

House Study Bill 3 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON CARLSON)

A BILL FOR

1 An Act relating to the removal of city utility board members,
2 and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 388.3, Code 2019, is amended to read as
2 follows:

3 **388.3 Procedure upon approval.**

4 1. If a proposal to establish a utility board receives
5 a favorable majority vote, the mayor shall appoint the board
6 members, as provided in the proposal, subject to the approval
7 of the council. The council shall by resolution provide for
8 staggered six-year terms for, and shall set the compensation
9 of, board members. Notwithstanding section 372.15, board
10 members may only be removed from office pursuant to section
11 66.1A.

12 2. A board member appointed to fill a vacancy occurring by
13 reason other than the expiration of a term is appointed for the
14 balance of the unexpired term.

15 3. A public officer or a salaried employee of the city may
16 not serve on a utility board.

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

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 Under Code section 372.15, any person appointed to city
23 office may be removed from office by written order from the
24 officer or body making the appointment. This bill provides
25 that notwithstanding Code section 372.15, board members
26 of city utilities established under Code chapter 388 may
27 only be removed from office pursuant to Code section 66.1A.
28 Code section 66.1A provides for the removal of appointed or
29 elected officers by the district court for certain reasons,
30 including neglect or refusal to perform duties, misconduct
31 or maladministration, corruption, extortion, conviction of a
32 felony, intoxication, or conviction of a violation of Code
33 chapter 68A.

34 The bill takes effect upon enactment.