

CHAPTER 1120

ADMINISTRATION OF COURTS AND JUDICIAL PROCEEDINGS

H.F. 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.

Approved April 28, 2004

CHAPTER 1121

APPEALS FROM CONDEMNATION PROCEEDINGS — DAMAGE AWARDS — INTEREST

H.F. 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.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 6B.23, Code 2003, is amended to read as follows:
6B.23 QUESTION DETERMINED.

On the trial of the appeal, no judgment shall be rendered except for costs and allocation of interest earned pursuant to section 6B.25, but the amount of damages shall be ascertained and entered of record.

Sec. 2. Section 6B.25, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If an award of damages is appealed to district court, the amount deposited with the sheriff, if any, less the amount paid by the sheriff to the claimant, shall be transferred to the clerk of district court where the appeal was filed and the clerk shall deposit the money in an interest-bearing account. The district court in its judgment rendered pursuant to section 6B.23 shall award the interest earned on the account in proportion to the amount of damages ascertained and entered of record.

Approved April 28, 2004