

FEB 9 2005  
LOCAL GOVERNMENT

HOUSE FILE 232  
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 232

1 Section 1. Section 39.27, Code 2005, 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 2005, 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 2005, 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 of the county where the  
3 vacancy has occurred chooses to proceed under this paragraph,  
4 the board shall publish notice in the manner prescribed by  
5 section 331.305 stating that the board intends to fill the  
6 vacancy by appointment of a county officer in another county.  
7 The board may publish notice in advance if an elected official  
8 submits a resignation to take effect at a future date. The  
9 board may make an appointment to fill the vacancy after the  
10 notice is published or after the vacancy occurs, whichever is  
11 later. A person appointed under this paragraph is not  
12 required to be a resident of the county filling the vacancy by  
13 appointment.

14 Sec. 4. Section 331.323, subsection 2, paragraph e, Code  
15 2005, is amended by striking the paragraph.

16 Sec. 5. NEW SECTION. 331.323A POWERS RELATING TO COUNTY  
17 OFFICERS -- MULTICOUNTY OFFICE.

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

- 21 a. Auditor.
- 22 b. Treasurer.
- 23 c. Recorder.
- 24 d. Sheriff.
- 25 e. County attorney.

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

35 3. The effective date of the agreement shall be January 1

1 of the year following the general election at which the county  
2 officer who is the subject of the agreement is elected as  
3 provided by this section and section 39.17.

4 4. The initial salary for the shared officer shall be set  
5 in the agreement. Thereafter, for the duration of the  
6 agreement, the salary shall be determined jointly by the  
7 compensation boards of the counties that are parties to the  
8 agreement. A reduction in the salary increase recommended for  
9 a shared officer must be by joint agreement of the boards of  
10 supervisors of the counties that are parties to the agreement.  
11 The equal percentage reduction requirement in section 331.907,  
12 subsection 2, does not apply to a reduction in the salary  
13 increase recommended for a shared officer.

14 Sec. 6. Sections 331.661 and 331.753, Code 2005, are  
15 repealed.

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#### EXPLANATION

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

20 The bill also provides that if there is a vacancy in the  
21 office of county auditor, treasurer, recorder, sheriff, or  
22 county attorney, the board of supervisors may fill the vacancy  
23 by appointing the officer of the equivalent office in another  
24 county. To make the appointment, the counties must enter into  
25 a 28E agreement to share services. The 28E agreement may  
26 provide for sharing the services of the county officer for a  
27 longer period of time than the duration of the vacant term.

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

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