

See Judiciary file. No. 21,05 (p. 1083)

FILED JAN 20 1988

SENATE FILE 2062
BY COMMITTEE ON JUDICIARY
(formerly 55B #2017)
Approved (p. 127)

Passed Senate, Date March 1, 1988 Passed House, Date 3/21/88 (p. 1240)
Vote: Ayes 48 Nays 0 Vote: Ayes 72 Nays 0
Approved April 12, 1988 (p. 1480)

A BILL FOR

1 An Act relating to the appointment and compensation of acting
2 county attorneys.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 2062

1 Section 1. Section 331.754, Code 1987, is amended to read
2 as follows:

3 331.754 ABSENCE OF COUNTY ATTORNEY AND ASSISTANTS.

4 1. In case of absence, sickness, or disability of the
5 county attorney and the assistant county attorneys, the court
6 before which it is the duty of the county attorney or the
7 assistant county attorneys to appear and in which there is
8 official business requiring the attention of the county
9 attorney or an assistant county attorney, may appoint an
10 attorney to act as county attorney by an order of the court.
11 The board may appoint an acting county attorney to provide
12 legal assistance related to the official business of any
13 county officer or employee during the absence, sickness, or
14 disability of the county attorney and the assistant county
15 attorneys. The acting county attorney has the same authority
16 and is subject to the same responsibilities as a county
17 attorney.

18 2. The acting county attorney shall receive a reasonable
19 compensation as determined by the board for services rendered
20 in proceedings before a judicial magistrate or rendered on
21 behalf of a county officer or employee. If the proceedings
22 are held before a district associate judge or a district
23 judge, the judge shall determine a reasonable compensation for
24 the acting county attorney. If the proceedings are held
25 before a juvenile court referee or a judicial hospitalization
26 referee, the acting county attorney shall be compensated at a
27 rate approved by the judge who appointed the referee. The
28 compensation shall be paid from funds to be appropriated to
29 the office of county attorney by the board.

30 EXPLANATION

31 This bill provides that the board of supervisors may
32 appoint and compensate an acting county attorney, in the
33 absence, sickness, or disability of the county attorney and
34 the assistant county attorneys, to handle legal assistance for
35 county officers and employees related to their official

1 business. In addition, an acting county attorney appearing
2 before a juvenile court referee or a judicial hospitalization
3 referee shall be compensated at a rate approved by the judge
4 who appointed the referee.

5 SUCCESSOR TO SSB 2017 (LSB 7089SC)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

JUDICIARY: Frase, Chair; Deluhery and Hester

SENATE FILE 2062
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the appointment and compensation of acting
2 county attorneys.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 331.754, Code 1987, is amended to read
2 as follows:

3 331.754 ABSENCE OF COUNTY ATTORNEY AND ASSISTANTS.

4 1. In case of absence, sickness, or disability of the
5 county attorney and the assistant county attorneys, the court
6 before which it is the duty of the county attorney or the
7 assistant county attorneys to appear and in which there is
8 official business requiring the attention of the county
9 attorney or an assistant county attorney, may appoint an
10 attorney to act as county attorney by an order of the court.
11 The board may appoint an acting county attorney to provide
12 legal assistance related to the official business of any
13 county officer or employee during the absence, sickness, or
14 disability of the county attorney and the assistant county
15 attorneys. The acting county attorney has the same authority
16 and is subject to the same responsibilities as a county
17 attorney.

18 2. The acting county attorney shall receive a reasonable
19 compensation as determined by the board for services rendered
20 in proceedings before a judicial magistrate or rendered on
21 behalf of a county officer or employee. If the proceedings
22 are held before a district associate judge or a district
23 judge, the judge shall determine a reasonable compensation for
24 the acting county attorney. If the proceedings are held
25 before a juvenile court referee or a judicial hospitalization
26 referee, the acting county attorney shall be compensated at a
27 rate approved by the judge who appointed the referee. The
28 compensation shall be paid from funds to be appropriated to
29 the office of county attorney by the board.

30 EXPLANATION

31 This bill provides that the board of supervisors may
32 appoint and compensate an acting county attorney, in the
33 absence, sickness, or disability of the county attorney and
34 the assistant county attorneys, to handle legal assistance for
35 county officers and employees related to their official

1 business. In addition, an acting county attorney appearing
2 before a juvenile court referee or a judicial hospitalization
3 referee shall be compensated at a rate approved by the judge
4 who appointed the referee.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 2062

compensation shall be paid from funds to be appropriated to the office of county attorney by the board.

AN ACT

RELATING TO THE APPOINTMENT AND COMPENSATION OF ACTING COUNTY ATTORNEYS.

JO ANN ZIMMERMAN
President of the Senate

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

DONALD D. AVENSON
Speaker of the House

Section 1. Section 311.754, Code 1987, is amended to read as follows:

311.754 ABSENCE OF COUNTY ATTORNEY AND ASSISTANTS.

1. In case of absence, sickness, or disability of the county attorney and the assistant county attorneys, the court before which it is the duty of the county attorney or the assistant county attorneys to appear and in which there is official business requiring the attention of the county attorney or an assistant county attorney, may appoint an attorney to act as county attorney by an order of the court. The board may appoint an acting county attorney to provide legal assistance related to the official business of any county officer or employee during the absence, sickness, or disability of the county attorney and the assistant county attorneys. The acting county attorney has the same authority and is subject to the same responsibilities as a county attorney.

2. The acting county attorney shall receive a reasonable compensation as determined by the board for services rendered in proceedings before a judicial magistrate or rendered on behalf of a county officer or employee. If the proceedings are held before a district associate judge or a district judge, the judge shall determine a reasonable compensation for the acting county attorney. If the proceedings are held before a juvenile court referee or a judicial hospitalization referee, the acting county attorney shall be compensated at a rate approved by the judge who appointed the referee. The

I hereby certify that this bill originated in the Senate and is known as Senate File 2062, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *April 12*, 1988

TERRI E. BRANSTAD
Governor

SF 2062