

CHAPTER 1080

BOARD OF SUPERVISORS MILEAGE

H. F. 1129

AN ACT relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred thirty-one point twenty-two
2 (331.22), unnumbered paragraph three (3), Code 1971, is amended to
3 read as follows:

4 In counties of forty thousand population or less the board of super-
5 visors may on their own motion elect to receive their compensation on
6 a per diem basis. If they so elect, the members of the board of super-
7 visors shall each receive twenty-five dollars per day for each day
8 actually in session or employed on committee service or as a ditch or
9 drainage board considering drainage matters. No such member shall
10 receive per diem pay in excess of five thousand dollars in any one
11 calendar year. In addition, he shall receive ten cents for every mile
12 traveled in going to and from sessions and in going to and from the
13 place of performing committee service *however, such mileage payment*
14 *shall not exceed one thousand dollars per year.*

Approved April 22, 1972.

CHAPTER 1081

COUNTY OFFICERS' ERRORS AND OMISSIONS INSURANCE

H. F. 69

AN ACT relating to errors and omissions insurance for county officers and employees.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. There is created in the office of the treasurer of state
2 a fund to be known as "the county indemnification fund" to be used
3 to indemnify and pay on behalf of any county treasurer, recorder,
4 auditor, attorney, clerk of court, sheriff, and engineer on matters relat-
5 ing to road and bridge design only, and any deputies, assistants or
6 employees in such offices, all sums that such officers, deputies, assist-
7 ants or employees are legally obligated to pay because of their negli-
8 gent acts, errors or omissions in the performance of their official
9 duties, except that the first five hundred dollars of each such claim
10 shall not be paid from this fund.

1 SEC. 2. The establishment of the fund provided by this Act shall
2 not relieve any insurer issuing insurance under the provisions of
3 section six hundred thirteen A point seven (613A.7) of the Code
4 from paying any loss incurred thereunder; nor shall any such insurer
5 be subrogated to any of the assets of the fund established by this Act
6 regardless of any provisions in such policy of insurance.

1 SEC. 3. The board of supervisors of each county shall levy in 1972
2 and annually thereafter for three consecutive years a tax of two-hun-
3 dredths of a mill against the assessed value of the taxable property of
4 the county, to be collected at the same time and in the same manner
5 as other property taxes and the proceeds of the levy shall be deposited
6 in the county indemnification fund.

7 Thereafter, if the balance in the fund on March 30 of any year is
8 less than three hundred thousand dollars, the treasurer of state shall
9 notify the board of supervisors of each county to again levy for that
10 year a two-hundredths mill levy to be collected with other taxes in the
11 next calendar year.

1 SEC. 4. Not later than the fifteenth of June or the fifteenth day
2 of December of each year in which the tax is collected, the county
3 auditor shall transmit the amount of the tax levied and collected, by
4 warrant, to the treasurer of state who shall credit it to the county
5 indemnification fund. The treasurer of state shall invest any moneys
6 in the fund in the same manner as other public funds and shall credit
7 any interest received from that investment to the county indemnifica-
8 tion fund.

1 SEC. 5. Any claim for any negligent act, error, or omission of a
2 county treasurer, recorder, auditor, attorney, clerk of court, sheriff,
3 engineer on matters relating to bridge or road design only, or any
4 deputy, assistant or employee in such offices relating to such matters,
5 committed after July 1, 1973, shall be processed and paid from such
6 fund in accordance with the provisions of chapter twenty-five A (25A)
7 of the Code, except that any payment of a claim, except a final judg-
8 ment, in excess of fifteen hundred dollars shall have the unanimous
9 approval of all members of the state appeal board, the attorney gen-
10 eral, and the district court of Polk county.

1 SEC. 6. If a final judgment is obtained against the county treas-
2 urer, recorder, auditor, attorney, clerk of court, sheriff, or engineer in
3 matters relating to bridge or road design only, or any deputies, assist-
4 ants, or employees in such offices indemnified by such fund for an act
5 committed subsequent to July 1, 1973, which is payable from the
6 county indemnification fund, the county attorney shall ascertain if
7 any insurance policy exists indemnifying such persons against such
8 judgment or any part thereof. If no insurance exists, or if the judg-
9 ment exceeds the limits of such insurance the county attorney shall
10 submit a claim to the state comptroller against the county indemnifi-
11 cation fund on behalf of the plaintiff to the action for the amount of
12 the judgment exceeding the amount recoverable by reason of such
13 insurance. The state comptroller shall promptly issue a warrant pay-
14 able to the plaintiff for such amount, and the treasurer of state shall
15 pay the warrant. Such payment shall forever discharge such persons
16 from any and all liability therefor.

1 SEC. 7. The board of supervisors may purchase insurance insur-
2 ing any other county officers and their employees in the performance
3 of their official duties not specified in section one (1) of this Act,
4 against personal liability as a result of negligent acts, errors or omis-
5 sions. The premiums for the insurance shall be paid from the general
6 fund of the county. If the liability of any county officer or his em-

7 ployees in the performance of their official duties, not specified in sec-
 8 tion one (1) of this Act, is not fully indemnified by insurance, the
 9 board of supervisors shall pay any such loss, for which the county
 10 officer or his employees shall be found liable, from the general fund
 11 of the county. Any county board of supervisors may compromise and
 12 settle any such claim.

1 SEC. 8. The board of supervisors may purchase an individual or
 2 a blanket surety bond insuring the fidelity of county officers and county
 3 employees who are accountable for county funds or property subject
 4 to the minimum surety bond requirements of chapter sixty-four (64)
 5 of the Code. The board of supervisors may also purchase an individ-
 6 ual or a blanket general liability insurance policy insuring county offi-
 7 cers or county employees from liability for any negligent act, error
 8 or omission in the performance of their official duties.

9 Any elected county officer shall be deemed to have furnished surety
 10 if he is covered by a blanket bond purchased as provided in this sec-
 11 tion.

1 SEC. 9. Section sixty-four point eight (64.8), Code 1971, is
 2 amended to read as follows:

3 **64.8 County officers.** The bonds of the following county officers,
 4 viz.: Clerks of the district courts, county attorneys, recorders, audi-
 5 tors, superintendents of schools, sheriffs, justices of the peace, and
 6 constables, and assessors shall each be in a penal sum ~~to be fixed by~~
 7 ~~the board of supervisors~~ *of not less than ten thousand dollars each*
 8 *per annum.*

1 SEC. 10. Section sixty-four point nine (64.9), Code 1971, is
 2 amended to read as follows:

3 **64.9 Minimum bonds of county officers.** Bonds of members of the
 4 board of supervisors, clerks of the district courts, county auditors,
 5 sheriffs, and county attorneys shall not be in less sum than ~~five~~ *ten*
 6 *thousand dollars each, and those of justices and constables, not less*
 7 *than five hundred dollars each.*

1 SEC. 11. Section sixty-four point ten (64.10), Code 1971, is
 2 amended to read as follows:

3 **64.10 Bond of county treasurer.** The bond of the county treasurer
 4 shall be in the sum of ~~ten~~ *twenty-five* thousand dollars *per annum.*

1 SEC. 12. Effective July 1, 1973, section three hundred thirty-two
 2 point thirty-five (332.35), Code 1971, is repealed.

Approved April 21, 1972.