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SENATE FILE  
BY LUNDBY

164

LOCAL GOVERNMENT

(COMPANION TO 1497HH BY DANDEKAR)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to county supervisors in certain counties by  
2 allowing full-time or part-time status to be decided by the  
3 electorate, by requiring a five-member board of supervisors  
4 elected by voters in districts, by requiring districts to be  
5 drawn by the state commissioner of elections, and including  
6 implementation, effective date, and transition provisions.

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

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SC 164 LOCAL GOVERNMENT

1 Section 1. Section 331.201, subsection 1, Code 2005, is  
2 amended to read as follows:

3 1. ~~The~~ Except as otherwise provided in section 331.205A,  
4 the board shall consist of three members unless. However, the  
5 membership ~~is~~ may be increased to five as provided in section  
6 331.203.

7 Sec. 2. NEW SECTION. 331.202 FULL-TIME OR PART-TIME  
8 STATUS IN CERTAIN COUNTIES -- VOTE.

9 In counties with a population over one hundred seventy-five  
10 thousand, the board shall, upon petition of the number of  
11 eligible electors of the county as specified in section  
12 331.306, and filed in the manner provided in that section,  
13 submit to the registered voters of the county at a general  
14 election a proposition to change the status of the board from  
15 full-time to part-time or from part-time to full-time, as  
16 applicable. If a majority of the votes cast on the  
17 proposition is in favor of changing the status of the board,  
18 the status of the board shall be changed effective the first  
19 day in January which is not a Sunday or holiday following the  
20 general election.

21 Sec. 3. NEW SECTION. 331.205A BOARD MEMBERSHIP IN  
22 CERTAIN COUNTIES -- PLAN "THREE" REQUIRED.

23 1. Notwithstanding any provision in this part to the  
24 contrary, in counties with a population over one hundred  
25 seventy-five thousand, the board shall consist of five members  
26 and the supervisor representation plan for those counties  
27 shall be plan "three" as defined in section 331.206. The  
28 supervisor representation plan and corresponding precinct plan  
29 for counties subject to this section shall be drawn in  
30 accordance with section 331.210A, subsection 2, paragraph "g".

31 2. After the effective date of this Act, a county whose  
32 population growth causes it to exceed one hundred seventy-five  
33 thousand, according to a federal decennial census, shall  
34 follow the procedures in section 331.207 as if the county  
35 electorate had approved a change to plan "three", except that

1 the state commissioner of elections shall divide the county  
2 into districts.

3 Sec. 4. Section 331.210A, subsection 2, Code 2005, is  
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. g. (1) Notwithstanding the provisions of  
6 this section to the contrary, for a county described in  
7 section 331.205A, the state commissioner of elections shall  
8 draw a representation plan and corresponding precinct plan as  
9 if the state commissioner of elections was a temporary county  
10 redistricting commission and shall follow the requirements of  
11 paragraph "a" in drawing such plans. After the state  
12 commissioner of elections has drawn the supervisor districting  
13 plan and corresponding precinct plan, the state commissioner  
14 of elections shall at the earliest feasible time make  
15 available to the public all of the information required to be  
16 made public by paragraph "b".

17 (2) The state commissioner of elections shall submit the  
18 plan to the board of supervisors, and the board shall comply  
19 with the duties required of a temporary county redistricting  
20 commission by paragraph "c".

21 (3) After the requirements of paragraphs "a" through "c"  
22 have been met, the board shall review the plan submitted by  
23 the state commissioner of elections and shall approve or  
24 reject the plan. If the plan is rejected, the board shall  
25 give written reasons for the rejection and shall direct the  
26 state commissioner of elections to prepare a second plan, as  
27 provided in paragraph "d". However, neither plan may be  
28 amended by the board. After receiving the second plan, the  
29 board shall approve either the first plan or the second plan.

30 (4) Paragraph "e" does not apply to counties whose plans  
31 are drawn under this paragraph "g".

32 (5) The state commissioner of elections shall assess to  
33 the county the expenses incurred in complying with this  
34 paragraph "g".

35 (6) The state commissioner of elections may request the

1 services of personnel and materials available to the  
2 legislative services agency to assist the state commissioner  
3 in complying with this paragraph "g".

4 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
5 3, Code 2005, shall not apply to this Act.

6 Sec. 6. EFFECTIVE DATE AND TRANSITION.

7 1. This Act, being deemed of immediate importance, takes  
8 effect upon enactment.

9 2. For those counties which, as of the effective date of  
10 this Act, have a population over one hundred seventy-five  
11 thousand and have a five-member board of supervisors elected  
12 under plan "three", the requirement that the county's  
13 representation plan and corresponding precinct plan be drawn  
14 by the state commissioner of elections shall apply to the plan  
15 required to be drawn following the 2010 federal decennial  
16 census.

17 3. For those counties which, as of the effective date of  
18 this Act, have a population over one hundred seventy-five  
19 thousand and do not have a five-member board of supervisors,  
20 or which have a five-member board of supervisors for which the  
21 members are elected under plan "one" or plan "two", the  
22 procedure for complying with section 331.210, subsection 2,  
23 paragraph "g", as enacted in this Act, shall be completed by  
24 the state commissioner of elections and the county board of  
25 supervisors by January 1, 2006, in order to allow for election  
26 of a new five-member board at the general election in November  
27 2006.

28 The terms of those incumbent supervisors whose offices are  
29 up for election in November 2008 shall be shortened, so that  
30 at the general election in November 2006, two persons shall be  
31 elected as members of the board for initial terms of two years  
32 and three persons shall be elected as members of the board for  
33 four years. The determination as to whether a term of office  
34 shall be for two or four years shall be decided by lot before  
35 the primary election, and the results of the determination

1 indicated on the ballot in the primary and general elections.

2 EXPLANATION

3 This bill makes changes relating to county supervisors in  
4 certain counties.

5 The bill provides that in counties with a population over  
6 175,000, eligible electors may petition for an election on the  
7 question of whether the board of supervisors should be changed  
8 from full-time status to part-time status or from part-time  
9 status to full-time status.

10 The bill also requires that in counties with a population  
11 over 175,000, the board of supervisors shall have five members  
12 and the supervisor representation plan for that county shall  
13 be plan "three". Plan "three" representation means that the  
14 county is divided into supervisor districts and one supervisor  
15 is elected from each district by the voters residing in the  
16 district. The bill requires that the supervisor  
17 representation plan and the corresponding precinct plan for  
18 such counties shall be drawn by the state commissioner of  
19 elections (secretary of state).

20 The bill takes effect upon enactment. For those counties  
21 which, as of the effective date, have a population over  
22 175,000 and have a five-member board with plan "three"  
23 representation, the requirement that the state commissioner of  
24 elections draw the supervisor districting plan and the  
25 corresponding precinct plan applies to the plan required to be  
26 drawn following the 2010 federal decennial census. For those  
27 counties which, as of the effective date of the bill, have a  
28 population over 175,000 and do not have a five-member board of  
29 supervisors, or which have a five-member board with members  
30 elected under plan "one" or plan "two", the process for  
31 adopting a supervisor districting plan and corresponding  
32 precinct plan shall be completed by January 1, 2006, in order  
33 to allow for election of a new five-member board, with  
34 staggered terms, in November 2006.

35 The bill may include a state mandate as defined in Code

1 section 25B.3. The bill makes inapplicable Code section  
2 25B.2, subsection 3, which would relieve a political  
3 subdivision from complying with a state mandate if funding for  
4 the cost of the state mandate is not provided or specified.  
5 Therefore, political subdivisions are required to comply with  
6 any state mandate included in the bill.

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