

H Appropriations 2/25
To Finance

FILED MAR 12 1980

SENATE FILE 2306

By COMMITTEE ON JUDICIARY

(FORMER SSB 2148)

Approved 3/10 (p. 814)

Passed Senate, Date 3-15-80 (p. 936) Passed House, Date 4/25/80 (p. 1157)

Vote: Ayes 45 Nays 1 Vote: Ayes 89 Nays 3

Approved May 20, 1980

Repassed Senate 4/25/80 (p. 1157)
46-1

A BILL FOR

1 An Act providing that magistrates, judges of the district
2 court, judges of the court of appeals, and supreme court
3 judges may receive actual and necessary expenses in
4 an amount not exceeding a maximum set by the supreme
5 court by rule when required to travel.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2306

1 Section 1. Section six hundred two point thirty-one
2 (602.31), Code 1979, as amended by Acts of the Sixty-eighth
3 General Assembly, 1979 Session, chapter two (2), section
4 thirteen (13), is amended to read as follows:

5 602.31 SALARY, EXPENSES, RETIREMENT. The annual salary
6 of each district associate judge, payable from the general
7 fund of the state of Iowa, shall be a sum set by the general
8 assembly. District associate judges shall also receive from
9 the state their actual and necessary expenses in the
10 performance of their duties ~~away-from-the-city-of-their~~
11 ~~residence~~, in accordance with section 605.2. District
12 associate judges who are members of the judicial retirement
13 system under chapter 605A shall remain members thereof; but
14 the state of Iowa, instead of the city and county, shall
15 deduct four percent from their salaries for the judicial
16 retirement fund and shall contribute the public's portion
17 to the judicial retirement fund.

18 Sec. 2. Section six hundred two point fifty-four (602.54),
19 Code 1979, as amended by Acts of the Sixty-eighth General
20 Assembly, 1979 Session, chapter two (2), section fourteen
21 (14), is amended to read as follows:

22 602.54 SALARY, EXPENSES. Each judicial magistrate shall
23 receive a salary payable from the general fund of the state
24 and also his or her actual and necessary expenses in the
25 performance of his or her duties ~~while-away-from-the-city~~
26 ~~of-his-or-her-residence~~, in accordance with section 605.2.
27 The salary of judicial magistrates, except as otherwise
28 provided herein, shall be the sum set by the general assembly.
29 The judicial magistrates serving pursuant to section 602.51
30 shall receive an annual salary in an amount set by the general
31 assembly. Judicial magistrates appointed pursuant to section
32 602.51 except district associate judges shall be members of
33 the Iowa public employees' retirement system. Judicial
34 magistrates appointed pursuant to either section 602.50 or
35 section 602.58 may elect to be members of the Iowa public

1 employees' retirement system upon filing notice in writing
 2 with the Iowa department of job service and the court
 3 administrator of the judicial department.

4 Sec. 3. Section six hundred five point two (605.2), Code
 5 1979, as amended by Acts of the Sixty-eighth General Assembly,
 6 1979 Session, chapter three (3), section eight (8), is amended
 7 to read as follows:

8 605.2 EXPENSES. Where a magistrate or judge of the
 9 district court, court of appeals or supreme court is required
 10 to travel, in the discharge of official duties, ~~to leave the~~
 11 ~~county of the magistrate's or judge's residence~~, the magistrate
 12 or judge ~~shall~~ may be paid such actual and necessary expenses
 13 incurred in the performance of his or her duties not to exceed
 14 a maximum amount set by the supreme court by rule prescribing
 15 the maximum amount, terms and conditions for reimbursement.

16 EXPLANATION

17 This bill amends expense provisions affecting judicial
 18 officers' expenses. The 1979 General Assembly inserted magis-
 19 trates in section 605.2 and provided that expenses are paid
 20 when they leave the county. This created a conflict with
 21 section 602.54, which provides expenses can be paid for leaving
 22 the city. The same problem arises in regard to district

FISCAL NOTE

Senate File 2306

Requested by Representative Shull
 April 16, 1980

In compliance with a written request there is hereby submitted
 a Fiscal Note for Senate File 2306 pursuant to Joint Rule 16.

Senate File 2306, An Act providing that magistrates, judges of the
 district court, judges of the court of appeals, and supreme court
 judges may receive actual and necessary expenses in an amount not
 exceeding a maximum set by the supreme court by rule when required
 to travel.

No fiscal note required. The cost would be minimal and well below
 \$100,000 annually.

Source: Court Administrator

FILED APRIL 22, 1980

BY GERRY D. RANKIN
 Legislative Fiscal Bureau

HOUSE CLIP SHEET

TUESDAY, APRIL 22, 1980

SENATE FILE 2306

H-6255

1 Amend Senate File 2306, as passed by the Senate,
2 as follows:
3 1. Page 2, by inserting after line 15 the
4 following new sections:
5 "Sec. ____ . NEW SECTION.
6 1. As used in this Act, unless the context
7 otherwise requires:
8 a. "Hearing impaired person" means a person whose
9 hearing is impaired so that the person cannot
10 understand oral communication when spoken in a normal
11 conversational tone and also includes a person who,
12 because of a speech or other physical impairment,
13 is unable to orally communicate with other persons
14 and therefore relies primarily on sign language to
15 communicate.
16 b. "Interpreter" means an interpreter who is
17 fluent in sign language pursuant to rules on
18 qualifications of interpreters applying to the
19 proceeding.
20 c. "Administrative agency" means any department,
21 board, commission or agency of the state or any
22 political subdivision of the state.
23 2. The supreme court, after consultation with
24 the department of health, shall adopt rules governing
25 the qualifications and compensation of interpreters
26 appearing in a proceeding before a court, grand jury
27 or administrative agency under this Act. However,
28 an administrative agency which is subject to chapter
29 seventeen A (17A) of the Code may adopt rules differing
30 from those of the supreme court governing the
31 qualifications and compensation of interpreters
32 appearing in proceedings before that agency.
33 Sec. ____ . NEW SECTION. If a hearing impaired
34 person is a party to, or a witness at, a proceeding
35 before a grand jury, court or administrative agency
36 of this state, the court or administrative agency
37 shall appoint an interpreter without expense to the
38 hearing impaired person to interpret or translate
39 the proceedings to the hearing impaired person and
40 to interpret or translate his or her testimony unless
41 the hearing impaired person waives the right to an
42 interpreter.
43 Sec. ____ . NEW SECTION. When a hearing impaired
44 person is entitled to an interpreter the hearing
45 impaired person shall notify the presiding official
46 within three days after receiving notice of the
47 proceeding, stating the disability and requesting
48 the services of an interpreter. If the hearing
49 impaired person receives notification of an appearance
50 less than five days prior to the proceeding, that

H-6255

Page two

1 person shall notify the presiding official requesting
2 an interpreter as soon as practicable or may apply
3 for a continuance until an interpreter is appointed.

4 Sec. ____ . NEW SECTION. The service program for
5 the deaf of the state department of health shall
6 prepare and continually update a listing of qualified
7 and available interpreters. The courts and
8 administrative agencies shall maintain a directory
9 of qualified interpreters for hearing impaired persons
10 as furnished by the state department of health. The
11 service program for the deaf shall maintain information
12 on the qualifications of interpreters which is
13 confidential except to a court, administrative agency
14 or interested parties to an action using the services
15 of such interpreter.

16 Sec. ____ . NEW SECTION. Before participating in
17 a proceeding, an interpreter shall take an oath that
18 the interpreter will make a true interpretation in
19 an understandable manner to the person for whom the
20 interpreter is appointed and that the interpreter
21 will interpret or translate the statements of the
22 hearing impaired person to the best of the
23 interpreter's skills and judgment.

24 Sec. ____ . NEW SECTION. Communication between
25 a hearing impaired person and a third party which
26 is privileged under chapter six hundred twenty-two
27 (622) of the Code in which the interpreter participates
28 as an interpreter shall be privileged to the
29 interpreter.

30 Sec. ____ . NEW SECTION. An interpreter appointed
31 under this Act is entitled to a reasonable fee and
32 expenses as determined by the rules applying to that
33 proceeding. This schedule shall be furnished to all
34 courts and administrative agencies and maintained
35 by them. If the interpreter is appointed by the
36 court, the fee and expenses shall be paid out of the
37 court expense fund and if the interpreter is appointed
38 by an administrative agency, the fee and expenses
39 shall be paid out of funds available to the
40 administrative agency. If a hearing impaired person
41 is not a party to the action, the fees and expenses
42 of an interpreter shall be charged to costs.

43 Sec. ____ . NEW SECTION. On motion of a party or
44 on its own motion, a court or administrative agency
45 shall inquire into the qualifications and integrity
46 of an interpreter. A court or administrative agency
47 may disqualify for good reason any person from serving
48 as an interpreter in that proceeding. If an
49 interpreter is disqualified, the court or
50 administrative agency shall appoint another

H-6255
Page three

1 interpreter.
2 Sec. ____ . . Section six hundred twenty-two A point
3 two (622A.2), Code 1979, is amended to read as follows:
4 622A.2 WHO ENTITLED TO INTERPRETER. Every person
5 who cannot speak or understand the English language,
6 ~~or every person who because of hearing, speaking or~~
7 ~~other impairment has difficulty in communicating with~~
8 ~~other persons,~~ and who is a party to any legal
9 proceeding or a witness therein, shall be entitled
10 to an interpreter to assist such person throughout
11 the proceeding."

H-6255 FILED APRIL 21, 1980 By LONERGAN of Boone

Adopted 4/22/80 (1357)

SENATE FILE 2306

H-6230

1 Amend Senate File 2306, as passed by the Senate,
2 as follows:
3 1. Page 2, line 8, by striking the word "where"
4 and inserting in lieu thereof the words "where Except
5 as provided in section six hundred eighty-four point
6 fifty-three (684.53) of the Code, where".

H-6230 FILED
APRIL 18, 1980

Adopted 4/22/80 (1355)

BY CONLON of Muscatine
JESSE of Polk

SENATE FILE 2306

H-6279

1 Amend Senate File 2306, as passed by the Senate,
2 as follows:
3 1. Title page, by striking lines 1 through 5 and
4 inserting in lieu thereof the following: "An act
5 relating to court personnel including magistrates,
6 judges of the district court, judges of the court of
7 appeals, supreme court justices and court appointed
8 interpreters and to the compensation and expenses
9 thereof."

H-6279 FILED APRIL 22, 1980

ADOPTED BY UNANIMOUS CONSENT *(p. 1888)*

BY DOYLE of Woodbury

HOUSE AMENDMENT TO SENATE FILE 2306

S-5822

1 Amend Senate File 2306, as passed by the Senate,
2 as follows:

3 1. Page 2, line 8, by striking the word "Where"
4 and inserting in lieu thereof the words "Where Except
5 as provided in section six hundred eighty-four point
6 fifty-three (684.53) of the Code, where".

7 2. Page 2, by inserting after line 15 the following
8 new sections:

9 "Sec. ____ . NEW SECTION.

10 1. As used in this Act, unless the context
11 otherwise requires:

12 a. "Hearing impaired person" means a person whose
13 hearing is impaired so that the person cannot
14 understand oral communication when spoken in a normal
15 conversational tone and also includes a person who,
16 because of a speech or other physical impairment,
17 is unable to orally communicate with other persons
18 and therefore relies primarily on sign language to
19 communicate.

20 b. "Interpreter" means an interpreter who is
21 fluent in sign language pursuant to rules on
22 qualifications of interpreters applying to the
23 proceeding.

24 c. "Administrative agency" means any department,
25 board, commission or agency of the state or any
26 political subdivision of the state.

27 2. The supreme court, after consultation with
28 the department of health, shall adopt rules governing
29 the qualifications and compensation of interpreters
30 appearing in a proceeding before a court, grand jury
31 or administrative agency under this Act. However,
32 an administrative agency which is subject to chapter
33 seventeen A (17A) of the Code may adopt rules differing
34 from those of the supreme court governing the
35 qualifications and compensation of interpreters
36 appearing in proceedings before that agency.

37 Sec. ____ . NEW SECTION. If a hearing impaired
38 person is a party to, or a witness at, a proceeding
39 before a grand jury, court or administrative agency
40 of this state, the court or administrative agency
41 shall appoint an interpreter without expense to the
42 hearing impaired person to interpret or translate
43 the proceedings to the hearing impaired person and
44 to interpret or translate his or her testimony unless
45 the hearing impaired person waives the right to an
46 interpreter.

47 Sec. ____ . NEW SECTION. When a hearing impaired
48 person is entitled to an interpreter the hearing
49 impaired person shall notify the presiding official
50 within three days after receiving notice of the

S-5822
PAGE 2

1 proceeding, stating the disability and requesting
2 the services of an interpreter. If the hearing
3 impaired person receives notification of an appearance
4 less than five days prior to the proceeding, that
5 person shall notify the presiding official requesting
6 an interpreter as soon as practicable or may apply
7 for a continuance until an interpreter is appointed.

8 Sec. ____ . NEW SECTION. The service program for
9 the deaf of the state department of health shall
10 prepare and continually update a listing of qualified
11 and available interpreters. The courts and
12 administrative agencies shall maintain a directory
13 of qualified interpreters for hearing impaired persons
14 as furnished by the state department of health. The
15 service program for the deaf shall maintain information
16 on the qualifications of interpreters which is
17 confidential except to a court, administrative agency
18 or interested parties to an action using the services
19 of such interpreter.

20 Sec. ____ . NEW SECTION. Before participating in
21 a proceeding, an interpreter shall take an oath that
22 the interpreter will make a true interpretation in
23 an understandable manner to the person for whom the
24 interpreter is appointed and that the interpreter
25 will interpret or translate the statements of the
26 hearing impaired person to the best of the
27 interpreter's skills and judgment.

28 Sec. ____ . NEW SECTION. Communication between
29 a hearing impaired person and a third party which
30 is privileged under chapter six hundred twenty-two
31 (622) of the Code in which the interpreter participates
32 as an interpreter shall be privileged to the
33 interpreter.

34 Sec. ____ . NEW SECTION. An interpreter appointed
35 under this Act is entitled to a reasonable fee and
36 expenses as determined by the rules applying to that
37 proceeding. This schedule shall be furnished to all
38 courts and administrative agencies and maintained
39 by them. If the interpreter is appointed by the
40 court, the fee and expenses shall be paid out of the
41 court expense fund and if the interpreter is appointed
42 by an administrative agency, the fee and expenses
43 shall be paid out of funds available to the
44 administrative agency. If a hearing impaired person
45 is not a party to the action, the fees and expenses
46 of an interpreter shall be charged to costs.

47 Sec. ____ . NEW SECTION. On motion of a party or
48 on its own motion, a court or administrative agency
49 shall inquire into the qualifications and integrity
50 of an interpreter. A court or administrative agency

SENATE 19
APRIL 24, 1980

S-5822
PAGE 3

1 may disqualify for good reason any person from serving
2 as an interpreter in that proceeding. If an
3 interpreter is disqualified, the court or
4 administrative agency shall appoint another
5 interpreter.

6 Sec. ____ . Section six hundred twenty-two A point
7 two (622A.2), Code 1979, is amended to read as follows:

8 622A.2 WHO ENTITLED TO INTERPRETER. Every person
9 who cannot speak or understand the English language,
10 ~~or every person who because of hearing, speaking or~~
11 ~~other impairment has difficulty in communicating with~~
12 ~~other persons,~~ and who is a party to any legal
13 proceeding or a witness therein, shall be entitled
14 to an interpreter to assist such person throughout
15 the proceeding."

16 3. Title page, by striking lines 1 through 5 and
17 inserting in lieu thereof the following: "An Act
18 relating to court personnel including magistrates,
19 judges of the district court, judges of the court
20 of appeals, supreme court justices and court appointed
21 interpreters and to the compensation and expenses
22 thereof."

S-5822 FILED
APRIL 23, 1980

RECEIVED FROM THE HOUSE

Senate concurred 4/25 (p. 1730)

AN ACT

RELATING TO COURT PERSONNEL INCLUDING MAGISTRATES, JUDGES OF THE DISTRICT COURT, JUDGES OF THE COURT OF APPEALS, SUPREME COURT JUSTICES AND COURT APPOINTED INTERPRETERS AND TO THE COMPENSATION AND EXPENSES THEREOF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section six hundred two point thirty-one (602.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section thirteen (13), is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum set by the general assembly. District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties ~~away-from-the-city-of-their-residence~~, in accordance with section 605.2. District associate judges who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund.

Sec. 2. Section six hundred two point fifty-four (602.54), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section fourteen (14), is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his or her actual and necessary expenses in the performance of his or her duties ~~while-away-from-the-city-of-his-or-her-residence~~, in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum set by the general assembly. The judicial magistrates serving pursuant to section 602.51

shall receive an annual salary in an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the judicial department.

Sec. 3. Section six hundred five point two (605.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section eight (8), is amended to read as follows:

605.2 EXPENSES. Where Except as provided in section six hundred eighty-four point fifty-three (684.53) of the Code, where a magistrate or judge of the district court, court of appeals or supreme court is required to travel, in the discharge of official duties, to leave the county of the magistrate's or judge's residence, the magistrate or judge ~~shall~~ may be paid such actual and necessary expenses incurred in the performance of his or her duties not to exceed a maximum amount set by the supreme court by rule prescribing the maximum amount, terms and conditions for reimbursement.

Sec. 4. NEW SECTION.

1. As used in this Act, unless the context otherwise requires:

a. "Hearing impaired person" means a person whose hearing is impaired so that the person cannot understand oral communication when spoken in a normal conversational tone and also includes a person who, because of a speech or other physical impairment, is unable to orally communicate with other persons and therefore relies primarily on sign language to communicate.

b. "Interpreter" means an interpreter who is fluent in sign language pursuant to rules on qualifications of interpreters applying to the proceeding.

c. "Administrative agency" means any department, board, commission or agency of the state or any political subdivision of the state.

2. The supreme court, after consultation with the department of health, shall adopt rules governing the qualifications and compensation of interpreters appearing in a proceeding before a court, grand jury or administrative agency under this Act. However, an administrative agency which is subject to chapter seventeen A (17A) of the Code may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters appearing in proceedings before that agency.

Sec. 5. NEW SECTION. If a hearing impaired person is a party to, or a witness at, a proceeding before a grand jury, court or administrative agency of this state, the court or administrative agency shall appoint an interpreter without expense to the hearing impaired person to interpret or translate the proceedings to the hearing impaired person and to interpret or translate his or her testimony unless the hearing impaired person waives the right to an interpreter.

Sec. 6. NEW SECTION. When a hearing impaired person is entitled to an interpreter the hearing impaired person shall notify the presiding official within three days after receiving notice of the proceeding, stating the disability and requesting the services of an interpreter. If the hearing impaired person receives notification of an appearance less than five days prior to the proceeding, that person shall notify the presiding official requesting an interpreter as soon as practicable or may apply for a continuance until an interpreter is appointed.

Sec. 7. NEW SECTION. The service program for the deaf of the state department of health shall prepare and continually update a listing of qualified and available interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for hearing impaired persons as furnished by the state department of health. The service program for the deaf shall maintain information on

the qualifications of interpreters which is confidential except to a court, administrative agency or interested parties to an action using the services of such interpreter.

Sec. 8. NEW SECTION. Before participating in a proceeding, an interpreter shall take an oath that the interpreter will make a true interpretation in an understandable manner to the person for whom the interpreter is appointed and that the interpreter will interpret or translate the statements of the hearing impaired person to the best of the interpreter's skills and judgment.

Sec. 9. NEW SECTION. Communication between a hearing impaired person and a third party which is privileged under chapter six hundred twenty-two (622) of the Code in which the interpreter participates as an interpreter shall be privileged to the interpreter.

Sec. 10. NEW SECTION. An interpreter appointed under this Act is entitled to a reasonable fee and expenses as determined by the rules applying to that proceeding. This schedule shall be furnished to all courts and administrative agencies and maintained by them. If the interpreter is appointed by the court, the fee and expenses shall be paid out of the court expense fund and if the interpreter is appointed by an administrative agency, the fee and expenses shall be paid out of funds available to the administrative agency. If a hearing impaired person is not a party to the action, the fees and expenses of an interpreter shall be charged to costs.

Sec. 11. NEW SECTION. On motion of a party or on its own motion, a court or administrative agency shall inquire into the qualifications and integrity of an interpreter. A court or administrative agency may disqualify for good reason any person from serving as an interpreter in that proceeding. If an interpreter is disqualified, the court or administrative agency shall appoint another interpreter.

Sec. 12. Section six hundred twenty-two A point two (622A.2), Code 1979, is amended to read as follows:

622A.2 WHO ENTITLED TO INTERPRETER. Every person who cannot speak or understand the English language, ~~or every person who because of hearing, speaking or other impairment has difficulty in communicating with other persons,~~ and who is a party to any legal proceeding or a witness therein, shall be entitled to an interpreter to assist such person throughout the proceeding.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2306, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved 5/20, 1980

ROBERT D. RAY
Governor