

Senate Study Bill 3038 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to the appointment and removal of clerks of the
2 district court.

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

1 Section 1. Section 602.1215, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. Subject to the provisions of section 602.1209,
4 subsection 3, ~~the district judges of each~~ chief judge of
5 the judicial election district, after consultation with the
6 district judges of the judicial district, shall ~~by majority~~
7 ~~vote~~ appoint persons to serve as clerks of the district court
8 within the judicial election district. ~~The district judges of~~
9 ~~a judicial election district~~ chief judge may appoint a person
10 to serve as clerk of the district court for more than one but
11 not more than four contiguous counties in the same judicial
12 district. A person does not qualify for appointment to the
13 office of clerk of the district court unless the person is at
14 the time of application a resident of the state. A clerk of
15 the district court may be removed from office for cause by a
16 ~~majority vote of the district judges of the~~ chief judge of
17 the judicial election district. ~~Before~~ Prior to removal, the
18 clerk of the district court shall be notified of the cause for
19 removal.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the appointment of the clerks of the
24 district court.

25 Under current law, a clerk of the district court is appointed
26 and may be removed by a majority vote of all district judges in
27 the judicial election district. The state court administrator
28 must approve the appointment.

29 The bill changes the method by which the clerk of the
30 district court is appointed. The amendment permits the chief
31 judge of each judicial district to appoint the clerks of the
32 district court in the judicial district after consultation with
33 the district judges of the judicial district. The amendment
34 also permits the chief judge to remove clerks of the district
35 court for cause.