

House Study Bill 667

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 procedures and duties of the clerk of the
2 district court and the judicial branch, and providing for a
3 fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5284DP 80
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1 1 Section 1. Section 305.2, subsection 1, Code Supplement
1 2 2003, is amended to read as follows:
1 3 1. "Agency" means any executive or legislative branch
1 4 department, office, commission, board, or other unit of state
1 5 government except as otherwise provided by law.
1 6 Sec. 2. Section 321.174, subsection 3, Code 2003, is
1 7 amended to read as follows:
1 8 3. A licensee shall have the licensee's driver's license
1 9 in immediate possession at all times when operating a motor
1 10 vehicle and shall display the same, upon demand of a judicial
1 11 magistrate, district associate judge, district judge, peace
1 12 officer, or examiner of the department. However, a person
1 13 charged with violating this subsection shall not be convicted
1 14 if the person produces in court, within a reasonable time, to
1 15 the clerk of the district court, prior to the licensee's court
1 16 date indicated on the citation, a driver's license issued to
1 17 that person and valid for the vehicle operated at the time of
1 18 the person's arrest or at the time the person was charged with
1 19 a violation of this section.
1 20 Sec. 3. Section 602.1304, subsection 2, paragraph a, Code
1 21 Supplement 2003, is amended to read as follows:
1 22 a. The enhanced court collections fund is created in the
1 23 state treasury under the authority of the supreme court. The
1 24 fund shall be separate from the general fund of the state and
1 25 the balance in the fund shall not be considered part of the
1 26 balance of the general fund of the state. Notwithstanding
1 27 section 8.33, moneys in the fund shall not revert to the
1 28 general fund, unless and to the extent the total amount of
1 29 moneys deposited into the fund in a fiscal year would exceed
1 30 the maximum annual deposit amount established for the
1 31 collections fund by the general assembly. The ~~initial~~ maximum
1 32 annual deposit amount for a fiscal year is ~~four~~ six million
1 33 dollars. Notwithstanding section 12C.7, subsection 2,
1 34 interest or earnings on moneys in the collections fund shall
1 35 remain in the collections fund and any interest and earnings
2 1 shall be in addition to the maximum annual deposit amount.
2 2 Sec. 4. Section 602.8101, subsection 3, Code 2003, is
2 3 amended to read as follows:
2 4 3. The clerk may employ ~~deputies, assistants, and clerks~~
2 5 staff when authorized under section 602.1402 and when
2 6 authorized by the chief judge of the judicial district. The
2 7 clerk is responsible for the acts of these employees. ~~Each~~
~~2 8 first deputy~~ The clerk shall designate one or more employees
2 9 who shall give bond as provided in chapter 64.
2 10 Sec. 5. Section 602.8102, subsections 13 and 57, Code
2 11 Supplement 2003, are amended by striking the subsections.
2 12 Sec. 6. Section 602.8104, subsection 2, paragraph j, Code
2 13 2003, is amended by striking the paragraph.
2 14 Sec. 7. Section 633.31, subsection 2, paragraph i, Code
2 15 2003, is amended to read as follows:
2 16 i. For certifying change of title ~~10.00~~
2 17 20.00
2 18 Sec. 8. Section 635.7, Code Supplement 2003, is amended to
2 19 read as follows:
2 20 635.7 REPORT AND INVENTORY == EXCESS VALUE AND
2 21 TERMINATION.
2 22 The executor or administrator is required to file the

2 23 report and inventory for which provision is made in section
2 24 633.361. Nothing in sections 635.1 to 635.3 shall exempt the
2 25 executor or administrator from complying with the requirements
2 26 of section 422.27, 450.22, 450.58, ~~or 633.480, or~~ 633.481. If
2 27 the inventory and report shows assets subject to the
2 28 jurisdiction of this state which exceed the total gross value
2 29 of the amount permitted the small estate under the applicable
2 30 provision of section 635.1, the clerk shall terminate the
2 31 letters issued under section 635.1 without prejudice to the
2 32 rights of persons who delivered property as permitted under
2 33 section 635.3. The executor or administrator shall then be
2 34 required to petition for administration of the estate as
2 35 provided in chapter 633.

3 1 Sec. 9. Section 636.13, Code 2003, is repealed.

3 2 EXPLANATION

3 3 This bill relates to the procedures and duties of the clerk
3 4 of the district court and the judicial branch.

3 5 The bill makes the state records and archives Act in Code
3 6 chapter 305 applicable to the executive and legislative
3 7 branches exclusively.

3 8 The bill provides that a person issued a citation for
3 9 failing to carry their driver's license while operating a
3 10 motor vehicle shall not be convicted of this offense if the
3 11 person produces their driver's license to the clerk of the
3 12 district court prior to going to court. Current law provides
3 13 that a person shall not be convicted of failing to carry their
3 14 driver's license while operating a motor vehicle if the person
3 15 presents their license at the time of the person's arrest or
3 16 at the time the person is charged with failing to carry a
3 17 driver's license while operating a motor vehicle.

3 18 The bill equalizes the fee for certifying a change of title
3 19 in an estate with other change of title certifications
3 20 pursuant to Code section 602.8105 by increasing the change of
3 21 title certification fee in an estate from \$10 to \$20. The
3 22 distribution of the fee is governed by Code section 602.8108.

3 23 The bill increases the annual deposit into the enhanced
3 24 court collections fund from \$4 million to \$6 million. The
3 25 moneys deposited into the fund are from fees and other revenue
3 26 collected by the judicial branch. The fund is to be used by
3 27 the judicial branch for the Iowa court information system and
3 28 other technological improvements related to administering the
3 29 judicial branch.

3 30 The bill provides that the clerk of the district court may
3 31 have employees when authorized. Current law provides that the
3 32 clerk of the district court may employ deputies, assistants,
3 33 and clerks.

3 34 The bill provides the executor or administrator of an
3 35 estate shall comply with the requirements of Code section
4 1 633.480, which require the executor or administrator to
4 2 deliver certificates pertaining to each parcel of real estate
4 3 to the county recorder.

4 4 The bill repeals Code section 636.13, which requires the
4 5 clerk of the district court to keep a book of surety company
4 6 certificates and revocations.

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