

*Reprinted 2/78*

FEB 9 1978  
Place On Calendar

HOUSE FILE 2164  
By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly Study Bill 335)

Passed House, Date 3-16-78 (1043) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 62 Nays 25 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

- 1 An Act relating to the salary of full-time prosecutors.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

### HOUSE FILE 2164

H-5461

- 1 Amend the amendment, H-5317, to House File 2164
- 2 as follows:
- 3 1. Page 1, lines 33 and 34, by striking the words
- 4 "before the effective date" and inserting in lieu
- 5 thereof the words "within sixty days after passage".

H-5461 FILED *Adopted 2/16* BY SPEAR of Lee  
FEBRUARY 27, 1978 *(p. 1041)*

### HOUSE FILE 2164

H-5692

- 1 Amend House File 2164 as follows:
- 2 1. Title page, by striking line 1 and inserting
- 3 in lieu thereof the following: "An Act relating to
- 4 the status and salaries of full-time or part-time
- 5 county attorneys and assistant county attorneys."

H-5692 FILED, ADOPTED BY BY CONLON of Muscatine  
UNANIMOUS CONSENT *(p. 1042)*  
MARCH 16, 1978

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1 Section 1. Section three hundred forty point ten (340.10),  
2 unnumbered paragraph one (1), Code 1977, is amended to read  
3 as follows:

4 ~~Where~~ Except as provided in section three hundred forty-  
5 one point nine (341.9) of the Code, where an assistant county  
6 attorney is appointed he or she shall receive as compensation:

7 Sec. 2. Section three hundred forty-one point nine  
8 (341.9), Code 1977, is amended to read as follows:

9 341.9 FULL-TIME COUNTY PROSECUTORS. ~~in-counties-having~~  
10 ~~a-population-in-excess-of-one-hundred-fifty-thousand--the~~  
11 The county attorney may appoint, with the approval of the  
12 board of supervisors, assistant county attorneys to serve  
13 as full-time prosecutors who shall refrain from the private  
14 practice of law. The compensation paid to such assistant  
15 county attorneys shall not be subject to the provisions of  
16 section 340.10.

17 EXPLANATION

18 The bill provides that the county attorney of a county  
19 of any size may appoint assistant county attorneys to serve  
20 as full-time prosecutors, with the approval of the board of  
21 supervisors. The compensation of such full-time prosecutors  
22 would be set by the board of supervisors.

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*Law County Gov 3/22*  
*Amended Judiciary 5/23 Amended (5766) & De Pass 5/3 (7.1241)*

House File 2164

Judiciary  
DeKoster, Chairperson  
Redmond  
Ramsey

HOUSE FILE 2164

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 5-11-78 (p. 246) Passed Senate, Date 5-10-78 (p. 1266)

Vote: Ayes 72 Nays 5 Vote: Ayes 45 Nays 12

Approved 6-20-78

*Repassed, amended & Repassed*  
5-11-78 (p. 4510)  
83-6

*Repassed for 5-5910* 5-12-78 (p. 1513)  
17-1

## A BILL FOR

1 An Act relating to the status and salaries of full-time  
2 or part-time county attorneys and assistant county  
3 attorneys.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Chapter three hundred thirty-two (332), Code  
2 1977, is amended by adding sections two (2) through five (5)  
3 of this Act.

4 Sec. 2. NEW SECTION. FULL-TIME OR PART-TIME COUNTY  
5 ATTORNEYS. A county may provide that the county attorney  
6 shall be a full-time or part-time county officer in the manner  
7 provided in this Act. A full-time county attorney shall  
8 refrain from the private practice of law.

9 Sec. 3. NEW SECTION. RESOLUTION--EFFECTIVE DATE.

10 1. The board of supervisors may provide, by resolution  
11 at any regular meeting after at least fourteen days public  
12 notice, that the county attorney shall be a full-time county  
13 officer. The resolution shall include an effective date which  
14 shall not be less than sixty days from the date of adoption.  
15 However, if the county attorney or county attorney-elect  
16 objects to the full-time status, the effective date of the  
17 change to a full-time status shall be delayed until January  
18 first of the year following the next general election at which  
19 a county attorney is elected. A resolution changing the  
20 status of the county attorney shall not be adopted between  
21 March first and the date of the general election of the year  
22 in which the county attorney is regularly elected as provided  
23 in section thirty-nine point seventeen (39.17) of the Code.

24 2. Notwithstanding section three hundred forty A point  
25 six (340A.6) of the Code, within sixty days after passage  
26 of the resolution changing the status of the county attorney,  
27 the county compensation board shall hold a public hearing  
28 after at least fourteen days public notice to consider the  
29 annual salary of the county attorney and make a recommendation  
30 to the board of supervisors. The board of supervisors shall  
31 adopt an annual salary for the county attorney which is not  
32 more than the recommendation and which is effective on the  
33 effective date of the resolution changing the status of the  
34 county attorney.

35 Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS. The

1 board of supervisors of a county may change the status of  
2 a full-time county attorney to a part-time county attorney  
3 by following the same procedures as provided in section three  
4 (3) of this Act. If the incumbent county attorney objects  
5 to the change in status, the change shall be delayed until  
6 January first following the next election of a county attorney.

7 The county compensation board shall meet and make a  
8 recommendation on the salary of the county attorney in the  
9 same manner as provided in section three (3) of this Act.

10 Sec. 5. NEW SECTION. CURRENT STATUS UNAFFECTED. The  
11 provisions of this Act shall not affect the full-time or part-  
12 time status of a county attorney that is in effect on the  
13 effective date of this Act, but any subsequent change in the  
14 full-time or part-time status of the county shall be made  
15 as provided in section three (3) or four (4) of this Act,  
16 as applicable.

17 Sec. 6. Section three hundred forty point ten (340.10),  
18 Code 1977, is amended by striking the section and inserting  
19 in lieu thereof the following:

20 340.10 ASSISTANT COUNTY ATTORNEY. The annual salary of  
21 each assistant county attorney shall be determined by the  
22 board of supervisors.

23 Sec. 7. Section three hundred forty-one point nine  
24 (341.9), Code 1977, is amended to read as follows:

25 341.9 FULL-TIME COUNTY PROSECUTORS. ~~In counties having~~  
26 ~~a population in excess of one hundred fifty thousand, the~~  
27 The county attorney may appoint, with the approval of the  
28 board of supervisors, assistant county attorneys to serve  
29 as full-time prosecutors who shall refrain from the private  
30 practice of law. The compensation paid to such assistant  
31 county attorneys shall ~~not be subject to the provisions of~~  
32 ~~section 340.10~~ be determined by the board of supervisors.



1 Amend House File 2164 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 24 through 35.

4 2. Page 2, by striking lines 1 through 32 and  
5 inserting in lieu thereof the following:

6 "2. The resolution changing the status of the  
7 county attorney shall state the annual salary to be  
8 paid to the full-time county attorney. Notwithstanding  
9 section three hundred forty A point six (340A.6) of  
10 the Code, the board of supervisors shall adopt an  
11 annual salary for the county attorney which is between  
6642-12 sixty-five and one hundred percent of the annual  
13 salary received by a district court judge.

14 Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS.

15 1. The board of supervisors of a county may change  
16 the status of a full-time county attorney to a part-  
17 time county attorney by following the same procedures  
18 as provided in section three (3) of this Act. If  
19 the incumbent county attorney objects to the change  
20 in status, the change shall be delayed until January  
21 first following the next election of a county attorney.

22 2. The resolution changing the status of a full-  
23 time county attorney to a part-time county attorney  
24 shall state the annual salary to be paid to the part-  
25 time county attorney.

26 Sec. 5. NEW SECTION. CURRENT STATUS UNAFFECTED.

27 The provisions of this Act shall not affect the full-  
28 time or part-time status of a county attorney that  
29 is in effect on the effective date of this Act, but  
30 any subsequent change in the full-time or part-time  
31 status of the county attorney shall be made as provided  
32 in section three (3) or four (4) of this Act, as  
33 applicable.

34 Sec. 6. Section three hundred forty point ten  
35 (340.10), Code 1977, is amended by striking the section  
36 and inserting in lieu thereof the following:

37 340.10 ASSISTANT COUNTY ATTORNEY. The annual  
38 salary of each assistant county attorney shall be  
39 determined by the county attorney within the budget  
40 set for the county attorney's office by the board  
41 of supervisors. The salary of an assistant county  
42 attorney shall not exceed eighty-five percent of the  
43 maximum salary of a full-time county attorney.

44 The county attorney shall inform the board of  
45 supervisors of the full-time or part-time status of  
46 each assistant county attorney. In the case of a  
47 part-time assistant county attorney, the county  
48 attorney shall inform the board of supervisors of  
49 the approximate number of hours per week the person  
50 shall devote to his or her duties as assistant county

1 attorney.  
2 Sec. 7. Section three hundred forty-one point  
3 nine (341.9), Code 1977, is amended to read as follows:  
4 341.9 FULL-TIME COUNTY PROSECUTORS. ~~In counties~~  
5 ~~having a population in excess of one hundred fifty~~  
6 ~~thousand; the~~ The county attorney may appoint, with  
7 the approval of the board of supervisors, assistant  
8 county attorneys to serve as full-time prosecutors  
9 who shall refrain from the private practice of law.  
10 The compensation paid to such assistant county  
11 attorneys shall ~~not be subject to the provisions~~  
12 ~~of section 340.40~~ be determined by the county attorney  
13 within the budget set for the county attorney's office  
14 by the board of supervisors. The salary of an  
15 assistant county attorney shall not exceed eighty-  
16 five percent of the maximum salary of a full-time  
17 county attorney."

18 3. Page 2, by inserting after line 32 the follow-  
19 ing sections:

20 "Sec. \_\_\_\_\_. Section three hundred thirty-six point  
21 one (336.1), Code 1977, is amended to read as follows:

22 336.1 QUALIFICATIONS. County attorneys shall  
23 be qualified electors of their respective counties,  
24 duly admitted to practice as attorneys and counselors  
25 in the courts of this state as provided by law.  
26 However, if the boards of supervisors of two or more  
27 counties enter into an agreement to share the services  
28 of a county attorney as authorized by this chapter,  
29 the county attorney shall be a qualified elector of  
30 one of the counties that he or she serves. No person  
31 shall be qualified for such office while his the  
32 person's license to practice remains revoked or  
33 suspended.

34 Sec. \_\_\_\_\_. Chapter three hundred thirty-six (336),  
35 Code 1977, is amended by adding the following new  
36 section:

37 NEW SECTION. AUTHORIZATION TO SHARE THE SERVICES  
38 OF A COUNTY ATTORNEY--ELECTION. The boards of  
39 supervisors of two or more counties may enter into  
40 an agreement pursuant to chapter twenty-eight E (28E)  
41 of the Code to share the services of a county attorney.

42 A county attorney who will serve two or more coun-  
43 ties pursuant to an agreement authorized by this  
44 section shall be elected by a majority of the votes  
45 cast for the office of county attorney in all of the  
46 counties which the county attorney will serve pursuant  
47 to the agreement. The election shall be held in  
48 accordance with section forty-seven point two (47.2),  
49 unnumbered paragraph two (2), of the Code.

50 If an agreement is entered into pursuant to this

Page 3

1 section, its effective date shall be delayed until  
2 January first of the year following the next general  
3 election at which a county attorney is elected in  
4 the manner provided by this section."

5 4. Renumbering as necessary.

H-6623 FILED  
RECEIVED FROM SENATE  
MAY 10, 1978

*Have concurred 5/11 (p. 2465)  
Reconciled, amended, Reconciled 5/11  
(p. 2880)*

S-5796

1 Amend House File 2164 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 32 the follow-  
4 ing sections:

5 "Sec. \_\_\_\_\_. Section three hundred thirty-six point  
6 one (336.1), Code 1977, is amended to read as follows:  
7 336.1 QUALIFICATIONS. County attorneys shall  
8 be qualified electors of their respective counties,  
9 duly admitted to practice as attorneys and counselors  
10 in the courts of this state as provided by law.  
11 However, if the boards of supervisors of two or more  
12 counties enter into an agreement to share the services  
13 of a county attorney as authorized by this chapter,  
14 the county attorney shall be a qualified elector of  
15 one of the counties that he or she serves. No person  
16 shall be qualified for such office while his the  
17 person's license to practice remains revoked or  
18 suspended.

19 Sec. \_\_\_\_\_. Chapter three hundred thirty-six (336),  
20 Code 1977, is amended by adding the following new  
21 section:

22 NEW SECTION. AUTHORIZATION TO SHARE THE SERVICES  
23 OF A COUNTY ATTORNEY--ELECTION. The boards of  
24 supervisors of two or more counties may enter into  
25 an agreement pursuant to chapter twenty-eight E (28E)  
26 of the Code to share the services of a county attorney.  
27 A county attorney who will serve two or more coun-  
28 ties pursuant to an agreement authorized by this  
29 section shall be elected by a majority of the votes  
30 cast for the office of county attorney in all of the  
31 counties which the county attorney will serve pursuant  
32 to the agreement. The election shall be held in  
33 accordance with section forty-seven point two (47.2),  
34 unnumbered paragraph two (2), of the Code.

35 If an agreement is entered into pursuant to this  
36 section, its effective date shall be delayed until  
37 January first of the year following the next general  
38 election at which a county attorney is elected in  
39 the manner provided by this section."

40 2. By renumbering as necessary.

S-5796 FILED  
MAY 4, 1978

*Adopted 5/10*  
*(p. 136)*

BY EARL M. WILLITS

## HOUSE FILE 2164

S-5766

1 Amend House File 2164 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 24 through 35.

4 2. Page 2, by striking lines 1 through 32 and  
5 inserting in lieu thereof the following:

6 "2. The resolution changing the status of the  
7 county attorney shall state the annual salary to be  
8 paid to the full-time county attorney. Notwithstanding  
9 section three hundred forty A point six (340A.6) of  
10 the Code, the board of supervisors shall adopt an  
11 annual salary for the county attorney which is between  
12 sixty-five and one hundred percent of the annual  
13 salary received by a district court judge.

14 Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS.

15 1. The board of supervisors of a county may change  
16 the status of a full-time county attorney to a part-  
17 time county attorney by following the same procedures  
18 as provided in section three (3) of this Act. If  
19 the incumbent county attorney objects to the change  
20 in status, the change shall be delayed until January  
21 first following the next election of a county attorney.

22 2. The resolution changing the status of a full-  
23 time county attorney to a part-time county attorney  
24 shall state the annual salary to be paid to the part-  
25 time county attorney.

26 Sec. 5. NEW SECTION. CURRENT STATUS UNAFFECTED.

27 The provisions of this Act shall not affect the full-  
28 time or part-time status of a county attorney that  
29 is in effect on the effective date of this Act, but  
30 any subsequent change in the full-time or part-time  
31 status of the county attorney shall be made as provided  
32 in section three (3) or four (4) of this Act, as  
33 applicable.

34 Sec. 6. Section three hundred forty point ten  
35 (340.10), Code 1977, is amended by striking the section  
36 and inserting in lieu thereof the following:

37 340.10 ASSISTANT COUNTY ATTORNEY. The annual  
38 salary of each assistant county attorney shall be  
39 determined by the county attorney within the budget  
40 set for the county attorney's office by the board  
41 of supervisors. The salary of an assistant county  
42 attorney shall not exceed eighty-five percent of the  
43 maximum salary of a full-time county attorney.

44 The county attorney shall inform the board of  
45 supervisors of the full-time or part-time status of  
46 each assistant county attorney. In the case of a  
47 part-time assistant county attorney, the county  
48 attorney shall inform the board of supervisors of  
49 the approximate number of hours per week the person  
50 shall devote to his or her duties as assistant county

S-5766

Page 2

1 attorney.

2 Sec. 7. Section three hundred forty-one point  
3 nine (341.9), Code 1977, is amended to read as follows:

4 341.9 FULL-TIME COUNTY PROSECUTORS. ~~In counties~~  
5 ~~having a population in excess of one hundred fifty~~  
6 ~~thousand~~ The county attorney may appoint, with  
7 the approval of the board of supervisors, assistant  
8 county attorneys to serve as full-time prosecutors  
9 who shall refrain from the private practice of law.  
10 The compensation paid to such assistant county  
11 attorneys shall ~~not be subject to the provisions~~  
12 ~~of section 340.10~~ be determined by the county attorney  
13 within the budget set for the county attorney's office  
14 by the board of supervisors. The salary of an  
15 assistant county attorney shall not exceed eighty-  
16 five percent of the maximum salary of a full-time  
17 county attorney."

S-5766 FILED  
MAY 3, 1978

*Adopted 5/15/78 (p. 1360)*

BY COMMITTEE ON JUDICIARY  
GENE W. GLENN, CHAIRPERSON

1 Amend House File 2164 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Chapter three hundred thirty-two  
5 (332), Code 1977, is amended by adding sections two  
6 (2) through five (5) of this Act.

7 Sec. 2. NEW SECTION. FULL-TIME OR PART-TIME  
8 COUNTY ATTORNEYS. A county having a population of  
9 more than thirty-five thousand may provide that the  
10 county attorney shall be a full-time or part-time  
11 county officer in the manner provided in this Act.  
12 A full-time county attorney shall refrain from the  
13 private practice of law.

14 Sec. 3. NEW SECTION. RESOLUTION--EFFECTIVE DATE.

15 1. The board of supervisors may provide, by  
16 resolution at any regular meeting after at least  
17 fourteen days public notice, that the county attorney  
18 shall be a full-time county officer. The resolution  
19 shall include an effective date which shall not be  
20 less than sixty days from the date of adoption.  
21 However, if the county attorney or county attorney-  
22 elect objects to the full-time status, the effective  
23 date of the change to a full-time status shall be  
24 delayed until January first of the year following  
25 the next general election at which a county attorney  
26 is elected. A resolution changing the status of the  
27 county attorney shall not be adopted between March  
28 first and the date of the general election of the  
29 year in which the county attorney is regularly elected  
30 as provided in section thirty-nine point seventeen  
31 (39.17) of the Code.

32 2. Notwithstanding section three hundred forty  
33 A point six (340A.6) of the Code, before the effective  
34 date of the resolution changing the status of the  
35 county attorney, the county compensation board shall  
36 hold a public hearing after at least fourteen days  
37 public notice to consider the annual salary of the  
38 county attorney and make a recommendation to the board  
39 of supervisors. The board of supervisors shall adopt  
40 an annual salary for the county attorney which is  
41 not more than the recommendation and which is effective  
42 on the effective date of the resolution changing the  
43 status of the county attorney.

44 Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS.

45 The board of supervisors of a county may change the  
46 status of a full-time county attorney to a part-time  
47 county attorney by following the same procedures as  
48 provided in section three (3) of this Act. If the  
49 incumbent county attorney objects to the change in  
50 status, the change shall be delayed until January

1 first following the next election of a county attorney.  
 2 The county compensation board shall meet and make  
 3 a recommendation on the salary of the county attorney  
 4 in the same manner as provided in section three (3)  
 5 of this Act.

6 Sec. 5. NEW SECTION. CURRENT STATUS UNAFFECTED.  
 7 The provisions of this Act shall not affect the full-  
 8 time or part-time status of a county attorney that  
 9 is in effect on the effective date of this Act, but  
 10 any subsequent change in the full-time or part-time  
 11 status of the county shall be made as provided in  
 12 section three (3) or four (4) of this Act, as  
 13 applicable."

14 2. By renumbering sections to conform to this  
 15 amendment.

H-5317 FILED *Adopted 2/16* BY SPEAR of Lee  
 FEBRUARY 15, 1978 *amended by 5345 & 5401 2/16 (p. 1040)*  
 HOUSE FILE 2164

H-5312

1 Amend House File 2164 as follows:

2 1. By striking lines 2 through 6 and inserting  
 3 in lieu thereof the following: "Code 1977, is amended  
 4 by striking the section and inserting in lieu thereof  
 5 the following:

6 340.10 ASSISTANT COUNTY ATTORNEY. The annual  
 7 salary of each assistant county attorney shall be  
 8 determined by the board of supervisors."

9 2. Page 1, by striking lines 15 and 16 and  
 10 inserting in lieu thereof the following: "county  
 11 attorneys shall ~~not be subject to the provisions of~~  
 12 section 340-10 be determined by the board of  
 13 supervisors."

H-5312 FILED *Adopted 2/16* BY SPEAR of Lee  
 FEBRUARY 15, 1978 *(p. 1042)*

HOUSE FILE 2164

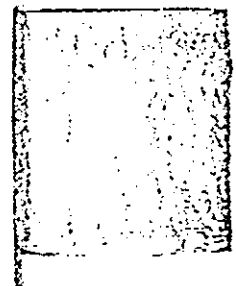
H-5345

1 Amend H-5317 to House File 2164 as follows:

2 1. Page 1, line 8, by striking the words "having  
 3 a population of".

4 2. Page 1, line 9, by striking the words "more  
 5 than thirty-five thousand".

H-5345 FILED *Adopted 3/16* BY SPEAR of Lee  
 FEBRUARY 20, 1978 *(p. 1040)*



HOUSE FILE 2164

AN ACT

RELATING TO THE STATUS AND SALARIES OF FULL-TIME OR PART-TIME COUNTY ATTORNEYS AND ASSISTANT COUNTY ATTORNEYS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter three hundred thirty-two (332), Code 1977, is amended by adding sections two (2) through five (5) of this Act.

Sec. 2. NEW SECTION. FULL-TIME OR PART-TIME COUNTY ATTORNEYS. A county may provide that the county attorney shall be a full-time or part-time county officer in the manner provided in this Act. A full-time county attorney shall refrain from the private practice of law.

Sec. 3. NEW SECTION. RESOLUTION--EFFECTIVE DATE.

1. The board of supervisors may provide, by resolution at any regular meeting after at least fourteen days public notice, that the county attorney shall be a full-time county officer. The resolution shall include an effective date which shall not be less than sixty days from the date of adoption. However, if the county attorney or county attorney-elect objects to the full-time status, the effective date of the change to a full-time status shall be delayed until January first of the year following the next general election at which a county attorney is elected. A resolution changing the status of the county attorney shall not be adopted between March first and the date of the general election of the year in which the county attorney is regularly elected as provided in section thirty-nine point seventeen (39.17) of the Code.

2. The resolution changing the status of the county attorney shall state the annual salary to be paid to the full-

time county attorney. Notwithstanding section three hundred forty A point six (340A.6) of the Code, the board of supervisors shall adopt an annual salary for the county attorney which is between forty-five and one hundred percent of the annual salary received by a district court judge.

Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS.

1. The board of supervisors of a county may change the status of a full-time county attorney to a part-time county attorney by following the same procedures as provided in section three (3) of this Act. If the incumbent county attorney objects to the change in status, the change shall be delayed until January first following the next election of a county attorney.

2. The resolution changing the status of a full-time county attorney to a part-time county attorney shall state the annual salary to be paid to the part-time county attorney.

Sec. 5. NEW SECTION. CURRENT STATUS UNAFFECTED. The provisions of this Act shall not affect the full-time or part-time status of a county attorney that is in effect on the effective date of this Act, but any subsequent change in the full-time or part-time status of the county attorney shall be made as provided in section three (3) or four (4) of this Act, as applicable.

Sec. 6. Section three hundred forty point ten (340.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

340.10 ASSISTANT COUNTY ATTORNEY. The annual salary of each assistant county attorney shall be determined by the county attorney within the budget set for the county attorney's office by the board of supervisors. The salary of an assistant county attorney shall not exceed eighty-five percent of the maximum salary of a full-time county attorney.

The county attorney shall inform the board of supervisors

of the full-time or part-time status of each assistant county attorney. In the case of a part-time assistant county attorney, the county attorney shall inform the board of supervisors of the approximate number of hours per week the person shall devote to his or her duties as assistant county attorney.

Sec. 7. Section three hundred forty-one point nine (341.9), Code 1977, is amended to read as follows:

~~341.9 FULL-TIME COUNTY PROSECUTORS. in-counties-having a-population-in-excess-of-one-hundred-fifty-thousand-the~~  
The county attorney may appoint, with the approval of the board of supervisors, assistant county attorneys to serve as full-time prosecutors who shall refrain from the private practice of law. The compensation paid to such assistant county attorneys shall ~~not-be-subject-to-the-provisions-of section-340-40~~ be determined by the county attorney within the budget set for the county attorney's office by the board of supervisors. The salary of an assistant county attorney shall not exceed eighty-five percent of the maximum salary of a full-time county attorney.

Sec. 8. Section three hundred thirty-six point one (336.1), Code 1977, is amended to read as follows:

336.1 QUALIFICATIONS. County attorneys shall be qualified electors of their respective counties, duly admitted to practice as attorneys and counselors in the courts of this state as provided by law. However, if the boards of supervisors of two or more counties enter into an agreement to share the services of a county attorney as authorized by this chapter, the county attorney shall be a qualified elector of one of the counties that he or she serves. No person shall be qualified for such office while ~~his~~ the person's license to practice remains revoked or suspended.

Sec. 9. Chapter three hundred thirty-six (336), Code 1977,

is amended by adding the following new section:

NEW SECTION. AUTHORIZATION TO SHARE THE SERVICES OF A COUNTY ATTORNEY--ELECTION. The boards of supervisors of two or more counties may enter into an agreement pursuant to chapter twenty-eight E (28E) of the Code to share the services of a county attorney.

A county attorney who will serve two or more counties pursuant to an agreement authorized by this section shall be elected by a majority of the votes cast for the office of county attorney in all of the counties which the county attorney will serve pursuant to the agreement. The election shall be held in accordance with section forty-seven point two (47.2), unnumbered paragraph two (2), of the Code.

If an agreement is entered into pursuant to this section, its effective date shall be delayed until January first of the year following the next general election at which a county attorney is elected in the manner provided by this section.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2164, Sixty-seventh General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved June 20, 1978

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ROBERT D. RAY  
Governor