

FEB 28 2003
LOCAL GOVERNMENT

HOUSE FILE 367
BY HUSER

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

A BILL FOR

1 An Act relating to state of disaster or public disorder
2 proclamations in cities and counties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 367

1 Section 1. Section 331.652, Code 2003, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 10. The sheriff may govern the county by
4 proclamation, upon making a determination that a state of
5 disaster or public disorder exists as defined in section
6 29C.2. A proclamation of a state of disaster or public
7 disorder shall continue for a period of thirty days unless
8 terminated sooner by the sheriff. If at the end of thirty
9 days the sheriff determines that the state of disaster or
10 public disorder continues, the proclamation may be extended by
11 the sheriff, in writing, for an additional thirty-day period.
12 If at the end of this period the sheriff determines that the
13 state of disaster or public disorder continues, the sheriff
14 may extend the proclamation for as long as is necessary to
15 allow the board of supervisors to hold a public hearing to
16 consider whether the proclamation should be extended again.
17 Notice of the date, time, and place of the public hearing
18 shall be published once in the manner provided by section
19 362.3, with publication not less than five days before the
20 date of the hearing. The hearing shall be held not less than
21 five days and not more than ten days after the thirty-day
22 extension of the proclamation has ended. Following the
23 hearing, the board of supervisors shall, by majority vote,
24 rescind the proclamation or extend the proclamation, by
25 resolution, for such a period of time as the board of
26 supervisors deems necessary.

27 Sec. 2. Section 372.14, subsection 2, Code 2003, is
28 amended to read as follows:

29 2. The mayor may take command of the police and govern the
30 city by proclamation, upon making a determination that a ~~time~~
31 state of emergency disaster or public ~~danger~~ disorder exists
32 as defined in section 29C.2. A proclamation of a state of
33 disaster or public disorder shall continue for a period of
34 thirty days unless terminated sooner by the mayor. If at the
35 end of thirty days the mayor determines that the state of

1 disaster or public disorder continues, the proclamation may be
2 extended by the mayor, in writing, for an additional thirty-
3 day period. If at the end of this period the mayor determines
4 that the state of disaster or public disorder continues, the
5 mayor may extend the proclamation for as long as is necessary
6 to allow the city council to hold a public hearing to consider
7 whether the proclamation should be extended again. Notice of
8 the date, time, and place of the public hearing shall be
9 published once in the manner provided by section 362.3, with
10 publication not less than five days before the date of the
11 hearing. The hearing shall be held not less than five days
12 and not more than ten days after the thirty-day extension of
13 the proclamation has ended. Following the hearing, the city
14 council shall, by majority vote, rescind the proclamation or
15 extend the proclamation, by resolution, for such a period of
16 time as the city council deems necessary. Within the city
17 limits, the mayor has all the powers conferred upon the
18 sheriff to suppress disorders.

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EXPLANATION

20 This bill provides that a city mayor or a county sheriff
21 may govern a city or county by proclamation after making a
22 determination that a state of disaster or public disorder
23 exists. The bill provides that the proclamation continues for
24 a period of 30 days unless terminated sooner by the mayor or
25 sheriff.

26 If the mayor or sheriff determines that a state of disaster
27 or public disorder exists at the end of 30 days, the mayor or
28 sheriff may extend the proclamation, in writing, for another
29 30 days.

30 If at the end of the second 30-day period, the mayor or
31 sheriff determines that the state of disaster or public
32 disorder still continues, the mayor or sheriff may extend the
33 proclamation for as long as is necessary to allow the city
34 council or board of supervisors to hold a public hearing to
35 consider whether the proclamation should be extended again.

1 Notice of the date, time, and place of the public hearing must
2 be published in the manner provided by Code section 362.3 with
3 publication to be made not less than five days before the date
4 of the hearing. The hearing must be held not less than five
5 days and not more than 10 days after the 30-day extension of
6 the proclamation has ended. Following the hearing the city
7 council or board of supervisors, by majority vote, shall
8 either rescind the proclamation or extend the proclamation for
9 the period of time that the city council or board of
10 supervisors deems necessary.

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