

MAR 11 2005
Place On Calendar

HOUSE FILE 712
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 232)

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:

HF 712

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

1 Section 1. Section 69.14A, subsection 2, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 A vacancy in any of the offices listed in section 39.17
4 shall be filled by one of the two following procedures:

5 Sec. 2. Section 69.14A, subsection 2, Code 2005, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. c. By appointment by the board of
8 supervisors of a county officer in another county. The
9 appointment shall be made by agreement of the boards of
10 supervisors of the counties, pursuant to chapter 28E, and the
11 appointment shall be of the officer holding the equivalent
12 office to that which is vacant. The appointment shall be for
13 the period until the next pending election as defined in
14 section 69.12, and shall be made within forty days after the
15 vacancy occurs. If the board of supervisors of the county
16 where the vacancy has occurred chooses to proceed under this
17 paragraph, the board shall publish notice in the manner
18 prescribed by section 331.305 stating that the board intends
19 to fill the vacancy by appointment of a county officer in
20 another county. The board may publish notice in advance if an
21 elected official submits a resignation to take effect at a
22 future date. The board may make an appointment to fill the
23 vacancy after the notice is published or after the vacancy
24 occurs, whichever is later. A person appointed under this
25 paragraph is not required to be a resident of the county
26 filling the vacancy by appointment.

27

EXPLANATION

28 This bill provides that if there is a vacancy in the office
29 of county auditor, treasurer, recorder, sheriff, or county
30 attorney, the board of supervisors may fill the vacancy by
31 appointing the officer of the equivalent office in another
32 county. To make the appointment, the counties must enter into
33 a 28E agreement to share services.

34

35

HOUSE FILE 712

H-1083

1 Amend House File 712 as follows:

2 1. Page 1, by inserting after line 4, the
3 following:

4 "Sec. _____. Section 69.14A, subsection 2, paragraph
5 b, unnumbered paragraph 1, Code 2005, is amended to
6 read as follows:

7 By special election held to fill the office for the
8 remaining balance of the unexpired term. The board of
9 supervisors may, on its own motion, or shall, upon
10 receipt of a petition as provided in paragraph "a" or
11 "c", or as provided in subsection 2A, call for a
12 special election to fill the vacancy in lieu of
13 appointment. The supervisors shall order the special
14 election at the earliest practicable date, but giving
15 at least thirty-two days' notice of the election. A
16 special election called under this section shall be
17 held on a Tuesday and shall not be held on the same
18 day as a school election within the county."

19 2. Page 1, line 20, by inserting after the word
20 "county" the following: "but that the electors of the
21 county have the right to file a petition requiring
22 that the vacancy be filled by special election".

23 3. Page 1, by inserting after line 26, the
24 following:

25 "However, if within fourteen days after publication
26 of the notice or within fourteen days after the
27 appointment is made, a petition is filed with the
28 county auditor requesting a special election to fill
29 the vacancy, the appointment is temporary and a
30 special election shall be called as provided in
31 paragraph "b". The petition shall meet the
32 requirements of section 331.306."

33 4. Page 1, by inserting before line 27, the
34 following:

35 "Sec. _____. Section 69.14A, Code 2005, is amended
36 by adding the following new subsection:

37 NEW SUBSECTION. 2A. In addition to the procedures
38 in subsection 2, in the event of a vacancy in the
39 office of auditor, recorder, or treasurer, the board
40 of supervisors may appoint one of the remaining two
41 named officers to fill the vacancy. However, the
42 vacancy shall not be filled in this manner unless the
43 officer appointed to fill the vacancy agrees in
44 writing with the board of supervisors to assume the
45 duties of the vacant office. The appointment shall be
46 for the period until the next pending election as
47 defined in section 69.12, and shall be made within
48 forty days after the vacancy occurs. If the board of
49 supervisors chooses to proceed under this subsection
50 and after reaching agreement with the officer chosen

H-1083

1 to fill the vacancy, the board shall publish notice in
2 the manner prescribed by section 331.305 stating that
3 the board intends to fill the vacancy by appointment
4 but that the electors of the county have the right to
5 file a petition requiring that the vacancy be filled
6 by special election. The board may publish notice in
7 advance if an elected official submits a resignation
8 to take effect at a future date. The board may make
9 the appointment to fill the vacancy, as agreed to
10 under this subsection, after the notice is published
11 or after the vacancy occurs, whichever is later.

12 However, if within fourteen days after publication
13 of the notice or within fourteen days after the
14 appointment is made, a petition is filed with the
15 county auditor requesting a special election to fill
16 the vacancy, the appointment is temporary and a
17 special election shall be called as provided in
18 subsection 2, paragraph "b". The petition shall meet
19 the requirements of section 331.306.

20 Sec. _____. Section 69.14A, subsections 3 and 4,
21 Code 2005, are amended to read as follows:

22 3. Notwithstanding ~~subsection~~ subsections 2 and
23 2A, in the event of a vacancy for which no eligible
24 candidate residing in the county comes forward for
25 appointment, a county board of supervisors may employ
26 a person to perform the duties of the office for at
27 least sixty days but no more than ninety days. After
28 ninety days, the board shall proceed under subsection
29 2 or 2A.

30 4. Notwithstanding subsections 1, and 2, and 2A,
31 if a nomination has been made at the primary election
32 for an office in which a vacancy has been filled by
33 appointment, the office shall be filled at the next
34 general election, and not at any special election in
35 the same political subdivision."

36 5. Title page, line 1, by inserting after the
37 word "Act" the following: "relating to vacancies in
38 certain county offices by".

39 6. Title page, line 2, by inserting after the
40 word "officers" the following: "and by allowing
41 certain county officers to assume the duties of
42 certain vacant county offices".

43 7. By renumbering as necessary.

By GASKILL of Wapello

HOUSE FILE 712

H-1084

1 Amend House File 712 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 69.14A, subsection 1,
5 paragraph b, unnumbered paragraph 1, Code 2005, is
6 amended to read as follows:

7 By special election held to fill the office for the
8 remaining balance of the unexpired term. The
9 committee of county officers designated to fill the
10 vacancy in section 69.8 may, on its own motion, or
11 shall, upon receipt of a petition as provided in
12 paragraph "a" or "c", call for a special election to
13 fill the vacancy in lieu of appointment. The
14 committee shall order the special election at the
15 earliest practicable date, but giving at least thirty-
16 two days' notice of the election. A special election
17 called under this section shall be held on a Tuesday
18 and shall not be held on the same day as a school
19 election within the county.

20 Sec. 2. Section 69.14A, subsection 1, Code 2005,
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. c. .By appointment of a county
23 supervisor in another county by the committee of
24 county officers designated to fill the vacancy in
25 section 69.8. The appointment shall be made by
26 agreement of the committee of county officers and the
27 board of supervisors of the county from which the
28 supervisor is appointed. The appointment shall be for
29 the period until the next pending election as defined
30 in section 69.12, and shall be made within forty days
31 after the vacancy occurs. If the committee of county
32 officers designated to fill the vacancy chooses to
33 proceed under this paragraph, the committee shall
34 publish notice in the manner prescribed by section
35 331.305 stating that the committee intends to fill the
36 vacancy by appointment of a county supervisor in
37 another county but that the electors of the district
38 or county, as the case may be, have the right to file
39 a petition requiring that the vacancy be filled by
40 special election. The committee may publish notice in
41 advance if a supervisor submits a resignation to take
42 effect at a future date. The committee may make an
43 appointment to fill the vacancy after the notice is
44 published or after the vacancy occurs, whichever is
45 later. A person appointed under this paragraph is not
46 required to be a resident of the county filling the
47 vacancy by appointment.

48 However, if within fourteen days after publication
49 of the notice or within fourteen days after the
50 appointment is made, a petition is filed with the

H-1084

1 county auditor requesting a special election to fill
2 the vacancy, the appointment is temporary and a
3 special election shall be called as provided in
4 paragraph "b". The petition shall meet the
5 requirements of section 331.306, except that in
6 counties where supervisors are elected under plan
7 "three", the number of signatures calculated according
8 to the formula in section 331.306 shall be divided by
9 the number of supervisor districts in the county."

10 2. Page 1, by inserting after line 4, the
11 following:

12 "Sec. ____ . Section 69.14A, subsection 2, paragraph
13 b, unnumbered paragraph 1, Code 2005, is amended to
14 read as follows:

15 By special election held to fill the office for the
16 remaining balance of the unexpired term. The board of
17 supervisors may, on its own motion, or shall, upon
18 receipt of a petition as provided in paragraph "a" or
19 "c", call for a special election to fill the vacancy
20 in lieu of appointment. The supervisors shall order
21 the special election at the earliest practicable date,
22 but giving at least thirty-two days' notice of the
23 election. A special election called under this
24 section shall be held on a Tuesday and shall not be
25 held on the same day as a school election within the
26 county."

27 3. Page 1, line 20, by inserting after the word
28 "county" the following: "but that the electors of the
29 county have the right to file a petition requiring
30 that the vacancy be filled by special election".

31 4. Page 1, by inserting after line 26, the
32 following:

33 "However, if within fourteen days after publication
34 of the notice or within fourteen days after the
35 appointment is made, a petition is filed with the
36 county auditor requesting a special election to fill
37 the vacancy, the appointment is temporary and a
38 special election shall be called as provided in
39 paragraph "b". The petition shall meet the
40 requirements of section 331.306."

41 5. By renumbering as necessary.

By GASKILL of Wapello

HOUSE FILE 712

H-1086

1 Amend House File 712 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 69.14A, subsection 1,
5 paragraph b, unnumbered paragraph 1, Code 2005, is
6 amended to read as follows:

7 By special election held to fill the office for the
8 remaining balance of the unexpired term. The
9 committee of county officers designated to fill the
10 vacancy in section 69.8 may, on its own motion, or
11 shall, upon receipt of a petition as provided in
12 paragraph "a" or "c", call for a special election to
13 fill the vacancy in lieu of appointment. The
14 committee shall order the special election at the
15 earliest practicable date, but giving at least thirty-
16 two days' notice of the election. A special election
17 called under this section shall be held on a Tuesday
18 and shall not be held on the same day as a school
19 election within the county.

20 Sec. _____. Section 69.14A, subsection 1, Code 2005,
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. c. By appointment of the county
23 auditor, recorder, or treasurer by the committee of
24 county officers designated to fill the vacancy in
25 section 69.8. The appointment shall be made by
26 agreement of the member of the committee chosen to
27 fill the vacancy and the remaining members of the
28 board of supervisors. The officer appointed shall
29 continue to fulfill the duties of auditor, recorder,
30 or treasurer, as applicable, in addition to serving as
31 county supervisor. The appointment shall be for the
32 period until the next pending election as defined in
33 section 69.12, and shall be made within forty days
34 after the vacancy occurs. If the committee of county
35 officers designated to fill the vacancy chooses to
36 proceed under this paragraph, the committee shall
37 publish notice in the manner prescribed by section
38 331.305 stating that the committee intends to fill the
39 vacancy by appointment of the county auditor,
40 recorder, or treasurer to the office of county
41 supervisor but that the electors of the district or
42 county, as the case may be, have the right to file a
43 petition requiring that the vacancy be filled by
44 special election. The committee may publish notice in
45 advance if a supervisor submits a resignation to take
46 effect at a future date. The committee may make an
47 appointment to fill the vacancy after the notice is
48 published or after the vacancy occurs, whichever is
49 later.

50 However, if within fourteen days after publication

H-1086

1 of the notice or within fourteen days after the
2 appointment is made, a petition is filed with the
3 county auditor requesting a special election to fill
4 the vacancy, the appointment is temporary and a
5 special election shall be called as provided in
6 paragraph "b". The petition shall meet the
7 requirements of section 331.306, except that in
8 counties where supervisors are elected under plan
9 "three", the number of signatures calculated according
10 to the formula in section 331.306 shall be divided by
11 the number of supervisor districts in the county."

12 2. Page 1, by inserting after line 4, the
13 following:

14 "Sec. _____. Section 69.14A, subsection 2, paragraph
15 b, unnumbered paragraph 1, Code 2005, is amended to
16 read as follows:

17 By special election held to fill the office for the
18 remaining balance of the unexpired term. The board of
19 supervisors may, on its own motion, or shall, upon
20 receipt of a petition as provided in paragraph "a" or
21 "c", call for a special election to fill the vacancy
22 in lieu of appointment. The supervisors shall order
23 the special election at the earliest practicable date,
24 but giving at least thirty-two days' notice of the
25 election. A special election called under this
26 section shall be held on a Tuesday and shall not be
27 held on the same day as a school election within the
28 county."

29 3. Page 1, line 20, by inserting after the word
30 "county" the following: "but that the electors of the
31 county have the right to file a petition requiring
32 that the vacancy be filled by special election".

33 4. Page 1, by inserting after line 26, the
34 following:

35 "However, if within fourteen days after publication
36 of the notice or within fourteen days after the
37 appointment is made, a petition is filed with the
38 county auditor requesting a special election to fill
39 the vacancy, the appointment is temporary and a
40 special election shall be called as provided in
41 paragraph "b". The petition shall meet the
42 requirements of section 331.306."

43 5. Title page, line 1, by inserting after the
44 word "Act" the following: "relating to vacancies in
45 certain county offices by".

46 6. Title page, line 2, by inserting after the
47 word "officers" the following: "and by allowing
48 certain county officers to assume the duties of
49 certain vacant county offices".

50 7. By renumbering as necessary.

By GASKILL of Wapello

HOUSE FILE 712

H-1089

1 Amend House File 712 as follows:

2 1. Page 1, by inserting after line 4, the
3 following:

4 "Sec. ____ . Section 69.14A, subsection 2, paragraph
5 b, unnumbered paragraph 1, Code 2005, is amended to
6 read as follows:

7 By special election held to fill the office for the
8 remaining balance of the unexpired term. The board of
9 supervisors may, on its own motion, or shall, upon
10 receipt of a petition as provided in paragraph "a" or
11 "c", call for a special election to fill the vacancy
12 in lieu of appointment. The supervisors shall order
13 the special election at the earliest practicable date,
14 but giving at least thirty-two days' notice of the
15 election. A special election called under this
16 section shall be held on a Tuesday and shall not be
17 held on the same day as a school election within the
18 county."

19 2. Page 1, line 20, by inserting after the word
20 "county" the following: "but that the electors of the
21 county have the right to file a petition requiring
22 that the vacancy be filled by special election".

23 3. Page 1, by inserting after line 26, the
24 following:

25 "However, if within fourteen days after publication
26 of the notice or within fourteen days after the
27 appointment is made, a petition is filed with the
28 county auditor requesting a special election to fill
29 the vacancy, the appointment is temporary and a
30 special election shall be called as provided in
31 paragraph "b". The petition shall meet the
32 requirements of section 331.306."

33 4. By renumbering as necessary.

By SCHICKEL of Cerro Gordo
D. OLSON of Boone

H-1089 FILED MARCH 16, 2005

HOUSE FILE 712
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 232)

(As Amended and Passed by the House March 21, 2005)

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:

4

5

House Amendments _____

6

7

S-3104

HOUSE FILE 712

8

1 Amend House File 712, as amended, passed, and
2 reprinted by the House, as follows:

9

10

3 1. Page 1, line 28, by inserting after the word
4 "occurs." the following: "However, if a vacancy to be
5 filled under this paragraph would result in an
6 appointment period of more than one year, the board
7 shall not proceed under this paragraph."

11

12

13

COMMITTEE ON LOCAL GOVERNMENT
HERMAN C. QUIRMBACH, CO-CHAIRPERSON
DOUG SHULL, CO-CHAIRPERSON

14

15

16

S-3104 FILED APRIL 11, 2005

17

18

19

20

21

TLSB 2076HV 81

sc/sh/8

1 Section 1. Section 69.14A, subsection 2, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

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

5 Sec. 2. Section 69.14A, subsection 2, paragraph b,
6 unnumbered paragraph 1, Code 2005, is amended to read as
7 follows:

8 By special election held to fill the office for the
9 remaining balance of the unexpired term. The board of
10 supervisors may, on its own motion, or shall, upon receipt of
11 a petition as provided in paragraph "a" or "c", call for a
12 special election to fill the vacancy in lieu of appointment.
13 The supervisors shall order the special election at the
14 earliest practicable date, but giving at least thirty-two
15 days' notice of the election. A special election called under
16 this section shall be held on a Tuesday and shall not be held
17 on the same day as a school election within the county.

18 Sec. 3. Section 69.14A, subsection 2, Code 2005, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. c. By appointment by the board of
21 supervisors of a county officer in another county. The
22 appointment shall be made by agreement of the boards of
23 supervisors of the counties, pursuant to chapter 28E, and the
24 appointment shall be of the officer holding the equivalent
25 office to that which is vacant. The appointment shall be for
26 the period until the next pending election as defined in
27 section 69.12, and shall be made within forty days after the
28 vacancy occurs. If the board of supervisors of the county
29 where the vacancy has occurred chooses to proceed under this
30 paragraph, the board shall publish notice in the manner
31 prescribed by section 331.305 stating that the board intends
32 to fill the vacancy by appointment of a county officer in
33 another county but that the electors of the county have the
34 right to file a petition requiring that the vacancy be filled
35 by special election. The board may publish notice in advance

1 if an elected official submits a resignation to take effect at
2 a future date. The board may make an appointment to fill the
3 vacancy after the notice is published or after the vacancy
4 occurs, whichever is later. A person appointed under this
5 paragraph is not required to be a resident of the county
6 filling the vacancy by appointment.

7 However, if within fourteen days after publication of the
8 notice or within fourteen days after the appointment is made,
9 a petition is filed with the county auditor requesting a
10 special election to fill the vacancy, the appointment is
11 temporary and a special election shall be called as provided
12 in paragraph "b". The petition shall meet the requirements of
13 section 331.306.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 712

S-3116

1 Amend House File 712, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 69.14A, subsection 1,
6 paragraph a, unnumbered paragraph 2, Code 2005, is
7 amended to read as follows:

8 However, if within ~~fourteen~~ twenty-one days after
9 publication of the notice or within ~~fourteen~~ twenty-
10 one days after the appointment is made, a petition is
11 filed with the county auditor requesting a special
12 election to fill the vacancy, the appointment is
13 temporary and a special election shall be called as
14 provided in paragraph "b". The petition shall meet
15 the requirements of section 331.306, except that in
16 counties where supervisors are elected under plan
17 "three", the number of signatures calculated according
18 to the formula in section 331.306 shall be divided by
19 the number of supervisor districts in the county."

20 2. Page 1, by inserting after line 4, the
21 following:

22 "Sec. ____ . Section 69.14A, subsection 2, paragraph
23 a, unnumbered paragraph 2, Code 2005, is amended to
24 read as follows:

25 However, if within ~~fourteen~~ twenty-one days after
26 publication of the notice or within ~~fourteen~~ twenty-
27 one days after the appointment is made, a petition is
28 filed with the county auditor requesting a special
29 election to fill the vacancy, the appointment is
30 temporary and a special election shall be called as
31 provided in paragraph "b". The petition shall meet
32 the requirements of section 331.306."

33 3. Page 2, line 7, by striking the word
34 "fourteen" and inserting the following: "twenty-one".

35 4. Page 2, line 8, by striking the word
36 "fourteen" and inserting the following: "twenty-one".

37 5. Title page, line 1, by inserting after the
38 word "Act" the following: "relating to vacancies in
39 county elective offices by changing the deadline for
40 filing a petition for a special election and by".

41 6. By renumbering as necessary.

By THOMAS RIELLY

HOUSE FILE 712

S-3132

1 Amend House File 712, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 13 the
4 following:
5 "Sec. ____ . This Act, being deemed of immediate
6 importance, takes effect upon enactment."
7 2. Title, line 2, by inserting after the word
8 "officers" the following: ", and providing an
9 effective date".

By JOHN P. KIBBIE

S-3132 FILED APRIL 18, 2005

HOUSE FILE 712

S-3177

1 Amend House File 712, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 20 and 21, and
4 inserting the following:
5 "NEW PARAGRAPH. c. If the vacancy occurs in a
6 county with a population of one hundred thousand or
7 less, by appointment by the board of supervisors of a
8 county officer from another county with a population
9 of one hundred thousand or less. The".

By JOHN P. KIBBIE

S-3177 FILED APRIL 26, 2005