

CHAPTER 186
ADMINISTRATION OF THE COURT SYSTEM
S.F. 495

AN ACT relating to the organization, administration, supervision and funding of the courts, including a recodification of court statutes, and providing penalties.

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

DIVISION I
 THE COURTS
 ARTICLE 1
 JUDICIAL DEPARTMENT
 PART 1

DEFINITIONS AND COMPOSITION

Sec. 1101. NEW SECTION. 602.1101 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Book", "record", or "register" means any mode of permanent recording, including but not limited to, card files, microfilm, microfiche, and electronic records.

2. "Chief judge" means the district judge selected to serve as the chief judge of the judicial district pursuant to section 602.1210.

3. "Chief justice" means the chief justice of the supreme court selected pursuant to section 602.5103.

4. "Chief juvenile court officer" means a person appointed under section 602.1215.

5. "Court employee" or "employee of the judicial department" means an officer or employee of the judicial department except a judicial officer.

6. "Department" means the judicial department as defined in section 602.1102.

7. "District court administrator" means a person appointed pursuant to section 602.1213.

8. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.2206.

9. "Magistrate" means a person appointed under article 7, part 4 to exercise judicial functions.

10. "Senior judge" means a person who qualifies as a senior judge under article 2, part 2.

11. "State court administrator" means the person appointed by the supreme court pursuant to section 602.1208.

Sec. 1102. NEW SECTION. 602.1102 JUDICIAL DEPARTMENT. The judicial department consists of all of the following:

1. The supreme court.
2. The court of appeals.
3. The district court.
4. The clerks of all of the courts of this state.
5. Juvenile court officers.
6. Court reporters.
7. All other court employees.

PART 2
ADMINISTRATION

Sec. 1201. NEW SECTION. 602.1201 SUPERVISION AND ADMINISTRATION. The supreme court has supervisory and administrative control over the department and over all judicial officers and court employees.

Sec. 1202. NEW SECTION. 602.1202 JUDICIAL COUNCIL. A judicial council is established, consisting of the chief judges of the judicial districts, the chief judge of the court of appeals, and the chief justice who shall be the chairperson. The council shall convene not less than twice each year at times and places as ordered by the chief justice. The council shall advise the supreme court with respect to the supervision and administration of the department.

Sec. 1203. NEW SECTION. 602.1203 PERSONNEL CONFERENCES. The chief justice may order conferences of judicial officers or court employees on matters relating to the administration of justice or the affairs of the department.

Sec. 1204. NEW SECTION. 602.1204 PROCEDURES FOR DEPARTMENT.

1. The supreme court shall prescribe procedures for the orderly and efficient supervision and administration of the department. These procedures shall be executed by the chief justice.

2. The state court administrator may issue directives relating to the management of the department. The subject matters of these directives shall include, but need not be limited to, fiscal procedures, the judicial retirement system, and the collection and reporting of statistical and other data. The directives shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission. In addition, when establishing salaries and benefits the state court administrator shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in this section "comparable worth" means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

3. The supreme court shall compile and publish all procedures and directives relating to the supervision and administration of the internal affairs of the department, and shall distribute a copy of the compilation and all amendments to each operating component of the department. Copies also shall be distributed to agencies referred to in section 18.97 upon request.

4. The supreme court shall accept bids for the printing of court forms from both public and private enterprises and shall attempt to contract with both public and private enterprises for a reasonable portion of the court forms.

Sec. 1205. NEW SECTION. 602.1205 PROCEDURES FOR COURTS.

1. The supreme court shall prescribe procedures for the orderly and efficient administration of the judicial business of the courts. These procedures shall be executed by the chief justice.

2. Procedures for the district court shall provide for a court session at least once each week in each county to be fixed in advance and announced in the form of a printed schedule. However, court sessions may be at intervals other than once each week if in the opinion of the chief judge more efficient operations in the district will result. The procedures shall also provide for additional sessions for the trial of cases in each county at a frequency which will promptly dispose of the cases that are ready for trial.

Sec. 1206. NEW SECTION. 602.1206 RULES FOR JUDGES AND ATTORNEYS.

1. The supreme court shall prescribe rules as necessary to supervise the conduct of attorneys and judicial officers. These rules shall be executed by the chief justice.

2. Supreme court rules shall be published as provided in section 14.12, subsection 7.

Sec. 1207. NEW SECTION. 602.1207 REPORT OF THE CONDITION OF THE JUDICIAL DEPARTMENT. The chief justice shall communicate the condition of the department by message to each general assembly, and may recommend matters the chief justice deems appropriate.

Sec. 1208. NEW SECTION. 602.1208 STATE COURT ADMINISTRATOR.

1. The supreme court, by majority vote, shall appoint a state court administrator and may remove the administrator for cause.

2. The state court administrator is the principal administrative officer of the judicial department, subject to the immediate direction and supervision of the chief justice.

3. The state court administrator shall employ staff as necessary to perform the duties of the administrator, subject to the approval of the supreme court and budget limitations. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2 in all court employment decisions.

4. All judicial officers and court employees shall comply with procedures and requests of the state court administrator with respect to information and statistical data bearing on the state of the dockets of the courts, the progress of court business, and other matters reflecting judicial business and the expenditure of moneys for the maintenance and operation of the judicial system.

Sec. 1209. NEW SECTION. 602.1209 GENERAL DUTIES OF THE STATE COURT ADMINISTRATOR. The state court administrator shall:

1. Manage the judicial department.

2. Administer funds appropriated to the department.

3. Authorize the filling of vacant court-employee positions, review the qualifications of each person to be employed within the department, and assure that affirmative action goals are being met by the department. The state court administrator shall not approve the employment of a person when either the proposed terms and conditions of employment or the qualifications of the individual do not satisfy personnel policies of the department. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2 in all court employment decisions.

4. Supervise the employees of the supreme court and court of appeals, and the clerk of the supreme court.

5. Administer the judicial retirement system as provided in article 2.

6. Collect and compile information and statistical data, and submit reports relating to judicial business and other matters relating to the department.

7. Formulate and submit recommendations for improvement of the judicial system, with reference to the structure of the department and its organization and methods of operation, the selection, compensation, number, and tenure of judicial officers and court employees, and other matters as directed by the chief justice or the supreme court.

8. Call conferences of district court administrators as necessary in the administration of the department.

9. Provide a secretary and clerical services for the board of examiners of shorthand reporters under article 4.

10. Act as executive secretary of the commission on judicial qualifications under article 3.

11. Act as custodian of the bonds and oaths of office of judicial officers and court employees.

12. Issue vouchers for the payment of per diem and expenses from funds appropriated for purposes of articles 3 and 4 and chapter 610.

13. Collect and account for fees paid to the board of examiners of shorthand reporters under article 4.

14. Collect and account for fees paid to the board of bar examiners under chapter 610.

15. Perform other duties as assigned by the supreme court, or the chief justice, or by law.

Sec. 1210. NEW SECTION. 602.1210 SELECTION OF CHIEF JUDGES. Not later than December 15 in each odd-numbered year the chief justice shall appoint chief judges of the judicial districts, subject to the approval of the supreme court. The chief judge of a judicial district shall be appointed from those district judges who are serving within the district. A chief judge shall serve for a two-year term and is eligible for reappointment. The supreme court, by majority vote, may remove a person from the position of chief judge. Vacancies in the office of chief judge shall be filled in the same manner. An order appointing a chief judge shall be filed with the clerk of the supreme court, who shall mail a copy to the clerk of the district court in each county in the judicial district.

Sec. 1211. NEW SECTION. 602.1211 DUTIES OF CHIEF JUDGES.

1. In addition to judicial duties, a chief judge of a judicial district shall supervise all judicial officers and court employees serving within the district. The chief judge shall by order fix the times and places of holding court, and shall designate the respective presiding judges, supervise the performance of all administrative and judicial business of the district, allocate the workloads of district associate judges and magistrates, and conduct judicial conferences to consider, study, and plan for improvement of the administration of justice.

2. A chief judge shall not attempt to direct or influence a judicial officer in a judicial ruling or decision.

3. A chief judge may appoint from among the other district judges of the district one or more assistants to serve throughout the judicial district. A chief judge may remove a person from the position of assistant. An assistant shall have administrative duties as specified in court rules or in the order of appointment. An appointment or removal shall be made by judicial order and shall be filed with the clerk of the district court in each county in the judicial district.

Sec. 1212. NEW SECTION. 602.1212 DISTRICT JUDICIAL CONFERENCES.

1. The district judges within a judicial district may convene as an administrative body as necessary to:

- a. Prescribe local court procedures, subject to the approval of the supreme court.
- b. Advise the chief judge respecting supervision and administration of the judicial district.
- c. Exercise other duties, as established by law or by the supreme court.

2. A district judicial conference shall act by majority vote of its members.

Sec. 1213. NEW SECTION. 602.1213 DISTRICT COURT ADMINISTRATOR.

1. The chief judge of a judicial district shall appoint a district court administrator and may remove the administrator for cause.

2. The district court administrator shall assist the chief judge in the supervision and administration of the judicial district.

3. The district court administrator shall assist the state court administrator in the implementation of policies of the department and in the performance of the duties of the state court administrator.

4. The district court administrator shall employ and supervise all employees of the district court except court reporters, clerks of the district court, employees of the clerks of the district court, juvenile probation officers, and employees of juvenile probation officers.

5. The district court administrator shall comply with policies of the department and the judicial district.

6. The supreme court shall establish the qualifications for appointment as a district court administrator.

Sec. 1214. NEW SECTION. 602.1214 CLERK OF THE DISTRICT COURT.

1. The district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court, one for each county within the judicial election district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the county in which the vacancy exists. A clerk of the district court may be removed from office for cause by a majority vote of the district judges of the judicial election district. Before removal, the clerk of the district court shall be notified of the cause for removal.

2. The clerk of the district court has the duties specified in article 9, and other duties as prescribed by law or by the supreme court.

3. The clerk of the district court shall assist the state court administrator and the district court administrator in carrying out the rules, directives, and procedures of the department and the judicial district.

4. The clerk of the district court shall comply with rules, directives, and procedures of the department and the judicial district.

Sec. 1215. NEW SECTION. 602.1214A RETENTION OF CLERKS OF THE DISTRICT COURT. A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition of ten percent of all eligible and registered electors in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

Sec. 1216. NEW SECTION. 602.1215 CHIEF JUVENILE COURT OFFICER.

1. The district judges within a judicial district, by majority vote, shall appoint a chief juvenile court officer and may remove the officer for cause.

2. The chief juvenile court officer is subject to the immediate supervision and direction of the chief judge of the judicial district.

3. The chief juvenile court officer, in addition to performing the duties of a juvenile court officer, shall supervise juvenile court officers and administer juvenile court services within the judicial district in accordance with law and with the rules, directives, and procedures of the department and the judicial district.

4. The chief juvenile court officer shall assist the state court administrator and the district court administrator in implementing rules, directives, and procedures of the department and the judicial district.

5. A chief juvenile court officer shall have other duties as prescribed by the supreme court or by the chief judge of the judicial district.

Sec. 1217. NEW SECTION. 602.1216 REMOVAL FOR CAUSE. Inefficiency, insubordination, incompetence, failure to perform assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the performance of the individual or of the department, conduct unbecoming a public employee, misconduct, or any other just and good cause constitutes cause for removal.

PART 3

BUDGETING AND FUNDING

Sec. 1301. NEW SECTION. 602.1301 FISCAL PROCEDURES.

1. The supreme court shall prepare an annual operating budget for the department, and shall submit a budget request to the general assembly for the fiscal period for which the general assembly is appropriating funds.

2. The chief justice shall include the department budget recommendations as part of the message on the condition of the department that is submitted under section 602.1207.

3. The state court administrator shall prescribe the procedures to be used by the operating components of the department with respect to the following:

- a. The preparation, submission, review, and revision of budget requests.
- b. The allocation and disbursement of funds appropriated to the department.
- c. The purchase of forms, supplies, equipment, and other property.
- d. Other matters relating to fiscal administration.

4. The state court administrator shall prescribe practices and procedures for the accounting and internal auditing of funds of the department, including uniform practices and procedures to be used by judicial officers and court employees with respect to all funds, regardless of source.

Sec. 1302. NEW SECTION. 602.1302 STATE FUNDING.

1. Except as otherwise provided by section 602.1303 or other applicable law, the expenses of operating and maintaining the department shall be paid out of the general fund of the state from funds appropriated by the general assembly for the department. State funding shall be phased in as provided in section 10301.

2. The state shall provide suitable office space for a public defender if established for a county.

3. The supreme court may accept federal funds to be used in the operation of the department, but shall not expend any of these funds except pursuant to appropriation of the funds by the general assembly.

Sec. 1303. NEW SECTION. 602.1303 LOCAL FUNDING.

1. A county or city shall provide the district court for the county with physical facilities, including heat, water, electricity, maintenance, and custodial services, as follows:

a. A county shall provide courtrooms, offices, and other physical facilities which in the judgment of the board of supervisors are suitable for the district court, and for judicial officers of the district court, the clerk of the district court, juvenile court officers, and other court employees.

b. If court is held in a city other than the county seat, the city shall provide courtrooms and other physical facilities which in the judgment of the city council are suitable.

2. A county shall pay the expenses of the members of the county magistrate appointing commission as provided in section 602.7501.

3. A county shall pay the compensation and expenses of the jury commission and assistants under chapter 608.

4. A county shall provide the district court with bailiff and other law enforcement services upon the request of a judicial officer of the district court.

5. A county shall pay the costs incurred in connection with the administration of juvenile justice under section 232.141.

6. A county shall pay the costs and expenses incurred in connection with grand juries.

7. A county or city shall pay the costs of its witnesses, depositions, and transcripts and the court fees and costs provided by law in criminal actions prosecuted by that county or city.

8. A county shall pay the fees and expenses allowed under sections 815.2 and 815.3, and shall pay the fees and expenses allowed under sections 815.5 and 815.6 with respect to witnesses for the prosecution.

Sec. 1304. NEW SECTION. 602.1304 REVENUES. Except as provided in article 9, all fees and other revenues collected by judicial officers and court employees shall be paid into the general fund of the state.

Sec. 1305. NEW SECTION. 602.1305 DISTRIBUTION OF REVENUES OF THE DISTRICT COURT. All fees, costs, forfeited bail, and other court revenues collected by the district court shall be distributed as provided in article 9.

PART 4
PERSONNEL

Sec. 1401. NEW SECTION. 602.1401 PERSONNEL SYSTEM.

1. The supreme court shall establish, and may amend, a personnel system and a pay plan for court employees. The personnel system shall include a designation by position title, classification, and function of each position or class of positions within the department. Reasonable efforts shall be made to accommodate the individual staffing and management practices of the respective clerks of the district court. The personnel system, in the employment of court employees, shall not discriminate on the basis of race, creed, color, sex, national origin, religion, physical disability, or political party preference. The supreme court, in establishing the personnel system, shall implement the comparable worth directives issued by the state court administrator under section 602.1204, subsection 2.

2. The supreme court shall compile and publish all documents that establish the personnel system, and shall distribute a copy of the compilation and all amendments to each operating component of the department.

3. The state court administrator is the public employer of court employees for purposes of chapter 20, relating to public employment relations.

For purposes of chapter 20, certifications of employee organizations, which on July 1, 1983 represent employees who become court employees as a result of this Act, shall remain in effect when the employees become court employees and thereafter, unless a public employee files a petition under section 20.14, subsection 3, and the employee organization is decertified in an election held under section 20.15. However, collective bargaining negotiations shall be conducted by judicial district and the certified employee organizations which engage in bargaining shall negotiate by judicial district. The public employment relations board shall adopt rules pursuant to chapter 17A to implement this subsection.

4. The supreme court may establish reasonable classes of employees and a pay plan for the classes of employees as necessary to accomplish the purposes of the personnel system.

Sec. 1402. NEW SECTION. 602.1402 PERSONNEL CONTROL. The employment of court employees within an operating component of the judicial department is subject to prior authorization by the supreme court, and to approval by the state court administrator under section 602.1209.

PART 5
COMPENSATION OF JUDICIAL OFFICERS AND COURT EMPLOYEES

Sec. 1501. NEW SECTION. 602.1501 JUDICIAL SALARIES.

1. The chief justice and each justice of the supreme court shall receive the salary set by the general assembly.

2. The chief judge and each judge of the court of appeals shall receive the salary set by the general assembly.

3. The chief judge of each judicial district and each district judge shall receive the salary set by the general assembly.

4. District associate judges shall receive the salary set by the general assembly. However, an alternate district associate judge whose appointment is authorized under section 602.7303 shall receive a salary for each day of actual duty equal to a district associate judge's daily salary.

5. Magistrates shall receive the salary set by the general assembly, subject to section 602.7402.

Sec. 1502. NEW SECTION. 602.1502 STATE COURT ADMINISTRATION SALARIES.

1. The supreme court shall set the compensation of the state court administrator, deputy administrator, and research director within the funds appropriated by the general assembly.

2. The state court administrator, with the approval of the supreme court, shall set the salaries of assistants and employees of the office of the state court administrator within the funds appropriated by the general assembly.

Sec. 1503. NEW SECTION. 602.1503 APPELLATE COURT EMPLOYEE SALARIES.

1. The supreme court shall set the salary of the clerk of the supreme court within the funds appropriated by the general assembly.

2. The clerk of the supreme court, subject to the approval of the supreme court, shall set the salaries of deputies and employees in the offices of the clerk of the supreme court and the clerk of the court of appeals.

3. The state court administrator, subject to the approval of the supreme court, shall set the salaries of law clerks, secretaries, and other employees of the supreme court or the court of appeals.

Sec. 1504. NEW SECTION. 602.1504 DISTRICT COURT ADMINISTRATION SALARIES.

1. The chief judge of a judicial district shall set the salary of the district court administrator within the funds appropriated by the general assembly and in accordance with the pay plan established under section 602.1401.

2. The salaries of law clerks, secretaries, and other employees under the supervision of the district court administrator shall be set by the district court administrator, subject to the approval of the chief judge of the judicial district.

Sec. 1505. NEW SECTION. 602.1505 DISTRICT COURT CLERK OFFICES—SALARY LIMITATION.

1. The chief judge of each judicial district shall set the salaries of the clerks of the district court within the judicial district. A clerk of the district court shall not receive a salary in excess of the highest salary paid to the county auditor, the county treasurer, or the county recorder in the county in which the clerk serves.

2. The annual salary of a deputy to a clerk of the district court shall not exceed eighty percent of the annual salary of the clerk of the district court.

3. A clerk of the district court shall set the salaries of the deputy clerks and employees of that office, subject to subsection 2 and to the approval of the chief judge of the judicial district.

Sec. 1506. NEW SECTION. 602.1506 JUVENILE COURT OFFICERS AND STAFF.

1. The chief judge of the judicial district shall set the salaries for the chief juvenile court officer and other juvenile court officers employed in the district.

2. The chief juvenile court officer shall set the salaries of secretarial, clerical, and other staff employed by the juvenile court in the judicial district, subject to the approval of the chief judge of the judicial district.

Sec. 1507. NEW SECTION. 602.1507 COURT REPORTER SALARIES.

1. The supreme court shall set the salary of each full-time court reporter of the district court based on the reporter's experience within the funds appropriated by the general assembly. A salary increase under this subsection is effective on the employment anniversary of the court reporter.

2. Each district judge and district associate judge, upon appointing a full-time court reporter, shall certify the name and address of the reporter and the date upon which the reporter's term of service begins to the state court administrator.

3. Court reporters who are employed on an emergency basis in the district court shall be paid not more than their usual and customary fees, while employed by the court. Payments shall be made at least once each month.

4. Court reporters shall be paid compensation for transcribing their notes as provided in section 602.4202, but shall not work on outside depositions during the hours for which they are compensated as a court employee.

Sec. 1508. NEW SECTION. 602.1508 COMPENSATION OF REFEREES. Referees and other persons referred to in section 602.7602 shall receive a salary or other compensation as set by the supreme court.

Sec. 1509. NEW SECTION. 602.1509 EXPENSES.

1. When a judicial officer, court employee, or other person providing professional services to the courts is required to travel in the discharge of official duties, the person shall be paid actual and necessary expenses incurred in the performance of duties, not to exceed a maximum amount established by the supreme court. The supreme court shall prescribe procedures to establish the maximum amount, terms, and conditions for reimbursement of the expenses.

2. The supreme court may authorize juvenile court officers to receive a monthly allowance for use of an automobile in the discharge of official duties in lieu of receiving an expense reimbursement based on mileage.

Sec. 1510. NEW SECTION. 602.1510 BOND EXPENSE. The cost of a bond that is required of a judicial officer or court employee in the discharge of duties shall be paid by the department.

Sec. 1511. NEW SECTION. 602.1511 BOARD OF EXAMINERS FOR SHORTHAND REPORTERS. Members of the board of examiners for certified shorthand reporters appointed under article 4 shall receive actual and necessary expenses pursuant to section 602.1509 and per diem compensation for each day actually engaged in the discharge of duties.

Sec. 1512. NEW SECTION. 602.1512 COMMISSION ON JUDICIAL QUALIFICATIONS. The members of the commission on judicial qualifications established under section 602.3102, other than the judicial member, shall receive per diem compensation for each day that they are actually engaged in the performance of duties. All of the members shall be reimbursed for actual and necessary expenses pursuant to section 602.1509.

Sec. 1513. NEW SECTION. PER DIEM COMPENSATION. The supreme court shall set the per diem compensation under sections 602.1511 and 602.1512 at forty dollars per day.

PART 6

GENERAL PROVISIONS

Sec. 1601. NEW SECTION. 602.1601 JUDICIAL PROCEEDINGS PUBLIC. All judicial proceedings shall be public, unless otherwise specially provided by statute or agreed to by the parties.

Sec. 1602. NEW SECTION. 602.1602 SUNDAY—PERMISSIBLE ACTS. A court shall not be opened on Sunday and judicial business shall not be transacted on Sunday, except to:

1. Give instructions to a jury then deliberating on its verdict.
2. Receive a verdict or discharge a jury.
3. Exercise the powers of a magistrate in a criminal proceeding.
4. Perform other acts as provided by law.

Sec. 1603. NEW SECTION. 602.1603 JUDGE TO BE ATTORNEY. A person is not eligible for, and shall not hold the office of supreme court justice, court of appeals judge, district judge, or district associate judge unless admitted to the practice of law in this state.

Sec. 1604. NEW SECTION. 602.1604 JUDGES SHALL NOT PRACTICE LAW. While holding office, a supreme court justice, court of appeals judge, district judge, or district associate judge shall not practice as an attorney or counselor or give advice in relation to any action pending or about to be brought in any of the courts of the state. A person whose appointment as an alternate district associate judge is authorized under section 602.7303 may practice law except when actually serving as a district associate judge.

Sec. 1605. NEW SECTION. 602.1605 SPECIAL CONDITIONS FOR MAGISTRATES.

1. A magistrate shall not accept any compensation, fee, or reward from or on behalf of anyone for services rendered in the conduct of official business except the compensation provided by law.

2. If a magistrate who practices law appears as counsel for a client in a matter that is within the jurisdiction of a magistrate, that matter shall be heard only by a district judge or a district associate judge. A disqualification under this section shall be had upon motion of the magistrate or of any party, either orally or in writing, and the clerk of the district court shall reassign the matter to a proper judicial officer.

Sec. 1606. NEW SECTION. 602.1606 JUDICIAL OFFICER DISQUALIFIED. A judicial officer is disqualified from acting in a proceeding, except upon the consent of all of the parties, if any of the following circumstances exists:

1. The judicial officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

2. The judicial officer served as a lawyer in the matter in controversy, or a lawyer with whom the judicial officer previously practiced law served during that association as a lawyer concerning the matter, or the judicial officer or such lawyer has been a material witness concerning the matter.

3. The judicial officer knows that the officer, individually or as a fiduciary, or the officer's spouse or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person has a financial interest in the subject matter in controversy or in a party to the proceeding, or has any other interest that could be substantially affected by the outcome of the proceeding.

4. The judicial officer or the officer's spouse, or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person, is a party to the proceeding, or an officer, director, or trustee of a party, or is acting as a lawyer in the proceeding, or is known by the judicial officer to have an interest that could be substantially affected by the outcome of the proceeding, or is, to the judicial officer's knowledge, likely to be a material witness in the proceeding.

A judicial officer shall disclose to all parties in a proceeding any existing circumstances in subsections 1 through 4 before the parties consent to the judicial officer's presiding in the proceeding.

Sec. 1607. NEW SECTION. 602.1607 COURT EMPLOYEES SHALL NOT PRACTICE LAW. A full-time court employee shall not practice as an attorney or counselor of law.

Sec. 1608. NEW SECTION. 602.1608 SALARIES EXCLUSIVE. Court employees shall not accept any compensation, fee, or reward for services rendered in connection with duties of court employment except the compensation provided by law.

Sec. 1609. NEW SECTION. 602.1609 COMPLIANCE WITH GIFT LAW. Judicial officers and court employees shall comply with rules adopted by the supreme court under section 68B.11 with respect to the reporting of gifts received. Violations are subject to the criminal penalties provided in that section.

Sec. 1610. NEW SECTION. 602.1610 MANDATORY RETIREMENT.

1. Judicial officers shall cease to hold office upon reaching the mandatory retirement age.

a. The mandatory retirement age is seventy-five years for all justices of the supreme court and district judges holding office on July 1, 1965.

b. The mandatory retirement age is seventy-two years for all justices of the supreme court, judges of the court of appeals, and district judges appointed to office after July 1, 1965.

c. The mandatory retirement age is seventy-two years for all district associate judges and judicial magistrates.

2. The mandatory retirement age for employees of the judicial department is as provided in section 97B.46.

Sec. 1611. NEW SECTION. 602.1611 JUDICIAL RETIREMENT PROGRAMS.

1. Justices of the supreme court, judges of the court of appeals and district judges are members of either the judicial retirement system or the Iowa public employees' retirement system, as determined under section 97B.69 and article 2, part 1.

2. District associate judges who were municipal court judges prior to July 1, 1973, and who are members of the judicial retirement system under article 2 shall remain members of the system. Other district associate judges are members of the Iowa public employees' retirement system, except that alternate district associate judges whose appointment is authorized under section 602.7303 are not members of either retirement system.

3. Magistrates may elect to be members of the Iowa public employees' retirement system upon filing in writing with the Iowa department of job service as provided in section 97B.41, subsection 3, paragraph b, subparagraph (6).

Sec. 1612. NEW SECTION. 602.1612 TEMPORARY SERVICE BY RETIRED JUDGES.

1. Justices of the supreme court, judges of the court of appeals, district judges, and district associate judges who are retired by reason of age or who are drawing benefits under section 602.2106, and senior judges who have retired under section 602.2207 or who have relinquished senior judgeship under section 602.2208, subsection 1, may with their consent be assigned by the supreme court or by the chief judge in the case of district associate judges to temporary judicial duties on a court in this state. A retired justice or judge shall not be assigned to temporary judicial duties on any court superior to the highest court to which that justice or judge had been appointed prior to retirement, and shall not be assigned for temporary duties with the supreme court or the court of appeals except in the case of a temporary absence of a member of one of those courts.

2. A retired justice or judge shall not engage in the practice of law unless the justice or judge files an election to practice law with the clerk of the supreme court. Upon electing to practice law, the justice or judge is ineligible for assignment to temporary judicial duties at any time.

3. While serving under temporary assignment, a retired justice or judge shall be paid the compensation and expense reimbursement provided by law for justices or judges on the court to which assigned, but shall not receive annuity payments under the judicial retirement system and a district associate judge covered under chapter 97B shall receive monthly benefits under that chapter only if the district associate judge has attained the age of seventy years.

4. A retired justice or judge may be authorized by the order of assignment to appoint a temporary court reporter, who shall receive the compensation and expense reimbursement provided by law for a regular court reporter in the court to which the justice or judge is assigned.

5. An order of assignment shall be filed in the office of the clerk of the court on which the justice or judge is to serve.

Sec. 1613. NEW SECTION. 602.1613 COURT EMPLOYEE RETIREMENT. Court employees are members of the Iowa public employees' retirement system under chapter 97B, except as otherwise provided in that chapter.

ARTICLE 3

DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

PART 1

SUPREME COURT ACTION

Sec. 3101. NEW SECTION. 602.3101 AUTHORITY. The supreme court may retire, discipline, or remove a judicial officer from office for cause as provided in this part.

Sec. 3102. NEW SECTION. 602.3102 COMMISSION ON JUDICIAL QUALIFICATIONS.

1. A seven-member "Commission on Judicial Qualifications" is established. The commission consists of one district judge and two members who are practicing attorneys in Iowa and who do not belong to the same political party, to be appointed by the chief justice; and four electors of the state who are not attorneys, no more than two of whom belong to the same political party, to be appointed by the governor, subject to confirmation by the senate. The commission members shall serve for six-year terms, are ineligible for a second term, and except for the judicial member shall not hold any other office of and shall not be employed by the United States or the state of Iowa or its political subdivisions. Members appointed by the chief justice shall serve terms beginning January 1 of the year for which the appointments are made and members appointed by the governor shall serve staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled by appointment by the chief justice or governor as provided in this subsection, for the unexpired portion of the term.

2. If the judicial member is the subject of a charge before the commission, the chief justice shall appoint a district judge of another judicial district to act as the judicial member of the commission until the person charged is exonerated, or for the unexpired portion of the term if the person charged is not exonerated. If the judicial member is a resident judge of the same judicial district as the judicial officer who is the subject of a charge before the commission, the chief justice shall appoint a district judge of another judicial district to act as the judicial member during that proceeding.

3. The commission shall elect its own chairperson, and the state court administrator or a designee of the state court administrator is the executive secretary of the commission.

Sec. 3103. NEW SECTION. 602.3103 OPERATION OF COMMISSION. A quorum of the commission is four members. Only those commission members that are present at commission meetings or hearings may vote. An application by the commission to the supreme court to retire, discipline, or remove a judicial officer, or an action by the commission which affects the final disposition of a complaint, requires the affirmative vote of at least four commission members. Notwithstanding chapter 28A and chapter 68A, all records, papers, proceedings, meetings, and hearings of the commission are confidential, but if the commission applies to the supreme court to retire, discipline, or remove a judicial officer, the application and all of the records and papers in that proceeding are public documents.

Sec. 3104. NEW SECTION. 602.3104 PROCEDURE BEFORE COMMISSION.

1. Charges before the commission shall be in writing but may be simple and informal. The commission shall investigate each charge as indicated by its gravity. If the charge is groundless, it shall be dismissed by the commission. If the charge appears to be substantiated but does not warrant application to the supreme court, the commission may dispose of it informally by conference with or communication to the judicial officer involved. If the charge appears to be substantiated and if proved would warrant application to the supreme court, notice shall be given to the judicial officer and a hearing shall be held before the commission. The commission may employ investigative personnel, in addition to the executive secretary, as it deems necessary.

2. In case of a hearing before the commission, written notice of the charge and of the time and place of hearing shall be mailed to the judicial officer at the officer's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer resides unless the commission and the judicial officer agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge, unless otherwise ordered by the commission. The commission has subpoena power on behalf of the state and the judicial officer, and disobedience of the commission's subpoena is

punishable as contempt in the district court for the county in which the hearing is held. The attorney general shall prosecute the charge before the commission on behalf of the state. The judicial officer may defend and has the right to participate in person and by counsel, to cross-examine, to be confronted by the witnesses, and to present evidence in accordance with the rules of civil procedure. A complete record shall be made of the evidence by a court reporter. In accordance with its findings on the evidence, the commission shall dismiss the charge or make application to the supreme court to retire, discipline, or remove the judicial officer.

Sec. 3105. NEW SECTION. 602.3105 RULES. The commission shall prescribe rules for its operation and procedure.

Sec. 3106. NEW SECTION. 602.3106 PROCEDURE BEFORE SUPREME COURT.

1. If the commission submits an application to the supreme court to retire, discipline, or remove a judicial officer, the commission shall promptly file in the supreme court a transcript of the hearing before the commission. The statutes and rules relative to proceedings in appeals of equity suits apply.

2. The attorney general shall prosecute the proceedings in the supreme court on behalf of the state, and the judicial officer may defend in person and by counsel.

3. Upon application by the commission, the supreme court may do either of the following:

a. Retire the judicial officer for permanent physical or mental disability which substantially interferes with the performance of judicial duties.

b. Discipline or remove the judicial officer for persistent failure to perform duties, habitual intemperance, willful misconduct in office, conduct which brings judicial office into disrepute, or substantial violation of the canons of judicial ethics. Discipline may include suspension without pay for a definite period of time not to exceed twelve months.

4. If the supreme court finds that the application should be granted in whole or in part, it shall render the decree that it deems appropriate.

Sec. 3107. NEW SECTION. 602.3107 CIVIL IMMUNITY. The making of charges before the commission, the giving of evidence or information before the commission or to an investigator employed by the commission, and the presentation of transcripts, extensions of evidence, briefs, and arguments in the supreme court are privileged in actions for defamation.

PART 2

OTHER PROCEEDINGS

Sec. 3201. NEW SECTION. 602.3201 IMPEACHMENT. Judicial officers may be removed from office by impeachment pursuant to chapter 68.

ARTICLE 4

CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS

PART 1

CERTIFICATION

Sec. 4101. NEW SECTION. 602.4101 BOARD OF EXAMINERS.

1. A five-member board of examiners of shorthand reporters is established, consisting of three certified shorthand reporters and two persons who are not certified shorthand reporters and who shall represent the general public. Members shall be appointed by the supreme court. A certified member shall be actively engaged in the practice of certified shorthand reporting and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of certified shorthand reporters may recommend the names of potential board members to the supreme court, but the supreme court is not bound by the recommendations. A board member shall not be required to be a member of a professional association or society composed of certified shorthand reporters.

2. The state court administrator or a designee of the state court administrator shall act as secretary to the board.

Sec. 4102. NEW SECTION. 602.4102 TERMS OF OFFICE. Appointments shall be for three-year terms and each term shall commence on July 1 of the year in which the appointment is made. Vacancies shall be filled for the unexpired term by appointment by the supreme court. Members shall serve a maximum of three terms or nine years, whichever is less.

Sec. 4103. NEW SECTION. 602.4103 PUBLIC MEMBERS. The public members of the board may participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 4104. NEW SECTION. 602.4104 MEETINGS. The board of examiners shall fix stated times for the examination of the candidates and shall hold at least one meeting each year at the seat of government. A majority of the members of the board constitutes a quorum.

Sec. 4105. NEW SECTION. 602.4105 APPLICATIONS. Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of certified shorthand reporting. Character references may be required, but shall not be obtained from certified shorthand reporters.

Sec. 4106. NEW SECTION. 602.4106 FEES.

1. The supreme court shall set the fees for examination and for certification. The fee for examination shall be based on the annual cost of administering the examinations. The fee for certification shall be based upon the administrative costs of sustaining the board, which shall include but shall not be limited to the cost for per diem, expenses, and travel for board members, and office facilities, supplies, and equipment.

2. The state court administrator shall collect and account for all fees payable to the board.

Sec. 4107. NEW SECTION. 602.4107 EXAMINATIONS. The board may administer as many examinations per year as necessary, but shall administer at least one examination per year. The scope of the examinations and the methods of procedure shall be prescribed by the board. A written examination may be conducted by representatives of the board. Examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination also shall be concealed as far as possible. Applicants who fail the examination once may take the examination at the next scheduled time. Thereafter, the applicant may be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, and the board shall provide the information. However, if the board administers a uniform, standardized examination, the board is only required to provide the examination grade and other information concerning the applicant's examination results that is available to the board.

PART 2 REGULATION

Sec. 4201. NEW SECTION. 602.4201 UNLAWFUL USE OF TITLE. A person who is certified by the board is a certified shorthand reporter. A person who is not certified by the board shall not assume the title of certified shorthand reporter, or use the abbreviation C.S.R., or any words, letters, or figures to indicate that the person is a certified shorthand reporter.

Sec. 4202. NEW SECTION. 602.4202 TRANSCRIPT FEE. Certified shorthand reporters are entitled to receive compensation for transcribing their official notes as set by rule of the supreme court, to be paid for in all cases by the party ordering the transcription.

Sec. 4203. NEW SECTION. 602.4203 REVOCATION OR SUSPENSION. A certification may be revoked or suspended if the person is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of shorthand reporting, or engaging in unethical conduct or in a practice that is harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the practice of shorthand reporting or conviction of a felony that would affect the ability to practice shorthand reporting. A copy of the record of conviction or plea of guilty is conclusive evidence.
6. Fraud in representations relating to skill or ability.
7. Use of untruthful or improbable statements in advertisements.

PART 3

PENAL PROVISIONS

Sec. 4301. NEW SECTION. 602.4301 MISUSE OF CONFIDENTIAL INFORMATION—PENALTY.

1. A member of the board shall not disclose information relating to the following:
 - a. Criminal history or prior misconduct of the applicant.
 - b. The contents of the examination.
 - c. Examination results other than final scores except for information about the results of an examination which is given to the person who took the examination.
2. A member of the board who willfully communicates or seeks to communicate information referred to in subsection 1, or a person who willfully requests, obtains, or seeks to obtain information referred to in subsection 1, is guilty of a simple misdemeanor.

Sec. 4302. NEW SECTION. 602.4302 VIOLATIONS PUNISHED. A person who violates any provision of this article is guilty of a simple misdemeanor.

ARTICLE 5

SUPREME COURT

PART 1

GENERAL PROVISIONS

Sec. 5101. NEW SECTION. 602.5101 JUSTICES—QUORUM.

1. The supreme court consists of nine justices. A majority of the justices sitting constitutes a quorum, but less than three justices is not a quorum.
2. Justices of the supreme court shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. Justices of the supreme court shall qualify for office as provided in chapter 63.

Sec. 5102. NEW SECTION. 602.5102 JURISDICTION.

1. The supreme court has appellate jurisdiction only in cases in chancery, and constitutes a court for the correction of errors at law. The jurisdiction of the supreme court is coextensive with the state.
2. A civil or criminal action or special proceeding filed with the supreme court for appeal or review, may be transferred by the supreme court to the court of appeals by issuing an order of transfer. The jurisdiction of the supreme court in the matter ceases upon the filing of that order by the clerk of the supreme court. A matter which has been transferred to the court of appeals pursuant to order of the supreme court is not thereafter subject to the jurisdiction of the supreme court, except as provided in subsection 4.

3. The supreme court shall prescribe rules for the transfer of matters to the court of appeals. These rules may provide for the selective transfer of individual cases and may provide for the transfer of cases according to subject matter or other general criteria. Rules relating to the transfer of cases are subject to section 602.5202. A rule shall not provide for the transfer of a matter other than by an order of transfer under subsection 2.

4. A party to an appeal decided by the court of appeals may, as a matter of right, file an application with the supreme court for further review. An application for further review shall not be granted by the supreme court unless the application was filed within twenty days following the filing of the decision of the court of appeals. The court of appeals shall extend the time for filing of an application if the court of appeals determines that a failure to timely file an application was due to the failure of the clerk of the court of appeals to notify the prospective applicant of the filing of the decision. If an application for further review is not acted upon by the supreme court within thirty days after the application was filed, the application is deemed denied, the supreme court loses jurisdiction, and the decision of the court of appeals is conclusive.

5. The supreme court shall prescribe rules of appellate procedure which shall govern further review by the supreme court of decisions of the court of appeals. These rules shall contain, but need not be limited to, a specification of the grounds upon which further review may, in the discretion of the supreme court, be granted. These rules are subject to section 602.5202.

Sec. 5103. NEW SECTION. 602.5103 CHIEF JUSTICE. The justices of the supreme court shall select one justice as chief justice, to serve during that justice's term of office. The chief justice is eligible for reselection. The chief justice shall appoint one of the other justices to act during the absence or inability of the chief justice to act, and when so acting the appointee has all the rights, duties, and powers of the chief justice.

Sec. 5104. NEW SECTION. 602.5104 DIVISIONS—FULL COURT.

1. The supreme court may be divided into divisions of three or more justices in the manner it prescribes by rule. The divisions may hold open court separately and cases may be submitted to each division separately, in accordance with these rules.

2. The supreme court shall prescribe rules for the submission of a case or petition for rehearing whenever differences arise between members of divisions or whenever the chief justice orders or directs the submission of the question or petition for rehearing by the whole court.

3. The supreme court shall prescribe rules to provide for the submission of cases to the entire bench or to the separate divisions. These rules are subject to section 602.5202.

Sec. 5105. NEW SECTION. 603.5105* TIME AND PLACE COURT MEETS. The supreme court shall hold court at the seat of state government and elsewhere as the court orders, and at the times the court orders.

Sec. 5106. NEW SECTION. 602.5106 OPINIONS—REPORTS.

1. The decisions of the court on all questions passed upon by it, including motions and points of practice, shall be specifically stated, and shall be accompanied with an opinion upon those which are deemed of sufficient importance, together with any dissents, which dissents may be stated with or without an opinion. All decisions and opinions shall be in writing and filed with the clerk, except that rulings upon motions may be entered upon the announcement book.

2. The records and reports for each case shall show whether a decision was made by a full bench, and whether any, and if so which, of the judges dissented from the decision.

3. The supreme court may publish reports of its official opinions, or it may direct that publication of the opinions by a private publisher shall be considered the official reports.

*602.5105 probably intended.

4. If the decision, in the judgment of the court, is not of sufficient general importance to be published, it shall be so designated, in which case it shall not be included in the reports, and no case shall be reported except by order of the full bench.

Sec. 5107. NEW SECTION. 602.5107 DIVIDED COURT. When the supreme court is equally divided in opinion, the judgment of the court below shall stand affirmed, but the decision of the supreme court is of no further force or authority. Opinions may be filed in these cases.

Sec. 5108. NEW SECTION. 602.5108 ATTENDANCE OF SHERIFF OF POLK COUNTY. The court may require the attendance and services of the sheriff of Polk county at any time.

PART 2

RULES OF PROCEDURE

Sec. 5201. NEW SECTION. 602.5201 RULES GOVERNING ACTIONS AND PROCEEDINGS.

1. The supreme court may prescribe all rules of pleading, practice, evidence, and procedure, and the forms of process, writs, and notices, for all proceedings in all courts of this state, for the purposes of simplifying the proceedings and promoting the speedy determination of litigation upon its merits. Rules are subject to section 602.5202.

2. Rules of appellate procedure relating to appeals to and review by the supreme court, discretionary review by the courts of small claims actions, review by the supreme court by writ of certiorari to inferior courts, appeal to or review by the court of appeals of a matter transferred to that court by the supreme court, and further review by the supreme court of decisions of the court of appeals, shall be known as "Rules of Appellate Procedure", and shall be published as provided in section 14.12, subsection 7.

Sec. 5202. NEW SECTION. 602.5202 RULE-MAKING PROCEDURE.

1. The procedures in this section apply to rules prescribed by the supreme court under section 602.5201, and to any other rule-making authority which is specifically conditioned upon or made subject to this section.

2. Rules and forms prescribed by the supreme court shall be reported by the court to the chairperson and ranking member of the senate judiciary committee, the chairperson and ranking member of the house judiciary and law enforcement committee, and the legislative council within twenty days of the issuance of the rules or forms.

3. After sixty days, rules and forms reported, as provided in subsection 2, shall take effect as of that date or as of the date provided in the court's report, if later, and shall be enrolled in substantially the same manner as Acts are enrolled and shall be filed with the secretary of state and bound with the Acts of the general assembly, provided that no request for delay has been made pursuant to subsection 4.

4. Upon the vote of a majority of its members, the legislative council may, within sixty days of receiving a report pursuant to subsection 2, delay the effective date of a rule or form until July 1 following the date of their submission, with such changes, if any, that may have been enacted by the general assembly, and thereafter all laws in conflict are of no force or effect.

PART 3

ADMINISTRATION

Sec. 5301. NEW SECTION. 602.5301 CLERK OF SUPREME COURT.

1. The supreme court shall appoint a clerk of the supreme court and may remove the clerk for cause.

2. The clerk of the supreme court shall have an office at the seat of government, shall keep a complete record of the proceedings of the court, and shall not allow an opinion filed in the office to be removed. Opinions shall be open to examination and, upon request, may be copied and certified. The clerk promptly shall announce by mail to one of the attorneys on each side any ruling made or decision rendered, shall record every opinion rendered as soon as filed,

shall mail a copy of each opinion rendered to each attorney of record and to each party not represented by counsel, and shall perform all other duties pertaining to the office of clerk.

3. The clerk of the supreme court shall collect and account to the state court administrator for all fees received by the supreme court.

4. The clerk of the supreme court shall give bond as provided in chapter 64.

Sec. 5302. NEW SECTION. 602.5302 DEPUTY CLERK—STAFF.

1. The clerk of the supreme court may appoint a deputy clerk of the supreme court. In the absence or disability of the clerk, the deputy shall perform the duties of the clerk.

2. The clerk of the supreme court may employ necessary staff, as authorized by the supreme court.

Sec. 5303. NEW SECTION. 602.5303 SUPREME COURT FEES.

1. The supreme court shall by rule prescribe fees for the services of the court and clerk of the supreme court.

2. Rules prescribed under this section are subject to section 602.5202.

3. If any of the fees are not paid in advance, execution may issue for them, except for fees payable by the county or the state.

Sec. 5304. NEW SECTION. 602.5304 SUPREME COURT STAFF.

1. The supreme court may appoint not more than nine attorneys or graduates of a reputable law school to act as legal assistants to the justices of the supreme court.

2. The supreme court may employ other professional and clerical staff as necessary to accomplish the judicial duties of the court.

Sec. 5305. NEW SECTION. 602.5305 LIMITATION ON EXPENSES. A justice of the supreme court may choose whether to reside at the seat of government or elsewhere. The court administrator* may approve necessary travel and actual expenses, incurred by a justice of the supreme court for attendance at oral arguments and judicial conferences, not to exceed the maximum amount established by the supreme court pursuant to section 602.1509.

ARTICLE 6

COURT OF APPEALS

PART 1

GENERAL PROVISIONS

Sec. 6101. NEW SECTION. 602.6101 COURT OF APPEALS. The Iowa court of appeals is established as an intermediate court of appeals. The court of appeals is a court of record.

Sec. 6102. NEW SECTION. 602.6102 JUDGES—QUORUM.

1. The court of appeals consists of five judges; three judges of the court of appeals constitute a quorum.

2. Judges of the court of appeals shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. Judges of the court of appeals shall qualify for office as provided in chapter 63.

3. A person appointed as a judge of the court of appeals must satisfy all requirements for a justice of the supreme court.

Sec. 6103. NEW SECTION. 602.6103 JURISDICTION.

1. The jurisdiction of the court of appeals is coextensive with the state. The court of appeals has appellate jurisdiction only in cases in chancery, and constitutes a court for the correction of errors at law.

2. The court of appeals has subject matter jurisdiction to review the following matters:

a. Civil actions and special civil proceedings, whether at law or in equity.

b. Criminal actions.

c. Postconviction remedy proceedings.

d. A judgment of a district judge in a small claims action.

*According to enrolled Act

3. The jurisdiction of the court of appeals with respect to actions and parties is limited to those matters for which an appeal or review proceeding properly has been brought before the supreme court, and for which the supreme court pursuant to section 602.5102 has entered an order transferring the matter to the court of appeals.

4. The court of appeals and judges of the court may issue writs and other process necessary for the exercise and enforcement of the court's jurisdiction, but a writ, order, or other process issued in a matter that is not before the court pursuant to an order of transfer issued by the supreme court is void.

Sec. 6104. NEW SECTION. 602.6104 SESSIONS—LOCATION. The court of appeals shall meet at the seat of state government at the times specified by order of the supreme court. Court sessions shall be held in the courtroom of the supreme court at the statehouse.

Sec. 6105. NEW SECTION. 602.6105 CHIEF JUDGE.

1. At the first meeting in each odd-numbered year the judges of the court of appeals by majority vote shall designate one judge as chief judge, to serve for a two-year term. A vacancy in the office of chief judge shall be filled for the remainder of the unexpired term by majority vote of the judges of the court of appeals, after any vacancy on the court has been filled.

2. The chief judge shall supervise the business of the court and shall preside when present at a session of the court.

3. If the chief judge desires to be relieved of the duties of chief judge while retaining the status of judge of the court of appeals, the chief judge shall notify the chief justice and the other judges of the court of appeals. The office of chief judge shall be deemed vacant, and shall be filled as provided in this section.

4. In the absence of the chief judge, the duties of the chief judge shall be exercised by the judge next in precedence. Judges of the court of appeals other than the chief judge have precedence according to the length of time served on that court. Of several judges having equal periods of time served, the eldest has precedence.

Sec. 6106. NEW SECTION. 602.6106 DECISIONS OF THE COURT—FINALITY.

1. The court of appeals may affirm, modify, vacate, set aside, or reverse any judgment, order, or decree of the district court or other tribunal which is under the jurisdiction of the court, and may remand the cause and direct the entry of an appropriate judgment, order, or decree, or require further proceedings to be had as is just. If the judges are equally divided on the ultimate decision, the judgment, order, or decree shall be affirmed.

2. A decision of the court of appeals is final and shall not be reviewed by any other court except upon the granting by the supreme court of an application for further review as provided in section 602.5102. Upon the filing of the application, the judgment and mandate of the court of appeals is stayed pending action of the supreme court or until the expiration of the time specified in section 602.5102, subsection 4.

Sec. 6107. NEW SECTION. 602.6107 RULES. The court of appeals, subject to the approval of the supreme court, may prescribe rules for the conduct of business of the court of appeals. Rules prescribed shall not abridge, enlarge, or modify a substantive right.

Sec. 6108. NEW SECTION. 602.6108 WHEN DECISIONS EFFECTIVE. A decision of the court of appeals shall be in writing, and shall be effective, except as provided in section 602.6106, subsection 2, when the decision of the court is filed with the clerk of the supreme court.

Sec. 6109. NEW SECTION. 602.6109 PROCESS—STYLE—SEAL.

1. Process of the court of appeals shall be styled: "In the Court of Appeals of Iowa".

2. The supreme court may adopt a seal for the court of appeals. Upon adoption, the clerk of the supreme court shall file a facsimile and description of the design in the office of the secretary of state. Judicial notice shall be taken of the official seal of the court of appeals.

Sec. 6110. NEW SECTION. 602.6110 RECORDS. The records of the court of appeals shall be kept by the clerk of the supreme court, and at the same place as, but segregated from the records of the supreme court. Records of the court of appeals shall be maintained in the same manner as records of the supreme court under article 5.

Sec. 6111. NEW SECTION. 602.6111 PUBLICATION OF OPINIONS. The state court administrator shall cause the publication of opinions of the judges of the court of appeals in accordance with rules prescribed by the supreme court. Section 602.5106 applies to decisions of the court of appeals. The state court administrator shall cause the publication of abstracts of all decisions for which written opinions are not published.

Sec. 6112. NEW SECTION. 602.6112 FEES—COSTS. Costs to be collected and awarded in the court of appeals shall be as prescribed from time to time by the supreme court. Fees and costs may be awarded to a party to the appeal in the discretion of the court of appeals. A fee shall not be charged for the docketing of a matter in the court of appeals upon transfer from the supreme court.

PART 2 ADMINISTRATION

Sec. 6201. NEW SECTION. 602.6201 CLERK OF COURT.

1. The clerk of the supreme court or a deputy of that clerk shall act as clerk of the court of appeals. The clerk of the court of appeals shall keep a complete record of the proceedings of that court, shall collect the fees and costs prescribed by the supreme court, and shall account for all receipts and disbursements of the court of appeals.

2. The clerk of the supreme court, subject to the approval of the supreme court, may employ additional staff for the performance of duties relating to the court of appeals.

Sec. 6202. NEW SECTION. 602.6202 SECRETARY TO JUDGE. Each judge of the court of appeals may employ one personal secretary.

Sec. 6203. NEW SECTION. 602.6203 LAW CLERKS. The court of appeals may employ not more than five attorneys or graduates of a reputable law school to act as legal assistants to the court.

Sec. 6204. NEW SECTION. 602.6204 PHYSICAL FACILITIES. The state court administrator shall obtain suitable facilities for the court of appeals at the seat of state government. To the extent practicable, the court administrator shall utilize existing supreme court facilities.

Sec. 6205. NEW SECTION. 602.6205 LIMITATION ON EXPENSES.

1. Each judge of the court of appeals shall be provided personal office space and equipment, and facilities for a secretary and law clerk at the seat of state government only. Each judge may choose whether to reside at the seat of government or elsewhere. The court administrator may approve necessary travel and actual expenses, incurred by a judge of the court of appeals for attendance at oral arguments and judicial conferences, not to exceed the maximum amount established by the supreme court pursuant to section 602.1509.

2. State funds shall not be used for securing or maintaining facilities for court of appeals judges or employees at any place other than the seat of state government.

ARTICLE 7 DISTRICT COURT

PART 1 GENERAL PROVISIONS

Sec. 7101. NEW SECTION. 602.7101 UNIFIED TRIAL COURT. A unified trial court is established. This court is the "Iowa District Court". The district court has exclusive, general, and original jurisdiction of all actions, proceedings, and remedies, civil, criminal, probate, and juvenile, except in cases where exclusive or concurrent jurisdiction is conferred upon some other court, tribunal, or administrative body. The district court has all the power usually possessed and exercised by trial courts of general jurisdiction, and is a court of record.

Sec. 7102. NEW SECTION. 602.7102 APPEALS AND WRITS OF ERROR. The district court has jurisdiction in appeals and writs of error taken in civil and criminal actions and special proceedings authorized to be taken from tribunals, boards, or officers under the laws of this state, and has general supervision thereof, in all matters, to prevent and correct abuses where no other remedy is provided.

Sec. 7103. NEW SECTION. 602.7103 COURT IN CONTINUOUS SESSION. The district court of each judicial district shall be in continuous session in all of the several counties comprising the district.

Sec. 7104. NEW SECTION. 602.7104 JUDICIAL OFFICERS.

1. The jurisdiction of the Iowa district court shall be exercised by district judges, district associate judges, and magistrates.

2. Judicial officers of the district court shall not sit together in the trial of causes nor upon the hearings of motions for new trials. They may hold court in the same county at the same time.

Sec. 7105. NEW SECTION. 602.7105 PLACES OF HOLDING COURT—MAGISTRATE SCHEDULES.

1. Courts shall be held at the places in each county designated by the chief judge of the judicial district, except that the determination of actions, special proceedings, and other matters not requiring a jury may be done at some other place in the district with the consent of the parties.

2. In any county having two county seats, court shall be held at each, and, in the county of Pottawattamie, court shall be held at Avoca, as well as at the county seat.

3. The chief judge of a judicial district shall designate times and places for magistrates to hold court to ensure accessibility of magistrates at all times throughout the district. The schedule of times and places of availability of magistrates and any schedule changes shall be disseminated by the chief judge to the peace officers within the district.

Sec. 7106. NEW SECTION. 602.7106 SESSIONS NOT AT COUNTY SEATS—EFFECT—DUTY OF CLERK. When court is held at a place that is not the county seat, all of the provisions of the Code relating to district courts are applicable, except as follows: All proceedings in the court have, within the territory over which the court has jurisdiction, the same force and effect as though ordered in the court at the county seat, but transcripts of judgments and decrees, levies of writs of attachment upon real estate, mechanics' liens, lis pendens, sales of real estate, redemption, satisfaction of judgments and mechanics' liens, and dismissals or decrees in lis pendens, together with all other matters affecting titles to real estate, shall be certified by the deputy clerk to the clerk of district court at the county seat who shall immediately enter them upon the records at the county seat.

Sec. 7107. NEW SECTION. 602.7107 JUDICIAL DISTRICTS. For all judicial purposes except as provided in section 602.7109, the state is divided into eight judicial districts as follows:

1. The first district consists of the counties of Dubuque, Delaware, Clayton, Allamakee, Winneshiek, Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

2. The second district consists of the counties of Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, Franklin, Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story, and Boone.

3. The third district consists of the counties of Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee, Buena Vista, Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

4. The fourth district consists of the counties of Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page.

5. The fifth district consists of the counties of Guthrie, Dallas, Polk, Jasper, Madison, Warren, Marion, Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

6. The sixth district consists of the counties of Tama, Benton, Linn, Jones, Iowa, and Johnson.

7. The seventh district consists of the counties of Jackson, Clinton, Cedar, Scott, and Muscatine.

8. The eighth district consists of the counties of Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose, Davis, Van Buren, Louisa, Henry, Des Moines, and Lee.

Sec. 7108. NEW SECTION. 602.7108 REASSIGNMENT OF PERSONNEL. The chief justice of the supreme court shall assign judicial officers and court employees from one judicial district to another, on a continuing basis if need be, in order to handle the judicial business in all districts promptly and efficiently at all times.

Sec. 7109. NEW SECTION. 602.7109 JUDICIAL ELECTION DISTRICTS.

1. Judicial election districts are established for purposes of nomination, appointment, and retention of district judges and for other purposes specifically provided by law.

2. The judicial election districts are as follows:

a. Election district 1A consists of the counties of Dubuque, Delaware, Clayton, Allamakee, and Winneshiek.

b. Election district 1B consists of the counties of Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

c. Election district 2A consists of the counties of Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, and Franklin.

d. Election district 2B consists of the counties of Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story, and Boone.

e. Election district 3A consists of the counties of Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee, and Buena Vista.

f. Election district 3B consists of the counties of Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

g. Election district 4 consists of the fourth judicial district, as established by section 602.7107.

h. Election district 5A consists of the counties of Guthrie, Dallas, Jasper, Madison, Warren, and Marion.

i. Election district 5B consists of the counties of Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

j. Election district 5C consists of Polk county.

k. Election district 6 consists of the sixth judicial district, as established by section 602.7107.

l. Election district 7 consists of the seventh judicial district, as established by section 602.7107.

m. Election district 8A consists of the counties of Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose, Davis, and Van Buren.

n. Election district 8B consists of the counties of Louisa, Henry, Des Moines, and Lee.

PART 2

DISTRICT JUDGES

Sec. 7201. NEW SECTION. 602.7201 OFFICE OF DISTRICT JUDGE—APPORTIONMENT.

1. District judges shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. District judges shall qualify for office as provided in chapter 63.

2. A district judge must be a resident of the judicial election district in which appointed and retained. Subject to the provision for reassignment of judges under section 602.7108, a

district judge shall serve in the district of the judge's residence while in office, regardless of the number of judgeships to which the district is entitled under subsection 3.

3. The number of judgeships to which each of the judicial election districts is entitled is determined according to the following formula:

a. In an election district where the largest county contains two hundred thousand or more population, there is one judgeship per seven hundred twenty-five combined civil and criminal filings or major fraction thereof. However, the seat of government is entitled to one additional judgeship.

b. In an election district where the largest county contains eighty-five thousand or more population, but less than two hundred thousand, there is one judgeship per six hundred twenty-five combined civil and criminal filings or major fraction thereof.

c. In an election district where the largest county contains forty-five thousand or more population, but less than eighty-five thousand, there is one judgeship per five hundred twenty-five combined civil and criminal filings or major fraction thereof.

d. In an election district where the largest county contains less than forty-five thousand population, there is one judgeship per four hundred seventy-five combined civil and criminal filings or major fraction thereof.

e. Notwithstanding paragraph a, b, c, or d, each election district is entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district.

f. The filings included in the determinations to be made under this subsection shall include juvenile court filings after July 1, 1985, shall not include small claims or nonindictable misdemeanors, and shall not include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

4. For purposes of this section, a vacancy means the death, resignation, retirement, or removal of a district judge, or the failure of a district judge to be retained in office at the judicial election, or an increase in judgeships under this section.

5. In those judicial election districts having more district judges than the number of judgeships specified by the formula in subsection 3, vacancies shall not be filled.

6. In those judicial election districts having fewer or the same number of district judges as the number of judgeships specified by the formula in subsection 3, vacancies in the number of district judges shall be filled as they occur.

7. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district judges in all judicial election districts within the judicial district equals or exceeds the aggregate number of judgeships to which all of the judicial election districts of the judicial district are authorized.

8. Vacancies shall not be filled in a judicial election district which becomes entitled to fewer judgeships under subsection 3, but an incumbent district judge shall not be removed from office because of a reduction in the number of authorized judgeships.

9. During February of each year, and at other times as appropriate, the state court administrator shall make the determinations required under this section, and shall notify the appropriate nominating commissions and the governor of appointments that are required.

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed ninety-nine during the period commencing July 1, 1983 and ending as the general assembly shall specify.

Sec. 7202. NEW SECTION. 602.7202 JURISDICTION. District judges have the full jurisdiction of the district court, including the respective jurisdictions of district associate judges and magistrates. While exercising the jurisdiction of magistrates, district judges shall employ magistrates' practice and procedure.

Sec. 7203. NEW SECTION. 602.7203 PREPARATION AND SIGNING OF RECORD—ALTERATIONS.

1. The clerk of district court shall from time to time make a record of all proceedings of the district court, which, when correct, shall be signed by the judge.

2. Delay in the preparation and signing of the record of court proceedings shall not prevent the issuance of an execution and other proceedings may be had in the same manner as though the record had been signed.

3. A record shall not be amended or impaired by the clerk of the district court, or by any other officer of the court, or by any other person, except pursuant to the order of the district court or some other court of competent authority.

4. Entries made and signed, unless amended or expunged as provided in subsection 3, may be altered only to correct an evident mistake.

PART 3

DISTRICT ASSOCIATE JUDGES

Sec. 7301. NEW SECTION. 602.7301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES. There shall be one district associate judge in counties having a population, according to the most recent federal decennial census, of more than thirty-five thousand and less than eighty thousand; two in counties having a population of more than eighty thousand and less than one hundred twenty-five thousand; three in counties having a population of more than one hundred twenty-five thousand and less than two hundred thousand; and four in counties having a population of two hundred thousand or above. A district associate judge appointed pursuant to section 602.7302 or 602.7303 shall not be counted for purposes of this section.

Sec. 7302. NEW SECTION. 602.7302 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE IN LIEU OF MAGISTRATES.

1. In a county having an apportionment of three or more magistrates, the chief judge of the judicial district, subject to the limitations of this section, may designate by order that a district associate judge be appointed pursuant to this section in lieu of magistrates appointed under section 602.7403. The order of substitution may be made only upon the affirmative vote of a majority of the district judges in that judicial election district and only upon a finding by a majority of those district judges that the substitution would provide more speedy and efficient performance of judicial business within that judicial election district. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission no later than the thirty-first day of March of the year in which the substitution is to take effect. A copy of the order also shall be sent to the state court administrator.

2. For a county in which a substitution order is in effect, the number of magistrates actually appointed pursuant to section 602.7403 shall be reduced by three for each district associate judge substituted under this section. Upon a subsequent reduction in the apportionment of magistrates to the county, the magistrate appointing commission shall further reduce the number of magistrates appointed.

3. a. Except as provided in subsections 1 and 2, a substitution shall not increase or decrease the number of magistrates authorized by this article.

b. A substitution pursuant to this section shall not be made if the effect would be to remove a magistrate from office prior to the expiration of the magistrate's term.

c. A substitution shall not be made where the apportionment of magistrates to a county is insufficient to permit the full reduction in appointments of magistrates as required by subsection 2.

4. If an apportionment by the state court administrator pursuant to section 602.7401 reduces the number of magistrates in the county to less than three, or if a majority of the district judges in the judicial election district determines that a substitution is no longer desirable, then the substituted office shall be terminated. However, a reversion pursuant to this subsection, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily. Upon the termination of office of that district associate judge, appointments shall be made pursuant to section 602.7403 as necessary to reestablish terms of office as provided in section 602.7403, subsection 4.

Sec. 7303. NEW SECTION. 602.7303 ALTERNATE DISTRICT ASSOCIATE JUDGE.

1. In a county having only one district associate judge, the county magistrate appointing commission, by majority vote, may authorize that an alternate district associate judge be appointed.

2. A person whose appointment is authorized under this section shall be designated as an alternate and is subject to this section.

3. An alternate district associate judge shall serve initial and regular terms and shall stand for retention in office in the same manner as regular district associate judges. However, a vacancy in the office of alternate district associate judge shall not be filled unless the conditions of subsection 1 are satisfied after the vacancy occurs.

4. The chief judge of the judicial district may order that the alternate temporarily sit in place of the regular district associate judge while the latter is unable to act. The words "unable to act" mean a temporary absence from court duties, including a reasonable vacation period.

5. The appointment of an alternate district associate judge does not affect the rights, duties, or remuneration of the regularly appointed district associate judge, and the appointment of an alternate does not affect the number or apportionment of district associate judges authorized by this part.

Sec. 7304. NEW SECTION. 602.7304 APPOINTMENT OF DISTRICT ASSOCIATE JUDGES.

1. The district associate judges authorized by sections 602.7301, 602.7302, and 602.7303 shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission.

2. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification

of an actual or impending vacancy in the office of district associate judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a district associate judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of district associate judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in this section.

Sec. 7305. NEW SECTION. 602.7305 TERM, RETENTION, QUALIFICATIONS.

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their residences at the judicial election in 1982 and every four years thereafter, under sections 46.17 to 46.24.

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of application a resident of the county in which the vacancy exists, and unless the person is licensed to practice law in Iowa, and unless the person will be able, measured by the person's age at the time of appointment, to complete the initial term of office plus a four-year term of office prior to reaching age seventy-two.

3. A district associate judge must be a resident of the county in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.7108.

4. District associate judges shall qualify for office as provided in chapter 63 for district judges.

Sec. 7306. NEW SECTION. 602.7306 JURISDICTION, PROCEDURE, APPEALS.

1. District associate judges have the jurisdiction provided in section 602.7405 for magistrates, and when exercising that jurisdiction shall employ magistrates' practice and procedure.

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed three thousand dollars, jurisdiction of indictable misdemeanors, and the jurisdiction provided in section 602.8101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

3. When a district judge is unable to serve as a result of temporary incapacity, a district associate judge may, by order of the chief judge of the judicial district enrolled in the records of the clerk of the district court, temporarily exercise any judicial authority within the jurisdiction of a district judge during the time of incapacity with respect to the matters or classes of matters specified in that order.

4. Appeals from judgments or orders of district associate judges while exercising the jurisdiction of magistrates shall be governed by the laws relating to appeals from judgments and orders of magistrates. Appeals from judgments or orders of district associate judges while exercising any other jurisdiction shall be governed by the laws relating to appeals from judgments or orders of district judges.

**PART 4
MAGISTRATES**

Sec. 7401. NEW SECTION. 602.7401 NUMBER AND APPORTIONMENT.

1. One hundred ninety-one magistrates shall be apportioned among the counties as provided in this section. Magistrates appointed pursuant to section 602.7402 shall not be counted for purposes of this section.

2. During February of each odd-numbered year, the state court administrator shall apportion magistrate offices among the counties in accordance with the following criteria:

a. The number and type of proceedings contained in the administrative reports required by section 602.7606.

b. The existence of either permanent, temporary, or seasonal populations not included in the current census figures.

c. The geographical area to be served.

d. Any inordinate number of cases over which magistrates have jurisdiction that were pending at the end of the preceding year.

e. The number and types of juvenile proceedings handled by district associate judges.

3. Notwithstanding subsection 2, each county shall be allotted at least one resident magistrate.

4. During March of each odd-numbered year, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled.

Sec. 7402. NEW SECTION. 602.7402 ADDITIONAL MAGISTRATE ALLOWED. In those counties which are allotted one magistrate under section 602.7401 or which are restricted to one magistrate by section 602.7302, the county magistrate appointing commission may, by majority vote, decide to appoint one additional magistrate. If a county appoints an additional magistrate under this section, each of the two magistrates shall receive one-half of the regular salary of a magistrate.

Sec. 7403. NEW SECTION. 602.7403 APPOINTMENT AND QUALIFICATION OF MAGISTRATES.

1. In April of each year in which magistrates' terms expire, the county magistrate appointing commission shall appoint, except as otherwise provided in section 602.7302, the number of magistrates apportioned to the county by the state court administrator under section 602.7401, and may appoint an additional magistrate when allowed by section 602.7402. The commission shall not appoint more magistrates than are authorized for the county by this article.

2. The magistrate appointing commission for each county shall prescribe the contents of an application for an appointment pursuant to this section. The commission shall publicize notice of any vacancy to be filled in at least two publications in the official county newspaper. The commission shall accept applications for a minimum of fifteen days prior to making an appointment, and shall make available during that period of time any printed application forms the commission prescribes.

3. Within thirty days following receipt of notification of a vacancy in the office of magistrate, the commission shall appoint a person to the office to serve the remainder of the unexpired term. For purposes of this section, vacancy means a death, resignation, retirement,

or removal of a magistrate, or an increase in the number of positions authorized.

4. The term of office of a magistrate is two years, commencing July 1 of each odd-numbered year.

5. The commission shall promptly certify the names and addresses of appointees to the clerk of the district court and to the chief judge of the judicial district. The clerk of the district court shall certify to the state court administrator the names and addresses of these appointees.

6. Before assuming office, a magistrate shall subscribe and file in the office of the state court administrator the oath of office specified in section 63.6.

7. Annually, the state court administrator shall cause a school of instruction to be conducted for magistrates, and each magistrate shall attend prior to the time of taking office unless excused by the chief justice for good cause. A magistrate appointed to fill a vacancy shall attend the first school of instruction that is held following the appointment, unless excused by the chief justice for good cause.

Sec. 7404. NEW SECTION. 602.7404 QUALIFICATIONS.

1. A magistrate shall be an elector of the county of appointment during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county of the magistrate's residence only if it is necessary for the orderly administration of justice. A magistrate is subject to reassignment under section 602.7108.

2. A person is not qualified for appointment as a magistrate unless the person can complete the entire term of office prior to reaching age seventy-two.

3. A person is not required to be admitted to the practice of law in this state as a condition of being appointed to the office of magistrate, but the magistrate appointing commission shall first consider applicants who are admitted to practice law in this state when selecting persons for the office of magistrate.

Sec. 7405. NEW SECTION. 602.7405 JURISDICTION - PROCEDURE.

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, and small claims. They also have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. They also have jurisdiction of first offense violations of section 321.281 but only to the extent that they may approve trial informations, conduct arraignments, accept guilty pleas if the defendant is represented by legal counsel, sentence those pleading guilty and make appropriate orders authorized by section 321.283.

2. The criminal procedure before magistrates is as provided in chapters 804, 806, 808, 811, 820 and 821 and rules of criminal procedure 1, 2, 5, 7, 8, and 32 to 56. The civil procedure before magistrates shall be as provided in chapters 631 and 648.

PART 5

MAGISTRATE APPOINTING COMMISSIONS

Sec. 7501. NEW SECTION. 602.7501 COMPOSITION OF COUNTY MAGISTRATE APPOINTING COMMISSIONS.

1. A magistrate appointing commission is established in each county. The commission shall be composed of the following members:

a. A district judge designated by the chief judge of the judicial district to serve until a successor is designated.

b. Three members appointed by the board of supervisors, or the lesser number provided in section 602.7503, subsection 1.

c. Two attorneys elected by the attorneys in the county, or the lesser number provided in section 602.7504, subsection 1.

2. The clerk of the district court shall maintain a permanent record of the name, address, and term of office of each commissioner.

3. A member of a magistrate appointing commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements are payable out of the court expense fund of the county in which the member serves, upon certification of the expenses to the county auditor by the clerk of the district court. The district judges of each judicial district may prescribe rules for the administration of this subsection.

Sec. 7502. NEW SECTION. 602.7502 MEMBER OF COMMISSION NOT TO BE APPOINTED TO OFFICE. A member of a county magistrate appointing commission shall not be appointed to the office of magistrate, and shall not be nominated for or appointed to the office of district associate judge.

Sec. 7503. NEW SECTION. 602.7503 COMMISSIONERS APPOINTED BY A COUNTY.

1. The board of supervisors of each county shall appoint three electors to the magistrate appointing commission for the county for six-year terms beginning January 1, 1979 and each sixth year thereafter. However, if there is only one attorney elected pursuant to section 602.7504, the county board of supervisors shall only appoint two commissioners, and if no attorney is elected, the board of supervisors shall only appoint one commissioner.

2. The board of supervisors shall not appoint an attorney or an active law enforcement officer to serve as a commissioner.

3. The county auditor shall certify to the clerk of the district court the name, address, and expiration date of term for all appointees of the board of supervisors.

Sec. 7504. NEW SECTION. 602.7504 COMMISSIONERS ELECTED BY ATTORNEYS.

1. The resident attorneys of each county shall elect two resident attorneys of the county to the magistrate appointing commission for six-year terms beginning on January 1, 1979, and each sixth year thereafter. An election shall be held in December preceding the commencement of new terms. The attorneys in a county may elect only one commissioner if there is only one who is qualified and willing to serve and if there are no resident attorneys in a county or none is willing to serve as a commissioner, none shall be elected.

2. A county attorney shall not be elected to the commission.

3. An attorney is eligible to vote in elections of magistrate appointing commissioners within a county if eligible to vote under sections 46.7 and 46.8, and if a resident of the county.

4. When an election of magistrate appointing commissioners is to be held, the clerk of the district court for each county shall cause to be mailed to each eligible attorney a ballot that is in substantially the following form:

BALLOT

County Magistrate Appointing Commission

To be cast by the resident members of the bar of county.

Vote for (state number) for county judicial magistrate appointing commissioner(s) for term commencing

To be counted, this ballot must be completed and mailed or delivered to clerk of the district court,, no later than December 31, 19.... (or the appropriate date in case of an election to fill a vacancy).

Sec. 7505. NEW SECTION. 602.7505 VACANCY. A vacancy in the office of magistrate appointing commissioner shall be filled for the unexpired term in the same manner as the original appointment was made.

PART 6

DISTRICT COURT ADMINISTRATION

Sec. 7601. NEW SECTION. 602.7601 COURT ATTENDANTS.

1. The district court administrator of each judicial district shall employ and supervise court attendants as authorized by the chief judge.

2. A court attendant shall assist judicial officers during proceedings in court and shall perform other duties as prescribed by the supreme court or by the chief judge of the judicial district.

Sec. 7602. NEW SECTION. 602.7602 REFEREES AND SPECIAL MASTERS. A person who is appointed as a referee or special master, or who otherwise is appointed by a court pursuant to law or court rule to exercise a judicial function, is subject to the supervision of the judicial officer making the appointment.

Sec. 7603. NEW SECTION. 602.7603 COURT REPORTERS.

1. Each district judge shall appoint a court reporter who shall, upon the request of a party in a civil or criminal case, report the evidence and proceedings in the case, and perform all duties as provided by law.

2. Each district associate judge may appoint a court reporter, subject to the approval of the chief judge of the judicial district.

3. If a district judge determines that it is necessary to employ an additional court reporter because of an extraordinary volume of work, or because of the temporary illness or incapacity of a regular court reporter, the district judge may appoint a temporary court reporter who shall serve as required by the district judge.

4. If a regularly appointed court reporter becomes disabled, the judge may appoint a competent substitute to act during the disability of the regular reporter or until a successor is appointed, but a substitute shall not act for a period longer than one year unless the substitute is or becomes a certified shorthand reporter within that one year, and a substitute shall not be reappointed at the end of the one-year period unless the substitute is or becomes a certified shorthand reporter within that one year.

5. Except as provided in subsection 4, a person shall not be appointed to the position of court reporter of the district court unless the person has been certified as a shorthand reporter by the board of examiners under article 4.

6. Each court reporter shall take an oath faithfully to perform the duties of office, which shall be filed in the office of the clerk of district court.

7. A court reporter may be removed for cause with due process by the judicial officer making the appointment.

Sec. 7604. NEW SECTION. 602.7604 DOCKETS.

1. The clerk of the district court shall furnish a magistrate, district associate judge, or district judge acting as a magistrate, with a docket in which the officer shall enter all proceedings except small claims. The docket shall be indexed and shall contain for each case the title and nature of the action, the place of hearing, appearances, and notations of the documents filed with the judicial officer, the proceedings in the case and orders made, the verdict and judgment including costs, any satisfaction of the judgment, whether the judgment was certified to the clerk of the district court, whether an appeal was taken, and the amount of any appeal bond.

2. The chief judge of a judicial district may order that criminal proceedings which are

within the jurisdictions of magistrates and district associate judges be combined into centralized dockets for the county if the chief judge determines that administration could be improved by this procedure. When so ordered, a centralized docket shall be maintained in lieu of individual dockets, and the clerk of the district court shall compile a centralized docket in the manner prescribed for an individual docket. The chief judge may assign actions and proceedings on centralized dockets to judicial officers having jurisdiction as the chief judge deems necessary.

Sec. 7605. NEW SECTION. 602.7605 FUNDS, REPORTS. Each magistrate, and each district associate judge and district judge acting as a magistrate, shall file once each month with the clerk of the district court an itemized statement of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit all funds received to the clerk. The clerk shall provide adequate clerical assistance to judicial officers to carry out this section.

Sec. 7606. NEW SECTION. 602.7606 ADMINISTRATIVE REPORTS. Each magistrate, and each district associate judge and district judge acting as a magistrate, shall report all judicial business handled to the clerk of the district court and to the chief judge of the judicial district. Reports shall be in the form and filed at the times prescribed by the state court administrator. The administrator may require the clerk to forward copies of individual reports or require a consolidated report for the county.

Sec. 7607. NEW SECTION. 602.7607 CONTROL OF RECORDS— VACANCIES. Whenever a magistrate, or a district associate judge or district judge acting as a magistrate, leaves office, all funds, dockets, and records relating to the vacated office shall be delivered by the judicial officer to the clerk who issued the docket.

PART 7

SPECIAL PROVISIONS

Sec. 7701. NEW SECTION. 602.7701 CIRCUIT COURT RECORDS.

1. The district court shall succeed to and have jurisdiction over the records of the circuit court, and may enforce all judgments, decrees, and orders of the circuit court in the same manner and to the same extent as it exercises jurisdiction over its own records, and, for the purposes of the issuance of process and any other acts necessary to the enforcement of the orders, judgments, and decrees of the circuit court, the records of the circuit court shall be deemed records of the district court.

2. Transcripts and process from the judgments, decrees, and records of the circuit court shall be issued by the clerk of the district court, and under the seal of the clerk's office.

Sec. 7702. NEW SECTION. 602.7702 COUNTIES BORDERING ON MISSOURI RIVER. The jurisdiction of the courts of the state in all civil and criminal actions and proceedings, shall extend in counties bordering on the Missouri river to the boundary of the state as provided in the compact with the state of Nebraska, and to all lands and territory lying along the river which have been adjudged by the United States supreme court or the supreme court of this state to be within the state of Iowa, and to the other lands and territory along the river over which the courts of this state have exercised jurisdiction.

ARTICLE 8

JUVENILE COURT

PART 1

THE COURT

Sec. 8101. NEW SECTION. 602.8101 JUVENILE COURT.

1. A juvenile court is established in each county. The juvenile court is within the district court and has the jurisdiction provided in chapter 232.

2. The jurisdiction of the juvenile court may be exercised by any district judge, and by any district associate judge who is designated by the chief judge as a judge of the juvenile court.

3. The chief judge shall designate one or more of the district judges and district associate judges to act as judges of the juvenile court for a county. The chief judge may designate a juvenile court judge to preside in more than one county.

4. The designation of a judicial officer as a juvenile court judge does not deprive the officer of other judicial functions. Any district judge may act as a juvenile court judge during the absence or inability to act, or upon the request, of the designated juvenile court judge.

5. The juvenile court is always open for the transaction of business, but the hearing of a matter that requires notice shall be had at a time and place fixed by the juvenile court judge.

Sec. 8102. NEW SECTION. 602.8102 COURT RECORDS.

1. The juvenile court is a court of record, and its proceedings, orders, findings, and decisions shall be entered in books that are kept for that purpose and that are identified as juvenile court records.

2. The clerk of the district court is the clerk of the juvenile court for the county.

3. The clerk shall, if practicable, notify a convenient juvenile court officer in advance when a child is to be brought before the court.

Sec. 8103. NEW SECTION. 602.8103 REFEREE—PROCEDURE.

1. The judge of the juvenile court may appoint and may remove for cause with due process a juvenile court referee. The referee shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.

2. The referee shall have the same jurisdiction to conduct juvenile court proceedings and to issue orders, findings, and decisions as the judge of the juvenile court, except that the referee shall not issue warrants. However, the appointing judge may limit the referee's exercise of juvenile court jurisdiction.

3. The parties to a proceeding heard by the referee are entitled to a review by the judge of the juvenile court of the referee's order, finding, or decision, if the review is requested within ten days after the entry of the referee's order, finding, or decision. A request for review does not automatically stay the referee's order, finding, or decision. The review is on the record only, unless the judge, upon request or upon the judge's own motion, orders otherwise. In the interests of justice, the judge may allow a rehearing at any time.

Sec. 8104. NEW SECTION. 602.8104 PHYSICIANS AND NURSES.

1. In a county having a population of one hundred twenty-five thousand or more, the judges of the juvenile court may appoint a physician and a nurse, prescribe their duties, and remove them.

2. Appointees shall receive salaries and shall be reimbursed for expenses incurred in the performance of duties, as prescribed by the supreme court.

PART 2

PROBATION AND COURT SERVICES

Sec. 8201. NEW SECTION. 602.8201 ADMINISTRATION AND SUPERVISION.

1. Probation and other juvenile court services within a judicial district shall be administered and supervised by the chief juvenile court officer.

2. The juvenile court officers and other personnel employed in juvenile court service offices are subject to the supervision of the chief juvenile court officer.

3. The chief juvenile court officer may employ, shall supervise, and may remove for cause with due process secretarial, clerical, and other staff within juvenile court service offices as authorized by the chief judge.

Sec. 8202. NEW SECTION. 602.8202 JUVENILE COURT OFFICERS.

1. Subject to the approval of the chief judge of the judicial district, the chief juvenile court

officer shall appoint juvenile court officers to serve the juvenile court. Juvenile court officers may be required to serve in two or more counties within the judicial district.

2. Juvenile court officers shall be selected, appointed, and removed in accordance with rules, standards, and qualifications prescribed by the supreme court.

3. Juvenile court officers have the duties prescribed in chapter 232, subject to the direction of the judges of the juvenile court. A judge of the juvenile court shall not attempt to direct or influence a juvenile court officer in the performance of the officer's duties.

4. A juvenile court officer has the powers of a peace officer while engaged in the discharge of duties.

ARTICLE 9

CLERK OF DISTRICT COURT

Sec. 9101. NEW SECTION. 602.9101 OFFICE OF THE CLERK OF THE DISTRICT COURT.

1. The office of clerk of the district court is an appointive office, as provided in section 602.1214.

2. A person appointed to the office of clerk shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in chapter 64.

3. The clerk may employ deputies, assistants, and clerks 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 shall give bond as provided in chapter 64.

Sec. 9102. NEW SECTION. 602.9102 GENERAL DUTIES. The clerk shall:

1. Keep the office of the clerk at the county seat.

2. Attend sessions of the district court.

3. Keep the records, papers, and seal, and record the proceedings of the district court as provided by law under the direction of the chief judge of the judicial district.

4. Upon the death of a judge of the district court, give written notice to the state comptroller of the date of death. The clerk shall also give written notice of the death of a justice of the supreme court or a judge of the court of appeals or the district court who resides in the clerk's county to the state commissioner of elections, as provided in section 46.12.

5. When money in the amount of five hundred dollars or more is paid to the clerk to be paid to another person and the money is not disbursed within thirty days, notify the person who is entitled to the money or for whose account the money is paid or the attorney of record of the person. The notice shall be given by certified mail within forty days of the receipt of the money to the last known address of the person or the person's attorney and a memorandum of the notice shall be made in the proper record. If the notice is not given, the clerk and the clerk's sureties are liable for interest at the rate specified in section 535.2, subsection 1 on the money from the date of receipt to the date that the money is paid to the person entitled to it or the person's attorney.

6. On each process issued, indicate the date that it is issued, the clerk's name who issued it, and the seal of the court.

7. Upon return of an original notice to the clerk's office, enter in the appearance or combination docket information to show which parties have been served the notice and the manner and time of service.

8. When entering a lien or indexing an action affecting real estate in the clerk's office, enter the year, month, day, hour, and minute when the entry is made. The clerk shall mail a copy of a mechanic's lien to the owner of the building, land, or improvement which is charged with the lien as provided in section 572.8.

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any description is not considered filed in the cause or taken from the clerk's office until the memorandum is made. The memorandum shall be made before the end of the next working day. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action, including the date of action and the number of the book and page of the record where the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

10. When title to real estate is finally established in a person by a judgment or decree of the district court or by decision of an appellate court or when the title to real estate is changed by judgment, decree, will, proceeding, or order in probate, certify the final decree, judgment, or decision under seal of the court to the auditor of the county in which the real estate is located.

11. Keep for public inspection a certified copy of each act of the general assembly and furnish a copy of the act upon payment of a fee as provided in section 3.15.

12. At the order of a justice of the supreme court, docket without fee any civil or criminal case transferred from a military district under martial law as provided in section 29A.45.

13. Carry out duties as a member of a nominations appeal commission as provided in section 44.7.

14. Maintain a bar admission list as provided in section 46.8.

15. Notify the county commissioner of registration of persons who become ineligible to register to vote because of criminal convictions, mental retardation, or legal declarations of incompetency and of persons whose citizenship rights have been restored as provided in section 48.30.

16. When the auditor is a party to an election contest, carry out duties on behalf of the auditor and issue subpoenas as provided in sections 62.7 and 62.11.

17. Approve the bonds of the members of the board of supervisors as provided in section 64.19.

18. File the bonds and oaths of the members of the board of supervisors as provided in section 64.23.

19. Keep a book of the record of official bonds and record the official bonds of magistrates as provided in section 64.24.

20. Carry out duties relating to proceedings for the removal of a public officer as provided in sections 66.4 and 66.17.

21. Approve the surety bonds of persons accepting appointment as notaries public in the county as provided in section 77.4, subsection 2.

22. Carry out duties as a trustee for incompetent dependents entitled to benefits under chapters 85 and 85A and report annually to the district court concerning money and property received or expended as a trustee as provided under sections 85.49 and 85.50.

23. Carry out duties relating to enforcing orders of the occupational safety and health review commission as provided in section 88.9, subsection 2.

24. Certify the imposition of a mulct tax against property creating a public nuisance to the auditor as provided in section 99.28.

25. Carry out duties relating to the judicial review of orders of the occupational safety and health review commission as provided in section 104.10, subsection 2.

26. With sufficient surety, approve an appeal bond for judicial review of an order or action of the state conservation commission relating to dams and spillways as provided in section 112.8.

27. Docket an appeal from the fence viewer's decision or order as provided in section 113.23.

28. Certify to the recorder the fact that a judgment has been rendered upon an appeal of a fence viewer's order as provided in section 113.24.

29. Hold as a public record a list of the names and addresses of persons licensed as real estate salespersons and brokers and the name of persons whose licenses were suspended or revoked during the year reported as provided in section 117.42.

30. Approve bond sureties and enter in the lien index the undertakings of bonds for abatement relating to the illegal manufacture, sale, or consumption of alcoholic liquors as provided in sections 123.76, 123.79, and 123.80.

31. Carry out duties relating to a judgment of forfeiture ordering the sale or other disposition of a conveyance used in the illegal transportation of liquor or distribution of a controlled substance as provided in chapter 127.

32. Carry out duties as county registrar of vital statistics as provided in chapter 144.

33. Furnish to the state department of health a certified copy of a judgment suspending or revoking a professional license as provided in section 147.66.

34. Receive and file a bond given by the owner of a distrained animal to secure its release pending resolution of a suit for damages as provided in sections 188.22 and 188.23.

35. Send notice of the conviction, judgment, and sentence of a person violating the uniform controlled substances laws to the state board or officer who issued a license or registered the person to practice a profession or to conduct business as provided in section 204.412.

36. Carry out duties relating to the commitment of a mentally retarded person as provided in sections 222.37 through 222.40.

37. Keep a separate docket of proceedings of cases relating to the mentally retarded as provided in section 222.57.

38. Order the commitment of a voluntary public patient to the state psychiatric hospital under the circumstances provided in section 225.16.

39. Refer persons applying for voluntary admission to a community mental health center for a preliminary diagnostic evaluation as provided in section 225C.16, subsection 2.

40. Make a copy of the warrant and return of service submitted by the sheriff relating to the return of a mental patient from a state hospital to stand trial and mail the warrant and return to the superintendent of the hospital as provided in section 226.28.

41. Carry out duties relating to the involuntary commitment of mentally impaired persons as provided in chapter 229.

42. Serve as clerk of the juvenile court and carry out duties as provided in chapter 232 and article 8.

43. Submit to the director of the division of child and family services of the department of social services a duplicate of the findings of the district court related to adoptions as provided in section 235.3, subsection 7.

44. Certify to the warden of the penitentiary or men's reformatory or to the superintendent of the Iowa correctional institution for women the number of days that have been credited toward completion of an inmate's sentence as provided in section 246.38.

45. Report to the board of parole and the director of the division of corrections of the department of social services the criminal statistics as provided in sections 247.29 through 247.31.

46. Carry out duties relating to the pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248.9 and 248.17.

47. Forward support payments received under section 252A.6 to the department of social services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

48. Carry out duties relating to the provision of medical care and treatment for indigent persons as provided in chapter 255.

49. Enter a judgment based on the transcript of an appeal to the state board of public instruction against the party liable for payment of costs as provided in section 290.4.

50. Certify the final order of the district court upon appeal of an assessment within a secondary road assessment district to the auditor as provided in section 311.24.

51. Forward to the department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in sections 321.281 and 321.491.

52. Send to the department of transportation licenses and permits surrendered by a person convicted of being a habitual offender of traffic and motor vehicle laws as provided in section 321.559.

53. If a person fails to satisfy a judgment relating to motor vehicle financial responsibility within sixty days, forward to the director of the department of transportation a certified copy of the judgment as provided in section 321A.12.

54. Approve a bond of a surety company or a bond with at least two individual sureties owning real estate in this state as proof of financial responsibility as provided in section 321A.24.

55. Carry out duties under the Iowa motor vehicle dealers licensing Act as provided in sections 322.10 and 322.24.

56. Carry out duties relating to the enforcement of motor fuel tax laws as provided in sections 324.66 and 324.67.

57. Carry out duties relating to the platting of land as provided in sections 409.9, 409.11, and 409.22.

58. Upon order of the director of revenue, issue a commission for the taking of depositions as provided in section 421.17, subsection 8.

59. Mail to the director of revenue a copy of a court order relieving an executor or administrator from making an income tax report on an estate as provided in section 422.23.

60. With acceptable sureties, approve the bond of a petitioner for a tax appeal as provided in section 422.29, subsection 2.

61. Certify the final decision of the district court in an appeal of the tax assessments as provided in section 441.39. Costs of the appeal to be assessed against the board of review or a taxing body shall be certified to the treasurer as provided in section 441.40.

62. Certify a final order of the district court relating to the apportionment of tax receipts to the auditor as provided in section 449.7.

63. Carry out duties relating to the inheritance tax as provided in chapter 450.

64. Deposit funds held by the clerk in an approved depository as provided in 453.1.

65. Carry out duties relating to appeals and certification of costs relating to levee and drainage districts as provided in sections 455.96 through 455.105.

66. Carry out duties relating to the condemnation of land as provided in chapter 472.

67. Forward civil penalties collected for violations relating to the siting of electric power generators to the treasurer of state as provided in section 476A.14, subsection 1.

68. Certify a copy of a decree of dissolution of a business corporation to the secretary of state and the recorder of the county in which the corporation is located as provided in section 496A.100.

69. With acceptable sureties, approve the bond of a petitioner filing an appeal for review of an order of the commissioner of insurance as provided in section 502.606 or 507A.7.
70. Certify a copy of a decree of dissolution of a nonprofit corporation to the secretary of state and the recorder in the county in which the corporation is located as provided in section 504A.62.
71. Carry out duties relating to the enforcement of decrees and orders of reciprocal states under the Iowa unauthorized insurers Act as provided in section 507A.11.
72. Certify copies of a decree of involuntary dissolution of a state bank to the secretary of state and the recorder of the county in which the bank is located as provided in section 524.1311, subsection 4.
73. Certify copies of a decree dissolving a credit union as provided in section 533.21, subsection 4.
74. Refuse to accept the filing of papers to institute legal action under the Iowa consumer credit code if proper venue is not adhered to as provided in section 537.5113.
75. Receive payment of money due to a person who is absent from the state if the address or location of the person is unknown as provided in section 538.5.
76. Carry out duties relating to the appointment of the Iowa state commerce commission as receiver for agricultural commodities on behalf of a warehouse operator whose license is suspended or revoked as provided in section 543.3.
77. Certify the signature of the recorder on the transcript of any instrument affecting real estate as provided in section 558.12.
78. Certify an acknowledgment of a written instrument relating to real estate as provided in section 558.20.
79. Collect on behalf of, and pay to the auditor the fee for the transfer of real estate as provided in section 558.66.
80. With acceptable sureties, endorse a bond sufficient to settle a dispute between adjoining owners of a common wall as provided in section 563.11.
81. Carry out duties relating to cemeteries as provided in sections 566.4, 566.7, and 566.8.
82. Carry out duties relating to liens as provided in chapters 570, 571, 572, 574, 580, 581, 582, and 584.
83. Accept applications for and issue marriage licenses as provided in chapter 595.
84. Carry out duties relating to the dissolution of a marriage as provided in chapter 598.
85. Carry out duties relating to the custody of children as provided in chapter 598A.
86. Carry out duties relating to adoptions as provided in chapter 600.
87. Enter upon the clerk's records actions taken by the court at a location which is not the county seat as provided in section 602.7106.
88. Maintain a record of the name, address, and term of office of each member of the county magistrate appointing commission as provided in section 602.7501.
89. Certify to the state court administrator the names and addresses of the magistrates appointed by the county magistrate appointing commission as provided in section 602.7403.
90. Furnish an individual or centralized docket for the magistrates of the county as provided in section 602.7604.
91. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in sections 608.1 and 608.5.
92. Carry out duties relating to the selection of jurors as provided in chapter 609.
93. Carry out duties relating to the revocation or suspension of an attorney's authority to practice law as provided in chapter 610.
94. File and index petitions affecting real estate as provided in sections 617.10 through 617.15.

95. Designate the newspapers in which the notices pertaining to the clerk's office shall be published as provided in section 618.7.

96. With acceptable surety, approve a bond of the plaintiff in an action for the payment of costs which may be adjudged against the plaintiff as provided in section 621.1.

97. Issue subpoenas for witnesses as provided in section 622.63.

98. Carry out duties relating to trials and judgments as provided in sections 624.8 through 624.21 and 624.37.

99. Collect jury fees and court reporter fees as required by chapter 625.

100. When the judgment is for recovery of money, compute the interest from the date of verdict to the date of payment of the judgment as provided in section 625.21.

101. Carry out duties relating to executions as provided in chapter 626.

102. Carry out duties relating to the redemption of property as provided in sections 628.13, 628.18, and 628.20.

103. Record statements of expenditures made by the holder of a sheriff's sale certificate in the encumbrance book and lien index as provided in section 629.3.

104. Carry out duties relating to small claim actions as provided in chapter 631.

105. Carry out duties of the clerk of the probate court as provided in chapter 633.

106. Carry out duties relating to the administration of small estates as provided in sections 635.1, 635.7, 635.9, and 635.11.

107. Carry out duties relating to the attachment of property as provided in chapter 639.

108. Carry out duties relating to garnishment as provided in chapter 642.

109. With acceptable surety, approve bonds of the plaintiff desiring immediate delivery of the property in an action of replevin as provided in sections 643.7 and 643.12.

110. Carry out duties relating to the disposition of lost property as provided in chapter 644.

111. Carry out duties relating to the recovery of real property as provided in section 646.23.

112. Endorse the court's approval of a restored record as provided in section 647.3.

113. When a judgment of foreclosure is entered, file with the recorder an instrument acknowledging the foreclosure and the date of decree and upon payment of the judgment, file an instrument with the recorder acknowledging the satisfaction as provided in sections 655.4 and 655.5.

114. Carry out duties relating to the issuance of a writ of habeas corpus as provided in sections 663.9, 663.43, and 663.44.

115. Accept and docket an application for postconviction review of a conviction as provided in section 663A.3.

116. Report all fines, forfeited recognizances, penalties, and forfeitures as provided in section 602.9106, subsection 3 and section 666.6.

117. Issue a warrant for the seizure of a boat or raft as provided in section 667.2.

118. Carry out duties relating to the changing of a person's name as provided in chapter 674.

119. Notify the state registrar of vital statistics of a judgment determining the paternity of an illegitimate child as provided in section 675.36.

120. Enter a judgment made by confession and issue an execution of the judgment as provided in section 676.4.

121. With acceptable surety, approve the bond of a receiver as provided in section 680.3.

122. Carry out duties relating to the assignment of property for the benefit of creditors as provided in chapter 681.

123. Carry out duties relating to the certification of surety companies and the investment of trust funds as provided in chapter 682.

124. Maintain a separate docket for petitions requesting that the record and evidence in a judicial review proceeding be closed as provided in section 692.5.

125. Furnish a disposition of each criminal complaint or information filed in the district court to the department of public safety as provided in section 692.15.

126. Carry out duties relating to the issuance of warrants to persons who fail to appear to answer citations as provided in section 805.5.

127. Provide for a traffic and scheduled violations office for the district court and service the locked collection boxes at weigh stations as provided in section 805.7.

128. Issue a summons to corporations to answer an indictment as provided in section 807.5.

129. Carry out duties relating to the disposition of seized property as provided in sections 809.2 and 809.3.

130. Docket undertakings of bail as liens on real estate and enter them upon the lien index as provided in section 811.4.

131. Hold the amount of forfeiture and judgment of bail in the clerk's office for sixty days as provided in section 811.6.

132. Carry out duties relating to appeals from the district court as provided in chapter 814.

133. Certify costs and fees payable by the state as provided in section 815.1.

134. Notify the director of the division of adult corrections of the department of social services of the commitment of a convicted person as provided in section 901.7.

135. Carry out duties relating to deferred judgments, probations, and restitution as provided in sections 907.4 and 907.8, and chapter 910.

136. Carry out duties relating to the impaneling and proceedings of the grand jury as provided in R.Cr.P. 3, Ia. Ct. Rules, 2nd ed.

137. Issue subpoenas upon application of the prosecuting attorney and approval of the court as provided in R.Cr.P. 5, Ia. Ct. Rules, 2nd ed.

138. Issue summons or warrants to defendants as provided in R.Cr.P. 7, Ia. Ct. Rules, 2nd ed.

139. Carry out duties relating to the change of venue as provided in R.Cr.P. 10, Ia. Ct. Rules, 2nd ed.

140. Issue blank subpoenas for witnesses at the request of the defendant as provided in R.Cr.P. 14, Ia. Ct. Rules, 2nd ed.

141. Carry out duties relating to the entry of judgment as provided in R.Cr.P. 22, Ia. Ct. Rules, 2nd ed.

142. Carry out duties relating to the execution of a judgment as provided in R.Cr.P. 24, Ia. Ct. Rules, 2nd ed.

143. Carry out duties relating to the trial of simple misdemeanors as provided in R.Cr.P. 32 through 56, Ia. Ct. Rules, 2nd ed.

144. Serve notice of an order of judgment entered as provided in R.C.P. 82, Ia. Ct. Rules, 2nd ed.

145. If a party is ordered or permitted to plead further by the court, serve notice to attorneys of record as provided in R.C.P. 86, Ia. Ct. Rules, 2nd ed.

146. Maintain a motion calendar as provided in R.C.P. 117, Ia. Ct. Rules, 2nd ed.

147. Provide notice of a judgment, order, or decree as provided in R.C.P. 120, Ia. Ct. Rules, 2nd ed.

148. Issue subpoenas as provided in R.C.P. 155, Ia. Ct. Rules, 2nd ed.

149. Tax the costs of taking a deposition as provided in R.C.P. 157, Ia. Ct. Rules, 2nd ed.

150. With acceptable sureties, approve a bond filed for change of venue under R.C.P. 167, Ia. Ct. Rules, 2nd ed.

151. Transfer the papers relating to a case transferred to another court as provided in R.C.P. 173, Ia. Ct. Rules, 2nd ed.

152. Maintain a ready calendar list as provided in R.C.P. 181.1, Ia. Ct. Rules, 2nd ed.

153. Assess costs related to a continuance motion as provided in R.C.P. 182, Ia. Ct. Rules, 2nd ed.

154. Carry out duties relating to the impaneling of jurors as provided in R.C.P. 187 through 190, Ia. Ct. Rules, 2nd ed.

155. Furnish a referee, auditor, or examiner with a copy of the order of appointment as provided in R.C.P. 207, Ia. Ct. Rules, 2nd ed.

156. Mail a copy of the referee's, auditor's, or examiner's report to the attorneys of record as provided in R.C.P. 214, Ia. Ct. Rules, 2nd ed.

157. Carry out duties relating to the entry of judgments as provided in R.C.P. 223, 226, 227.1, 228, and 229, Ia. Ct. Rules, 2nd ed.

158. Carry out duties relating to defaults and judgments on defaults as provided in R.C.P. 231, 232, and 233, Ia. Ct. Rules, 2nd ed.

159. Notify the attorney of record if exhibits used in a case are to be destroyed as provided in R.C.P. 253.1, Ia. Ct. Rules, 2nd ed.

160. Docket the request for a hearing on a sale of property as provided in R.C.P. 290, Ia. Ct. Rules, 2nd ed.

161. With acceptable surety, approve the bond of a citizen commencing an action of quo warranto as provided in R.C.P. 300, Ia. Ct. Rules, 2nd ed.

162. Carry out duties relating to the issuance of a writ of certiorari as provided in R.C.P. 306 through 319, Ia. Ct. Rules, 2nd ed.

163. Carry out duties relating to the issuance of an injunction as provided in R.C.P. 320 through 330, Ia. Ct. Rules, 2nd ed.

164. Carry out other duties as provided by law.

Sec. 9103. NEW SECTION. 602.9103 GENERAL POWERS. The clerk may:

1. Administer oaths and take affirmations as provided in section 78.1.

2. Reproduce original records of the court by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, and computer cards. The reproduction shall include proper indexing. The reproduced record has the same authenticity as the original record.

3. After the original record is reproduced and after approval of a majority of the judges of the district court by court order, destroy the original records including, but not limited to, dockets, journals, scrapbooks, files, and marriage license applications. The order shall state the specific records which are to be destroyed. An original court file shall not be destroyed until after ten years from the date a decree or judgment entry is signed and entered of record and after the contents have been reproduced, but if the matter is dismissed with prejudice before judgment or decree, the original file may be destroyed one year from the date of the dismissal and after its reproduction is authorized and completed as provided in this subsection. As used in this subsection and subsection 4, "destroy" includes the transmission of the original records which are of general historical interest to any recognized historical society or association.

4. Destroy the following original records without prior court order or reproduction except as otherwise provided in this subsection:

a. Records including, but not limited to, dockets, journals, scrapbooks, and files including court reporters' notes, forty years after final disposition of the case. However, judgments, decrees, stipulations, records in criminal proceedings, probate records, and orders of court shall not be destroyed unless they have been reproduced as provided in subsection 2.

b. Administrative records, after five years, including, but not limited to, warrants, subpoenas, clerks' certificates, statements, praecipis, and depositions.

c. Records, dockets, and court files of civil and criminal actions heard in the municipal court which were transferred to the clerk, other than juvenile and adoption proceedings, after a period of twenty years from the date of filing of the actions.

d. Original court files on dissolutions of marriage, one year after dismissal by the parties or under R.C.P. 215, Ia. Ct. Rules, 2nd ed.

e. Small claims files, one year after dismissal with or without prejudice.

f. Uniform traffic citations in the magistrate court or traffic and scheduled violations office, one year after final disposition.

5. Invest money which is paid to the clerk to be paid to any other person in a savings account of a supervised financial organization as defined in section 537.1301, subsection 41, except a credit union operating pursuant to chapter 533. The provisions of chapter 453 relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be paid into the general fund of the state, except as otherwise provided by law.

Sec. 9104. NEW SECTION. 602.9104 RECORDS AND BOOKS.

1. The records of the court consist of the original papers filed in all proceedings.

2. The following books shall be kept by the clerk:

a. A record book which contains the entries of the proceedings of the court and which has an index referring to each proceeding in each cause under the names of the parties, both plaintiff and defendant, and under the name of each person named in either party.

b. A judgment docket which contains an abstract of the judgments having separate columns for the names of the parties, the date of the judgment, the damages recovered, costs, the date of the issuance and return of executions, the entry of satisfaction, and other memoranda. The docket shall have an index containing the information specified in paragraph a.

c. A fee book in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The fee book shall also have an index containing the information specified in paragraph a.

d. A sale book in which the following matters relating to a judgment under which real property is sold, are entered after the return of execution:

- (1) The title of the action.
- (2) The date of judgment.
- (3) The amount of damages recovered.
- (4) The total amount of costs.
- (5) The officer's return in full.

The sale book shall have an index containing the information specified in paragraph a.

e. An encumbrance book in which the sheriff shall enter a statement of the levy of each attachment on real estate.

f. An appearance docket in which the titles of all actions or special proceedings shall be entered. The actions or proceedings shall be numbered consecutively in the order in which they commence and shall include the full names of the parties, plaintiffs and defendants, as contained in the petition or as subsequently made parties by a pleading, proceeding, or order. The entries provided for in this paragraph and paragraphs b and c may be combined in one book, the combination docket, which shall also have an index containing the information specified in paragraph a.

- g. A lien book in which an index of all liens in the court are kept.
- h. A record of official bonds as provided in section 64.24.
- i. An inheritance tax and lien book as provided in section 450.13.
- j. A cemetery record as provided in section 566.4.
- k. A hospital lien docket as provided in section 582.4.
- l. A marriage license book as provided in section 595.6.
- m. A book of surety company certificates and revocations as provided in section 682.13.
- n. A book in which the deposits of funds, money, and securities kept by the clerk are recorded as provided in section 682.37.

Sec. 9105. NEW SECTION. 602.9105 FEES—COLLECTION AND DISPOSITION.

- 1. The clerk shall collect the following fees:
 - a. For filing a petition, appeal, or writ of error and docketing them, twenty-five dollars. Four dollars of the fee shall be deposited in the court revenue distribution account established under section 602.9108, and twenty-one dollars of the fee shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.2104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional five dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.
 - b. For an attachment, two dollars.
 - c. For a cause tried by jury, five dollars.
 - d. For a cause tried by the court, two dollars and fifty cents.
 - e. For an equity case, three dollars.
 - f. For an injunction or other extraordinary process or order, five dollars.
 - g. For a cause continued on application of a party by affidavit, two dollars.
 - h. For a continuance, one dollar.
 - i. For entering a final judgment or decree, one dollar and fifty cents.
 - j. For taxing costs, one dollar.
 - k. For issuing an execution or other process after judgment or decree, two dollars.
 - l. For filing, entering, and endorsing a mechanic's lien, three dollars, and if a suit is brought, the fee is taxable as other costs in the action.
 - m. For a certificate and seal, two dollars.
 - n. For filing and docketing a transcript of judgment from another county, one dollar.
 - o. For entering a rule or order, one dollar.
 - p. For issuing a writ or order, not including subpoenas, two dollars.
 - q. For issuing a commission to take depositions, two dollars.
 - r. For entering a sheriff's sale of real estate, two dollars.
 - s. For entering a judgment by confession, two dollars.
 - t. For entering a satisfaction of a judgment, one dollar.
 - u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.
 - v. For taking and approving a bond and sureties on the bond, two dollars.
 - w. For receiving and filing a declaration of intention and issuing a duplicate, two dollars. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing, four dollars; and for entering the final order and the issuance of the certificate of citizenship, if granted, four dollars.
 - x. In addition to the fees required in paragraph w, the petitioner shall, upon the filing of a petition to become a citizen of the United States, deposit with the clerk money sufficient to

cover the expense of subpoenaing and paying the legal fees of witnesses for whom the petitioner may request a subpoena, and upon the final discharge of the witnesses they shall receive, if they demand it from the clerk, the customary and usual witness fees from the moneys collected, and the residue, if any, except the amount necessary to pay the cost of serving the subpoenas, shall be returned by the clerk to the petitioner.

y. For a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person, no charge.

z. For making out a transcript in a criminal case appealed to the supreme court, for each one hundred words, fifty cents.

aa. In criminal cases, the same fees for the same services as in civil cases, to be paid by the county or city initiating the action as provided in section 602.9109. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city initiating the action to the extent necessary for reimbursement for fees paid.

bb. For issuing a marriage license, fifteen dollars. The clerk of the district court shall remit to the treasurer of state five dollars for each marriage license issued. The treasurer of state shall deposit the funds received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

cc. For certifying a change in title of real estate, two dollars.

dd. In addition to all other fees, for making a complete record in cases where a complete record is required by law or directed by an order of the court, for every one hundred words, twenty cents.

ee. For providing transcripts, certificates, other documents, and services in probate matters, the fees specified in section 633.31.

ff. The jury fee and court reporter fee specified in chapter 625.

gg. Other fees provided by law.

2. The fees collected by the clerk as provided in subsection 1 shall be deposited in the court revenue distribution account established under section 602.9108, except as otherwise provided by that section or by applicable law.

3. The clerk shall keep an accurate record of the fees collected in a fee book, and make a quarterly report of the fees collected to the supreme court.

4. The clerk shall pay to the treasurer of state on the first Monday which is not a holiday in January and July of each year all fees which have come into the clerk's possession since the date of the preceding payment, which do not belong to the clerk's office, and which are unclaimed. The clerk shall give the treasurer the title of the cause and style of the court in which the suit is pending, the names of the witnesses, jurors, officers, or other persons involved in the action, and the amount of money to which each of the persons is entitled. The treasurer of state shall deposit the funds in the general fund of the state as state revenue, provided that fees so deposited shall be paid to the persons entitled to them upon proper and timely demand. If payment of a fee is demanded, with proper proof, by the person entitled to it within five years from the date that the money is paid to the treasurer, the comptroller shall issue a warrant to pay the claim. If a person entitled to unclaimed fees does not demand payment within the five years, all rights to the fees or interest in the fees are waived and payment shall not be made.

Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES—COLLECTION AND DISPOSITION.

1. Notwithstanding section 602.9105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor shall be six dollars, provided that a fee for filing and docketing a complaint or information shall not be collected in cases of overtime parking.

2. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The clerk shall deposit the remaining ten percent in the court revenue distribution account established under section 602.9108.

3. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state for distribution under section 602.9107.

4. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be distributed by the clerk as follows:

a. One-half shall be remitted monthly by the clerk to the treasurer of state to be credited to the general fund of the state.

b. One-third shall be deposited in the court revenue distribution account established under section 602.9108.

c. One-sixth shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.2104.

Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES— APPROPRIATION.

1. The treasurer of state shall certify to the state comptroller the amounts received from a clerk of the district court under sections 32.2, 99.30, 127.20, 302.44, 508.15, 511.7, 515.93, 534.12, 535.5, 595.11, 602.9106, subsection 3, 644.15, and 666.3.

2. The state comptroller shall remit the amounts certified under subsection 1 on a semi-annual basis to the respective county treasurers for the benefit of the temporary school fund. If the total amount certified to the state comptroller under subsection 1 for a fiscal year is less than the total amount certified during the fiscal year beginning July 1, 1984, the state comptroller shall prorate the amounts paid to school districts. Commencing in the fiscal year beginning July 1, 1984, the maximum amount a school district is entitled to receive during a fiscal year is the amount paid to the school district under this section during the fiscal year beginning July 1, 1983.

3. Any amount collected under section 602.9106, subsection 3 that is in excess of the amount to which a school district is entitled under subsection 2 shall be deposited in the general fund of the state.

4. There is appropriated to the state comptroller as much of the revenues received under section 602.9106, subsection 3 as is necessary for the distributions required under subsection 2.

Sec. 9108. NEW SECTION. 602.9108 COURT REVENUE DISTRIBUTION ACCOUNT.

1. The clerk of the district court shall establish and maintain a court revenue distribution account. The clerk shall deposit in this account all fees and other receipts that are specifically required by law to be deposited in the court revenue distribution account. The account shall not be used for any other purpose.

2. Revenue deposited in the court revenue distribution account shall be distributed as follows:

a. Of the revenue received by the clerk during the fiscal year commencing July 1, 1983 and ending June 30, 1984, the clerk shall remit eighty percent to the county treasurer and twenty percent to the treasurer of state.

b. Of the revenue received by the clerk during the fiscal year commencing July 1, 1984 and ending June 30, 1985, the clerk shall remit sixty percent to the county treasurer and forty percent to the treasurer of state.

c. Of the revenue received by the clerk during the fiscal year commencing July 1, 1985 and ending June 30, 1986, the clerk shall remit forty percent to the county treasurer and sixty percent to the treasurer of state.

d. Of the revenue received by the clerk during the fiscal year commencing July 1, 1986 and ending June 30, 1987, the clerk shall remit twenty percent to the county treasurer and eighty percent to the treasurer of state.

e. The clerk shall remit all revenue received on or after July 1, 1987, to the treasurer of state.

3. The clerk of the district court shall account for and distribute revenue deposited in the court revenue distribution account on a monthly basis. Not later than the fifteenth day of each calendar month, the clerk shall distribute all revenues received during the preceding calendar month according to the applicable formula as stated in subsection 2. Each distribution shall be accompanied by a statement disclosing the total amount of revenue received during the accounting period, any adjustments of gross revenue figures that are necessary to reflect changes in the balance of the court revenue distribution account, including but not limited to reductions resulting from the dishonor of checks previously accepted by the clerk, and the amount distributed to each recipient under subsection 2.

4. Revenue distributed to the treasurer of state under this section shall be deposited in the general fund of the state. Revenue distributed to a county under this section shall be deposited in the county general fund.

Sec. 9109. NEW SECTION. 602.9109 SETTLEMENT OF ACCOUNTS OF CITIES AND COUNTIES.

1. A city or a county shall pay court costs and other fees payable to the clerk of the district court for services rendered upon receipt of a statement from the clerk disclosing the amount due.

2. No later than the fifteenth day of each calendar month the clerk of the district court shall deliver to the county auditor a statement disclosing all of the following:

a. The specific amounts of statutory fees and costs that are payable by the county to the clerk for services rendered by the clerk or other state officers or employees during the preceding month in connection with each civil or criminal action, and the total of all of these fees and costs.

b. Any amounts collected by the clerk of the district court during the preceding month as costs in an action when these amounts are payable by law to the county as reimbursement for costs incurred by the county in connection with a civil or criminal action, and the total of all of these amounts.

3. If the amount owed by the county under subsection 2, paragraph a for a calendar month is greater than the amount due to the county under subsection 2, paragraph b for that month, the county shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under subsection 2 is received.

4. If the amount due to the county under subsection 2, paragraph b for a calendar month is greater than the amount owed by the county under subsection 2, paragraph a for that month, the clerk of the district court shall remit the difference to the county treasurer no later than the last day of the month in which the statement under subsection 2 is delivered.

5. The clerk of the district court shall submit a statement to the city clerk of a city for statutory fees and costs that are payable by the city for services rendered by the clerk of the district court or other state officers or employees in connection with civil or criminal actions. The city shall pay amounts due within thirty days after the date the statement is mailed.

6. The clerk of the district court shall remit to a city within thirty days after receipt any amounts collected by the clerk as costs in an action when these amounts are payable by law to the city as reimbursement for costs incurred by the city in connection with a civil or criminal action.

7. Amounts not paid as required under subsection 3, 4, 5, or 6 shall bear interest for each day of delinquency at the rate in effect as of the day of delinquency for time deposits of public funds for eighty-nine days, as established under section 453.6.

DIVISION II

COORDINATING AMENDMENTS

Sec. 10001. Section 2.42, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. 16. Authority to review proposed rules and forms submitted by the supreme court pursuant to section 684.18.

Sec. 10002. Section 4.1, Code 1983, is amended by adding the following new subsections:
NEW SUBSECTION. COURT EMPLOYEE. "Court employee" and "employee of the judicial department" include every officer or employee of the judicial department except a judicial officer.

NEW SUBSECTION. JUDICIAL OFFICER. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.2206.

NEW SUBSECTION. "Magistrate" means a judicial officer appointed under division I, article 7, part 4 of chapter 602.

Sec. 10003. Section 12.9, Code 1983, is amended to read as follows:

12.9 ANNUAL REPORT OF FILING FEES. The treasurer of state shall annually report to the governor and the general assembly the total amount of fees and costs received by the treasurer of state under ~~section 602.55, subsection 1, and section 331.705, subsection 1, paragraphs "a" to "ad"~~ sections 602.9105, 602.9106, 602.9107, and 602.9108 for the fiscal year ending June 30. The report shall be submitted within ninety days following the completion of the fiscal year.

Sec. 10004. Section 14.10, subsection 4, Code 1983, is amended to read as follows:

4. A list of elective state officers and deputies, supreme court justices, ~~and appellate court judges of the court of appeals,~~ and members of the general assembly shall be published annually with the session laws.

Sec. 10005. Section 17A.2, subsection 1, Code 1983, is amended to read as follows:

1. "Agency" means each board, commission, department, officer or other administrative office or unit of the state. "Agency" does not mean the general assembly, the ~~courts~~ judicial department or any of its components, the governor or a political subdivision of the state or its offices and units. Unless provided otherwise by statute, no less than two-thirds of the members eligible to vote of a multimember agency shall constitute a quorum authorized to act in the name of the agency.

Sec. 10006. Section 17A.13, subsection 1, Code 1983, is amended to read as follows:

1. Agencies have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide contested cases ~~has authority to~~ may subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases ~~has authority to~~ may administer oaths and ~~to~~ issue subpoenas in those cases. Discovery procedures applicable to civil actions are available to all parties in contested cases before an agency. Evidence obtained in discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request ~~and shall not be subject to the distance limitation of section 622.68.~~ On contest, the court shall sustain the subpoena or similar process or demand to the

extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply.

Sec. 10007. Section 17A.20, Code 1983, is amended to read as follows:

17A.20 APPEALS. An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court under this chapter by appeal to the supreme court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

Sec. 10008. Section 18.97, subsection 15, paragraph e, Code 1983, is amended to read as follows:

e. ~~Court~~ State court administrator.

Sec. 10009. Section 18.97, subsection 15, Code 1983, is amended by adding the following new paragraph:

NEW PARAGRAPH. Each district court administrator.

Sec. 10010. Section 18.117, unnumbered paragraph 2, Code 1983, is amended to read as follows:

This section ~~shall does~~ not apply to officials and employees of the state whose mileage is paid by other than state agencies and, ~~except for the provisions relating to mileage reimbursement, this section shall does~~ not apply to elected officers of the state, judges of the district court, judges of the court of appeals or judges of the supreme court judicial officers, or court employees.

Sec. 10011. Section 19A.3, subsection 12, Code 1983, is amended to read as follows:

12. All ~~judges judicial officers and all employees of the courts~~ court employees.

Sec. 10012. Section 20.4, subsection 7, Code 1983, is amended to read as follows:

7. ~~Judges of the supreme court, district judges, district associate judges and judicial magistrates, and the employees of such judges and courts.~~ Judicial officers, and confidential, professional, or supervisory employees of the judicial department.

Sec. 10013. Section 25A.6, Code 1983, is amended to read as follows:

25A.6 APPLICABLE RULES. In suits under this chapter, the forms of process, writs, pleadings, and actions, and the practice and procedure, shall be in accordance with the rules of civil procedure ~~promulgated and adopted by the supreme court of the state.~~ The same provisions for counterclaims, setoff, interest upon judgments, and payment of judgments, ~~shall be~~ are applicable as in other suits brought in the district courts of the state court. However, no writ of execution shall issue against the state or any state agency by reason of ~~any~~ a judgment under this chapter.

Sec. 10014. Section 32.2, Code 1983, is amended to read as follows:

32.2 ACTIONS FOR PENALTY. ~~Such~~ The action or suit may be brought by and in the name of the state, on the relation of ~~any a~~ a citizen ~~thereof of the state,~~ and ~~such the~~ penalty, when collected, less the reasonable cost and expense of action or suit and recovery, to be certified by the clerk of the district court of the county in which the offense is committed, shall be paid into the county treasury for the benefit of the school fund ~~to the treasurer of state for distribution under section 602.9107,~~ and two or more penalties may be sued for and recovered in the same action or suit.

Sec. 10015. Section 39.17, unnumbered paragraph 1, Code 1983, is amended to read as follows:

There shall be elected in each county at the general election to be held in the year 1976 and every four years thereafter, a clerk of the district court, an auditor and a sheriff ~~who shall,~~ each to hold office for a term of four years.

Sec. 10016. Section 44.7, Code 1983, is amended to read as follows:

44.7 HEARING BEFORE COMMISSIONER. Objections filed with the commissioner shall be considered by the county auditor, ~~clerk of the district court~~ county treasurer, and county

attorney, and a majority decision shall be final; but if the objection is to the certificate of nomination of one or more of the above named county officers, ~~said the officer or officers so~~ objected to shall not pass upon ~~such the~~ objection, but their places shall be filled, respectively, by the ~~county treasurer~~ chairperson of the board of supervisors, the sheriff, and the county recorder.

Sec. 10017. Section 46.5, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When a vacancy in an office of an elective judicial nominating commissioner occurs, the clerk of the supreme court shall arrange for the publication of a notice stating the existence of the vacancy and the manner in which the vacancy will be filled in those publications which the clerk of the supreme court deems likely to give reasonable notice to the eligible voting members of the bar of the district in which the vacancy occurs. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the publication of the notice.

Sec. 10018. Section 46.7, Code 1983, is amended to read as follows:

46.7 ELIGIBILITY TO VOTE. To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must have registered in writing with the clerk of the district court of the county of his residence at the last bar registration preceding such election be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 10019. Section 46.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

46.8 CERTIFIED LIST. On June 1 of each year the clerk of the supreme court shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. The clerk of the supreme court shall provide a copy of the list of the members for a county to the clerk of the district court for that county.

Sec. 10020. Section 46.9, unnumbered paragraph 4, Code 1983, is amended to read as follows:

Vote for (state number) for Iowa State (or Iowa Judicial District) judicial nominating commissioner(s) for term commencing

_____ JOHN DOE CANDIDATE'S NAME
_____ RICHARD ROE CANDIDATE'S NAME

_____
_____

Sec. 10021. Section 46.15, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Vacancies in the court of appeals shall be filled by appointment by the governor from a list of nominees submitted by the state judicial nominating commission. ~~Three~~ Five nominees shall be submitted for each vacancy. If the governor fails to make an appointment within thirty days after a list of nominees has been submitted, the appointment shall be made from the list of nominees by the chief justice of the supreme court.

Sec. 10022. Section 46.16, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Subject to the ~~provisions of sections 605.24 and 605.25~~ 602.1610 and 602.1612 and to removal for cause:

Sec. 10023. Section 46.20, Code 1983, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY. At least ninety days prior to the judicial election preceding expiration of his or her the initial or regular term of office, a judge of the supreme court, court of appeals or district court including district associate judges, or a clerk of the district court who is required to stand for retention under section 602.1214A may file a declaration of candidacy with the state commissioner of elections, whereupon such judge shall to stand for retention or rejection at that election. If a judge or clerk fails to file such the declaration, his or her the office shall be vacant at the end of his or her the term. District associate judges filing such a the declaration shall stand for retention in the judicial election district of their residence.

Sec. 10024. Section 46.21, Code 1983, is amended to read as follows:

46.21 CONDUCT OF ELECTIONS. At least fifty-five days prior to each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals and district court including district associate judges, and clerks of the district court to be voted on in such each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The state commissioner of elections shall rotate the names in the certificate by county, or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

STATE OF IOWA
JUDICIAL BALLOT

(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

JOHN DOE	YES _____	NO _____
RICHARD ROE	YES _____	NO _____

COURT OF APPEALS

Shall the following judges of the Court of Appeals be retained in office?

JOHN DOE	YES _____	NO _____
RICHARD ROE	YES _____	NO _____

DISTRICT COURT

Shall the following judge or associate judge of the District Court be retained in office?

JOHN SMITH	YES _____	NO _____
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Shall the following clerk of the District Court be retained in office?

JANE DOE	YES _____	NO _____
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Sec. 10025. Section 46.24, Code 1983, is amended to read as follows:

46.24 RESULTS OF ELECTION. A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns at its meeting on Monday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court, court of appeals or district court including a district associate judge, or a clerk of the district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating.

Sec. 10026. NEW SECTION. 49.48 The state commissioner of elections shall prescribe a notice to inform voters that the top of the ballot contains the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the voting machine or to the ballot.

Sec. 10027. Section 64.6, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. Clerks of the district court and first deputy clerks, ten thousand dollars.

Sec. 10028. Section 64.8, Code 1983, is amended to read as follows:

64.8 BONDS OF COUNTY OFFICERS. The bonds of members of the boards of supervisors, clerks of the district courts, county attorneys, recorders, auditors, sheriffs and assessors shall each be in a penal sum of not less than ten thousand dollars each per annum.

Sec. 10029. Section 64.11, Code 1983, is amended to read as follows:

64.11 EXPENSE OF BONDS PAID BY COUNTY. If ~~any~~ a county treasurer, ~~clerk of the district court,~~ county attorney, recorder, auditor, sheriff, medical examiner, ~~members of member of the soldiers relief commission, members member~~ of the board of supervisors, engineer, steward or matron shall elect elects to furnish a bond with any association or incorporation as surety as provided in this chapter, the reasonable cost of ~~such~~ the bond shall be paid by the county where the bond is filed.

Sec. 10030. Section 64.19, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. By the state court administrator in case of district court clerks and first deputy clerks.

Sec. 10031. Section 64.23, subsection 1, Code 1983, is amended to read as follows:

1. For all state officers, elective or appointive, except those of the secretary of state and judicial ~~magistrate~~ magistrates, with the secretary of state. Bonds and official oaths of judicial magistrates and court personnel shall be filed in the office of the ~~district court clerk~~ state court administrator.

Sec. 10032. Section 66.19, Code 1983, is amended to read as follows:

66.19 TEMPORARY OFFICER. Upon ~~such~~ a suspension, the board or person authorized to fill a vacancy in the office shall temporarily fill the office by appointment. In case of a suspension of a ~~clerk or~~ sheriff, the district court may ~~supply such place by appointment~~ designate an acting sheriff until a temporary ~~appointment shall be made~~ sheriff is appointed. ~~Such orders~~ Orders of suspension and temporary appointment of county and township officers shall be certified to the county auditor, and be by him entered for entry in the election book; those of city officers, certified to the clerk and entered upon the records; in case of other officers, to the person or body making the original appointment.

Sec. 10033. Section 68.1, Code 1983, is amended to read as follows:

68.1 IMPEACHMENT DEFINED. An impeachment is a written accusation against the governor, or a judge of the ~~supreme or district court~~ judicial officer, or other state officer, by the house of representatives before the senate, of a misdemeanor or malfeasance in office.

Sec. 10034. Section 69.3, Code 1983, is amended to read as follows:

69.3 POSSESSION OF OFFICE. When a vacancy occurs in a public office, possession shall be taken of the office room, the books, papers, and all things pertaining ~~thereto~~ to the office, to be held until the qualification of a successor, as follows: Of the office of the county auditor, by the ~~clerk of the district court~~ county treasurer; of the ~~clerk or~~ county treasurer, by the county auditor; of any of the state officers, by the governor, or, in ~~his~~ the absence or inability of the governor at the time of the occurrence, as follows: Of the secretary of state, by the treasurer of state; of the auditor of state, by the secretary of state; of the treasurer of state, by the secretary of state and auditor of state, who shall make an inventory of the money and warrants ~~therein~~ in the office, sign ~~the same~~ them, and transmit ~~it~~ the inventory to the governor; and the secretary of state shall take the keys of the safe and desks, after depositing the books,

papers, money and warrants therein in them, and the auditor of state shall take the key of to the office room.

Sec. 10035. Section 69.8, subsection 3, Code 1983, is amended by striking the subsection.

Sec. 10036. Section 69.8, subsection 5, Code 1983, is amended to read as follows:

5. BOARD OF SUPERVISORS. In the membership of the board of supervisors, by the clerk of the district court treasurer, auditor, and recorder.

Sec. 10037. Section 69.8, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 10038. Section 79.12, Code 1983, is amended to read as follows:

79.12 WARRANTS PROHIBITED. ~~No~~ A warrant shall be issued requiring any a peace officer to go beyond the boundaries of the state at public expense shall not be issued except with the approval of a judge of the district court judge.

Sec. 10039. Section 85.49, unnumbered paragraph 1, Code 1983, is amended to read as follows:

When a minor or mentally incompetent dependent is entitled to weekly benefits under this chapter, chapter 85A or chapter 85B, payment shall be made to the clerk of the district court for the county in which the injury occurred, who shall act as trustee, and the money coming into the clerk's hands shall be expended for the use and benefit of the person entitled thereto to it under the direction and orders of a district judge of the district court, in which such county is located. The clerk of the district court, as such trustee, shall qualify and give bond in such an amount as the district judge may direct directs, which may be increased or diminished from time to time as the court may deem best. The cost of such bond shall be paid by the county as the court may direct by written order directed to the auditor of the county who shall issue a warrant therefor upon the treasurer of the county. If the domicile or residence of such the minor or mentally incompetent dependent be is within the state but in a county other than that in which the injury to the employee occurred the industrial commissioner may order and direct that weekly benefits to such minors or incompetents be paid to the clerk of the district court of the county wherein they shall be domiciled or reside of domicile or residence.

Sec. 10040. Section 85.50, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Every A clerk of the district court of every county upon his completion of his term of office shall, or upon his resignation, removal resigning or being removed from office or otherwise becoming disqualified as such clerk, shall make an accounting and final report to be approved by a judge of the district court for said county the chief judge of the judicial district and all funds and other property shall be delivered to the successor in the office of such clerk of the district court.

Sec. 10041. Section 91.10, Code 1983, is amended to read as follows:

91.10 POWER TO SECURE EVIDENCE. The labor commissioner and his the commissioner's deputy shall have the power to may issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of them. No witness shall be compelled by such subpoena to attend at a greater distance than that provided for in section 622.68. Witnesses subpoenaed and testifying before the commissioner or his the commissioner's deputy shall be paid the same fees as witnesses under section 622.69, such payment to be made out of the funds appropriated to the bureau of labor.

Sec. 10042. Section 97B.41, subsection 3, paragraph b, subparagraph (6), Code 1983, is amended to read as follows:

(6) Part-time judicial magistrates appointed pursuant to either section 602.50 or section 602.58 unless such magistrates Magistrates other than those who elect by filing an application with the department to be covered under the provisions of this chapter.

Sec. 10043. Section 99.30, Code 1983, is amended to read as follows:

99.30 APPLICATION OF TAX. The said tax collected shall be applied in payment of any

toward the deficiency in the payment of costs of the action and abatement on behalf of the state to the extent of such deficiency which exist after the application thereto of the proceeds of the sale of personal property as hereinbefore provided, and the. The remainder of said the tax together with the unexpended portion of the proceeds of the sale of personal property shall be distributed to the temporary school fund of the county paid to the clerk of court who shall remit the amount to the treasurer of state for distribution under section 602.9107, except that ten percent of the amount of the whole tax collected and of the whole proceeds of the sale of said the personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

Sec. 10044. Section 125.76, Code 1983, is amended to read as follows:

125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The applicant, if not the county attorney, may apply for the appointment of counsel if financially unable to employ an attorney to assist the applicant in presenting evidence in support of the application for commitment. If the applicant applies for the appointment of counsel, the application shall include the submission of a financial statement as defined in required under section ~~336B.1~~ 815.9.

Sec. 10045. Section 125.94, Code 1983, is amended to read as follows:

125.94 SUPREME COURT RULES. The supreme court may prescribe rules of pleading, practice, and procedure and the forms of process, writs, and notices under section 602.5201, for all commitment proceedings in a court of this state under this chapter. ~~Any~~ The rules so prescribed shall be drawn for the purpose of simplifying and expediting the proceedings, so far as is consistent with the rights of the parties involved. The rules shall not abridge, enlarge, or modify the substantive rights of a party to a commitment proceeding under this chapter.

Sec. 10046. Section 127.17, Code 1983, is amended to read as follows:

127.17 COSTS. When ~~any such a~~ conveyance is requisitioned by the state department of justice, ~~said the~~ department shall pay to the clerk of the district court, the court costs and the expense incurred by the county or the sheriff in keeping ~~said the~~ conveyance.

Sec. 10047. Section 127.20, Code 1983, is amended to read as follows:

127.20 SALE OF CONVEYANCE. Prior to placing the conveyance for sale to the general public, the sheriff shall permit ~~any an~~ owner or lien holder having a property interest of fifty percent or more in the conveyance the opportunity to purchase the property interest forfeited. If ~~such the~~ owner or lien holder does not exercise ~~his or her an~~ option under this section or if ~~no such an~~ owner or lien holder exists ~~does not exist~~, the conveyance shall be sold at public auction with the proceeds first being applied to the owners and lien holders who have not had their property interest forfeited and then applied to the expenses of keeping the conveyance and court costs, and any remaining funds shall be conveyed by the clerk of court to the treasurer of state for distribution under section 602.9107.

Sec. 10048. Section 144.36, subsection 1, Code 1983, is amended to read as follows:

1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The clerk of the district court shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The clerk of the district court in each county shall keep a record book for marriages. The form of marriage record books shall be uniform throughout the state and shall be prescribed by the state department. ~~Marriage record books shall be provided at county expense.~~ A properly indexed permanent record of marriage certificates upon microfilm, electronic computer, or data processing equipment may be kept instead in lieu of marriage record books.

Sec. 10049. Section 144.37, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The clerk of the district court in each county shall keep a record book for divorcee dissolutions. The form of divorcee dissolution record books shall be uniform throughout the state and shall be prescribed by the state department. ~~Divorcee record books shall be provided at county expense.~~ A properly indexed record of divorcee dissolution upon microfilm, electronic computer, or data processing equipment may be kept instead in lieu of divorcee dissolution record books.

Sec. 10050. Section 144.46, Code 1983, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD. The department by rule shall establish fees based on the average administrative cost which shall be collected by the state registrar or the clerk of the district court for each certified copy or short form certification of certificates or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected by the state registrar under this section shall be deposited in the general fund of the state if the service is performed by the department or in the general fund of the county if the service is performed by the county or local registrar. Fees collected by the clerk of the district court shall be deposited in the court revenue distribution account established under section 602.9108. A fee shall not be collected from a political subdivision or agency of this state.

Sec. 10051. Section 204.502, subsection 1, paragraph b, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A warrant shall issue only upon sworn testimony of an officer or employee of the board duly designated and having knowledge of the facts alleged, before the ~~district or municipal court~~ judge judicial officer, establishing the grounds for issuing the warrant. If the judge judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, ~~he the officer~~ shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any.

Sec. 10052. Section 204.502, subsection 1, paragraph d, Code 1983, is amended to read as follows:

d. The judge judicial officer who has issued a warrant under this section shall require that there be attached to the warrant a copy of the return, and of all papers filed in connection with the return, and shall file them with the clerk of the district ~~or municipal court~~ for the ~~district county~~ in which the inspection was made.

Sec. 10053. Section 229.40, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

229.40 RULES FOR PROCEEDINGS. Proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.5201.

Sec. 10054. Section 232.2, subsections 8 and 29, Code 1983, are amended to read as follows:

8. "Court" means the juvenile court established ~~in chapter 231~~ under section 602.8101.

29. "Juvenile probation court officer" or "probation officer" means a person appointed as a juvenile probation court officer under section 231.8 division I, article 8 of chapter 602 and a chief juvenile court officer appointed under section 602.1215.

Sec. 10055. Sections 232.2, subsections 24, 31, and 40, 232.19, subsection 1, paragraph d, 232.29, subsection 1, paragraph e, 232.46, subsections 1 and 3, 232.48, subsection 1, 232.51, 232.82, subsection 2, 232.87, subsections 2 and 3, 232.96, subsection 6, 232.97, subsection 1, 232.111, subsections 1 and 2, and 232.125, subsection 2, Code 1983, are amended by striking the terms "juvenile probation officer" and "probation officer" wherever either or both of those terms appear and inserting in lieu of each of those terms the words "juvenile court officer".

Sec. 10056. NEW SECTION. 232.3 CONCURRENT COURT PROCEEDINGS.

1. During the pendency of an action under this chapter, a party to the action is estopped from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court. A district judge, district associate judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of the action, under any law, including but not limited to chapter 598, 598A, or 633.

2. The juvenile court with jurisdiction of the pending action under this chapter, however, may, upon the request of a party to the action or on its own motion, authorize the party to litigate concurrently in another court a specific issue relating to the custody, guardianship, or placement of the child who is the subject of the action. Before authorizing a party to litigate a specific issue in another court, the juvenile court shall give all parties to the action an opportunity to be heard on the proposed authorization. The juvenile court may request but shall not require another court to exercise jurisdiction and adjudicate a specific issue relating to the custody, guardianship, or placement of the child.

Sec. 10057. Sections 232.147, subsection 3, paragraph a, and 232.149, subsection 3, paragraph b, Code 1983, are amended by striking the term "juvenile probation officers" wherever the term appears and inserting in lieu thereof the words "juvenile court officers".

Sec. 10058. Section 232.152, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

232.152 RULES OF JUVENILE PROCEDURE. Proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.5201.

Sec. 10059. Section 247.29, Code 1983, is amended to read as follows:

247.29 CRIMINAL STATISTICS. The clerk of the district court shall, on or before July 15 of each year, report to the supreme court, the board of parole, and the director of the division of corrections of the department of social services all of the following information for the preceding fiscal year:

1. The number of convictions of all criminal offenses in that court, in his county, for the year ending June 30 preceding, the character of each offense, the sentence imposed, the occupation of the offender, and whether such or not the offender can read or write.

2. ~~Number~~ The number of acquittals in criminal cases.

3. ~~Number~~ The number of dismissals by the court without trial, and the nature of the charges so dismissed in criminal cases.

4. The expenses of the county for criminal prosecutions during said year.

Sec. 10060. Section 247.30, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

247.30 ITEMIZATION OF STATISTICS. The information required by section 247.29, subsection 4, shall be itemized as follows:

1. Fees and mileage paid to jurors.

2. The cost of meals and lodging for jurors.

3. The amount expended by the county in each of the following categories, as reported to the clerk by the county auditor, and whether or not recovered from defendants:

a. The cost for the services of bailiffs while attending the grand jury or trials of actions.

b. Fees and mileage paid to members of the grand jury, the clerk of the grand jury, and witnesses before the grand jury.

c. Fees and mileage paid to witnesses in the trial of actions.

d. Fees paid for court reporting and for transcriptions of the notes of court reporters.

e. The costs of depositions.

f. The expense of providing a jail, not including board of prisoners.

g. The expense of the board of prisoners in a county jail.

h. The expense of transporting prisoners to state correctional institutions.

i. The compensation and expenses incurred by the office of the county attorney in connection with criminal prosecutions.

Sec. 10061. Section 247.31, Code 1983, is amended to read as follows:

247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county auditor shall report to the clerk of the district court, on or before July 5 of each year, the expenses of the county in connection with criminal prosecutions during the preceding fiscal year ending June 30 ~~preceding, including but distinguishing the compensation of the county attorney. Such~~ The report shall include all the items of criminal expenses ~~which appear in the records of his office and which are required to be reported by the clerk of the district court to the board of parole and the director of the division of corrections of the department of social services under section 247.30 and which appear in the records of the county auditor.~~ The clerk of the district court shall furnish ~~to the auditor with the blanks to be used in making such~~ this report.

Sec. 10062. Section 252.18, subsection 1, Code 1983, is amended to read as follows:

1. Any A person who is a county charge or is likely to become ~~such so~~, coming from another state and not having acquired a settlement in any a county of this state or any such person having acquired a settlement in any a county of this state who ~~removes~~ moves to another county, may be removed from this state or from the county into which ~~such the~~ person has moved, ~~as the case may be,~~ at the expense of the county ~~wherein said where~~ the person is found, upon the petition of ~~said the~~ county to the district ~~or superior~~ court of in that county.

Sec. 10063. Section 258A.1, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. The board of examiners of shorthand reporters, created pursuant to ~~chapter 115~~ division I, article 4, of chapter 602.

Sec. 10064. Section 258A.3, subsection 2, paragraph a, Code 1983, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections 114.21, ~~115.8~~, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.219 and 602.4203 and chapters 135E, 151, 507B and 522 or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 10065. Section 258A.4, subsection 1, paragraph f, Code 1983, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, ~~115.8~~, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187 and 602.4203 and chapters 135E, 151, 507B and 522, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 10066. Section 302.44, Code 1983, is amended to read as follows:

302.44 PENALTY AGAINST COUNTY AUDITOR. Any A county auditor failing or neglecting to perform any of the required duties which are required of him by the provisions of under this chapter, shall be is liable to a penalty of not less than one hundred nor more than five hundred dollars, to be recovered in an action brought in the district court by the board of supervisors, ~~the.~~ The judgment to shall be entered against the party and his the party's bondsmen, and the proceeds ~~to go to the school fund shall be paid to the treasurer of state for distribution under section 602.9107.~~

Sec. 10067. Section 306B.5, subsection 2, Code 1983, is amended to read as follows:

2. The cost of removal, including ~~any fees, and costs or and~~ expenses ~~as may which~~ arise out of ~~any an~~ action brought by the department to insure peaceful entry and removal, may be assessed against the owner of the advertising device. ~~Should If~~ the owner of the advertising device ~~fail fails~~ to pay ~~such the~~ fees, costs, or expenses within thirty days after assessment, the department may ~~institute proceedings in the district court or small claims division as applicable,~~ commence an action to collect ~~said the~~ fees, costs, or expenses, which when collected, shall be paid into the "highway beautification fund."

Sec. 10068. Section 306C.19, subsection 2, Code 1983, is amended to read as follows:

2. The cost of removal, including ~~any fees, and costs or and~~ expenses ~~as may which~~ arise out of ~~any an~~ action brought by the department to insure peaceful entry and removal, may be assessed against the owner of the advertising device. ~~Should If~~ the owner of the advertising device ~~fail fails~~ to pay ~~such the~~ fees, costs, or expenses, within thirty days after assessment, the department may ~~institute proceedings in the district court or small claims division as applicable,~~ commence an action to collect ~~said the~~ fees, costs, or expenses, which when collected, shall be paid into the "highway beautification fund".

Sec. 10069. Section 331.303, subsection 10, Code 1983, is amended by striking the subsection.

Sec. 10070. Section 331.321, subsection 1, paragraph z, Code 1983, is amended to read as follows:

z. Members of the county judicial magistrate appointing commission in accordance with section ~~602.43~~ 602.7503.

Sec. 10071. Section 331.322, subsection 5, Code 1983, is amended to read as follows:

5. Furnish offices within the county for the sheriff, and at the county seat for the ~~clerk,~~ recorder, treasurer, auditor, county attorney, county surveyor or engineer, county assessor, and city assessor. If the office of public defender is established, the board shall furnish the public defender's office as provided in section 331.776. The board shall furnish the officers with fuel, lights, and office supplies. However, the board is not required to furnish the county attorney or public defender with law books. The board shall not furnish an office also occupied by a practicing attorney to ~~any an~~ officer other than the county attorney or public defender.

Sec. 10072. Section 331.323, subsection 1, paragraph f, Code 1983, is amended by striking the paragraph.

Sec. 10073. Section 331.323, subsection 2, paragraph h, Code 1983, is amended to read as follows:

h. Establish the number of deputies, assistants, and clerks for the offices of auditor, treasurer, recorder, sheriff, ~~and~~ county attorney; ~~and~~ ~~clerk.~~

Sec. 10074. Section 331.324, subsection 4, Code 1983, is amended by striking the subsection.

Sec. 10075. Section 331.324, subsection 6, Code 1983, is amended to read as follows:

6. If a board provides group insurance for county employees, it shall ~~also~~ provide the insurance ~~also to the following persons, subject to the conditions indicated:~~

a. A ~~a~~ full-time county extension office assistant employed in the county, if the county is reimbursed for the premium by the county extension district.

b. A full-time certified court reporter, on the same percentage basis that the county is responsible for the reporter's compensation under section 605.9. However, group insurance may be obtained through only one of the counties in the judicial district, at the reporter's option, with a percentage contribution from the other counties for the employer's share of the premium, on the percentage basis provided under section 605.9.

Sec. 10076. Section 331.361, subsection 5, paragraph h, Code 1983, is amended to read as follows:

h. Provide facilities for the ~~holding of~~ district court at the county seat in accordance with ~~sections 602.6 and 602.61~~ section 602.1303.

Sec. 10077. Section 331.422, subsection 24, Code 1983, is amended to read as follows:

24. For the court expense fund, if the amount levied for ordinary county revenue is insufficient to pay all expenses incident to the ~~maintenance and operation~~ support of the ~~courts~~ judicial system, an amount sufficient to pay the expenses.

Sec. 10078. Section 331.424, subsection 1, paragraph m, Code 1983, is amended by striking the paragraph.

Sec. 10079. Section 331.426, subsection 9, Code 1983, is amended to read as follows:

9. A court expense fund, which shall not be used for a purpose other than expenses incident to the ~~maintenance and operation of the courts~~ support of the judicial system, including but not limited to ~~salary and expenses of the clerk, deputy clerks, and other employees of the clerk's office, establishment and operation of a public defender's office~~ the costs of facilities, services, and other obligations of the county under section 602.1303, costs otherwise payable from the general fund under section 331.424, subsection 3, paragraph "q", the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, and claims filed under section 622.93.

Sec. 10080. Section 331.502, subsection 8, Code 1983, is amended to read as follows:

8. Take temporary possession of the office and all official books and papers in the office of ~~treasurer or clerk~~ when a vacancy occurs in ~~either office~~ and hold the office, books, and records until a successor qualifies as provided in section 69.3. The auditor shall also serve temporarily as the recorder if a vacancy occurs in that office and, if there is no chief deputy assessor, act temporarily as the assessor as provided in section 441.8.

Sec. 10081. Section 331.502, subsection 10, Code 1983, is amended by striking the subsection.

Sec. 10082. Section 331.502, subsection 42, Code 1983, is amended to read as follows:

42. Certify to the clerk ~~of the district court~~ the names, addresses, and expiration date of the ~~term~~ terms of office of persons appointed to the county judicial magistrate appointing commission as provided in section ~~602.43, subsection 3~~ 602.7503.

Sec. 10083. Section 331.502, subsections 43 and 44, Code 1983, are amended by striking the subsections.

Sec. 10084. Section 331.506, subsection 2, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

2. The auditor may issue warrants to pay the following claims against the county without prior approval of the board:

a. Witness fees and mileage for attendance before a grand jury, as certified by the county attorney and the foreman of the jury.

b. Witness fees and mileage in trials of criminal actions, as certified by the county attorney.

c. Fees and costs payable to the clerk of the district court or other state officers or employees in connection with criminal and civil actions when due, as shown in the statement submitted by the clerk of court under section 602.9109.

d. Expenses of the grand jury, upon order of a district judge.

Sec. 10085. Section 331.509, subsection 1, paragraph c, Code 1983, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The amount paid witnesses and bailiffs, respectively, in the district court, the amount of fees paid for the services of court reporters, the amount paid as fees and costs to the clerk of the district court, and related expenditures.

Sec. 10086. Section 331.509, subsection 1, paragraph o, Code 1983, is amended to read as follows:

o. The reports of magistrates and other officers, including forfeited recognizances in their offices, fines, penalties, forfeitures imposed in their respective courts, and forfeited appearance bonds in criminal cases, all of which are payable to the county treasury for the benefit of the school fund treasurer of state for distribution under section 602.9107.

Sec. 10087. Section 331.509, subsection 1, paragraph p, Code 1983, is amended to read as follows:

p. The reports made during the preceding year by the treasurer, auditor, recorder, sheriff, clerk and the commission of the Iowa department of veterans affairs as required by law.

Sec. 10088. Section 331.552, subsection 11, Code 1983, is amended to read as follows:

11. Credit funds from the sale of seized conveyances ~~to the school fund and issue duplicate receipts to the sheriff as provided in sections 127.21 and 127.22 to the treasurer of state for distribution under section 602.9107.~~

Sec. 10089. Section 331.552, subsection 31, Code 1983, is amended by striking the subsection.

Sec. 10090. Section 331.653, subsection 4, Code 1983, is amended to read as follows:

4. Provide bailiff and other law enforcement service to the district court judges, district associate judges, and judicial magistrates of the county ~~and while the judges and magistrates are in session, provide them with the assistance of bailiffs upon request. The sheriff shall appoint the number of bailiffs as the judges and magistrates of the county direct. The bailiffs are deputy sheriffs to the extent that the sheriff delegates law enforcement powers to carry out their duties and for whose acts the sheriff is responsible, but the bailiffs need not be subject to civil service under chapter 341A or mandated law enforcement training.~~

Sec. 10091. Section 331.653, subsections 7 and 71, Code 1983, are amended by striking the subsections.

Sec. 10092. Section 331.776, subsection 4, Code 1983, is amended to read as follows:

4. The board shall determine the compensation of the public defender, subject to limitations established by the general assembly or the supreme court.

Sec. 10093. Section 331.776, subsection 5, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

5. a. The board shall provide suitable furniture, equipment, and supplies for the office of the public defender out of funds appropriated to the supreme court and allocated by the supreme court to the county for this purpose. If a public defender office serves more than one county, the supreme court shall select one of the counties to perform the duties required by this paragraph. The board shall account to the supreme court for allocations and expenditures under this paragraph.

b. The board shall approve the appointment and compensation of deputy public defenders and other employees of the public defender office, subject to limitations established by the general assembly or the supreme court. The compensation and expenses of the public defender, deputy public defenders, and employees of the public defender office shall be paid from funds appropriated to the supreme court and allocated by the supreme court to the county for this purpose. The board shall account to the supreme court for allocations and expenditures under this paragraph.

Sec. 10094. Section 331.776, subsection 8, Code 1983, is amended by striking the subsection.

Sec. 10095. Section 331.777, subsection 2, Code 1983, is amended to read as follows:

2. Shall make the determination of indigence within criteria established by the board

before as required under section 815.9 prior to the initial arraignment or other initial court appearance. At or after initial arraignment or other initial court appearance, the a determination of indigence shall be made by the court. The public defender shall require an indigent person requesting legal assistance to complete a detailed financial statement which required under section 815.9 shall be filed in the indigent person's court file and retained as a permanent part of the file.

Sec. 10096. Section 331.901, subsection 6, paragraph b, Code 1983, is amended to read as follows:

b. Expenses incurred in the operation support of the courts judicial system.

Sec. 10097. Section 331.902, subsection 1, Code 1983, is amended to read as follows:

1. Unless otherwise specifically provided by statute, the fees and other charges collected by the auditor, treasurer, recorder, and sheriff, clerk, or and their respective deputies or employees, belong to the county.

Sec. 10098. Section 331.903, subsection 1, Code 1983, is amended to read as follows:

1. The auditor, treasurer, recorder, sheriff, and county attorney, and clerk may each appoint, with approval of the board, one or more deputies, assistants, or clerks who do not hold another county office and for whose acts the principal officer shall be is responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

Sec. 10099. Section 331.904, subsections 1 and 6, Code 1983, are amended to read as follows:

1. The annual salary of the first and second deputy officer of the office of auditor, treasurer, and recorder, and clerk and the deputy in charge of the motor vehicle registration and title division shall each be an amount not to exceed eighty percent of the annual salary of the deputy's principal officer as determined by the principal officer. In offices where more than two deputies are required, each additional deputy shall be paid an amount not to exceed seventy-five percent of the principal officer's salary. The amount of the annual salary of each deputy shall be certified by the principal officer to the board and, if a deputy's salary does not exceed the limitations specified in this subsection, the board shall certify the salary to the auditor. The board shall not certify a deputy's salary which exceeds the limitations of this subsection.

6. The salaries and expenses of the deputy officers, assistants, clerks, and other employees of the county shall be paid from the general fund of the county unless otherwise provided by law. The deputy clerks of the district court, other employees of the clerk's office, and the bailiffs may be paid from the court expense fund.

Sec. 10100. Section 331.907, subsections 1 and 5, Code 1983, are amended to read as follows:

1. The annual compensation of the auditor, treasurer, recorder, clerk, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. The county compensation board shall prepare a recommended compensation schedule for the elective county officers. Following completion of the compensation schedule, the county compensation board shall publish the compensation schedule in a newspaper having general circulation throughout the county. The publication shall also include a public notice of the date and location of a hearing to be held by the county compensation board not less than one week nor more than three weeks from the date of notice. Upon completion of the public hearing, the county

compensation board shall prepare a final compensation schedule recommendation.

5. The salaries and expenses of elected county officers shall be paid from the general fund of the county unless otherwise provided by law. ~~The salary and expenses of the clerk of the district court may be paid from the court expense fund.~~

Sec. 10101. Section 356A.2, Code 1983, is amended to read as follows:

356A.2 CONTRACT. If the board of supervisors ~~contract~~ contracts with a public or private nonprofit agency or corporation for the establishment and maintenance of such a facility, the contract shall state the charge per person per day to be paid by the county; that each ~~such~~ facility shall insure the performance of the duties of the keeper as defined in section 356.5; the activities and service to be provided those detained or confined; the extent of security to be provided in the best interests of the community; the maximum number of persons that can be detained or committed at any one time; the number of employees to be provided by the contracting private nonprofit agency or corporation for the maintenance, supervision, control, and security of persons detained or confined ~~therein~~ in the facility; and any other matters deemed necessary by the supervisors. ~~All such contracts~~ A contract shall be for a period not to exceed two years. The board of supervisors shall deliver a copy of the contract to each municipal court judge in the county and to each district court judge judicial officer of the district which includes that county.

Sec. 10102. Section 356A.6, Code 1983, is amended to read as follows:

356A.6 TRANSFER. A judge judicial officer of the ~~municipal or~~ district court may originally commit a person to the county jail to serve any part of the sentence pronounced, and thereafter the person may be transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2.

Sec. 10103. Section 400.6, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~The provisions of this chapter shall apply~~ This chapter applies to all appointive officers and employees, ~~including former deputy clerks of the municipal court who became deputies of the district court clerks,~~ in cities under any form of government having a population of more than fifteen thousand except:

Sec. 10104. Section 453.1, Code 1983, is amended to read as follows:

453.1 DEPOSITS IN GENERAL. All funds held in the hands of the following officers or institutions shall be deposited in banks first approved by the appropriate governing body as indicated: For the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, sheriff, ~~clerk of the district court, and judicial magistrate,~~ by the board of supervisors; for the city treasurer, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; and for an electric power agency as defined in section 28F.2, by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision shall invest all funds not needed for current operating expenses in time certificates of deposit in banks listed as approved depositories pursuant to this chapter or in investments permitted by section 452.10. The list of public depositories and the amounts severally deposited in the depositories shall be a matter of public record. ~~The term "bank"~~ "Bank" means a bank or a private bank, as defined in section 524.103.

Sec. 10105. Section 508.15, Code 1983, is amended to read as follows:

508.15 VIOLATION BY FOREIGN COMPANY. Companies organized and chartered by the laws of a foreign state or country, failing to file the evidence of investment and statement within the time fixed, shall forfeit and pay the sum of three hundred dollars, to be collected in an action in the name of the state for the use of the school fund and paid to the treasurer of state for distribution under section 602.9107, and their right to transact further new business in this state shall immediately cease until the requirements of this chapter have been fully complied with.

Sec. 10106. Section 511.7, Code 1983, is amended to read as follows:

511.7 RECOVERY OF PENALTIES. Actions brought to recover any of the penalties provided for in this chapter shall be instituted in the name of the state by the county attorney of the county, under the direction and authority of the commissioner of insurance, and may be brought in the district court of any county in which the company or association proceeded against is engaged in the transaction of business, or in which the offending person resides, if it is against him the person. The penalties, when recovered, shall be paid into the state treasury for the use of the school fund to the treasurer of state for distribution under section 602.9107.

Sec. 10107. Section 515.93, Code 1983, is amended to read as follows:

515.93 VIOLATIONS. Any A violation of the provisions of sections 515.91 and 515.92 shall for the first offense subject the company, association, or individual guilty thereof to a penalty of five hundred dollars, to be recovered in the name of the state, with costs, in an action instituted by the county attorney, either in the county in which the company, association, or individual is located or transacts business, or in the county where the offense is committed, and such the penalty, when recovered, shall be paid into the school fund of the county in which action is brought to the treasurer of state for distribution under section 602.9107. Every subsequent violation of said the sections shall subject subjects the company, association, or individual to a penalty of one thousand dollars, to be sued for, recovered, and disposed of in like manner.

Sec. 10108. Section 534.12, subsection 4, Code 1983, is amended to read as follows:

4. REDEMPTION. At any time When funds are on hand for the purpose, the association shall have the right to may redeem by lot or otherwise, as the board of directors may determine determines, all or any part of any of its savings accounts on a dividend date by giving thirty days' notice by registered mail addressed to the account holders at their last addresses recorded on the books of the association. An association shall not redeem any of its share accounts when the association is in an impaired condition or when it has applications for withdrawal which have been on file more than thirty days and have not been reached for payment. The redemption price of a savings account shall be the full value of the account redeemed, as determined by the board of directors, but in no event shall the redemption value shall not be less than the withdrawal value. If the notice of redemption has been given, and if on or before the redemption date the funds necessary for the redemption have been set aside so as to be and continue to be available for redemptions, dividends upon the accounts called for redemption shall cease to accrue from and after the dividend date specified as the redemption date, and all rights with respect to those accounts shall terminate as of the redemption date, subject only to the right of the account holder of record to receive the redemption value without interest. All savings Savings accounts which have been validly called for redemption must be tendered for payment within ten years from the date of redemption designated in the redemption notice, or they shall be canceled and forfeited for the use of the school fund of the county in which the association has its principal place of business conveyed to the clerk of court and paid to treasurer of state for distribution under section 602.9107 and all claims of the account holders against the association shall be are barred forever. Redemption shall not be made of any savings accounts which are held by a person who is a director and which are necessary to qualify the person to act as director.

Sec. 10109. Section 535.5, Code 1983, is amended to read as follows:

535.5 PENALTY FOR USURY. If it shall be ascertained in any action brought on any a contract that a rate of interest has been contracted for, directly or indirectly, in money or in property, greater than is authorized by this chapter, the same rate shall work a forfeiture of eight cents on the hundred by the year upon the amount of the principal remaining unpaid upon such the contract at the time judgment is rendered thereon, and the court shall enter final judgment in favor of the plaintiff and against the defendant for the principal sum so remaining unpaid without costs, and also against the defendant and in favor of the state, for the use of the school fund of the county in which the action is brought to be paid to the treasurer of state for distribution under section 602.9107, for the amount of the forfeiture; and in no case where. If unlawful interest is contracted for shall the plaintiff shall not have judgment for more than the principal sum, whether the unlawful interest be is incorporated with the principal or not.

Sec. 10110. Section 598.16, Code 1983, is amended by adding the following new un-numbered paragraph:

NEW UNNUMBERED PARAGRAPH. Persons providing counseling and other services pursuant to this section are not court employees, but are subject to court supervision.

Sec. 10111. Section 600A.2, subsection 15, Code 1983, is amended to read as follows:

15. "Juvenile court" means a the juvenile court as established under section 231.1 by section 602.8101.

Sec. 10112. NEW SECTION. 622.29 FACSIMILES OF SIGNATURES.

1. The judicial council shall prescribe rules and procedures for the use of a signature facsimile by a justice of the supreme court or a judge of the court of appeals, or a district judge, district associate judge, magistrate, clerk of the district court, county attorney, court reporter, or a law enforcement officer in all instances where a law of this state requires a written signature.

2. The judicial council shall prescribe rules and procedures for the use of a signature facsimile by a person other than an individual named in subsection 1, when directed and authorized by an individual named in subsection 1.

Sec. 10113. Section 622.67, Code 1983, is amended to read as follows:

622.67 DEPOSIT—EFFECT. The court or judge, for good cause shown, may, upon deposit with the clerk of the court of sufficient money to pay the legal fees fee and mileage of a witness, may order the clerk to issue a subpoena to issue requiring the attendance of such the witness from a greater distance within the state. Such The subpoena shall show that it is issued under the provisions hereof this section. If the party requesting the subpoena is a county or the state, the court may order the issuance of the subpoena without the deposit of the fee and mileage.

Sec. 10114. Section 625.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

625.8 JURY AND REPORTER FEES.

1. The clerk of the district court shall tax as a court cost a jury fee of ten dollars in every action tried to a jury.

2. The clerk of the district court shall tax as a court cost a fee of fifteen dollars per day for the services of a court reporter.

3. Revenue from the fees required by this section shall be deposited in the court revenue distribution account established under section 602.9108.

Sec. 10115. Section 628.4, Code 1983, is amended to read as follows:

628.4 REDEMPTION PROHIBITED. No A party who has taken an appeal from the

superior or district court, or stayed execution on the judgment, ~~shall be~~ is not entitled to redeem.

Sec. 10116. Section 631.2, subsection 2, Code 1983, is amended to read as follows:

2. The clerk of the district court shall maintain a separate docket for small claims which shall be known as the small claims docket, and which shall contain all matters relating to those small claims which are required by section ~~606.7~~ 602.9104, subsection 2, paragraph f, to be contained in a combination docket.

Sec. 10117. Section 631.3, subsection 4, Code 1983, is amended to read as follows:

4. Upon the request of ~~any~~ a party to the action, the clerk or a judicial officer shall issue subpoenas for the attendance of witnesses at a hearing. ~~The provisions of sections Sections 622.63 to 622.67, 622.69, 622.76 and 622.77 shall~~ apply to subpoenas issued pursuant to this chapter.

Sec. 10118. Section 631.6, subsection 4, unnumbered paragraph 2, Code 1983, is amended to read as follows:

All fees and costs collected in small claims actions shall be ~~remitted to the county treasurer as provided in section 606.16. The deposited in the court revenue distribution account established under section 602.9108, except that the fee specified in subsection 4 shall be remitted to the secretary of state.~~

Sec. 10119. Section 633.13, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A district judge has statewide jurisdiction to enter orders in probate matters not requiring notice and hearing, although the judge is not a judge of or present in the district in which the probate matter is pending. The orders shall be made in conformity with the rules of the district in which the probate matter is pending.

Sec. 10120. Section 633.17, Code 1983, is amended to read as follows:

633.17 JUDGE DISQUALIFIED—PROCEDURE. ~~Where the judge is a party, or is connected by blood or affinity with a person interested nearer than the fourth degree, or is personally interested~~ When a judge is disqualified from acting in any a probate matter, the same matter shall be heard before another judge of the same district, or shall be transferred to the court of another district, or a judge of another district shall be procured to hold court for the hearing of such the matter.

Sec. 10121. Section 633.18, Code 1983, is amended by striking* the section and inserting* in lieu thereof the following:

633.18 RULES IN PROBATE.

1. Actions and proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.5201.

2. The district judges of a judicial district acting under section 602.1212 may prescribe rules for probate actions and proceedings within the district, but these rules must be consistent with this chapter, and ~~shall be~~ are* subject to the approval of the supreme court.

Sec. 10122. Section 633.20, Code 1983, is amended to read as follows:

633.20 REFEREE—EXAMINATION OF ACCOUNTS—FEES CLERK.

1. ~~For The court may appoint a referee in probate for the auditing of the accounts of fiduciaries and for the performance of such other ministerial duties as the court may direct, the court may appoint a referee in probate whenever in the opinion of the court it seems fit and proper to do so prescribes. The referee may be the clerk. No A person shall not be appointed as referee in any a matter where he the person is acting as a fiduciary or as the attorney. All fees received by any county officer serving in the capacity of referee in probate shall become a part of the fees of his office and shall be accounted for as such.~~

*According to enrolled Act

2. The court may appoint the clerk as referee in probate. In such cases, the fees received by the clerk for serving in the capacity of referee are fees of the office of the clerk of court and shall be deposited in the court revenue distribution account established under section 602.9108.

Sec. 10123. Section 633.21, Code 1983, is amended to read as follows:

633.21 APPRAISERS' FEES AND REFEREES' FEES FIXED BY RULE. The district court sitting en banc judges of each judicial district shall by rule fix the fees of probate referees. It shall, and also by rule provide, insofar as practicable, a uniform schedule of compensation for inheritance tax appraisers, other appraisers, brokers, and agents employed at estate expense.

Sec. 10124. Section 633.31, subsection 2, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The clerk shall charge and collect the following fees, in connection with probate matters, all of which shall be paid into the county treasury for the use of the county deposited in the court revenue distribution account established under section 602.9108:

Sec. 10125. Section 644.15, Code 1983, is amended to read as follows:

644.15 PROCEEDS—FORFEITURE. The net proceeds of all sales made by the sheriff, and all money or bank notes paid over to the county treasurer, as directed in this chapter, shall remain in the hands of the county treasurer in trust for the owner, if any such shall apply the owner applies within one year from the time the same shall proceeds, moneys, or bank notes would have been paid over; but, However, if no owner shall appear appears within such that time, the money proceeds, moneys, or bank notes shall be forfeited, and the claim of the owner thereto is forever barred, in which event the money shall remain in the county treasury for the use of the common schools in said county be paid to the clerk of district court who shall pay the money to the treasurer of state for distribution under section 602.9107.

Sec. 10126. Section 666.3, Code 1983, is amended to read as follows:

666.3 FINES AND FORFEITURES. All fines Fines and forfeitures, after deducting therefrom court costs, court expenses collectible through the clerk of the court, and fees of collection, if any, and not otherwise disposed of, shall go into the treasury of the county where the same are collected for the benefit of the school fund be paid to the treasurer of state for distribution under section 602.9107.

Sec. 10127. Section 666.6, Code 1983, is amended to read as follows:

666.6 REPORT OF FORFEITED BONDS. The clerk of the district court shall make an annual report in writing to the board of supervisors at supreme court on the first regular meeting of the board Monday in January of all forfeited recognizances in the clerk's office; of all fines, penalties, and forfeitures imposed in the district court, which by law go into the county treasury for the benefit of the school fund; in what cause or proceeding, when and for what purpose, against whom and for what amount, rendered; whether the fines, penalties, forfeitures, and recognizances have been paid, remitted, canceled, or otherwise satisfied; if so, when, how, and in what manner, and if not paid, remitted, canceled, or otherwise satisfied, what steps have been taken to enforce the collection of the fines, penalties, forfeitures, and recognizances.

Such The report must shall be full, true, and complete with reference to the matters therein contained, and of in the report and all things required by this section to be reported, and the report shall be under oath, and any officer. A clerk failing to make such the report shall be as required by this section is guilty of a simple misdemeanor.

Sec. 10128. Section 684A.6, Code 1983, is amended to read as follows:

684A.6 PROCEDURE. The supreme court may prescribe its own rules of procedure con-

cerning the answering and certification of questions of law under this chapter, subject to section ~~684.19~~ 602.5202.

Sec. 10129. Section 801.4, subsection 7, paragraph e, Code 1983, is amended to read as follows:

e. Probation officers acting pursuant to section ~~231.10~~ 602.8202, subsection 4.

Sec. 10130. Section 801.4, subsection 10, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

10. "Indigent person" means a person who is indigent as determined in accordance with section 815.9.

Sec. 10131. Section 805.9, subsection 6, Code 1983, is amended to read as follows:

6. The ~~five~~ six dollars in costs imposed by this section are the total costs collectible from ~~any~~ a defendant upon either an admission of a violation without hearing, or upon a hearing pursuant to subsection 4. Fees shall not be imposed upon or collected from ~~any~~ a defendant for the purposes specified in section ~~331.705~~ 602.9105, subsection 1, paragraph "i", "j", or "t".

Sec. 10132. Section 805.11, Code 1983, is amended to read as follows:

805.11 OTHER PENALTIES. If the defendant is convicted of a scheduled violation, the penalty ~~shall be~~ is the scheduled fine, without suspension of the fine prescribed in section 805.8 together with costs assessed and distributed as prescribed by section ~~602.63~~ 602.9106, unless it appears from the evidence that the violation was of the type set forth in section 805.10, subsection 1 or 3, in which event the scheduled fine ~~shall~~ does not apply and the penalty shall be increased within the limits provided by law for the offense.

Upon the conviction of a defendant of a violation specified in section 805.8 or 805.10, fees shall not be imposed or collected for the purposes specified in section ~~331.705~~ 602.9105, subsection 1, paragraph "i", "j", or "t".

Sec. 10133. Section 805.12, Code 1983, is amended to read as follows:

805.12 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines, forfeiture of bail, fees, and costs collected for all traffic violations, whether or not scheduled, and for all other scheduled violations shall be ~~remitted~~ distributed in accordance with section ~~602.55~~ 602.9106.

Sec. 10134. Section 813.4, Code 1983, is amended to read as follows:

813.4 ADDITIONS TO AND AMENDMENT OF RULES. The rules of criminal procedure may be amended, provisions deleted, and new rules added, ~~in the manner prescribed for civil rules under chapter 684 by the supreme court, subject to section 602.5202.~~

Sec. 10135. Section 814.9, Code 1983, is amended to read as follows:

814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a defendant in a criminal cause has perfected an appeal from a judgment ~~against him or her and shall satisfy the judge of the district court that he or she is indigent, such judge and is determined by the court to be indigent,~~ the court may order the transcript made at the expense of the county where the defendant was tried public expense. When an attorney of record is representing ~~such an~~ indigent, ~~said~~ the attorney shall ~~make application apply~~ apply to the district court for the transcript.

Sec. 10136. Section 814.10, Code 1983, is amended to read as follows:

814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause has been granted discretionary review from an action of the district court and the appellate court deems a transcript or portions thereof are necessary to proper review of the question or questions raised, the district court shall order the transcript made at ~~the expense of the county where the defendant was tried, public expense if a determination is made that the defendant is indigent.~~

Sec. 10137. NEW SECTION. 815.9 INDIGENCY DETERMINED— PENALTY.

1. For purposes of this chapter, section 68.8, section 222.22, chapter 232, chapter 814, and the rules of criminal procedure, a person is indigent if the person is determined to be unable to employ legal counsel without prejudicing the person's financial ability to provide economic necessities for the person or the person's dependent family.

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person, or in an appropriate case by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the supreme court, and shall contain a full disclosure of all assets, liabilities, current income, dependents, and other information prescribed by the supreme court. The supreme court shall adopt rules under section 602.5202 prescribing the form and content of the financial statement, and the standards by which indigency shall be determined under subsection 1. If a person is granted legal assistance as an indigent, the financial statement shall be filed and permanently retained in the person's court file.

3. A person who knowingly submits a false financial statement for the purpose of obtaining legal assistance at public expense commits a fraudulent practice. As used in this subsection, "legal assistance" includes legal counsel, transcripts, witness fees and expenses, and any other goods or services required by law to be provided to an indigent person at public expense.

Sec. 10138. NEW SECTION. 815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, may appoint a public defender or any attorney who is admitted to the practice of law in this state to represent an indigent person at any state of the proceedings or on appeal of any action in which the indigent person is entitled to legal assistance at public expense. An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall appoint a public defender or another attorney to represent the person at public expense. If an attorney other than a public defender is appointed, the fee paid to the attorney shall be taxed as a court cost against the person.

3. An attorney other than a public defender who is appointed by the court under subsection 1 or 2 shall apply to the district court for compensation and for reimbursement of costs incurred. The amount of compensation due shall be determined in accordance with section 815.7.

Sec. 10139. NEW SECTION. 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE. Costs incurred under sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, 815.12, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the supreme court for those purposes.

Sec. 10140. NEW SECTION. 815.12 TRIAL JURY EXPENSES. The clerk of the district court shall pay fees and mileage due petit jurors, and the costs of food, lodging, and transportation when provided for petit jurors.

Sec. 10141. NEW SECTION. 815.13 PAYMENT OF PROSECUTION COSTS. The county or city that prosecutes a criminal action shall pay the required fees and mileage to witnesses called on behalf of the prosecution, the costs of depositions taken on behalf of the prosecution, the costs of transcripts requested by the prosecution, the fees that are payable to the clerk of the district court for services rendered, and court costs taxed in connection with the trial of the action or appeals from the judgment. These fees and costs are recoverable by the county or city from the defendant unless the defendant is found not guilty or the action is dismissed. Expenditures of a county under this section may be paid out of the court expense fund in lieu of the county general fund.

Sec. 10142. Rule of civil procedure 202, Iowa court rules, second edition, is amended to read as follows:

202. FOOD AND LODGING. The court may order the sheriff to provide suitable that food and lodging at the expense of the county be provided at state expense for a jury being kept together to try or deliberate on a cause.

Sec. 10143. Rule of criminal procedure 2, subsection 3, Iowa court rules, second edition, is amended by striking the subsection and inserting in lieu thereof the following:

3. COUNSEL FOR INDIGENT. The magistrate may appoint counsel to represent the defendant at public expense if the magistrate determines the defendant to be indigent in accordance with section 815.9, The Code.

Sec. 10144. Rule of criminal procedure 2, subsection 4, paragraph g, subparagraph (2), Iowa court rules, second edition, is amended to read as follows:

(2) On application of a defendant addressed to a district judge, showing that the record of preliminary hearing, in whole or in part, should be made available to the defendant's counsel, an order may issue that the clerk make available a copy of the record, or of a portion thereof, to defense counsel. Such The order shall provide for require prepayment of the costs of such the record by the defendant unless the defendant makes a sufficient affidavit that he or she is unable to pay or to give security therefor, in which case the expense shall be paid by the county. However, if the defendant is indigent the record shall be made at public expense. The prosecution may move also that a copy of the record, in whole or in part, be made available to it, for good cause shown, and an order may be entered granting such motion in whole or in part, on appropriate terms, except that the government need not prepay costs nor furnish security therefor.

Sec. 10145. Rule of criminal procedure 19, subsection 4, Iowa court rules, second edition, is amended to read as follows:

4. WITNESSES FOR INDIGENTS. Counsel for a defendant who because of indigency is financially unable to obtain expert or other witnesses necessary to an adequate defense of the case may request compensation in a written application that the necessary witnesses be secured at public expense. Upon finding, after appropriate inquiry, that the services are necessary and that the defendant is financially unable to provide compensation, the court shall authorize counsel to obtain such the witnesses on behalf of the defendant. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them pursuant to chapter 815, The Code.

Sec. 10146. Rule of criminal procedure 26, subsection 1, Iowa court rules, second edition, is amended to read as follows:

1. REPRESENTATION. Every defendant who is an indigent person as defined in section 331.775, subsection 4 815.9, The Code (1981 Code Sup.), is entitled to have counsel appointed to represent him or her the defendant at every stage of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation and parole revocation hearings, unless the defendant waives such appointment.

Sec. 10147. Rule of criminal procedure 26.1, subsections 1 and 5, Iowa court rules, second edition, are amended to read as follows:

1. An indigent defendant, as defined in section 336A.4 815.9, The Code (331.775(4) and 331.777(2)), convicted of an indictable offense or a simple misdemeanor where defendant faces the possibility of imprisonment, is entitled to appointment of counsel on appeal or application for discretionary review to the supreme court. Application for appointment of appellate counsel shall be made to the trial court, which shall retain authority to act on such the application after notice of appeal or application for discretionary review has been filed. The supreme court, or a justice thereof, shall have authority to may appoint counsel in the event if the trial court fails or refuses to appoint and it becomes necessary to further provide for counsel.

5. If defendant has proceeded as an indigent in the trial court and a financial statement required by section ~~336B.2~~, The Code (~~331.778(2)~~), already has been filed pursuant to section ~~336B.4~~ 815.9, The Code (~~331.777(2)~~ and ~~331.778(2)~~), such the defendant, upon making application for appointment of appellate counsel, shall be presumed to be an indigent, and an additional financial statement shall not be required to be submitted to the court, unless evidence is offered that defendant is not an indigent. In all other cases defendant shall be required to submit a financial statement to the trial court. Defendant and appointed appellate counsel shall be ~~are~~ under a continuing obligation to inform the trial court of any change in circumstances that would make defendant ineligible to qualify as an indigent.

Sec. 10148. Rule of criminal procedure 47, Iowa court rules, second edition, is amended to read as follows:

Rule 47. BAILIFF OBTAINED. If trial by jury is demanded and a court attendant employed under section 602.7601 is not available to assist the magistrate, the magistrate shall notify the sheriff who shall furnish a bailiff at that time and place to act as officer of the court.

Sec. 10149. Rule of criminal procedure 49, Iowa court rules, second edition, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the judgment and costs are not fully and immediately satisfied, the magistrate shall indicate on the judgment the portion unsatisfied and shall promptly certify a copy of the judgment to the clerk of the district court. The clerk shall index and file the judgment, whereupon it is a judgment of the district court.

Sec. 10150. Rule of appellate procedure 453, Iowa court rules, second edition, is amended to read as follows:

Rule 453. DOCKETING. Upon receipt of a certified question the clerk of the supreme court shall prepare a docket page and assign a number to the matter. Within ten days after the filing of the certification order the movant or party who is to file his a brief first shall pay to the clerk of the supreme court the docket fee in the amount prescribed pursuant to section ~~685.3~~ 602.5303, The Code, for docketing an appeal from a final judgment or decree. Upon receipt of the docket fee, the clerk of the supreme court shall enter the matter upon the docket and give notice to the certifying court and all parties or their attorneys of the date on which the matter is entered on the docket.

Sec. 10151. Rule of probate procedure 5(c), Iowa court rules, second edition, is amended to read as follows:

(c) The court administrator of the judicial department shall utilize the reports in the discharge of the duties prescribed in section ~~685.8~~ 602.1209, The Code, and, in addition, shall prepare a list of the attorneys for fiduciaries who have received and ignored a notice of delinquency. The court administrator shall transmit the list of attorneys, together with other relevant information, to the committee on professional ethics and conduct of the Iowa State Bar Association and to the client security and attorney disciplinary commission.

DIVISION III

EFFECTIVE DATE – CODIFICATION – REPEALER

Sec. 10201. EFFECTIVE DATE. Except as otherwise provided in division IV, this Act takes effect July 1, 1983.

Sec. 10202. CODIFICATION.

1. Division I is created as a new chapter 602 of the Code. The Code editor shall rename title XXX of the Code to correspond to the subject matters contained in new chapter 602.

2. The Code editor shall recodify chapters 605A and 610 as new and separate articles at the end of new chapter 602.

Sec. 10203. REPEALER. Except as otherwise provided in division IV:

1. Chapters 115, 231, 602, 605, 684, and 685, Code 1983, are repealed.
2. Sections 66.25, 127.21, 127.22, 232.63, 232.124, 331.701 through 331.705, 331.775, 331.778, 607.6, 622.68, and 622.73, Code 1983, are repealed.

Sec. 10204. CONFLICTING LEGISLATION. If both this Act and House File 562 are enacted by the Seventieth General Assembly and if House File 562, as enacted, deposits in the general fund of the state all amounts that would be received from a clerk of the district court under section 602.9106, subsection 3 of this Act, the following shall apply:

1. Amendments to sections 32.2; 99.30; 127.21; 127.22; 302.44; 331.509, subsection 1, paragraph o; 331.552, subsection 11; 508.15; 511.7; 515.93; 534.12, subsection 4; 535.5; 595.11; 644.15; and 666.3, Code 1983, and the repeal of sections 127.22, 302.3, and 302.24, Code 1983, contained in House File 562 shall prevail.

2. Section 602.9107 of this Act, the amendments to section 127.20, Code 1983, contained in this Act, and the amendment to section 602.55, Code 1983, contained in House File 562 are void.

3. Notwithstanding section 602.9106, subsection 3 of this Act, all amounts received under that subsection shall be deposited in the general fund of the state.

DIVISION IV

TRANSITION PROVISIONS

Sec. 10301. IMPLEMENTATION BY COURT COMPONENT. The state shall assume responsibility for components of the court system according to the following schedule:

1. On October 1, 1983 the state shall assume the responsibility for and the costs of jury and witness fees and mileage as provided in sections 607.5, 622.69, and 622.72, except as provided in section 331.506, subsection 2.

2. Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

3. Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. Section 602.7601 takes effect on January 1, 1985.

4. Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

5. Clerks of the district court shall become court employees on July 1, 1986. The state shall assume the responsibility for and the costs of the offices of the clerks of the district court on July 1, 1986. Persons who are holding office as clerks of the district court on July 1, 1986 are entitled to continue to serve in that capacity until the expiration of their respective terms of office. The district judges of a judicial election district shall give first and primary consideration for appointment of a clerk of the district court to serve the court beginning in 1989 to a clerk serving on and after July 1, 1986 until the expiration of the clerk's elected term of office. A vacancy in the office of clerk of the district court occurring on or after July 1, 1986 shall be filled as provided in section 602.1214.

6. The state shall assume the responsibility for and the costs of indigent defense on July 1, 1987.

For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III is not effective during the period beginning July 1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, this Act takes effect in its entirety.

However, if the state does not fully assume the costs for a fiscal year of a component of the court system in accordance with the scheduled assumption of responsibility, the state shall not assume responsibility for that component, and the schedule of state assumption of responsibility shall be delayed. The delayed schedule of state assumption of responsibility shall again be followed for the fiscal year in which the state fully assumes the costs of that component. For the fiscal year for which the state's assumption of the responsibility for a court component is delayed, the clerk of the district court shall not reduce the percentage remittance to the counties from the court revenue distribution account under section 602.9108. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987 is correspondingly lengthened, and this Act takes effect in its entirety only at the end of the lengthened transition period.

The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of this Act, and as necessary to determine the applicability of specific provisions of this Act in accordance with the scheduled state assumption of responsibility for the components of the court system.

Sec. 10302. ACCRUED EMPLOYEE RIGHTS.

1. Persons who were paid salaries by the counties immediately prior to becoming state employees as a result of this Act shall not forfeit accrued vacation, accrued sick leave, or longevity, except as provided in this section.

2. As a part of its rule-making authority under section 10301, the supreme court, after consulting with the state comptroller, shall prescribe rules to provide for the following:

a. Each person referred to in subsection 1 shall have to the person's credit as a state employee commencing on the date of becoming a state employee the number of accrued vacation days that was credited to the person as a county employee as of the end of the day prior to becoming a state employee.

b. Each person referred to in subsection 1 shall have to the person's credit as a state employee commencing on the date of becoming a state employee the number of accrued days of sick leave that was credited to the person as a county employee as of the end of the day prior to becoming a state employee. However, the number of days of sick leave credited to a person under this subsection shall not exceed the maximum number of days that state employees generally are entitled to accrue according to laws and rules in effect as of the date the person becomes a state employee.

c. Commencing on the date of becoming a state employee, each person referred to in subsection 1 is entitled to claim the person's most recent continuous period of service in full-time county employment as full-time state employment for purposes of determining the number of days of vacation which the person is entitled to earn each year. The actual vacation benefit shall be determined according to laws and rules in effect for state employees of comparable longevity, irrespective of any greater or lesser benefit as a county employee.

d. Notwithstanding paragraphs b and c, for the period beginning July 1, 1984, and ending June 30, 1986, court reporters who become state employees as a result of this Act are not subject to the sick leave and vacation accrual limitations generally applied to state employees.

Sec. 10303. LIFE AND HEALTH INSURANCE. Persons who were covered by county employee life insurance and accident and health insurance plans prior to becoming state employees as a result of this Act shall be permitted to apply prior to becoming state employees for life insurance and health and accident insurance plans that are available to state

employees so that those persons do not suffer a lapse of insurance coverage as a result of this Act. The supreme court, after consulting with the state comptroller, shall prescribe rules and distribute application forms and take other actions as necessary to enable those persons to elect to have insurance coverage that is in effect on the date of becoming state employees. The actual insurance coverage available to a person shall be determined by the plans that are available to state employees, irrespective of any greater or lesser benefits as a county employee.

Sec. 10304. COMPENSATION AND BENEFITS. Notwithstanding sections 10302, 10303, and 10306, a county employee who becomes a state employee as a result of this Act shall receive the compensation and other benefits provided to state employees, unless the employee, within the period of time beginning thirty days prior to the day when the employee becomes a state employee and ending thirty days after the employee becomes a state employee, files an election with the state court administrator to continue to receive the compensation and other benefits received by the employee immediately prior to becoming a state employee. If an employee files the election, the employee may at any time thereafter revoke the election and agree to receive the compensation and other benefits provided to state employees. The state court administrator shall reimburse counties for expenses incurred as a result of employee elections to continue to receive the compensation and other benefits which the employees received immediately prior to becoming state employees.

Sec. 10305. HIRING MORATORIUM.

1. Commencing one year prior to each category of employees becoming state employees as a result of this Act, new employees shall not be hired and vacancies shall not be filled, except as provided in subsection 2, with respect to any of the following agencies or positions:

- a. Offices of the clerks of the district court.
- b. District court administrators.
- c. Juvenile probation offices.
- d. Court reporters.

e. Any other position of employment that is supervised by a district court judicial officer or by a person referred to or employed in an office referred to in paragraph a, b, c, or d.

2. A new employee position or vacancy that is subject to subsection 1 may be filled upon approval by the chief judge of the judicial district. The employer seeking to fill the new position or vacancy shall submit a request to the chief judge in the form prescribed by the supreme court, and shall be governed by the decision of the chief judge. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under this subsection.

Sec. 10306. EMPLOYEE RECLASSIFICATION MORATORIUM. Commencing one year prior to county employees becoming state employees as a result of this Act, the county employees shall not be promoted or demoted, and shall not be subject to a reduction in salary or a reduction in other employee benefits, except after approval by the chief judge of the judicial district. An employer wishing to take any of these actions shall apply to the chief judge in a writing that discloses the proposed action, the reasons for the action, and the statutory or other authority for the action. The chief judge shall not approve any proposed action that is in violation of an employee's rights or that is extraordinary when compared with customary practices and procedures of the employer. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under this section.

Sec. 10307. COURT PROPERTY.

1. Commencing on the date when each category of employees becomes state employees as a result of this Act, public property referred to in subsection 2 that on the day prior to that date

is in the custody of a person or agency referred to in subsection 3 shall not become property of the judicial department but shall be devoted for the use of the judicial department in its course of business. The judicial department shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial department. Upon replacement of the property by the judicial department, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial department, and the county shall make the property available to the judicial department for the department's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county.

2. This section applies to the following property:

- a. Books, accounts and records that pertain to the operation of the district court.
- b. Forms, materials, and supplies that are consumed in the usual course of business.
- c. Tables, chairs, desks, lamps, curtains, window blinds, rugs and carpeting, flags and flag standards, pictures and other wall decorations, and other similar furnishings.
- d. Typewriters, adding machines, desk calculators, cash registers and similar business machines, reproduction machines and equipment, microfiche projectors, tape recorders and associated equipment, microphones, amplifiers and speakers, film projectors and screens, overhead projectors, and similar personal property.
- e. Filing cabinets, shelving, storage cabinets, and other property used for storage.
- f. Books of statutes, books of ordinances, books of judicial decisions, and reference books, except those that are customarily held in a law library for use by the public.
- g. All other personal property that is in use in the operation of the district court.

3. This section applies to the following persons and agencies:

- a. Clerks of the district court.
- b. Judicial officers.
- c. District court administrators.
- d. Juvenile probation officers.
- e. Court reporters.
- f. Persons who are employed by a person referred to in paragraphs a through e.

4. Subsections 1 through 3 and 5 do not apply to electronic data storage equipment, commonly referred to as computers, or to computer terminals or any machinery, equipment, or supplies used in the operation of computers. Those counties that were providing computer services to the district court shall continue to provide these services until the general assembly provides otherwise. The state shall reimburse these counties for the cost of providing these services. Each county providing computer services to the district court shall submit a bill for these services to the supreme court at the end of each calendar quarter. Reimbursement shall be payable from funds appropriated to the supreme court for operating expenses of the district court, and shall be paid within thirty days after receipt by the supreme court of the quarterly billing.

5. Personal property of a type that is subject to subsections 1 through 3 shall be subject to the control of the chief judge of the judicial district commencing on the date when each category of employees becomes state employees as a result of this Act. On and after that date the chief judge of the judicial district may issue necessary orders to preserve the use of the property by the district court. Commencing on that date, the chief judge, subject to the direction of the supreme court, shall establish and maintain an inventory of property used by the district court.

Sec. 10308. COLLECTIVE BARGAINING. A person who becomes a state employee as a

result of this Act is a public employee, as defined in section 20.3, subsection 3, for purposes of chapter 20. The person may bargain collectively on and after July 1, 1983 as provided by law for a court employee. However, if the person is subject to a collective bargaining agreement negotiated prior to July 1, 1983, the person is entitled to the rights and benefits obtained by the person pursuant to that contract after July 1, 1983, until that contract expires. If the person is subject to a collective bargaining agreement negotiated on or after July 1, 1983, the person is not entitled to any rights or benefits obtained by the person pursuant to that contract after becoming a state employee.

Sec. 10309. **ADDITIONAL JUDGESHIPS.** The four additional district judgeships created by section 7201, subsection 10 of this Act, take effect at such time as revenues are appropriated to fund the additional judgeships. As soon as possible after those revenues are appropriated, the supreme court administrator of the judicial department shall rank each judicial election district in descending order based on the application of the judgeship formula provided in section 602.7201. The additional judgeships that are created by section 7201, subsection 10 of this Act, shall be apportioned, one to a judicial election district, among the four judicial election districts having the lowest percentage of their judgeship entitlement under the judgeship formula.

Sec. 10310. **JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.** As soon as practicable after January 1, 1985, the supreme court administrator shall recompute the number of judgeships to which judicial election districts 5A and 5C are entitled. Commencing on January 1, 1985, vacancies within judicial election districts 5A and 5C shall be determined and filled under section 602.7201, subsections 4 through 8. For purposes of the recomputations, the supreme court administrator shall determine the average case filings for the latest available three-year period by reallocating the actual case filings during the three-year period to judicial election districts 5A and 5C as if they existed throughout the three-year period.

Sec. 10311. **JUDICIAL NOMINATING COMMISSIONS FOR ELECTION DISTRICTS 5A AND 5C.** The membership of district judicial nominating commissions for judicial election districts 5A and 5C shall be as provided in chapter 46, subject to the following transition provisions:

1. Those judicial nominating commissioners of judicial election district 5A who are residents of Polk county shall be disqualified from serving in election district 5A on January 1, 1985, and their offices shall be deemed vacant. The vacancies thus created shall be filled as provided in section 46.5 for the remainder of the unexpired terms.

2. After January 1, 1985 the governor shall appoint five eligible electors of judicial election district 5C to the district judicial nominating commission for terms commencing immediately upon appointment. Two of the appointees shall serve terms ending January 31, 1988, two of the appointees shall serve terms ending January 31, 1990, and the remaining appointee shall serve a term ending January 31, 1992, as determined by the governor. At the end of these terms and each six years thereafter the governor shall appoint commissioners pursuant to section 46.3.

3. After January 1, 1985 elective judicial nominating commissioners for judicial election district 5C shall be elected as provided in chapter 46 to terms of office commencing immediately upon election. One of those elected shall serve a term ending January 31, 1988, two shall serve terms ending January 31, 1990, and two shall serve terms ending January 31, 1992, as determined by the drawing of lots by the persons elected. At the end of these terms and every six years thereafter elective commissioners shall be elected pursuant to chapter 46.

Sec. 10312. FIFTH JUDICIAL ELECTION DISTRICT. The provisions of section 602.7109 relating to the division of the fifth judicial district into judicial election districts 5A, 5B, and 5C take effect January 1, 1985.

Sec. 10313. BAILIFFS EMPLOYED AS COURT ATTENDANTS. Persons who were employed as bailiffs and who were performing services for the court, other than law enforcement services, immediately prior to the effective date of section 602.7601, shall be employed by the district court administrators as court attendants under section 602.7601 on the effective date of that section.

Sec. 10314. TEMPORARY SERVICE BY CERTAIN RETIRED JUDICIAL MAGISTRATES. Persons who retired before January 1, 1981 and who were judicial magistrates at the time of retirement and who meet the qualifications of a district associate judge are considered to be district associate judges for the purposes of section 602.1612.

Approved June 9, 1983

CHAPTER 187

PARI-MUTUEL BETTING ON HORSE AND DOG RACES

S.F. 92

AN ACT to permit pari-mutuel betting in Iowa, by creating a state racing commission and prescribing its powers and duties, providing for licensing of certain organizations for the purpose of conducting horse and dog races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts.

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

Section 1. NEW SECTION. 99D.0 SHORT TITLE. This chapter shall be known and may be cited as the "Iowa Pari-mutuel Wagering Act".

Sec. 2. NEW SECTION. 99D.1 DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Breakage" means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents.

2. "Commission" means the state racing commission created under section 99D.4.

3. "Holder of occupational license" means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license to engage in within the racing industry in Iowa.

4. "Licensee" means a nonprofit corporation licensed under section 99D.8.

5. "Pari-mutuel wagering" means the system of wagering described in section 99D.10.

6. "Race", "racing", "race meeting", "track", and "racetrack" refer to dog racing and horse racing, including quarterhorse, thoroughbred, and harness racing, as approved by the commission.

7. "Racetrack enclosure" means the grandstand, clubhouse, turf club or other areas of a licensed racetrack which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials. "Racetrack enclosure" also means any additional areas designated by the commission.