

FEB 11 2004
LOCAL GOVERNMENT

HOUSE FILE 2217
BY GRANZOW

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

A BILL FOR

1 An Act allowing counties to share the services of certain
2 elective county officers.

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

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HF 2217

1 Section 1. Section 39.27, Code 2003, is amended to read as
2 follows:

3 39.27 QUALIFICATIONS FOR PUBLIC OFFICE.

4 Any person elected to an office under the laws of this
5 state shall be an eligible elector. At the time an elected
6 official takes office the official shall be a resident of the
7 state, district, county, township, city, or ward by or for
8 which the person was elected, or in which the duties of the
9 office are to be exercised. An elected official shall
10 continue to be a resident of the state, district, county,
11 township, city, or ward by or for which the person was
12 elected, or in which the duties of the office are to be
13 exercised for the duration of the term of office. If the
14 official is elected to fill a multicounty office pursuant to
15 section 331.323A, the official must be a resident of one of
16 the counties which is a party to the agreement provided for in
17 that section. This section shall not apply to United States
18 senators or representatives in Congress or to members of the
19 general assembly.

20 Sec. 2. Section 69.14A, subsection 2, unnumbered paragraph
21 1, Code 2003, is amended to read as follows:

22 A vacancy in any of the offices listed in section 39.17
23 shall be filled by one of the ~~two~~ following procedures:

24 Sec. 3. Section 69.14A, subsection 2, Code 2003, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. c. By appointment by the board of
27 supervisors of a county officer in another county. The
28 appointment shall be made by agreement of the boards of
29 supervisors of the counties, pursuant to chapter 28E, and the
30 appointment shall be of the officer holding the equivalent
31 office to that which is vacant. The appointment shall be for
32 the period until the next pending election as defined in
33 section 69.12, and shall be made within forty days after the
34 vacancy occurs. However, if the agreement provides for a
35 multicounty office beyond the date of the next pending

1 election, the office shall be filled as provided in section
2 331.323A. If the board of supervisors chooses to proceed
3 under this paragraph, the board shall publish notice in the
4 manner prescribed by section 331.305 stating that the board
5 intends to fill the vacancy by appointment of a county officer
6 in another county. The board may publish notice in advance if
7 an elected official submits a resignation to take effect at a
8 future date. The board may make an appointment to fill the
9 vacancy after the notice is published or after the vacancy
10 occurs, whichever is later.

11 Sec. 4. Section 331.323, subsection 2, paragraph e, Code
12 2003, is amended by striking the paragraph.

13 Sec. 5. NEW SECTION. 331.323A POWERS RELATING TO COUNTY
14 OFFICERS -- MULTICOUNTY OFFICE.

15 1. The boards of supervisors of two or more counties may
16 agree, pursuant to chapter 28E, to share the services of the
17 following county officers:

- 18 a. Auditor.
- 19 b. Treasurer.
- 20 c. Recorder.
- 21 d. Sheriff.
- 22 e. County attorney.

23 2. If the boards of supervisors of two or more counties
24 agree to share the services of a county officer pursuant to
25 subsection 1, the officer shall be elected by a majority of
26 the votes cast for that office in all of the counties which
27 the county officer will serve as provided in the agreement.
28 The election shall be conducted in accordance with section
29 47.2, subsection 2. The county officer elected pursuant to
30 this section must be a resident of one of the counties that is
31 a party to the agreement.

32 3. The effective date of the agreement shall be January 1
33 of the year following the next general election at which the
34 county officer who is the subject of the agreement is elected
35 as provided by this section and section 39.17.

1 4. The initial salary for the shared officer shall be set
2 in the agreement. Thereafter, for the duration of the
3 agreement, the salary shall be determined jointly by the
4 compensation boards of the counties that are parties to the
5 agreement pursuant to section 331.907.

6 Sec. 6. Sections 331.661 and 331.753, Code 2003, are
7 repealed.

8 EXPLANATION

9 This bill allows two or more counties to enter into a Code
10 chapter 28E agreement to share the services of a county
11 auditor, treasurer, recorder, sheriff, or county attorney.

12 The bill also provides that if there is a vacancy in the
13 office of county auditor, treasurer, recorder, sheriff, or
14 county attorney, the board of supervisors may fill the vacancy
15 by appointing the officer of the equivalent office in another
16 county. To make the appointment, the counties must enter into
17 a 28E agreement to share services. The 28E agreement may
18 provide for sharing the services of the county officer for a
19 longer period of time than the duration of the vacant term.

20 The bill repeals the sections of the Code which currently
21 allow for a multicounty sheriff and a multicounty attorney.

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