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SENATE FILE 2196

BY MILLER, HOUSER, MCKEAN,
and KING

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act permitting the clerk of the district court to become a
2 county elective office.

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

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SF 2196

LOCAL GOVERNMENT

1 Section 1. Section 39.17, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 There shall be elected in each county at the general
4 election to be held in the year 1976 and every four years
5 thereafter, an auditor and a sheriff, each to hold office for
6 a term of four years. If the county board of supervisors
7 makes the office of the clerk an elective office pursuant to
8 section 331.701, a clerk of the district court shall be
9 elected for a term of four years in each county at the general
10 election to be held in the year 2004 and every four years
11 thereafter.

12 Sec. 2. NEW SECTION. 331.701 OFFICE OF CLERK OF THE
13 DISTRICT COURT.

14 1. Notwithstanding sections 602.1215 and 602.1216, the
15 county board of supervisors may adopt an ordinance making the
16 office of clerk of the district court an elective office
17 except that if a vacancy occurs in the office, a successor
18 shall be appointed to the unexpired term as provided in
19 chapter 69.

20 2. A person elected or appointed to the office of county
21 clerk of the district court shall qualify by taking the oath
22 of office as provided in section 63.10 and give bond as
23 provided in section 64.10.

24 3. The term of office of the clerk is four years.

25 4. The duties and responsibilities of an elected clerk of
26 the district court are the same as an appointed clerk of the
27 district court under sections 602.8102 through 602.8109.

28 5. The clerk of the district court and employees in the
29 clerk's office shall become county employees on January 1 of
30 the year following the election of the clerk.

31 Sec. 3. Section 602.1303, Code 2001, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 10. A county shall pay all expenses of
34 the office of the clerk of the district court if the county
35 board of supervisors makes the office an elective office

1 pursuant to section 331.701.

2 Sec. 4. NEW SECTION. 602.8108B CLERK OF COURT ELECTIVE
3 OFFICE -- DISTRIBUTION OF COURT REVENUE.

4 If a county board of supervisors makes the office of clerk
5 of the district court an elective office, notwithstanding
6 contrary provisions of section 602.8106, subsection 4, and
7 section 602,8108, fifty percent of any fine, penalty, court
8 cost, fee, forfeited bail, or surcharge collected by the clerk
9 of the district court and submitted to the treasurer of state
10 or the state court administrator pursuant to section 602.8105,
11 602.8106, or 602.8107, or any other Code provision shall be
12 remitted to the county.

13 EXPLANATION

14 This bill permits the clerk of the district court to become
15 an elective office.

16 The bill provides that the county board of supervisors may
17 adopt an ordinance making the office of clerk of the district
18 court an elective office. If the clerk of the district court
19 becomes an elective office, the clerk and employees of the
20 clerk's office become county employees. Current law provides
21 the clerk and employees of the clerk's office are state
22 employees.

23 The bill also provides that 50 percent of any fine,
24 penalty, court cost, fee, forfeited bail, or surcharge
25 submitted to the state pursuant to Code sections 602.8105,
26 602.8106, and 602.8107, and any other Code provision shall be
27 remitted to the county.

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