

MAR 4 1971

STATE GOVERNMENT ^{Pass 5/10} HOUSE FILE 367

Sen " " 5/14, ^{Pass} By LAWSON _{amendment 2/15/72}

Passed House, Date 5-13-71 Passed Senate, Date 3-6-72
Vote: Ayes 82 Nays 2 Vote: Ayes 43 Nays 3

Approved March 15, 1972

*Passed House 7-72
Ayes 86, Nays 1*

A BILL FOR

1 An Act relating to joint planning commissions.

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

3 Section 1. Section four hundred seventy-three A point two

4 (473A.2), Code 1971, is amended as follows:

5 473A.2 MEMBERSHIP. The commission shall have not less

6 than five members, appointed by the governing bodies of the

7 area served by the commission. A majority of the members of

8 the commission ~~shall~~ may be citizens who hold no other public

9 office or position except appointive membership on a city or

10 town plan commission or other planning commission, board or

11 agency. Citizen members shall be appointed for overlapping

12 terms of not less than three nor more than five years or there-

13 after until their successors are appointed. The appointing

14 governing bodies shall determine the amount of compensation,

15 if any, to be paid to the members of a commission. Any vacancy

16 in the membership of a commission shall be filled for the

17 unexpired term in the same manner as the initial appointment.

18 The governing bodies shall have authority to remove any member

19 for cause stated in writing and after a public hearing.

EXPLANATION

21 This section now requires a majority of the members of a

22 joint planning commission be citizens who hold no public office

23 other than serving on a local planning commission. The pro-

24 posed amendment would make this provision permissive rather

25 than mandatory, thus allowing any number of member governmental

1 units to appoint an elective official as its member on the
2 joint planning commission. Federal guidelines have been
3 modified to place more emphasis on elected public officials
4 rather than "citizen" representatives on intergovernmental
5 planning bodies in order to encourage follow through on
6 planning proposals.

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House Concurred
3/7/72

HOUSE FILE 367

1 Amend House File 367, as passed by the House, by adding
2 after line 19 thereof the following new sections:
3 "Sec. _____ Section four hundred seventy-three A point
4 four (473A.4), Code 1971, is amended by adding the following
5 new paragraph:
6 A planning commission formed under the provisions of this
7 chapter shall, upon designation as such by the governor, serve
8 as a district, regional or metropolitan agency for comprehensive
9 planning for its area for the purpose of carrying out the func-
10 tions as defined for such an agency by federal laws and regula-
11 tions."
12 "Sec. _____ Chapter twenty-eight E (28E), Code 1971, is
13 amended by adding the following new section:
14 A planning commission, council of governments or similar
15 organization formed under the provisions of this chapter shall,
16 upon designation as such by the governor, serve as a district,
17 regional or metropolitan agency for comprehensive planning for
18 its area for the purpose of carrying out the functions as
19 defined for such agency by federal laws and regulations."
20 "Sec. _____ This Act, being deemed of immediate importance,
21 shall take effect and be in force from and after its publication
22 in the Hampton Chronicle, a newspaper published in Hampton, Iowa,
23 and in the Chariton Herald-Patriot, a newspaper published in
24 Chariton, Iowa."

Filed
February 15, 1972

*adopted
as amended
3/3*

By COMMITTEE ON STATE GOVERNMENT

EXPLANATION OF AMENDMENT

This amendment is occasioned by the ruling in a recent case in Polk County District Court which forbids planning commissions formed under Chapter 473A, Code 1971, to serve as metropolitan or regional clearinghouses in order to carry out the purposes of Section 204 of the Federal Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Federal Intergovernmental Cooperation Act of 1968, and Section 102(2)(c) of the National Environmental Policy Act of 1969. The effect is to block evaluation by such planning commissions of the significance of proposed federal or federally assisted projects as they relate to state, areawide or local plans and programs. Such planning commissions have been so acting since their inception because of the federal requirement that such planning be coordinated where federal funds are involved; the cited court decision declares that they do not have the authority to do so under existing Iowa law. This amendment will permit such planning coordination to continue as it has in the past, for commissions formed under either Chapter 473A or Chapter 28E, Code 1971.

Senate

1 Amend the State Government Committee amendment filed
2 February 15, 1972, and found on page 393 of the Senate
3 Journal, to House File 367 as follows:
4 1. Line 10 by inserting after the word "federal" the
5 following: ", state and local".
6 2. Line 19 by inserting after the word "federal" the
7 following: ", state and local".

Filed
February 28, 1972

adapted
3/3

BY RHODES

Senate

SENATE AMENDMENT TO HOUSE FILE 367

1 Amend House File 367, as passed by the House, by adding after
2 line 19 the following new sections:
3 "Sec. _____. Section four hundred seventy-three A point
4 four (473.4), Code 1971, is amended by adding the following
5 new paragraph:
6 A planning commission formed under the provisions of this
7 chapter shall, upon designation as such by the governor, serve
8 as a district, regional or metropolitan agency for comprehensive
9 planning for its area for the purpose of carrying out the
10 functions as defined for such an agency by federal, state and
11 local laws and regulations."
12 "Sec. _____. Chapter twenty-eight E (28E), Code 1971, is
13 amended by adding the following new section:
14 A planning commission, council of governments or similar
15 organization formed under the provisions of this chapter shall,
16 upon designation as such by the governor, serve as a district,
17 regional or metropolitan agency for comprehensive palnning for
18 its area for the purpose of carrying out the functions as
19 defined for such agency be federal, state and local laws and
20 regulations."
21 "Sec. _____. This Act, being deemed of immediate importance,
22 shall take effect and be in force from and after its publication
23 in the Hampton Chronicle, a newspaper published in Hampton,
24 Iowa, and in the Chariton Herald-Patriot, a newspaper published
25 in Chariton, Iowa."

Received from the Senate
March 6, 1972

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