

State Government: Hammond, Chair: Doderer and Hanson.

Do Pass 5/4 (p. 547)

FEB 5 1986

HOUSE FILE 2216

Sen. STATE GOVERNMENT 3/13

BY RUNNING and VARN

Do Pass 3/19 (p. 796)

Passed House, Date 3-16-86 (p. 637) Passed Senate, Date 4-2-86 (p. 976)

Vote: Ayes 96 Nays 1 Vote: Ayes 44 Nays 0

Approved May 2, 1986 (p. 2320)

Approved House 4-16-86 (p. 1514)
92-0

A BILL FOR

- 1 An Act providing that a judicial district department of
- 2 correctional services is a state agency for purposes of
- 3 coverage under the Iowa tort claims Act.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2216

S-5508

- 1 Amend House File 2216 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the figure
- 4 "1," the following: "conservancy districts as defined
- 5 in section 467D.2, subsection 1,".
- 6 2. Page 1, by inserting after line 14 the
- 7 following:
- 8 "Sec. 2. Section 613A.1, subsection 1, Code 1985,
- 9 is amended to read as follows:
- 10 1. "Municipality" means city, county, township,
- 11 school district, and any other unit of local
- 12 government except a soil conservation district
- 13 districts as defined in section 467A.3, subsection 1
- 14 and conservancy districts as defined in section
- 15 467D.2, subsection 1."
- 16 3. Title page, by striking lines 1 through 3 and
- 17 inserting the following: "An Act relating to the
- 18 inclusion or exclusion of certain entities under tort
- 19 claims acts."

S-5508 Filed April 1, 1986

BY HOLDEN

Adopted 4/2 (p. 776)

1 Section 1. Section 25A.2, subsection 1, Code 1985, is
2 amended to read as follows:

3 1. "State agency" includes all executive departments,
4 agencies, boards, bureaus, and commissions of the state of
5 Iowa, and corporations whose primary function is to act as,
6 and while acting as, instrumentalities or agencies of the
7 state of Iowa, whether or not authorized to sue and be sued in
8 their own names. This definition ~~shall~~ does not be construed
9 ~~to~~ include any contractor with the state of Iowa. Soil
10 conservation districts as defined in section 467A.3,
11 subsection 1, judicial district departments of correctional
12 services as established in section 905.2, and regional boards
13 of library trustees as defined in chapter 303B, are state
14 agencies for purposes of this chapter.

15 Sec. 2. Section 905.2, Code 1985, is amended to read as
16 follows:

17 905.2 DISTRICT DEPARTMENTS ESTABLISHED.

18 There ~~shall-be~~ is established in each judicial district in
19 this state a public agency to be known as the ".....
20 judicial district department of correctional services." Each
21 district department shall furnish or contract for those
22 services necessary to provide a community-based correctional
23 program which meets the needs of that judicial district. The
24 district department ~~shall-be~~ is under the direction of a board
25 of directors, selected as provided in section 905.3, and shall
26 be administered by a director employed by the board. A
27 district department is a state agency for purposes of chapter
28 25A.

29 EXPLANATION

30 This bill provides that a judicial district department of
31 correctional services is a state agency for purposes of
32 coverage under the Iowa tort claims Act.

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SENATE AMENDMENT TO HOUSE FILE 2216

H-5703

1 Amend House File 2216 as passed by the House as
2 follows:

3 1. Page 1, line 11, by inserting after the figure
4 "1," the following: "conservancy districts as defined
5 in section 467D.2, subsection 1,".

6 2. Page 1, by inserting after line 14 the
7 following:

8 "Sec. 2. Section 613A.1, subsection 1, Code 1985,
9 is amended to read as follows:

10 1. "Municipality" means city, county, township,
11 school district, and any other unit of local
12 government except a soil conservation district
13 districts as defined in section 467A.3, subsection 1
14 and conservancy districts as defined in section
15 467D.2, subsection 1."

16 3. Title page, by striking lines 1 through 3 and
17 inserting the following: "An Act relating to the
18 inclusion or exclusion of certain entities under tort
19 claims acts."

H-5703 FILED APRIL 4, 1986 RECEIVED FROM THE SENATE

House concurred 4/16 (p. 1513)

HOUSE FILE 2216

FISCAL NOTE

REQUESTED BY REPRESENTATIVE RUNNING

In compliance with a written request received January 29, 1986, a fiscal note for HOUSE FILE 2216 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2216 provides that a judicial district department of correctional services is a state agency for purposes of coverage under the Iowa tort claims Act.

Current expenditures for professional and umbrella insurance coverage for community based corrections districts is \$78,582. Since 1977, there have been eight claims filed against the districts, only one of which resulted in a payout (\$6,000).

FISCAL EFFECT: This bill is estimated to reduce expenditures by the judicial district department of correctional services by \$78,582 annually.

Source: Department of Corrections

(LSB 7796H, JMN)

FILED FEBRUARY 11, 1986

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2216

AN ACT
RELATING TO THE INCLUSION OR EXCLUSION OF CERTAIN ENTITIES
UNDER TORT CLAIMS ACTS.

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

Section 1. Section 25A.2, subsection 1, Code 1985, is amended to read as follows:

1. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition shall ~~does not be construed~~ to include any contractor with the state of Iowa. Soil conservation districts as defined in section 467A.3, subsection 1, conservancy districts as defined in section 467D.2, subsection 1, judicial district departments of correctional services as established in section 905.2, and regional boards of library trustees as defined in chapter 303B, are state agencies for purposes of this chapter.

Sec. 2. Section 613A.1, subsection 1, Code 1985, is amended to read as follows:

1. "Municipality" means city, county, township, school district, and any other unit of local government except a soil conservation district districts as defined in section 467A.3, subsection 1 and conservancy districts as defined in section 467D.2, subsection 1.

Sec. 3. Section 905.2, Code 1985, is amended to read as follows:

905.2 DISTRICT DEPARTMENTS ESTABLISHED.

There shall be established in each judicial district in this state a public agency to be known as the "....."

judicial district department of correctional services." Each district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the needs of that judicial district. The district department shall be is under the direction of a board of directors, selected as provided in section 905.3, and shall be administered by a director employed by the board. A district department is a state agency for purposes of chapter 25A.

.....
DONALD D. AVENSON
Speaker of the House

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ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2216, Seventy-first General Assembly.

.....
JOSEPH O'HERN
Chief Clerk of the House
Approved May 2, 1986

.....
TERRY E. BRANSTAD
Governor