

FEB 12 1973

HOUSE FILE 175

Place On Calendar
County Govt. 2/14/73 - do pass 3/7

By COMMITTEE ON COUNTY GOVERNMENT

Passed House, Date 3-29-73 (679) Passed Senate, Date _____

Vote: Ayes 87 Nays 7 Vote: Ayes _____ Nays _____

Approved _____

*Motion to reconsider filed 3/29
motion withdrawn 4/17*

A BILL FOR

1 An Act relating to compensation for boarding and caring
2 for prisoners in certain counties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 counties that it may be more economical for the county to pay
2 for these services than for the sheriff to provide them on
3 a fee basis.

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1 Amend House File 175 by the Committee on County
2 Government as follows:
3 1. Page 2, by striking lines 2 through 23
4 inclusive and inserting in lieu thereof the following:
5 "(337.11), Code 1973, is amended by striking sub-
6 section eleven (11)."
7 2. Page 2, by striking line 31 and inserting in
8 lieu thereof the following: "by him~~7~~-and-fer-board~~7~~
9 washing~~7~~-and-care-of-prisoners~~7~~, may"
10 3. Page 3, by striking lines 2 through 20 and
11 inserting in lieu thereof the following: "in his
12 custody in the county jail ~~in-counties-having-a~~
13 ~~population-in-excess-of-fifty~~ thousand shall be per-
14 formed by the sheriff without compensation, reim-
15 bursement or allowance therefor except his salary as
16 fixed by law.
17 Sec. 5. Section three hundred thirty eight point
18 two (338.2), Code 1973, is amended to read as follows:
19 'Purchase of supplies. The board of supervisors ~~in~~
20 ~~such-counties~~ shall, in such manner and under such
21 regulations as it may deem fit, furnish to the
22 sheriff at the county jail and at the expense of the
23 county all supplies, wholesome provisions, and uten-
24 sils, including gas, fuel, electricity and water
25 which in its judgment are necessary to enable the
26 sheriff to discharge ~~said~~ his duty.
27 Sec. 6. Section three hundred thirty-eight
28 point twelve (338.12), Code 1973, is hereby repealed."

Filed - *Withdrawn 3/29*
February 13, 1973

By KNOKE of Pottawattamie

1 Amend House File 175 by striking everything after
2 the enacting clause and inserting in lieu thereof the
3 following:

4 "Section 1. Section three hundred thirty-seven
5 point eleven (337.11), Code 1973, is amended by
6 striking subsections eleven (11) and twelve (12).

7 Sec. 2. Section three hundred thirty-seven
8 point fourteen (337.14), Code 1973, is amended to
9 read as follows:

10 337.14 FEES MILEAGE IN ADDITION TO SALARY. The
11 amounts allowed by law for mileage ~~and-for-actual,~~
12 ~~necessary-expenses-paid-by-him,-and-for-board,-wash-~~
13 ~~ing,-and-care-of-prisoners,~~ may be retained by him in
14 addition to his salary.

15 Sec. 3. Section three hundred thirty-eight
16 point one (338.1), Code 1973, is amended to read as
17 follows:

18 338.1 PRISONERS -- DUTY OF SHERIFF. The duty
19 of the sheriff to board, ~~lodge,-wait-on,-wash-for~~
20 and care for prisoners in his custody in the county
21 jail ~~in-counties-having-a-population-in-excess-of~~
22 ~~fifty-thousand~~ shall be performed by the sheriff
23 without compensation, reimbursement or allowance
24 therefor except his salary as fixed by law.

25 Sec. 4. Section three hundred thirty-eight point
26 two (338.2), Code 1973, is amended to read as follows:

27 PURCHASE OF SUPPLIES. The board of supervisors
28 ~~in-such-counties~~ shall, in such manner and under such
29 regulations as it may deem fit, furnish to the sheriff
30 at the county jail and at the expense of the county
31 all supplies, wholesome provisions, and utensils,
32 including gas, fuel, electricity and water which in
33 its judgment are necessary to enable the sheriff to
34 discharge ~~said~~ his duty.

35 Sec. 5. Section three hundred thirty-eight point
36 twelve (338.12), Code 1973, is hereby repealed.

H-194 Filed - *adopted 3/29* By KNOKE of Pottawattamie
March 23, 1973 *Reconsidered*
and adopted 3/29

EXPLANATION

This amendment would eliminate fees of the sheriff for board and care of prisoners and would require the board of supervisors to pay the necessary expense for their board and care.

April 18, 1973

HOUSE FILE 175

By COMMITTEE ON COUNTY GOVERNMENT

(AS AMENDED AND PASSED BY THE HOUSE)

as amended by Senate & further amended by House Sub. for S.F. 356

Passed House, Date 5-3-73 (1146) Passed Senate, Date 4-25-73 (998)

Vote: Ayes 96 Nays 9 Vote: Ayes 42 Nays 0

Approved 5-24-73

*Passed per House amendment 5/10/73 (1186)
42-0*

A BILL FOR

- 1 An Act relating to compensation for boarding and caring
- 2 for prisoners in certain counties.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section three hundred thirty-seven point
2 eleven (337.11), Code 1973, is amended by striking
3 subsections eleven (11) and twelve (12).

4 Sec. 2. Section three hundred thirty-seven point
5 fourteen (337.14), Code 1973, is amended to read as
6 follows:

7 337.14 [FEES] *MILEAGE IN ADDITION TO SALARY*. The
8 amounts allowed by law mileage [and for actual,
9 necessary expenses paid by him, and for board, washing,
10 and care of prisoners,] may be retained by him in
11 addition to his salary.

12 Sec. 3. Section three hundred thirty-eight point
13 one (338.1), Code 1973, is amended to read as follows:

14 338.1 *PRISONERS—DUTY OF SHERIFF*. The duty of
15 the sheriff to board[, lodge, wait on, wash for] and care
16 for prisoners in his custody in the county jail [in counties
17 having a population in excess of fifty thousand] shall be
18 performed by the sheriff without compensation, reimburse-
19 ment or allowance therefor except his salary as fixed by
20 law.

21 Sec. 4. Section three hundred thirty-eight point two
22 (338.2), Code 1973, is amended to read as follows:

23 *PURCHASE OF SUPPLIES*. The board of supervisors [in
24 such counties] shall, in such manner and under such
25 regulations as it may deem fit, furnish to the sheriff

1 at the county jail and at the expense of the county
2 all supplies, wholesome provisions, and utensils,
3 including gas, fuel, electricity and water which in
4 its judgment are necessary to enable the sheriff to
5 discharge [said] his duty.

6 Sec. 5. Section three hundred thirty-eight point
7 twelve (338.12), Code 1973, is hereby repealed.

8 EXPLANATION

9 This bill would eliminate fees of the sheriff for
10 board and care of prisoners and would require the
11 board of supervisors to pay the necessary expense
12 for their board and care.

1 Amend House File 175, as amended, passed, and re-
 2 printed, page 2, line 20, by striking the period and
 3 inserting in lieu thereof the following: "however
 4 the board of supervisors may contract with the
 5 sheriff or other persons to care for prisoners for
 6 a fee not to exceed five dollars per prisoner per
 7 day or fraction of a day. If the board of super-
 8 visors contract for the care of prisoners the
 9 provisions of section three hundred thirty-eight
 10 point two (338.2) of the Code shall not apply."

S-447 Filed - *Adopted 4/25*
 April 24, 1973

By COMMITTEE ON COUNTY GOVERNMENT

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 175

1 Amend the Senate Amendment to House File 175 by
 2 striking lines 2 through 9 and inserting in lieu
 3 thereof the following:
 4 "as follows:
 5 1. Page 2, line 20, by adding after the period
 6 the following:
 7 However, the board may reimburse the sheriff for
 8 the actual cost of board furnished prisoners directly
 9 by the sheriff, upon presentation of sufficient
 10 documentation showing the actual cost."
 11 2. Page 2, line 24, by striking the word "shall"
 12 and inserting in lieu thereof the words "~~shall~~ may".
 13 3. Page 3, line 3, by inserting after the word
 14 "water", the following:
 15 ", or may contract for the goods and services,".

Received from the House
 May 8, 1973

*Senate concurred
 5/10*

SENATE AMENDMENT TO HOUSE FILE 175

1 Amend House File 175, as amended, passed, and reprinted,
2 page 2, line 20, by striking the period and inserting
3 in lieu thereof the following: "however the board
4 of supervisors may contract with the sheriff or other
5 persons to care for prisoners for a fee not to exceed
6 five dollars per prisoner per day or fraction of a day.
7 If the board of supervisors contract for the care of
8 prisoners the provisions of section three hundred thirty-
9 eight point two (338.2) of the Code shall not apply."

Received from the Senate
April 27, 1973

*Have concurred as amended
by H-421 5/3*

H-421

1 Amend the Senate Amendment to House File 175 by
2 striking lines 2 through 9 and inserting in lieu
3 thereof the following:
4 "as follows:
5 1. Page 2, line 20, by adding after the period
6 the following:
7 However, the board may reimburse the sheriff for
8 the actual cost of board furnished prisoners directly
9 by the sheriff, upon presentation of sufficient
10 documentation showing the actual cost."
11 2. Page 2, line 24, by striking the word "shall"
12 and inserting in lieu thereof the word "may".
13 3. Page 3, line 3, by inserting after the word
14 "water", the following:
15 ", or may contract for the goods and services,"

H-421 Offered and pending
May 2, 1973 *Adopted 5/3*

By KNOKE of Pottawattamie

H-433

1 Amend the Knoke amendment H-421 to House File
2 175 as follows:
3 1. By inserting after line 10 the following:
4 "Notwithstanding any other provision of the Code,
5 the board may reimburse the sheriff for actual costs
6 of assistance by the wife of the sheriff or a deputy
7 sheriff in providing board and care of prisoners."

H-433 Filed and lost
May 3, 1973

By EGENES of Story