

CHAPTER 83

JOINT GOVERNMENTAL POWERS

H. F. 188

AN ACT to authorize joint exercise of governmental powers by public agencies.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The purpose of this Act is to permit state and local
2 governments in Iowa to make efficient use of their powers by enabling
3 them to provide joint services and facilities with other agencies and to
4 cooperate in other ways of mutual advantage. This Act shall be liber-
5 ally construed to that end.

1 SEC. 2. For the purposes of this Act, the term "public agency" shall
2 mean any political subdivision of this state; any agency of the state
3 government or of the United States; and any political subdivision of
4 another state. The term "state" shall mean a state of the United States
5 and the District of Columbia. The term "private agency" shall mean
6 an individual and any form of business organization authorized under
7 the laws of this or any other state.

1 SEC. 3. Any power or powers, privileges or authority exercised or
2 capable of exercise by a public agency of this state may be exercised
3 and enjoyed jointly with any other public agency of this state having
4 such power or powers, privilege or authority, and jointly with any
5 public agency of any other state or of the United States to the extent
6 that laws of such other state or of the United States permit such joint
7 exercise or enjoyment. Any agency of the state government when
8 acting jointly with any public agency may exercise and enjoy all of
9 the powers, privileges and authority conferred by this Act upon a
10 public agency.

1 SEC. 4. Any public agency of this state may enter into an agree-
2 ment with one (1) or more public or private agencies for joint or
3 cooperative action pursuant to the provisions of this Act, including
4 the creation of a separate entity to carry out the purpose of the agree-
5 ment. Appropriate action by ordinance, resolution or otherwise pur-
6 suant to law of the governing bodies involved shall be necessary before
7 any such agreement may enter into force.

1 SEC. 5. Any such agreement shall specify the following:

2 1. Its duration.

3 2. The precise organization, composition and nature of any separate
4 legal or administrative entity created thereby together with the
5 powers delegated thereto, provided such entity may be legally created.

6 3. Its purpose or purposes.

7 4. The manner of financing the joint or cooperative undertaking
8 and of establishing and maintaining a budget therefor.

9 5. The permissible method or methods to be employed in accom-
10 plishing the partial or complete termination of the agreement and for
11 disposing of property upon such partial or complete termination.

12 6. Any other necessary and proper matters.

1 SEC. 6. If the agreement does not establish a separate legal entity
2 to conduct the joint or cooperative undertaking, the agreement shall
3 also include:

4 1. Provision for an administrator or a joint board responsible for
5 administering the joint or cooperative undertaking. In the case of a
6 joint board, public agencies party to the agreement shall be repre-
7 sented.

8 2. The manner of acquiring, holding and disposing of real and per-
9 sonal property used in the joint or cooperative undertaking.

1 SEC. 7. No agreement made pursuant to this Act shall relieve any
2 public agency of any obligation or responsibility imposed upon it by
3 law except that to the extent of actual and timely performance thereof
4 by a joint board or other legal or administrative entity created by an
5 agreement made hereunder, said performance may be offered in satis-
6 faction of the obligation or responsibility.

1 SEC. 8. Before entry into force, an agreement made pursuant to
2 this Act shall be filed with the secretary of state and recorded with the
3 county auditor.

1 SEC. 9. If an agreement entered into pursuant to this Act is be-
2 tween or among one (1) or more public agencies of this state and one
3 (1) or more public agencies of another state or of the United States said
4 agreement shall have the status of an interstate compact. Such agree-
5 ments shall, before entry into force, be approved by the attorney gen-
6 eral who shall determine whether the agreement is in proper form and
7 compatible with the laws of this state.

8 In any case or controversy involving performance or interpretation
9 thereof or liability thereunder, the public agencies party thereto shall
10 be real parties in interest, and the state may maintain an action to
11 recoup or otherwise make itself whole for any damages or liability
12 which it may incur by reason of being joined as a party therein. Such
13 action shall be maintainable against any public agency or agencies
14 whose default, failure of performance, or other conduct caused or con-
15 tributed to the incurring of damage or liability by the state.

1 SEC. 10. If an agreement made pursuant to this Act shall deal in
2 whole or in part with the provision of services or facilities with regard
3 to which an officer or agency of the state has constitutional or statu-
4 tory powers of control, the agreement shall, as a condition precedent
5 to its entry into force, be submitted to the state officer or agency hav-
6 ing such power of control and shall be approved or disapproved by him
7 or it as to all matters within his or its jurisdiction.

1 SEC. 11. Any public agency entering into an agreement pursuant
2 to this Act may appropriate funds and may sell, lease, give, or other-
3 wise supply the administrative joint board or other legal or adminis-
4 trative entity created to operate the joint or cooperative undertaking
5 by providing such personnel or services therefor as may be within its
6 legal power to furnish.

1 SEC. 12. Any one (1) or more public agencies may contract with
2 any one (1) or more other public agencies to perform any govern-
3 mental service, activity, or undertaking which any of the public agen-

4 cies entering into the contract is authorized by law to perform, pro-
 5 vided that such contract shall be authorized by the governing body of
 6 each party to the contract. Such contract shall set forth fully the pur-
 7 poses, powers, rights, objectives, and responsibilities of the contract-
 8 ing parties.

1 SEC. 13. The powers granted by this Act shall be in addition to
 2 any specific grant for intergovernmental agreements and contracts.

1 SEC. 14. Any contract or agreement authorized by this Act shall
 2 not be limited as to period of existence, except as may be limited by
 3 the agreement or contract itself.

Approved April 22, 1965.

CHAPTER 84

SALE OF MILITARY LANDS

S. F. 548

AN ACT relating to the sale or exchange of state military lands by the executive council on recommendation of the armory board.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section twenty-nine point fifty-seven (29.57), Code
 2 1962, is hereby amended by inserting in line twenty-nine (29) after
 3 the word "sold" the following "or exchanged".

1 SEC. 2. This Act, being deemed of immediate importance, shall be
 2 in full force and effect from and after its publication in The Osceola
 3 Sentinel, a newspaper published at Osceola, Iowa, and the Winterset
 4 Madisonian, a newspaper published at Winterset, Iowa.

Approved May 19, 1965.

I hereby certify that the foregoing Act, Senate File 548, was published in The Osceola Sentinel, Osceola, Iowa, May 27, 1965, and in the Winterset Madisonian, Winterset, Iowa, May 26, 1965.

GARY L. CAMERON, *Secretary of State.*

CHAPTER 85

CODE OF MILITARY JUSTICE

H. F. 560

AN ACT to establish a Code of Military Justice in Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

1 Sections twenty-nine point sixty-one (29.61), twenty-nine point
 2 sixty-two (29.62), twenty-nine point sixty-three (29.63), twenty-nine
 3 point sixty-four (29.64), twenty-nine point sixty-five (29.65), twenty-
 4 nine point sixty-six (29.66), twenty-nine point sixty-seven (29.67),