

FILED JAN 20 1991

SENATE FILE **92**
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 71)

Passed Senate, Date 1/21/91 (p. 205) Passed House, Date 3/12/91 (p. 584)
Vote: Ayes 46 Nays 0 Vote: Ayes 93 Nays 5

Approved April 4, 1991 (p. 1095)

*Repassed Senate w/ House
amendment 3122* 8/25/91 (p. 734)
49-0

motion to reconsider (p. 571) passed 3/13
Repassed House 3/13/91 (p. 629)
ayes 80 Nays 11

A BILL FOR

1 An Act to create an advisory commission on intergovernmental
2 relations, specify its membership, and enumerate its powers
3 and duties.

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

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SSB 92

1 Section 1. NEW SECTION. 28C.1 FINDINGS AND OBJECTIVES.

2 The general assembly finds that there is a need for an
3 intergovernmental body to study and report on the following:

4 1. Current pattern of local governmental structure.

5 2. Powers and functions of local governments, including
6 their fiscal powers.

7 3. Existing, necessary, and desirable relationships among
8 local governments and the state.

9 4. Necessary and desirable allocation of state and local
10 fiscal resources.

11 5. Necessary and desirable roles of the state as the
12 creator of local governmental systems.

13 6. Special problems in interstate areas facing their
14 general local governments, interstate regional units, and
15 areawide bodies, the studies, where possible, to be conducted
16 in conjunction with studies of commissions on
17 intergovernmental relations of other states.

18 Sec. 2. NEW SECTION. 28C.2 COMMISSION CREATED --
19 MEMBERSHIP.

20 1. An Iowa advisory commission on intergovernmental rela-
21 tions is created.

22 2. The membership of the commission shall be:

23 a. Four elected or appointed state officers, four elected
24 or appointed county officers, four elected or appointed city
25 officers, four elected or appointed officers of school
26 corporations, and one member or staff member of a regional
27 council of governments established under chapter 473B,
28 appointed by the governor.

29 b. Two state senators appointed by the majority leader of
30 the senate.

31 c. Two state representatives appointed by the speaker of
32 the house of representatives.

33 3. In making all appointments, consideration shall be
34 given to population factors, gender, the representation of
35 different geographic regions, and the demography of the state.

1 4. The initial chairperson of the commission shall be
2 designated by the governor from among the commission members
3 for a term of one year. Subsequent chairpersons shall be
4 elected by the commission from among its membership for a term
5 of one year. A vice chairperson may be elected by the
6 commission from among its membership for a one-year term. In
7 case of the absence or disability of the chairperson and vice
8 chairperson, the members of the commission shall elect a
9 temporary chairperson by a majority vote of those members who
10 are present and voting.

11 5. The members shall be appointed to two-year staggered
12 terms and the terms shall commence on February 1 of the year
13 of appointment. If a vacancy occurs, a successor shall be
14 appointed to serve the unexpired term. If a member ceases to
15 be an officer or employee of the governmental unit or agency
16 which qualifies the person for membership on the commission, a
17 vacancy exists and a successor shall be appointed in the same
18 manner and subject to the same qualifications as the original
19 appointment to serve the unexpired term.

3/16 20 6. Of the members who are county officers appointed by the
21 governor, not more than two shall be members of the same
22 political party. Of the members appointed by the majority
23 leader of the senate and the speaker of the house of
24 representatives, not more than one from each house shall be a
25 member of the same political party.

26 7. A majority of the commission constitutes a quorum.

27 Sec. 3. NEW SECTION. 28C.3 POWERS AND DUTIES.

28 The commission shall:

29 1. Engage in activities and make studies and
30 investigations as necessary or desirable to accomplish the
31 purposes specified in section 28C.i.

32 2. Encourage and, where appropriate, coordinate studies
33 relating to intergovernmental relations conducted by
34 universities, state, local, and federal agencies, and research
35 and consulting organizations.

1 3. Review the recommendations of national commissions
2 studying federal, state, and local government relationships
3 and problems and assess their possible application to this
4 state.

5 4. Carry out studies and investigations relating to
6 intergovernmental problems and relations as requested by the
7 legislative council.

8 Sec. 4. NEW SECTION. 28C.4 ORGANIZATION -- MEETINGS.

9 1. The commission shall meet quarterly and at other times
10 as necessary. The commission may hold public hearings on
11 matters within its purview.

12 2. The commission may establish committees as it deems ad-
13 visable and feasible, whose membership shall include at least
14 one member of the commission, but only the commission may take
15 final action on a proposal or recommendation of a committee.

16 3. The commission is not an agency as defined in, or for
17 the purpose of, chapter 17A.

18 4. All meetings of the commission or a committee
19 established by the commission at which public business is
20 discussed or formal action is taken, shall comply with the
21 requirements of chapter 21.

22 Sec. 5. NEW SECTION. 28C.5 STAFF -- FACILITIES -- EX-
23 PENSES.

24 1. The commission and committees established by the
25 commission may accept technical and operational assistance
26 from the staff of the legislative service bureau and the
27 legislative fiscal bureau, other state or federal agencies,
28 units of local governments, or any other public or private
29 source. The directors of the legislative service bureau and
30 the legislative fiscal bureau may assign professional,
31 technical, legal, clerical, or other staff, as necessary and
32 authorized by the legislative council for continued operation
33 of the commission. However, the technical and operational
34 assistance shall be provided within existing appropriations
35 made to or with existing resources of the state or local

1 agencies to carry out its powers and duties.

2 2. The legislative council may also provide available
3 facilities and equipment as requested by the commission.

31534 3. The members of the commission are entitled to
4 reimbursement for travel and other necessary expenses incurred
5 in the performance of official duties. Each member may also
6 be eligible to receive compensation as provided in section
7 7E.6. The expenses shall be paid from funds appropriated
8 pursuant to section 2.12.

10 Sec. 6. NEW SECTION. 28C.6 REPORTS.

11 The commission shall submit an annual report of its
12 findings and recommendations to the governor, president of the
13 senate, speaker of the house, and the majority and minority
14 leaders of each house, and make the report available to
15 legislators upon request. The report shall also be made
16 available to the public.

17 Sec. 7. NEW SECTION. 28C.7 INFORMATION.

18 The commission may request from any state agency or
19 official the information and assistance as needed to perform
20 the duties of the commission. A state agency or official
21 shall furnish the information or assistance requested within
22 the authority and resources of the state agency or official.
23 This section does not require the production or opening of any
24 public record which is required by law to be kept
25 confidential.

26 Sec. 8. NEW SECTION. 28C.8 REPEALER.

27 This chapter is repealed effective July 1, 1995.

28 EXPLANATION

29 This bill creates an Iowa Advisory Commission on
30 Intergovernmental Relations (ACIR). The new ACIR has the same
31 membership and powers and duties as the Iowa ACIR which was
32 repealed on June 30, 1990, except that the legislative council
33 may request investigations and studies and may provide
34 staffing from its legislative agencies and funding for the
35 commission. Chapter 28C, Code of Iowa 1989, which contained

1 the Iowa ACIR previously, is changed in this draft as follows:

2 1. The reference to chapter 28E for the establishment of
3 regional councils of government is changed to chapter 473B
4 which established regional councils of government as enacted
5 during the 1990 Legislative Session.

6 2. The two-year term of office of the commission members
7 is to begin February 1 of the year of appointment.

8 3. Gender is specifically included among the factors
9 considered in selecting members of the commission.

10 4. The legislative council may request studies and
11 investigations, may provide staffing through the legislative
12 service bureau and legislative fiscal bureau, and may provide
13 funding for the commission.

14 5. The last sentence of section 28C.5, subsection 1, is
15 amended to delete the following words "and additional staff
16 shall not be employed to provide the technical and operational
17 assistance".

18 6. The "sunset" or repealer provision is amended to July
19 1, 1995. (June 30 is changed to July 1 to coincide with the
20 fiscal year.)

21 The remainder of the bill is substantially the same as
22 chapter 28C of the Code of Iowa 1989.

23 The Iowa advisory commission on intergovernmental relations
24 has a membership of 21 persons. The members are selected as
25 follows: four elected or appointed state officers; four
26 elected or appointed city officers; four elected or appointed
27 county officers; four elected or appointed officers of school
28 corporations; and one representative of a regional council of
29 governments established under chapter 473B, all appointed by
30 the governor. In addition, two state senators shall be
31 appointed by the majority leader of the senate and two state
32 representatives appointed by the speaker of the house of
33 representatives. Members representing the general assembly
34 and the counties are to be divided equally between the
35 political parties. All appointees are to be chosen giving

1 consideration to population, gender, demography, and geography
2 of the state. The commission is charged with the study of
3 patterns, powers, and functions of local governments, existing
4 and desirable relationships between local governments and the
5 state, necessary and desirable allocation of fiscal resources,
6 special problems among local, regional, state and interstate
7 governments, and necessary and desirable roles of the state as
8 the creator of local governmental systems.

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H-3115

1 Amend Senate File 92, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 18 through 35 and
4 inserting the following:

5 "B. In making all appointments, consideration
6 shall be given to gender, race or ethnic
7 representation, population and demographic factors,
8 and representation of different geographic regions."

By COMMITTEE ON LOCAL GOVERNMENT
DWCORSKY of Johnson, Chairperson

H-3115 FILED FEBRUARY 28, 1991

Adopted 3/12 (p. 587)

SENATE FILE 92

H-3116

1 Amend Senate File 92, as passed by the Senate, as
2 follows:

3 1. Page 1, line 29, by striking the words
4 "majority leader" and inserting the following:
5 "president".

6 2. Page 2, lines 22 and 23, by striking the words
7 "majority leader" and inserting the following:
8 "president".

By SPEAR of Lee

H-3116 FILED FEBRUARY 28, 1991

Adopted as amended by 3/16/1 3/12

SENATE FILE 92

H-3142

1 Amend Senate File 92, as passed by the Senate, as
2 follows:

3 1. Page 1, line 17, by striking the number "473B"
4 and inserting the following: "281".

By RENKEN of Grundy

H-3142 FILED MARCH 5, 1991

Adopted 3/12

SENATE FILE 92

H-3151

1 Amend Senate File 92, as passed by the Senate, as
2 follows:

3 1. Page 4, lines 6 through 8, by striking the
4 words "Each member may also be eligible to receive
5 compensation as provided in section 7E.6." and
6 inserting the following: "An additional expense
7 allowance shall not be allowed except as provided in
8 section 7E.6, subsection 2."

By KREMER of Buchanan

H-3151 FILED MARCH 7, 1991

Love 3/12 (p. 589)

SENATE FILE 92

H-3153

1 Amend Senate File 92 as follows:

2 1. Page 1, line 30, by inserting after the word
3 "senate" the following: ", not more than one of which
4 shall be a member of the same political party".

5 2. Page 1, line 32, by inserting after the word
6 "representatives" the following: ", not more than one
7 of which shall be a member of the same political
8 party".

By SPEAR of Lee

H-3153 FILED MARCH 7, 1991

w/B 3/12

SENATE FILE 92

H-3167

1 Amend the amendment, H-3116, to Senate File 92, as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "_____. Page 1, line 30, by inserting after the
6 word "senate" the following: "after consulting with
7 the majority and minority leaders".
8 2. Page 1, by inserting after line 8 the
9 following:
10 "_____. Page 1, line 32, by inserting after the
11 word "representatives" the following: "after con-
12 sulting with the majority and minority leaders".
By SPEAR of Lee

H-3167 FILED MARCH 11, 1991

Adopted 3/12

SENATE FILE 92

H-3175

1 Amend Senate File 92, as passed by the Senate, as
2 follows:
3 1. Page 1, line 35, by inserting after the word
4 "state." the following: "All appointments shall
5 comply with sections 69.16 and 69.16A."
By DODERER of Johnson
CARPENTER of Polk
SHEARER of Louisa

H-3175 FILED MARCH 12, 1991

Adopted as amended by 3175 3/13 (p 629)

SENATE FILE 92

H-3190

1 Amend amendment H-3175, to Senate File 92, as
2 passed by the Senate as follows:
3 1. Page 1, by striking lines 3 and 4 and inserting
4 the following:
5 " Page 1, by inserting after line 35, the
6 following: "All appointments shall".

H-3190 FILED MARCH 13, 1991 By DODERER of Johnson

Adopted 3/13 (p 628)

HOUSE AMENDMENT TO
SENATE FILE 92

S-3122

1 Amend Senate File 92, as passed by the Senate, as
2 follows:

3 1. Page 1, line 27, by striking the number "473B"
4 and inserting the following: "28I".

5 2. Page 1, by striking lines 33 through 35 and
6 inserting the following:

7 "3. In making all appointments, consideration
8 shall be given to gender, race or ethnic
9 representation, population and demographic factors,
10 and representation of different geographic regions."

11 3. Page 1, by inserting after line 35, the
12 following: "All appointments shall comply with
13 sections 69.16 and 69.16A."

14 4. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3122 FILED MARCH 18, 1991

Senate concurred 3/25 (p. 850)

MILLER, CH.
BUNA
VANDEHOEF

SSB 71
LOCAL GOVERNMENT

SENATE FILE 92
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON MILLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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