

FILED JAN 12 1998

SENATE FILE 2009
BY MCKEAN

(COMPANION TO LSB 3029HH BY LARSON)

Passed Senate, Date _____ Passed House, 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.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. 2009

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.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35