

CHAPTER 66

CITY ZONING BOARDS OF ADJUSTMENT — MEMBERSHIP

S.F. 57

AN ACT authorizing the appointment of a nine-member city zoning board of adjustment.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 414.8, Code 2005, is amended to read as follows:

414.8 MEMBERSHIP.

The board of adjustment shall consist of five, ~~or seven,~~ or nine members as determined by the council. Members of a five-member board shall be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members of a seven-member board shall be appointed for a term of five years, except when the board shall first be created two members shall be appointed for a term of five years, two members for a term of four years, one for a term of three years, one for a term of two years, and one for a one-year term. Members of a nine-member board shall be appointed for a term of five years, except when the board shall first be created three members shall be appointed for a term of five years, two members for a term of four years, two for a term of three years, one for a term of two years, and one for a one-year term. A five-member board shall not carry out its business without having three members present, ~~and~~ a seven-member board shall not carry out its business without having four members present, ~~and a nine-member board shall not carry out its business without having five members present.~~ A majority of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Sec. 2. Section 414.14, Code 2005, is amended to read as follows:

414.14 VOTE REQUIRED.

The concurring vote of three members of the board in the case of a five-member board, and four members in the case of a seven-member board, and five members in the case of a nine-member board, shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Sec. 3. Section 414.25, Code 2005, is amended to read as follows:

414.25 TRANSITIONAL PROVISIONS.

Of the two additional members which may be appointed to increase a five-member board of adjustment to a seven-member board after January 1, 1980, one member shall be appointed to an initial term of five years and one member shall be appointed to an initial term of four years. The terms of office of members of a board of adjustment serving unexpired terms of office on or after January 1, 1980, shall expire according to their original appointments.

Sec. 4. Section 414.25, Code 2005, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Of the four additional members which may be appointed to increase a five-member board of adjustment to a nine-member board on or after July 1, 2005, one member shall be appointed to an initial term of five years, one member to an initial term of four years, one to an initial term of three years, and one to an initial term of two years.

The terms of office of members of a board of adjustment serving unexpired terms of office on or after July 1, 2005, shall expire according to their original appointments.

NEW UNNUMBERED PARAGRAPH. Of the two additional members which may be appointed to increase a seven-member board of adjustment to a nine-member board on or after July 1, 2005, one member shall be appointed to an initial term of five years and one member shall be appointed to an initial term of four years. The terms of office of members of a board of adjustment serving unexpired terms of office on or after July 1, 2005, shall expire according to their original appointments.

Approved April 28, 2005

CHAPTER 67

INMATE LABOR FUND — USE OF MONEYS

S.F. 321

AN ACT relating to the use of moneys deposited into the inmate labor fund.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 904.703, subsection 3, Code 2005, is amended to read as follows:

3. An inmate labor fund is established under the control of the department. All fees, grants, appropriations, or reimbursed costs received by the department and related to inmate labor shall be deposited into the fund, and the moneys shall be used by the department to offset staff and transportation costs related to providing inmate labor to public entities and to initiate or supplement other inmate labor activities within correctional institutions or throughout the state. Notwithstanding section 8.33, moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, interest and earnings deposited in the fund shall be credited to the fund.

Approved April 28, 2005

CHAPTER 68

UNIFORM MEDIATION ACT

S.F. 323

AN ACT establishing a uniform mediation Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13.14, subsection 2, Code 2005, is amended to read as follows:

2. Confidentiality is also protected as provided in section ~~679C.2~~ 679C.108.