

*Judiciary 5/4*

SENATE FILE 378

Judiciary  
DeKoster, Chairperson  
Shaw  
Coleman

FILED MAY 3 1977

SENATE FILE 378

By REDMOND

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act providing for the appointment and compensation of  
2 the clerks of the district court and employees of the  
3 district court, providing for the administrative super-  
4 vision and control of the office of clerk of the district  
5 court, and to abolish the court expense fund.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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*S.F. 378*

1 Section 1. Section six hundred six point one (606.1),  
2 Code 1977, is amended to read as follows:

3 606.1 GENERAL DUTIES. The clerk of the district court  
4 shall keep his office at the county seat, attend the sessions  
5 of the district court himself or by deputy, keep the records,  
6 papers, and seal, and record the proceedings of the court  
7 ~~as hereinafter directed, under the direction of the judge~~  
8 provided in this chapter and rules of the supreme court of  
9 this state.

10 Sec. 2. Section six hundred six point fifteen (606.15),  
11 unnumbered paragraph one (1) and subsection one (1), Code  
12 1977, are amended to read as follows:

13 Except in probate matters, the clerk of the district court  
14 shall charge and collect the following fees, all of which  
15 shall be paid into the county state treasury ~~for the use of~~  
16 ~~the county~~ and credited to the general fund of the state  
17 except as indicated:

18 1. For filing any petition, appeal, or writ of error and  
19 docketing the same, seven dollars. ~~Four dollars of such fee~~  
20 ~~shall remain in the county treasury for the use of the county,~~  
21 ~~and three dollars of such fee shall be paid into the state~~  
22 ~~treasury and deposited in the general fund of the state.~~  
23 In counties having a population of one hundred thousand or  
24 over, an additional one dollar shall be charged and collected,  
25 to be known as the journal publication fee and to be used  
26 for the purposes provided for in section 618.13.

27 Sec. 3. Section six hundred six point sixteen (606.16),  
28 Code 1977, is amended to read as follows:

29 606.16 ACCOUNTING FOR FEES. He shall, on the first Monday  
30 in January and July of each year, pay into the county state  
31 treasury, for the use of the county to be credited to the  
32 general fund of the state, all other fees not belonging to  
33 his office, in his hands at the date of preceding payment  
34 and still unclaimed.

35 Sec. 4. Section six hundred six point seventeen (606.17),

1 Code 1977, is amended to read as follows:

2       606.17 RECEIPTS--FILING WITH AUDITOR. At the time of  
3 so doing, ~~he~~ the clerk shall take from the treasurer of state  
4 duplicate receipts therefor, giving the title of the cause  
5 and style of the court in which the same was pending, with  
6 the names of the witnesses, jurors, officers, or other persons,  
7 and the amount each one is entitled to receive; one of which  
8 receipts he shall file with the ~~county-auditor~~ state comp-  
9 troller.

10       Sec. 5. Section six hundred six point eighteen (606.18),  
11 Code 1977, is amended to read as follows:

12       606.18 ALLOWED CLAIMS--PAYMENT. The ~~auditor~~ state  
13 comptroller shall charge the amount thereof to the treasurer  
14 of state as ~~so-much-county~~ general fund revenue, and shall  
15 enter the same upon the proper records as a claim allowed,  
16 and, on demand and proper proof by the person entitled thereto,  
17 shall issue warrant accordingly, providing such demand is  
18 made within five years from the time the ~~county~~ treasurer  
19 of state received said-fund; ~~and-that-unless-and~~ such funds.  
20 If within one year from ~~July-47-1933~~ July 1, 1980, demand  
21 is not made upon the county auditor and proper proof is made  
22 by the person entitled to any unclaimed fees, which have been  
23 paid to the county treasurer; ~~as-provided-in-this-chapter,~~  
24 ~~on-and-prior-to-July-47-1930~~ before July 1, 1978, the person  
25 entitled to such unclaimed fees shall be deemed to have waived  
26 all right, claim or interest therein, and shall not be  
27 permitted to have or make claim therefor.

28       Sec. 6. Chapter six hundred six (606), Code 1977, is  
29 amended by adding the following new section:

30       NEW SECTION. APPOINTMENT OF CLERK OF THE DISTRICT COURT-  
31 -COMPENSATION.

32       1. A clerk of the district court shall be appointed in  
33 each county by a majority of the district judges of the  
34 judicial election district in which the county is located.  
35 The term of office of a clerk of the district court shall

1 be indefinite, subject to removal from office by a majority  
2 of the district judges of the judicial election district in  
3 which the clerk serves.

4 2. The salary of the clerk of the district court shall  
5 be fixed annually by a majority of the district judges of  
6 the judicial election district in which the clerk serves.  
7 The salary shall be effective July first following its de-  
8 termination by the district judges.

9 3. The appointment, dismissal, and determination of the  
10 salary of the clerks of the district court shall be carried  
11 out as provided by rule of the supreme court of this state.

12 Sec. 7. Chapter six hundred six (606), Code 1977, is  
13 amended by adding the following new section:

14 NEW SECTION. APPOINTMENT OF DEPUTIES AND ASSISTANTS.

15 A clerk of the district court may appoint the number of depu-  
16 ties and other assistants, dismiss them, and determine their  
17 compensation, subject to the approval of the chief judge of  
18 the judicial district in which the clerk of the district court  
19 serves except as provided in section six hundred two point  
20 thirty-four (602.34) of the Code. The appointment, dismissal  
21 and determining the compensation of deputies and other  
22 assistants of the clerk shall be carried out as provided  
23 by rule of the supreme court of this state.

24 Sec. 8. Chapter six hundred six (606), Code 1977, is  
25 amended by adding the following new section:

26 NEW SECTION. SALARIES AND EXPENSES. The salaries and  
27 expenses of the clerk of the district court, the deputy clerks  
28 and other employees, and the office supplies and equipment  
29 shall be paid from funds appropriated by the general assembly.  
30 The office space and related physical facilities for the clerk  
31 of the district court shall be provided by the county.

32 Sec. 9. Section thirty-nine point seventeen (39.17),  
33 unnumbered paragraph one (1), Code 1977, is amended to read  
34 as follows:

35 There shall be elected in each county at the general

1 election to be held in the year 1976 and every four years  
2 thereafter, ~~a clerk of the district court~~, an auditor and  
3 a sheriff who shall hold office for a term of four years.

4 Sec. 10. Section sixty-four point six (64.6), Code 1977,  
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. Clerks of the district court and first  
7 deputy clerks, ten thousand dollars.

8 Sec. 11. Section sixty-four point eight (64.8), Code 1977,  
9 is amended to read as follows:

10 64.8 COUNTY OFFICERS. The bonds of ~~the following county~~  
11 ~~officers, viz:--Clerks of the district courts~~, county  
12 attorneys, recorders, auditors, sheriffs and assessors shall  
13 each be in a penal sum of not less than ten thousand dollars  
14 each per annum.

15 Sec. 12. Section sixty-four point nine (64.9), Code 1977,  
16 is amended to read as follows:

17 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds of members  
18 of the board of supervisors, ~~clerks of the district courts~~,  
19 county auditors, sheriffs, and county attorneys shall not  
20 be in less sum than ten thousand dollars each.

21 Sec. 13. Section sixty-four point eleven (64.11), Code  
22 1977, is amended to read as follows:

23 64.11 EXPENSE OF BONDS PAID BY COUNTY. If any county  
24 treasurer, ~~clerk of the district court~~, county attorney,  
25 recorder, auditor, sheriff, medical examiner, members of  
26 soldiers relief commission, members of the board of  
27 supervisors, engineer, steward or matron shall elect to furnish  
28 a bond with any association or incorporation as surety as  
29 provided in this chapter, the reasonable cost of such bond  
30 shall be paid by the county where the bond is filed.

31 Sec. 14. Section sixty-four point nineteen (64.19), Code  
32 1977, is amended by adding the following new subsection:

33 NEW SUBSECTION. By the state court administrator in case  
34 of district court clerks and first deputy clerks.

35 Sec. 15. Section sixty-four point twenty-three (64.23),

1 subsection one (1), Code 1977, is amended to read as follows:

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

8 Sec. 15. Section sixty-nine point eight (69.8), subsection  
9 five (5), Code 1977, is amended to read as follows:

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

13 Sec. 16. Section one hundred eighty-nine A point seven-  
14 teen (189A.17), subsection five (5), paragraph c, Code 1977,  
15 is amended to read as follows:

16 c. If any person required by this chapter to file any  
17 annual or special report shall fail so to do within the time  
18 fixed by the secretary for filing the same, and such failure  
19 shall continue for thirty days after notice of such default,  
20 such person shall forfeit to this state the sum of one hundred  
21 dollars for each and every day of the continuance of such  
22 failure, which forfeiture shall be payable into the treasury  
23 of this state, and shall be recoverable in a civil suit in  
24 the name of the state brought in the district court of the  
25 county where the person has his principal office or in the  
26 district court of any county in which he does business. It  
27 shall be the duty of the various county attorneys of this  
28 state to prosecute for the recovery of such forfeitures.  
29 The costs and expenses of such prosecution shall be paid out  
30 of the ~~court-expense~~ general fund of the county.

31 Sec. 17. Section two hundred twenty-two point twenty-two  
32 (222.22), Code 1977, is amended to read as follows:

33 222.22 TIME OF APPEARANCE. The time of appearance shall  
34 not be less than five days after completed service unless  
35 the court orders otherwise. Appearance on behalf of such

1 alleged mentally retarded person may be made by any citizen  
2 of the county or by any relative. The district court shall  
3 assign counsel for the alleged mentally retarded person.  
4 Counsel shall prior to proceedings personally consult with  
5 such person unless the judge appointing such counsel certifies  
6 that in his or her opinion, such consultation shall serve  
7 no useful purpose. Such certification shall be made a part  
8 of the record. An attorney so assigned shall receive such  
9 compensation as the district court shall fix to be paid in  
10 ~~the-first-instance-by-the-county~~ from funds appropriated to  
11 the judicial department of the state.

12 Sec. 18. Section two hundred thirty-one point twelve  
13 (231.12), Code 1977, is amended to read as follows:

14 231.12 SALARIES--EXPENSES--HOW PAID. The judges making  
15 the appointments shall fix the salaries of all appointees  
16 at not exceeding the amount authorized by law. All appointees  
17 shall serve during the pleasure of such judges, and in addition  
18 to salaries shall receive their necessary and actual expenses  
19 incurred while performing their duties. For use of an  
20 automobile in the discharge of their duties within the  
21 particular county or counties for which they are appointed  
22 such officers may receive the mileage rate provided by law,  
23 or, in lieu thereof, they may receive a monthly allowance  
24 in such amounts as the judge or judges of the juvenile court  
25 may determine and order. For use of an automobile outside  
26 the county or counties for which they have been appointed  
27 such officers shall be paid the regular mileage rate. All  
28 salaries and expenses shall be paid ~~by-the-county-either-from~~  
29 ~~the-general-county-fund-or-from-the-court-expense-fund~~ from  
30 funds appropriated to the judicial department of the state  
31 for that purpose.

32 Sec. 19. Section three hundred thirty-two point seven-  
33 teen (332.17), Code 1977, is amended by striking subsection  
34 six (6).

35 Sec. 20. Section three hundred thirty-three point eleven

1 (333.11), subsection two (2), Code 1977, is amended to read  
2 as follows:

3 2. The amount of warrants drawn on the county fund for  
4 ~~various-court-expenses,-which-shall-include-among-other-items~~  
5 the provision and maintenance of physical facilities and real  
6 estate for the district court, clerk of the district court  
7 and other employees of the district court, the salary paid  
8 the county attorney and the amounts received by him as  
9 commission on fines and from other sources, and the amount  
10 paid to assistant counsel.

11 Sec. 21. Section three hundred thirty-three point eleven  
12 (333.11), Code 1977, is amended by striking subsections three  
13 (3) and four (4).

14 Sec. 22. Section three hundred thirty-three point thir-  
15 teen (333.13), subsection three (3), Code 1977, is amended  
16 to read as follows:

17 3. The various reports made during the preceding year,  
18 by the county treasurer, auditor, recorder, sheriff, ~~clerk~~  
19 ~~of-the-district-court,~~ and the commission of veteran affairs  
20 as required by law.

21 Sec. 23. Section three hundred thirty-six B point six  
22 (336B.6), Code 1977, is amended to read as follows:

23 336B.6 FEE TAXED AS COURT COSTS. If a court finds that  
24 a person desires legal assistance, and is financially able  
25 to secure counsel but refuses to employ an attorney, the court  
26 shall appoint an attorney to represent such person at public  
27 expense. The attorney fee paid by the state ~~or-county~~ in  
28 such cases shall be taxed as part of the court costs against  
29 the person receiving the legal assistance, and the state ~~or~~  
30 ~~county~~ shall be reimbursed for said fee when the court costs  
31 are paid.

32 Sec. 24. Section three hundred forty point one (340.1),  
33 Code 1977, is amended to read as follows:

34 340.1 COMPENSATION OF AUDITOR, TREASURER, RECORDER AND  
35 CLERK. The annual salary of the county auditor, county

1 treasurer, and county recorder, ~~and clerk of the district~~  
2 ~~court~~ shall be determined as provided in section 340A.6.

3 Sec. 25. Section three hundred forty point two (340.2),  
4 unnumbered paragraph two (2), Code 1977, is amended to read  
5 as follows:

6 The board of supervisors may allow an additional five  
7 hundred dollars compensation for each county auditor, county  
8 treasurer, county recorder, ~~clerk of the district court,~~ and  
9 county sheriff in counties having two places at which the  
10 district court is held.

11 Sec. 26. Section three hundred forty-one point one (341.1),  
12 Code 1977, is amended to read as follows:

13 341.1 APPOINTMENT. Each county auditor, treasurer,  
14 recorder, sheriff, county attorney, ~~clerk of the district~~  
15 ~~court,~~ may, with the approval of the board of supervisors,  
16 appoint one or more deputies or assistants, respectively,  
17 not holding a county office, for whose acts he or she shall  
18 be responsible. The number of deputies, assistants, and  
19 clerks for each office shall be determined by the board of  
20 supervisors, and such number together with the approval of  
21 each appointment shall be by resolution made of record in  
22 the proceedings of such board.

23 Sec. 27. Section three hundred forty-one point seven  
24 (341.7), Code 1977, is amended to read as follows:

25 341.7 TEMPORARY ASSISTANCE FOR COUNTY ATTORNEY. The  
26 county attorney may with the approval of a judge of the  
27 district court procure such assistants in the trial of a  
28 person charged with felony as he or she shall deem necessary  
29 and for such assistants upon presenting to the board of  
30 supervisors a certificate of the district judge before whom  
31 said cause was tried, certifying to the services rendered,  
32 shall be allowed a reasonable compensation therefor, to be  
33 fixed by the board of supervisors, but nothing in this chapter  
34 shall prevent the board of supervisors from employing an  
35 attorney to assist the county attorney in any cause or

1 proceeding in which the state or county is interested. The  
2 compensation allowed to any such assistants shall be paid  
3 out of the ~~court~~ general fund of the county.

4 Sec. 28. Section three hundred forty-two point one (342.1),  
5 Code 1977, is amended to read as follows:

6 342.1 FEES BELONG TO COUNTY. Except as otherwise provided,  
7 all fees and charges of whatever kind collected for official  
8 service by any county auditor, treasurer, recorder, sheriff,  
9 ~~clerk-of-the-district-court~~, and their respective deputies  
10 or clerks, shall belong to the county.

11 Sec. 29. Section three hundred fifty-six A point seven  
12 (356A.7), Code 1977, is amended to read as follows:

13 356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of  
14 supervisors may further contract with another county or a  
15 city maintaining a jail meeting the requirements of sections  
16 356.37 to 356.41 for detention and commitment of persons  
17 pursuant to section 356.1. Any person detained or confined  
18 therein shall be in charge of and in the custody of the  
19 governmental unit maintaining the jail. The cost of detention  
20 and confinement shall be levied and paid by the city or from  
21 the ~~court-expense~~ general fund of the county to which the  
22 cause originally belonged ~~pursuant-to-section-444-40~~.

23 Sec. 30. Section five hundred ninety-eight point sixteen  
24 (598.16), unnumbered paragraph five (5), Code 1977, is amended  
25 to read as follows:

26 The costs of any such conciliation procedures shall be  
27 paid in full or in part by the parties and taxed as court  
28 costs; however, if the court determines that such parties  
29 will be unable to pay the costs without prejudicing their  
30 financial ability to provide themselves and any minor children  
31 with economic necessities, such costs may be paid in full  
32 or in part from the ~~court-expense~~ general fund of the county.

33 Sec. 31. Section six hundred two point thirty-four  
34 (602.34), unnumbered paragraph one (1), Code 1977, is amended  
35 to read as follows:

1 The individuals who were municipal court clerks and bailiffs  
2 on June 30, 1973, and who were municipal court deputy clerks  
3 and deputy bailiffs on that date, may as deputies of the  
4 district court clerks and sheriffs be suspended, demoted,  
5 or discharged by the district court clerks and sheriffs only  
6 for neglect of duty, disobedience of orders, misconduct, or  
7 failure to properly perform duties, by pursuing the procedure  
8 provided by sections 400.19 to 400.26 and in these cases the  
9 district court clerk or sheriff shall be deemed to be the  
10 person having the appointing power, the county auditor or  
11 the chief judge of the judicial district shall perform the  
12 functions of the mayor or city manager, the board of  
13 supervisors or the district judges of the judicial election  
14 district shall perform the functions of the civil service  
15 commission, and the county attorney shall perform the functions  
16 of the city attorney or solicitor. A municipal court bailiff  
17 or deputy bailiff who on June 30, 1973, is a member of the  
18 retirement system provided by chapter 411 shall continue to  
19 be such a member thereafter; and that chapter shall continue  
20 to apply to them notwithstanding this chapter, with the  
21 appropriate county deducting from his or her compensation  
22 his or her contributions to the retirement fund and the county  
23 contributing the public's portion to such fund out of the  
24 ~~court-expense~~ general fund of the county notwithstanding any  
25 other provision of law.

26 Sec. 32. Section six hundred two point fifty-five (602.55),  
27 Code 1977, is amended to read as follows:

28 602.55 FUNDS, REPORTS. Each month each judicial magistrate  
29 and district associate judge shall file with the clerk of  
30 the district court of the proper county a sworn, itemized  
31 statement, of all cases disposed of and all funds received  
32 and disbursed per case, and at least monthly shall remit to  
33 the clerk all funds received by him or her. The clerk shall  
34 provide adequate clerical assistance to judicial magistrates  
35 and district associate judges to carry out this section.

1 The clerk shall remit ninety percent of all fines and forfeited  
2 bail received from a magistrate or district associate judge  
3 to the city that was the plaintiff in any action, and shall  
4 provide that city with a statement showing the total number  
5 of such cases, the total of all fines and forfeited bail  
6 collected and the total of all cases dismissed. The clerk  
7 shall remit the remaining ten percent to the ~~county~~ treasurer  
8 of state for deposit in the ~~county~~ general fund of the state.

9 The clerk shall remit to the treasurer of the county, for  
10 the benefit of the school fund, all other fines and forfeited  
11 bail received from a magistrate. All fees and costs for the  
12 filing of a complaint or information or upon forfeiture of  
13 bail received from a magistrate shall be remitted monthly  
14 by the clerk ~~as follows:~~

- 15 1. ~~Three-fifths~~ to the state treasurer to be credited
- 16 to the general fund of the state.
- 17 2. ~~Two-fifths to the county treasurer to be credited to~~
- 18 ~~the general fund of the county.~~

19 Sec. 33. Section six hundred two point sixty-four (602.64),  
20 Code 1977, is amended to read as follows:

21 602.64 ADMINISTRATIVE REPORTS. Each judicial magistrate,  
22 district associate judge and district judge acting as a  
23 judicial magistrate shall report all judicial business handled  
24 by him or her to the district court clerk ~~and board of~~  
25 ~~supervisors~~ of the appropriate county in which he or she held  
26 court and the chief judge of his or her judicial district.  
27 Such reports shall be on a form prescribed by the supreme  
28 court administrator and be made at such times as required  
29 by him or her. The administrator may require the clerk to  
30 forward copies of individual reports to him or her or require  
31 a consolidated report for the county.

32 Sec. 34. Section six hundred five point eight (605.8),  
33 unnumbered paragraphs one (1) and three (3), Code 1977, are  
34 amended to read as follows:

35 Each full-time shorthand reporter of the district court

1 shall be paid, in equal installments, an annual salary as  
 2 hereinafter provided. Each district judge, upon the ap-  
 3 pointment of a full-time shorthand reporter, shall certify  
 4 the name and address of the reporter and the date upon which  
 5 his or her term of service begins, to ~~each-county-auditor~~  
 6 ~~in-the-judicial-district~~ the court administrator of the  
 7 judicial department.

8 Shorthand reporters who are employed on an emergency basis  
 9 in the district court shall be paid not to exceed seventy-  
 10 five dollars per diem while employed by the court or while  
 11 employed under the direction of the judge. The per diem shall  
 12 be paid from the ~~county-treasury-where-the-court-is-held~~ state  
 13 funds appropriated for that purpose, upon the certificate  
 14 of the judge holding the court, or directing the employment.  
 15 However, the maximum compensation for one-day attendance at  
 16 court shall not exceed the per diem. Payments shall be made  
 17 at least once each month.

18 Sec. 35. Section six hundred five point nine (605.9),  
 19 Code 1977, is amended to read as follows:

20 605.9 POPULATION-DETERMINED--PROPORTION-OF PAYMENT--  
 21 ASSISTANTS. ~~Immediately-after-the-results-of-each-decennial~~  
 22 ~~federal-census-are-published, the chief-judge-of-each-judicial~~  
 23 ~~district-shall-determine-therefrom-the-population-of-each~~  
 24 ~~county-of-said-district, and shall-certify-to-the-county~~  
 25 ~~auditor-of-each-such-county-the-percentage-proportion-of-the~~  
 26 ~~population-of-each-such-county-to-the-aggregate-population~~  
 27 ~~of-all-of-the-counties-in-said-judicial-district.--The-chief~~  
 28 ~~judge-shall-select-one-county-to-issue-warrants-to-the-reporter~~  
 29 ~~in-the-amount-of-his-total-compensation.--Each-county-auditor~~  
 30 ~~of-the-other-counties-in-the-district-shall-issue-warrants~~  
 31 ~~to-the-county-treasurer-of-the-county-paying-the-reporter~~  
 32 ~~in-the-percentage-amount-of-the-total-compensation-of-said~~  
 33 ~~reporter-as-certified-by-the-district-judges, and-the-county~~  
 34 ~~treasurer-shall-pay-same-out-of-any-funds-in-the-county~~  
 35 ~~treasury-not-otherwise-appropriated.~~ The compensation of

1 shorthand court reporters shall be paid from appropriated  
2 state funds. The compensation shall be paid and administered  
3 as provided by rule of the supreme court.

4 In the event it is determined by any judge of the district  
5 court that it is necessary to employ an additional shorthand  
6 reporter because of an extraordinary volume of work, or because  
7 of the temporary illness or incapacity of a regular shorthand  
8 reporter, such judge may appoint a temporary shorthand reporter  
9 who shall serve as required by said judge, and shall be paid  
10 compensation on a per diem basis at the prevailing rates of  
11 compensation for such reporters as may be determined by the  
12 judge. A temporary shorthand reporter shall be paid in the  
13 same manner as a regular reporter.

14 Sec. 36. Section six hundred five point ten (605.10),  
15 Code 1977, is amended to read as follows:

16 605.10 EXPENSES. Where a shorthand court reporter is  
17 required, in the discharge of his or her official duties,  
18 to leave the county of his or her residence or leave the city  
19 of his or her residence to perform such duties, he a reporter  
20 shall be paid his actual and necessary hotel and living  
21 expenses not to exceed the sum of twenty dollars per day and  
22 transportation expenses as shall be incurred, which account  
23 shall be itemized and approved by the presiding judge of the  
24 district court and certified to the ~~county-auditor-of-the~~  
25 ~~county-in-which-such-expenses-are-incurred~~ court administrator  
26 of the judicial department, and shall be paid in the same  
27 manner as the per diem of such reporter is paid.

28 Sec. 37. Section six hundred five point twelve (605.12),  
29 Code 1977, is amended to read as follows:

30 605.12 TAXED AS PART OF COSTS. A charge of fifteen dollars  
31 per day for reporting in all cases, except where the defendant  
32 in a criminal case is acquitted, shall be taxed as part of  
33 the costs in the case by the clerk of the court and paid into  
34 the ~~county~~ state treasury when collected.

35 Sec. 38. Section six hundred five point thirty-five

1 (605.35), Code 1977, is amended to read as follows:

2 605.35. DISTRICT COURT ADMINISTRATOR--DISTRICT COURT  
 3 ADMINISTRATIVE FUND. A district court administrator for each  
 4 judicial district may be appointed to perform such duties  
 5 as may be assigned by the chief judge of the district, at  
 6 a salary to be fixed by order of that chief judge. District  
 7 court administrators shall co-operate with the court admin-  
 8 istrator of the judicial department in developing necessary  
 9 statewide district court administration policies, and the  
 10 court administrator of the judicial department shall, from  
 11 time to time, call conferences of the district court admin-  
 12 istrators. The chief judge of a judicial district in which  
 13 an administrator has been appointed may provide for the es-  
 14 tablishment of a district court administrative fund, in which  
 15 shall be deposited all appropriated funds received from the  
 16 court administrator of the judicial department for district  
 17 court use, and out of which all expenses of the district court  
 18 administrator's office and any other district wide expenses  
 19 may be paid. ~~Expenses-not-covered-by-funds-appropriated~~  
 20 ~~for-district-court-use-shall-be-assessed-to-and-paid-by-the~~  
 21 ~~counties-in-the-judicial-district-in-the-same-manner-that~~  
 22 ~~expenses-of-shorthand-reporters-are-assessed-to-and-paid-by~~  
 23 ~~the-counties-pursuant-to-section-605-9.~~ The district court  
 24 administrator shall report to the court administrator of the  
 25 judicial department, at the request of the latter, all in-  
 26 formation respecting the district court administrative fund.

27 Sec. 39. Section six hundred seven point six (607.6),  
 28 Code 1977, is amended to read as follows:

29 607.6 CLERK TO CERTIFY ATTENDANCE. Upon conclusion of  
 30 every calendar quarter the clerk of the district court shall  
 31 certify to the ~~county-auditor~~ court administrator of the  
 32 judicial department a list of the jurors with the number of  
 33 days' attendance to which each one is entitled.

34 Sec. 40. Section six hundred twenty-five point eight  
 35 (625.8), Code 1977, is amended to read as follows:

1       625.8 JURY FEES--REPORT. There shall be taxed, in every  
2 action tried in a court of record by a jury, a jury fee of  
3 ten dollars, which, when collected, shall be paid by the clerk  
4 into the county state treasury; all such fees, not previously  
5 reported, to be ~~by-him~~ reported by the clerk to the board  
6 ~~of-supervisors-at-each-regular-session~~ court administrator  
7 of the judicial department, and ~~by-it~~ charged to the treasurer  
8 of state.

9       Sec. 41. Section six hundred thirty-one point six (631.6),  
10 unnumbered paragraph two (2), Code 1977, is amended to read  
11 as follows:

12       All fees and costs collected in small claims actions shall  
13 be remitted to the county treasurer of state as provided in  
14 section 606.16. The fee specified in subsection 4 shall be  
15 remitted to the secretary of state.

16       Sec. 42. Section six hundred thirty-three point thirty-  
17 one (633.31), subsection two (2), unnumbered paragraph one  
18 (1), Code 1977, is amended to read as follows:

19       The clerk shall charge and collect the following fees,  
20 in connection with probate matters, all of which shall be  
21 paid into the county state treasury ~~for-the-use-of-the-county~~:

22       Sec. 43. Chapter six hundred eighty-four (684), Code 1977,  
23 is amended by adding the following new section:

24       NEW SECTION. SUPREME COURT RULES FOR CLERKS OF THE DIS-  
25 TRICT COURT. The supreme court shall adopt and enforce rules  
26 for the efficient administration and operation of the offices  
27 of clerk of the district court. The rules shall be executed  
28 by the chief justice of the supreme court and shall be adopted  
29 in the manner provided in section six hundred eighty-four  
30 point nineteen (684.19) of the Code.

31       Sec. 44. Section seven hundred fifty-three point thir-  
32 teen (753.13), unnumbered paragraph two (2), Code 1977, is  
33 amended to read as follows:

34       Supplies of the uniform traffic citation and complaint  
35 for municipal corporations and county agencies shall be paid

1 for out of the ~~court-expense~~ general fund of the county.  
2 Supplies of the uniform traffic citation and complaint for  
3 all other agencies shall be paid for out of the budget of  
4 the agency concerned.

5 Sec. 45. Sections two hundred thirty-one point thirteen  
6 (231.13), three hundred thirty-three point three (333.3),  
7 three hundred forty point seventeen (340.17), and four hundred  
8 forty-four point ten (444.10), Code 1977, are repealed.

9 Sec. 46. This Act is effective July 1, 1978, except that  
10 during the sixty days preceding July 1, 1978, the county  
11 auditors and treasurers shall provide the judicial department  
12 of the state with such financial, payroll, and expense records  
13 or copies of such records relating to the operation of the  
14 district courts and the employees of the district courts as  
15 requested by the supreme court of this state or the court  
16 administrator of the judicial department for the purpose of  
17 carrying out the provisions of this Act. Any funds remaining  
18 in the court expense fund on June 30, 1978 shall be transferred  
19 to the general fund of the county on July 1, 1978 and any  
20 court expenses or obligations incurred before July 1, 1978  
21 which are payable from the court expense fund abolished by  
22 this Act shall be paid from the general fund of the county.

23 The clerks of the district court elected to office at the  
24 general election in 1976 shall serve their unexpired terms  
25 of office. At the expiration of such term of office or in  
26 the case of a vacancy during such term, the clerk of the  
27 district court shall be appointed as provided in section six  
28 (6) of this Act.

29 EXPLANATION

30 This bill provides for the appointment of the clerks of  
31 the district courts by a majority of the district court judges  
32 of the judicial election district in which the county is  
33 located. The bill also provides for the administration of  
34 the offices of clerk of the district court as provided in  
35 chapter 606 of the Code and subject to rules of the supreme

1 court of the state.

2 In addition, the bill provides for the abolition of the  
3 court expense fund in each county and transfers the payment  
4 of court expenses and salaries and expenses of the district  
5 court employees such as probation officers, juvenile officers,  
6 shorthand court reporters, and the clerk of the district court  
7 and the clerk's employees, to state funds appropriated by  
8 the general assembly. Fees collected by the clerk of the  
9 district court and other court officers will be deposited  
10 in the general fund of the state in lieu of the county  
11 treasury.

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