

MAR 10 1997
LOCAL GOVERNMENT

HOUSE FILE 517
BY DRAKE

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

A BILL FOR

1 An Act providing for township trustees, by providing for their
2 representation by county attorneys.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 517

H-8012

- 1 Amend House File 517 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "Code" the following: "Supplement".

By COMMITTEE ON LOCAL GOVERNMENT
VANDE HOEF of Osceola Chairperson

H-8012 FILED FEBRUARY 4, 1998

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517

1 Section 1. Section 331.756, subsection 64, Code 1997, is
2 amended to read as follows:

3 64. Represent the township trustees in ~~counties-having-a~~
4 ~~population-of-less-than-twenty-five-thousand~~ townships located
5 in the county, except when the interests of the trustees and
6 the county are adverse, as provided in section ~~359.18~~ 359.19.

7 Sec. 2. Section 359.19, Code 1997, is amended to read as
8 follows:

9 359.19 EMPLOYMENT OF COUNSEL.

10 When litigation ~~shall-arise-in-any-case-not-covered-by~~
11 ~~section-359.18,~~ arises involving the a right or duty of
12 township trustees with reference to any matter within their
13 jurisdiction, and the trustees become or are made parties to
14 such the litigation, ~~they-shall-have-authority-to~~ the county
15 attorney in the county where the township is located shall
16 represent the trustees, unless the interests of the county and
17 township are adverse. In that case, the trustees may employ
18 attorneys in on behalf of ~~said~~ the township, ~~and-to~~ levy the
19 necessary tax to pay for ~~their~~ private attorney services, and
20 to defray the expenses of such the litigation.

21 Sec. 3. Section 359.18, Code 1997, is repealed.

22 EXPLANATION

23 Code sections 359.18 and 359.19 currently provide that when
24 litigation arises involving a township, the township trustees
25 may employ a private attorney and levy a tax to pay for the
26 attorney's services. However, if the county has a population
27 of less than 25,000, the county attorney must serve as the
28 attorney to the trustees. This bill provides that the county
29 attorney must serve as the attorney for all counties unless
30 the county and township have adverse interests.

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