

*See County Code 3/22 De page 5452 4/3 (p. 714)*

House File 2246

County Government  
Hutchins. Chairperson  
Merritt  
Taylor

EB 23 1978

Place On Calendar

HOUSE FILE 2246

By COMMITTEE ON COUNTY GOVERNMENT

(Formerly Study Bill 413)

Passed House, Date 3-13-78 (p. 945) Passed Senate, Date 4-4-78 (p. 732)

Vote: Ayes 82 Nays 1 Vote: Ayes 43 Nays 0

Approved 6-5-78

*Motion to reconsider (p. 962) w/d 3/20  
Referred House for Senate amendment (5727)  
4-15-78 (p. 1529)  
83-0*

# A BILL FOR

1 An Act extending liability and errors and omissions insurance  
2 to appointed county officers.

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

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HOUSE FILE 2246

S-5452

- 1 Amend House File 2246, as passed by the House,
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "officer" the words "any township trustee".
- 5 2. Page 1, line 8, by inserting after the word
- 6 "county" the words "or the township".
- 7 3. Page 1, line 16, by inserting after the word
- 8 "officer" the words "any township trustee".
- 9 4. Page 1, line 17, by inserting after the word
- 10 "county" the words "or the township".
- 11 5. Page 1, line 28, by inserting after the word
- 12 "officer" the words "any township trustee".
- 13 6. Page 1, line 29, by inserting after the word
- 14 "county" the words "or the township".
- 15 7. Amend the title, line 2, by inserting after
- 16 the word "officers" the words "township trustees,
- 17 and employees of the township".

S-5452 FILED *Adopted 4/4 (p. 732)* BY COMMITTEE ON COUNTY GOVERNMENT  
APRIL 3, 1978 JAMES REDMOND, Chairperson

1 Section 1. Section three hundred thirty-two point thirty-  
2 six (332.36), Code 1977, is amended to read as follows:

3 332.36 COUNTY INDEMNIFICATION FUND IN STATE TREASURY.  
4 There is created in the office of the treasurer of state a  
5 fund to be known as "the county indemnification fund" to be  
6 used to indemnify and pay on behalf of any ~~elected~~ county  
7 officer and any deputies, assistants or employees of the  
8 county, all sums that such officers, deputies, assistants  
9 or employees are legally obligated to pay because of their  
10 errors or omissions in the performance of their official  
11 duties, except that the first five hundred dollars of each  
12 such claim shall not be paid from this fund.

13 Sec. 2. Section three hundred thirty-two point forty  
14 (332.40), Code 1977, is amended to read as follows:

15 332.40 CLAIMS PAID. Any claim for any error or omission  
16 of any ~~elected~~ county officer or any deputy, assistant or  
17 employee of the county relating to such matters, committed  
18 after ~~July 17, 1975~~ July 1, 1978, shall be processed in  
19 accordance with provisions of chapter 613A and paid from such  
20 fund, except that any payment of a claim, except a final  
21 judgment, in excess of fifteen hundred dollars shall have  
22 the unanimous approval of all members of the state appeal  
23 board, the attorney general, and the district court of Polk  
24 county.

25 Sec. 3. Section three hundred thirty-two point forty-one  
26 (332.41), Code 1977, is amended to read as follows:

27 332.41 INSURANCE DEDUCTIBLE. If a final judgment is  
28 obtained against any ~~elected~~ county officer, or any deputies,  
29 assistants, or employees of the county for an act committed  
30 subsequent to ~~July 17, 1975~~ July 1, 1978, which is payable  
31 from the county indemnification fund, the county attorney  
32 shall ascertain if any insurance policy exists indemnifying  
33 such persons against such judgment or any part thereof. If  
34 no insurance exists, or if the judgment exceeds the limits  
35 of such insurance the county attorney shall submit a claim

1 to the state comptroller against the county indemnification  
2 fund on behalf of the plaintiff to the action for the amount  
3 of the judgment exceeding the amount recoverable by reason  
4 of such insurance. The state comptroller shall promptly issue  
5 a warrant payable to the plaintiff for such amount, and the  
6 treasurer of state shall pay the warrant. Such payment shall  
7 forever discharge such persons from any and all liability  
8 therefor.

9 EXPLANATION

10 This bill extends liability and errors or omissions in-  
11 surance coverage to appointed county officers, including  
12 coverage under the county indemnification fund.

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SENATE AMENDMENT TO  
HOUSE FILE 2246

H-5927

- 1 Amend House File 2246, as passed by the House,
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "officer" the words ", any township trustee".
- 5 2. Page 1, line 8, by inserting after the word
- 6 "county" the words "or the township".
- 7 3. Page 1, line 16, by inserting after the word
- 8 "officer" the words ", any township trustee".
- 9 4. Page 1, line 17, by inserting after the word
- 10 "county" the words "or the township".
- 11 5. Page 1, line 28, by inserting after the word
- 12 "officer" the words "any township trustee".
- 13 6. Page 1, line 29, by inserting after the word
- 14 "county" the words "or the township".
- 15 7. Amend the title, line 2, by inserting after
- 16 the word "officers" the words "township trustees,  
and employees of the township".

H-5927 FILED, RECEIVED FROM SENATE  
APRIL 6, 1978

*House concurred 4/10 (p. 152)*

## HOUSE FILE 2246

## AN ACT

EXTENDING LIABILITY AND ERRORS AND OMISSIONS INSURANCE TO AP-  
POINTED COUNTY OFFICERS, TOWNSHIP TRUSTEES, AND EMPLOYEES  
OF THE TOWNSHIP.

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

Section 1. Section three hundred thirty-two point thirty-  
six (332.36), Code 1977, is amended to read as follows:

332.36 COUNTY INDEMNIFICATION FUND IN STATE TREASURY.  
There is created in the office of the treasurer of state a  
fund to be known as "the county indemnification fund" to be  
used to indemnify and pay on behalf of any elected county  
officer, any township trustee and any deputies, assistants  
or employees of the county or the township, all sums that  
such officers, deputies, assistants or employees are legally  
obligated to pay because of their errors or omissions in the  
performance of their official duties, except that the first  
five hundred dollars of each such claim shall not be paid  
from this fund.

Sec. 2. Section three hundred thirty-two point forty  
(332.40), Code 1977, is amended to read as follows:

332.40 CLAIMS PAID. Any claim for any error or omission  
of any elected county officer, any township trustee or any  
deputy, assistant or employee of the county or the township  
relating to such matters, committed after July-17-1975 July  
1, 1978, shall be processed in accordance with provisions  
of chapter 613A and paid from such fund, except that any  
payment of a claim, except a final judgment, in excess of  
fifteen hundred dollars shall have the unanimous approval  
of all members of the state appeal board, the attorney general,  
and the district court of Polk county.

Sec. 3. Section three hundred thirty-two point forty-one  
(332.41), Code 1977, is amended to read as follows:

332.41 INSURANCE DEDUCTIBLE. If a final judgment is

obtained against any elected county officer, any township  
trustee, or any deputies, assistants, or employees of the  
county or the township for an act committed subsequent to  
July-17-1975 July 1, 1978, which is payable from the county  
indemnification fund, the county attorney shall ascertain  
if any insurance policy exists indemnifying such persons  
against such judgment or any part thereof. If no insurance  
exists, or if the judgment exceeds the limits of such insurance  
the county attorney shall submit a claim to the state  
comptroller against the county indemnification fund on behalf  
of the plaintiff to the action for the amount of the judgment  
exceeding the amount recoverable by reason of such insurance.  
The state comptroller shall promptly issue a warrant payable  
to the plaintiff for such amount, and the treasurer of state  
shall pay the warrant. Such payment shall forever discharge  
such persons from any and all liability therefor.

DALE M. COCHRAN  
Speaker of the House

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 2246, Sixty-seventh General Assembly.

Approved June 5, 1978

DAVID S. WRAY  
Chief Clerk of the House

ROBERT D. RAY  
Governor