

FEB 23 1995

Place On Calendar

Reprinted

HOUSE FILE

212

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 65)

Passed House, ^(p.856) Date 3-21-95 Passed Senate, ^(p.1099) Date 4/10/95
 Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 1
 Approved April 17, 1995

A BILL FOR

1 An Act relating to the delegation of authority to an
 2 administrative agency of a city.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 212

H-3341

1 Amend House File 212 as follows:
 2 1. Page 1, line 10, by striking the word "not"
 3 and inserting the following: "not".
 4 2. Page 1, by striking line 13 and inserting the
 5 following: "388, except that the council may delegate
 6 to an administrative agency established for the
 7 purpose of operating an airport any of its powers and
 8 duties prescribed in division V of chapter 384, and
 9 the council may delegate to an".

By CARROLL of Poweshiek

H-3341 FILED MARCH 20, 1995

(p.856) Adopted 3/21/95

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HF 212

1 Section 1. Section 392.1, Code 1995, is amended to read as
2 follows:

3 392.1 ESTABLISHMENT BY ORDINANCE.

4 If the council wishes to establish an administrative
5 agency, it shall do so by an ordinance which indicates the
6 title, powers, and duties of the agency, the method of
7 appointment or election, qualifications, compensation, and
8 term of members, and other appropriate matters relating to the
9 agency. The title of an administrative agency must be
10 appropriate to its function. The council may ~~not~~ delegate to
11 an administrative agency any of the powers, authorities, and
12 duties prescribed in division V of chapter 384 or in chapter
13 388, ~~except-that~~ and the council may delegate to an
14 administrative agency power to establish and collect charges,
15 and disburse the moneys received for the use of a city
16 facility, including a city enterprise, as defined in section
17 384.24, ~~so-long-as-there-are-no~~ if the delegation to an
18 administrative agency is strictly subject to the limitations
19 imposed by the revenue bonds or pledge orders outstanding
20 which are payable from the revenues of the city enterprise.
21 Except as otherwise provided in this chapter, the council may
22 delegate rule-making authority to the agency for matters
23 within the scope of the agency's powers and duties, and may
24 prescribe penalties for violation of agency rules which have
25 been adopted by ordinance. Rules governing the use by the
26 public of any city facility must be made readily available to
27 the public.

28 EXPLANATION

29 This bill authorizes a city council the option of
30 delegating the authority to issue revenue bonds to an
31 administrative agency of the city or keeping the power with
32 the city council. The city council may also delegate its
33 powers and authority relating to the operation of a combined
34 utility system pursuant to chapter 388. The delegation of
35 power would recognize restrictions or limitations imposed by

- 1 outstanding revenue bonds or pledge orders.
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S-3/21/95 Local Gov
S-4/6/95 Do Pass

HOUSE FILE 212
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 65)

(As Amended and Passed by the House March 21, 1995)

Passed House, ^(p.856) Date 3-21-95 Passed Senate, Date 4/10/95 (p.1099)
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 1
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House Amendments _____

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10 appropriate to its function. The council may not delegate to
11 an administrative agency any of the powers, authorities, and
12 duties prescribed in division V of chapter 384 or in chapter
13 388, except that the council may delegate to an administrative
14 agency established for the purpose of operating an airport any
15 of its powers and duties prescribed in division V of chapter
16 384, and the council may delegate to an administrative agency
17 power to establish and collect charges, and disburse the
18 moneys received for the use of a city facility, including a
19 city enterprise, as defined in section 384.24, so-long-as
20 there-are-no if the delegation to an administrative agency is
21 strictly subject to the limitations imposed by the revenue
22 bonds or pledge orders outstanding which are payable from the
23 revenues of the city enterprise. Except as otherwise provided
24 in this chapter, the council may delegate rule-making
25 authority to the agency for matters within the scope of the
26 agency's powers and duties, and may prescribe penalties for
27 violation of agency rules which have been adopted by
28 ordinance. Rules governing the use by the public of any city
29 facility must be made readily available to the public.

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Carroll
Cohon
Weiter

HSB 65

LOCAL GOVERNMENT

Succeeded By

HOUSE FILE 212

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON VANDE HOEF)

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

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2 follows:_____

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5 agency, it shall do so by an ordinance which indicates the
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22 delegate rule-making authority to the agency for matters
23 within the scope of the agency's powers and duties, and may
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35 power would recognize restrictions or limitations imposed by

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HOUSE FILE 212

AN ACT

RELATING TO THE DELEGATION OF AUTHORITY TO AN ADMINISTRATIVE
AGENCY OF A CITY.

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

Section 1. Section 392.1, Code 1995, is amended to read as follows:

392.1 ESTABLISHMENT BY ORDINANCE.

If the council wishes to establish an administrative agency, it shall do so by an ordinance which indicates the title, powers, and duties of the agency, the method of appointment or election, qualifications, compensation, and term of members, and other appropriate matters relating to the agency. The title of an administrative agency must be appropriate to its function. The council may not delegate to an administrative agency any of the powers, authorities, and duties prescribed in division V of chapter 384 or in chapter 388, except that the council may delegate to an administrative agency established for the purpose of operating an airport any of its powers and duties prescribed in division V of chapter 384, and the council may delegate to an administrative agency power to establish and collect charges, and disburse the moneys received for the use of a city facility, including a city enterprise, as defined in section 384.24, ~~so long as there are no~~ if the delegation to an administrative agency is strictly subject to the limitations imposed by the revenue bonds or pledge orders outstanding which are payable from the revenues of the city enterprise. Except as otherwise provided in this chapter, the council may delegate rule-making authority to the agency for matters within the scope of the agency's powers and duties, and may prescribe penalties for violation of agency rules which have been adopted by

ordinance. Rules governing the use by the public of any city facility must be made readily available to the public.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 212, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  1995

TERRY E. BRANSTAD
Governor