

February 16, 1955.  
Passed on File.

**House File 349**  
By COMMITTEE ON JUDICIARY 1.

Passed House, Date... *March 16, 1955*

Vote: Ayes..... *94*..... Nays..... *2*.....

*83-0*

Passed Senate, Date... *April 28, 1955*

Vote: Ayes..... *35*..... Nays..... *7*.....

Approved .....

## A BILL FOR

An Act authorizing the compiling and analysis of statistics  
relating to the judicial system of the state of Iowa.

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

1 Section 1. There is hereby established in the office of  
2 the clerk of the supreme court the position of statistician of  
3 the judicial department. The statistician shall be appointed  
4 and receive a salary fixed by and hold office at the pleasure  
5 of the chief justice of the supreme court.

1 Sec. 2. The statistician, with the approval of the chief  
2 justice, shall appoint, and fix the compensation of such assistants  
3 as are necessary to enable him to perform the powers and duties  
4 vested in him. While holding such position, neither the  
5 statistician nor his assistants shall practice law in any of the  
6 courts of this state.

1 Sec. 3. The chief justice may designate, to serve at his  
2 pleasure, a justice of the supreme court as his assistant in  
3 connection with the work of the statistician. Under the direction  
4 of the chief justice and his assistant the statistician shall:

5 1. Collect and compile statistical and other data and make

6 reports of the business transacted by the courts;

7 2. Collect statistical and other data and make reports  
8 relating to the expenditure of moneys for the maintenance and  
9 operation of the judicial system and the offices connected  
10 therewith;

11 3. Obtain reports from clerks of courts, and from courts  
12 themselves which have no clerks, in accordance with law and rules  
13 adopted by the supreme court as to cases and other judicial  
14 business in which action has been delayed beyond periods of time  
15 specified by law or such rules, and make report thereof;

16 4. Examine the state of the dockets of the courts and  
17 determine the need for assistance by any courts;

18 5. Make reports concerning the overloading and underloading  
19 of particular courts;

20 6. Make recommendations relating to the assignment of  
21 judges where courts are in need of assistance;

22 7. Examine the administrative methods employed in the  
23 offices of clerks of courts, probation officers, and sheriffs,  
24 and make recommendations regarding the improvement of same;

25 8. Formulate recommendations for the improvement of the  
26 judicial system with reference to the structure of the system  
27 of courts, their organization, their methods of operation, the  
28 functions which should be performed by various courts, the  
29 selection, compensation, number, and tenure of judges and court  
30 officials, and as to such other matters as the chief justice and  
31 his assistant may direct; and

32 9. Attend to such other matters as may be assigned by the  
33 chief justice and his assistant.

1 Sec. 4. The judges, clerks of courts, probation officers,  
2 sheriffs, and all other officers, state and local, shall comply  
3 with all requirements made by the statistician or his assistants for  
4 information and statistical data bearing on the state of the  
5 dockets of the courts, the progress of court business, and such  
6 other information as may reflect the business transacted by them  
7 and the expenditure of moneys for the maintenance and operation  
8 of the judicial system.

1 Sec. 5. The provisions of this act apply to the following  
2 courts: supreme court, district court, superior court, municipal  
3 court, police court, justice of the peace court, mayor's court,  
4 and all other courts, state and local, which may be established  
5 from time to time.

1 Sec. 6. A special fund to be known as the judicial  
2 statistics fund is hereby established in the state treasury. To  
3 provide revenue to defray the cost of the statistician and his  
4 work, lines one to eleven (1 to 11) inclusive of section six  
5 hundred six point fifteen (606.15), Code 1954, are repealed, and  
6 the following is substituted therefor: "The clerk of the district  
7 court shall charge and collect the following fees, all of which  
8 shall be paid into the county treasury for the use of the county  
9 except as indicated:

10 1. For filing any petition, appeal, or writ of error and  
11 docketing the same, four dollars (\$4.00). Three dollars (\$3.00)

12 of such fee shall remain in the county treasury for the use of  
13 the county, and one dollar (\$1.00) of such fee shall be paid  
14 into the judicial statistics fund of the state for the use of the  
15 statistician. In counties having a population of one hundred  
16 thousand (100,000) or over, an additional one dollar (\$1.00)  
17 shall be charged and collected, to be known as the journal  
18 publication fee and to be used for the purposes provided for in  
19 section six hundred eighteen point thirteen (618.13) of the Code.”

1 Sec. 7. No part of the expense of the statistician shall  
2 be paid out of any funds in the state treasury except the judicial  
3 statistics fund, which shall be subject at all times to the  
4 warrant of the state comptroller, drawn upon the requisition of  
5 the statistician approved by the chief justice, for payment of  
6 salaries of the statistician and his assistants and for equipment,  
7 supplies, support, maintenance, and miscellaneous purposes in  
8 connection with the work of the statistician; but in no event  
9 shall the total expenditures exceed the total fees collected  
10 and deposited to the credit of the judicial statistics fund.

#### EXPLANATION OF H. F. 349

This bill establishes in the office of the supreme court the position of statistician of the judicial department and provides for the method of appointment of the statistician and his staff. It provides that the funds necessary for the payment of the expenses of the office of statistician be secured by adding \$1 to the filing fee and on civil actions.

1 Amend House File 349 by striking all of section 7 and remaining  
ing, the  
2 remaining sections.

Filed  
April 26, 1955.

By COMMITTEE ON APPROPRIATIONS,  
HARRY E. WATSON, Chairman.

1 1. Amend the House amendment to House File 349, section 3,  
2 line 17, by placing a period after the word "law" and striking  
3 the remainder of said section.  
4 2. Further amend by striking section 7.  
5 3. Amend section 8 by striking in line 76 the following:  
6 "general fund of the state." and inserting in lieu thereof the  
7 following: "state treasury in a fund to be known as the  
8 judicial statistics fund. No part of the expense of the  
9 statistician shall be paid out of any fund in the state treasury  
10 except the judicial statistics fund. Withdrawals therefrom  
11 shall be by warrant of the state comptroller upon requisition  
12 by the statistician approved by the presiding judge of the  
13 supreme court, and any balance remaining at the end of a  
14 biennium shall revert to the general fund."

Filed  
April 27, 1955.

By VEST.

1 Amend House File 349 by adding the following to section 6  
2 at the end of line 5 thereof:  
3 "Provided however that the fees established for  
4 municipal and superior courts shall be one-half of those fees  
5 established for district courts prior to the passage of this  
6 act."

Filed and adopted  
April 28, 1955.

By DAILEY.

1 Amend House File 349 as follows:  
2 1. Section 8, line 6, by placing a period after the word  
3 "law" and striking the remainder of said section.  
4 2. Section 8, line 11, by striking the following: "general  
5 fund of the state." and inserting in lieu thereof the following:  
6 "state treasury in a fund to be known as the judicial statistics  
7 fund. No part of the expense of the statistician shall be paid  
8 out of any fund in the state treasury except the judicial  
9 statistics fund. Withdrawals therefrom shall be by warrant of  
10 the state comptroller upon requisition by the statistician  
11 approved by the presiding judge of the supreme court, and any  
12 balance remaining at the end of a biennium shall revert to the  
13 general fund."

Filed and adopted  
April 28, 1955.

By VEST.

1 1. Amend House File 349, section one (1), by adding  
2 in line three (3), following the word "appointed", the word  
3 "by".  
4 2. Amend section two (2) thereof, by adding in line five  
5 (5), following the word "nor", the words "any of".  
6 3. Amend section three (3) thereof, by striking in line  
7 six (6) the word "of", and inserting in lieu thereof the  
8 words "relating to".  
9 4. Further amend section three (3) thereof, by striking  
10 in lines eleven (11) to thirteen (13), inclusive, the words  
11 "courts, and from courts themselves which have no clerks, in  
12 accordance with law and rules adopted by the supreme court"  
13 and inserting in lieu thereof the following: "Court, judges,  
14 justices of the peace, mayors, and magistrates, in accordance  
15 with law or rules prescribed by the chief justice,".  
16 5. Amend section four (4) thereof, by inserting in line  
17 one (1) following the word "judges," the following: "justices  
18 of the peace, mayors, magistrates, reporters, ".  
19 6. Further amend House File 349 by adding the following  
20 new section:  
21 "Sec. 8. This act, being deemed of immediate importance,  
22 shall take effect and be in full force from and after its passage  
23 and publication in The Sac Sun, a newspaper published  
24 at Sac City, Iowa, and in The Guthrian  
25 a newspaper published at Guthrie Center, Iowa."

Filed

February 22, 1955.

THOMPSON of Guthrie.

1 Amend House File 349 as follows:  
2 1. Amend section one (1), line five (5), by striking  
3 the following: "chief justice of the".  
4 2. Amend section two (2), lines one (1) and two (2),  
5 by striking the words "chief justice" and inserting in lieu  
6 thereof the following: "supreme court".  
7 3. Amend section three (3) by striking lines one (1) to  
8 four (4), inclusive, and inserting in lieu thereof the follow-  
9 ing: "The chief justice shall designate other members of the  
10 supreme court to serve in an advisory capacity to the statisti-  
11 cian. Under the direction of the chief justice and the  
12 supreme court the statistician shall."  
13 4. Amend section (3), line thirty-one (31), by striking  
14 the words "his assistant" and inserting in lieu thereof the  
15 following: "the supreme court".  
16 5. Further amend section three (3), line thirty-three (33),  
17 by striking the words "his assistant" and inserting in lieu  
18 thereof the following: "the supreme court."  
19 6. Amend section six (6) by striking lines one (1) and two (2)  
20 and inserting in lieu thereof the following: "There is hereby  
21 appropriated out of the general fund of the state twenty  
22 thousand dollars (\$20,000), or as much thereof as may be  
23 necessary, to"  
24 7. Further amend section six (6) by striking from line fourteen  
25 (14) the words "judicial statistics" and inserting in lieu  
26 thereof the following: "general".  
27 8. Further amend section six (6) by striking in lines  
28 fourteen (14) and fifteen (15) the following: "for the use  
29 of the statistician."  
30 9. Further amend section six (6) by striking lines fifteen (15)  
31 sixteen (16), seventeen (17), eighteen (18) and nineteen  
32 (19).  
33 10. Further amend House File 349 by striking all of section  
34 seven (7) and inserting the following:  
35 "The supreme court shall, on or before January 15, 1959,  
36 report to the General Assembly their findings and recommendations  
37 based on the provisions of this act. Such recommendations  
38 shall include a comprehensive plan of reorganization of the  
39 district courts of Iowa."

Filed

March 10, 1955.

TATE of Cerro Gordo.

HOUSE FILE 349

1 Amend House File 349 as follows:

2 Strike everything after the enacting clause and insert in lieu  
3 thereof the following:

4 Section 1. There is hereby established in the office of the clerk  
5 of the supreme court the position of statistician of the judicial de-  
6 partment. The statistician shall be appointed by the supreme court  
7 and shall hold office at the pleasure of such court.

8 Sec. 2. The statistician, with the approval of the supreme court,  
9 shall appoint such assistants as are necessary to enable him to  
perform  
10 the powers and duties vested in him. While holding such position,  
11 neither the statistician nor his assistants shall practice law in any  
12 of the courts of this state.

13 Sec. 3. The personnel director shall fix the compensation of the  
14 statistician and his assistants as provided for in Chapter eight (8),  
15 Code 1954, and provided further, that after June 30, 1957, funds for  
16 the operation and expenses of the court statistician and his staff  
17 shall be handled as now provided for by law and included in the  
depart-

18 mental appropriation to the supreme court.

19 Sec. 4. Under the direction of the supreme court the statistician  
20 shall:

21 1. Collect and compile statistical and other data and make reports  
22 relating to the business transacted by the courts;

23 2. Collect statistical and other data and make reports relating  
24 to the expenditure of moneys for the maintenance and operation of  
25 the judicial system and the offices connected therewith;

26 3. Obtain reports from clerks of court, judges, justices of the  
27 peace, mayors, and magistrates, in accordance with law or rules  
28 prescribed by the supreme court as to cases and other judicial  
29 business in which action has been delayed beyond periods of time  
30 specified by law or such rules, and make report thereof;

31 4. Examine the state of the dockets of the courts and determine  
32 the need for assistance by any courts;

33 5. Make reports concerning the overloading and underloading of  
34 particular courts;

35 6. Make recommendations relating to the assignment of judges  
where  
36 courts are in need of assistance;

37 7. Examine the administrative methods employed in the offices of  
38 clerks of courts, probation officers, and sheriffs, and make recom-  
39 mendations regarding the improvement of same;

40 8. Formulate recommendations for the improvement of the judicial  
41 system with reference to the structure of the system of courts,  
42 their organization, their methods of operation, the functions which  
43 should be performed by various courts, the selection, compensation,  
44 number, and tenure of judges and court officials, and as to such  
45 other matters as the chief justice and the supreme court may direct;  
46 and

47 9. Attend to such other matters as may be assigned by the chief  
48 justice and the supreme court.

49 Sec. 5. The judges, justices of the peace, mayors, magistrates, re-  
50 porters, clerks of court, probation officers, sheriffs, and all  
51 other officers, state and local, shall comply with all requirements  
52 made by the statistician or his assistants for information and  
53 statistical data bearing on the state of the dockets of the courts,  
54 the progress of court business, and such other information as may  
55 reflect the business transacted by them and the expenditure of  
56 moneys for the maintenance and operation of the judicial system.

57 Sec. 6. The provisions of this act apply to the following courts;  
58 Supreme court, district court, superior court, municipal court,  
59 police court, justice of the peace court, mayor's court, and  
60 all other courts, state and local, which may be established from  
61 time to time.

62     Sec. 7. There is hereby appropriated out of the general fund of  
63 the state, twenty thousand dollars (\$20,000.00), or as much thereof  
64 as may be necessary to provide funds to defray the cost of the statis-  
65 tician and his work.

66     Sec. 8. Repeal lines one (1) to eleven (11) inclusive  
67 of section six hundred six point fifteen (606.15), Code 1954, and  
68 the following is substituted therefore:  
69     "The clerk of the district court shall charge and collect the  
70 following fees, all of which shall be paid into the county treasury  
71 for the use of the county except as indicated:  
72     1. For filing any petition, appeal, or writ of error and  
73 docketing the same, four dollars (\$4.00). Three dollars (\$3.00)  
74 of such fee shall remain in the county treasury for the use of  
75 the county, and one dollar (\$1.00) of such fee shall be paid  
76 into the general fund of the state. In counties having a  
77 population of one hundred thousand (100,000) or over, an addi-  
78 tional one dollar (\$1.00) shall be charged and collected, to be  
79 known as the journal publication fee and to be used for the pur-  
80 poses provided for in section six hundred eighteen point thirteen  
81 (618.13) of the Code."

82     Sec. 9. The supreme court shall, on or before January 15, 1959,  
83 report to the General Assembly their findings and recommendations  
84 based on the provisions of this act. Such recommendations shall in-  
85 clude a comprehensive plan for reorganization of the district courts  
86 of Iowa.

Filed

March 14, 1955

TATE of Cerro Gordo.

1     Amend House File 349, section two (2), line two (2),  
2 by inserting a comma (,) after the word "appoint", and  
3 further amend said line by inserting after the word "and"  
4 the following: "the personnel director shall".

Filed

March 14, 1955.

TATE of Cerro Gordo.

1     Amend the title to House File 349 by striking all after  
2 the word "Act" in line one and substituting in lieu thereof  
3 the following: "relating to compilation and analysis of  
4 statistics relating to the judicial system of the state, and  
5 the appointment of a statistician of the judicial department."

Offered and adopted

March 14, 1955.

THOMPSON of Guthrie.