

Reprinted

FILED FEB 27 1992

SENATE FILE 2233

BY COMMITTEE ON JUDICIARY

App. 2 (p. 530)

(SUCCESSOR TO SSB 2203)

Passed Senate, Date 3/17/92 (p. 811)

Passed House, Date 3/30/92 (P. 903)

Vote: Ayes 47 Nays 1

Vote: Ayes 84 Nays 11

Approved April 22, 1992

A BILL FOR

1 An Act relating to the residency requirement for clerks of the
2 district court.

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

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SENATE FILE 2233

S-5232

1 Amend Senate File 2233 as follows:
2 1. Page 1, by striking lines 6 through 9 and
3 inserting the following: "election district. A
4 person does not qualify for appointment to the office
5 of clerk of the district court unless the person is at
6 the time of application a resident of the county-in
7 which-the-vacancy-exists state. A clerk of the
8 district court may".

By AL STURGEON

S-5232 FILED MARCH 13, 1992
Adopted 3/17 (p. 311)

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SF 2233

1 Section 1. Section 602.1215, subsection 1, Code 1991, is
2 amended to read as follows:

3 1. The district judges of each judicial election district
4 shall by majority vote appoint persons to serve as clerks of
5 the district court, one for each county within the judicial
6 election district. ~~A person does not qualify for appointment~~
7 ~~to the office of clerk of the district court unless the person~~
8 ~~is at the time of application a resident of the county in~~
9 ~~which the vacancy exists.~~ A clerk of the district court may
10 be removed from office for cause by a majority vote of the
11 district judges of the judicial election district. Before
12 removal, the clerk of the district court shall be notified of
13 the cause for removal.

14 EXPLANATION

15 This bill provides that a person need not be a resident of
16 the county in which the person is applying to be appointed
17 clerk of the district court.

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5 the district court, one for each county within the judicial
6 election district. A person does not qualify for appointment
7 to the office of clerk of the district court unless the person
8 is at the time of application a resident of the county-in
9 which-the-vacancy-exists state. A clerk of the district court
10 may be removed from office for cause by a majority vote of the
11 district judges of the judicial election district. Before
12 removal, the clerk of the district court shall be notified of
13 the cause for removal.

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STURGEON, CH.
DELUHERY
FUHRMAN

SSB 2203

JUDICIARY — New —

SENATE/HOUSE FILE 2233

BY (PROPOSED JUDICIAL
DEPARTMENT BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the residency requirement for clerks of the
2 district court.

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

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2 amended to read as follows:

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4 shall by majority vote appoint persons to serve as clerks of
5 the district court, one for each county within the judicial
6 election district. ~~A person does not qualify for appointment~~
7 ~~to the office of clerk of the district court unless the person~~
8 ~~is at the time of application a resident of the county in~~
9 ~~which the vacancy exists.~~ A clerk of the district court may
10 be removed from office for cause by a majority vote of the
11 district judges of the judicial election district. Before
12 removal, the clerk of the district court shall be notified of
13 the cause for removal.

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EXPLANATION

15 This bill provides that a person need not be a resident of
16 the county in which the person is applying to be appointed
17 clerk of the district court.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

20 This bill eliminates the requirement that a person applying
21 to be clerk of the district court must be a resident of the
22 county at the time of application. This change will expand
23 the pool of applicants and also allow employees of clerks'
24 officers the opportunity to apply for vacant clerk positions
25 in other counties.

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district. Before removal, the clerk of the district court shall be notified of the cause for removal.

SENATE FILE 2233

AN ACT

RELATING TO THE RESIDENCY REQUIREMENT FOR CLERKS OF THE DISTRICT COURT.

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

Section 1. Section 602.1215, subsection 1, Code 1991, is amended to read as follows:

1. The district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court, one for each county within the judicial election district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the county in ~~which the vacancy exists state.~~ Within three months of appointment the clerk of the district court must establish residence and physically reside in the county. A clerk of the district court may be removed from office for cause by a majority vote of the district judges of the judicial election

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2233, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate
Approved April 22, 1992

TERRY E. BRANSTAD
Governor