

January 14, 1970
Passed on File

SENATE FILE 1059

By COMMITTEE ON COUNTY
GOVERNMENT
(Committee on County
Government)

Passed Senate, Date...1-16-70... Passed House, Date...1-19-70...

Vote: Ayes...56... Nays...0... Vote: Ayes...111... Nays...3...

*Passed as amended
1-20, 58-0*
Motion to reconsider tabled.
Approved January 26, 1970

A BILL FOR

Sub. for H.F. 1056

1 An Act to make the latest increase in compensation of certain
2 county officers retroactive to July 1, 1969, independent of
3 the valuation
4 to reinstate additional compensation for certain county
5 officers in counties having two places at which district
6 court is held, and to legalize certain payments previously
7 made.

8 WHEREAS, it is the purpose of this Act to correct legisla-
9 tive errors or oversights, nunc pro tunc, in order that the
10 particular county officers affected hereby will be fully com-
11 pensated for their past services as intended in the original
12 enactments involved; and

13 WHEREAS, this is a public, rather than a private, purpose,
14 is not an attempt to pay extra compensation, and will bring
15 about better and more efficient service from these officers
16 and will improve their personnel and morale; NOW THEREFORE,
17 *Be It Enacted by the General Assembly of the State of Iowa:*

18 Section 1. Notwithstanding the provisions of section three
19 hundred forty point three (340.3) of the Code the increase in
20 the compensation of the county auditor, county treasurer,
21 county recorder, and clerk of the district court shall be com-
22 puted and paid retroactively to and from July 1, 1969 in
23 accordance with the provisions of chapter two hundred seven-
24 teen (217), section four (4), Acts of the Sixty-third General
25 Assembly, First Session, provided the valuation of moneys and

1 credits assessed in the county shall be deducted from taxable
2 valuation in making said computation. Section three hundred
3 forty point four (340.4) of the Code shall also operate retro-
4 actively to said date.

5 Sec. 2. Chapter two hundred seventeen (217), section four
6 (4), Acts of the Sixty-third General Assembly, First Session,
7 is amended by striking the period following the words "taxable
8 valuation" in the last line and inserting in lieu thereof the
9 words "less the valuation of moneys and credits."

10 Sec. 3. Section three hundred forty point three (340.3),
11 Code 1966, is amended by striking the first sentence and
12 inserting in lieu thereof the following:

13 "In December of each year, the board of supervisors shall,
14 by resolution, compute the salaries of all county officers
15 whose salaries are based on population or taxable valuation of
16 the county, or both, for the ensuing year. The latest current
17 report of the bureau of census, United States department of
18 commerce and the valuation certified by the department of rev-
19 enue shall be used. In any year in which the compensation is
20 changed by a change in the law the said computation shall also
21 be made in the month the law becomes effective for the salar-
22 ies paid for the remainder of said year from the effective
23 date of the new law."

24 Sec. 4. Section eleven point six (11.6), Code 1966, is
25 amended by adding at the end thereof the following:

26 "The auditor of state shall, at the time of the audit of
27 each county, inquire into the payment of salaries of county
28 officers with special attention to uniformity of application
29 of statutes. If he finds any irregularity he shall forthwith
30 report the same to the county attorney and the attorney gen-
31 eral of the state for appropriate action."

32 Sec. 5. Section three hundred forty point two (340.2),
33 Code 1966, is amended by inserting, following the word "com-
34 pensation" in line two (2) of the second paragraph, the words
35 "for each county auditor, county treasurer, county recorder,

1 clerk of the district court, and county sheriff". This amend-
 2 ment is retroactive to July 4, 1965, and salaries heretofore
 3 paid to any of these officers in accordance herewith are
 4 hereby legalized.

5 Sec. 6. In the event that any of said county officers or
 6 their deputies have heretofore been paid compensation in
 7 excess of that provided by law prior to the effective date of
 8 this Act, there shall be deducted from the retroactive and
 9 future compensation (1) the amount of any such overpayments
 10 and (2) an amount sufficient to insure that any county officer
 11 who may have received any such overpayments shall not have or
 12 have had any advantage in wages, taxes, or otherwise over
 13 those county officers who did not receive such overpayments.
 14 There shall also be deducted from the retroactive and future
 15 compensation of any county officer or deputy that portion of
 16 compensation lawfully paid in 1970 based upon the valuation of
 17 moneys and credits.

18 Sec. 7. This Act being deemed of immediate importance
 19 shall take effect and be in force from and after its publica-
 20 tion in, a newspaper published
 21 in, Iowa, and in,
 22, a newspaper published in,
 23 Iowa.

Verified
2-4
3-30

EXPLANATION

By Senate File 614, the first session of the Sixty-third General Assembly in 1969 raised the compensation of the county auditors, county treasurers, county recorders, and clerks of the district court as well as that of the sheriffs and county attorneys, intending that all take effect on July 1, 1969, but overlooked that section 340.3, Code of Iowa, 1966, prevented the raises of the first four of these named officers from being put into force by resolution of the county supervisors in any of the counties until 1970. This bill makes the raises of those four county officers payable retroactively to July 1, 1969, the same as the raises of the county sheriffs and county attorneys. It also reinserts words accidentally left out of S. F. 614 to require deduction of moneys and credits from taxable valuation and which would have raised the salaries of these four officers in certain large counties more than was intended. This bill readjusts the raise to what everyone intended and expected.

The 1965 legislature (chapter 307, Acts sixty-first General Assembly) also recodified and repealed the separate statutes pertaining to salaries

of all of the aforementioned officers, each of which had provided for many years for \$500 extra annual compensation in counties having two places of holding district court. In consolidating these statutes it added a second paragraph to section 340.2, probably intending to reenact that same benefit in those counties for all of said county officers but overlooking that that section applied only to the county treasurer. The county attorneys in those counties having two places of holding court had their extra \$500 compensation reenacted in a separate act (chapter 309, sixty-first General Assembly,—now section 340.9). Because of an opinion of the county attorney in one of the counties where court is held in two places (Pottawattamie), all of the said county officers except the sheriff were paid their extra \$500 in each of the years up to and including July 15, 1969, notwithstanding these amendments of the 1965 legislature. It seems unfair that only the treasurer and county attorney should receive the extra compensation in those counties and section 4 of this act legalizes the overpayments and equalizes the pay retroactive to July 4, 1965, for those of the said county officers in two court counties who did not receive the extra compensation either legally or because of the absence of a similar opinion from another county attorney.

Section 1 is added to show that the purpose of this bill is to correct errors in the original bills, nunc pro tunc (now for then), rather than to grant extra compensation to public officers after their services have been

- 1 Amend Senate File 1059 as follows:
- 2 1. By striking from line 13 on page 2 the word
- 3 "December" and inserting in lieu thereof the word
- 4 "January".

Filed and lost
January 16, 1970

Senatt
By COLEMAN

- 1 Amend Senate File 1059 as follows:
- 2 1. Page three (3), line seventeen (17), by inserting after
- 3 the period the following sections:
- 4 "Sec. 7. Effective December 1, 1970, the annual compensation
- 5 of the county auditor, county treasurer, county recorder and
- 6 their deputies, county sheriff and his deputies, county
- 7 attorney and his assistants, and clerk of the district court
- 8 and his deputies shall be determined by the county conference
- 9 board established pursuant to section four hundred forty-one
- 10 point two (441.2) of the Code. Such conference board shall meet
- 11 in December of each year to fix, by majority vote of its units,
- 12 the salaries of such officers and their deputies for the following
- 13 calendar year.
- 14 If a vacancy occurs in any such office, the person who is
- 15 appointed or elected to fill the unexpired term in the office
- 16 vacated, shall receive the same salary as the person vacating
- 17 the office.
- 18 Sec. 8. Effective December 31, 1970, sections one (1) through
- 19 six (6) of this Act, inclusive, chapter two hundred seventeen
- 20 (217), section four (4), Acts of the Sixty-third General Assembly,
- 21 First Session, section three hundred forty point two (340.2),
- 22 Code 1966, and section three hundred forty point three (340.3),

1 Amend Senate File 1059 as follows.

2 1. Page two (2), by striking lines thirty-two (32)
3 through thirty-five (35), inclusive.

4 2. Page three (3), by striking lines one (1) through
5 four (4), inclusive, and inserting in lieu thereof the
6 following:

7 "Sec. 5. Section three hundred forty point two (340.2),
8 Code 1966, is amended as follows:

9 (1) By inserting in line nineteen (19) after the word
10 'compensation' the words 'for each county auditor, county
11 treasurer, county recorder, clerk of the district court,
12 and county sheriff'. This amendment is retroactive to
13 July 4, 1965, as to the officers specified in this amend-
14 ment who actually received such additional five hundred
15 dollars compensation only, and salaries heretofore paid
16 to any of these officers in accordance herewith are hereby
17 legalized.

18 (2) By striking lines one (1) through seventeen (17),
19 inclusive, retroactively from and after July 1, 1969.

20 (3) By striking lines eighteen (18) through twenty-one
21 (21), inclusive, retroactively from and after July 1, 1969."

22 3. Page three (3), line seventeen (17), by adding after
23 the period the following:

24 "Sec. 7. Section three hundred forty point nine (340.9),
25 Code 1966, as amended by chapter two hundred seventeen (217),
26 section seven (7), Acts of the Sixty-third General Assembly,
27 First Session, is further amended by striking lines thirty-
28 eight (38) through forty (40), inclusive."

29 4. By renumbering section seven (7) accordingly.

30 5. Page one (1), by inserting in the title, line six

31 (6) after the word "held" the words "and repealing such
32 extra compensation provisions from and after July 1, 1969".

Filed - *Withdrawn 1-19*
January 16, 1970

Honal
SCHROEDER of Pottawattamie
VAN NOSTRAND of Pottawattamie
PERKINS of Pottawattamie

- 1 Amend Senate File 1059 as follows:
2 1. Page 2, by striking lines thirty-two (32) through
3 thirty-five (35), inclusive.
4 2. Page 3, by striking lines one (1) through four (4),
5 inclusive, and inserting in lieu thereof the following:
6 "Sec. 5. Section three hundred forty point two (340.2),
7 Code 1966, is amended as follows:
8 1. By striking from line eighteen (18) the word 'shall' and
9 inserting in lieu thereof the word 'may'.
10 2. By inserting in line nineteen (19) after the word 'compen-
11 sation' the words 'for each county auditor, county treasurer,
12 county recorder, clerk of the district court, and county sheriff'.
13 This amendment is retroactive to July 4, 1965, and salaries
14 heretofore paid to any of these offices in accordance herewith
15 are hereby legalized."
16 3. Page 3, by adding after the period in line seventeen (17)
17 the following new section:
18 "Sec. 7. Section three hundred forty point nine (340.9),
19 Code 1966, as amended by chapter two hundred seventeen (217),
20 section seven (7), Acts of the Sixty-third General Assembly,
21 First Session, is further amended by striking from line thirty-
22 nine (39) the word 'shall' and inserting in lieu thereof the
23 word 'may'.
24 4. Page 3, by striking from line eighteen (18) the numeral
25 "7" and inserting in lieu thereof the numeral "8".

Filed and adopted
January 19, 1970

House

SCHROEDER of Pottawattamie