, registered voters of each city to be
20 consolidated may vote, and the proposal is authorized only if
21 it receives a favorable majority vote in each city. The
22 county commissioner of elections shall publish notice of the
23 election as provided in section 49.53 and shall conduct the
24 election in the same manner as other special city elections.

25 EXPLANATION

26 This bill provides that an annexation or severance proposal
27 is approved only if a majority of persons voting in a city
28 approves the proposal and if a majority of the persons voting
29 in the territory approves the proposal. Current law requires
30 a favorable majority of the combined votes of city voters and
31 territorial voters to approve a proposal.

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