

Miller
McKibben
Bolkcom

SSB 3039

Local Government

Succeeded By

SENATE FILE

(SF/HF 2091)

BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY
CHAIRPERSON ANGELO)

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

A BILL FOR

1 An Act relating to procedures for discontinuance of a city.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 current law. Currently, a city may discontinue by six years
 2 of inactivity, which means no elections and no taxes have been
 3 certified for six years or by following involuntary
 4 discontinuance procedures in Code sections 368.11 through
 5 368.22.

6 The bill provides that a council may adopt a resolution of
 7 intent to discontinue and conduct a public hearing on the
 8 resolution. After the public hearing, the council may adopt a
 9 resolution of discontinuance or a resolution abandoning the
 10 proposal. If the resolution of discontinuance is adopted,
 11 opponents may file a petition for an election on the proposal
 12 within 30 days after the effective date of the resolution. If
 13 the election favors discontinuance or if no petition for an
 14 election is filed, the city clerk shall notify the city
 15 development board which shall take control of the property of
 16 the discontinued city and supervise the necessary
 17 discontinuance procedures as provided in Code section 368.21.

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Substituted for HF 2281
(P. 557) 3-6-00

FILED FEB 3 2000

SENATE FILE 2091
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3039)

Passed Senate, ^(P. 456) Date 2/29/00 Passed House, ^(P. 557) Date 3-6-00
Vote: Ayes 48 Nays 0 Vote: Ayes 100 Nays 0
Approved March 14, 2000

A BILL FOR

1 An Act relating to procedures for discontinuance of a city.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2091

1 Section 1. Section 368.3, Code 1999, is amended by adding
2 the following new unnumbered paragraph after unnumbered
3 paragraph 1:

4 NEW UNNUMBERED PARAGRAPH. A city may also be discontinued
5 in accordance with the following procedures. The council
6 shall adopt a resolution of intent to discontinue and shall
7 call a public hearing on the proposal to discontinue. Notice
8 of the time and place of the public hearing and the proposed
9 action shall be published as provided in section 362.3, except
10 that at least ten days' notice must be given. At the public
11 hearing, the council shall receive oral and written comments
12 regarding the proposal from any person. Thereafter, the
13 council, at the same meeting or at a subsequent meeting, may
14 pass a resolution of discontinuance or pass a resolution
15 abandoning the proposal. If the council passes a resolution
16 of discontinuance, a petition may be filed with the clerk in
17 the manner provided in section 362.4, within thirty days
18 following the effective date of the resolution, requesting
19 that the question of discontinuance be submitted to the
20 registered voters of the city. Upon receipt of a petition
21 requesting an election, the council shall direct the county
22 commissioner of elections to call a special election on the
23 question of discontinuance or shall adopt a resolution
24 abandoning the discontinuance. Notice of the election shall
25 be given by publication as required in section 49.53. If a
26 majority of those voting approve the discontinuance or if no
27 petition for an election is filed, the clerk shall send a copy
28 of the resolution of discontinuance and, if an election is
29 held, the results of the election to the board. The board
30 shall take control of the property of the discontinued city
31 and shall supervise procedures necessary to carry out the
32 discontinuance in accordance with section 368.21.

33 EXPLANATION

34 This bill provides alternative procedures for
35 discontinuance by a city to the two procedures offered under

1 current law. Currently, a city may discontinue by six years
2 of inactivity, which means no elections and no taxes have been
3 certified for six years or by following involuntary
4 discontinuance procedures in Code sections 368.11 through
5 368.22.

6 The bill provides that a council may adopt a resolution of
7 intent to discontinue and conduct a public hearing on the
8 resolution. After the public hearing, the council may adopt a
9 resolution of discontinuance or a resolution abandoning the
10 proposal. If the resolution of discontinuance is adopted,
11 opponents may file a petition for an election on the proposal
12 within 30 days after the effective date of the resolution. If
13 the election favors discontinuance or if no petition for an
14 election is filed, the city clerk shall notify the city
15 development board which shall take control of the property of
16 the discontinued city and supervise the necessary
17 discontinuance procedures as provided in Code section 368.21.

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SENATE FILE 2091

AN ACT
RELATING TO PROCEDURES FOR DISCONTINUANCE OF A CITY.

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

Section 1. Section 368.3, Code 1999, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. A city may also be discontinued in accordance with the following procedures. The council shall adopt a resolution of intent to discontinue and shall call a public hearing on the proposal to discontinue. Notice of the time and place of the public hearing and the proposed action shall be published as provided in section 362.3, except that at least ten days' notice must be given. At the public hearing, the council shall receive oral and written comments regarding the proposal from any person. Thereafter, the council, at the same meeting or at a subsequent meeting, may pass a resolution of discontinuance or pass a resolution abandoning the proposal. If the council passes a resolution of discontinuance, a petition may be filed with the clerk in the manner provided in section 362.4, within thirty days following the effective date of the resolution, requesting that the question of discontinuance be submitted to the registered voters of the city. Upon receipt of a petition requesting an election, the council shall direct the county commissioner of elections to call a special election on the question of discontinuance or shall adopt a resolution abandoning the discontinuance. Notice of the election shall be given by publication as required in section 49.53. If a majority of those voting approve the discontinuance or if no petition for an election is filed, the clerk shall send a copy of the resolution of discontinuance and, if an election is

held, the results of the election to the board. The board shall take control of the property of the discontinued city and shall supervise procedures necessary to carry out the discontinuance in accordance with section 368.21.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2091, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved March 14, 2000

THOMAS J. VILSACK
Governor