

Senate Study Bill 3039

Bill Text

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1 1 Section 1. Section [368.3](#), Code 1999, is amended by adding
1 2 the following new unnumbered paragraph after unnumbered
1 3 paragraph 1:
1 4 NEW UNNUMBERED PARAGRAPH. A city may also be discontinued
1 5 in accordance with the following procedures. The council
1 6 shall adopt a resolution of intent to discontinue and shall
1 7 call a public hearing on the proposal to discontinue. Notice
1 8 of the time and place of the public hearing and the proposed
1 9 action shall be published as provided in section 362.3, except
1 10 that at least ten days' notice must be given. At the public
1 11 hearing, the council shall receive oral and written comments
1 12 regarding the proposal from any person. Thereafter, the
1 13 council, at the same meeting or at a subsequent meeting, may
1 14 pass a resolution of discontinuance or pass a resolution
1 15 abandoning the proposal. If the council passes a resolution
1 16 of discontinuance, a petition may be filed with the clerk in
1 17 the manner provided in section 362.4, within thirty days
1 18 following the effective date of the resolution, requesting
1 19 that the question of discontinuance be submitted to the
1 20 registered voters of the city. Upon receipt of a petition
1 21 requesting an election, the council shall direct the county
1 22 commissioner of elections to call a special election on the
1 23 question of discontinuance or shall adopt a resolution
1 24 abandoning the discontinuance. Notice of the election shall
1 25 be given by publication as required in section 49.53. If a
1 26 majority of those voting approve the discontinuance or if no
1 27 petition for an election is filed, the clerk shall send a copy
1 28 of the resolution of discontinuance and, if an election is
1 29 held, the results of the election to the board. The board
1 30 shall take control of the property of the discontinued city
1 31 and shall supervise procedures necessary to carry out the
1 32 discontinuance in accordance with section 368.21.

1 33 EXPLANATION

1 34 This bill provides alternative procedures for
1 35 discontinuance by a city to the two procedures offered under
2 1 current law. Currently, a city may discontinue by six years
2 2 of inactivity, which means no elections and no taxes have been
2 3 certified for six years or by following involuntary
2 4 discontinuance procedures in Code sections 368.11 through
2 5 368.22.

2 6 The bill provides that a council may adopt a resolution of
2 7 intent to discontinue and conduct a public hearing on the
2 8 resolution. After the public hearing, the council may adopt a
2 9 resolution of discontinuance or a resolution abandoning the
2 10 proposal. If the resolution of discontinuance is adopted,
2 11 opponents may file a petition for an election on the proposal
2 12 within 30 days after the effective date of the resolution. If
2 13 the election favors discontinuance or if no petition for an
2 14 election is filed, the city clerk shall notify the city
2 15 development board which shall take control of the property of
2 16 the discontinued city and supervise the necessary
2 17 discontinuance procedures as provided in Code section 368.21.

2 18 LSB 5935SC 78

2 19 tj/cf/24

