

JAN 12 1999
LOCAL GOVERNMENT

HOUSE FILE 29
BY LARSON

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 including effective date
3 and applicability provisions.

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

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HF 29

1 Section 1. Section 368.19, unnumbered paragraph 1, Code
2 1999, 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 and the proposal shall be
28 implemented as if the proposal was approved at a special
29 election. 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.

