

3/20/02 Rereferred To: State Gov

FEB 28 2002
Place On Calendar

HOUSE FILE 2540
BY COMMITTEE ON STATE
GOVERNMENT
(SUCCESSOR TO HF 2174)

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

A BILL FOR

1 An Act requiring formation of local government consolidation
2 committees and amending certain procedures for local
3 government consolidation.

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

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HF 2540

1 Section 1. NEW SECTION. 331.264 LOCAL GOVERNMENT
2 CONSOLIDATION COMMITTEE.

3 1. A local government consolidation committee is created
4 in each county. The committee shall be composed of the
5 following members:

6 a. Three city council members chosen by the city council
7 of each participating city with a population of twenty-five
8 thousand or more.

9 b. Three county supervisors chosen by the county board of
10 supervisors.

11 c. One city council member appointed by each city with a
12 population of less than twenty-five thousand.

13 d. Two members shall be appointed by each state legislator
14 whose legislative district is located in the county if a
15 majority of the constituents of that legislative district
16 reside in the county. However, if a county does not have a
17 state representative's legislative district which has a
18 majority of a state representative's constituency residing in
19 the county, the state representative having the largest
20 plurality of constituents residing in the county shall appoint
21 two members. At least one of the members appointed by each
22 state legislator shall be a person who is not holding elected
23 office and who is a resident of the legislative district of
24 the state legislator. For purposes of this paragraph,
25 appointments made before January 13, 2003, shall be based on
26 the legislative districts established after the 1990 federal
27 decennial census. Appointments made on or after January 13,
28 2003, shall be based on the legislative districts established
29 after the 2000 federal decennial census. In determining the
30 number of constituents in each legislative district, the
31 decennial census used to establish the legislative district
32 shall be used.

33 Organization and expenses of the committee are subject to
34 section 331.234 as if the committee were a city-county
35 consolidation or community commonwealth commission. Sections

1 69.16 and 69.16A shall not apply to the committee. However,
2 cities in the county that are allowed more than one
3 appointment shall balance the additional appointments and
4 state legislators who are allowed more than one appointment,
5 shall balance their additional appointments in accordance with
6 sections 69.16 and 69.16A.

7 2. Members shall be appointed to the consolidation
8 committee within thirty days after any of the following
9 occurs:

10 a. The county board of supervisors and each city council
11 in the county adopt a joint resolution calling for appointment
12 of members to the committee and files the resolution with the
13 county board of supervisors.

14 b. The county board of supervisors in a county adopts a
15 resolution calling for appointment of members to the
16 committee.

17 c. A petition signed by eligible electors of the county
18 equal in number to at least twenty-five percent of the votes
19 cast in the county for the office of president of the United
20 States or governor at the preceding general election or the
21 signatures of at least ten thousand eligible electors of the
22 county, whichever number is fewer, is filed with the county
23 board of supervisors.

24 3. Within seven months after the organization of the
25 consolidation committee, the committee shall submit a
26 preliminary report to the county board of supervisors. The
27 report shall contain the committee's recommendation as to what
28 the committee believes to be the best proposal for a
29 consolidated form of government for the county. The auditor's
30 office shall make the report available to the public upon
31 request. A summary of the report shall be published in the
32 official newspapers of the county and in a newspaper of
33 general circulation in each participating city.

34 4. If the committee report recommends a city-county
35 consolidation or community commonwealth, the committee shall

1 continue its existence and operate with the powers and duties
2 of a commission created pursuant to section 331.233A. If the
3 committee report recommends a multicounty consolidation, the
4 committee shall continue its existence and operate with the
5 powers and duties of a commission created pursuant to section
6 331.233. If the committee report recommends a consolidated
7 metropolitan corporation, the committee shall continue its
8 existence and operate with the powers and duties of a
9 commission created pursuant to chapter 373. If the committee
10 recommends an alternative form of government, that
11 recommendation shall state whether elections conducted under
12 that form of government shall be partisan or nonpartisan.

13 5. This section does not apply to a county in which a
14 charter commission has been established and is operating as of
15 July 1, 2002.

16 Sec. 2. Section 331.235, subsection 3, Code 2001, is
17 amended to read as follows:

18 3. Within ~~twenty~~ twelve months after organization, the
19 commission shall submit the final report to the board. If the
20 commission recommends a charter including a form of government
21 other than the existing form of government, the final report
22 shall include the full text and an explanation of the proposed
23 charter, an analysis of the fiscal impact of the proposed
24 charter, any comments deemed desirable by the commission, and
25 any minority reports. The final report may recommend no
26 change to the existing form of government and that no charter
27 be submitted to the electorate. The final report shall be
28 made available to the residents of the county upon request. A
29 summary of the final report shall be published in the official
30 newspapers of the county and in a newspaper of general
31 circulation in each participating city.

32 Sec. 3. Section 331.235, subsection 4, Code 2001, is
33 amended to read as follows:

34 4. The commission is dissolved on the date of the ~~general~~
35 election at which the proposed charter is submitted to the

1 electorate. If a charter is not recommended, the commission
2 is dissolved upon submission of its final report to the board.

3 Sec. 4. Section 331.237, subsection 1, Code 2001, is
4 amended to read as follows:

5 1. ~~if-a~~ The board shall direct the county commissioner of
6 elections to submit to the registered voters of the county the
7 question of whether the proposed charter for county government
8 shall be adopted. The proposed charter for county government
9 is may be submitted at the general election or at a special
10 election called for that purpose. To be submitted at the
11 general election, the proposed charter must be received not
12 less than five working days before the filing deadline for
13 candidates for county offices specified in section 44.4 for
14 the next general election, ~~the board shall direct the county~~
15 ~~commissioner of elections to submit to the registered voters~~
16 ~~of the county at the next general election the question of~~
17 ~~whether the proposed charter shall be adopted.~~ A summary of
18 the proposed charter or amendment shall be published in the
19 official county newspapers and in a newspaper of general
20 circulation in each participating city, if applicable, at
21 least ten but not more than twenty days before the date of the
22 election. If a majority of the votes cast on the question is
23 in favor of the proposal, the proposal is adopted.

24 Sec. 5. Section 331.237, subsection 2, paragraph a, Code
25 2001, is amended to read as follows:

26 a. The adopted charter shall take effect the July 1 next
27 occurring two years following the general election at which it
28 is approved unless the charter provides a later effective
29 date. If the adopted charter calls for a change in the form
30 of government, officers to fill elective offices shall be
31 elected in the general election in the even-numbered year
32 following the adoption of the charter. Those county officers
33 holding office at the time of the adoption of the charter
34 shall continue in office until the general election in the
35 even-numbered year following the adoption of the charter. If

1 the charter provides that one or more elective offices are
2 combined, the board of supervisors shall appoint one of the
3 elective officers of the combined offices to serve until the
4 general election in the even-numbered year. If the charter
5 calls for the elimination of an elective office, that elective
6 officer's term of office shall expire on the date the adopted
7 charter takes effect.

8 Sec. 6. Section 331.249, subsection 2, unnumbered
9 paragraph 2, Code 2001, is amended to read as follows:

10 If a city-county consolidation charter is proposed, within
11 ninety days following the final report of the commission, a
12 resident or property owner of the commission area proposed to
13 be consolidated may bring an action in district court for
14 declaratory judgment to determine the legality of the proposed
15 charter and to otherwise declare the effect of the charter.
16 The court shall expedite its review and determination in this
17 matter. The referendum on the proposed charter shall be
18 stayed during pendency of the action and for such additional
19 time during which the proposed charter or its enabling
20 legislation does not conform to the Constitution or laws of
21 the State of Iowa. If in its final judgment the court
22 determines that the proposed charter fails to conform to the
23 Constitution or laws of this state, the commission shall have
24 a period of six months in which to revise and resubmit the
25 proposed charter.

26 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
27 3, shall not apply to this Act.

28 EXPLANATION

29 This bill establishes a local government consolidation
30 committee in each county to study whether a charter of
31 consolidation should be presented to the voters. Members
32 shall be appointed within 30 days of a resolution being
33 adopted by the county board of supervisors or city councils or
34 within 30 days of a petition signed by eligible electors being
35 filed with the county.

1 Within seven months of organizing, the committee is to
2 submit a preliminary report to the county board of supervisors
3 on what form of consolidation it recommends. The report is to
4 be published in the official newspapers of the county and in a
5 newspaper of general circulation in each city. If the
6 committee recommends city-county consolidation, multicounty
7 consolidation, a consolidated metropolitan corporation, or a
8 community commonwealth, the committee shall become the
9 commission that will draft the proposal in lieu of the
10 commission member requirements currently in statute. The
11 requirement to establish a consolidation committee does not
12 apply to a county in which a charter commission has been
13 established and is operating as of July 1, 2002.

14 The bill changes the deadline for a commission studying an
15 alternative form of government to submit a final report from
16 20 months after organization to 12 months after organization.
17 The bill also allows a proposed charter for county government
18 to be submitted to the voters at a special election called for
19 that purpose in addition to the general election. The bill
20 provides that a charter shall take effect the July 1 next
21 occurring two years after the election at which the charter is
22 approved. The bill also provides that when a charter for
23 city-county consolidation is challenged in district court, the
24 court is to expedite its review and determination on the
25 challenge.

26 The bill may include a state mandate as defined in Code
27 section 25B.3. The bill makes inapplicable Code section
28 25B.2, subsection 3, which would relieve a political
29 subdivision from complying with a state mandate if funding for
30 the cost of the state mandate is not provided or specified.
31 Therefore, political subdivisions are required to comply with
32 any state mandate included in the bill.

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HOUSE FILE 2540

H-8201

- 1 Amend House File 2540 as follows:
- 2 1. Page 1, line 11, by inserting after the word
3 "each" the following: "participating".
- 4 2. Page 2, by striking lines 2 and 3, and
5 inserting the following: "a city allowed more than
6 one appointment shall balance its appointments when
7 possible and".
- 8 3. Page 2, line 4, by striking the word
9 "appointment," and inserting the following:
10 "appointment".
- 11 4. Page 2, line 5, by striking the word
12 "additional".
- 13 5. Page 3, line 19, by inserting after the word
14 "board." the following: "The commission may adopt a
15 motion granting itself a sixty-day extension of time
16 for submission of the final report."
- 17 6. Page 5, by inserting after line 27, the
18 following:
19 "Sec. ____ . APPLICABILITY. Section 2 of this Act,
20 amending section 331.235, subsection 3, does not apply
21 to a charter commission which has been established and
22 is operating as of July 1, 2002."
- 23 7. Title page, line 3, by inserting after the
24 word "consolation" the following: "and including an
25 applicability provision".
- 26 8. By renumbering as necessary.

By ELGIN of Linn

H-8201 FILED MARCH 6, 2002

HOUSE FILE 2540

H-8208

- 1 Amend House File 2540 as follows:
- 2 1. Page 1, line 3, by striking the word "is" and
3 inserting the following: "may be".
- 4 2. Page 1, line 11, by inserting after the word
5 "each" the following: "participating".
- 6 3. Page 2, by striking lines 2 and 3, and
7 inserting the following: "a city allowed more than
8 one appointment shall balance its appointments when
9 possible and".
- 10 4. Page 2, line 4, by striking the word
11 "appointment," and inserting the following:
12 "appointment".
- 13 5. Page 2, line 5, by striking the word
14 "additional".
- 15 6. Page 3, line 19, by inserting after the word
16 "board." the following: "The commission may adopt a
17 motion granting itself a sixty-day extension of time
18 for submission of the final report."
- 19 7. Page 5, by inserting after line 27, the
20 following:
- 21 "Sec. ____ . APPLICABILITY. Section 2 of this Act,
22 amending section 331.235, subsection 3, does not apply
23 to a charter commission which has been established and
24 is operating as of July 1, 2002."
- 25 8. Title page, line 1, by striking the word
26 "requiring" and inserting the following:
27 "permitting".
- 28 9. Title page, line 3, by inserting after the
29 word "consolidation" the following: "and including an
30 applicability provision".
- 31 10. By renumbering as necessary.

By ELGIN of Linn

H-8208 FILED MARCH 7, 2002

Legislative Fiscal Bureau

Fiscal Note

HF 2540 – Local Government Consolidation (LSB 5930 HV)

Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 2540 establishes a local government consolidation committee in each county to study whether a charter of consolidation should be presented to voters. Counties that have a charter commission in place as of July 1, 2002, are exempt from the proposed legislation.

Assumptions

1. Polk County currently has a charter commission in place.
2. The total population of the remaining 98 counties is approximately 2,600,000.
3. The total annual expenses to be paid from the county General fund shall not exceed \$100,000 per county or an amount equal to \$.30 per capita in the county. The commission may employ staff as necessary.
4. The committee is to submit a preliminary report to the county board of supervisors within 7 months of organizing, and a final report within 12 months of organizing.
5. Expenses may be paid from the general fund of the county or from any combination of public or private funds available for that purpose. The commission's annual expenses may exceed the amount in Section 331.234(3), Code of Iowa, if the excess is paid from private funds.
6. Makes inapplicable Section 25B.2(3), Code of Iowa, which would relieve a political subdivision from complying with a State mandate if funding for the cost of the State mandate is not provided or specified. The Bill would include a State mandate. The amount of private funds that would be received is unknown.
7. The number and costs of special elections are unknown.
8. The proposal will not have a significant impact on the Judicial Department.
9. Total value of in-kind expenses is unknown.

Fiscal Impact

Due to insufficient information, the fiscal impact of HF 2540 cannot be determined. However, if all counties except Polk County paid \$.30 per capita, the fiscal impact would be an increase in total county general fund expenditures of approximately \$800,000. If all counties except Polk County paid \$100,000, the maximum allowed for public funding, the fiscal impact would be an increase in total county general fund expenditures of approximately \$10.0 million. These costs would not include any cost associated with the value of the in-kind expenses provided by counties.

The commission's annual expenses may exceed the above amounts, only if the excess is paid from private funds.

Expenses would be paid from the county General Fund, or from any combination of public or private funds.

The costs of special elections are unknown.

Sources

Linn County Board of Supervisors
Iowa State University, Census Services
Judicial Department

/s/ Dennis C Prouty

March 11, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
