

3-16-99 Amend/Do Pass w/H - 1094
5/6/99 Returned to Local Gov.

JAN 20 1999

LOCAL GOVERNMENT

HOUSE FILE 112
BY GIPP

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

A BILL FOR

1 An Act relating to the provision of municipal services to annexed
2 territory and providing for the Act's applicability.

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

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H
112

1 Section 1. Section 368.11, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. Plans for extending municipal
4 services to be provided by the annexing city to the annexed
5 territory within three years of completion of the annexation
6 process, which date is established pursuant to section 368.20.

7 Sec. 2. NEW SECTION. 368.25 FAILURE TO PROVIDE MUNICIPAL
8 SERVICES.

9 If a city fails to provide municipal services to territory
10 involuntarily annexed within three years after the annexation
11 process is completed, the city development board shall
12 initiate proceedings to sever the annexed territory from the
13 city. A petition for severance filed pursuant to this section
14 shall be filed and acted upon in the same manner as a petition
15 under section 368.11. For purposes of this section and
16 section 368.11, subsection 14, "municipal services" includes,
17 but is not limited to, water supply, sewer disposal, solid
18 waste collection, and police and fire protection.

19 Sec. 3. APPLICABILITY. This Act applies to annexations
20 approved at an election held on or after the effective date of
21 this Act, regardless of the date an annexation petition was
22 filed.

23 EXPLANATION

24 This bill requires the city development board to initiate
25 an action for severance of territory which had been
26 involuntarily annexed to a city if the city fails to provide
27 municipal services to the territory within three years of the
28 date the annexation is completed. A petition for severance
29 filed by the board under these circumstances is to be acted
30 upon in the same manner as an involuntary petition, and is
31 subject to approval by the committee of board and local
32 representatives and is subject to approval at an election.

33 The bill also requires a city to include in its petition
34 for involuntary annexation the city's plans for providing
35 municipal services to territory proposed to be annexed.

1 The bill applies to annexations approved at elections held
2 on or after the effective date of this Act, regardless of the
3 date the petitions were filed.

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1 Amend House File 112 as follows:

2 1. Page 1, by inserting after line 6 the
3 following:

4 "Sec. ____ . Section 368.11, unnumbered paragraph 4,
5 Code 1999, is amended to read as follows:

6 At least ~~ten~~ thirty days before a petition for
7 involuntary annexation is filed as provided in this
8 section, the petitioner shall make its intention known
9 by sending a letter of intent by certified mail to the
10 council of each city whose urbanized area contains a
11 portion of the territory, the board of supervisors of
12 each county which contains a portion of the territory,
13 the regional planning authority of the territory
14 involved, each affected public utility, and to each
15 property owner listed in the petition. The written
16 notification shall include notice that the petitioners
17 shall hold a public meeting on the petition for
18 involuntary annexation prior to the filing of the
19 petition.

20 Sec. ____ . Section 368.11, Code 1999, is amended by
21 adding the following new unnumbered paragraph after
22 unnumbered paragraph 5:

23 NEW UNNUMBERED PARAGRAPH. In any case where the
24 board of supervisors of the county in which the
25 territory is located is not the petitioner, the board
26 must, upon receipt of the letter of intent to annex,
27 call a public meeting on the proposed petition. The
28 public meeting shall be held within ten days of
29 receipt of such letter and shall be conducted by the
30 board of supervisors. Prior to the meeting, the board
31 shall publish notice of the meeting in a newspaper of
32 general circulation in the county.

33 Sec. ____ . Section 368.19, unnumbered paragraph 1,
34 Code 1999, is amended to read as follows:

35 The committee shall approve or disapprove the
36 petition or plan as amended, within ninety days of the
37 final hearing, and shall file its decision for record
38 and promptly notify the parties to the proceeding of
39 its decision. The petition or plan must also be
40 approved or disapproved by the board of supervisors of
41 the county in which the territory is located within
42 thirty days of a final determination on the petition
43 or plan by the city development board. In making its
44 decision, the board of supervisors shall determine
45 whether or not the annexation proposal conforms to the
46 land use comprehensive plans of the county and of any
47 cities located near the territory proposed to be
48 annexed.

49 PARAGRAPH DIVIDED. If a petition or plan is
50 approved by the city development board and the board

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1 of supervisors, the city development board shall set a
2 date not less than thirty days nor more than ninety
3 days after approval for a special election on the
4 proposal and the county commissioner of elections
5 shall conduct the election. In a case of
6 incorporation or discontinuance, registered voters of
7 the territory or city may vote, and the proposal is
8 authorized if a majority of those voting approves it.
9 In a case of annexation or severance, registered
10 voters of the territory and of the city may vote, and
11 the proposal is authorized if a majority of the total
12 number of persons voting approves it. In a case of
13 consolidation, registered voters of each city to be
14 consolidated may vote, and the proposal is authorized
15 only if it receives a favorable majority vote in each
16 city. The county commissioner of elections shall
17 publish notice of the election as provided in section
18 49.53 and shall conduct the election in the same
19 manner as other special city elections."

20 2. Title page, line 2, by inserting after the
21 word "territory" the following: ", to public meeting
22 requirements for involuntary annexations, to county
23 approval of annexation petitions and plans,".

24 3. By renumbering as necessary.

By RICHARDSON of Warren

H-1333 FILED MARCH 31, 1999

HOUSE FILE 112

H-1094

- 1 Amend House File 112 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 368.11, Code 1999, is amended
- 5 by adding the following new unnumbered paragraph
- 6 before unnumbered paragraph 3:
- 7 NEW UNNUMBERED PARAGRAPH. Plans required by this
- 8 section to be filed with a petition shall include
- 9 specific information pertaining to estimated costs of
- 10 implementing the plan, the time frame involved in
- 11 implementing the plan, and any other specific
- 12 information related to implementing the plan."
- 13 2. By renumbering as necessary.

By COMMITTEE ON LOCAL GOVERNMENT
HOUSER of Pottawattamie, Chairperson

H-1094 FILED MARCH 16, 1999

HOUSE FILE 112

H-1322

- 1 Amend House File 112 as follows:
- 2 1. Page 1, by inserting after line 18, the
- 3 following:
- 4 "During the three-year period, a property owner in
- 5 the annexed territory shall not be assessed or charged
- 6 a fee related to provision of any municipal service
- 7 until that service is extended to the territory by
- 8 providing for hookup within a reasonable distance of
- 9 the property owner."

By RICHARDSON of Warren

H-1322 FILED MARCH 30, 1999