MAR 2 2 2001

JUDICIARY

WITHDRAWN
4-17-01

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

A BILL FOR

1 An Act to legalize certain ordinances and amendments considered
2   and passed by the city of Davenport in accordance with
3   procedures no longer valid, and providing an effective date
4   and for retroactive applicability.
5   WHEREAS, according to section 380.3, a proposed ordinance or
6 amendment must be considered and voted on for passage at two city
7 council meetings prior to the meeting at which it is to be
8 finally passed, unless this requirement is suspended by a
9 recorded vote of not less than three-fourths of all of the
10 members of the council; and
11   WHEREAS, the city of Davenport from July 1, 1997, until July
12 1, 2000, utilized a procedure, in compliance with section 380.3,
13 as that section existed prior to July 1, 1997, which entailed
14 considering and voting on an ordinance or amendment at one
15 meeting prior to the meeting at which it was to be finally
16 passed, without suspension by a recorded vote of not less than
17 three-fourths of the council members, and after publishing a
18 summary of the proposed ordinance or amendment prior to its first
19 consideration, and making copies available at the time of
20 publication at the office of the city clerk; and
21   WHEREAS, the seventy-seventh General Assembly enacted 1997
22 Iowa Acts, chapter 168, section 4, that eliminated the provision

1 allowing a city council to consider and vote on an ordinance or
2 amendment at one meeting prior to the meeting at which it was to
3 be finally passed, by publishing a summary of the proposed
4 ordinance or amendment, prior to its first consideration, and
5 making copies available at the time of publication at the office
6 of the city clerk; NOW THEREFORE,
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. All acts and proceedings relating to any
2 ordinance or amendment considered and passed by the city
3 council of the city of Davenport on and after July 1, 1997,
4 until July 1, 2000, and such ordinance or amendment, the
5 validity of which has been questioned due to the failure of
6 the city council to consider and vote on the proposed
7 ordinance or amendment at two city council meetings prior to
8 the meeting at which it was finally passed, absent a
9 suspension of this requirement by a recorded vote of not less
10 than three-fourths of all of the members of the council, as
11 provided in section 380.3, are hereby legalized, validated,
12 and confirmed.
13   Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
14 being deemed of immediate importance, takes effect upon
15 enactment and is retroactively applicable to July 1, 1997.
16   EXPLANATION
17   Code section 380.3 requires that a proposed ordinance,
18 including a proposed amendment to an ordinance, be considered
19 and voted on for passage at three city council meetings before
20 it goes into effect, unless a supermajority of council members
21 votes to suspend the requirement.
22   Prior to July 1, 1997, a provision allowed a special
23 process for the city to approve an ordinance after only two
24 readings if a summary of the proposed ordinance was published
25 in advance and a copy of the proposed ordinance was made
26 available for public examination (in effect making the second
27 reading equivalent to the third and final reading).
28   In 1997, the general assembly enacted House File 658 (1997
29 Iowa Acts, chapter 168) that eliminated the provision allowing
30 for two readings without a suspension by a super majority
31 vote. Notwithstanding the elimination of the provision, the
32 city of Davenport continued to rely upon the provision's
33 procedure to pass some of its ordinances. This bill provides
34 that ordinances passed under the eliminated procedure from
35 July 1, 1997, to July 1, 2000, are legalized, validated, and

1 confirmed.

2   The bill takes effect upon enactment and is retroactively

3 applicable to July 1, 1997.

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