

FILED FEB 13 2002

SENATE FILE
BY DEARDEN

2164

(COMPANION TO LSB 5926HH
BY CONNORS)

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

A BILL FOR

1 An Act providing that city or county civil service commissions
2 hire legal counsel on a per diem basis.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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01 2107
LOCAL GOVERNMENT

1 Section 1. Section 331.756, subsection 62, Code 2001, is
2 amended by striking the subsection.

3 Sec. 2. Section 341A.16, Code 2001, is amended to read as
4 follows:

5 341A.16 CIVIL SUITS.

6 The commission shall initiate and conduct all civil suits
7 necessary for the proper enforcement of this chapter and the
8 rules of the commission. The commission shall be represented
9 in such suits by ~~the county attorney~~ an attorney hired by the
10 commission on a per diem basis to represent it. In the case
11 of the combined counties, ~~any one or more of the county an~~
12 attorney or attorneys of such combined counties may shall be
13 selected and hired on a per diem basis by the commission to
14 represent it. The attorney hired by the commission shall not
15 be the county attorney or any attorney who is an employee of
16 the county.

17 Sec. 3. Section 400.27, unnumbered paragraph 2, Code 2001,
18 is amended to read as follows:

19 ~~The city attorney or solicitor shall be the attorney for~~
20 ~~the commission or when requested by the commission shall~~
21 ~~present matters concerning civil service employees to the~~
22 ~~commission, except the~~ commission may shall hire a counselor
23 or an attorney on a per diem basis to be the attorney for the
24 commission and to represent it when in the opinion of the
25 ~~commission there is a conflict of interest between the in~~
26 matters brought before the commission and the city council
27 concerning civil service employees. The counselor or attorney
28 hired by the commission shall not be the city attorney or
29 solicitor or any attorney who is an employee of the city. The
30 city shall pay the costs incurred by the commission in
31 employing an attorney under this section.

32 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
33 3, shall not apply to this Act.

34 EXPLANATION

35 This bill provides that a city or county civil service

1 commission must employ legal counsel on a per diem basis to be
2 the attorney for the commission and to represent the
3 commission in matters brought before the commission concerning
4 civil service employees. The bill provides that a city or
5 county civil service commission can no longer be represented
6 by the city attorney or solicitor or any attorney who is an
7 employee of the city or by the county attorney or any attorney
8 who is an employee of the county respectively.

9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill makes inapplicable Code section
11 25B.2, subsection 3, which would relieve a political
12 subdivision from complying with a state mandate if funding for
13 the cost of the state mandate is not provided or specified.
14 Therefore, political subdivisions are required to comply with
15 any state mandate included in the bill.

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