

REPRINTED

2/27/01 Amend / Do Pass W/ H. 3/21/01 Comm. Reg. 3112 LOCAL GOVERNMENT 3/22/01 Referred to Local Gov

FILED 311257

SENATE FILE 57  
BY JENSEN

Passed Senate, Date <sup>(P.680)</sup> 3/19/01 Passed House, Date <sup>(P.1435)</sup> 4-24-01  
Vote: Ayes 48 Nays 0 Vote: Ayes 94 Nays 1  
Approved 5/2/01

A BILL FOR

1 An Act relating to approval of city ordinances granting certain  
2 utility franchises.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
5  
6  
7  
8  
9

SENATE FILE 57

S-3112

1 Amend Senate File 57 as follows:  
2 1. Page 1, by striking lines 10 through 14, and  
3 inserting the following: "purpose before the next  
4 regular city election. However, the city council may  
5 dispense with such election as to the grant,  
6 amendment, extension, or renewal of an electric light  
7 and power, heating, or gasworks franchise unless there  
8 is a valid petition requesting submission of the  
9 proposal to the voters, or the party seeking such  
10 franchise, grant, amendment, extension, or renewal  
11 requests an election. If a majority of those".

By COMMITTEE ON LOCAL GOVERNMENT  
DAVID MILLER, CHAIRPERSON

*Adopted 3/19/01 (P.680)*

S-3112 FILED FEBRUARY 27, 2001

SF 57 LOCAL GOVERNMENT

22  
23  
24  
25

1 Section 1. Section 364.2, subsection 4, paragraph b, Code  
2 2001, is amended to read as follows:

3 b. ~~No-such~~ Such an ordinance shall not become effective  
4 unless approved at an election. The proposal may be submitted  
5 by the council on its own motion to the voters at any city  
6 election. Upon receipt of a valid petition as defined in  
7 section 362.4 requesting that a proposal be submitted to the  
8 voters, the council shall submit the proposal at the next  
9 regular city election or at a special election called for that  
10 purpose before the next regular city election. However, an  
11 election is not required for an ordinance granting an electric  
12 light and power, heating, or gasworks franchise or for the  
13 amendment, extension, or renewal of such a franchise unless  
14 the franchisee requests the election. If a majority of those  
15 voting approves the proposal the city may proceed as proposed.  
16 The complete text of the ordinance shall be included on the  
17 ballot, if paper ballots are used. If an electronic voting  
18 system or voting machine is used, the proposal shall be stated  
19 on the ballot and the full text of the ordinance posted for  
20 the voters pursuant to section 52.25. All absentee voters  
21 shall receive the full text of the ordinance.

22 EXPLANATION

23 This bill provides that an election giving effect to an  
24 ordinance granting a city franchise is not required if the  
25 ordinance grants an electric light and power, heating, or  
26 gasworks franchise or seeks to amend, extend, or renew an  
27 electric light and power, heating, or gasworks franchise.

28  
29  
30  
31  
32  
33  
34  
35



1 Section 1. Section 364.2, subsection 4, paragraph b, Code  
2 2001, is amended to read as follows:

3 b. ~~No-such~~ Such an ordinance shall not become effective  
4 unless approved at an election. The proposal may be submitted  
5 by the council on its own motion to the voters at any city  
6 election. Upon receipt of a valid petition as defined in  
7 section 362.4 requesting that a proposal be submitted to the  
8 voters, the council shall submit the proposal at the next  
9 regular city election or at a special election called for that  
10 purpose before the next regular city election. However, the  
11 city council may dispense with such election as to the grant,  
12 amendment, extension, or renewal of an electric light and  
13 power, heating, or gasworks franchise unless there is a valid  
14 petition requesting submission of the proposal to the voters,  
15 or the party seeking such franchise, grant, amendment,  
16 extension, or renewal requests an election. If a majority of  
17 those voting approves the proposal the city may proceed as  
18 proposed. The complete text of the ordinance shall be  
19 included on the ballot, if paper ballots are used. If an  
20 electronic voting system or voting machine is used, the  
21 proposal shall be stated on the ballot and the full text of  
22 the ordinance posted for the voters pursuant to section 52.25.  
23 All absentee voters shall receive the full text of the  
24 ordinance.

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

All absentee voters shall receive the full text of the ordinance.

SENATE FILE 57

AN ACT  
RELATING TO APPROVAL OF CITY ORDINANCES GRANTING CERTAIN  
UTILITY FRANCHISES.

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

Section 1. Section 364.2, subsection 4, paragraph b, Code 2001, is amended to read as follows:

b. ~~No-such~~ Such an ordinance shall ~~not~~ become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a valid petition as defined in section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose before the next regular city election. However, the city council may dispense with such election as to the grant, amendment, extension, or renewal of an electric light and power, heating, or gasworks franchise unless there is a valid petition requesting submission of the proposal to the voters, or the party seeking such franchise, grant, amendment, extension, or renewal requests an election. If a majority of those voting approves the proposal the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot, if paper ballots are used. If an electronic voting system or voting machine is used, the proposal shall be stated on the ballot and the full text of the ordinance posted for the voters pursuant to section 52.25.

\_\_\_\_\_  
MARY E. KRAMER  
President of the Senate

\_\_\_\_\_  
BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 57, Seventy-ninth General Assembly.

\_\_\_\_\_  
MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 5/2, 2001

\_\_\_\_\_  
THOMAS J. VILSACK  
Governor