

Withdrawn
3/16/04

FILED MAR 08 '04

SENATE FILE 2281
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3043)

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

A BILL FOR

1 An Act relating to the temporary absence of an elected local
2 government official on active military duty and the
3 appointment of a temporary replacement and providing an
4 effective date.

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

SF 2281 LOCAL GOVERNMENT

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1 Section 1. NEW SECTION. 69.20 TEMPORARY VACANCY DUE TO
2 MILITARY SERVICE.

3 1. A temporary vacancy in an elective office of a
4 political subdivision, community college, and hospital board
5 of trustees of this state occurs on the date when the person
6 filling that office is placed on active state service or
7 federal service, as those terms are defined in section 29A.1,
8 and when such a person will not be able to attend to the
9 duties of that person's elective position for a period greater
10 than sixty consecutive days. The temporary vacancy terminates
11 on the date when such person is released from such service, or
12 the term of office expires.

13 2. A temporary vacancy on an elective board, council, or
14 other multimember body of a political subdivision may be
15 filled by appointment by a majority of the remaining members
16 of the body. A temporary vacancy in any other elective office
17 in a political subdivision, community college, or hospital
18 board of trustees may be filled by the governing body of that
19 political subdivision, community college, or hospital board of
20 trustees.

21 3. Upon the termination of a temporary vacancy due to a
22 person's release from active state service or federal service,
23 the person who held the elective office just prior to the
24 temporary vacancy shall immediately be deemed to have been
25 reinstated to that position and the person who filled the
26 temporary vacancy shall immediately be deemed to have been
27 removed from that office.

28 4. A person filling a temporary vacancy or a person
29 reinstated to office as described in this section shall
30 qualify for that office as provided in chapter 63.

31 5. Upon the resignation or death of the person replaced
32 under this section, a permanent vacancy occurs and shall be
33 filled as otherwise provided by law.

34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

1 EXPLANATION

2 This bill provides for the temporary appointment of an
3 otherwise elected official of a local governmental body when
4 the current officeholder is called to active military duty for
5 a period longer than 60 consecutive days. A temporary vacancy
6 on an elective board, council, or other multimember body shall
7 be filled by appointment by a majority of the remaining
8 members. A temporary vacancy in any other elective office of
9 a political subdivision community college, or hospital board
10 of trustees is filled by the governing body of that political
11 subdivision, community college, or hospital board. A
12 temporary vacancy expires immediately upon the return of the
13 person initially filling that office.

14 The bill taken effect upon enactment.
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16 SENATE FILE 2281

17 S-5099

18 1 Amend Senate File 2281 as follows:

19 2 1. Page 1, line 14, by striking the words "of a
20 3 political subdivision".

21 By STEVE KETTERING

22 S-5099 FILED MARCH 16, 2004
23 WITHDRAWN

24 SENATE FILE 2281

25 S-5102

26 1 Amend Senate File 2281 as follows:

27 2 1. Page 1, line 14, by striking the words "of a
28 3 political subdivision".

29 4 2. Title page, lines 1 and 2 by striking the
30 5 words "local government" and inserting the following:
31 6 "city".

32 By STEVE KETTERING

33 S-5102 FILED MARCH 16, 2004
34 ADOPTED
35

Lettering
Hosch
Kreiman

Succeeded By SSB# 30043
①/HF 2281

SENATE FILE Local Government
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

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

A BILL FOR

1 An Act relating to the temporary absence of an elected city
2 official on active military duty and the appointment of a
3 temporary replacement.

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

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1 Section 1. Section 372.13, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. A temporary vacancy in an elective
4 city office occurs on the date when the person filling that
5 office is placed on active state service or federal service,
6 as those terms are defined in section 29A.1, and when a
7 majority of the remaining members of the council determine by
8 resolution that such a person will not be able to attend to
9 the duties of that person's elective position for a period
10 greater than sixty consecutive days. The temporary vacancy
11 terminates on the date when such a person is released from
12 such service.

13 a. A temporary vacancy shall be filled by appointment by a
14 majority of the remaining members of the council.

15 b. Upon the termination of a temporary vacancy, the person
16 who held the elective office just prior to the temporary
17 vacancy shall immediately be deemed to have been reinstated to
18 that position and the person who filled the temporary vacancy
19 shall immediately be deemed to have been removed from that
20 office.

21 c. A person filling a temporary vacancy or a person
22 reinstated to office as described in this subsection shall
23 qualify for that office as provided in chapter 63.

24 EXPLANATION

25 This bill provides for the temporary appointment of a city
26 council member when the sitting member is called for active
27 military duty for a period longer than 60 consecutive days.
28 The appointment is to be made by the remaining members of the
29 council and expires immediately upon the return of the person
30 initially filling that office.

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