

# REPRINTED

JAN 12 1998

HOUSE FILE **2005**  
BY LARSON

LOCAL GOVERNMENT

(p.782)  
 Passed House, Date 3-17-98 Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes 53 Nays 47 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the voter approval of annexation and severance  
 2 of territory to or from a city.

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

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HF 2005

1 Section 1. Section 368.19, unnumbered paragraph 1, Code  
2 1997, 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  
17 territory and voting approves it and if a majority of the  
18 total number of persons residing in the city and voting  
19 approves it. In case of severance, registered voters of that  
20 area of the city to be severed and of the remainder of the  
21 city may vote, and the proposal is authorized if a majority of  
22 the total number of persons residing in the area to be severed  
23 and voting approves it and if a majority of the total number  
24 of persons residing in the remainder of the city and voting  
25 approves it. In a case of consolidation, registered voters of  
26 each city to be consolidated may vote, and the proposal is  
27 authorized only if it receives a favorable majority vote in  
28 each city. The county commissioner of elections shall publish  
29 notice of the election as provided in section 49.53 and shall  
30 conduct the election in the same manner as other special city  
31 elections.

32 EXPLANATION

33 This bill provides that an annexation or severance of  
34 territory to or from a city shall be approved by a majority of  
35 the city voters voting on the issue and by a majority of the

1 voters voting and residing in the territory to be affected by  
2 the annexation or severance. The city voters and the voters  
3 of the affected territory must separately approve the  
4 proposal. Under current law, the proposal is authorized if a  
5 majority of the combined votes of the city voters and the  
6 affected territory voters approves the proposal.

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HOUSE FILE 2005

H-8011

1 Amend House File 2005 as follows:

2 1. Page 1, line 25, by inserting after the word  
3 "it." the following: "However, if there are no  
4 registered voters in the territory to be severed or  
5 annexed, a special election on the proposal shall not  
6 be conducted."

7 2. Page 1, by inserting after line 31 the  
8 following:

9 "Sec. \_\_\_\_ . EFFECTIVE DATE -- APPLICABILITY. This  
10 Act, being deemed of immediate importance, takes  
11 effect upon enactment and applies to any special  
12 election conducted pursuant to section 368.19 after  
13 the effective date of this Act to approve or  
14 disapprove a petition filed with the city development  
15 board before the effective date of this Act."

16 3. Title page, line 2, by inserting after the  
17 word "city" the following: "and providing effective  
18 date and applicability provisions".

By COMMITTEE ON LOCAL GOVERNMENT  
VANDE HOEF of Osceola, Chairperson

H-8011 FILED FEBRUARY 4, 1998

*adopted 3-17-98 (P.772)*

HOUSE FILE 2005

H-8017

1 Amend the committee amendment, H-8011, to House  
2 File 2005 as follows:

3 1. Page 1, line 14, by striking the words "filed  
4 with" and inserting the following: "pending before".

By RICHARDSON of Warren

H-8017 FILED FEBRUARY 5, 1998

*adopted 3-17-98 (P.772)*

HOUSE FILE 2005

H-8145

1 Amend House File 2005 as follows:

2 1. Page 1, by inserting after line 31 the  
3 following:

4 "Sec. \_\_\_\_ . Section 368.20, Code 1997, is amended  
5 by adding the following new subsection:

6 NEW SECTION. 3. If an annexation election does  
7 not favor annexation and the affected city provides  
8 fire protection service to the territory involved in  
9 the proposed annexation, any fire protection agreement  
10 between the territory and the city shall provide that  
11 a landowner within the city or the territory, based on  
12 taxable valuations, shall pay the same proportion of  
13 the costs of providing the fire protection."

By O'BRIEN of Boone

H-8145 FILED MARCH 2, 1998

*Lost 3-17-98 (P.782)*

HOUSE FILE 2005

H-8230

1 Amend House File 2005 as follows:

2 1. Page 1, line 14, by inserting after the word  
3 "severance" the following: "by a city having a  
4 population of thirty thousand or more".

5 2. Page 1, line 19, by inserting after the word  
6 "severance" the following: "by a city having a  
7 population of thirty thousand or more".

8 3. Page 1, line 25, by inserting after the word  
9 "it." the following: "In a case of annexation or  
10 severance by a city having a population of less than  
11 thirty thousand, registered voters of the territory  
12 and of the city may vote, and the proposal is  
13 authorized if a majority of the total number of  
14 persons voting approves it."

By FALCK of Fayette

H-8230 FILED MARCH 4, 1998

3/17/98 *Foot* (p. 779)

HOUSE FILE 2005

H-8337

1 Amend House File 2005 as follows:  
2 1. Page 1, by striking lines 3 through 31 and  
3 inserting the following:  
4 "The committee shall approve or disapprove the  
5 petition or plan as amended, within ninety days of the  
6 final hearing, and shall file its decision for record  
7 and promptly notify the parties to the proceeding of  
8 its decision. If a petition or plan is approved, the  
9 board shall set a date not less than thirty days nor  
10 more than ninety days after approval for a special  
11 election on the proposal and the county commissioner  
12 of elections shall conduct the election. In a case of  
13 incorporation or discontinuance, registered voters of  
14 the territory or city may vote, and the proposal is  
15 authorized if a majority of those voting approves it.  
16 In a case of annexation or severance, registered  
17 voters of the territory and of the city may vote, and  
18 the proposal is authorized if a majority of the total  
19 number of persons voting approves it. Taxes levied by  
20 the annexing city, including property taxes, shall not  
21 be due or collectible from property owners within the  
22 annexed territory until all city services provided by  
23 the annexing city including, but not limited to,  
24 water, sewer, solid waste collection, and police and  
25 fire protection are available to the annexed  
26 territory. In addition, property owners in the  
27 annexed territory shall receive a property tax credit  
28 equal to the value of the potable wells and septic  
29 tank systems that are rendered unnecessary with the  
30 availability of city water and sewer services. In a  
31 case of consolidation, registered voters of each city  
32 to be consolidated may vote, and the proposal is  
33 authorized only if it receives a favorable majority  
34 vote in each city. The county commissioner of  
35 elections shall publish notice of the election as  
36 provided in section 49.53 and shall conduct the  
37 election in the same manner as other special city  
38 elections."  
39 2. Title page, by striking lines 1 and 2 and  
40 inserting the following: "An Act relating to the levy  
41 of city taxes in a territory to be annexed and  
42 reimbursement for displaced infrastructure."

By BLODGETT of Cerro Gordo

H-8337 FILED MARCH 11, 1998

WITHDRAWN

3.17.98  
(P. 181)

## HOUSE FILE 2005

E-8438

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "persons" the following: "owning land and".

WITHDRAWN  
3-17-98 (p. 779)

By GRUNDBERG of Polk  
MARTIN of Scott  
JACOBS of Polk

H-8438 FILED MARCH 16, 1998

## HOUSE FILE 2005

H-8448

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 368.17, subsection 7, Code
- 5 1997, is amended by striking the subsection."

By JACOBS of Polk

H-8448 FILED MARCH 16, 1998

LOST 3-17-98 (p. 777)

## HOUSE FILE 2005

H-8453

- 1 Amend House File 2005 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "it." the following: "However, if the territory to be
- 4 annexed is subdivided, the proposal is authorized if a
- 5 majority of the total number of persons voting in the
- 6 territory and the city approves it."

By CHIODO of Polk

H-8453 FILED MARCH 17, 1998

REQUIRED SUSPENSION OF RULES - OUT OF ORDER

(p. 782)

## HOUSE FILE 2005

H-8474

- 1 Amend the amendment, H-8230, to House File 2005 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "thirty"
- 4 and inserting the following: "five".
- 5 2. Page 1, line 7, by striking the word "thirty"
- 6 and inserting the following: "five".
- 7 3. Page 1, line 11, by striking the word "thirty"
- 8 and inserting the following: "five".

By TAYLOR of Linn

H-8474 FILED MARCH 17, 1998

LOST

(p. 778)

## HOUSE FILE 2005

H-8475

- 1 Amend the amendment, H-8230, to House File 2005, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "more"
- 4 and inserting the following: "less".
- 5 2. Page 1, line 7, by striking the word "more"
- 6 and inserting the following: "less".
- 7 3. Page 1, line 10, by striking the word "less"
- 8 and inserting the following: "more".

By TAYLOR of Linn

H-8475 FILED MARCH 17, 1998

LOST (p. 778)

HOUSE FILE 2005

H-8409

1 Amend the amendment, H-8337, to House File 2005 as  
2 follows:

3 1. Page 1, line 16, by striking the words "or  
4 severance" and inserting the following: "or  
5 severance".

6 2. Page 1, by striking line 19 and inserting the  
7 following: "number of persons residing in the  
8 territory and voting approves it and if a majority of  
9 the total number of persons residing in the city and  
10 voting approves it. Taxes levied by".

11 3. Page 1, line 30, by inserting after the word  
12 "services." the following: In case of severance,  
13 registered voters of that area of the city to be  
14 severed and of the remainder of the city may vote, and  
15 the proposal is authorized if a majority of the total  
16 number of persons residing in the area to be severed  
17 and voting approves it and if a majority of the total  
18 number of persons residing in the remainder of the  
19 city and voting approves it."

20 4. Page 1, line 40, by inserting after the word  
21 "to" the following: "voter approval of annexation and  
22 severance to or from a city and".

By CARROLL of Poweshiek  
LARSON of Linn  
RICHARDSON of Warren

*Adopted 3-17-98 (P.780)*

H-8409 FILED MARCH 16, 1998

HOUSE FILE 2005

H-8437

1 Amend House File 2005 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 368.25 CITY SERVICES  
5 FOR ANNEXED TERRITORY.

6 If a city fails to provide city services to the  
7 territory involuntarily annexed within ten years after  
8 the annexation procedures are completed, persons  
9 residing within the annexed territory may file a  
10 petition for severance with the city development board  
11 pursuant to section 368.11."

12 2. Title page, by striking lines 1 and 2 and  
13 inserting the following: "An Act relating to  
14 severance of territory from a city."

By CHAPMAN of Linn

H-8437 FILED MARCH 16, 1998

*Last 3/17/98 (P.777)*



## HOUSE FILE 2005

H-8476

1 Amend the amendment, H-8230, to House File 2005 as  
2 follows:

3 1. Page 1, line 4, by striking the word "thirty"  
4 and inserting the following: "ten".

5 2. Page 1, line 7, by striking the word "thirty"  
6 and inserting the following: "ten".

7 3. Page 1, line 11, by striking the word "thirty"  
8 and inserting the following: "ten".

By TAYLOR of Linn

H-8476 FILED MARCH 17, 1998

LOST

(p. 179)

## HOUSE FILE 2005

H-8477

1 Amend the amendment, H-8230, to House File 2005 as  
2 follows:

3 1. Page 1, by striking lines 3 and 4 and  
4 inserting the following: "severance the following:  
5 by a city having a population of two hundred thousand  
6 or more."

7 2. Page 1, by striking lines 6 and 7 and  
8 inserting the following: "severance the following:  
9 by a city having a population of two hundred thousand  
10 or more."

11 3. Page 1, by striking lines 10 and 11 and  
12 inserting the following: "severance by a city having  
13 a population of less than two hundred thousand,  
14 registered voters of the territory".

By TAYLOR of Linn

H-8477 FILED MARCH 17, 1998

LOST

(p. 179)

## HOUSE FILE 2005

H-8479

1 Amend the amendment, H-8337, to House File 2005 as  
2 follows:

3 1. Page 1, line 22, by striking the word "all"  
4 and inserting the following: "each".

5 2. Page 1, line 22, by striking the word  
6 "services" and inserting the following: "service".

7 3. Page 1, line 25, by striking the word "are"  
8 and inserting the following: "is".

9 4. Page 1, line 26, by inserting after the word  
10 "territory." the following: "The taxes and fees  
11 collected by the annexing city shall reflect the  
12 direct and indirect expenses related to the extension  
13 of each city service."

By DODERER of Johnson

H-8479 FILED MARCH 17, 1998

ADOPTED

(p. 181)

5-3/18/98 Local Gov.  
5-3/19/98 Do Pass  
5-3/26/98 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 2005  
BY LARSON

(As Amended and Passed by the House, March 17, 1998)

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

A BILL FOR

1 An Act relating to the voter approval of annexation and severance  
2 of territory to or from a city and providing effective date  
3 and applicability provisions.

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

HOUSE FILE 2005

S-5442

1 Amend House File 2005, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 14, by inserting after the word  
4 "severance" the following: "by a city having a  
5 population of twenty thousand or more".  
6 2. Page 1, line 19, by inserting after the word  
7 "severance" the following: "by a city having a  
8 population of twenty thousand or more".  
9 3. Page 1, line 27, by inserting after the word  
10 "conducted." the following: "In a case of annexation  
11 or severance by a city having a population of less  
12 than twenty thousand, registered voters of the  
13 territory and of the city may vote, and the proposal  
14 is authorized if a majority of the total number of  
15 persons voting approves it."

By JOHN W. JENSEN

S-5442 FILED MARCH 31, 1998

1 Section 1. Section 368.19, unnumbered paragraph 1, Code  
2 1997, 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  
17 territory and voting approves it and if a majority of the  
18 total number of persons residing in the city and voting  
19 approves it. In case of severance, registered voters of that  
20 area of the city to be severed and of the remainder of the  
21 city may vote, and the proposal is authorized if a majority of  
22 the total number of persons residing in the area to be severed  
23 and voting approves it and if a majority of the total number  
24 of persons residing in the remainder of the city and voting  
25 approves it. However, if there are no registered voters in  
26 the territory to be severed or annexed, a special election on  
27 the proposal shall not be conducted. In a case of  
28 consolidation, registered voters of each city to be  
29 consolidated may vote, and the proposal is authorized only if  
30 it receives a favorable majority vote in each city. The  
31 county commissioner of elections shall publish notice of the  
32 election as provided in section 49.53 and shall conduct the  
33 election in the same manner as other special city elections.

34 Sec. 2. EFFECTIVE DATE -- APPLICABILITY. This Act, being  
35 deemed of immediate importance, takes effect upon enactment

1 and applies to any special election conducted pursuant to  
2 section 368.19 after the effective date of this Act to approve  
3 or disapprove a petition pending before the city development  
4 board before the effective date of this Act.

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## HOUSE FILE 2005

S-5677

1 Amend House File 2005, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. MORATORIUM ON ANNEXATION BY A CITY.  
6 Notwithstanding chapter 368, division III, from the  
7 effective date of this Act until July 1, 1999, the  
8 city development board shall not accept a petition for  
9 an involuntary annexation of territory to a city. The  
10 board shall also discontinue any actions or  
11 proceedings relating to a hearing, approval, or  
12 election on a petition or plan for an involuntary  
13 annexation of territory pending before the board  
14 during the moratorium from the effective date of the  
15 Act until July 1, 1999. On or after July 1, 1999, the  
16 board may proceed with the implementation of petitions  
17 and plans relating to involuntary annexations of  
18 territory pursuant to chapter 368, division III.

19 2. Notwithstanding chapter 28E, from the effective  
20 date of this Act until July 1, 1999, a city shall not  
21 enter into an agreement to restrict or prohibit the  
22 voluntary annexation of any territory to a city.

23 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
24 immediate importance, takes effect upon enactment."

25 2. Title page, by striking line 1 and inserting  
26 the following: "An Act relating to a moratorium on  
27 the annexation".

By ANDY MCKEAN  
MERLIN E. BARTZ

NANCY BOETTGER  
BILL FINK

S-5677 FILED APRIL 15, 1998

## HOUSE FILE 2005

S-5738

1 Amend House File 2005, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 373A.1 CONSOLIDATION OF  
6 CERTAIN CITIES.

7 1. On January 1, 2000, a consolidated metropolitan  
8 city is created by consolidation of the following  
9 cities located in whole or in part in a county having  
10 a population of three hundred thousand or more:

11 a. A city having a population of one hundred  
12 ninety thousand or more.

13 b. Each city which has a common boundary with a  
14 city having a population of one hundred ninety  
15 thousand or more.

16 c. Each city which has a common boundary with any  
17 city described in paragraph "b".

18 d. Any other city in the county which has a  
19 population of eighteen thousand or more.

20 2. Not later than September 1, 1998, the governing  
21 body of the largest city involved in the consolidation  
22 shall establish a consolidation redistricting  
23 commission. The commission shall be composed of one  
24 member appointed by the city council of each city  
25 involved in the consolidation plus an additional  
26 member appointed by each city council for each twenty-  
27 five thousand residents of the city. A vacancy on the  
28 commission shall be filled by appointment in the same  
29 manner as the original appointment. The city clerk of  
30 the city with the largest population shall notify all  
31 commission members of the date, time, and location of  
32 the first meeting. At the first meeting, a  
33 chairperson, vice chairperson, and other necessary  
34 officers shall be selected. The commission shall  
35 adopt rules governing the conduct of its meetings,  
36 subject to chapter 21. The members shall serve  
37 without compensation, but they are entitled to travel  
38 and other necessary expenses relating to their duties  
39 of office. The affected cities shall make available  
40 to the commission in-kind services such as office  
41 space, printing, supplies, and equipment. The  
42 expenses of the commission shall be apportioned to the  
43 affected cities based on their respective populations.

44 3. The consolidation redistricting commission  
45 shall do all of the following:

46 a. Establish the geographic boundaries of the  
47 consolidated metropolitan city based on the  
48 requirements of subsection 1.

49 b. Determine the number of council members and  
50 establish election districts for the members of the

S-5738

S-5738

Page 2

1 consolidated metropolitan city. The redistricting  
2 plan shall be completed by February 1, 1999.

3 c. Provide for the at-large election of a mayor or  
4 officer to preside over the metropolitan consolidated  
5 council.

6 d. Provide for the nonpartisan election of the  
7 officers of the consolidated metropolitan city  
8 offices.

9 e. Provide for the orderly transition to the  
10 consolidated metropolitan government. The form of  
11 government of the city with the largest population  
12 involved in the consolidation shall be implemented  
13 until changed as provided in chapter 372.

14 f. Specify the powers and duties of the  
15 consolidated metropolitan council, its administrative  
16 officers, and elected officials.

17 g. Initiate the budget-making process for the  
18 fiscal year beginning July 1, 2000.

19 4. During the transition from January 1, 2000, to  
20 July 1, 2000, the members of the consolidated  
21 metropolitan council and any other elected officer  
22 shall be elected at the city election held in November  
23 1999. The council members and other elected officers  
24 shall take office on the first day in January which is  
25 not a Sunday or legal holiday, following the regular  
26 city election. The consolidated city council shall  
27 adopt a city charter, appoint a city manager, organize  
28 the administrative structure of the consolidated city  
29 including the creation, abolition, or consolidation of  
30 departments, agencies, boards, and commissions, and  
31 adopt a city budget as otherwise provided by law.

32 5. A consolidated metropolitan city established  
33 pursuant to this section shall not involuntarily annex  
34 territory before July 1, 2020.

35 6. The government of the consolidated metropolitan  
36 city takes effect on July 1, 2000. Except as  
37 otherwise provided by the city charter adopted by the  
38 consolidated metropolitan city council, the offices of  
39 elected and appointed city officers of the individual  
40 cities which are consolidated pursuant to this section  
41 are abolished on July 1, 2000, and the terms of office  
42 of elected or appointed officers of such cities shall  
43 expire on July 1, 2000."

44 2. Title page, by striking lines 1 through 3 and  
45 inserting the following: "An Act establishing a  
46 consolidated metropolitan city government in a certain  
47 county, and providing effective dates."

By ROD HALVORSON

S-5738 FILED APRIL 16, 1998