

MAR 9 1939

HOUSE FILE 551

Place On Calendar

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 219)

Passed House, Date 3-23-39 (P.M.) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 95 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to modify the requirements for establishing an aviation  
2 authority.

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

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1 Section 1. Section 330A.3, Code 1989, is amended to read  
2 as follows:

3 330A.3 CREATION.

3557-4 ~~Two~~ One or more municipalities may ~~under the provisions of~~  
5 ~~this chapter enter into an agreement creating~~ provide by  
6 ordinance or resolution for the creation of an airport  
7 authority in the manner and for the purposes hereinafter  
8 provided under this chapter. The authority shall be created  
9 by agreement adopted by ordinance or resolution between two or  
10 more municipalities, or by ordinance or resolution of a single  
11 municipality. Such An authority so-created shall be is a  
12 joint public instrumentality and public body corporate to be  
13 known as "..... Airport Authority" and which is hereby  
14 authorized to. An airport authority may exercise its  
15 jurisdiction, powers, and duties as herein set forth in this  
16 chapter. Provisions for the disposition of the authority's  
17 rights and properties in the event of dissolution of the  
18 authority shall be set forth in the agreement, ordinance, or  
19 resolution creating the authority.

20 Sec. 2. Section 330A.5, Code 1989, is amended to read as  
21 follows:

22 330A.5 BOARD.

3557-23 Each authority shall have a board of an odd number of three  
24 or more members and ~~said the~~ board shall be the governing body  
25 of the authority exercising all of the rights, duties, and  
26 powers conferred by this chapter upon the authority. Board  
27 ~~membership shall be established in the following manner:~~  
28 ~~Committee members shall elect in separate ballots from among~~  
29 ~~their membership seven persons, provided, however, that the~~  
30 ~~maximum number of municipalities is represented on said board.~~  
31 ~~Committee members elected to the board shall resign from the~~  
32 ~~committee. Where a committee consists of less than seven~~  
33 ~~members such committee shall elect sufficient nonmembers to~~  
34 ~~the board so that the board consists of seven persons. The~~  
35 board members shall be appointed by the governing bodies of

1 the member municipalities. The number to be appointed by each  
2 municipality shall be provided for in the agreement,  
3 ordinance, or resolution creating the authority. However, no  
4 an elected official or full-time paid employee of any a member  
5 municipality is not eligible for election appointment to the  
6 board. The-term-of-the-two-persons-first-so-elected-shall-be  
7 for-five-years,-of-the-next-three-persons-so-elected-for-three  
8 years,-and-of-the-next-two-persons-so-elected-for-one-year-  
9 Thereafter,-as-those-terms-expire,-the-terms-of-successors  
10 shall-be-for-five-years- Board members shall serve for terms  
11 of four years except members of the initial board shall  
12 determine their respective terms by lot so the terms of one-  
13 half of the members expire at the end of two years. The  
14 remaining initial terms shall expire at the end of four years.  
15 Each member of the board shall qualify by taking an oath to  
16 faithfully perform the duties of office. Within forty-five  
17 days after any a vacancy occurs on the board by death,  
18 resignation, change of residence or removal of any a member,  
19 or from any other cause, the successor of such the member  
20 shall be elected-in-the-same-manner-as-the-member's  
21 predecessor-was-elected-and-shall-serve-for-the-unexpired-term  
22 of-the-predecessor appointed by the member municipality  
23 represented by the vacancy and shall serve until the term  
24 expires. The board shall, elect-one-of-its-members-as  
25 chairperson-who-shall-hold-office-for-two-years,-and-it-shall  
26 also-elect-one-of-its-members-as-secretary,-who-shall-hold  
27 office-for-two-years,-and-it-shall-also-elect-one-of-its  
28 members-as-treasurer,-who-shall-hold-office-for-two-years-and  
29 who within ten days after its appointment, organize by  
30 electing a chairperson, a secretary, and a treasurer, each for  
31 a term of two years. The treasurer shall execute an adequate  
32 surety bond in a penal sum to be fixed from-time-to-time by  
33 the authority, conditioned upon the faithful performance of  
34 the duties of office, the premium on which shall be paid by  
35 the authority. Board members and officers shall serve until a

1 ~~successor-is~~ their successors are duly elected and qualified.  
2 ~~in-no-event~~ A salary shall a-salary not be paid to a board  
3 member~~;~~; however, each board member shall be reimbursed for  
4 actual expenses incurred in the performance of the member's  
5 duties. All actions by an authority ~~shall~~ require the  
6 affirmative vote of a majority of the board of ~~an the~~  
7 authority ~~as-it-may-exist-at-the-time~~.

8 Sec. 3. Section 330A.6, subsection 1, paragraph c, Code  
9 1989, is amended to read as follows:

10 c. Number of ~~committee board~~ members to be appointed from  
11 ~~such by the~~ municipality.

12 Sec. 4. Section 330A.6, subsection 2, Code 1989, is  
13 amended to read as follows:

3557-14 2. After the hearing, and if in the best interests of the  
15 municipality, the municipality shall enact an ordinance or  
16 resolution authorizing the ~~joining~~ creation of the authority.

17 Sec. 5. Section 330A.7, subsections 1 and 2, Code 1989,  
18 are amended to read as follows:

3557-19 1. ~~Whenever-an-authority-has-been-created-by-two-or-more~~  
20 ~~municipalities,-any-one~~ One or more of ~~such the~~ member  
21 ~~municipalities may withdraw therefrom-but-no~~ from the  
22 authority, except that a municipality shall be-permitted-to  
23 not withdraw ~~from-any-authority~~ after any obligations ~~thereof~~  
24 have been incurred by the authority unless in the opinion of  
25 the authority satisfactory provision has been made by the  
26 withdrawing municipality for the payment of its portion of  
27 ~~such the~~ outstanding obligations. ~~Whenever~~ If an authority  
28 has been created ~~by-two-or-more-municipalities-any~~ pursuant to  
29 this chapter, a municipality which did not having-joined join  
30 in the original agreement may subsequently join in the  
31 authority with the approval of the member municipalities.

3557-32 2. Any A municipality wishing to withdraw from or to  
33 become a member of an existing authority shall signify its  
34 desire intention by resolution and shall publish ~~said the~~  
35 resolution at least one time in a newspaper of general

1 circulation in such the municipality giving notice of a  
 2 hearing to be held on the question of withdrawing or joining  
 3 and its intention to withdraw or join. Said The resolution  
 4 shall be published ~~in a newspaper of general circulation in~~  
 5 ~~such withdrawing or joining municipality~~ at least fourteen  
 6 days prior to the date of the hearing. A withdrawing  
 7 municipality shall state in said the resolution why it wishes  
 8 to withdraw and how it intends to pay its portion of the  
 9 outstanding ~~obligation~~ obligations of the authority, if any.  
 10 A joining municipality shall state in said the resolution the  
 11 information required in section 330A.6. A copy of said the  
 12 resolution shall be certified to the authority by the  
 13 municipality at least fourteen days in advance of said the  
 14 hearing. The board shall by resolution indicate whether a  
 15 satisfactory provision has been made for the payment of the  
 16 outstanding obligations of the authority, as required under  
 17 subsection 1. After the hearing and ~~if in the best interest~~  
 18 ~~of the municipality~~ upon a finding by the authority that the  
 19 outstanding obligations of the authority have been adequately  
 20 provided for by the municipality, the municipality shall ~~may~~  
 21 enact an ordinance ~~authorizing the withdrawing or joining or~~  
 22 resolution to withdraw from or join the authority. ~~The~~  
 23 ~~authority shall by resolution express its consent to such~~  
 24 ~~withdrawing or joining, if satisfactory provision has been~~  
 25 ~~made as aforesaid.~~

26 Sec. 6. Chapter 330A.8, Code 1989, is amended by adding  
 27 the following new subsection:

28 NEW SUBSECTION. 16. To designate employees upon whom are  
 29 conferred all the powers of a peace officer as defined in  
 30 section 801.4.

357-31 Sec. 7. NEW SECTION. 330A.9 DISSOLUTION OF AN AUTHORITY.  
 32 When an authority has fully discharged all of its debts and  
 33 obligations or has arranged for the assumption of its debts  
 34 and obligations by another public agency, it may be dissolved  
 35 by unanimous consent of the member municipalities upon

1 enactment of an ordinance or resolution to dissolve the  
2 authority by each member municipality. If all members  
3 withdraw from the authority, the authority is dissolved. When  
4 the business and affairs of an authority have been closed upon  
5 dissolution, that fact shall be certified by the chairperson  
6 of the board to the recorders of the counties in which the  
7 authority was situated and to the secretary of state.

8 Sec. 8. NEW SECTION. 330A.10 TRANSITION.

9 For those authorities established prior to July 1, 1989,  
10 the terms of all board members in office shall expire on  
11 December 31, 1989. The provision for successor board members  
12 shall be by agreement of the member municipalities and in  
13 accordance with section 330A.5. Authorities in existence  
14 prior to July 1, 1989, remain in existence on or after July 1,  
15 1989, except as provided in this chapter.

16 Sec. 9. Section 384.24, subsection 3, paragraph n, Code  
17 1989, is amended to read as follows:

18 n. The reconstruction, extension, and improvement of an  
19 airport already owned or operated by the city, an agency of  
20 the city, or a multimember governmental body of which the city  
21 is a participating member.

22 Sec. 10. Section 801.4, subsection 7, Code 1989, is  
23 amended by adding the following new lettered paragraph  
24 immediately following paragraph "h" and relettering subsequent  
25 lettered paragraphs:

26 NEW LETTERED PARAGRAPH. i. Employees of an aviation  
27 authority designated as "peace officers" by the authority  
28 under section 330A.8, subsection 16.

29 Sec. 11. Section 330A.4, Code 1989, is repealed.

30 EXPLANATION

31 This bill provides for establishment of an airport  
32 authority by a single municipality or two or more  
33 municipalities. It also changes the method of appointment to  
34 the authority board from a committee selected by the  
35 municipalities to appoint the board, to direct appointment by

1 the governing bodies of the municipalities and changes the  
2 board terms from five years to four years. The bill  
3 eliminates airport authority committees provided under current  
4 law. This proposal provides for the joining or withdrawing  
5 from authorities, the dissolution of authorities, and for the  
6 transition from authorities created prior to July 1, 1989, to  
7 the authorities provided for under this bill. It also  
8 provides for authorities to appoint peace officers and  
9 provides that general obligation bonds may be issued by a city  
10 to benefit an airport operated by an authority or other agency  
11 if the city is a member of the authority.

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HOUSE FILE 551

H-3557

- 1 Amend House File 551 as follows:  
2 1. Page 1, line 6, by striking the words "or  
3 resolution".  
4 2. Page 1, line 9, by striking the words "or  
5 resolution".  
6 3. Page 1, line 10, by striking the words "or  
7 resolution".  
8 4. Page 1, lines 18 and 19, by striking the words  
9 "agreement, ordinance, or resolution" and inserting  
10 the following: "agreement or ordinance".  
11 5. Page 2, lines 2 and 3, by striking the words  
12 "agreement, ordinance, or resolution" and inserting  
13 the following: "agreement or ordinance".  
14 6. Page 2, line 11, by inserting after the word  
15 "years" the following: "at the pleasure of the  
16 municipality appointing the members".  
17 7. Page 3, lines 15 and 16, by striking the words  
18 "or resolution".  
19 8. Page 3, lines 24 and 25, by striking the words  
20 "in the opinion of the authority" and inserting the  
21 following: "in-the-opinion-of-the-authority".  
22 9. Page 4, lines 7 and 8, by striking the words  
23 "why it wishes to withdraw and" and inserting the  
24 following: "why-it-wishes-to-withdraw-and".  
25 10. Page 4, by striking line 18 and inserting the  
26 following: "of-the-municipality if the".  
27 11. Page 4, lines 21 and 22, by striking the  
28 words "or resolution".  
29 12. Page 5, line 1, by striking the words "or  
30 resolution".

By BROWN of Lucas

H-3557 FILED MARCH 22, 1989

*Adopted 3/23/89 (p. 974)*



SENATE AMENDMENT TO HOUSE FILE 551

H-4006

1 Amend House File 551, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 330.23, Code 1989, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. Sections 330.17 through  
8 330.20 do not apply to the abolition of an airport  
9 commission by a city pursuant to this section for the  
10 purpose of establishing an administrative agency  
11 pursuant to chapter 392 to manage and control all or  
12 part of its airport. The commission shall stand  
13 abolished sixty days from the date of the city  
14 council's final approval abolishing the airport  
15 commission pursuant to this section, unless the  
16 council designates a different effective date."  
17 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4006 FILED APRIL 13, 1989

House concurred 4-23-89 (p. 1809)

Sen. TRANS.  
DO PASS 4-6-89 (p. 1224)

HOUSE FILE 551  
BY COMMITTEE ON TRANSPORTATION  
(SUCCESSOR TO HSB 219)

(As Amended and Passed by the House March 23, 1989)

Re Passed House, Date 4-25-89 (p. 1839) Passed Senate, Date 4-11-89 (p. 1335)  
Vote: Ayes 93 Nays 1 Vote: Ayes 48 Nays 0  
Approved May 22, 1989

**A BILL FOR**

1 An Act to modify the requirements for establishing an aviation  
2 authority.

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

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House Amendments \_\_\_\_\_  
Deleted Language \*

**HOUSE FILE 551**

S-3631

1 Amend House File 551, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 330.23, Code 1989, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. Sections 330.17 through  
8 330.20 do not apply to the abolition of an airport  
9 commission by a city pursuant to this section for the  
10 purpose of establishing an administrative agency  
11 pursuant to chapter 392 to manage and control all or  
12 part of its airport. The commission shall stand  
13 abolished sixty days from the date of the city  
14 council's final approval abolishing the airport  
15 commission pursuant to this section, unless the  
16 council designates a different effective date."  
17 2. By renumbering as necessary.

By DONALD GETTINGS  
DONALD V. DOYLE

S-3631 FILED APRIL 11, 1989  
ADOPTED 4-11-89 (p. 1335)

TL5B 1227HV 73  
gk/sc/14

4006 -  
3631 -

1 Section 1. Section 330A.3, Code 1989, is amended to read  
2 as follows:

3 330A.3 CREATION.

4 ~~Two One~~ or more municipalities may ~~under the provisions of~~  
5 ~~this chapter enter into an agreement creating~~ provide by  
\*6 ordinance for the creation of an airport authority in the  
7 manner and for the purposes hereinafter provided under this  
8 chapter. The authority shall be created by agreement adopted  
\*9 by ordinance between two or more municipalities, or by  
\*10 ordinance of a single municipality. Such An authority so  
11 ~~created shall be~~ is a joint public instrumentality and public  
12 body corporate to be known as "..... Airport Authority";  
13 ~~and which is hereby authorized to.~~ An airport authority may  
14 exercise its jurisdiction, powers, and duties as ~~herein~~ set  
15 forth in this chapter. Provisions for the disposition of the  
16 authority's rights and properties in the event of dissolution  
17 of the authority shall be set forth in the agreement or  
18 ordinance creating the authority.

19 Sec. 2. Section 330A.5, Code 1989, is amended to read as  
20 follows:

21 330A.5 BOARD.

22 Each authority shall have a board of an odd number of three  
23 or more members and ~~said the~~ board shall be the governing body  
24 of the authority exercising all of the rights, duties, and  
25 powers conferred by this chapter upon the authority. ~~Board~~  
26 ~~membership shall be established in the following manner:~~  
27 ~~Committee members shall elect in separate ballots from among~~  
28 ~~their membership seven persons, provided, however, that the~~  
29 ~~maximum number of municipalities is represented on said board.~~  
30 ~~Committee members elected to the board shall resign from the~~  
31 ~~committee. Where a committee consists of less than seven~~  
32 ~~members such committee shall elect sufficient nonmembers to~~  
33 ~~the board so that the board consists of seven persons. The~~  
34 board members shall be appointed by the governing bodies of  
35 the member municipalities. The number to be appointed by each

1 municipality shall be provided for in the agreement or  
2 ordinance creating the authority. However, no an elected  
3 official or full-time paid employee of any a member  
4 municipality is not eligible for election appointment to the  
5 board. The-term-of-the-two-persons-first-so-elected-shall-be  
6 for-five-years,-of-the-next-three-persons-so-elected-for-three  
7 years,-and-of-the-next-two-persons-so-elected-for-one-year-  
8 Thereafter,-as-those-terms-expire,-the-terms-of-successors  
9 shall-be-for-five-years. Board members shall serve for terms  
10 of four years at the pleasure of the municipality appointing  
11 the members except members of the initial board shall  
12 determine their respective terms by lot so the terms of one-  
13 half of the members expire at the end of two years. The  
14 remaining initial terms shall expire at the end of four years.  
15 Each member of the board shall qualify by taking an oath to  
16 faithfully perform the duties of office. Within forty-five  
17 days after any a vacancy occurs on the board by death,  
18 resignation, change of residence or removal of any a member,  
19 or from any other cause, the successor of such the member  
20 shall be elected-in-the-same-manner-as-the-member's  
21 predecessor-was-elected-and-shall-serve-for-the-unexpired-term  
22 of-the-predecessor appointed by the member municipality  
23 represented by the vacancy and shall serve until the term  
24 expires. The board shall, elect-one-of-its-members-as  
25 chairperson-who-shall-hold-office-for-two-years,-and-it-shall  
26 also-elect-one-of-its-members-as-secretary,-who-shall-hold  
27 office-for-two-years,-and-it-shall-also-elect-one-of-its  
28 members-as-treasurer,-who-shall-hold-office-for-two-years-and  
29 who within ten days after its appointment, organize by  
30 electing a chairperson, a secretary, and a treasurer, each for  
31 a term of two years. The treasurer shall execute an adequate  
32 surety bond in a penal sum to be fixed from-time-to-time by  
33 the authority, conditioned upon the faithful performance of  
34 the duties of office, the premium on which shall be paid by  
35 the authority. Board members and officers shall serve until a

1 ~~successor-is~~ their successors are duly elected and qualified.  
2 ~~In-no-event~~ A salary shall ~~a-salary~~ not be paid to a board  
3 member~~;~~; however, each board member shall be reimbursed for  
4 actual expenses incurred in the performance of the member's  
5 duties. All actions by an authority ~~shall~~ require the  
6 affirmative vote of a majority of the board of an the  
7 authority ~~as-it-may-exist-at-the-time~~.

8 Sec. 3. Section 330A.6, subsection 1, paragraph c, Code  
9 1989, is amended to read as follows:

10 c. Number of ~~committee~~ board members to be appointed from  
11 such by the municipality.

12 Sec. 4. Section 330A.6, subsection 2, Code 1989, is  
13 amended to read as follows:

14 2. After the hearing, and if in the best interests of the  
15 municipality, the municipality shall enact an ordinance  
\*16 authorizing the joining creation of the authority.

17 Sec. 5. Section 330A.7, subsections 1 and 2, Code 1989,  
18 are amended to read as follows:

19 1. ~~Whenever-an-authority-has-been-created-by-two-or-more~~  
20 ~~municipalities,-any-one~~ One or more of ~~such~~ the member  
21 municipalities may withdraw ~~therefrom-but-no~~ from the  
22 authority, except that a municipality shall be-permitted-to  
23 not withdraw ~~from-any-authority~~ after any obligations thereof  
24 have been incurred by the authority unless in-the-opinion-of  
25 the-authority satisfactory provision has been made by the  
26 withdrawing municipality for the payment of its portion of  
27 such the outstanding obligations. ~~Whenever~~ If an authority  
28 has been created ~~by-two-or-more-municipalities-any~~ pursuant to  
29 this chapter, a municipality which did not having-joined join  
30 in the original agreement may subsequently join ~~in~~ the  
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32 2. ~~Any~~ A municipality wishing to withdraw from or to  
33 become a member of an existing authority shall signify its  
34 desire intention by resolution and shall publish ~~said~~ the  
35 resolution at least one time in a newspaper of general

1 circulation in such the municipality giving notice of a  
 2 hearing to be held on the question of withdrawing or joining  
 3 and its intention to withdraw or join. Said The resolution  
 4 shall be published ~~in-a-newspaper-of-general-circulation-in~~  
 5 ~~such-withdrawing-or-joining-municipality~~ at least fourteen  
 6 days prior to the date of the hearing. A withdrawing  
 7 municipality shall state in said the resolution why-it-wishes  
 8 to-withdraw-and how it intends to pay its portion of the  
 9 outstanding ~~obligation~~ obligations of the authority, if any.  
 10 A joining municipality shall state in said the resolution the  
 11 information required in section 330A.6. A copy of said the  
 12 resolution shall be certified to the authority by the  
 13 municipality at least fourteen days in advance of said the  
 14 hearing. The board shall by resolution indicate whether a  
 15 satisfactory provision has been made for the payment of the  
 16 outstanding obligations of the authority, as required under  
 17 subsection 1. After the hearing and ~~if-in-the-best-interest~~  
 18 ~~of-the-municipality~~ if the outstanding obligations of the  
 19 authority have been adequately provided for by the  
 20 municipality, the municipality shall may enact an ordinance  
 \*21 ~~authorizing-the-withdrawing-or-joining~~ to withdraw from or  
 22 join the authority. ~~The-authority-shall-by-resolution-express~~  
 23 ~~its-consent-to-such-withdrawal,-or-joining,-if-satisfactory~~  
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25 Sec. 6. Chapter 330A.8, Code 1989, is amended by adding  
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27 NEW SUBSECTION. 16. To designate employees upon whom are  
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30 Sec. 7. NEW SECTION. 330A.9 DISSOLUTION OF AN AUTHORITY.

31 When an authority has fully discharged all of its debts and  
 32 obligations or has arranged for the assumption of its debts  
 33 and obligations by another public agency, it may be dissolved  
 34 by unanimous consent of the member municipalities upon  
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1 member municipality. If all members withdraw from the  
2 authority, the authority is dissolved. When the business and  
3 affairs of an authority have been closed upon dissolution,  
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5 to the recorders of the counties in which the authority was  
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17 n. The reconstruction, extension, and improvement of an  
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25 NEW LETTERED PARAGRAPH. i. Employees of an aviation  
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28 Sec. 11. Section 330A.4, Code 1989, is repealed.

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*Pass. Year*  
*Expire*  
*Approved*

HSR 219

TRANSPORTATION

*7.000*

HOUSE FILE 551

BY (PROPOSED STATE DEPARTMENT  
OF TRANSPORTATION BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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29 ~~their membership seven persons; provided, however, that the~~  
30 ~~maximum number of municipalities is represented on said board.~~  
31 ~~Committee members elected to the board shall resign from the~~  
32 ~~committee. --Where a committee consists of less than seven~~  
33 ~~members such committee shall elect sufficient nonmembers to~~  
34 ~~the board so that the board consists of seven persons. The~~  
35 board members shall be appointed by the governing bodies of

1 the member municipalities. The number to be appointed by each  
2 municipality shall be provided for in the agreement,  
3 ordinance, or resolution creating the authority. However, no  
4 an elected official or full-time paid employee of any a member  
5 municipality is not eligible for election appointment to the  
6 board. The-term-of-the-two-persons-first-so-elected-shall-be  
7 for-five-years,-of-the-next-three-persons-so-elected-for-three  
8 years,-and-of-the-next-two-persons-so-elected-for-one-year-  
9 Thereafter,-as-those-terms-expire,-the-terms-of-successors  
10 shall-be-for-five-years. Board members shall serve for terms  
11 of four years except members of the initial board shall  
12 determine their respective terms by lot so the terms of one-  
13 half of the members expire at the end of two years. The  
14 remaining initial terms shall expire at the end of four years.  
15 Each member of the board shall qualify by taking an oath to  
16 faithfully perform the duties of office. Within forty-five  
17 days after any a vacancy occurs on the board by death,  
18 resignation, change of residence or removal of any a member,  
19 or from any other cause, the successor of such the member  
20 shall be elected-in-the-same-manner-as-the-member's  
21 predecessor-was-elected-and-shall-serve-for-the-unexpired-term  
22 of-the-predecessor appointed by the member municipality  
23 represented by the vacancy and shall serve until the term  
24 expires. The board shall, elect-one-of-its-members-as  
25 chairperson-who-shall-hold-office-for-two-years,-and-it-shall  
26 also-elect-one-of-its-members-as-secretary,-who-shall-hold  
27 office-for-two-years,-and-it-shall-also-elect-one-of-its  
28 members-as-treasurer,-who-shall-hold-office-for-two-years-and  
29 who within ten days after its appointment, organize by  
30 electing a chairperson, a secretary, and a treasurer, each for  
31 a term of two years. The treasurer shall execute an adequate  
32 surety bond in a penal sum to be fixed from-time-to-time by  
33 the authority, conditioned upon the faithful performance of  
34 the duties of office, the premium on which shall be paid by  
35 the authority. Board members and officers shall serve until a

1 ~~successor-is~~ their successors are duly elected and qualified.  
2 ~~in-no-event~~ A salary shall a-salary not be paid to a board  
3 member; however, each board member shall be reimbursed for  
4 actual expenses incurred in the performance of the member's  
5 duties. All actions by an authority ~~shall~~ require the  
6 affirmative vote of a majority of the board of ~~an~~ the  
7 authority ~~as-it-may-exist-at-the-time~~.

8 Sec. 3. Section 330A.6, subsection 1, paragraph c, Code  
9 1989, is amended to read as follows:

10 c. Number of ~~committee~~ board members to be appointed from  
11 ~~such by the~~ municipality.

12 Sec. 4. Section 330A.6, subsection 2, Code 1989, is  
13 amended to read as follows:

14 2. After the hearing, and if in the best interests of the  
15 municipality, the municipality shall enact an ordinance or  
16 resolution authorizing the ~~joining~~ creation of the authority.

17 Sec. 5. Section 330A.7, subsections 1 and 2, Code 1989,  
18 are amended to read as follows:

19 1. ~~Whenever-an-authority-has-been-created-by-two-or-more~~  
20 ~~municipalities,-any-one~~ One or more of ~~such~~ the member  
21 municipalities may withdraw ~~therefrom-but-no~~ from the  
22 authority, except that a municipality shall be-permitted-to  
23 not withdraw from-any-authority after any obligations thereof  
24 have been incurred by the authority unless in the opinion of  
25 the authority satisfactory provision has been made by the  
26 withdrawing municipality for the payment of its portion of  
27 ~~such~~ the outstanding obligations. ~~Whenever~~ If an authority  
28 has been created ~~by-two-or-more-municipalities-any~~ pursuant to  
29 this chapter, a municipality which did not having-joined join  
30 in the original agreement may subsequently join ~~in~~ the  
31 authority with the approval of the member municipalities.

32 2. ~~Any~~ A municipality wishing to withdraw from or to  
33 become a member of an existing authority shall signify its  
34 desire intention by resolution and shall publish ~~said~~ the  
35 resolution at least one time in a newspaper of general

1 circulation in such the municipality giving notice of a  
 2 hearing to be held on the question of withdrawing or joining  
 3 and its intention to withdraw or join. Said The resolution  
 4 shall be published ~~in-a-newspaper-of-general-circulation-in~~  
 5 ~~such-withdrawing-or-joining-municipality~~ at least fourteen  
 6 days prior to the date of the hearing. A withdrawing  
 7 municipality shall state in said the resolution why it wishes  
 8 to withdraw and how it intends to pay its portion of the  
 9 outstanding obligation obligations of the authority, if any.  
 10 A joining municipality shall state in said the resolution the  
 11 information required in section 330A.6. A copy of said the  
 12 resolution shall be certified to the authority by the  
 13 municipality at least fourteen days in advance of said the  
 14 hearing. The board shall by resolution indicate whether a  
 15 satisfactory provision has been made for the payment of the  
 16 outstanding obligations of the authority, as required under  
 17 subsection 1. After the hearing and if-in-the-best-interest  
 18 of-the-municipality upon a finding by the authority that the  
 19 outstanding obligations of the authority have been adequately  
 20 provided for by the municipality, the municipality shall may  
 21 enact an ordinance authorizing-the-withdrawing-or-joining or  
 22 resolution to withdraw from or join the authority. The  
 23 authority-shall-by-resolution-express-its-consent-to-such  
 24 withdrawal-or-joining-if-satisfactory-provision-has-been  
 25 made-as-aforsaid-

26 Sec. 6. Chapter 330A.8, Code 1989, is amended by adding  
 27 the following new subsection:

28 NEW SUBSECTION. 16. To designate employees upon whom are  
 29 conferred all the powers of a peace officer as defined in  
 30 section 801.4.

31 Sec. 7. NEW SECTION. 330A.9 DISSOLUTION OF AN AUTHORITY.

32 When an authority has fully discharged all of its debts and  
 33 obligations or has arranged for the assumption of its debts  
 34 and obligations by another public agency, it may be dissolved  
 35 by unanimous consent of the member municipalities upon

1 enactment of an ordinance or resolution to dissolve the  
2 authority by each member municipality. If all members  
3 withdraw from the authority, the authority is dissolved. When  
4 the business and affairs of an authority have been closed upon  
5 dissolution, that fact shall be certified by the chairperson  
6 of the board to the recorders of the counties in which the  
7 authority was situated and to the secretary of state.

8 Sec. 8. NEW SECTION. 330A.10 TRANSITION.

9 For those authorities established prior to July 1, 1989,  
10 the terms of all board members in office shall expire on  
11 December 31, 1989. The provision for successor board members  
12 shall be by agreement of the member municipalities and in  
13 accordance with section 330A.5. Authorities in existence  
14 prior to July 1, 1989, remain in existence on or after July 1,  
15 1989, except as provided in this chapter.

16 Sec. 9. Section 384.24, subsection 3, paragraph n, Code  
17 1989, is amended to read as follows:

18 n. The reconstruction, extension, and improvement of an  
19 airport already owned or operated by the city, an agency of  
20 the city, or a multimember governmental body of which the city  
21 is a participating member.

22 Sec. 10. Section 801.4, subsection 7, Code 1989, is  
23 amended by adding the following new lettered paragraph  
24 immediately following paragraph "h" and relettering subsequent  
25 lettered paragraphs:

26 NEW LETTERED PARAGRAPH. i. Employees of an aviation  
27 authority designated as "peace officers" by the authority  
28 under section 330A.8, subsection 16.

29 Sec. 11. Section 330A.4, Code 1989, is repealed.

30 EXPLANATION

31 This bill provides for establishment of an airport  
32 authority by a single municipality or two or more  
33 municipalities. It also changes the method of appointment to  
34 the authority board from a committee selected by the  
35 municipalities to appoint the board, to direct appointment by

1 the governing bodies of the municipalities and changes the  
2 board terms from five years to four years. The bill  
3 eliminates airport authority committees provided under current  
4 law. This proposal provides for the joining or withdrawing  
5 from authorities, the dissolution of authorities, and for the  
6 transition from authorities created prior to July 1, 1989, to  
7 the authorities provided for under this bill. It also  
8 provides for authorities to appoint peace officers and  
9 provides that general obligation bonds may be issued by a city  
10 to benefit an airport operated by an authority or other agency  
11 if the city is a member of the authority.

12 BACKGROUND STATEMENT

13 SUBMITTED BY THE AGENCY

14 Some airports report that the current law makes it  
15 difficult to establish an airport authority. This proposal  
16 makes the process easier; however, nothing in the bill  
17 requires the use of the authority structure to operate any  
18 airport.

19 The current airport authority chapter makes it cumbersome  
20 to create an airport authority because it requires member  
21 entities to appoint committee members who in turn elect the  
22 authority board. Additionally, the population representation  
23 of 1 per 50,000 population on the committee is not applicable  
24 in all areas of the state, particularly rural areas.

25 At least one airport expressed some interest in  
26 establishing an authority as a single entity. Under current  
27 law at least two entities are required to create an authority.  
28 This proposal allows an authority to be formed by a single  
29 governmental unit or in conjunction with other units.

30 Facilitating the establishment of multijurisdictional  
31 authorities may encourage development of more regional  
32 airports, sharing of facilities, and stretching of scarce  
33 dollars.

34

35

House File 551

AN ACT

TO MODIFY THE REQUIREMENTS FOR ESTABLISHING AN AVIATION AUTHORITY.

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

Section 1. Section 330.23, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Sections 330.17 through 330.20 do not apply to the abolition of an airport commission by a city pursuant to this section for the purpose of establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport. The commission shall stand abolished sixty days from the date of the city council's final approval abolishing the airport commission pursuant to this section, unless the council designates a different effective date.

Sec. 2. Section 330A.3, Code 1989, is amended to read as follows:

330A.3 CREATION.

~~Two~~ One or more municipalities may ~~under the provisions of this chapter enter into an agreement creating~~ provide by ordinance for the creation of an airport authority in the manner and for the purposes hereinafter provided under this chapter. The authority shall be created by agreement adopted by ordinance between two or more municipalities, or by ordinance of a single municipality. ~~Such An authority so created shall be~~ is a joint public instrumentality and public body corporate to be known as "..... Airport Authority" and which is hereby authorized to. An airport authority may exercise its jurisdiction, powers, and duties as herein set forth in this chapter. Provisions for the disposition of the authority's rights and properties in the event of dissolution of the authority shall be set forth in the agreement or

ordinance creating the authority.

Sec. 3. Section 330A.5, Code 1989, is amended to read as follows:

330A.5 BOARD.

Each authority shall have a board of an odd number of three or more members and said the board shall be the governing body of the authority exercising all of the rights, duties, and powers conferred by this chapter upon the authority. ~~Board membership shall be established in the following manner: Committee members shall elect in separate ballots from among their membership seven persons; provided, however, that the maximum number of municipalities is represented on said board; Committee members elected to the board shall resign from the committee;--Where a committee consists of less than seven members such committee shall elect sufficient nonmembers to the board so that the board consists of seven persons; The board members shall be appointed by the governing bodies of the member municipalities. The number to be appointed by each municipality shall be provided for in the agreement or ordinance creating the authority.~~ However, no an elected official or full-time paid employee of any a member municipality is not eligible for election appointment to the board. ~~The term of the two persons first so elected shall be for five years; of the next three persons so elected for three years; and of the next two persons so elected for one year; thereafter, as those terms expire, the terms of successors shall be for five years; Board members shall serve for terms of four years at the pleasure of the municipality appointing the members except members of the initial board shall determine their respective terms by lot so the terms of one-half of the members expire at the end of two years. The remaining initial terms shall expire at the end of four years.~~ Each member of the board shall qualify by taking an oath to faithfully perform the duties of office. Within forty-five days after any a vacancy occurs on the board by death, resignation, change of residence or removal of any a member,

or from any other cause, the successor of such the member shall be elected ~~in the same manner as the member's predecessor was elected and shall serve for the unexpired term of the predecessor~~ appointed by the member municipality represented by the vacancy and shall serve until the term expires. The board shall ~~elect one of its members as chairperson who shall hold office for two years, and it shall also elect one of its members as secretary who shall hold office for two years, and it shall also elect one of its members as treasurer who shall hold office for two years and who within ten days after its appointment, organize by electing a chairperson, a secretary, and a treasurer, each for a term of two years.~~ The treasurer shall execute an adequate surety bond in a penal sum to be fixed from time to time by the authority, conditioned upon the faithful performance of the duties of office, the premium on which shall be paid by the authority. Board members and officers shall serve until a successor is their successors are duly elected and qualified. In no event a salary shall a salary not be paid to a board member; however, each board member shall be reimbursed for actual expenses incurred in the performance of the member's duties. All actions by an authority shall require the affirmative vote of a majority of the board of an the authority as it may exist at the time.

Sec. 4. Section 330A.6, subsection 1, paragraph c, Code 1989, is amended to read as follows:

c. Number of committee board members to be appointed from such by the municipality.

Sec. 5. Section 330A.6, subsection 2, Code 1989, is amended to read as follows:

2. After the hearing, and if in the best interests of the municipality, the municipality shall enact an ordinance authorizing the joining creation of the authority.

Sec. 6. Section 330A.7, subsections 1 and 2, Code 1989, are amended to read as follows:

1. Whenever ~~an authority has been created by two or more municipalities; any one~~ One or more of such the member municipalities may withdraw therefrom but no from the authority, except that a municipality shall be permitted to not withdraw from any authority after any obligations thereof have been incurred by the authority unless in the opinion of the authority satisfactory provision has been made by the withdrawing municipality for the payment of its portion of such the outstanding obligations. Whenever If an authority has been created by two or more municipalities any pursuant to this chapter, a municipality which did not having joined join in the original agreement may subsequently join in the authority with the approval of the member municipalities.

2. Any A municipality wishing to withdraw from or to become a member of an existing authority shall signify its desire intention by resolution and shall publish said the resolution at least one time in a newspaper of general circulation in such the municipality giving notice of a hearing to be held on the question of withdrawing or joining and its intention to withdraw or join. Said The resolution shall be published in a newspaper of general circulation in such withdrawing or joining municipality at least fourteen days prior to the date of the hearing. A withdrawing municipality shall state in said the resolution why it wishes to withdraw and how it intends to pay its portion of the outstanding obligation obligations of the authority, if any. A joining municipality shall state in said the resolution the information required in section 330A.6. A copy of said the resolution shall be certified to the authority by the municipality at least fourteen days in advance of said the hearing. The board shall by resolution indicate whether a satisfactory provision has been made for the payment of the outstanding obligations of the authority, as required under subsection 1. After the hearing and if in the best interest of the municipality if the outstanding obligations of the authority have been adequately provided for by the



~~municipality, the municipality shall may enact an ordinance authorizing the withdrawing or joining to withdraw from or join the authority. The authority shall by resolution express its consent to such withdraw or joining if satisfactory provision has been made as aforesaid.~~

Sec. 7. Chapter 330A.8, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 16. To designate employees upon whom are conferred all the powers of a peace officer as defined in section 801.4.

Sec. 8. NEW SECTION. 330A.9 DISSOLUTION OF AN AUTHORITY.

When an authority has fully discharged all of its debts and obligations or has arranged for the assumption of its debts and obligations by another public agency, it may be dissolved by unanimous consent of the member municipalities upon enactment of an ordinance to dissolve the authority by each member municipality. If all members withdraw from the authority, the authority is dissolved. When the business and affairs of an authority have been closed upon dissolution, that fact shall be certified by the chairperson of the board to the recorders of the counties in which the authority was situated and to the secretary of state.

Sec. 9. NEW SECTION. 330A.10 TRANSITION.

For those authorities established prior to July 1, 1989, the terms of all board members in office shall expire on December 31, 1989. The provision for successor board members shall be by agreement of the member municipalities and in accordance with section 330A.5. Authorities in existence prior to July 1, 1989, remain in existence on or after July 1, 1989, except as provided in this chapter.

Sec. 10. Section 384.24, subsection 3, paragraph n, Code 1989, is amended to read as follows:

n. The reconstruction, extension, and improvement of an airport already owned or operated by the city, an agency of the city, or a multimember governmental body of which the city is a participating member.

Sec. 11. Section 801.4, subsection 7, Code 1989, is amended by adding the following new lettered paragraph immediately following paragraph "h" and relettering subsequent lettered paragraphs:

NEW LETTERED PARAGRAPH. i. Employees of an aviation authority designated as "peace officers" by the authority under section 330A.8, subsection 16.

Sec. 12. Section 330A.4, Code 1989, is repealed.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 551, Seventy-third General Assembly.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved May 22, 1989

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor