

SENATE FILE 53  
BY CONNOLLY

(COMPANION TO LSB 1825HH  
BY MURPHY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to city or county civil service commissions.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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SF 53  
LOCAL GOVERNMENT

1 Section 1. Section 331.756, subsection 62, Code 2003, is  
2 amended by striking the subsection.

3 Sec. 2. Section 341A.2, Code 2003, is amended by adding  
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Civil service commissioners  
6 shall not have an interest, direct or indirect, in any  
7 contract or job of work or material or the profits thereof or  
8 services to be furnished or performed for the county in which  
9 they are commissioners, notwithstanding section 331.342. A  
10 violation of this conflict of interest provision is a simple  
11 misdemeanor. For purposes of this section, "contract" means  
12 any claim, account, or demand against or agreement with the  
13 county in which the commissioner serves, express or implied.

14 Sec. 3. Section 341A.12, unnumbered paragraph 1, Code  
15 2003, is amended to read as follows:

16 ~~No~~ A person in the classified civil service who has been  
17 permanently appointed or inducted into civil service under  
18 provisions of this chapter shall not be removed, suspended, or  
19 demoted except for cause, and only upon written accusation of  
20 the county sheriff, which shall be served upon the accused,  
21 and a duplicate filed with the commission. Any person so  
22 removed, suspended, or reduced in rank or grade may, within  
23 ten days after presentation to the person of the order of  
24 removal, suspension, or reduction, appeal to the commission  
25 from such order. The commission shall, within two weeks from  
26 the filing of ~~such~~ the appeal, hold a hearing thereon, and  
27 fully hear and determine the matter, and either affirm,  
28 modify, or revoke ~~such~~ the order. The appellant shall be  
29 entitled to appeal personally, produce evidence, and ~~to have~~  
30 be represented by counsel or other duly authorized agent. The  
31 finding and decision of the commission shall be certified to  
32 the sheriff, and shall be enforced and followed by the  
33 sheriff, but under no condition shall the employee who has  
34 appealed to the commission be permanently removed, suspended,  
35 or reduced in rank until ~~such~~ the finding and decision of the

1 commission is certified to the sheriff pursuant to the rules  
2 of civil procedure.

3 Sec. 4. Section 341A.16, Code 2003, 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. 5. Section 400.2, unnumbered paragraph 2, Code 2003,  
18 is amended to read as follows:

19 Civil service commissioners shall not ~~sell to, or in any~~  
20 ~~manner become parties, directly, to~~ have an interest, direct  
21 or indirect, in any contract to furnish supplies, material, or  
22 labor to or job of work or material or the profits thereof or  
23 services to be furnished or performed for the city in which  
24 they are commissioners ~~except as provided in,~~ notwithstanding  
25 section 362.5. A violation of this conflict of interest  
26 provision is a simple misdemeanor. For purposes of this  
27 section, "contract" means any claim, account, or demand  
28 against or agreement with the city in which the commissioner  
29 serves.

30 Sec. 6. Section 400.26, Code 2003, is amended to read as  
31 follows:

32 400.26 PUBLIC TRIAL.

33 The trial of all appeals shall be public, and the parties  
34 may be represented by counsel or other duly authorized agent.

35 Sec. 7. Section 400.27, unnumbered paragraph 2, Code 2003,

1 is amended to read as follows:

2 The ~~city-attorney-or-solicitor-shall-be-the-attorney-for~~  
3 ~~the-commission-or-when-requested-by-the-commission-shall~~  
4 ~~present-matters-concerning-civil-service-employees-to-the~~  
5 ~~commission,~~ except the commission may shall hire a counselor  
6 or an attorney on a per diem basis to be the attorney for the  
7 commission and to represent it when-in-the-opinion-of-the  
8 ~~commission-there-is-a-conflict-of-interest-between-the in~~  
9 ~~matters brought before the~~ commission and-the-city-council  
10 concerning civil service employees. The counselor or attorney  
11 hired by the commission shall not be the city attorney or  
12 solicitor or any attorney who is an employee of the city. The  
13 city shall pay the costs incurred by the commission in  
14 employing an attorney under this section.

15 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
16 3, shall not apply to this Act.

17 EXPLANATION

18 This bill provides that a city or county civil service  
19 commissioner is prohibited from having an interest, direct or  
20 indirect, in any contract or job of work or material or the  
21 profits thereof or services to be furnished for the city or  
22 county in which the person is a commissioner. The bill  
23 defines a "contract" as any claim, account, or demand against  
24 or agreement with the city or county in which the commissioner  
25 serves, express or implied. The bill provides that the  
26 exceptions to the prohibition contained in Code section  
27 331.342 do not apply to county civil service commissioners and  
28 that the exceptions to this prohibition contained in Code  
29 section 362.5 do not apply to city civil service  
30 commissioners. A violation of the conflicts of interest  
31 prohibition by a city or county civil service commissioner is  
32 a simple misdemeanor. A simple misdemeanor is punishable by  
33 confinement for no more than 30 days or a fine of at least \$50  
34 but not more than \$500, or by both.

35 The bill provides that a city or county employee who files

1 an appeal to a city or county civil service commission is  
2 entitled to be represented by a duly authorized agent or by  
3 legal counsel. Currently, such employees are only entitled to  
4 be represented by legal counsel.

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

14 The bill may include a state mandate as defined in Code  
15 section 25B.3. The bill makes inapplicable Code section  
16 25B.2, subsection 3, which would relieve a political  
17 subdivision from complying with a state mandate if funding for  
18 the cost of the state mandate is not provided or specified.  
19 Therefore, political subdivisions are required to comply with  
20 any state mandate included in the bill.

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