

House Study Bill 207 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WAGNER)

A BILL FOR

- 1 An Act relating to actions against counties and cities.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 613.22 Action against political
2 subdivision.

3 1. Notwithstanding any other provision of the law to the
4 contrary, any person may file an action against a political
5 subdivision if the person is a resident of the political
6 subdivision and if the action is based upon a conflict
7 between state law and any ordinance, motion, resolution,
8 amendment, regulation, or rule of the political subdivision.
9 Any ordinance, motion, resolution, amendment, regulation,
10 or rule adopted by a political subdivision that is declared
11 by the court to be in conflict with state law is void and
12 unenforceable and any enforcement activity conducted in
13 violation of the state law is void.

14 2. For purposes of this section, "*political subdivision*"
15 means any county or city.

16 EXPLANATION

17 This bill allows any person to file an action against
18 a political subdivision if the person is a resident of
19 the political subdivision and if the action is based upon
20 a conflict between state law and any ordinance, motion,
21 resolution, amendment, regulation, or rule of the political
22 subdivision. Any ordinance, motion, resolution, amendment,
23 regulation, or rule adopted by a political subdivision
24 declared by the court to be in conflict with state law is
25 void and unenforceable. For purposes of the bill, "political
26 subdivision" means any county or city.

27 Current law in Iowa requires a prospective plaintiff to have
28 suffered some direct or substantial injury or to be likely to
29 suffer such an injury in order to have standing in a lawsuit.