

FEB 1 0 1965
STATE GOVERNMENT

HOUSE FILE 265
BY DANDEKAR and PAULSEN

(COMPANION TO 1497SS BY LUNDBY)

Passed House, Date _____ Passed Senate, 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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HF 265

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.

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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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