

MAR 5 1997
LOCAL GOVERNMENT

HOUSE FILE
BY LARSON

444

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, including voters residing
3 within two miles of a proposed annexation.

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

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HL 444

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 a case of annexation, registered voters
20 residing within two miles of the exterior boundaries of the
21 territory to be annexed and not residing within a city may
22 vote as a part of the voters of the territory to be annexed.
23 In case of severance, registered voters of that area of the
24 city to be severed and of the remainder of the city may vote,
25 and the proposal is authorized if a majority of the total
26 number of persons residing in the area to be severed and
27 voting approves it and if a majority of the total number of
28 persons residing in the remainder of the city and voting
29 approves it. In a case of consolidation, registered voters of
30 each city to be consolidated may vote, and the proposal is
31 authorized only if it receives a favorable majority vote in
32 each city. The county commissioner of elections shall publish
33 notice of the election as provided in section 49.53 and shall
34 conduct the election in the same manner as other special city
35 elections.

EXPLANATION

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2 This bill provides that an annexation or severance of
3 territory to or from a city shall be approved by a majority of
4 the city voters voting on the issue and by a majority of the
5 voters voting and residing in the territory to be affected by
6 the annexation or severance. In case of annexation,
7 registered voters residing within two miles of the exterior
8 boundaries of the territory to be annexed and not residing
9 within a city may vote as a part of the territory to be
10 annexed. The city voters and the voters of the affected
11 territory must separately approve the proposal. Under current
12 law, the proposal is authorized if a majority of the combined
13 votes of the city voters and the affected territory voters
14 approves the proposal.

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