



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 28, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2572, an Act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

House File 2579, an Act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

The above House Files are hereby approved this date.

Sincerely,


Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2572

AN ACT

RELATING TO THE PROCEDURES AND DUTIES OF THE CLERK OF THE DISTRICT COURT AND THE JUDICIAL BRANCH, AND PROVIDING FOR A FEE.

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

Section 1. Section 305.2, subsection 1, Code Supplement 2003, is amended to read as follows:

1. "Agency" means any executive or legislative branch department, office, commission, board, or other unit of state government except as otherwise provided by law.

Sec. 2. Section 321.174, subsection 3, Code 2003, is amended to read as follows:

3. A licensee shall have the licensee's driver's license in immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate, district associate judge, district judge, peace officer, or examiner of the department. However, a person charged with violating this subsection shall not be convicted if the person produces in-court, within a reasonable time, to the clerk of the district court, prior to the licensee's court date indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of

the person's arrest or at the time the person was charged with a violation of this section.

Sec. 3. Section 602.8101, subsection 3, Code 2003, is amended to read as follows:

3. The clerk may employ ~~deputies, assistants, and clerks staff~~ when authorized under section 602.1402 and when authorized by the chief judge of the judicial district. The clerk is responsible for the acts of these employees. ~~Each first-deputy~~ The clerk shall designate one or more employees who shall give bond as provided in chapter 64.

Sec. 4. Section 602.8102, subsections 13 and 57, Code Supplement 2003, are amended by striking the subsections.

Sec. 5. Section 602.8104, subsection 2, paragraph j, Code 2003, is amended by striking the paragraph.

Sec. 6. Section 602.8106, subsection 1, Code Supplement 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For a motion to show cause in a criminal case, the fee shall be the same amount as the fee for filing and docketing a complaint, information, or citation for the underlying criminal case from which the motion arises.

Sec. 7. Section 633.31, subsection 2, paragraph i, Code 2003, is amended to read as follows:

- i. For certifying change of title ~~10.00~~
20.00

Sec. 8. Section 635.7, Code Supplement 2003, is amended to read as follows:

635.7 REPORT AND INVENTORY -- EXCESS VALUE AND TERMINATION.

The executor or administrator is required to file the report and inventory for which provision is made in section 633.361. Nothing in sections 635.1 to 635.3 shall exempt the executor or administrator from complying with the requirements of section 422.27, 450.22, 450.58, ~~or~~ 633.480, or 633.481. If the inventory and report shows assets subject to the jurisdiction of this state which exceed the total gross value of the amount permitted the small estate under the applicable provision of section 635.1, the clerk shall terminate the letters issued under section 635.1 without prejudice to the rights of persons who delivered property as permitted under section 635.3. The executor or administrator shall then be

required to petition for administration of the estate as provided in chapter 633.

Sec. 9. Section 636.13, Code 2003, is repealed.



CHRISTOPHER C. RANTS

Speaker of the House



JEFFREY M. LAMBERTI

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2572, Eightieth General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved April 28, 2004



THOMAS J. VILSACK

Governor