

MAR 19 2003
Place On Calendar

HOUSE FILE 635
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 78)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the clerk of the district court by changing
2 the method of appointment, by permitting a clerk to serve in
3 more than one county, and by eliminating certain residency
4 requirements.

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

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HF 635

1 Section 1. Section 602.1215, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. The Subject to the provisions of section 602.1209,
4 subsection 3, the district judges of each judicial election
5 district shall by majority vote appoint persons to serve as
6 clerks of the district court, ~~one-for-each-county~~ within the
7 judicial election district. The district judges of a judicial
8 election district may appoint a person to serve as clerk of
9 the district court for more than one county. A person does
10 not qualify for appointment to the office of clerk of the
11 district court unless the person is at the time of application
12 a resident of the state. ~~Within-three-months-of-appointment~~
13 ~~the-clerk-of-the-district-court-must-establish-residence-and~~
14 ~~physically-reside-in-the-county.~~ A clerk of the district
15 court may be removed from office for cause by a majority vote
16 of the district judges of the judicial election district.
17 Before removal, the clerk of the district court shall be
18 notified of the cause for removal.

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EXPLANATION

20 This bill relates to the clerk of the district court by
21 changing the method of appointment, by permitting a clerk to
22 serve in more than one county, and by eliminating certain
23 residency requirements.

24 The bill provides that the district judges of each judicial
25 election district shall, by majority vote, appoint the clerk
26 of court, subject to the state court administrator's
27 authorization and review.

28 The bill eliminates the requirement that a clerk of the
29 district court be appointed for each county in the judicial
30 election district. The bill provides that a clerk of the
31 district court may serve as clerk of court in more than one
32 county. The bill also eliminates the requirement that the
33 clerk of the district court establish residence and physically
34 reside in the county where the clerk is employed within three
35 months of appointment. However, the bill retains the

1 provision that a person does not qualify for appointment to
2 the clerk of the district court position unless the person is
3 at the time of the application a resident of the state.

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HF 635 - Clerk of District Court (LSB 1208 HV)
Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)
Fiscal Note Version — New

10 **Description**

11 House File 635 relates to the Clerk of the District Court by changing the method of appointment,
12 permitting a clerk to serve in more than one county, and eliminating certain residency
13 requirements.

14 **Assumptions**

- 15 1. The compensation (salary and benefits) for one District Court Clerk is \$56,000 to
16 \$89,000 depending on the size of the office.
- 17 2. The compensation (salary and benefits) for one entry-level clerk position is \$30,000.
- 18 3. In FY 2003, the Judicial Branch merged 29 offices of varying sizes as a cost
19 containment effort. There are currently 14 clerks overseeing these 29 offices resulting in
20 approximately \$840,000 in savings. From the net savings obtained through the merger
21 of these offices, approximately \$340,000 was used to pay for retirements and to hire
22 replacement clerk positions. The remaining \$500,000 was used to offset the FY 2003
23 budget reductions.
- 24 4. House File 635 allows Clerk of Court offices across the State to be merged. Mergers
25 that may occur in the future are unknown; therefore, the fiscal impact cannot be
26 determined.

27 **Fiscal Impact**

28 Due to insufficient information, the estimated fiscal impact of HF 635 cannot be determined.
29 During FY 2003, approximately \$840,000 has been saved as a result of Clerk of Court mergers.
30 Approximately \$340,000 of this savings has been used to pay retirement costs and to hire
31 replacement clerks. The remaining \$500,000 is being used to offset FY 2003 Judicial
32 Department budget reductions. The number of future mergers is unknown; therefore, any future
33 associated costs savings cannot be determined.

34 **Source**

35 Judicial Branch

/s/ Dennis C Prouty

March 31, 2003

Boal, Ch
Schickel
Reasoner

Succeeded By
SF 0635

HSB 78

JUDICIARY

SENATE/HOUSE FILE _____

BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the clerk of the district court by changing
2 the method of appointment and removal, by permitting a clerk
3 to serve in more than one county, and by eliminating certain
4 residency requirements.

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

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1 Section 1. Section 602.1215, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. The ~~district-judges~~ chief judge of each judicial
4 election district shall ~~by-majority-vote~~ appoint persons to
5 serve as clerks of the district court, ~~one-for-each-county~~
6 ~~within-the-judicial-election-district~~ within the judicial
7 district. There shall not be more than one clerk of the
8 district court for each county in the district. However, the
9 chief judge may appoint a person to serve as clerk of the
10 district court for more than one county. A person does not
11 qualify for appointment to the office of clerk of the district
12 court unless the person is at the time of application a
13 resident of the state. ~~Within-three-months-of-appointment-the~~
14 ~~clerk-of-the-district-court-must-establish-residence-and~~
15 ~~physically-reside-in-the-county.~~ A clerk of the district
16 court may be removed from office for cause by ~~a-majority-vote~~
17 ~~of-the-district-judges~~ the chief judge of the judicial
18 election district. Before removal, the clerk of the district
19 court shall be notified of the cause for removal.

20 EXPLANATION

21 This bill relates to the clerk of the district court by
22 changing the method of appointment and removal, by permitting
23 a clerk to serve in more than one county, and by eliminating
24 certain residency requirements.

25 The bill changes the method by which the clerk of the
26 district court is appointed. The bill permits the chief judge
27 of each judicial district to appoint the clerk of the district
28 court and remove the clerk for cause. The clerk under current
29 law is appointed by a majority vote of all the district court
30 judges in the judicial election district, and removed by
31 majority vote.

32 The bill eliminates the requirement that a clerk of the
33 district court be appointed for each county in the judicial
34 election district. The bill provides that a clerk of the
35 district court may serve as clerk of court in more than one

1 county. The bill also eliminates the requirement that the
2 clerk of the district court establish residence and physically
3 reside in the county where the clerk is employed within three
4 months of appointment. However, the bill retains the
5 provision that a person does not qualify for appointment to
6 the clerk of the district court position unless the person is
7 at the time of the application a resident of the state.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: JANUARY 27, 2003

RE: TLSB 1208DP

The proposed bill would make several changes relating to the appointment of clerks of the district court. First, the bill would change the appointing authority from the judges of the district court to the chief judge of the district. The supreme court believes this change would improve accountability and communications by providing a direct line of authority from the chief judge, the top court official in the district, to the clerks. In addition, the bill would eliminate the mandate that there must be one clerk per county, eliminate the county residency requirement for clerks, and permit the chief judge to appoint one person to serve as clerk for more than one county. Experience has shown that one person can effectively manage more than one clerk of court office. This would reduce the number of managers and free up funds for other priorities.