

Judiciary 4/8
Senate File 431
Judiciary
Kelly, Chairman
Hill of Polk
Miller of Des Moines

FILED APR 7 1975

SENATE FILE 431

By DeKOSTER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act reorganizing the administrative functions of the
2 supreme court.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. NEW SECTION. ADMINISTRATIVE OFFICE OF THE
2 JUDICIAL DEPARTMENT. There is established the administrative
3 office of the judicial department which shall be maintained
4 at the seat of government. The office shall be under the
5 direction and subject to the authority of the supreme court.

6 Sec. 2. NEW SECTION. COURT ADMINISTRATOR. The
7 administrative office of the judicial department shall be
8 supervised by the court administrator of the judicial
9 department. The court administrator shall be appointed by
10 the supreme court, and shall hold office at the pleasure of
11 the court. The supreme court shall fix the compensation of
12 the administrator. The administrator shall be reimbursed
13 for expenses reasonably incurred in the performance of official
14 duties.

15 Sec. 3. NEW SECTION. DUTIES OF THE ADMINISTRATOR. The
16 court administrator shall be under the supervision and control
17 of the supreme court, and subject to the approval of the court
18 shall exercise the following duties and powers:

19 1. Supervise all administrative matters relating to the
20 administrative office of the judicial department.

21 2. Supervise all administrative matters relating to the
22 board of examiners for court reporters, the board of law
23 examiners, the judicial council, the judicial qualifications
24 commission, the office of supreme court clerk, the judicial
25 department statistician and other offices within the
26 administrative office of the judicial department, and all
27 clerical and administrative personnel under the supervision
28 of the supreme court, except the office of code editor.

29 3. Determine and submit requisitions for the payment of
30 maintenance and operating expenses of the supreme court and
31 other agencies which are payable from appropriations to the
32 judicial departments, and of salary, travel and subsistence
33 expenses which are payable from appropriations to the judicial
34 department.

35 4. Administer the judicial retirement system as provided

- 1 in chapter six hundred five A (605A) of the Code.
- 2 5. Authorize the disbursement of moneys appropriated to
3 the judicial department, audit vouchers and accounts of
4 agencies within the administrative office, and account for
5 receipts and disbursements according to the separate duties
6 imposed upon him by the laws of this state.
- 7 6. Fix the compensation of the clerk of the supreme court,
8 deputies, secretaries, stenographers, court reporters, clerical
9 assistants, and other personnel whose compensation is not
10 otherwise fixed by law or by the supreme court.
- 11 7. Provide accomodations for the supreme court, and
12 personnel and agencies within the administrative office.
- 13 8. Administer state funds appropriated for the use of
14 the district court.
- 15 9. Collect and compile statistical and other data and
16 make reports relating to the business transacted by the courts
17 of this state.
- 18 10. Collect statistical and other data and make reports
19 relating to the expenditure of money for the maintenance and
20 operation of the judicial system of this state and the officers
21 connected therewith.
- 22 11. Obtain reports from clerks of court, judges and
23 magistrates, in accordance with law or rules prescribed by
24 the supreme court as to cases and other judicial business
25 in which action has been delayed beyond periods of time
26 specified by law or such rules, and make reports thereof.
- 27 12. Examine the state of the dockets of the courts and
28 determine the need for assistance by any court.
- 29 13. Make reports concerning the overloading and
30 underloading of particular courts.
- 31 14. Make recommendations relating to the assignment of
32 judges where courts are in need of assistance.
- 33 15. Examine the administrative methods employed in the
34 offices of clerks of court, probation officers, and sheriffs,
35 and make recommendations regarding the improvement of these

1 methods.

2 16. Formulate recommendations for the improvement of the
3 judicial system with reference to the structure of the system
4 of courts, and their organization and methods of operation,
5 the functions which should be performed by various courts,
6 the selection, compensation, number, and tenure of judges
7 and court officials, and other matters as the chief justice
8 and the supreme court may direct.

9 17. Any duty which is assigned to the court administrator
10 by the chief justice, the supreme court, or by law.

11 Sec. 4. NEW SECTION. PERSONNEL. The court administrator
12 shall appoint or employ personnel as necessary to enable the
13 administrator to perform the powers and duties vested in the
14 administrator.

15 Sec. 5. NEW SECTION. PRACTICE OF LAW PROHIBITED. An
16 officer or employee of the administrative office of the
17 judicial department shall not engage in the practice of law
18 in any court of this state.

19 Sec. 6. NEW SECTION. COOPERATION OF COURT OFFICERS.
20 The judges, district associate judges, judicial magistrates,
21 reporters, clerks of court, probation officers, sheriffs and
22 all other officers and personnel of the courts shall comply
23 with all requirements made by the court administrator or his
24 deputies for information and statistical data bearing on the
25 state of the dockets of the courts, the progress of court
26 business, and such other information as may reflect the
27 business transacted by them and the expenditure of moneys
28 for the maintenance and operation of the judicial system.

29 Sec. 7. NEW SECTION. DISTRICT COURT ADMINISTRATORS.
30 The supreme court may authorize, subject to any conditions
31 that the supreme court may impose, the appointment of a
32 district court administrator by the supreme court or the court
33 administrator for any judicial district of this state. A
34 person so appointed shall be an officer of the district court
35 and shall be under the supervision of the court administrator

1 of the judicial department. After July 1, 1977, salaries
2 and expenses of district court administrators may be paid
3 from state appropriations. The district court is authorized
4 to accept federal funds for district court administration
5 until July 1, 1977 after which the judicial department may
6 accept federal funds to support district court administrators.

7 Sec. 8. NEW SECTION. JUDICIAL DEPARTMENT BUDGET. The
8 court administrator shall prepare and submit biennially, a
9 budget for the judicial department which shall include
10 estimates of the expenditures and appropriations necessary
11 for the administrative office, and the judicial retirement
12 system, and the court administrator shall submit supplemental
13 reports as the court determines. The court administrator
14 shall cause periodic examinations of the judicial retirement
15 system to be made by an actuary, and the reports of findings
16 and recommendations shall be transmitted by the administrator
17 to the supreme court.

18 Budget estimates and supplements, shall be approved by
19 the supreme court prior to presentation to the governor.

20 Sec. 9. NEW SECTION. FEDERAL FUNDS. The supreme court
21 is authorized to accept federal funds to supplement the funds
22 appropriated to the court.

23 Sec. 10. The code editor is directed to insert sections
24 one (1) through nine (9) of this Act into the 1977 Code as
25 a new chapter six hundred eighty-five A (685A).

26 Sec. 11. Section one hundred fifteen point one (115.1),
27 Code 1975, is amended by adding the following new unnumbered
28 paragraph:

29 NEW UNNUMBERED PARAGRAPH. The board of examiners shall
30 be within the administrative office of the judicial department.

31 Sec. 12. Section one hundred fifteen point seven (115.7),
32 Code 1975, is amended to read as follows:

33 115.7 COLLECTION OF FEES. ~~A secretary may be employed~~
34 to The court administrator shall collect and account for all
35 fees and pay them to the treasurer of state who shall deposit

1 the fees in the general fund of the state. ~~The salary of~~
2 ~~the secretary shall be set by the general assembly.~~ The board
3 shall set the fees for examination and for certification and
4 renewal of certification. The fee for examination shall be
5 based on the annual cost of administering the examinations.
6 The fees for certification and renewal shall be based upon
7 the administrative costs of sustaining the board which shall
8 include, but shall not be limited to, the costs for:

- 9 1. Per diem, expenses and travel for board members.
- 10 2. Office facilities, supplies, and equipment.
- 11 3. Clerical assistance.

12 Sec. 13. Section six hundred two point fifty (602.50),
13 subsection five (5), Code 1975, is amended to read as follows:

14 5. CERTIFICATION. The commission shall promptly certify
15 the names and addresses of the magistrates appointed to the
16 clerk of the district court and the chief judge of the judicial
17 district. The clerk shall certify to the supreme court
18 administrator ~~and to the state comptroller~~ the names and
19 addresses of magistrates so appointed. The certification
20 of the clerk ~~to the comptroller~~ shall be authority ~~for the~~
21 ~~comptroller~~ to pay the salaries and expenses in accordance
22 with section 602.54. Judicial magistrates shall be officers
23 of the state.

24 Sec. 14. Section six hundred five point twenty-six
25 (605.26), Code 1975, is amended by adding the following new
26 unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The commission on judicial
28 qualifications shall be within the administrative office of
29 the judicial department.

30 Sec. 15. Section six hundred ten point three (610.3),
31 Code 1975, is amended to read as follows:

32 610.3 BOARD OF LAW EXAMINERS. There is established within
33 the administrative office of the judicial department a board
34 of law examiners which shall consist of five persons admitted
35 to practice law in this state and two persons not admitted

1 to practice law in this state who shall represent the general
2 public. Members shall be appointed by the supreme court.

3 A member admitted to practice law shall be actively engaged
4 in the practice of law in this state.

5 Sec. 16. Section six hundred ten point eight (610.8),
6 unnumbered paragraph two (2), Code 1975, is amended to read
7 as follows:

8 Fees shall be collected by the ~~board~~ court administrator
9 or his designee and transmitted to the treasurer of state
10 who shall deposit the fees in the general fund of the state.

11 Sec. 17. Section six hundred ten point thirty-five
12 (610.35), Code 1975, is amended to read as follows:

13 610.35 COSTS AND EXPENSES. The court costs incident to
14 such proceedings, and the reasonable expense of said judges
15 in attending said hearing, ~~after-being-approved~~ upon approval
16 by the supreme court, ~~shall be paid as-court-costs-by-the~~
17 ~~executive-council~~ from appropriations to the supreme court.

18 Sec. 18. Section six hundred ten point forty-five (610.45),
19 Code 1975, is amended to read as follows:

20 610.45 RENEWALS. The right to practice law in this state
21 shall be renewed annually by the supreme court upon such
22 conditions as the court shall determine. Any moneys received
23 from those persons admitted to practice law and which are
24 designated for a client security fund or similar fund created
25 by the supreme court shall be separately retained and
26 administered by ~~said-court~~ the court administrator in
27 accordance with rules promulgated by ~~it~~ the supreme court.

28 Sec. 19. Section six hundred eight-five point two (685.2),
29 Code 1975, is amended by adding the following new unnumbered
30 paragraph:

31 NEW UNNUMBERED PARAGRAPH. The office of the clerk of the
32 supreme court shall be within the administrative office of
33 the judicial department.

34 Sec. 20. Section six hundred eighty-five point three
35 (685.3), unnumbered paragraph one (1), Code 1975, is amended

1 to read as follows:

2 The supreme court shall by rule prescribe fees for the
3 services of the court and clerk of the supreme court. The
4 court administrator shall account for fees as provided in
5 section 12.10 and shall keep account of and report in a like
6 manner all uncollected fees.

7 EXPLANATION

8 This bill creates a statutory "administrative office of
9 the judicial department", which shall be supervised by the
10 court administrator, and which shall be under the control
11 and supervision of the supreme court.

12 The bill specifies the responsibilities of the court
13 administrator, adopting present functions under chapter 685
14 of the Code, and adding supervisory functions with respect
15 to administrative matters of the board of examiners for court
16 reporters, the board of law examiners, the judicial council,
17 the judicial qualifications commission, and the offices of
18 supreme court clerk and statistician.

19 The bill consolidates the personnel, administrative and
20 fiscal affairs of the supreme court and all bodies, agencies,
21 boards and commissions placed within the administrative office
22 by this bill, and requires the submission of a single judicial
23 department budget.

24 The bill also clarifies the supreme court's authority to
25 authorize the appointment of administrators for judicial
26 districts, and the acceptance of federal funds to offset costs
27 of those administrators.

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