

FEB 19 2007
STATE GOVERNMENT

HOUSE FILE 316
BY LARSON

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

A BILL FOR

1 An Act relating to city and county ordinances allowing adoption
2 of ordinances by petition and election.

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

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HF 316

1 Section 1. NEW SECTION. 331.309 ADOPTION OF ORDINANCES
2 BY PETITION AND ELECTION.

3 1. The board of supervisors of a county may adopt an
4 ordinance providing for the right of the people to propose
5 ordinances by petition for submission to the voters at an
6 election. Such proposed ordinances are limited in subject to
7 matters under the jurisdiction of the board of supervisors.

8 2. For purposes of this section, "ordinance" means a
9 county law of a general and permanent nature, and includes a
10 proposition adopting, amending, or repealing a new or existing
11 law, policy, or plan. An ordinance does not include a
12 proposition providing for the execution or administration of a
13 law, policy, or plan already adopted by the board.

14 3. a. Upon receipt of a valid petition containing the
15 signatures of eligible electors in the county equal in number
16 to five percent of those voting in the county for the office
17 of governor or president at the last preceding general
18 election, the board of supervisors shall direct the county
19 commissioner of elections to call an election on the matter.

20 b. The resolution submitted by the board to the
21 commissioner of elections shall include all of the following:

22 (1) The proposed date of the election which may be the
23 same day as another election if the elections do not conflict
24 as defined in section 47.6. The commissioner must receive the
25 resolution from the board not less than thirty-two days before
26 the election.

27 (2) The full text of the proposed ordinance to be
28 presented to the voters of the county.

29 (3) The date the ordinance will become effective if
30 approved by the voters.

31 4. The county commissioner of elections shall conduct the
32 election in the manner provided by chapters 39 through 53, as
33 applicable.

34 5. The right to petition for adoption of an ordinance by
35 election shall not extend to any of the following:

- 1 a. Any measure of an executive or administrative nature.
- 2 b. The county budget.
- 3 c. The appropriation of money.
- 4 d. The levy of taxes or special assessments.
- 5 e. The issuance of general obligation bonds or revenue
- 6 bonds.
- 7 f. The letting of contracts.
- 8 g. Salaries of county employees.
- 9 h. Emergency ordinances relating to the health, safety,
- 10 and welfare of the citizens of the county.
- 11 i. Any measure required to be enacted by state or federal
- 12 law.
- 13 j. Amendments affecting the county zoning ordinance.

14 Sec. 2. NEW SECTION. 364.26 ADOPTION OF ORDINANCE BY
15 PETITION AND ELECTION.

16 1. The city council of a city may adopt an ordinance
17 providing for the right of the people to propose ordinances by
18 petition for submission to the voters at an election. Such
19 proposed ordinances are limited in subject to matters under
20 the jurisdiction of the city council.

21 2. For purposes of this section, "ordinance" means a city
22 law of a general and permanent nature, and includes a
23 proposition adopting, amending, or repealing a new or existing
24 law, policy, or plan. An ordinance does not include a
25 proposition providing for the execution or administration of a
26 law, policy, or plan already adopted by the city council.

27 3. a. Upon receipt of a valid petition containing the
28 signatures of eligible electors in the city equal in number to
29 five percent of those voting in the city for the office of
30 governor or president at the last preceding general election,
31 the city council shall direct the county commissioner of
32 elections to call an election on the matter.

33 b. The resolution submitted by the city council to the
34 commissioner of elections shall include all of the following:

- 35 (1) The proposed date of the election which may be the

1 same day as another election if the elections do not conflict
2 as defined in section 47.6. The commissioner must receive the
3 resolution from the city council not less than thirty-two days
4 before the election.

5 (2) The full text of the proposed ordinance to be
6 presented to the voters of the city.

7 (3) The date the ordinance will become effective if
8 approved by the voters.

9 4. The county commissioner of elections shall conduct the
10 election in the manner provided by chapters 39 through 53, as
11 applicable.

12 5. The right to petition for adoption of an ordinance by
13 election shall not extend to any of the following:

14 a. Any measure of an executive or administrative nature.

15 b. The city budget.

16 c. The appropriation of money.

17 d. The levy of taxes or special assessments.

18 e. The issuance of general obligation bonds or revenue
19 bonds.

20 f. The letting of contracts.

21 g. Salaries of city employees.

22 h. Emergency ordinances relating to the health, safety,
23 and welfare of the citizens of the city.

24 i. Any measure required to be enacted by state or federal
25 law.

26 j. Amendments affecting the city zoning ordinance.

27 EXPLANATION

28 This bill allows cities and counties to adopt an ordinance
29 granting the people the power to petition for a proposed
30 ordinance to be placed on the ballot. The subject matter of
31 an ordinance proposed by petition may be any subject under the
32 jurisdiction of the city council or board of supervisors,
33 except for matters pertaining to the budget and appropriation
34 of money, the levy of taxes and special assessments, the
35 issuance of bonds, the letting of contracts, city or county

1 employee salaries, emergencies, and zoning. The bill also
2 does not allow petitioned ordinances on any measure of an
3 executive or administrative nature and any measure required to
4 be enacted by state or federal law.

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