Exprented 3/87

I LOCAL GOVERNMENT: Wells, Chair: A. Miller and Taylor

		FILED JAN 27 1987	SENATE FILE <u>69</u> BY PRIEBE and MILLER	of Cerro Gordo
	Passed Vote:	d Senate, Date <u>Alexander (Alexander)</u> Ayes <u>Alexander (Alexander)</u> Approved	Vote: AyesNay	s
		A BILL FO	R	
<i>1.6</i>	2 au 3 or	t relating to the investment thorizing investment in drai improvement certificates an ENACTED BY THE GENERAL ASSE	nage district warrants, nd by correcting an erro	bonds,
	10 11	SENATE FILE 59		6

S-3136

SENATE FILE 69

Amend Senate File 69 as follows: 2

1. Page 1, line 25, by striking the word ", bonds,".
2. Title , line 2, by striking the word ", bonds,". 3

S-3136 Filed March 10, 1987

BY EDGAR H. HOLDEN

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Section 1. Section 452.10, unnumbered paragraph 1, Code 1 2 1987, is amended to read as follows: The treasurer of state and the treasurer of each political 4 subdivision shall at all times keep all funds coming into 5 their possession as public money, in a vault or safe, to be 6 provided for that purpose, or in one or more depositories. 7 However, the treasurer of state and the treasurer of each 8 political subdivision shall invest, unless otherwise provided, 9 any of the public funds not currently needed for operating 10 expenses in notes, certificates, bonds, prime-eligible-bankers 11 acceptances;-commercial-paper-rated-within-the-two-highest 12 classifications-of-prime-as-established-by-at-least-one-of-the 13 standard-rating-services-approved-by-the-superintendent-of 14 banking-pursuant-to-chapter-17A7-perfected-repurchase 15 agreements, or other evidences of indebtedness which are 16 obligations of or guaranteed by the United States of America 17 or any of its agencies; or in prime eligible bankers 18 acceptances; or in commercial paper rated within the two 19 highest classifications of prime as established by at least 20 one of the standard rating services approved by the 21 superintendent of banking pursuant to chapter 17A, or in 22 perfected repurchase agreements; or in time deposits in 23 depositories as provided in chapter 453 and receive time 24 certificates of deposit therefor for the funds; or in savings 25 accounts in depositories; or in warrants, bonds, or 26 improvement certificates of a drainage district. The total 27 investment in commercial paper of any one corporation is 28 limited to an amount not more than twenty percent of the total 29 stockholders' equity of that corporation. The treasurer of 30 state may invest any of the funds in the treasurer's custody 31 in any of the investments authorized for the Iowa public 32 employees' retirement system in section 97B.7, subsection 2, 33 paragraph "b" except that investment in common stocks is not 34 permitted. As used in this section, "depository" means a 35 financial institution designated as a legal depository under

1 chapter 453. EXPLANATION This bill authorizes the investment of idle public funds in 3 4 the warrants, bonds or improvement certificates of drainage 5 districts. This bill also corrects an error which resulted from a 1984 7 amendment authorizing the investment of idle public funds in 8 prime eligible bankers acceptances, certain commercial paper, 9 and perfected repurchase agreements. The amendment was placed 10 in the section in a manner which at least implies that the 11 prime eligible bankers acceptances, commercial paper, and 12 perfected repurchase agreements are obligations of or 13 guaranteed by the United States of America or one of its 14 agencies. These three investment instruments are not 15 obligations of or guaranteed by the United States government 16 or one of its agencies. 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35

Home Small Burner 3/19/87

Amend (37/6) & Be Paus 4/10/87 (\$ 1266) Let Amend Burne 5/10/87 Amerol & B. Berne 2/23 (\$ 448)

SENATE FILE 69

BY PRIEBE and MILLER of Cerro Gord

(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 1987)

* - Language Stricken by the Senate

 Passed Senate, Date 4/14/88 (\$1.1547)
 Passed House, Date 4/11/88 (\$1.1664)

 Vote: Ayes 48 Nays 6 Vote: Ayes 95 Nays 6

 Approved 7047 1988

A BILL FOR

* 2 authorizing investment in drainage district warrants or improvement certificates and by correcting an error.

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

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1 Section 1. Section 452.10, unnumbered paragraph 1, Code 2 1987, is amended to read as follows:

3 The treasurer of state and the treasurer of each political

4 subdivision shall at all times keep all funds coming into

5 their possession as public money, in a vault or safe, to be

6 provided for that purpose, or in one or more depositories.

7 However, the treasurer of state and the treasurer of each

8 political subdivision shall invest, unless otherwise provided,

9 any of the public funds not currently needed for operating

10 expenses in notes, certificates, bonds, prime-eligible-bankers

11 acceptances;-commercial-paper-rated-within-the-two-highest

12 classifications-of-prime-as-established-by-at-least-one-of-the

13 standard-rating-services-approved-by-the-superintendent-of

14 banking-pursuant-to-chapter-17A,-perfected-repurchase

15 agreements, or other evidences of indebtedness which are

16 obligations of or guaranteed by the United States of America

17 or any of its agencies; or in prime eligible bankers

18 acceptances; or in commercial paper rated within the two

19 highest classifications of prime as established by at least

20 one of the standard rating services approved by the

21 superintendent of banking pursuant to chapter 17A, or in

22 perfected repurchase agreements; or in time deposits in

23 depositories as provided in chapter 453 and receive time

24 certificates of deposit therefor for the funds; or in savings

* 25 accounts in depositories; or in warrants or improvement

26 certificates of a drainage district. The total investment in

27 commercial paper of any one corporation is limited to an

28 amount not more than twenty percent of the total stockholders'

29 equity of that corporation. The treasurer of state may invest

30 any of the funds in the treasurer's custody in any of the

31 investments authorized for the Iowa public employees'

32 retirement system in section 97B.7, subsection 2, paragraph

33 "b" except that investment in common stocks is not permitted.

34 As used in this section, "depository" means a financial

35 institution designated as a legal depository under chapter

1 453.

SENATE FILE 69

ii-4083

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Amend Senate File 69, as amended, passed, and reprinted by the Senate, as follows:

 By striking everything after the enacting 4 clause and inserting the following:

"Section 1. NEW SECTION. 331.217 DEFINITIONS.

As used in this part, unless the context otherwise 7 requires, "commission" means a charter commission 8 created under section 331.218.

9 Sec. 2. NEW SECTION. 331.218 CHARTER COMMISSION 10 CREATED.

11 The board shall upon petition of the number of 12 eligible electors of the county equal to at least 13 twenty-five percent of the votes cast in the county at 14 the preceding election for the office of president of 15 the United States or governor, create a county charter 16 commission to study and make recommendations for the 17 functions, organization, and structure of county 18 government subject to the requirements and limitations 19 specified in section 331.224. The recommendations of 20 the commission shall be presented in the form of a 21 proposed county charter which shall be submitted to 22 the qualified electors of the county for approval or 23 disapproval as provided in section 331.223.

Sec. 3. NEW SECTION. 331.219 APPOINTMENT OF 25 MEMBERSHIP.

- 1. Within forty-five days after the adoption of 27 the resolution creating the commission, the membership 28 of the commission shall be appointed as follows:
- 29 a. Two members shall be appointed by the board 30 from each list of three names submitted by each of the 31 following officers:
 - (1) County auditor.
 - (2) County recorder.
 - (3) County treasurer.
 - (4) County sheriff.
- 36 (5) County attorney.
- 37 b. Ten members shall be appointed by the board.
- 38 If a city within a county comprises fifty percent or 39 more of the county's population, five members of those 40 appointed by the board shall be eligible electors of 41 that city.
- 42 c. Two members shall be appointed by the board of 43 trustees of a county hospital.
- 2. Only eligible electors of the county not 45 holding a city, county, or state office shall be 46 members of the commission.
- 3. A vacancy on the commission shall be filled by 48 appointment in the same manner as the original 49 appointment. The county auditor shall notify the 50 appropriate appointing authority of the vacancy.

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- Sec. 4. NEW SECTION. 381,220 ORGANIZATION AND EXPENSES.
- 1. Within thirty days after appointment of the 4 members of the commission, the county auditor shall 5 give written notice of the date, time, and location of 6 the first meeting of the commission. At its first 7 meeting the commission shall organize by electing a 8 chairperson, vice chairperson, and other officers as 9 necessary. The commission shall adopt rules governing 10 the conduct of its meetings, subject to chapter 21.
- lì The members of the commission shall serve 12 without compensation, but they are entitled to travel 13 and other necessary expenses relating to their duties 14 of office, subject to section 79.9.
- 15 The board shall provide office space, rooms, 16 supplies, and equipment for the commission and shall 17 pay the necessary expenses of the commission including 18 compensation for secretarial, clerical, professional, 19 and consultant services not to exceed one hundred 20 thousand dollars. The commission may employ staff as 21 necessary.
- 22 The expenses of the commission may be paid from 23 the general fund of the county or from any combination 24 of public or private funds available for that purpose. Sec. 5. NEW SECTION. 331.221 COMMISSION 25 26 PROCEDURES AND REPORTS.
- 27 1. Within sixty days after its organization, the 28 commission shall hold at least one public hearing for 29 the purpose of receiving information and materials 30 which will assist in the drafting of a county charter. 31 Notice of the date, time, and place of the hearing 32 shall be given as provided in chapter 21.
- Within nine months after the organization of 34 the commission, the commission shall submit a 35 preliminary report to the board, which report may 36 include the text of the proposed county charter. 37 Sufficient copies of the proposed report shall be made 38 available for distribution to residents of the county 39 who request a copy. The commission shall hold at 40 least one public hearing after submission of the 41 preliminary report to obtain public comment on the 42 report.
- 43 3. Within fifteen months after its organization, 44 the commission shall submit its final report to the 45 board. The final report shall include the full text 46 and an explanation of the proposed charter, any 47 comments deemed desirable by the commission, a written 48 opinion by the attorney general of this state, stating 49 that the proposed charter is not in conflict with 50 constitutional or statutory law of this state, and any

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I minority reports. The final report shall be made available to the residents of the county upon request. 3 A summary of the final report shall be published in 4 the official newspapers of the county.

- 5 4. The commission is dissolved on the date of the 6 general election at which the proposed county charter 7 is submitted to the electorate.
- 8 Sec. 6. <u>NEW SECTION</u>. 331.222 AMENDMENT TO 9 CHARTER.
- 10 1. The board, by resolution, may submit a proposed 11 amendment to the county electorate at a general 12 election and the proposed amendment becomes effective 13 if approved by a majority of those voting on the 14 proposal. The board may propose amendments to the 15 charter to the county electorate, but any amendments 16 shall be limited to those subjects contained in the 17 charter as approved by the voters.
- 2. If a petition signed by eligible electors of the county equal in number to at least ten percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election is filed with the board proposing an amendment to the charter, the board shall submit the proposed amendment to the voters at the next general election and the amendment becomes effective if approved by a majority of those voting on the proposal.
- 3. The submission of an amendment to the county electorate is subject to the restrictions of section 30 331.223, subsection 3.
- 31 Sec. 7. <u>NEW SECTION</u>. 331.223 REFERENDUM -- 32 EFFECTIVE DATE.
- 1. Opon receipt of a proposed charter or charter 34 amendment, the board shall direct the county 35 commissioner of elections to submit to the qualified 36 electors of the county at the next general election 37 the question of whether the proposed charter or 38 charter amendment shall be adopted. If a majority of the votes cast on the question is in favor of the 40 proposal, the proposal is adopted.
- 41 2. If a county charter or charter amendment is 42 adopted:
- 43 a. The proposed charter or charter amendment shall 44 take effect January I following the general election 45 at which it is approved unless the charter or charter 46 amendment provides a later effective date. If the 47 adopted charter or charter amendment provides for a 48 special election, the board shall direct the county 49 commissioner of elections to conduct the election.
 - b. The adoption of the charter or charter

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l ameriment does not alter any right or liability of the 2 county in effect at the time of the election at which 3 the charter or charter amendment was adopted.

- c. All departments and agencies shall continue to 5 operate until replaced.
- d. All ordinances or resolutions in effect remain 7 effective until amended or repealed, unless they are & irreconcilable with the charter or charter amendment.
- e. Upon the effective date of the charter or 10 charter amendment, the county shall adopt the charter 11 by ordinance, and shall file a copy of its charter 12 with the secretary of state, and maintain copies 13 available for public inspection.
- 14 3. If a county charter is adopted by the 15 electorate, a county charter or charter amendment 16 proposing a change in the number of supervisors under 17 section 331.224, subsection 2, paragraph "a" shall not 18 be submitted to the electorate for three years.
- 19 4. If a proposed county charter is rejected by the 20 voters, it may not be resubmitted to the voters within 21 the next four years.
- NEW SECTION. Sec. 8. 331.224 COUNTY CHARTER 23 AUTHORIZED --LIMITATIONS.
- A county may adopt or amend a charter for the 25 government of the county subject to the requirements 26 and limitations provided in this part.
- 27 2. A county charter shall provide for the exercise 28 of home rule power and authority not inconsistent with 29 state law and may include, but is not limited to, 30 provisions for:
- 31 a. A board of an odd number of members which may 32 exceed the number of members specified in section 33 331.201, but not more than seven members.
- b. A supervisor representation plan for the county 35 which may differ from the supervisor representation 36 plans specified in sections 331.206, and 331.208 37 through 331.210.
- 38 c. The initial compensation for members of the 39 board which, thereafter, shall be determined as 40 provided in section 331.907.
- d. The method of selecting officers of the board 42 and fixing their terms of office which may differ from 43 the requirements of section 331.211.
- 44 e. Determining meetings of the board and rules of 45 procedure which may differ from the requirements of 46 section 331.213 except the meetings shall be scheduled 47 and conducted in compliance with chapter 21.
- f. The method of combining the duties of elected 49 county officials which may differ from the 50 requirements of section 331.323. If a charter or

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- I charter amendment proposes to combine the powers and 2 duties of elected county officials, the charter or 3 charter amendment shall specifically identify the 4 officer who will exercise the powers and duties of the 5 combined office and any future powers and duties 6 conferred by state law.
- 7 g. The organization of county departments, 8 agencies, township boards of trustees, or boards of 9 trustees of a county hospital in a county having a 10 population of two hundred fifty thousand or more. The 11 organization plan may provide for the abolition or 12 consolidation of a board or commission and the 13 assumption of its powers and duties by the board of 14 supervisors or another officer.
- 15 h. A form of county government specified under 16 section 331.225.
- 17 3. A county charter or charter amendment shall not 18 contain a provision which relates to the levy or 19 collection of a tax.
- 4. A county charter or charter amendment shall not 21 contain a provision which relates to the method of 22 conducting nominations or elections pursuant to 23 chapters 43 and 49.
- 24 Sec. 9. <u>NEW SECTION</u>. 331.225 FORMS OF COUNTY 25 GOVERNMENT
 - 1. The forms of county government are:
 - a. Board of supervisors.
 - b. Executive-board.
 - c. Board-manager form.
- 30 2. A county retains its form of government until 31 it adopts a different form as provided in this 32 section.
- 33 Sec. 10. <u>NEW SECTION</u>. 331.226 COUNTY EXECUTIVE-34 BOARD FORM.

A county governed by the county executive-board form has a county executive and five board members relected at large, unless by ordinance a county so so governed chooses to have a county executive elected at large and an odd number of board members but not less than five, including at least two board members the elected at large and one board member elected by and from each district.

The county executive is the chief executive officer 44 of the county, shall exercise all administrative 45 duties consistent with state law and county ordinances 46 and shall appoint officers whose offices are provided 47 by ordinance and for whose official conduct the county 48 executive shall be responsible. The county executive 49 is not a member of the board and may not vote as a 50 member of the board.

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Sec. 11. NEW SECTION. 331.227 BOARD-MANAGER 2 FORMS.

A county governed by the board-manager-at-large 4 form has at least three board members elected at large 5 for staggered four-year terms. At the first meeting 6 of the new term following each regular election, the 7 board shall elect one of the board members to serve as 8 chairperson, and one to serve as vice chairperson. 9 The chairperson is a member of the board and may vote 10 on all matters before the board. As soon as possible ll after the beginning of the new term following each 12 regular county election, the board shall appoint a

13 manager.

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A county governed by board-manager-district form 14 15 has a board composed of an odd number of not less than 16 three members elected from designated districts. 17 the first meeting of the new term following each 18 regular election, the board shall elect one of the 19 board members to serve as chairperson and one to serve 20 as vice chairperson. The chairperson and other board 21 members serve four-year staggered terms. 22 chairperson is a member of the board and may vote on 23 all matters before the board. The board shall also 24 appoint a county manager as soon as possible following 25 the beginning of the new term.

331.228 COUNTY MANAGER Sec. 12. NEW SECTION.

27 POWERS AND DUTIES.

The board-manager form of government shall be that 29 form in which the chief administrative officer is 30 known as the county manager. The manager shall be 31 appointed for an indefinite period by the county board 32 solely on the basis of training, experience, and 33 administrative qualifications, and need not be a 34 resident of the county at the time of appointment. 35 The manager may be removed by the county board at any 36 time.

When a county adopts a board-manager-at-large or 37 38 board-manager-district form of government, the powers 39 and duties of the county manager shall be specified by 40 county ordinance.

NEW SECTION. 331.229 ABANDONMENT OF Sec. 13.

42 FORM OF GOVERNMENT.

A county may abandon an optional form of government 44 by approving an alternative form of government as 45 provided in this division. A form of government shall 46 not be abandoned until six years have elapsed after 47 the date of referendum at which the form was adopted. Sec. 14. Section 39.18, Code 1987, is amended by 48

49 adding the following new unnumbered paragraph: NEW UNNUMBERED PARAGRAPH. In lieu of the election 50

H-4083 Page Seven

1 of township trustees, a county charter may provide for 2 the exercise of their powers and duties by the board 3 of supervisors or other governing body of the county 4 or another officer.

Sec. 15. Section 39.22, Code 1987, is amended by

6 adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In lieu of the election 8 of township clerks, a county charter may provide for 9 the exercise of their powers and duties by another 10 county officer or employee.

Sec. 16. Section 331.101, subsection 1, Code 1987, 11

12 is amended to read as follows:

13 "Board" means the board of supervisors or other 14 governing body of a county. 15

Sec. 17. Section 331.201, Code 1987, is amended by

16 adding the following new subsection:

NEW SUBSECTION. 5. This section does not apply to 17 18 a board otherwise constituted under a county charter. 19

Sec. 18. Section 331.501, Code 1987, is amended by

20 adding the following new subsection:

NEW SUBSECTION. 4. Subsections 1 and 3 do not 21 22 apply to the office of county auditor if the office is 23 otherwise constituted under a county charter.

Sec. 19. Section 331.551, Code 1987, is amended by

5 adding the following new subsection:

NEW SUBSECTION. 4. Subsections 1 and 3 do not 27 apply to the office of county treasurer if the office 28 is otherwise constituted under a county charter.

Sec. 20. Section 331.601, Code 1987, is amended by

30 adding the following new subsection:

NEW SUBSECTION. 4. Subsections 1 and 3 do not 32 apply to the office of county recorder if the office 33 is otherwise constituted under a county charter.

34 Sec. 21. Section 331.651, Code 1987, is amended by

35 adding the following new subsection:

Subsections 1 and 3 do not NEW SUBSECTION. 4. 37 apply to the office of county sheriff if the office is 38 otherwise constituted under a county charter.

Sec. 22. Section 331.751, Code 1987, is amended by 39

40 adding the following new subsection:

4. Subsections 1 and 3 do not NEW SUBSECTION. 41 42 apply to the office of county attorney if the office 43 is otherwise constituted under a county charter.

Sec. 23. Section 347.9, Code 1987, is amended by

#5 adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In lieu of the election 47 of hospital trustees, a county charter may provide for 48 the exercise of their powers and duties by the board of supervisors or other governing body of the county, or as provided in the charter."

H-4083 Page Eight

1 2. Title page, by striking lines 1 through 3 and 2 inserting the following: "An Act authorizing a county 3 to establish a county charter commission, specifying 4 the powers and duties of the charter commission, and 5 providing for the adoption of a county charter." H-4083 FILED APRIL 29, 1987 BY HATCH of Polk ω/ω $4/\pi/8 \times (\pi.1644)$

SENATE FILE 69

H-3716

1 Amend Senate File 69, as amended, passed, and 2 reprinted by the Senate, as follows:

1. Page 1, by striking lines 10 through 15 and 4 inserting the following: "expenses in notes, 5 certificates, bonds, prime eligible bankers 6 acceptances, commercial paper rated within the two 7 highest classifications of prime as established by at 8 least one of the standard rating services approved by 9 the superintendent of banking pursuant to chapter 17A, 10 perfected repurchase agreements, or other evidences of 11 indebtedness which are".

12 2. Page 1, by striking lines 17 through 22 and 13 inserting the following: "or any of its agencies; or 14 in time deposits in".

15 3. Title page, line 3 by striking the words "and 16 by correcting an error".

H-3716 FILED APRIL 10, 1987 (depted 4/14/87 (\$ 1313) BY COMMITTEE ON SMALL BUSINESS AND COMMERCE

HOUSE AMENDMENT TO SENATE FILE 69

5-5963

Amend Senate File 69, as amended, passed, and 2 reprinted by the Senate, as follows:

1. Page 1, by striking lines 10 through 15 and 4 inserting the following: "expenses in notes. 5 certificates, bonds, prime eligible bankers 6 acceptances, commercial paper rated within the two 7 highest classifications of prime as established by at 8 least one of the standard rating services approved by 9 the superintendent of banking pursuant to chapter 17A, 10 perfected repurchase agreements, or other evidences of 11 indebtedness which are".

12 2. Page 1, by striking lines 17 through 22 and 13 inserting the following: "or any of its agencies; or 14 in time deposits in".

15 3. Title page, line 3 by striking the words "and 16 by correcting an error".

5-5963 Filed April 13, 1988 Sente concessed 4/1+(p. 1547)

RECEIVED FROM THE HOUSE

SENATE FILE 69

AM ACT

RELATING TO THE INVESTMENT OF IDLE PUBLIC FUNDS BY AUTHORIZING INVESTMENT IN DRAINAGE DISTRICT WARRANTS OR IMPROVEMENT CERTIFICATES.

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

Section 1. Section 452.10, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The treasurer of state and the treasurer of each political subdivision shall at all times keep all funds coming into their possession as public money, in a vault or safe, to be provided for that purpose, or in one or more depositories. However, the treasurer of state and the treasurer of each political subdivision shall invest, unless otherwise provided. any of the public funds not currently needed for operating expenses in notes, certificates, bonds, prime eligible bankers acceptances, commercial paper rated within the two highest classifications of prime as established by at least one of the standard rating services approved by the superintendent of banking pursuant to chapter 17A, perfected repurchase agreements, or other evidences of indebtedness which are obligations of or guaranteed by the United States of America or any of its agencies; or in time deposits in depositories as provided in chapter 453 and receive time certificates of deposit therefor for the funds; or in savings accounts in depositories; or in warrants or improvement certificates of a drainage district. The total investment in commercial paper of any one corporation is limited to an amount not more than twenty percent of the total stockholders' equity of that corporation. The treasurer of state may invest any of the funds in the treasurer's pustody in any of the investments subsortized for the lowaltablic employees' retirement system in Senate File 69, p. 2

section 978.7, subsection 2, paragraph "b" except that investment in common stocks is not permitted. As used in this section, "depository" means a financial institution designated as a legal depository under chapter 453.

JO ANN ZIMMERMAN President of the Senate

DONALD D. AVENSON Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 69, Seventy-second General Assembly.

JOHN F. DWYER

Secretary of the Senate

Approved May 7 , 1988

SF 69

TERRY E. BRANSTAD

Governor