

Local Government: Platt, Chair; Connors and Poncey.

Re Pass 3/16 (p. 586)

Amend (5416) to Re Pass 3/20 (p. 812) **JAN 14 1986**

HOUSE FILE **2035**
BY SPEAR

LOCAL GOVERNMENT

Passed House, Date 3-11-86 (p. 674) Passed Senate, Date 4-2-86 (p. 973)
Vote: Ayes 90 Nays 2 Vote: Ayes 46 Nays 0

Approved May 2, 1986 (p. 2320)
Referred Senate 4-16-86 (p. 1257)
43-1

A BILL FOR

- 1 An Act relating to the appointment of chiefs of the police
- 2 department and chiefs of the fire department in cities under
- 3 civil service.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2035

S-5416

- 1 Amend House File 2035, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "shall"
- 4 and inserting the following: "may".

S-5416 Filed March 20, 1986

BY COMM. ON LOCAL GOV'T, MILLER, CHAIR

Placed o/s 4/2 (p. 973)

HOUSE FILE 2035

S-5510

- 1 Amend House File 2035, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 9 and
- 4 inserting the following: "the chief of the police
- 5 department. In cities-under-the-city-manager-plan-the
- 6 city-manager-shall-make-such-appointments-with-the
- 7 approval-of-the-city-council, and in all other cities
- 8 such the".

S-5510 Filed April 1, 1986

BY WALDSTEIN

Adopted 4/2 (p. 973)

1 Section 1. Section 400.13, unnumbered paragraph 3, Code
2 1985, is amended to read as follows:

3 In cities under the commission plan of government the
4 superintendent of public safety, with the approval of the city
5 council, shall appoint the chief of the fire department and
6 the chief of the police department. In cities under ~~the-city~~
7 manager-plan a council-manager form of government the city
8 manager shall make ~~such~~ the appointments with the approval of
9 the city council, and in all other cities ~~such~~ the
10 appointments shall be made ~~by-the-mayor~~ as provided by city
11 ordinance or city charter.

12 Sec. 2. Section 372.4, unnumbered paragraph 3, Code 1985,
13 is amended to read as follows:

14 The mayor shall appoint a council member as mayor pro tem,
15 and shall appoint the marshal or chief of police except where
16 an intergovernmental agreement makes other provisions for
17 police protection or as otherwise provided in section 400.13.
18 Other officers must be selected as directed by the council.
19 The mayor is not a member of the council and may not vote as a
20 member of the council.

21 EXPLANATION

22 This bill provides that the appointment of the chief of the
23 fire department and the chief of the police department under a
24 council-manager form of government shall be made by the city
25 manager with approval of the council and in all other cities,
26 except the commission form, the appointments shall be made as
27 provided by city ordinance or city charter. The appointments
28 under a commission form of government are to be made by the
29 commissioner of public safety with approval of the city
30 council as currently provided by law.

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SENATE AMENDMENT TO HOUSE FILE 2035

H-5702

1 Amend House File 2035, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 6 through 9 and
4 inserting the following: "the chief of the police
5 department. In cities-under-the-city-manager-plan-the
6 city-manager-shall-make-such-appointments-with-the
7 approval-of-the-city-council, and in all other cities
8 such the".

H-5702 FILED APRIL 4, 1986 RECEIVED FROM THE SENATE

House referred to committee 4/10 (p. 1252)

Senate received 4/16 (p. 1257)

The mayor is not a member of the council and may not vote as a member of the council.

HOUSE FILE 2035

AN ACT

RELATING TO THE APPOINTMENT OF CHIEFS OF THE POLICE DEPARTMENT AND CHIEFS OF THE FIRE DEPARTMENT IN CITIES UNDER CIVIL SERVICE.

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

Section 1. Section 400.13, unnumbered paragraph 3, Code 1985, is amended to read as follows:

In cities under the commission plan of government the superintendent of public safety, with the approval of the city council, shall appoint the chief of the fire department and the chief of the police department. In cities under ~~the city manager plan~~ a council-manager form of government the city manager shall make ~~such~~ the appointments with the approval of the city council, and in all other cities ~~such~~ the appointments shall be made ~~by the mayor as provided by city ordinance or city charter.~~

Sec. 2. Section 372.4, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The mayor shall appoint a council member as mayor pro tem and shall appoint the marshal or chief of police except where an intergovernmental agreement makes other provisions for police protection or as otherwise provided in section 400.13. Other officers must be selected as directed by the council.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2035, Seventy-first General Assembly.

JOSEPH O'BERN
Chief Clerk of the House

Approved *May 2*, 1986

TERRY E. BRANSTAD
Governor