

FILED JAN 21 1999

SENATE FILE 36

BY FINK and McKEAN

(COMPANION TO HF 29

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 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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SF 36 LOCAL GOVERNMENT

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.

1 Sec. 2. EFFECTIVE DATE -- APPLICABILITY. This Act, being
2 deemed of immediate importance, takes effect upon enactment
3 and applies to any special election conducted pursuant to
4 section 368.19 after the effective date of this Act to approve
5 or disapprove a petition pending before the city development
6 board before, on, or after the effective date of this Act.

7 EXPLANATION

8 This bill provides that an annexation or severance of
9 territory to or from a city shall be approved by a majority of
10 the city voters voting on the issue and by a majority of the
11 voters voting and residing in the territory to be affected by
12 the annexation or severance. The city voters and the voters
13 of the affected territory must separately approve the
14 proposal. Under current law, the proposal is authorized if a
15 majority of the combined votes of the city voters and the
16 affected territory voters approves the proposal.

17 If there are no registered voters in a territory to be
18 annexed or severed, a special election on the proposal shall
19 not be conducted and the proposal shall be implemented as if
20 the proposal was approved at a special election.

21 This bill takes effect upon enactment and applies to any
22 special election conducted to approve or disapprove a petition
23 pending before the city development board before, on, or after
24 the effective date of this bill.

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