

Reprinted 2/23/81

FILED FEB 10 1981

SENATE FILE 199

BY COMMITTEE ON COUNTY GOVERNMENT

Approved 2/23/81

Passed Senate, Date 2-16-81 (p. 474) Passed House, Date 4-16-81 (P. 1256)

Vote: Ayes 31 Nays 14 Vote: Ayes 64 Nays 33

Approved 5-4-81

*The Senate Resolution presented 3/23
Approved Senate 2-23-81 (p. 920)
47-0*

A BILL FOR

- 1 An Act authorizing the appointment of legal counsel for
 - 2 county officers under certain circumstances.
 - 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA.
- SENATE FILE 199

S-3230

- 1 Amend Senate File 199 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "proceeding" the following: "and if a county officer
- 4 is the plaintiff in a civil action and the board of
- 5 supervisors is not a respondent in the same action,
- 6 the county is not responsible for payment of appointed
- 7 attorney's costs and expenses unless the county officer
- 8 receives approval of the board of supervisors to
- 9 proceed with the action upon withdrawal of the county
- 10 attorney".

S-3230 FILED & WITHDRAWN BY CHARLES P. MILLER
MARCH 23, 1981

SENATE FILE 199

S-3132

- 1 Amend Senate File 199 as follows:
- 2 1. Page 1, by striking lines 3 through 14 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL.
- 5 At any stage of legal proceedings in which a county
- 6 attorney is authorized to represent a county officer
- 7 acting in the officer's official capacity, the county
- 8 attorney may apply to the court for permission to
- 9 withdraw from representation of the officer for cause.
- 10 If the court allows the county attorney to withdraw,
- 11 it shall appoint an attorney to represent the county
- 12 officer. The costs of representing a county officer
- 13 acting in the officer's official capacity shall be
- 14 paid from the court expense fund or the general fund
- 15 of the county."

S-3132 FILED BY DICK RAMSEY
MARCH 5, 1981

Adopted 2/23/81 (p. 920)

1 Section 1. Chapter 336, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL. If
4 at any stage of legal proceedings involving a county officer
5 the county attorney does not represent the county officer
6 as provided in section 336.2, subsection 6, the court shall
7 appoint an attorney to represent the county officer. The
8 costs of representing a county officer, including witness
9 fees and attorney fees, shall be paid from the general fund
10 or court expense fund of the county. However, if a county
11 officer is provided with an attorney under this section in
12 a criminal proceeding, and is found guilty, the officer shall
13 reimburse the county for the funds expended by it while
14 representing the county officer in the criminal proceeding.

15 EXPLANATION

16 This bill provides for the appointment of an attorney by
17 the court to represent county officers in their official ca-
18 pacity in those cases in which for any reason the county at-
19 torney does not represent them. This Act takes effect July
20 1 following its enactment.

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*See County Govt. 3/25
Do Pass 4/5/81 (p. 1131)*

SENATE FILE 199

By COMMITTEE ON COUNTY GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1981)

Passed Senate, Date 4-23-81 (p. 1386) Passed House, Date 4-16-81 (p. 1266)

Vote: Ayes 46 Nays 0 Vote: Ayes 64 Nays 33

Approved May 4, 1981

A BILL FOR

1 An Act authorizing the appointment of legal counsel for
2 county officers under certain circumstances.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE AMENDMENT TO SENATE FILE 199

S-3534

1 Amend Senate File 199, as amended and passed by
2 the Senate, as follows:
3 1. Page 1, by striking lines 1, 2, and 3 and
4 inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. APPOINTMENT OF PRIVATE
6 LEGAL COUNSEL. At".

S-3534 FILED
APRIL 22, 1981

RECEIVED FROM THE HOUSE
Senate concurred 4/23/81 (p. 1386)

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SENATE FILE 199

H-3670

1 Amend Senate File 199, as amended and passed by
2 the Senate, as follows:
3 1. Page 1, by striking lines 1, 2, and 3 and
4 inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. APPOINTMENT OF PRIVATE
6 LEGAL COUNSEL. At".

H-3670 FILED APRIL 15, 1981
Adopted 4/16/81 (p. 1265)

BY DANKER of Pottawattamie

1 Section 1. Chapter 336, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL. At
4 any stage of legal proceedings in which a county attorney
5 is authorized to represent a county officer acting in the
6 officer's official capacity, the county attorney may apply
7 to the court for permission to withdraw from representation
8 of the officer for cause. If the court allows the county
9 attorney to withdraw, it shall appoint an attorney to represent
10 the county officer. The costs of representing a county
11 officer acting in the officer's official capacity shall be
12 paid from the court expense fund or the general fund of the
13 county.

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to represent the county officer. The costs of representing a county officer acting in the officer's official capacity shall be paid from the court expense fund or the general fund of the county.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 199, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved 5/4, 1981

ROBERT D. RAY
Governor

SENATE FILE 199

AN ACT

AUTHORIZING THE APPOINTMENT OF LEGAL COUNSEL FOR COUNTY OFFICERS UNDER CERTAIN CIRCUMSTANCES.

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

Section 1. NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL. At any stage of legal proceedings in which a county attorney is authorized to represent a county officer acting in the officer's official capacity, the county attorney may apply to the court for permission to withdraw from representation of the officer for cause. If the court allows the county attorney to withdraw, it shall appoint an attorney