

See Carter 3/31
to Pass this (1202)

MAR 5 1980
Place On Calendar

HOUSE FILE 2504
By COMMITTEE ON CITIES
(Formerly Study Bill 685)

Passed House, Date 2-21-80 (p. 1093) Passed Senate, Date 4/25/80 (p. 1450)
Vote: Ayes 95 Nays 0 Vote: Ayes 45 Nays 0

Approved May 20, 1980

Repassed House 4/25/80 (p. 2094)
92-0

A BILL FOR

1 An Act relating to the size of cities which may purchase
2 from its officers or employees upon a publicly invited
3 and opened written competitive bid.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2504

1 Section 1. Section three hundred sixty-two point five
2 (362.5), unnumbered paragraph two (2) and subsection four
3 (4), Code 1979, is amended to read as follows:

4 A city officer or employee shall not have an interest,
5 direct or indirect, in any contract or job of work or material
6 or the profits thereof or services to be furnished or performed
7 for ~~his~~ the officer's or employee's city. A contract entered
8 into in violation of this section is void. The provisions
9 of this section do not apply to:

10 4. Contracts made by a city of less than ~~three~~ ten thou-
11 sand population, upon competitive bid in writing, publicly
12 invited and opened.

13 EXPLANATION

14 This bill amends one of the exemptions from the prohibi-
15 tion of cities purchasing goods or services from a business
16 in which an officer or employee of the city has a certain
17 interest. The bill expands the population requirement of
18 the cities eligible for the exemption.

19 This bill takes effect July first following enactment.

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S-5721

1 Amend House File 2504, as passed by the House,
2 as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ Section three hundred seventy-two point
6 thirteen (372.13), subsection eight (8), Code 1979,
7 is amended to read as follows:

8 8. By ordinance, the council shall prescribe the
9 compensation of the mayor, council members, and other
10 elected city officers, but a change in the compensation
11 of the mayor shall not become effective during the
12 term in which the change is adopted, and the council
13 shall not adopt such an ordinance changing the
14 compensation of the mayor or council members during
15 the months of November and December immediately
16 following a regular city election. A change in the
17 compensation of council members shall become effective
18 for all council members at the beginning of the term
19 of the council members elected at the election next
20 following the change in compensation. No Except as
21 provided in section one (1) of this Act, an elected
22 city officer shall not receive any other compensation
23 for any other city office or city employment during
24 that officer's term of office, but may be reimbursed
25 for actual expenses incurred. However, if the mayor
26 pro tem performs the duties of the mayor during the
27 mayor's absence or disability for a continuous period
28 of fifteen days or more, the mayor pro tem may be
29 paid for that period such compensation as determined
30 by the council, based upon the mayor pro tem's
31 performance of the mayor's duties and upon the
32 compensation of the mayor."

33 2. By numbering sections to conform with this
34 amendment.

S-5721 FILED
APRIL 11, 1980

BY JOANN ORR
RAY TAYLOR

Adopted 4/15/80 (p. 1450)

SENATE AMENDMENT TO
HOUSE FILE 2504

H-6084

1 Amend House File 2504, as passed by the House,
2 as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ . Section three hundred seventy-two point
6 thirteen (372.13), subsection eight (8), Code 1979,
7 is amended to read as follows:

8 8. By ordinance, the council shall prescribe the
9 compensation of the mayor, council members, and other
10 elected city officers, but a change in the compensation
11 of the mayor shall not become effective during the
12 term in which the change is adopted, and the council
13 shall not adopt such an ordinance changing the
14 compensation of the mayor or council members during
15 the months of November and December immediately
16 following a regular city election. A change in the
17 compensation of council members shall become effective
18 for all council members at the beginning of the term
19 of the council members elected at the election next
20 following the change in compensation. No Except as
21 provided in section one (1) of this Act, an elected
22 city officer shall not receive any other compensation
23 for any other city office or city employment during
24 that officer's term of office, but may be reimbursed
25 for actual expenses incurred. However, if the mayor
26 pro tem performs the duties of the mayor during the
27 mayor's absence or disability for a continuous period
28 of fifteen days or more, the mayor pro tem may be
29 paid for that period such compensation as determined
30 by the council, based upon the mayor pro tem's
31 performance of the mayor's duties and upon the
32 compensation of the mayor."

33 2. By numbering sections to conform with this
34 amendment.

H-6084 FILED APRIL 15, 1980

House concurred 4/15/80 (p. 2079)
RECEIVED FROM THE SENATE

HOUSE FILE 2504

AN ACT

RELATING TO THE SIZE OF CITIES WHICH MAY PURCHASE FROM ITS OFFICERS OR EMPLOYEES UPON A PUBLICLY INVITED AND OPENED WRITTEN COMPETITIVE BID.

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

Section 1. Section three hundred sixty-two point five (362.5), unnumbered paragraph two (2) and subsection four (4), Code 1979, is amended to read as follows:

A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for ~~his~~ the officer's or employee's city. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

4. Contracts made by a city of less than ~~three ten~~ thousand population, upon competitive bid in writing, publicly invited and opened.

Sec. 2. Section three hundred seventy-two point thirteen (372.13), subsection eight (8), Code 1979, is amended to read as follows:

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the change is adopted, and the council shall not adopt such an ordinance changing the compensation of the mayor or council members during the months of November and December immediately following a regular city election. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the change

in compensation. No Except as provided in section one (1) of this Act, an elected city officer shall not receive any other compensation for any other city office or city employment during that officer's term of office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such compensation as determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2504, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved *May 20*, 1980

ROBERT D. RAY
Governor

H.F. 2504