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Appropriations
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SENATE FILE 2233

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 2215)
Approved. (7.547)

Passed Senate, Date 2-30-82 (7.950) Passed House, Date _____
Vote: Ayes 40 Nays 9 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the organization, administration, super-
2 vision and funding of the courts, and including a recodi-
3 fication of court statutes and providing penalties and an
4 appropriation.

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

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S. 2233

1 DIVISION I

2 Section 1. Chapter 602, Code 1981, is amended by striking
3 the chapter and inserting in lieu thereof division II of this
4 Act.

5 DIVISION II

6 THE COURTS

7 ARTICLE 1

8 JUDICIAL DEPARTMENT

9 PART 1

10 DEFINITIONS AND COMPOSITION

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

13 1. "Court employee" or "employee of the judicial
14 department" means every officer or employee of the judicial
15 department except a judicial officer.

16 2. "State court administrator" means the person appointed
17 by the supreme court pursuant to section 602.1208 of this
18 Act.

19 3. "District court administrator" means a person appointed
20 pursuant to section 602.1213 of this Act.

21 4. "Chief juvenile court officer" means a person appointed
22 under section 602.1215 of this Act.

23 5. "Senior judge" means a person who qualifies as a senior
24 judge under division II, article 2, part 2 of this Act.

25 6. "Judicial officer" means a supreme court justice, a
26 judge of the court of appeals, a district judge, a district
27 associate judge or a magistrate. The term also includes a
28 person who is temporarily serving as a justice, judge or
29 magistrate as permitted by section 602.1612 or 602.2206 of
30 this Act.

31 7. "Department" means the judicial department as defined
32 in section 602.1102 of this Act.

33 8. "Chief justice" means the chief justice of the supreme
34 court selected pursuant to section 602.5103 of this Act.

35 9. "Magistrate" means a person appointed under division

1 II, article 7, part 4 of this Act to exercise judicial
2 functions.

3 Sec. 1102. NEW SECTION. 602.1102 JUDICIAL DEPARTMENT.

4 The judicial department consists of all of the following:

5 a. The supreme court.

6 b. The court of appeals.

7 c. The district court.

8 d. The clerks of all of the courts of this state.

9 e. Juvenile court officers.

10 f. Court reporters.

11 g. All other court employees.

12

PART 2

13

ADMINISTRATION

14

Sec. 1201. NEW SECTION. 602.1201 SUPERVISION AND

15 ADMINISTRATION. The supreme court, by and through the chief
16 justice, has supervisory and administrative control over the
17 department, and over all judicial officers and court employees.

18 Sec. 1202. NEW SECTION. 602.1202 JUDICIAL COUNCIL.

19 A judicial council is established, consisting of the chief
20 judges of the judicial districts, the chief judge of the court
21 of appeals, and the chief justice who shall be the chairperson.
22 The council shall convene not less than twice each year at
23 times and places as ordered by the chief justice. The council
24 shall advise the supreme court with respect to the supervision
25 and administration of the department.

26 Sec. 1203. NEW SECTION. 602.1203 PERSONNEL CONFERENCES.

27 The chief justice may from time to time order conferences
28 of judicial officers or court employees on matters relating
29 to the administration of justice or the affairs of the
30 department.

31 Sec. 1204. NEW SECTION. 602.1204 RULES FOR DEPARTMENT.

32 1. The supreme court shall prescribe rules for the orderly
33 and efficient supervision and administration of the internal
34 affairs of the department. These rules shall be executed
35 by the chief justice.

1 2. The state court administrator may issue directives
2 relating to the management of the department. The subject
3 matters of these directives shall include, but need not be
4 limited to, fiscal procedures, the judicial retirement system,
5 and the collection and reporting of statistical and other
6 data.

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

13 Sec. 1205. NEW SECTION. 602.1205 RULES FOR COURTS.

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

17 2. Rules for the district court shall provide for a court
18 session at least once each week in each county to be fixed
19 in advance and announced in the form of a printed schedule,
20 provided that court sessions may be at intervals other than
21 once each week if in the opinion of the chief judge more
22 efficient operations in the district will result. The rules
23 shall also provide for additional sessions for the trial of
24 cases in each county at a frequency which will promptly dispose
25 of the cases that are ready for trial.

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

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

31 2. Supreme court rules shall be published in the Code,
32 but separate from rules of practice and procedure.

33 Sec. 1207. NEW SECTION. 602.1207 REPORT OF THE CONDITION
34 OF THE JUDICIAL DEPARTMENT. The chief justice shall
35 communicate the condition of the department by message to

1 the general assembly at every regular session, and may
2 recommend matters the chief justice deems appropriate.

3 Sec. 1208. NEW SECTION. 602.1208 STATE COURT ADMINISTRA-
4 TOR.

5 1. The supreme court, by majority vote, shall appoint
6 and may remove a state court administrator.

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

11 3. The state court administrator shall employ staff as
12 necessary to perform the duties of the administrator, subject
13 to the approval of the supreme court.

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

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

24 1. Manage the affairs of the judicial department.

25 2. Administer funds appropriated to the department.

26 3. Authorize the filling of vacancies in court employees,
27 and review the qualifications of each person to be employed
28 within the department. The state court administrator shall
29 not approve the employment of a person when either the proposed
30 terms and conditions of employment or the qualifications
31 of the individual do not satisfy personnel policies of the
32 department.

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

35 5. Administer the judicial retirement system as provided

- 1 in division II, article 2 of this Act.
- 2 6. Collect and compile statistical and other data, and
3 submit reports relating to judicial business and other affairs
4 of the department.
- 5 7. Formulate and submit recommendations for improvement
6 of the judicial system, with reference to the structure of
7 the department and its organization and methods of operation,
8 the selection, compensation, number, and tenure of judicial
9 officers and court employees, and other matters as directed
10 by the chief justice or the supreme court.
- 11 8. Call conferences of district court administrators as
12 necessary in the administration of the department.
- 13 9. Provide a secretary and clerical services for the board
14 of examiners of shorthand reporters under division II, article
15 4 of this Act.
- 16 10. Act as executive secretary of the commission on
17 judicial qualifications under division II, article 3 of this
18 Act.
- 19 11. Act as custodian of the bonds and oaths of office
20 of judicial officers and court employees.
- 21 12. Issue vouchers for the payment of per diem and expenses
22 from funds appropriated for purposes of division II, articles
23 3 and 4 of this Act and chapter 610.
- 24 13. Collect and account for fees paid to the board of
25 examiners of shorthand reporters under division II, article
26 4 of this Act.
- 27 14. Collect and account for fees paid to the board of
28 bar examiners under chapter 610.
- 29 15. Perform other duties as assigned by the supreme court,
30 or the chief justice, or by law.
- 31 Sec. 1210. NEW SECTION. 602.1210 SELECTION OF CHIEF
32 JUDGES. Not later than December 15 in each odd-numbered year
33 the chief justice shall appoint chief judges of the judicial
34 districts, subject to the approval of the supreme court.
35 The chief judge of a judicial district shall be appointed

1 from those district judges who are serving within the district.
2 A chief judge shall serve for a two-year term and is eligible
3 for reappointment. The supreme court, by majority vote, may
4 remove a person from the position of chief judge. Vacancies
5 in the office of chief judge shall be filled in the same
6 manner. An order appointing a chief judge shall be filed
7 with the clerk of the supreme court, who shall mail a copy
8 to the clerk of the district court in each county in the
9 judicial district.

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

11 1. In addition to judicial duties, a chief judge of a
12 judicial district shall supervise all judicial officers and
13 court employees serving within the district. The chief judge
14 shall by order fix the times and places of holding court,
15 and shall designate the respective presiding judges, supervise
16 the performance of all administrative and judicial business
17 of the district, allocate the workloads of district associate
18 judges and magistrates as necessary in the efficient
19 performance of judicial business, and conduct judicial
20 conferences to consider, study and plan for improvement of
21 the administration of justice.

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

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

32 Sec. 1212. NEW SECTION. 602.1212 DISTRICT JUDICIAL CON-
33 FERENCES.

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

1 a. Promulgate local rules of court, subject to the approval
2 of the supreme court.

3 b. Advise the chief judge respecting supervision and
4 administration of the judicial district.

5 c. Exercise other duties, as established by law or by
6 the supreme court.

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

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

11 1. The chief judge of a judicial district shall appoint
12 and may remove a district court administrator.

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

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

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

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

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

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

31 1. The district judges of each judicial election district
32 shall by majority vote appoint persons to serve as clerks
33 of the district court, one for each county within the judicial
34 election district. A clerk of the district court may be
35 removed from office by a majority vote of the district judges

1 of the judicial election district.

2 2. The clerk of the district court has the duties specified
3 in division II, article 9 of this Act, and other duties as
4 prescribed by law or by the supreme court.

5 3. The clerk of the district court shall assist the state
6 court administrator and the district court administrator in
7 carrying out the policies of the department and the judicial
8 district.

9 4. The clerk of the district court shall comply with
10 policies of the department and the judicial district.

11 Sec. 1215. NEW SECTION. 602.1215 CHIEF JUVENILE COURT
12 OFFICER.

13 1. The district judges within a judicial district, by
14 majority vote, shall appoint and may remove a chief juvenile
15 court officer.

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

19 3. The chief juvenile court officer, in addition to per-
20 forming the duties of a juvenile court officer, shall supervise
21 juvenile court officers and administer juvenile court services
22 within the judicial district in accordance with law and with
23 the policies of the department and the judicial district.

24 4. The chief juvenile court officer shall assist the state
25 court administrator and the district court administrator in
26 implementing policies of the department and the judicial
27 district.

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

31

PART 3

32

FISCAL AFFAIRS AND FUNDING

33 Sec. 1301. NEW SECTION. 602.1301 FISCAL PROCEDURES.

34 1. The supreme court shall prepare an annual operating
35 budget for the department, and shall submit an annual budget

1 request to the general assembly.

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

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

9 a. The preparation, submission, review, and revision of
10 budget requests.

11 b. The allocation and disbursement of funds appropriated
12 to the department.

13 c. The purchase of forms, supplies, equipment, and other
14 property.

15 d. Other matters relating to fiscal administration.

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

21 Sec. 1302. NEW SECTION. 602.1302 STATE FUNDING.

22 1. Except as otherwise provided by section 602.1303 of
23 this Act or other applicable law, the expenses of operating
24 and maintaining the department shall be paid out of the state
25 general fund.

26 2. The supreme court is authorized to accept federal funds
27 to supplement the funds appropriated to the court.

28 Sec. 1303. NEW SECTION. 602.1303 LOCAL FUNDING.

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

32 a. A county shall provide suitable court rooms, offices,
33 and other physical facilities for the district court, and
34 for judicial officers of the district court, the clerk of
35 the district court, juvenile court officers, and other court

1 employees, as requested by the chief judge of the judicial
2 district. The chief judge may direct the sheriff to procure
3 these facilities at county expense if the county fails to
4 provide them.

5 b. If court is held in a city other than the county seat,
6 the city shall provide suitable courtrooms and other physical
7 facilities as requested by the chief judge of the judicial
8 district. The chief judge may direct the sheriff to procure
9 these facilities at city expense if the city fails to provide
10 them.

11 2. A county shall pay the expenses of the members of the
12 county judicial magistrate nominating commission as provided
13 in section 602.7501 of this Act.

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

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

19 5. A county shall pay the costs incurred in connection
20 with the administration of juvenile justice under section
21 232.141.

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

24 7. A county or city shall pay the costs of its witnesses,
25 depositions and transcripts and the court fees and costs pro-
26 vided by law in criminal actions prosecuted by that county
27 or city.

28 8. A county shall pay its share of the transition funding
29 for court reorganization as provided in section 10206 of this
30 Act.

31 9. A county shall pay the costs incurred in connection
32 with the defense of indigents, subject to the indemnity
33 provisions of section 10078 of this Act.

34 10. A county shall pay the fees and expenses allowed un-
35 der sections 815.2, 815.3, 815.4, 815.5, 815.6, and 815.7.

1 Sec. 1501. NEW SECTION. 602.1501 JUDICIAL SALARIES.

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

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

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

8 4. District associate judges shall receive the salary
9 set by the general assembly, provided that an alternate
10 district associate judge appointed under section 602.7303
11 of this Act shall receive forty dollars for each day of actual
12 duty, in lieu of a salary.

13 5. Magistrates shall receive the salary set by the general
14 assembly, subject to section 602.7402 of this Act.

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

17 1. The supreme court shall set the compensation of the
18 state court administrator, deputy administrator, and research
19 director. The salary of the administrator, deputy
20 administrator, and research director shall be not less than
21 twenty-seven thousand or more than thirty-seven thousand eight
22 hundred dollars annually for the fiscal year beginning July
23 1, 1981, and not less than twenty-nine thousand two hundred
24 or more than forty thousand eight hundred dollars annually
25 for the fiscal year beginning July 1, 1982, and subsequent
26 fiscal years until otherwise provided by the general assembly.

27 2. The state court administrator, with the approval of
28 the supreme court, shall set the salaries of assistants and
29 employees of the office of the state court administrator.
30 The salaries of the assistants, except the court fiscal
31 director, shall be not less than sixteen thousand two hundred
32 or more than twenty-seven thousand dollars annually for the
33 fiscal year beginning July 1, 1981, and not less than seventeen
34 thousand five hundred or more than twenty-nine thousand two
35 hundred dollars annually for the fiscal year beginning July

1 1, 1982, and subsequent fiscal years until otherwise provided
2 by the general assembly. The salary of the court fiscal
3 director shall be not less than twenty-one thousand six hundred
4 dollars or more than thirty-two thousand four hundred dollars
5 for the fiscal year beginning July 1, 1981, and not less than
6 twenty-three thousand three hundred or more than thirty-five
7 thousand dollars for the fiscal year beginning July 1, 1982
8 and subsequent fiscal years until otherwise provided by the
9 general assembly.

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

12 1. The supreme court shall set the salary of the clerk
13 of the supreme court, which shall not be less than twenty-
14 one thousand six hundred or more than thirty-two thousand
15 four hundred dollars annually for the fiscal year beginning
16 July 1, 1981, and not less than twenty-three thousand three
17 hundred or more than thirty-five thousand dollars annually
18 for the fiscal year beginning July 1, 1982, and subsequent
19 fiscal years until otherwise provided by the general assembly.

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

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

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

30 1. The chief judge of a judicial district shall set the
31 salary of the district court administrator, which shall be
32 not less than twenty-two thousand dollars and not more than
33 thirty-four thousand dollars annually, provided that any
34 person who is employed as a district court administrator on
35 October 1, 1981, at a salary greater than this maximum amount

1 is entitled to continue to receive the salary in effect for
2 the person on that date.

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

8 Sec. 1505. NEW SECTION. 602.1505 DISTRICT COURT CLERK
9 OFFICES.

10 1. The chief judge of each judicial district shall set
11 the salaries of the clerks of the district court within the
12 judicial district.

13 2. The annual salary of each of the first and second
14 deputies to a clerk of the district court shall not exceed
15 eighty percent of the annual salary of the clerk of the
16 district court. In offices where more than two deputies are
17 required, the salary of each additional deputy shall not
18 exceed seventy-five percent of the annual salary of the clerk.

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

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

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

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

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

33 1. The supreme court shall set the annual salary of each
34 full-time court reporter of the district court based on the
35 reporter's experience and within the following salary ranges:

1 a. For the fiscal year beginning July 1, 1981, the salary
2 shall be not less than fifteen thousand four hundred fifty
3 dollars or more than twenty-three thousand nine hundred fifty
4 dollars.

5 b. For the fiscal year beginning July 1, 1982, the salary
6 shall be not less than fifteen thousand four hundred fifty
7 dollars or more than twenty-five thousand eight hundred fifty
8 dollars.

9 A salary increase under this subsection is effective on
10 the employment anniversary of the court reporter.

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

16 3. Court reporters who are employed on an emergency basis
17 in the district court shall be paid not more than seventy-
18 five dollars per day while employed by the court. Payments
19 of accrued per diem shall be made at least once each month.

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

24 Sec. 1508. NEW SECTION. 602.1508 COMPENSATION OF
25 REFEREES. Referees and other persons referred to in section
26 602.7602 of this Act shall receive a salary or other
27 compensation as set by rule of the supreme court.

28 Sec. 1509. NEW SECTION. 602.1509 EXPENSES.

29 1. When a judicial officer, court employee, or other
30 person providing professional services to the courts is
31 required to travel in the discharge of official duties, the
32 person shall be paid actual and necessary expenses incurred
33 in the performance of duties, not to exceed a maximum amount
34 set by the supreme court by rule prescribing the maximum
35 amounts, terms, and conditions of reimbursement.

1 2. Receive a verdict or discharge a jury.
2 3. Exercise the powers of a magistrate in a criminal
3 proceeding.

4 4. Perform other acts as provided by law.

5 Sec. 1603. NEW SECTION. 602.1603 JUDGE TO BE ATTORNEY.

6 A person is not eligible for, and shall not hold the office
7 of supreme court justice, court of appeals judge, district
8 judge, or district associate judge unless admitted to the
9 practice of law in this state.

10 Sec. 1604. NEW SECTION. 602.1604 JUDGES SHALL NOT

11 PRACTICE LAW. While holding office, a supreme court justice,
12 court of appeals judge, district judge, or district associate
13 judge shall not practice as an attorney or counselor or give
14 advice in relation to any action pending or about to be brought
15 in any of the courts of the state. However, a person appointed
16 as an alternate district associate judge under section 602.7303
17 of this Act may practice law except when actually serving
18 as a district associate judge.

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

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

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

33 Sec. 1606. NEW SECTION. 602.1606 JUDICIAL OFFICER

34 DISQUALIFIED. A judicial officer is disqualified from acting
35 in a proceeding, except upon the consent of all of the parties,

1 if any of the following circumstances exist:

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

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

10 3. The judicial officer knows that he or she, individually
11 or as a fiduciary, or his or her spouse or minor child residing
12 in his or her household, has a financial interest in the
13 subject matter in controversy or in a party to the proceeding,
14 or has any other interest that could be substantially affected
15 by the outcome of the proceeding.

16 4. The judicial officer or the officer's spouse, or a
17 person within the third degree of relationship to either of
18 them or the spouse of such a person, is a party to the
19 proceeding, or an officer, director, or trustee of a party,
20 or is acting as a lawyer in the proceeding, or is known by
21 the judicial officer to have an interest that could be
22 substantially affected by the outcome of the proceeding,
23 or is, to the judicial officer's knowledge, likely to be a
24 material witness in the proceeding.

25 Sec. 1607. NEW SECTION. 602.1607 COURT EMPLOYEES SHALL
26 NOT PRACTICE LAW. Court employees shall not, for compensation,
27 practice as attorneys or give advice in relation to actions
28 pending or about to be brought in any of the courts of this
29 state.

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

34 Sec. 1609. NEW SECTION. 602.1609 COMPLIANCE WITH GIFT
35 LAW. Judicial officers and court employees shall comply with

1 rules adopted by the supreme court under section 68B.11 with
2 respect to the reporting of gifts received. Violations are
3 subject to the criminal penalties provided in that section.

4 Sec. 1610. NEW SECTION. 602.1610 MANDATORY RETIREMENT.

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

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

10 b. The mandatory retirement age is seventy-two years for
11 all justices of the supreme court, judges of the court of
12 appeals and district judges appointed to office after July
13 1, 1965.

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

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

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

20 1. Justices of the supreme court, judges of the court
21 of appeals and district judges are members of either the
22 judicial retirement system or the Iowa public employees'
23 retirement system, as determined under section 97B.69 and
24 division II, article 2, part 1 of this Act.

25 2. District associate judges who were municipal court
26 judges prior to July 1, 1973, and who are members of the
27 judicial retirement system under division II, article 2 of
28 this Act shall remain members thereof. Other district
29 associate judges are members of the Iowa public employees'
30 retirement system, except that alternate district associate
31 judges appointed under section 602.7303 of this Act are not
32 members of either retirement system.

33 3. Magistrates may elect to be members of the Iowa public
34 employees' retirement system upon filing in writing with the
35 Iowa department of job service as provided in section 97B.41,

1 subsection 3, paragraph b.

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

4 1. Justices of the supreme court, judges of the court
5 of appeals and district judges who are retired by reason of
6 age or who are drawing benefits under section 602.2106 of
7 this Act, and senior judges who have retired under section
8 602.2207 of this Act or who have relinquished senior judgeship
9 under section 602.2208, subsection 1 of this Act, may with
10 their consent be assigned by the supreme court to temporary
11 judicial duties on a court in this state. A retired officer
12 shall not be assigned to temporary judicial duties on any
13 court superior to the highest court to which that officer
14 had been appointed prior to retirement, and shall not be
15 assigned for temporary duties with the supreme court or the
16 court of appeals except in the case of a temporary absence
17 of a member of one of those courts.

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

23 3. While serving under temporary assignment, a retired
24 justice or judge shall be paid the compensation and expense
25 reimbursement provided by law for justices or judges on the
26 court to which assigned, but shall not receive annuity payments
27 under the judicial retirement system.

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

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

1 Sec. 1613. NEW SECTION. 602.1613 COURT EMPLOYEE
2 RETIREMENT. Employees of the judicial department shall be
3 members of the Iowa public employees' retirement system under
4 chapter 97B, except as otherwise provided in that chapter.

5 ARTICLE 2

6 JUDICIAL RETIREMENT

7 PART 1

8 JUDICIAL RETIREMENT SYSTEM

9 Sec. 2101. NEW SECTION. 602.2101 SYSTEM CREATED--
10 DEFINITIONS.

- 11 1. There is a "Judicial Retirement System".
- 12 2. As used in this article, unless the context otherwise
- 13 requires:
- 14 a. "System" means the judicial retirement system.
- 15 b. "Judge" means a supreme court justice, court of appeals
- 16 judge, or district judge, or a district associate judge who
- 17 was a municipal court judge prior to July 1, 1973.
- 18 c. "Fund" means the judicial retirement fund established
- 19 by section 602.2104 of this Act.
- 20 d. "Survivor" means as defined in section 602.2115 of
- 21 this Act.

22 Sec. 2102. NEW SECTION. 602.2102 ADMINISTERED BY STATE
23 COURT ADMINISTRATOR. The state court administrator shall
24 administer the system, and may promulgate rules for the system
25 that are not inconsistent with this article.

26 Sec. 2103. NEW SECTION. 602.2103 NOTICE BY JUDGE IN
27 WRITING. This article does not apply to a judge who otherwise
28 qualifies for membership in the system until the judge gives
29 notice in writing to the state comptroller and treasurer of
30 state of the judge's election to become a member of the system.
31 Notice shall be given within one year after the date on which
32 the judge takes the oath of office as judge.

33 Sec. 2104. NEW SECTION. 602.2104 DEPOSIT BY JUDGE--
34 DEDUCTIONS--CONTRIBUTIONS BY STATE.

35 1. A judicial retirement fund is established in the state

1 treasury.

2 2. Each judge shall, on or before retirement, pay to the
3 state court administrator for deposit in the fund a sum equal
4 to four percent of the judge's basic salary for services as
5 a judge for the aggregate period of service on the municipal,
6 superior, district or supreme courts, or the court of appeals
7 prior to the date of giving notice. However, the maximum
8 amount that a judge is required to contribute for past service
9 is three thousand five hundred dollars for a municipal or
10 superior court or district associate judge, four thousand
11 dollars for a district judge, four thousand five hundred
12 dollars for a court of appeals judge, and five thousand dollars
13 for a supreme court justice. On and after the date notice
14 is given, four percent of the basic salary of the judge shall
15 be withheld from the salary of the judge and deposited in
16 the fund.

17 3. The fund is hereby appropriated for the payment of
18 the annuities, refunds, and allowances provided in this
19 article.

20 4. A judge electing to become a member of the system is
21 deemed to consent to the deduction from basic salary that
22 is provided in this section, and payment of the basic salary
23 less the deduction discharges all claims and demands with
24 respect to regular services rendered during the period covered
25 by the payment, except the right to the benefits to which
26 the judge is entitled under this article.

27 5. The state shall contribute sums to finance the system
28 as necessary over the amounts contributed by judges.

29 Sec. 2105. NEW SECTION. 602.2105 QUALIFICATION
30 CONDITIONS. A person is not entitled to receive an annuity
31 under this article unless the person has contributed to the
32 fund as provided in this article for the person's entire
33 period of service as a judge, or unless the person is entitled
34 to a survivor's annuity under section 602.2115 of this Act.

35 Sec. 2106. NEW SECTION. 602.2106 RETIREMENT. A person

1 who becomes separated from service as a judge, and who has
2 completed an aggregate of at least six years of service as
3 a judge, and who has attained the age of sixty-five years
4 or has completed twenty-five years of consecutive service
5 as a judge, and who has otherwise qualified as provided in
6 this article, is entitled to an annuity as provided in this
7 article.

8 Sec. 2107. NEW SECTION. 602.2107 AMOUNT OF ANNUITY.

9 The annuity of a judge under the system is an amount equal
10 to three percent of the average annual basic salary of the
11 judge for the last three years of service as a judge,
12 multiplied by the aggregate number of years of service as
13 a judge, but an annuity shall not exceed an amount equal to
14 fifty percent of the salary that the judge is receiving at
15 the time the judge becomes separated from service.

16 Sec. 2108. NEW SECTION. 602.2108 INDIVIDUAL ACCOUNTS-

17 -REFUNDING. The amounts withheld from the salary of a judge
18 under this article for the credit of the fund, and all amounts
19 paid into the fund by the judge, shall be credited to the
20 individual account of the judge. If the judge becomes
21 separated from service as a judge before completing an
22 aggregate of six years of service as a judge, the total amount
23 of the judge's contributions to the fund shall be returned
24 in one sum to the judge or to the judge's legal
25 representatives. If a judge who has completed an aggregate
26 of six years or more of service as a judge dies before
27 retirement and without a survivor, the total amount of the
28 judge's contributions to the fund shall be paid in one sum
29 to the judge's legal representatives. If a judge who is
30 receiving an annuity under this article dies without a survivor
31 and without having received in annuities an amount equal to
32 the total amount held to the judge's credit at the time of
33 separation from service, the amount remaining to the judge's
34 credit at the time of death shall be paid in one sum to the
35 judge's legal representatives.

1 Sec. 2109. NEW SECTION. 602.2109 PAYMENT OF ANNUITIES.
2 Annuities are due and payable in monthly installments, and
3 shall continue during the life of the annuitant. An annuity
4 shall be paid on the last business day of the month following
5 the month or other period for which the annuity has accrued.
6 Payment of all annuities, refunds, and allowances from the
7 fund shall be made by checks or warrants issued by the state
8 comptroller. Applications for annuities shall be in the form
9 prescribed by the state comptroller.

10 Sec. 2110. NEW SECTION. 602.2110 OTHER PUBLIC EMPLOYMENT
11 PROHIBITED. An annuity shall not be paid to any person,
12 except a survivor, while the person is serving as a state
13 officer or employee.

14 This section does not prohibit the payment of an annuity
15 to a senior judge while serving as provided in section 602.2206
16 of this Act.

17 Sec. 2111. NEW SECTION. 602.2111 INVESTMENT OF FUND.
18 The portion of the fund that is not needed for disbursements
19 shall be invested by the treasurer of state in bonds or other
20 evidences of indebtedness issued, assumed, or guaranteed by
21 the United States or by an agency or instrumentality of the
22 United States, or in investments authorized for the Iowa
23 public employees' retirement system in section 97B.7,
24 subsection 2, paragraph b. Earnings shall be credited to
25 the fund.

26 Sec. 2112. NEW SECTION. 602.2112 VOLUNTARY RETIREMENT
27 FOR DISABILITY. A judge who is a member of the system, and
28 who has served as a judge for a period of at least six years
29 in the aggregate, and who believes he or she has become
30 permanently incapacitated, physically or mentally, to perform
31 the duties of office, may personally or by next friend or
32 guardian file with the state court administrator a written
33 application for retirement. The application shall be filed
34 in duplicate and shall be accompanied by an affidavit
35 disclosing the duration and particulars of the judge's service

1 and the nature of the incapacity. The state court
2 administrator shall transmit one copy of the application and
3 affidavit to the chief justice, who shall request in writing
4 that the attorney general cause an investigation of the claimed
5 incapacity and report back the results in writing. If the
6 chief justice finds from the report of the attorney general
7 that the applicant is permanently incapacitated, physically
8 or mentally, to perform the duties of office, the chief justice
9 shall by endorsement on the report declare the applicant
10 retired and the office vacant. The chief justice shall file
11 the report in the office of the state court administrator,
12 and shall file a copy in the office of the secretary of state.
13 From the date of filing, the applicant shall be deemed retired
14 from office and entitled to the benefits of this article to
15 the same extent as if the applicant had retired under section
16 602.2106 of this Act.

17 Sec. 2113. NEW SECTION. 602.2113 RETIREMENT BENEFITS
18 FOR DISABILITY. An adjudication of permanent physical or
19 mental disability by the supreme court under section 602.3106,
20 subsection 3, paragraph a of this Act entitles the judge to
21 the same retirement benefits as those that are provided for
22 voluntary retirement for the same cause.

23 Sec. 2114. NEW SECTION. 602.2114 FORFEITURE OF BENEFITS-
24 -REFUND. If a judge who is a member of the system is removed
25 for cause other than permanent disability, the judge and any
26 survivor shall forfeit the right to retirement benefits under
27 the system, but the total amount of the judge's contributions
28 to the fund shall be returned in one sum to the judge or to
29 a legal representative of the judge.

30 Sec. 2115. NEW SECTION. 602.2115 ANNUITY FOR SURVIVOR
31 OF ANNUITANT.

32 1. The survivor of a judge who was qualified to receive
33 an annuity under the system at the time of death is entitled
34 to receive an annuity of one-half the amount of the annuity
35 the judge was receiving or would have been entitled to receive

1 at the time of death, or if the judge died before age sixty-
2 five, then one-half of the amount the judge would have been
3 entitled to receive at age sixty-five based on years of
4 service. A survivor's annuity shall begin on the judge's
5 death, or on the date the judge would have been sixty-five
6 if the judge died earlier than age sixty-five, or upon the
7 survivor's reaching age sixty, whichever is later.

8 2. For purposes of this article, "survivor" means the
9 surviving spouse of a judge, if married to the judge for at
10 least five years next preceding the judge's death, but does
11 not include a surviving spouse who remarries.

12 3. If a judge dies leaving a survivor, but without
13 receiving in annuities an amount equal to the judge's credit,
14 the balance shall be credited to the account of the survivor,
15 and if the survivor dies without remarrying and without
16 receiving in annuities an amount equal to that balance, the
17 amount then remaining shall be paid to the survivor's legal
18 representative.

19 Sec. 2116. NEW SECTION. 602.2116 ACTUARIAL VALUATION.

20 1. The state court administrator shall cause an actuarial
21 valuation to be made of the assets and liabilities of the
22 system at least once every four years commencing with the
23 fiscal year beginning July 1, 1981. The state court
24 administrator, upon the recommendation of the actuary, shall
25 adopt mortality tables and other necessary factors for use
26 in the actuarial calculations required for the valuation.
27 Following the actuarial valuation, the state court
28 administrator shall determine the condition of the system
29 and shall report findings and recommendations to the general
30 assembly.

31 2. The cost of the actuarial valuation shall be paid from
32 the fund.

33 PART 2

34 IOWA SENIOR JUDGE ACT

35 Sec. 2201. NEW SECTION. 602.2201 SHORT TITLE. This

1 part may be cited and referred to as the Iowa senior judge
2 Act.

3 Sec. 2202. NEW SECTION. 602.2202 DEFINITIONS. As used
4 in this part unless the context otherwise requires:

5 1. "Senior judge" means a judge who has become a senior
6 judge under section 602.2203 of this Act and who has not been
7 retired or removed from the roster of senior judges under
8 section 602.2207 or 602.2208 of this Act.

9 2. "Retired senior judge" means a senior judge who has
10 been retired from a senior judgeship as provided in section
11 602.2207 of this Act.

12 3. "Roster of senior judges" means the roster maintained
13 by the clerk of the supreme court under section 602.2203,
14 subsection 3 of this Act.

15 4. "Twelve-month period" means each successive one-year
16 period during the time a judge is a senior judge, commencing
17 on the date the judge becomes a senior judge.

18 Sec. 2203. NEW SECTION. 602.2203 SENIOR JUDGESHIP
19 REQUIREMENTS.

20 1. A judge who meets the requirements under subsection
21 2 may become a senior judge by filing with the clerk of the
22 supreme court a written election in the form specified by
23 the state court administrator. The election shall be filed
24 not later than the date of retirement.

25 2. A judge qualifies for a senior judgeship if the judge
26 meets all of the following requirements:

27 a. Retires from office, whether or not at mandatory
28 retirement age.

29 b. Meets the minimum requirements for entitlement to an
30 annuity as specified in section 602.2106 of this Act.

31 c. Agrees in writing on a form prescribed by the state
32 court administrator to be available while a senior judge to
33 perform judicial duties as assigned by the supreme court for
34 an aggregate period of thirteen weeks out of each twelve-month
35 period.

1 d. Submits evidence to the satisfaction of the supreme
2 court that as of the date of retirement the judge does not
3 suffer from a permanent physical or mental disability which
4 would substantially interfere with the performance of duties
5 agreed to under paragraph c of this subsection.

6 3. The clerk of the supreme court shall maintain a book
7 entitled "Roster of Senior Judges", and shall enter in the
8 book the name of each judge who files a timely election under
9 subsection 1 and qualifies under subsection 2. A person shall
10 be a senior judge upon entry of the person's name in the
11 roster of senior judges and until the person becomes a retired
12 senior judge as provided in section 602.2207 of this Act,
13 or until the person's name is stricken from the roster of
14 senior judges as provided in section 602.2208 of this Act,
15 or until the person dies.

16 4. The supreme court shall cause a senior judge to actually
17 perform judicial duties during each twelve-month period.

18 Sec. 2204. NEW SECTION. 602.2204 ANNUITY OF SENIOR JUDGE
19 AND RETIRED SENIOR JUDGE. A senior judge or a retired senior
20 judge shall not be paid a salary. A senior judge or retired
21 senior judge shall be paid an annuity under the system in
22 the manner provided in section 602.2109 of this Act, but
23 computed under this section in lieu of section 602.2107 of
24 this Act, as follows: The annuity paid to a senior judge
25 or retired senior judge shall be an amount equal to three
26 percent of the current base salary, as of the time each payment
27 is made, of the office in which the senior judge last served
28 as a judge before retirement as a judge or senior judge,
29 multiplied by the judge's aggregate years of service prior
30 to retirement as a judge of one or more of the courts included
31 under this article, but the annuity of the senior judge or
32 retired senior judge shall not exceed fifty percent of that
33 current base salary.

34 Sec. 2205. NEW SECTION. 602.2205 PRACTICE OF LAW
35 PROHIBITED. A senior judge shall not practice law.

1 Sec. 2206. NEW SECTION. 602.2206 TEMPORARY SERVICE BY
2 SENIOR JUDGE. During the tenure of a senior judge, the supreme
3 court may assign the senior judge to serve, if able, temporary
4 judicial duties on courts of this state without salary for
5 an aggregate of thirteen weeks out of each twelve-month period,
6 and for additional weeks with the senior judge's consent.
7 A senior judge shall not be assigned to judicial duties on
8 a court superior to the highest court to which appointed prior
9 to retirement, and shall not be assigned to the court of
10 appeals or to the supreme court except to serve in the
11 temporary absence of a member of the court. While serving
12 on temporary assignment, a senior judge has all of the
13 authority of the office to which assigned, shall continue
14 to be paid his or her annuity as senior judge, and shall be
15 reimbursed for actual expenses as provided in section 602.1509
16 of this Act. A senior judge may, if permitted by the temporary
17 assignment order, appoint a temporary court reporter who shall
18 be paid the remuneration and reimbursement for expenses
19 provided by law for a reporter in the court to which the
20 senior judge is assigned. If a senior judge is temporarily
21 assigned to the court of appeals or to the supreme court,
22 the senior judge shall be given the assistance of a law clerk
23 and a secretary designated by the state court administrator
24 from the state court administrator's staff. Each order of
25 temporary assignment shall be filed with the clerk of the
26 court on which the senior judge is to serve.

27 A senior judge also shall be available to serve in the
28 capacity of administrative hearing officer under chapter 17A,
29 and the supreme court may assign a senior judge for temporary
30 duties as a hearing officer upon the request of an agency.
31 A senior judge shall not be required to serve a period of
32 time as a hearing officer which, when added to the period
33 of time being served by the person as a judge, if any, would
34 exceed the maximum period of time the person agreed to serve
35 pursuant to section 602.2203, subsection 2, of this Act.

1 Sec. 2207. NEW SECTION. 602.2207 RETIREMENT OF SENIOR
2 JUDGE.

3 1. A senior judge shall cease to be a senior judge upon
4 completion of the twelve-month period during which the senior
5 judge attains seventy-eight years of age. The clerk of the
6 supreme court shall make a notation of the retirement of a
7 senior judge in the roster of senior judges, at which time
8 the senior judge shall become a retired senior judge.

9 2. A senior judge is subject to retirement under division
10 II, article 3, part 1 of this Act for the causes specified
11 in section 602.3106, subsection 3, paragraph a of this Act.
12 A senior judge may request and be granted retirement in the
13 manner provided in section 602.2112 of this Act. When a
14 senior judge is retired as provided in this subsection the
15 clerk of the supreme court shall make a notation of the
16 retirement of the senior judge in the roster of senior judges,
17 at which time the senior judge shall become a retired senior
18 judge.

19 Sec. 2208. NEW SECTION. 602.2208 RELINQUISHMENT OF
20 SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

21 1. A senior judge, at any time prior to the end of the
22 twelve-month period during which the senior judge attains
23 seventy-eight years of age, may submit to the clerk of the
24 supreme court a written request to be stricken from the roster
25 of senior judges. Upon the receipt of the request the clerk
26 shall strike the name of the person from the roster of senior
27 judges, at which time the person shall cease to be a senior
28 judge. A person who relinquishes a senior judgeship as
29 provided in this subsection may be assigned to temporary
30 judicial duties as provided in section 602.1612 of this Act.

31 2. A senior judge is subject to removal under provisions
32 of division II, article 3, part 1 of this Act for any of the
33 causes specified in section 602.3106, subsection 3, paragraph
34 b of this Act. When a person is removed from a senior
35 judgeship as provided in this subsection the clerk of the

1 supreme court shall strike the name of the person from the
2 roster of senior judges, at which time the person shall cease
3 to be a senior judge.

4 3. A person who relinquishes a senior judgeship in the
5 manner provided in subsection 1 or who is removed as provided
6 in subsection 2 shall be paid a retirement annuity in an
7 amount determined according to section 602.2107 of this Act
8 in lieu of section 602.2204 of this Act, commencing on the
9 effective date of the relinquishment or removal, and for this
10 purpose the service and annuity of the person as a senior
11 judge is disregarded.

12 Sec. 2209. NEW SECTION. 602.2209 SURVIVOR'S ANNUITY.

13 1. A person who is a survivor of a senior judge or a
14 retired senior judge and who is qualified under section
15 602.2115 of this Act to receive an annuity shall be paid an
16 annuity, in lieu of that specified in section 602.2115 of
17 this Act, which is equal to one-half the amount of the annuity
18 the senior judge or retired senior judge was receiving at
19 the time of the judge's death.

20 2. A survivor of a person whose name is stricken from
21 the roster of senior judges shall, if the survivor is qualified
22 under section 602.2115 of this Act to receive an annuity,
23 be paid an annuity equal to one-half of the amount the person
24 was receiving at the time of the person's death.

25 ARTICLE 3

26 DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

27 PART 1

28 SUPREME COURT ACTION

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

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

34 1. A seven-member "Commission on Judicial Qualifications"
35 is established. The commission consists of one district judge

1 and two members who are practicing attorneys in Iowa and who
2 do not belong to the same political party, to be appointed
3 by the chief justice; and four electors of the state who are
4 not attorneys, no more than two of whom shall belong to the
5 same political party, to be appointed by the governor, subject
6 to confirmation by the senate. The commission members shall
7 serve for six-year terms, are ineligible for a second term,
8 and except for the judicial member shall not hold any other
9 office of and shall not be employed by the United States or
10 the state of Iowa or its political subdivisions. Members
11 appointed by the chief justice shall serve terms beginning
12 January 1 and members appointed by the governor shall serve
13 staggered terms beginning and ending as provided by section
14 69.19. Vacancies shall be filled by appointment by the chief
15 justice or governor as provided in this subsection, for the
16 unexpired portion of the term.

17 2. If the judicial member is the subject of a charge
18 before the commission, the chief justice shall appoint a
19 district judge of another judicial district to act as the
20 judicial member of the commission until the person charged
21 is exonerated, or for the unexpired portion of the term if
22 the person charged is not exonerated. If the judicial member
23 is a resident judge of the same judicial district as the
24 judicial officer who is the subject of a charge before the
25 commission, the chief justice shall appoint a district judge
26 of another judicial district to act as the judicial member
27 during that proceeding.

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

31 Sec. 3103. NEW SECTION. 602.3103 OPERATION OF COMMISSION.
32 A quorum of the commission is four members. Only those
33 commission members that are present at commission meetings
34 or hearings may vote. Any application by the commission to
35 the supreme court to retire, discipline, or remove a judicial

1 officer, or any action by the commission which affects the
2 final disposition of a complaint, requires the affirmative
3 vote of at least four commission members. Notwithstanding
4 chapter 28A and chapter 68A, all records, papers, proceedings,
5 meetings and hearings of the commission are confidential,
6 but if the commission applies to the supreme court to retire,
7 discipline, or remove a judicial officer, the application
8 and all of the records and papers in that proceeding shall
9 be public documents.

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

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

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

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

13 Sec. 3105. NEW SECTION. 602.3105 RULES. The commission
14 may adopt rules for its operation and procedure.

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

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

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

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

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

31 b. Discipline or remove the judicial officer for persistent
32 failure to perform duties, habitual intemperance, willful
33 misconduct in office, conduct which brings judicial office
34 into disrepute, or substantial violation of the canons of
35 judicial ethics. Discipline may include suspension without

1 pay for a definite period of time not to exceed twelve months.
2 4. If the supreme court finds that the application should
3 be granted in whole or in part, it shall render the decree
4 that it deems appropriate.

5 Sec. 3107. NEW SECTION. 602.3107 CIVIL IMMUNITY. The
6 making of charges before the commission, the giving of evidence
7 or information before the commission or to an investigator
8 employed by the commission, and the presentation of
9 transcripts, extensions of evidence, briefs and arguments
10 in the supreme court shall be privileged in actions for
11 defamation.

12 PART 2

13 OTHER PROCEEDINGS

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

17 ARTICLE 4

18 CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS

19 PART 1

20 CERTIFICATION

21 Sec. 4101. NEW SECTION. 602.4101 BOARD OF EXAMINERS.
22 1. A five-member board of examiners of shorthand reporters
23 is established, consisting of three certified shorthand
24 reporters and two persons who are not certified shorthand
25 reporters and who shall represent the general public. Members
26 shall be appointed by the supreme court. A certified member
27 shall be actively engaged in the practice of certified
28 shorthand reporting and shall have been so engaged for five
29 years preceding appointment, the last two of which shall have
30 been in Iowa. Professional associations or societies composed
31 of certified shorthand reporters may recommend the names of
32 potential board members to the supreme court, but the supreme
33 court is not bound by the recommendations. A board member
34 shall not be required to be a member of a professional
35 association or society composed of certified shorthand

1 reporters.

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

4 Sec. 4102. NEW SECTION. 602.4102 TERMS OF OFFICE.

5 Appointments shall be for three-year terms and each shall
6 commence on July 1 of the year in which the appointment is
7 made. Vacancies shall be filled for the unexpired term by
8 appointment by the supreme court. Members shall serve a
9 maximum of three terms or nine years, whichever is less.

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

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

20 Sec. 4105. NEW SECTION. 602.4105 APPLICATIONS.

21 Applications for certification shall be on forms prescribed
22 and furnished by the board and the board shall not require
23 that the application contain a recent photograph of the
24 applicant. An applicant is not ineligible for certification
25 because of age, citizenship, sex, race, religion, marital
26 status, or national origin although the application may require
27 citizenship information. The board may consider the past
28 felony record of an applicant only if the felony conviction
29 relates directly to the practice of certified shorthand
30 reporting. Character references may be required, but shall
31 not be obtained from certified shorthand reporters.

32 Sec. 4106. NEW SECTION. 602.4106 FEES.

33 1. The supreme court shall set the fees for examination
34 and for certification. The fee for examination shall be based
35 on the annual cost of administering the examinations. The

1 fee for certification shall be based upon the administrative
2 costs of sustaining the board, which shall include but shall
3 not be limited to the cost for per diem, expenses, and travel
4 for board members, and office facilities, supplies, and
5 equipment.

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

8 Sec. 4107. NEW SECTION. 602.4107 EXAMINATIONS. The
9 board may administer as many examinations per year as
10 necessary, but shall administer at least one examination per
11 year. The scope of the examinations and the methods of
12 procedure shall be prescribed by the board. A written
13 examination may be conducted by representatives of the board.
14 Examinations in theory shall be in writing and the identity
15 of the person taking the examination shall be concealed until
16 after the examination papers have been graded. For
17 examinations in practice, the identity of the person taking
18 the examination also shall be concealed as far as possible.
19 Applicants who fail the examination once shall be allowed
20 to take the examination at the next scheduled time.
21 Thereafter, the applicant shall be allowed to take the
22 examination at the discretion of the board. An applicant
23 who has failed the examination may request in writing
24 information from the board concerning the examination grade
25 and subject areas or questions which the applicant failed
26 to answer correctly, except that if the board administers
27 a uniform, standardized examination, the board shall only
28 be required to provide the examination grade and other
29 information concerning the applicant's examination results
30 that is available to the board.

31 PART 2

32 REGULATION

33 Sec. 4201. NEW SECTION. 602.4201 UNLAWFUL USE OF TITLE.
34 A person who is certified by the board is a certified shorthand
35 reporter. A person who is not certified by the board shall

1 not assume the title of certified shorthand reporter, or use
2 the abbreviation C.S.R., or any words, letters, or figures
3 to indicate that the person is a certified shorthand reporter.

4 Sec. 4202. NEW SECTION. 602.4202 TRANSCRIPT FEE.

5 Certified shorthand reporters shall receive compensation for
6 transcribing their official notes as set by rule of the supreme
7 court, to be paid for in all cases by the party ordering the
8 transcription.

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

- 12 1. Fraud in procuring a license.
- 13 2. Professional incompetency.
- 14 3. Knowingly making misleading, deceptive, untrue or
15 fraudulent representations in the practice of shorthand
16 reporting, or engaging in unethical conduct or in a practice
17 that is harmful or detrimental to the public. Proof of actual
18 injury need not be established.
- 19 4. Habitual intoxication or addiction to the use of drugs.
- 20 5. Conviction of a felony related to the practice of
21 shorthand reporting or conviction of a felony that would
22 affect the ability to practice shorthand reporting. A copy
23 of the record of conviction or plea of guilty is conclusive
24 evidence.
- 25 6. Fraud in representations relating to skill or ability.
- 26 7. Use of untruthful or improbable statements in
27 advertisements.
- 28 8. Willful or repeated violations of one or more of the
29 provisions of this article.

30

PART 3

31

PENAL PROVISIONS

32 Sec. 4301. NEW SECTION. 602.4301 MISUSE OF CONFIDENTIAL
33 INFORMATION--PENALTY.

34 1. A member of the board shall not disclose information
35 relating to the following:

- 1 a. Criminal history or prior misconduct of the applicant.
- 2 b. The contents of the examination.
- 3 c. Examination results other than final score except for
- 4 information about the results of an examination which is given
- 5 to the person who took the examination.
- 6 2. A member of the board who willfully communicates or
- 7 seeks to communicate information referred to in subsection
- 8 1, and a person who willfully requests, obtains, or seeks
- 9 to obtain information referred to in subsection 1, is guilty
- 10 of a simple misdemeanor.

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

14 ARTICLE 5
15 SUPREME COURT

16 PART 1

17 GENERAL PROVISIONS

18 Sec. 5101. NEW SECTION. 602.5101 JUSTICES--QUORUM.
19 1. The supreme court consists of nine justices. A majority
20 of the justices sitting constitutes a quorum, but in no case
21 shall a quorum consist of less than three justices.
22 2. Justices of the supreme court shall be nominated and
23 appointed and shall stand for retention in office as provided
24 in chapter 46. Justices of the supreme court shall qualify
25 for office as provided in chapter 63.

26 Sec. 5102. NEW SECTION. 602.5102 JURISDICTION.
27 1. The supreme court shall have appellate jurisdiction
28 only in cases in chancery, and shall constitute a court for
29 the correction of errors at law. The jurisdiction of the
30 supreme court is coextensive with the state.
31 2. A civil or criminal action or special proceeding filed
32 with the supreme court for appeal or review, may be transferred
33 by the supreme court to the court of appeals by issuing an
34 order of transfer. The jurisdiction of the supreme court
35 in the matter ceases upon the filing of that order by the

1 clerk of the supreme court. A matter which has been
2 transferred to the court of appeals pursuant to order of the
3 supreme court is not thereafter subject to the jurisdiction
4 of the supreme court, except as provided in subsection 4.

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

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

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

35 Sec. 5103. NEW SECTION. 602.5103 CHIEF JUSTICE. The

1 members of the supreme court shall select one of their number
2 to be chief justice, to serve as such during that person's
3 term of office. The chief justice is eligible for reselection.
4 The chief justice shall appoint one of the other members of
5 the court to act during the absence or inability of the chief
6 justice to act, and when so acting the appointee has all the
7 rights, duties, and powers of the chief justice.

8 Sec. 5104. NEW SECTION. 602.5104 DIVISIONS--FULL COURT.

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

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

19 3. The supreme court shall prescribe rules to provide
20 for the submission of cases to the entire bench or to the
21 separate divisions. These rules are subject to section
22 602.5202 of this Act.

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

27 Sec. 5106. NEW SECTION. 602.5106 OPINIONS--REPORTS.

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

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

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

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

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

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

21

PART 2

22

RULES OF PROCEDURE

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

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

31 2. Rules of appellate procedure relating to appeals to
32 and review by the supreme court, discretionary review by the
33 courts of small claims actions, review by the supreme court
34 by writ of certiorari to inferior courts, appeal to or review
35 by the court of appeals of a matter transferred to that court

1 by the supreme court, and further review by the supreme court
2 of decisions of the court of appeals, shall be known as "Rules
3 of Appellate Procedure", and shall be codified apart from
4 rules of procedure applicable in the district court and other
5 rules prescribed by the supreme court.

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

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

11 2. Rules and forms prescribed by the supreme court shall
12 be reported by the court to the general assembly within twenty
13 days after the commencement of a regular session. The rules
14 and forms shall take effect July 1 following the date of
15 submission, as modified by any changes that are enacted during
16 the session, and conflicting law shall be of no further force
17 or effect.

18 3. At adjournment of a session where rules and forms have
19 been reported, an enrolled copy thereof, together with any
20 changes, shall be made in substantially the same manner as
21 Acts are enrolled. The enrolled copy shall be certified as
22 to the action, if any, taken by the general assembly, and
23 shall be filed with the secretary of state and bound with
24 the Acts of the general assembly.

25 PART 3

26 ADMINISTRATION

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

28 1. The supreme court shall appoint and may remove a clerk
29 of the supreme court.

30 2. The clerk of the supreme court shall have an office
31 at the seat of government, shall keep a complete record of
32 the proceedings of the court, and shall not allow an opinion
33 filed in the office to be removed. Opinions shall be open
34 to examination and, upon request, may be copied and certified.
35 The clerk promptly shall announce by mail to one of the

1 attorneys on each side any ruling made or decision rendered,
2 shall record every opinion rendered as soon as filed, shall
3 mail a copy of each opinion rendered to each attorney of
4 record and to each party not represented by counsel, and shall
5 perform all other duties pertaining to the office of clerk.

6 3. The clerk of the supreme court shall collect and ac-
7 count to the state court administrator for all fees received
8 by the supreme court.

9 4. The clerk of the supreme court shall give bond as pro-
10 vided in chapter 64.

11 Sec. 5302. NEW SECTION. 602.5302 DEPUTY CLERK--STAFF.

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

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

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

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

21 2. Rules prescribed under this section are subject to
22 section 602.5202 of this Act.

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

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

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

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

33

ARTICLE 6

34

COURT OF APPEALS

35

PART 1

1 or other process issued in a matter that is not before the
2 court pursuant to an order of transfer issued by the supreme
3 court is void.

4 Sec. 6104. NEW SECTION. 602.6104 SESSIONS--LOCATION.

5 The court of appeals shall meet at the seat of state government
6 at the times specified by order of the supreme court. Court
7 sessions shall be held in the courtroom of the supreme court
8 at the statehouse.

9 Sec. 6105. NEW SECTION. 602.6105 CHIEF JUDGE.

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

17 2. In the absence of the chief judge the duties of the
18 chief judge shall be exercised by the judge next in precedence,
19 as prescribed in subsection 5.

20 3. The chief judge shall supervise the affairs of the
21 court and shall preside at a session of the court at which
22 the chief judge is in attendance.

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

29 5. Judges of the court of appeals other than the chief
30 judge have precedence according to the length of time served
31 on that court. Of several judges having equal periods of
32 time served, the eldest has precedence.

33 Sec. 6106. NEW SECTION. 602.6106 DECISIONS OF THE COURT-
34 -FINALITY.

35 1. The court of appeals may affirm, modify, vacate, set

1 aside, or reverse any judgment, order, or decree of the
2 district court or other tribunal which is under the
3 jurisdiction of the court, and may remand the cause and direct
4 the entry of an appropriate judgment, order, or decree, or
5 require further proceedings to be had as is just. If the
6 judges are equally divided on the ultimate decision, the
7 judgment, order, or decree shall be affirmed.

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

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

21 Sec. 6108. NEW SECTION. 602.6108 WHEN DECISIONS
22 EFFECTIVE. A decision of the court of appeals shall be in
23 writing, and shall be effective, except as provided in section
24 602.6106, subsection 2, of this Act when the decision of the
25 court is filed with the clerk of the supreme court.

26 Sec. 6109. NEW SECTION. 602.6109 PROCESS--STYLE--SEAL.

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

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

34 Sec. 6110. NEW SECTION. 602.6110 RECORDS. The records
35 of the court of appeals shall be kept by the clerk of the

1 supreme court, and at the same place as, but segregated from
2 the records of the supreme court. Records of the court of
3 appeals shall be maintained in the same manner as records
4 of the supreme court under division II, article 5 of this
5 Act.

6 Sec. 6111. NEW SECTION. 602.6111 PUBLICATION OF OPINIONS.
7 The state court administrator shall cause the publication
8 of opinions of the judges of the court of appeals in accordance
9 with rules issued by the supreme court. Section 602.5106
10 of this Act applies to decisions of the court of appeals.
11 The state court administrator shall cause the publication
12 of abstracts of all decisions for which written opinions are
13 not published.

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

21

PART 2

22

ADMINISTRATION

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

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

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

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

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

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

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

11 1. Each judge of the court of appeals shall be provided
12 personal office space and equipment, and facilities for a
13 secretary and law clerk at the seat of state government only.
14 Each judge may choose whether to reside at the seat of
15 government or elsewhere, but a judge of the court of appeals
16 is not entitled to reimbursement for expenses incurred as
17 a result of residing or maintaining a residence other than
18 at the seat of state government.

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

22 ARTICLE 7

23 DISTRICT COURT

24 PART 1

25 GENERAL PROVISIONS

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

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

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

12 Sec. 7104. NEW SECTION. 602.7104 JUDICIAL OFFICERS.

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

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

20 Sec. 7105. NEW SECTION. 602.7105 PLACES OF HOLDING
21 COURT--MAGISTRATE SCHEDULES.

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

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

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

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

16 Sec. 7107. NEW SECTION. 602.7107 JUDICIAL DISTRICTS.
17 For all judicial purposes except as provided in section
18 602.7109 of this Act, the state is divided into eight judicial
19 districts as follows:

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

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

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

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

35 5. The fifth district consists of the counties of Guthrie,

1 Dallas, Polk, Jasper, Madison, Warren, Marion, Adair, Adams,
2 Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

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

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

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

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

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

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

22 2. The judicial election districts are as follows:

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

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

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

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

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

- 1 f. Election district 3B consists of the counties of
- 2 Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.
- 3 g. Election district 4 consists of the fourth judicial
- 4 district, as established by section 602.7107 of this Act.
- 5 h. Election district 5A consists of the counties of
- 6 Guthrie, Dallas, Polk, Jasper, Madison, Warren, and Marion.
- 7 i. Election district 5B consists of the counties of Adair,
- 8 Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and
- 9 Wayne.
- 10 j. Election district 6 consists of the sixth judicial
- 11 district, as established by section 602.7107 of this Act.
- 12 k. Election district 7 consists of the seventh judicial
- 13 district, as established by section 602.7107 of this Act.
- 14 l. Election district 8A consists of the counties of
- 15 Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello,
- 16 Jefferson, Appanoose, Davis, and Van Buren.
- 17 m. Election district 8B consists of the counties of Louisa,
- 18 Henry, Des Moines, and Lee.

19 PART 2

20 DISTRICT JUDGES

21 Sec. 7201. NEW SECTION. 602.7201 OFFICE OF DISTRICT

22 JUDGE.

- 23 1. The number and apportionment of district judges is
- 24 as provided in this section. District judges shall be
- 25 nominated and appointed and shall stand for retention in
- 26 office as provided in chapter 46. District judges shall
- 27 qualify for office as provided in chapter 63.
- 28 2. A district judge must be a resident of the judicial
- 29 election district in which appointed and retained. Subject
- 30 to the provision for reassignment of judges under section
- 31 602.7108 this Act, a district judge shall serve in the district
- 32 of the judge's residence while in office, regardless of the
- 33 number of judgeships to which the district is entitled under
- 34 subsection 3.
- 35 3. The number of judgeships to which each of the judicial

1 election districts is entitled shall be determined according
2 to the following formula:

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

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

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

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

22 e. Notwithstanding paragraph a, b, c, or d, each election
23 district is entitled to not less than one judgeship for each
24 forty thousand population or major fraction thereof contained
25 in the election district. The state court administrator shall
26 determine both the number of judgeships for each election
27 district based upon this paragraph, and the number of
28 judgeships for each election district based upon paragraph
29 a, b, c, or d. If the number for any election district as
30 determined under this paragraph exceeds the number as
31 determined under paragraph a, b, c, or d, that election
32 district is entitled to the number of judgeships as determined
33 under this paragraph.

34 f. The filings included in the determinations to be made
35 under this subsection shall not include small claims or

1 nonindictable misdemeanors, and shall not include either civil
2 actions for money judgment where the amount in controversy
3 does not exceed three thousand dollars or indictable
4 misdemeanors, which were assigned to district associate judges
5 and judicial magistrates as shown on their administrative
6 reports, but shall include appeals from decisions of judicial
7 magistrates, district associate judges, and district judges
8 sitting as judicial magistrates. The figures on filings shall
9 be the average for the latest available previous three-year
10 period and when current census figures on population are not
11 available, figures shall be taken from the state department
12 of health computations.

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

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

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

25 7. In those judicial districts that contain judicial
26 election districts, a vacancy in a judicial election district
27 shall not be filled if the total number of district judges
28 in all judicial election districts within the judicial district
29 equals or exceeds the aggregate number of judgeships to which
30 all of the judicial election districts of the judicial district
31 are authorized.

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

1 authorized judgeships.

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

7 10. The governor may appoint a person to serve as a
8 district judge or magistrate whenever federal funds are
9 available for the officer's salary, the cost of courtroom
10 space, and the salary of any additional court staff. The
11 person appointed by the governor shall fill the position until
12 a successor is appointed or until federal funds are no longer
13 available as required in this subsection. A person appointed
14 under this section may hear all cases in which the use of
15 alcohol is evident, and a prosecution under section 321.281
16 may be transferred within the judicial district to the
17 jurisdiction of the person appointed under this subsection.

18 11. Notwithstanding contrary provisions of this section,
19 the number of district judges shall not exceed ninety-five
20 during the period commencing July 1, 1981 and ending as the
21 general assembly shall specify.

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

28 Sec. 7203. NEW SECTION. 602.7203 PREPARATION AND SIGNING
29 OF RECORD--ALTERATIONS.

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

33 2. Delay in the preparation and signing of the record
34 of court proceedings shall not prevent the issuance of an
35 execution and other proceedings may be had in the same manner

1 as though the record had been signed.

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

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

9

PART 3

10

DISTRICT ASSOCIATE JUDGES

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

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

26 1. In a county having an apportionment of three or more
27 magistrates, the chief judge of the judicial district, subject
28 to the limitations of this section, may designate by order
29 that a district associate judge be appointed pursuant to this
30 section in lieu of magistrates appointed under section 602.7403
31 of this Act. The order of substitution may be made only upon
32 the affirmative vote of a majority of the district judges
33 in that judicial election district that the substitution be
34 made, and only upon a finding by a majority of those district
35 judges that a substitution would provide more speedy and

1 efficient performance of judicial business within that judicial
2 election district. An order of substitution shall not take
3 effect unless a copy of the order is received by the
4 chairperson of the county magistrate appointing commission
5 not later than the thirty-first day of March of the year in
6 which the substitution is to take effect. A copy of the order
7 also shall be sent to the state court administrator.

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

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

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

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

25 4. If an apportionment by the state court administrator
26 pursuant to section 602.7401 of this Act reduces the number
27 of magistrates in the county to less than three, or if a
28 majority of the district judges in the judicial election
29 district determines that a substitution is no longer desirable,
30 then the substituted office shall be terminated. However,
31 a reversion pursuant to this subsection, irrespective of
32 cause, shall not take effect until the substitute district
33 associate judge fails to be retained in office at a judicial
34 election or otherwise leaves office, whether voluntarily or
35 involuntarily. Upon the termination of office of that district

1 associate judge, appointments shall be made pursuant to section
2 602.7403 of this Act as necessary to re-establish terms of
3 office as provided in subsection 4 of that section.

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

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

10 2. A person appointed under this section shall be
11 designated as an alternate and shall be subject to this
12 section.

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

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

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

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

32 1. The district associate judges authorized by sections
33 602.7301, 602.7302, and 602.7303 of this Act shall be appointed
34 by the district judges of the judicial election district from
35 persons nominated by the county magistrate appointing

1 commission.

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

19 3. Within thirty days after a county magistrate appointing
20 commission receives notification of an actual or impending
21 vacancy in the office of district associate judge, other than
22 a vacancy referred to in subsection 3, the commission shall
23 certify to the chief judge of the judicial district the names
24 of three applicants who are nominated by the commission for
25 the vacancy. The commission shall publicize notice of the
26 vacancy in at least two publications in the official county
27 newspaper. The commission shall accept applications for
28 consideration for nomination as district associate judge for
29 a minimum of fifteen days prior to certifying nominations.
30 The commission shall consider the applications and shall,
31 by majority vote, certify to the chief judge of the judicial
32 district the names of three applicants who are nominated by
33 the commission for the vacancy. If there are three or fewer
34 applicants the commission shall certify all applicants who
35 meet the statutory qualifications. Nominees shall be chosen

1 solely on the basis of the qualifications of the applicants,
2 and political affiliation shall not be considered. As used
3 in this subsection, a vacancy is created by the death,
4 retirement, resignation, or removal of a district associate
5 judge, or by an increase in the number of positions authorized.

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

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

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

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

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

29 3. A district associate judge must be a resident of the
30 county in which the office is held during the entire term
31 of office. A district associate judge shall serve within
32 the judicial district in which appointed, as directed by the
33 chief judge, and is subject to reassignment under section
34 602.7108 of this Act.

35 4. District associate judges shall qualify for office

1 as provided in chapter 63 for district judges.

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

4 1. District associate judges have the jurisdiction provided
5 in section 602.7405 of this Act for magistrates, and when
6 exercising that jurisdiction shall employ magistrates' practice
7 and procedure.

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

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

23 4. Appeals from judgments or orders of district associate
24 judges while exercising the jurisdiction of magistrates shall
25 be governed by the laws relating to appeals from judgments
26 and orders of magistrates. Appeals from judgments or orders
27 of district associate judges while exercising any other
28 jurisdiction shall be governed by the laws relating to appeals
29 from judgments or orders of district judges.

30 PART 4

31 MAGISTRATES

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

34 1. One hundred ninety-one magistrates shall be apportioned
35 among the counties as provided in this section. Magistrates

1 appointed pursuant to section 602.7402 of this Act shall not
2 be counted for purposes of this section.

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

6 a. The number and type of proceedings contained in the
7 administrative reports required by section 602.7606 of this
8 Act.

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

11 c. The geographical area to be served.

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

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

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

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

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

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

34 1. In April of each year in which magistrates' terms
35 expire, the county magistrate appointing commission shall

1 appoint, except as otherwise provided in section 602.7302
2 of this Act, the number of magistrates apportioned to the
3 county by the state court administrator under section 602.7401
4 of this Act, and may appoint an additional magistrate when
5 allowed by section 602.7402 of this Act. The commission shall
6 not appoint more magistrates than are authorized for the
7 county by this article.

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

17 3. Within thirty days following receipt of notification
18 of a vacancy in the office of magistrate, the commission shall
19 appoint a person to the office to serve the remainder of the
20 unexpired term. For purposes of this section, vacancy means
21 a death, resignation, retirement, or removal of a magistrate,
22 or an increase in the number of positions authorized.

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

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

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

33 7. Annually, the state court administrator shall cause
34 a school of instruction to be conducted for magistrates, and
35 each magistrate shall attend prior to the time of taking

1 office unless excused by the chief justice for good cause.
2 A magistrate appointed to fill a vacancy shall attend the
3 first school of instruction that is held following the
4 appointment, unless excused by the chief justice for good
5 cause.

6 Sec. 7404. NEW SECTION. 602.7404 QUALIFICATIONS.

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

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

19 3. A magistrate may be admitted to practice law in Iowa,
20 and the magistrate appointing commission shall first consider
21 applicants who are admitted to practice law in Iowa when
22 selecting persons for the office of magistrate.

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

24 1. Magistrates have jurisdiction of simple misdemeanors,
25 including traffic and ordinance violations, and preliminary
26 hearings, search warrant proceedings, and small claims. They
27 also have jurisdiction to exercise the powers specified in
28 sections 644.2 and 644.12, and to hear complaints or
29 preliminary informations, issue warrants, order arrests, make
30 commitments and take bail.

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

35

PART 5

1 MAGISTRATE APPOINTING COMMISSIONS

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

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

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

9 b. Three members appointed by the board of supervisors,
10 or the lesser number provided in section 602.7503, subsection
11 1 of this Act.

12 c. Two attorneys elected by the attorneys in the county,
13 or the lesser number provided in section 602.7504, subsection
14 1 of this Act.

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

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

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

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

33 1. The board of supervisors of each county shall appoint
34 three electors to the magistrate appointing commission for
35 the county for six-year terms beginning January 1, 1973 and

1 each sixth year thereafter. However, if there is only one
2 attorney elected pursuant to section 602.7504 of this Act,
3 the county board of supervisors shall only appoint two
4 commissioners, and if no attorney is elected, the board of
5 supervisors shall only appoint one commissioner.

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

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

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

14 1. The resident attorneys of each county shall elect two
15 resident attorneys of the county to the magistrate appointing
16 commission for six-year terms beginning on January 1, 1973,
17 and each sixth year thereafter. An election shall be held
18 in December preceding the commencement of new terms. The
19 attorneys in a county may elect only one commissioner if there
20 is only one who is qualified and willing to serve and if there
21 are no resident attorneys in a county or none is willing to
22 serve as a commissioner, none shall be elected.

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

25 3. An attorney is eligible to vote in elections of
26 magistrate appointing commissioners within a county if
27 registered as a member of the bar in accordance with sections
28 46.7 and 46.8, and if a resident of the county.

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

33 BALLOT

34

35 County Magistrate Appointing Commission

1

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

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

6

7

8

9 To be counted, this ballot must be completed and mailed or
10 delivered to clerk of the district court,, not
11 later than December 31, 19..... (or the appropriate date in
12 case of an election to fill a vacancy).

13 Sec. 7505. NEW SECTION. 602.7505 VACANCY. A vacancy
14 in the office of magistrate appointing commissioner shall
15 be filled for the unexpired term.

16

PART 6

17

DISTRICT COURT ADMINISTRATION

18 Sec. 7601. NEW SECTION. 602.7601 COURT ATTENDANTS.

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

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

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

32 Sec. 7603. NEW SECTION. 602.7603 COURT REPORTERS.

33 1. Each district judge shall appoint a court reporter
34 who shall, upon the request of a party in a civil or criminal
35 case, report the evidence and proceedings in the case, and

1 perform all duties as provided by law.

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

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

11 4. If a regularly appointed court reporter becomes disabled
12 from performing duties, the judge may appoint a competent
13 substitute to act during the disability of the regular reporter
14 or until a successor is appointed, but a substitute shall
15 not act for a period longer than one year unless the substitute
16 becomes a certified shorthand reporter within that one year,
17 and a substitute shall not be reappointed at the end of the
18 one-year period unless the substitute becomes a certified
19 shorthand reporter within that one year.

20 5. Except as provided in subsection 4, a person shall
21 not be appointed to the position of court reporter of the
22 district court unless the person has been certified as a
23 shorthand reporter by the board of examiners under division
24 II, article 4 of this Act.

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

28 7. A court reporter may be removed by the judicial officer
29 making the appointment.

30 Sec. 7604. NEW SECTION. 602.7604 DOCKETS.

31 1. The clerk of the district court shall furnish a
32 magistrate, district associate judge, or district judge acting
33 as a magistrate, with a docket in which the officer shall
34 enter all proceedings except small claims. The docket shall
35 be indexed and shall contain for each case the title and

1 nature of the action; the place of hearing; appearances; and
2 notations of the documents filed with the judicial officer,
3 the proceedings in the case and orders made, the verdict and
4 judgment including costs, any satisfaction of the judgment,
5 whether the judgment was certified to the clerk of the district
6 court, whether an appeal was taken, and the amount of any
7 appeal bond.

8 2. The chief judge of a judicial district may order that
9 criminal proceedings which are within the jurisdictions of
10 magistrates and district associate judges be combined into
11 centralized dockets for the county if the chief judge
12 determines that administration could be improved by this
13 procedure. When so ordered, a centralized docket shall be
14 maintained in lieu of individual dockets, and the clerk of
15 the district court shall compile a centralized docket in the
16 manner prescribed for an individual docket. The chief judge
17 may assign actions and proceedings on centralized dockets
18 to judicial officers having jurisdiction as the chief judge
19 deems necessary.

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

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

1 consolidated report for the county.

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

8

PART 7

9

SPECIAL PROVISIONS

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

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

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

24 Sec. 7702. NEW SECTION. 602.7702 COUNTIES BORDERING
25 ON MISSOURI RIVER. The jurisdiction of the courts of the
26 state in all civil and criminal actions and proceedings, shall
27 extend in counties bordering on the Missouri river to the
28 center of the main channel of the Missouri river, where it
29 now is or may hereafter be, and to all lands and territory
30 lying along the river which have been adjudged by the United
31 States supreme court or the supreme court of this state to
32 be within the state of Iowa, and to such other lands and
33 territory along the river over which the courts of this state
34 have heretofore exercised jurisdiction.

35

ARTICLE 8

1 JUVENILE COURT

2 PART 1

3 THE COURT

4 Sec. 8101. NEW SECTION. 602.8101 THE JUVENILE COURT.

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

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

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

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

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

26 Sec. 8102. NEW SECTION. 602.8102 COURT RECORDS.

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

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

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

1 Sec. 8103. NEW SECTION. 602.8103 REFEREE--PROCEDURE.

2 1. The judge of the juvenile court may appoint and may
3 remove a juvenile court referee. The referee must be an
4 attorney admitted to practice law in this state, and must
5 be qualified for duties by training and experience.

6 2. The juvenile court judge may order that any case or
7 class of cases arising under chapter 232 or chapter 60CA be
8 heard in the first instance by the referee in the manner
9 provided for the hearing of cases by the court.

10 3. Upon the conclusion of a hearing held by a referee,
11 the referee shall transmit findings of fact to the juvenile
12 court judge. Notice of the findings of fact of the referee,
13 together with a statement concerning the right to a rehearing,
14 shall be given to the parties to the proceeding, including
15 the parents, guardian or custodian of a minor, and to any
16 other interested person as the court may direct. This notice
17 may be given orally at the hearing, or by certified mail or
18 other service as directed by the court.

19 4. The parties to a proceeding heard by a referee shall
20 be entitled to a rehearing by the judge of the juvenile court
21 if requested within seven days after receiving notice of the
22 findings of fact of the referee. In the interest of justice,
23 the court may allow a rehearing at any time. If a rehearing
24 is not requested, the court may enter an appropriate order
25 based upon the referee's findings of fact.

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

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

31 2. Appointees shall receive salaries and shall be reim-
32 bursed for expenses incurred in the performance of duties,
33 as prescribed by the supreme court.

34

PART 2

35

PROBATION AND COURT SERVICES

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

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

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

9 3. The chief juvenile court officer may employ and shall
10 supervise secretarial, clerical, and other staff within
11 juvenile court service offices as authorized by the chief
12 judge.

13 Sec. 8202. NEW SECTION. 602.8202 JUVENILE COURT OFF-
14 CERS.

15 1. Subject to the approval of the chief judge of the
16 judicial district, the chief juvenile court officer shall
17 appoint juvenile court officers to serve the juvenile court.
18 Juvenile court officers may be required to serve in two or
19 more counties within the judicial district.

20 2. Juvenile court officers shall be selected, appointed,
21 and removed in accordance with rules, standards, and qualifica-
22 tions prescribed by the supreme court.

23 3. Juvenile court officers have the duties prescribed
24 in chapter 232, subject to the direction of the judges of
25 the juvenile court.

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

28 ARTICLE 9

29 CLERK OF DISTRICT COURT

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

32 1. The office of clerk of the district court is an
33 appointive office, as provided in section 602.1214 of this
34 Act.

35 2. A person appointed to the office of clerk shall qualify

1 by taking the oath of office as provided in section 63.10
2 and giving bond as provided in chapter 64.

3 3. The clerk may employ deputies, assistants, and clerks
4 when authorized under section 602.1402 of this Act and when
5 authorized by the chief judge of the judicial district. The
6 clerk shall be responsible for the acts of these employees.
7 Each first deputy shall give bond as provided in chapter 64.

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

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

11 2. Attend sessions of the district court.

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

15 4. Upon the death of a judge of the district court, give
16 written notice to the state comptroller of the date of death.
17 The clerk shall also give written notice of the death of a
18 justice of the supreme court or a judge of the court of appeals
19 or the district court who resides in the clerk's county to
20 the state commissioner of elections, as provided in section
21 46.12.

22 5. When money in the amount of five hundred dollars or
23 more is paid to the clerk to be paid to another person and
24 the money is not disbursed within thirty days, notify the
25 person who is entitled to the money or for whose account the
26 money is paid or the attorney of record of the person. The
27 notice shall be given by certified mail within forty days
28 of the receipt of the money to the last known address of the
29 person or the person's attorney and a memorandum of the notice
30 shall be made in the proper record. If the notice is not
31 given, the clerk and the clerk's sureties are liable for
32 interest at the rate specified in section 535.2, subsection
33 1 on the money from the date of receipt to the date that the
34 money is paid to the person entitled to it or the person's
35 attorney.

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

4 7. Upon return of an original notice to the clerk's of-
5 fice, enter in the appearance or combination docket informa-
6 tion to show which parties have been served the notice and
7 the manner and time of service.

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

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

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

- 1 11. Keep for public inspection a certified copy of each
2 Act of the general assembly and furnish a copy of the Act
3 upon payment of a fee as provided in section 3.15.
- 4 12. At the order of a justice of the supreme court, docket
5 without fee any civil or criminal case transferred from a
6 military district under martial law as provided in section
7 29A.45.
- 8 13. Carry out duties as a member of a nominations appeal
9 commission as provided in section 44.7.
- 10 14. Maintain a bar registration book, biennially give
11 notice and accept registration of attorneys to be eligible
12 to vote in elections of judicial nominating commissioners,
13 and certify the names registered to the clerk of the supreme
14 court as provided in section 46.8.
- 15 15. Notify the county commissioner of registration of
16 persons who become ineligible to register to vote because
17 of criminal convictions, mental retardation, or legal declara-
18 tions of incompetency and of persons whose citizenship rights
19 have been restored as provided in section 48.30.
- 20 16. When the auditor is a party to an election contest,
21 carry out duties on behalf of the auditor and issue subpoenas
22 as provided in sections 62.7 and 62.11.
- 23 17. Approve the bonds of the members of the board of
24 supervisors as provided in section 64.19.
- 25 18. File the bonds and oaths of the members of the board
26 of supervisors as provided in section 64.23.
- 27 19. Keep a book of the record of official bonds and record
28 the official bonds of magistrates as provided in section
29 64.24.
- 30 20. Carry out duties relating to proceedings for the re-
31 moval of a public officer as provided in sections 66.4 and
32 66.17.
- 33 21. Approve the surety bonds of persons accepting appoint-
34 ment as notaries public in the county as provided in section
35 77.4, subsection 2.

- 1 22. Carry out duties as a trustee for incompetent
2 dependents entitled to benefits under chapters 85 and 85A
3 and report annually to the district court concerning money
4 and property received or expended as a trustee as provided
5 under sections 85.49 and 85.50.
- 6 23. Carry out duties relating to enforcing orders of the
7 occupational safety and health review commission as provided
8 in section 88.9, subsection 2.
- 9 24. Certify the imposition of a mulct tax against prop-
10 erty creating a public nuisance to the auditor as provided
11 in section 99.28.
- 12 25. Carry out duties relating to the judicial review of
13 orders of the occupational safety and health review commission
14 as provided in section 104.10, subsection 2.
- 15 26. With sufficient surety, approve an appeal bond for
16 judicial review of an order or action of the state conserva-
17 tion commission relating to dams and spillways as provided
18 in section 112.8.
- 19 27. Docket an appeal from the fence viewer's decision
20 or order as provided in section 113.23.
- 21 28. Certify to the recorder the fact that a judgment has
22 been rendered upon an appeal of a fence viewer's order as
23 provided in section 113.24.
- 24 29. Hold as a public record a list of the names and
25 addresses of persons licensed as real estate salespersons
26 and brokers and the name of persons whose licenses were
27 suspended or revoked during the year reported as provided
28 in section 117.42.
- 29 30. Approve bond sureties and enter in the lien index
30 the undertakings of bonds for abatement relating to the illegal
31 manufacture, sale, or consumption of alcoholic liquors as
32 provided in sections 123.76, 123.79, and 123.80.
- 33 31. Carry out duties relating to a judgment of forfeiture
34 ordering the sale or other disposition of a conveyance used
35 in the illegal transportation of liquor or distribution of

1 a controlled substance as provided in chapter 127.

2 32. Carry out duties as county registrar of vital statis-
3 tics as provided in chapter 144.

4 33. Furnish to the state department of health a certified
5 copy of a judgment suspending or revoking a professional li-
6 cense as provided in section 147.66.

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

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

15 36. Carry out duties relating to the commitment of a
16 mentally retarded person as provided in sections 222.37 through
17 222.40.

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

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

23 39. If the board has adopted a resolution implementing
24 a policy of preliminary diagnostic evaluations as provided
25 in section 225B.5, refer persons applying for voluntary
26 admission to a community mental health center for a preliminary
27 diagnostic evaluation as provided in section 225B.6.

28 40. Make a copy of the warrant and return of service sub-
29 mitted by the sheriff relating to the return of a mental pa-
30 tient from a state hospital to stand trial and mail the war-
31 rant and return to the superintendent of the hospital as pro-
32 vided in section 226.28.

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

35 42. Serve as clerk of the juvenile court and carry out

1 duties as provided in chapter 232 and division II, article
2 8 of this Act.

3 43. Submit to the director of the division of child and
4 family services of the department of social services a dupli-
5 cate of the findings of the district court related to adop-
6 tions as provided in section 235.3, subsection 7.

7 44. Certify to the warden of the penitentiary or men's
8 reformatory the number of days that an inmate has been credited
9 toward completion of the inmate's sentence as provided in
10 section 246.38.

11 45. Report to the board of parole and the director of
12 the division of corrections of the department of social
13 services the criminal statistics as provided in sections
14 247.29 through 247.31.

15 46. Carry out duties relating to the pardons, commutations,
16 remission of fines and forfeitures, and restoration of citizen-
17 ship as provided in sections 248.9 and 248.17.

18 47. Forward support payments received under section 252A.6
19 to the department of social services and furnish copies of
20 orders and decrees awarding support to parties receiving wel-
21 fare assistance as provided in section 252A.13.

22 48. Carry out duties relating to the provision of medi-
23 cal care and treatment for indigent persons as provided in
24 chapter 255.

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

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

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

1 52. Send to the department of transportation licenses
2 and permits surrendered by a person convicted of being a
3 habitual offender of traffic and motor vehicle laws as pro-
4 vided in section 321.559.

5 53. If a person fails to satisfy a judgment relating to
6 motor vehicle financial responsibility within sixty days,
7 forward to the director of the department of transportation
8 a certified copy of the judgment as provided in section
9 321A.12.

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

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

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

18 57. Serve as an inspector of the county jails with the
19 county attorney as provided in sections 356.9 through 356.13.

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

22 59. Upon order of the director of revenue, issue a com-
23 mission for the taking of depositions as provided in section
24 421.17, subsection 8.

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

28 61. With acceptable sureties, approve the bond of a peti-
29 tioner for a tax appeal as provided in section 422.29, sub-
30 section 2.

31 62. Certify the final decision of the district court in
32 an appeal of the tax assessments as provided in section 441.39.
33 Costs of the appeal to be assessed against the board of review
34 or a taxing body shall be certified to the treasurer as pro-
35 vided in section 441.40.

- 1 63. Certify a final order of the district court relating
2 to the apportionment of tax receipts to the auditor as provided
3 in section 449.7.
- 4 64. Carry out duties relating to the inheritance tax as
5 provided in chapter 450.
- 6 65. Deposit funds held by the clerk in an approved de-
7 pository as provided in 453.1.
- 8 66. Carry out duties relating to appeals and certification
9 of costs relating to levee and drainage districts as provided
10 in sections 455.96 through 455.105.
- 11 67. Carry out duties relating to the condemnation of land
12 as provided in chapter 472.
- 13 68. Forward civil penalties collected for violations re-
14 lating to the siting of electric power generators to the
15 treasurer of state as provided in section 476A.14, subsection
16 1.
- 17 69. Certify a copy of a decree of dissolution of a business
18 corporation to the secretary of state and the recorder of
19 the county in which the corporation is located as provided
20 in section 496A.100.
- 21 70. With acceptable sureties, approve the bond of a peti-
22 tioner filing an appeal for review of an order of the commis-
23 sioner of insurance as provided in section 502.606 or 507A.7.
- 24 71. Certify a copy of a decree of dissolution of a
25 nonprofit corporation to the secretary of state and the
26 recorder in the county in which the corporation is located
27 as provided in section 504A.62.
- 28 72. Carry out duties relating to the enforcement of de-
29 crees and orders of reciprocal states under the Iowa
30 unauthorized insurers Act as provided in section 507A.11.
- 31 73. Certify copies of a decree of involuntary dissolution
32 of a state bank to the secretary of state and the recorder
33 of the county in which the bank is located as provided in
34 section 524.1311, subsection 4.
- 35 74. Certify copies of a decree dissolving a credit union

1 as provided in section 533.21, subsection 4.

2 75. Refuse to accept the filing of papers to institute
3 legal action under the Iowa consumer credit code if proper
4 venue is not adhered to as provided in section 537.5113.

5 76. Receive payment of money due to a person who is absent
6 from the state if the address or location of the person is
7 unknown as provided in section 538.5.

8 77. Carry out duties relating to the appointment of the
9 Iowa state commerce commission as receiver for agricultural
10 commodities on behalf of a warehouse operator whose license
11 is suspended or revoked as provided in section 543.3.

12 78. Certify the signature of the recorder on the transcript
13 of any instrument affecting real estate as provided in sec-
14 tion 558.12.

15 79. Certify an acknowledgement of a written instrument
16 relating to real estate as provided in section 558.20.

17 80. Collect on behalf of, and pay to the auditor the fee
18 for the transfer of real estate as provided in section 558.66.

19 81. With acceptable sureties, endorse a bond sufficient
20 to settle a dispute between adjoining owners of a common wall
21 as provided in section 563.11.

22 82. Carry out duties relating to cemeteries as provided
23 in sections 566.4, 566.7, and 566.8.

24 83. Carry out duties relating to liens as provided in
25 chapters 570, 571, 572, 574, 580, 581, 582, and 584.

26 84. Accept applications for and issue marriage licenses
27 as provided in chapter 595 or 596.

28 85. Carry out duties relating to the dissolution of a
29 marriage as provided in chapter 598.

30 86. Carry out duties relating to the custody of children
31 as provided in chapter 598A.

32 87. Carry out duties relating to adoptions as provided
33 in chapter 600.

34 88. Enter upon the clerk's records actions taken by the
35 court at a location which is not the county seat as provided

1 in section 602.7106 of this Act.

2 89. Maintain a record of the name, address, and term of
3 office of each member of the county magistrate appointing
4 commission as provided in section 602.7501 of this Act.

5 90. Certify to the state court administrator the names
6 and addresses of the magistrates appointed by the county
7 magistrate appointing commission as provided in section
8 602.7403 of this Act.

9 91. Furnish an individual or centralized docket for the
10 magistrates of the county as provided in section 602.7604
11 of this Act.

12 92. Serve as an ex officio jury commissioner and notify
13 appointive commissioners of their appointment as provided
14 in sections 608.1 and 608.5.

15 93. Carry out duties relating to the selection of jurors
16 as provided in chapter 609.

17 94. Carry out duties relating to the revocation or sus-
18 pension of an attorney's authority to practice law as provided
19 in chapter 610.

20 95. File and index petitions affecting real estate as
21 provided in sections 617.10 through 617.15.

22 96. Designate the newspapers in which the notices per-
23 taining to the clerk's office shall be published as provided
24 in section 618.7.

25 97. With acceptable surety, approve a bond of the plain-
26 tiff in an action for the payment of costs which may be ad-
27 judged against the plaintiff as provided in section 621.1.

28 98. Issue subpoenas for witnesses as provided in section
29 622.63.

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

32 100. Collect jury fees and court reporter fees as required
33 by chapter 625.

34 101. When the judgment is for recovery of money, compute
35 the interest from the date of verdict to the date of payment

- 1 of the judgment as provided in section 625.21.
- 2 102. Carry out duties relating to executions as provided
3 in chapter 626.
- 4 103. Carry out duties relating to the redemption of prop-
5 erty as provided in sections 628.13, 628.18, and 628.20.
- 6 104. Record statements of expenditures made by the holder
7 of a sheriff's sale certificate in the encumbrance book and
8 lien index as provided in section 629.3.
- 9 105. Carry out duties relating to small claim actions
10 as provided in chapter 631.
- 11 106. Carry out duties of the clerk of the probate court
12 as provided in chapter 633.
- 13 107. Carry out duties relating to the administration of
14 small estates as provided in sections 635.1, 635.7, 635.9,
15 and 635.11.
- 16 108. Carry out duties relating to the attachment of prop-
17 erty as provided in chapter 639.
- 18 109. Carry out duties relating to garnishment as provided
19 in chapter 642.
- 20 110. With acceptable surety, approve bonds of the plain-
21 tiff desiring immediate delivery of the property in an action
22 of replevin as provided in sections 643.7 and 643.12.
- 23 111. Carry out duties relating to the disposition of lost
24 property as provided in chapter 644.
- 25 112. Carry out duties relating to the recovery of real
26 property as provided in section 646.23.
- 27 113. Endorse the court's approval of a restored record
28 as provided in section 647.3.
- 29 114. When a judgment of foreclosure is entered, file with
30 the recorder an instrument acknowledging the foreclosure and
31 the date of decree and upon payment of the judgment, file
32 an instrument with the recorder acknowledging the satisfac-
33 tion as provided in sections 655.4 and 655.5.
- 34 115. Carry out duties relating to the issuance of a writ
35 of habeas corpus as provided in sections 663.9, 663.43, and

- 1 663.44.
- 2 116. Accept and docket an application for post-conviction
3 review of a conviction as provided in section 663A.3.
- 4 117. Report all fines, forfeited recognizances, penalties,
5 and forfeitures as provided in section 602.9106, subsection
6 3 of this Act and section 666.6.
- 7 118. Issue a warrant for the seizure of a boat or raft
8 as provided in section 667.2.
- 9 119. Carry out duties relating to the changing of a per-
10 son's name as provided in chapter 674.
- 11 120. Notify the state registrar of vital statistics of
12 a judgment determining the paternity of an illegitimate child
13 as provided in section 675.36.
- 14 121. Enter a judgment made by confession and issue an
15 execution of the judgment as provided in section 676.4.
- 16 122. With acceptable surety, approve the bond of a re-
17 ceiver as provided in section 680.3.
- 18 123. Carry out duties relating to the assignment of prop-
19 erty for the benefit of creditors as provided in chapter 681.
- 20 124. Carry out duties relating to the certification of
21 surety companies and the investment of trust funds as pro-
22 vided in chapter 682.
- 23 125. Maintain a separate docket for petitions requesting
24 that the record and evidence in a judicial review proceeding
25 be closed as provided in section 692.5.
- 26 126. Furnish a disposition of each criminal complaint
27 or information filed in the district court to the department
28 of public safety as provided in section 692.15.
- 29 127. Carry out duties relating to the issuance of warrants
30 to persons who fail to appear to answer citations as provided
31 in section 805.5.
- 32 128. Provide for a traffic and scheduled violations office
33 for the district court and service the locked collection boxes
34 at weigh stations as provided in section 805.7.
- 35 129. Issue a summons to corporations to answer an indict-

1 ment as provided in section 807.5.

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

4 131. Docket undertakings of bail as liens on real estate
5 and enter them upon the lien index as provided in section
6 811.4.

7 132. Hold the amount of forfeiture and judgment of bail
8 in the clerk's office for sixty days as provided in section
9 811.6.

10 133. Carry out duties relating to appeals from the dis-
11 trict court as provided in chapter 814.

12 134. Certify costs and fees payable by the state as
13 provided in section 815.1.

14 135. Notify the director of the division of adult correc-
15 tions of the department of social services of the commitment
16 of a convicted person as provided in section 901.7.

17 136. Carry out duties relating to deferred judgments,
18 probations, and restitution as provided in sections 907.4,
19 907.8, and 907.12.

20 137. Carry out duties relating to the impaneling and pro-
21 ceedings of the grand jury as provided in section 813.2, rule
22 of criminal procedure 3.

23 138. Issue subpoenas upon application of the prosecuting
24 attorney and approval of the court as provided in section
25 813.2, rule of criminal procedure 5.

26 139. Issue summons or warrants to defendants as provided
27 in section 813.2, rule of criminal procedure 7.

28 140. Carry out duties relating to the change of venue
29 as provided in section 813.2, rule of criminal procedure 10.

30 141. Issue blank subpoenas for witnesses at the request
31 of the defendant as provided in section 813.2, rule of criminal
32 procedure 14.

33 142. Carry out duties relating to the entry of judgment
34 as provided in section 813.2, rule of criminal procedure 22.

35 143. Carry out duties relating to the execution of a judg-

1 ment as provided in section 813.2, rule of criminal procedure
2 24.

3 144. Carry out duties relating to the trial of simple
4 misdemeanors as provided in section 813.2, rules of criminal
5 procedure 32 through 56.

6 145. Serve notice of an order of judgment entered as
7 provided in rule of civil procedure 82.

8 146. If a party is ordered or permitted to plead further
9 by the court, serve notice to attorneys of record as pro-
10 vided in rule of civil procedure 86.

11 147. Maintain a motion calendar as provided in rule of
12 civil procedure 117.

13 148. Provide notice of a judgment, order, or decree as
14 provided in rule of civil procedure 120.

15 149. Issue subpoenas as provided in rule of civil pro-
16 cedure 155.

17 150. Tax the costs of taking a deposition as provided
18 in rule of civil procedure 157.

19 151. With acceptable sureties, approve a bond filed for
20 change of venue under rule of civil procedure 167.

21 152. Transfer the papers relating to a case transferred
22 to another court as provided in rule of civil procedure 173.

23 153. Maintain a ready calendar list as provided in rule
24 of civil procedure 181.1.

25 154. Assess costs related to a continuance motion as pro-
26 vided in rule of civil procedure 182.

27 155. Carry out duties relating to the impaneling of jurors
28 as provided in rules of civil procedure 187 through 190.

29 156. Furnish a referee, auditor, or examiner with a copy
30 of the order of appointment as provided in rule of civil
31 procedure 207.

32 157. Mail a copy of the referee's, auditor's, or examiner's
33 report to the attorneys of record as provided in rule of civil
34 procedure 214.

35 158. Carry out duties relating to the entry of judgments

1 as provided in rules of civil procedure 223, 226, 227.1, 228,
2 and 229.

3 159. Carry out duties relating to defaults and judgments
4 on defaults as provided in rules of civil procedure 231, 232,
5 and 233.

6 160. Notify the attorney of record if exhibits used in
7 a case are to be destroyed as provided in rule of civil
8 procedure 253.1.

9 161. Docket the request for a hearing on a sale of property
10 as provided in rule of civil procedure 290.

11 162. With acceptable surety, approve the bond of a citizen
12 commencing an action of quo warranto as provided in rule of
13 civil procedure 300.

14 163. Carry out duties relating to the issuance of a writ
15 of certiorari as provided in rules of civil procedure 306
16 through 319.

17 164. Carry out duties relating to the issuance of an in-
18 junction as provided in rules of civil procedure 320 through
19 330.

20 165. Carry out other duties as provided by law.

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

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

25 2. Reproduce original records of the court by any reason-
26 ably permanent legible means including, but not limited to,
27 reproduction by photographing, photostating, microfilming,
28 and computer cards. The reproduction shall include proper
29 indexing. The reproduced record has the same authenticity
30 as the original record.

31 3. After the original record is reproduced and after ap-
32 proval of a majority of the judges of the district court by
33 court order, destroy the original records including, but not
34 limited to, dockets, journals, scrapbooks, files, and marriage
35 license applications. The order shall state the specific

1 records which are to be destroyed. An original court file
2 shall not be destroyed until after ten years from the date
3 a decree or judgment entry is signed and entered of record
4 and after the contents have been reproduced, but if the matter
5 is dismissed with prejudice before judgment or decree, the
6 original file may be destroyed one year from the date of the
7 dismissal and after its reproduction is authorized and
8 completed as provided in this subsection. As used in this
9 subsection and subsection 4, "destroy" includes the
10 transmission of the original records which are of general
11 historical interest to any recognized historical society or
12 association.

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

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

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

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

31 d. Original court files on dissolutions of marriage, one
32 year after dismissal by the parties or under rule 215 of the
33 rules of civil procedure.

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

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

4 5. Invest money which is paid to the clerk to be paid
5 to any other person in a savings account of a supervised
6 financial organization as defined in section 537.1301,
7 subsection 42, except a credit union operating pursuant to
8 chapter 533. The provisions of chapter 453 relating to the
9 deposit and investment of public funds apply to the deposit
10 and investment of the money except that a supervised financial
11 organization other than a credit union may be designated as
12 a depository and the money shall be available upon demand.
13 The interest earnings shall be paid into the general fund
14 of the state, except as otherwise provided by law.

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

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

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

19 a. A record book which contains the entries of the pro-
20 ceedings of the court and which has an index referring to
21 each proceeding in each cause under the names of the parties,
22 both plaintiff and defendant, and under the name of each
23 person named in either party.

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

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

35 d. A sale book in which the following matters relating

1 to a judgment under which real property is sold, are entered
2 after the return of execution:

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

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

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

12 f. An appearance docket in which the titles of all actions
13 or special proceedings shall be entered. The actions or pro-
14 ceedings shall be numbered consecutively in the order in which
15 they commence and shall include the full names of the parties,
16 plaintiffs and defendants, as contained in the petition or
17 as subsequently made parties by a pleading, proceeding, or
18 order. The entries provided for in this paragraph and para-
19 graphs b and c may be combined in one book, the combination
20 docket, which shall also have an index containing the informa-
21 tion specified in paragraph a of this subsection.

22 g. A lien book in which an index of all liens in the court
23 are kept.

24 h. A record of official bonds as provided in section
25 64.24.

26 i. An inheritance tax and lien book as provided in section
27 450.13.

28 j. A cemetery record as provided in section 566.4.

29 k. A hospital lien docket as provided in section 582.4.

30 l. A marriage license book as provided in section 595.6.

31 m. A book of surety company certificates and revocations
32 as provided in section 682.13.

33 n. A book in which the deposits of funds, money, and
34 securities kept by the clerk are recorded as provided in
35 section 682.37.

1 Sec. 9105. NEW SECTION. 602.9105 FEES--COLLECTION AND
2 DISPOSITION.

3 1. The clerk shall collect the following fees:

4 a. For filing a petition, appeal, or writ of error and
5 docketing them, twenty-five dollars. Four dollars of the
6 fee shall be deposited in the court revenue distribution
7 account established under section 602.9108 of this Act, and
8 twenty-one dollars of the fee shall be paid into the state
9 treasury. Of the amount paid to the state treasury, one
10 dollar shall be deposited in the judicial retirement fund
11 established in section 602.2104 of this Act to be used to
12 pay retirement benefits of the judicial retirement system,
13 and the remainder shall be deposited in the general fund of
14 the state. In counties having a population of one hundred
15 thousand or over, an additional one dollar shall be charged
16 and collected, to be known as the journal publication fee
17 and used for the purposes provided for in section 618.13.

18 b. For an attachment, two dollars.

19 c. For a cause tried by jury, five dollars.

20 d. For a cause tried by the court, two dollars and fifty
21 cents.

22 e. For an equity case, three dollars.

23 f. For an injunction or other extraordinary process or
24 order, five dollars.

25 g. For a cause continued on application of a party by
26 affidavit, two dollars.

27 h. For a continuance, one dollar.

28 i. For entering a final judgment or decree, one dollar
29 and fifty cents.

30 j. For taxing costs, one dollar.

31 k. For issuing an execution or other process after judgment
32 or decree, two dollars.

33 l. For filing, entering, and endorsing a mechanic's lien,
34 three dollars, and if a suit is brought, the fee is taxable
35 as other costs in the action.

- 1 m. For a certificate and seal, two dollars.
- 2 n. For filing and docketing a transcript of judgment from
3 another county, one dollar.
- 4 o. For entering a rule or order, one dollar.
- 5 p. For issuing a writ or order, not including subpoenas,
6 two dollars.
- 7 q. For issuing a commission to take depositions, two
8 dollars.
- 9 r. For entering a sheriff's sale of real estate, two
10 dollars.
- 11 s. For entering a judgment by confession, two dollars.
- 12 t. For entering a satisfaction of a judgment, one dollar.
- 13 u. For a copy of records or papers filed in the clerk's
14 office, transcripts, and making a complete record, fifty cents
15 for each one hundred words.
- 16 v. For taking and approving a bond and sureties on the
17 bond, two dollars.
- 18 w. For receiving and filing a declaration of intention
19 and issuing a duplicate, two dollars. For making, filing,
20 and docketing the petition of an alien for admission as a
21 citizen of the United States and for the final hearing, four
22 dollars; and for entering the final order and the issuance
23 of the certificate of citizenship, if granted, four dollars.
- 24 x. In addition to the fees required in paragraph w, the
25 petitioner shall, upon the filing of a petition to become
26 a citizen of the United States, deposit with the clerk money
27 sufficient to cover the expense of subpoenaing and paying
28 the legal fees of witnesses for whom the petitioner may request
29 a subpoena, and upon the final discharge of the witnesses
30 they shall receive, if they demand it from the clerk, the
31 customary and usual witness fees from the moneys collected,
32 and the residue, if any, except the amount necessary to pay
33 the cost of serving the subpoenas, shall be returned by the
34 clerk to the petitioner.
- 35 y. For a certificate and seal to an application to procure

1 a pension, bounty, or back pay for a soldier or other person,
2 no charge.

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

5 aa. In criminal cases, the same fees for the same services
6 as in civil cases, to be paid by the county or city initiating
7 the action as provided in section 602.9109 of this Act. When
8 judgment is rendered against the defendant, costs collected
9 from the defendant shall be paid to the county or city
10 initiating the action to the extent necessary for reimburse-
11 ment for fees paid.

12 bb. For issuing a marriage license, five dollars. For
13 issuing a marriage license when a party requests a name change
14 other than a change of surname to that of the other spouse
15 or to a hyphenated combination of the surnames of both spouses,
16 seven dollars and fifty cents. Two dollars and fifty cents
17 of the seven dollars and fifty cents shall be paid to the
18 recorder as a recording fee for recording the return of
19 marriage. For issuing an application for an order of the
20 district court authorizing the issuance of a license to marry
21 prior to the expiration of three days from the date of filing
22 the application for the license, five dollars.

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

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

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

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

34 gg. Other fees provided by law.

35 2. The fees collected by the clerk as provided in

1 subsection 1 shall be deposited in the court revenue
2 distribution account established under section 602.9108 of
3 this Act, except as otherwise provided by that subsection
4 or by applicable law.

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

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

28 Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES--COLLECTION
29 AND DISPOSITION.

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

35 2. The clerk shall remit ninety percent of all fines and

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

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

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

15 a. Two-thirds shall be remitted monthly by the clerk to
16 the treasurer of state to be credited to the state general
17 fund.

18 b. One-third shall be deposited in the court revenue
19 distribution account established under section 602.9108 of
20 this Act.

21 Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES-
22 -APPROPRIATION.

23 1. The treasurer of state shall certify to the state comp-
24 troller the amounts received from a clerk of the district
25 court under section 602.9106, subsection 3 of this Act.

26 2. The state comptroller shall distribute amounts certified
27 under subsection 1 to the school district in which the fines
28 and forfeited bail were received, provided that commencing
29 in the fiscal year beginning in July, 1984, the maximum amount
30 a school district is entitled to receive during a fiscal year
31 is the amount paid to the school district under this section
32 during the fiscal year beginning July 1, 1983.

33 3. Any amount collected under section 602.9106, subsection
34 3 of this Act that is in excess of the amount to which a
35 school district is entitled under subsection 2 shall be

1 deposited in the state general fund.

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

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

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

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

16 a. Of the revenue received by the clerk during the fiscal
17 year commencing July 1, 1984 and ending June 30, 1985, the
18 clerk shall remit eighty percent to the county treasurer and
19 twenty percent to the treasurer of state.

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

24 c. Of the revenue received by the clerk during the fiscal
25 year commencing July 1, 1986 and ending June 30, 1987, the
26 clerk shall remit forty percent to the county treasurer and
27 sixty percent to the treasurer of state.

28 d. Of the revenue received by the clerk during the fiscal
29 year commencing July 1, 1987 and ending June 30, 1988, the
30 clerk shall remit twenty percent to the county treasurer and
31 eighty percent to the treasurer of state.

32 e. The clerk shall remit all revenue received on or after
33 July 1, 1988, to the treasurer of state.

34 3. The clerk of the district court shall account for and
35 distribute revenue deposited in the court revenue distribution

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

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

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

19 1. A city or a county shall pay court costs and other
20 fees payable to the clerk of the district court for services
21 rendered upon receipt of a statement from the clerk disclos-
22 ing the amount due.

23 2. Not later than the fifteenth day of each calendar month
24 the clerk of the district court shall deliver to the county
25 auditor a statement disclosing all of the following:

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

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

1 3. If the amount owed by the county under subsection 2,
2 paragraph a for a calendar month is greater than the amount
3 due to the county under subsection 2, paragraph b for that
4 month, the county shall remit the difference to the clerk
5 of the district court not later than the last day of the month
6 in which the statement under subsection 2 is received.

7 4. If the amount due to the county under subsection 2,
8 paragraph b for a calendar month is greater than the amount
9 owed by the county under subsection 2, paragraph a for that
10 month, the clerk of the district court shall remit the
11 difference to the county treasurer not later than the last
12 day of the month in which the statement under subsection 2
13 is delivered.

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

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

26 7. Amounts not paid as required under subsection 3, 4,
27 5, or 6 shall bear interest for each day of delinquency at
28 the rate in effect as of the day of delinquency for time
29 deposits of public funds for eighty-nine days, as established
30 under section 453.6.

31 DIVISION III

32 COORDINATING AMENDMENTS

33 Sec. 10001. Section 4.1, Code 1981, is amended by adding
34 the following new subsections:

35 NEW SUBSECTION. COURT EMPLOYEE. "Court employee" and

1 "employee of the judicial department" include every officer
2 or employee of the judicial department except a judicial
3 officer.

4 NEW SUBSECTION. JUDICIAL OFFICER. "Judicial officer"
5 means a supreme court justice, a judge of the court of appeals,
6 a district judge, a district associate judge, and a magistrate.
7 The term also includes a person who is temporarily serving
8 as a justice, judge or magistrate as permitted by section
9 602.1612 or 602.2206 of this Act.

10 NEW SUBSECTION. "Magistrate" means a judicial officer
11 appointed under division II, article 7, part 4 of this Act.

12 Sec. 10002. Section 12.9, Code 1981, is amended to read
13 as follows:

14 12.9 ANNUAL REPORT OF FILING FEES. The treasurer of state
15 shall annually report to the governor and the general assembly
16 the total amount of fees and costs received by the treasurer
17 of state under ~~section 602.557, subsection 17, and section~~
18 ~~606.157, subsection 1~~ sections 602.9105, 602.9106, 602.9107,
19 and 602.9108 of this Act, for the fiscal year ending June
20 30. The report shall be submitted within ninety days following
21 the completion of the fiscal year.

22 Sec. 10003. Section 14.10, subsection 4, Code 1981, is
23 amended to read as follows:

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

28 Sec. 10004. Section 17A.2, subsection 1, Code 1981, is
29 amended to read as follows:

30 1. "Agency" means each board, commission, department,
31 officer or other administrative office or unit of the state.
32 "Agency" does not mean the general assembly, the ~~courts~~
33 judicial department or any of its components, the governor
34 or a political subdivision of the state or its offices and
35 units. Unless provided otherwise by statute, no less than

1 two-thirds of the members eligible to vote of a multimember
2 agency shall constitute a quorum authorized to act in the
3 name of the agency.

4 Sec. 10005. Section 17A.20, Code 1981, is amended to read
5 as follows:

6 17A.20 APPEALS. An aggrieved or adversely affected party
7 to the judicial review proceeding may obtain a review of any
8 final judgment of the district court under this chapter by
9 appeal ~~to the supreme court~~. The appeal shall be taken as
10 in other civil cases, although the appeal may be taken re-
11 gardless of the amount involved.

12 Sec. 10006. Section 18.97, subsection 15, paragraph e,
13 Code 1981, is amended to read as follows:

14 e. ~~Court~~ State court administrator.

15 Sec. 10007. Section 18.97, subsection 15, Code 1981, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. Each district court administrator.

18 Sec. 10008. Section 18.117, unnumbered paragraph 2, Code
19 1981, is amended to read as follows:

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

27 Sec. 10009. Section 19A.3, subsection 12, Code 1981, is
28 amended to read as follows:

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

31 Sec. 10010. Section 20.4, subsection 7, Code 1981, is
32 amended to read as follows:

33 7. ~~Judges of the supreme court,~~ ~~district judges,~~ ~~district~~
34 ~~associate judges and judicial magistrates,~~ ~~and the employees~~
35 ~~of such judges and courts.~~ Judicial officers, and

1 confidential, professional, or supervisory employees of the
2 judicial department.

3 Sec. 10011. Section 25A.6, Code 1981, is amended to read
4 as follows:

5 25A.6 APPLICABLE RULES. In suits under this chapter,
6 the forms of process, writs, pleadings, and actions, and the
7 practice and procedure, shall be in accordance with the rules
8 of civil procedure ~~promulgated-and-adopted-by-the-supreme~~
9 ~~court-of-the-state~~. The same provisions for counterclaims,
10 setoff, interest upon judgments, and payment of judgments,
11 shall be applicable as in other suits brought in the district
12 ~~courts-of-the-state~~ court. However, no writ of execution
13 shall issue against the state or any state agency by reason
14 of any judgment under this chapter.

15 Sec. 10012. Section 39.17, unnumbered paragraph 1, Code
16 1981, is amended to read as follows:

17 39.17 COUNTY OFFICERS. There shall be elected in each
18 county at the general election to be held in the year 1976
19 and every four years thereafter, ~~a-clerk-of-the-district~~
20 ~~court~~, an auditor and a sheriff ~~who-shall~~, each to hold office
21 for a term of four years.

22 Sec. 10013. Section 44.7, Code 1981, is amended to read
23 as follows:

24 44.7 HEARING BEFORE COMMISSIONER. Objections filed with
25 the commissioner shall be considered by the county auditor,
26 ~~clerk-of-the-district-court~~ county treasurer, and county
27 attorney, and a majority decision shall be final; but if the
28 objection is to the certificate of nomination of one or more
29 of the above named county officers, ~~said~~ the officer or
30 officers ~~so~~ objected to shall not pass upon ~~such~~ the objection,
31 but their places shall be filled, respectively, by the ~~county~~
32 ~~treasurer~~ chairperson of the board of supervisors, the sheriff,
33 and the county recorder.

34 Sec. 10014. Section 46.16, subsection 1, unnumbered para-
35 graph 1, Code 1981, is amended to read as follows:

1 Subject to ~~the provisions of~~ sections 605-24 and 605-25
2 602.1610 and 602.1612 of this Act and to removal for cause:

3 Sec. 10015. Section 64.6, Code 1981, is amended by adding
4 the following new subsection:

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

7 Sec. 10016. Section 64.8, Code 1981, is amended to read
8 as follows:

9 64.8 BONDS OF COUNTY OFFICERS. The bonds of members of
10 the boards of supervisors, ~~clerks of the district courts,~~
11 county attorneys, recorders, auditors, sheriffs and assessors
12 shall each be in a penal sum of not less than ten thousand
13 dollars ~~each~~ per annum.

14 Sec. 10017. Section 64.11, Code 1981, is amended to read
15 as follows:

16 64.11 EXPENSE OF BONDS PAID BY COUNTY. If any county
17 treasurer, ~~clerk of the district court,~~ county attorney,
18 recorder, auditor, sheriff, medical examiner, ~~members of~~
19 member of the soldiers relief commission, ~~members~~ member of
20 the board of supervisors, engineer, steward or matron shall
21 ~~elect~~ elects to furnish a bond with any association or
22 incorporation as surety as provided in this chapter, the
23 reasonable cost of ~~such~~ the bond shall be paid by the county
24 where the bond is filed.

25 Sec. 10018. Section 64.19, Code 1981, is amended by adding
26 the following new subsection:

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

29 Sec. 10019. Section 64.23, subsection 1, Code 1981, is
30 amended to read as follows:

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

1 administrator.

2 Sec. 10020. Section 66.19, Code 1981, is amended to read
3 as follows:

4 66.19 TEMPORARY OFFICER. Upon ~~such a~~ suspension, the
5 board or person authorized to fill a vacancy in the office
6 shall temporarily fill the office by appointment. In case
7 of a suspension of a ~~clerk or~~ sheriff, the district court
8 may ~~supply such place by appointment~~ designate an acting
9 sheriff until a temporary ~~appointment shall be made~~ sheriff
10 is appointed. ~~Such orders~~ Orders of suspension and temporary
11 appointment of county and township officers shall be certified
12 to the county auditor, ~~and be by him entered~~ for entry in
13 the election book; those of city officers, certified to the
14 clerk and entered upon the records; in case of other officers,
15 to the person or body making the original appointment.

16 Sec. 10021. Section 68.1, Code 1981, is amended to read
17 as follows:

18 68.1 IMPEACHMENT DEFINED. An impeachment is a written
19 accusation against the governor, or a ~~judge of the supreme~~
20 ~~or district court~~ judicial officer or other state officer,
21 by the house of representatives before the senate, of a
22 misdemeanor or malfeasance in office.

23 Sec. 10022. Section 69.3, Code 1981, is amended to read
24 as follows:

25 69.3 POSSESSION OF OFFICE. When a vacancy occurs in a
26 public office, possession shall be taken of the office room,
27 the books, papers, and all things pertaining thereto, to be
28 held until the qualification of a successor, as follows:
29 Of the office of the county auditor, by the ~~clerk of the~~
30 ~~district court~~ county treasurer; of the ~~clerk of~~ county
31 treasurer, by the county auditor; of any of the state officers,
32 by the governor, or, in ~~his~~ the absence or inability of the
33 governor at the time of the occurrence, as follows: Of the
34 secretary of state, by the treasurer of state; of the auditor
35 of state, by the secretary of state; of the treasurer of

1 state, by the secretary of state and auditor of state, who
 2 shall make an inventory of the money and warrants therein,
 3 sign the same, and transmit it to the governor; and the
 4 secretary of state shall take the keys of the safe and desks,
 5 after depositing the books, papers, money and warrants therein,
 6 and the auditor of state shall take the key of to the office
 7 room.

8 Sec. 10023. Section 69.8, subsection 5, Code 1981, is
 9 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. 10024. Section 79.12, Code 1981, is amended to read
 14 as follows:

15 79.12 WARRANTS PROHIBITED. No A warrant ~~shall-be-issued~~
 16 requiring any peace officer to go beyond the boundaries of
 17 the state at public expense shall not be issued except with
 18 the approval of a ~~judge-of-the~~ district court judge.

19 Sec. 10025. Section 85.49, unnumbered paragraph 1, Code
 20 1981, is amended to read as follows:

21 When a minor or mentally incompetent dependent is entitled
 22 to weekly benefits under this chapter, chapter 85A or chapter
 23 85B, payment shall be made to the clerk of the district court
 24 for the county in which the injury occurred, who shall act
 25 as trustee, and the money coming into the clerk's hands shall
 26 be expended for the use and benefit of the person entitled
 27 thereto under the direction and orders of a district judge
 28 ~~of-the-district-court,-in-which-such-county-is-located~~. The
 29 clerk of the district court, as ~~sueh~~ trustee, shall qualify
 30 and give bond in ~~sueh~~ an amount as the district judge may
 31 ~~direct~~ directs, which may be increased or diminished from
 32 time to time as ~~the-court-may-deem-best~~. ~~The-cost-of-such~~
 33 ~~bond-shall-be-paid-by-the-county-as-the-court-may-direct-by~~
 34 ~~written-order-directed-to-the-auditor-of-the-county-who-shall~~
 35 ~~issue-a-warrant-therefor-upon-the-treasurer-of-the-county-~~

1 If the domicile or residence of such the minor or mentally
2 incompetent dependent be is within the state but in a county
3 other than that in which the injury to the employee occurred
4 the industrial commissioner may order and direct that weekly
5 ~~benefits to such miners or incompetents~~ be paid to the clerk
6 of the district court of the county ~~wherein they shall be~~
7 ~~domiciled or reside~~ of domicile or residence.

8 Sec. 10026. Section 85.50, unnumbered paragraph 2, Code
9 1981, is amended to read as follows:

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

19 Sec. 10027. Section 97B.41, subsection 3, paragraph b,
20 subparagraph (6), Code 1981, is amended to read as follows:

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

26 Sec. 10028. Section 127.17, Code 1981, is amended to read
27 as follows:

28 127.17 COSTS. When any ~~such~~ conveyance is requisitioned
29 by the state department of justice, ~~said the~~ department shall
30 ~~pay to the clerk of the district court,~~ the court costs and
31 the expense incurred by the county or the sheriff in keeping
32 ~~said the~~ conveyance.

33 Sec. 10029. Section 144.36, subsection 1, Code 1981, is
34 amended to read as follows:

35 1. A certificate recording each marriage performed in

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

14 Sec. 10030. Section 144.37, unnumbered paragraph 2, Code
15 1981, is amended to read as follows:

16 The clerk of the district court in each county shall keep
17 a record book for divorces. The form of divorce record books
18 shall be uniform throughout the state and shall be prescribed
19 by the state department. ~~Divorce-record-books-shall-be~~
20 ~~provided-at-county-expense-~~ A properly indexed record of
21 divorces upon microfilm, electronic computer, or data
22 processing equipment may be kept ~~instead~~ in lieu of divorce
23 record books.

24 Sec. 10031. Section 144.46, Code 1981, is amended to read
25 as follows:

26 144.46 FEE FOR COPY OF RECORD. A fee of two dollars per
27 copy shall be collected by the state registrar or the clerk
28 of the district court for each certified copy or short form
29 certification of certificates or records, or for a search
30 of the files or records when no copy is made, or when no
31 record is found on file. Fees collected by the state registrar
32 under this section shall be deposited in the state general
33 fund. Fees collected by the clerk of the district court shall
34 be deposited in the court revenue distribution account
35 established under section 602.9108 of this Act.

1 Sec. 10032. Section 204.502, subsection 1, paragraphs
2 a, b and d, Code 1981, is amended to read as follows:
3 a. A district ~~ex-municipal-court~~ judge, ~~within his or~~
4 district associate judge having jurisdiction may, and upon
5 proper oath or affirmation showing probable cause, may issue
6 warrants for the purpose of conducting administrative
7 inspections authorized by this chapter or rule ~~thereunder~~
8 adopted under this chapter, and seizures of property
9 appropriate to ~~seek~~ the inspections. For purposes of the
10 issuance of administrative inspection warrants, probable cause
11 exists upon showing a valid public interest in the effective
12 enforcement of the chapter or rules ~~promulgated thereunder~~,
13 sufficient to justify administrative inspection of the area,
14 premises, building or conveyance in the circumstances specified
15 in the application for the warrant.
16 b. A warrant shall issue only upon sworn testimony of
17 an officer or employee of the board duly designated and having
18 knowledge of the facts alleged, before the ~~district or~~
19 ~~municipal-court-judge~~ judicial officer, establishing the
20 grounds for issuing the warrant. If the ~~judge~~ judicial officer
21 is satisfied that grounds for the application exist or that
22 there is probable cause to believe they exist, ~~he~~ the officer
23 shall issue a warrant identifying the area, premises, building,
24 or conveyance to be inspected, the purpose of the inspection,
25 and, if appropriate, the type of property to be inspected,
26 if any.
27 d. The ~~judge~~ judicial officer who has issued a warrant
28 under this section shall require that there be attached to
29 the warrant a copy of the return, and of all papers filed
30 in connection with the return, and shall file them with the
31 clerk of the district ~~ex-municipal~~ court for the ~~district~~
32 county in which the inspection was made.
33 Sec. 10033. Section 229.40, Code 1981, is amended by
34 striking the section and inserting in lieu thereof the
35 following:

1 229.40 RULES FOR PROCEEDINGS. Proceedings under this
2 chapter are subject to rules prescribed by the supreme court
3 under section 602.5201 of this Act.

4 Sec. 10034. Section 232.2, subsections 8 and 29, Code 1981,
5 are amended to read as follows:

6 8. "Court" means the juvenile court established in ~~chapter~~
7 ~~231~~ section 602.8101 of this Act.

8 29. "Juvenile ~~probation court officer~~ or "~~probation~~
9 ~~officer~~" means a person appointed as a juvenile ~~probation~~
10 ~~court officer~~ under ~~section-231-8~~ division II, article 8 of
11 this Act and a chief juvenile court officer appointed under
12 section 602.1215 of this Act.

13 Sec. 10035. Sections 232.2, subsections 24, 31, and 40,
14 232.19, subsection 1, paragraph d, 232.29, subsection 1,
15 paragraph e, 232.46, subsections 1 and 3, 232.48, subsection
16 1, 232.51, 232.87, subsections 2 and 3, 232.96, subsection
17 6, 232.97, subsection 1, 232.111, subsections 1 and 2, and
18 232.125, subsection 2, Code 1981, are amended by striking
19 the terms "juvenile probation officer" and "probation officer"
20 wherever within those provisions either or both of those terms
21 appear and inserting in lieu of each of those terms the words
22 "juvenile court officer".

23 Sec. 10036. Sections 232.147, subsection 3, paragraph
24 a, and 232.149, subsection 3, paragraph b, Code 1981, are
25 amended by striking the terms "juvenile probation officers"
26 wherever in those provisions the term appears and inserting
27 in lieu thereof the words "juvenile court officers".

28 Sec. 10037. Section 232.152, Code 1981, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 232.152 RULES OF JUVENILE PROCEDURE. Proceedings under
32 this chapter are subject to rules prescribed by the supreme
33 court under section 602.5201 of this Act.

34 Sec. 10038. Section 247.29, Code 1981, is amended to read
35 as follows:

1 247.29 CRIMINAL STATISTICS. The clerk of the district
2 court shall, on or before July 15 of each year, report to
3 the supreme court, the board of parole, and the director of
4 the division of corrections of the department of social
5 services all of the following information for the preceding
6 fiscal year:

7 1. The number of convictions of all criminal offenses
8 ~~in that court, in his county, for the year ending June 30~~
9 ~~preceeding~~, the character of each offense, the sentence imposed,
10 the occupation of the offender, and whether ~~such~~ or not the
11 offender can read or write.

12 2. ~~Number~~ The number of acquittals in criminal cases.

13 3. ~~Number~~ The number of dismissals by the court without
14 trial, and the nature of the charges so dismissed in criminal
15 cases.

16 4. The expenses ~~of the county~~ for criminal prosecutions
17 ~~during said year.~~

18 Sec. 10039. Section 247.30, Code 1981, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 247.30 ITEMIZATION OF STATISTICS. The information required
22 by section 247.29, subsection 4, shall be itemized as follows:

23 1. Fees and mileage paid to jurors.

24 2. The cost of meals and lodging for jurors.

25 3. The amount expended by the county in each of the follow-
26 ing categories, as reported to the clerk by the county auditor,
27 and whether or not recovered from defendants:

28 a. The cost for the services of bailiffs while attending
29 the grand jury or trials of actions.

30 b. Fees and mileage paid to members of the grand jury,
31 the clerk of the grand jury, and witnesses before the grand
32 jury.

33 c. Fees and mileage paid to witnesses in the trial of
34 actions.

35 d. Fees paid for court reporting and for transcriptions

1 of the notes of court reporters.

2 e. The costs of depositions.

3 f. The expense of providing a jail, not including board
4 of prisoners.

5 g. The expense of the board of prisoners in a county jail.

6 h. The expense of transporting prisoners to state cor-
7 rectional institutions.

8 i. The compensation and expenses incurred by the office
9 of the county attorney in connection with criminal
10 prosecutions.

11 Sec. 10040. Section 247.31, Code 1981, is amended to read
12 as follows:

13 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
14 auditor shall report to the clerk of the district court, on
15 or before July 5 of each year, the expenses of the county
16 in connection with criminal prosecutions during the preceding
17 fiscal year ending-June-30-preceding,-including-but
18 distinguishing-the-compensation-of-the-county-attorney. Such
19 The report shall include all the items of criminal expenses
20 which-appear-in-the-records-of-his-office-and which are
21 required to be reported by the clerk of the district court
22 to-the-board-of-parole-and-the-director-of-the-division-of
23 corrections-of-the-department-of-social-services under section
24 247.30, subsection 4, and which appear in the records of the
25 county auditor. The clerk of the district court shall furnish
26 to the auditor with the blanks to be used in making such this
27 report.

28 Sec. 10041. Section 252.18, subsection 1, Code 1981, is
29 amended to read as follows:

30 1. Any person who is a county charge or is likely to
31 become such so, coming from another state and not having
32 acquired a settlement in any county of this state or any such
33 person having acquired a settlement in any county of this
34 state who ~~removes~~ moves to another county, may be removed
35 from this state or from the county into which such the person

1 has moved, ~~as the ease may be,~~ at the expense of the county
2 ~~wherein said~~ where the person is found, upon the petition
3 of ~~said~~ the county to the district ~~or superior~~ court ~~of~~ in
4 that county.

5 Sec. 10042. Section 258A.1, subsection 1, paragraph b,
6 Code 1981, is amended to read as follows:

7 b. The board of examiners of shorthand reporters, created
8 pursuant to ~~chapter 115~~ division II, article 4 of this Act.

9 Sec. 10043. Section 258A.3, subsection 2, paragraph a,
10 Code 1981, is amended to read as follows:

11 a. Revoke a license, or suspend a license either until
12 further order of the board or for a specified period, upon
13 the grounds specified in sections 114.21, ~~115-8,~~ 116.21,
14 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34,
15 154A.24, 169.13, 455B.59 and chapters 135E, 151, 507B and
16 522 and section 602.4203 of this Act or upon any other grounds
17 specifically provided for in this chapter for revocation of
18 the license of a licensee subject to the jurisdiction of that
19 board, or upon failure of the licensee to comply with a
20 decision of the board imposing licensee discipline;

21 Sec. 10044. Section 258A.4, subsection 1, paragraph f,
22 Code 1981, is amended to read as follows:

23 f. Define by rule acts or omissions which are grounds
24 for revocation or suspension of a license under ~~the provisions~~
25 ~~of~~ sections 114.21, ~~115-8,~~ 116.21, 117.29, 118.13, 118A.15,
26 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.49 and
27 chapters 135E, 151, 507B and 522 and section 602.4203 of this
28 Act, and to define by rule acts or omissions which constitute
29 negligence, careless acts or omissions within the meaning
30 of section 258A.3, subsection 2, paragraph "b", which licensees
31 are required to report to the board pursuant to section 258A.9,
32 subsection 2;

33 Sec. 10045. Section 306B.5, subsection 2, Code 1981, is
34 amended to read as follows:

35 2. The cost of removal, including any fees, and costs

1 ~~or~~ and expenses ~~as-may~~ which arise out of any action brought
2 by the department to insure peaceful entry and removal, may
3 be assessed against the owner of the advertising device.
4 Should the owner of the advertising device fail to pay ~~such~~
5 the fees, costs, or expenses within thirty days after
6 assessment, the department may ~~institute-proceedings-in-the~~
7 ~~district-court-or-small-claims-division-as-applicable;~~ commence
8 an action to collect ~~said~~ the fees, costs, or expenses, which
9 when collected, shall be paid into the "highway beautification
10 fund."

11 Sec. 10046. Section 306C.19, subsection 2, Code 1981,
12 is amended to read as follows:

13 2. The cost of removal, including any fees, and costs
14 ~~or~~ and expenses ~~as-may~~ which arise out of any action brought
15 by the department to insure peaceful entry and removal, may
16 be assessed against the owner of the advertising device.
17 Should the owner of the advertising device fail to pay ~~such~~
18 the fees, costs, or expenses, within thirty days after
19 assessment, the department may ~~institute-proceedings-in-the~~
20 ~~district-court-or-small-claims-division-as-applicable;~~ commence
21 an action to collect ~~said~~ the fees, costs, or expenses, which
22 when collected, shall be paid into the "highway beautification
23 fund".

24 Sec. 10047. Section 356A.2, Code 1981, is amended to read
25 as follows:

26 356A.2 CONTRACT. If the board of supervisors ~~contract~~
27 contracts with a public or private nonprofit agency or
28 corporation for the establishment and maintenance of such
29 a facility, the contract shall state the charge per person
30 per day to be paid by the county; that each ~~such~~ facility
31 shall insure the performance of the duties of the keeper as
32 defined in section 356.5; the activities and service to be
33 provided those detained or confined; the extent of security
34 to be provided in the best interests of the community; the
35 maximum number of persons that can be detained or committed

1 at any one time; the number of employees to be provided by
2 the contracting private nonprofit agency or corporation for
3 the maintenance, supervision, control, and security of persons
4 detained or confined ~~therein~~ in the facility; and any other
5 matters deemed necessary by the supervisors. ~~All-such~~ The
6 contracts shall be for a period not to exceed two years.
7 The board of supervisors shall deliver a copy of the contract
8 to each ~~municipal-court-judge-in-the-county-and-to-each~~
9 ~~district-court-judge~~ judicial officer of the district which
10 includes that county.

11 Sec. 10048. Section 356A.6, Code 1981, is amended to read
12 as follows:

13 356A.6 TRANSFER. A ~~judge~~ judicial officer of the ~~municipal~~
14 ~~ex~~ district court may originally commit a person to the county
15 jail to serve any part of the sentence pronounced, and
16 thereafter the person may be transferred to a facility
17 established and maintained pursuant to section 356A.1 or
18 356A.2.

19 Sec. 10049. Section 400.6, subsection 1, unnumbered
20 paragraph 1, Code 1981, is amended to read as follows:

21 ~~The-provisions-of-this-chapter-shall-apply~~ This chapter
22 applies to all appointive officers and employees, ~~-including~~
23 ~~former-deputy-clerks-of-the-municipal-court-who-became-deputies~~
24 ~~of-the-district-court-clerks,~~ in cities under any form of
25 government having a population of more than fifteen thousand
26 except:

27 Sec. 10050. Section 453.1, Code 1981, as amended by Acts
28 of the Sixty-ninth General Assembly, 1981 Session, chapter
29 148, section 1, is amended to read as follows:

30 453.1 DEPOSITS IN GENERAL. All funds held in the hands
31 of the following officers or institutions shall be deposited
32 in banks first approved by the appropriate governing body
33 as indicated: For the treasurer of state, by the executive
34 council; for judicial officers and court employees, by the
35 supreme court; for the county treasurer, recorder, auditor,

1 sheriff, ~~clerk-of-the-district-court,-and-judicial-magistrate,~~
 2 by the board of supervisors; for the city treasurer, by the
 3 city council; for the county public hospital or merged area
 4 hospital, by the board of hospital trustees; for a memorial
 5 hospital, by the memorial hospital commission; for a school
 6 corporation, by the board of school directors. However, the
 7 treasurer of state and the treasurer of each political
 8 subdivision shall invest all funds not needed for current
 9 operating expenses in time certificates of deposit in banks
 10 listed as approved depositories pursuant to this chapter or
 11 in investments permitted by section 452.10. The list of
 12 public depositories and the amounts severally deposited in
 13 the depositories ~~shall-be-a-matter~~ are matters of public
 14 record. The term "bank" means a bank or a private bank, as
 15 defined in section 524.103.

16 Sec. 10051. Section 509A.7, Code 1981, is amended to read
 17 as follows:

18 509A.7 EMPLOYEE DEFINED. The word "employee" as used
 19 in this division ~~shall~~ does not include temporary or retired
 20 employees; however, ~~nothing-herein-shall-be-construed-as~~
 21 preventing this division does not prevent a retired employee
 22 from voluntarily continuing an existing contract in force,
 23 at ~~his~~ the employee's own expense, ~~an-existing-contract.~~
 24 ~~for-purposes-of-group-insurance,-the-word-"employee"-includes~~
 25 ~~a-full-time-certified-court-reporter-as-an-employee-of-each~~
 26 ~~county-within-the-judicial-district-which-employs-him,-on~~
 27 ~~a-percentage-basis-as-provided-in-section-605-9.--However,~~
 28 ~~group-insurance-for-the-certified-court-reporter-may-be~~
 29 ~~obtained-through-only-one-of-the-counties-within-the-district,~~
 30 ~~at-the-reporter's-option,-with-a-percentage-contribution-from~~
 31 ~~the-other-counties,-on-the-basis-provided-in-section-605-9,~~
 32 ~~for-the-employer's-share-of-the-premium.~~

33 Sec. 10052. Section 598.16, Code 1981, is amended by
 34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Persons providing counseling

1 and other services pursuant to this section are not court
2 employees, but are subject to court supervision.

3 Sec. 10053. Section 600A.2, subsection 15, Code 1981,
4 is amended to read as follows:

5 15. "Juvenile court" means a the juvenile court as
6 established ~~under section 231-1~~ by section 602.8101 of this
7 Act.

8 Sec. 10054. Section 622.67, Code 1981, is amended to read
9 as follows:

10 622.67 DEPOSIT--EFFECT. The court ~~ex-judge~~, for good
11 cause shown, may, upon deposit with the clerk of the court
12 of sufficient money to pay the ~~legal-fees~~ fee and mileage
13 of a witness, order a subpoena to issue requiring the
14 attendance of ~~such~~ the witness from a greater distance within
15 the state. ~~Such~~ The subpoena shall show that it is issued
16 under ~~the provisions hereof~~ this section. If the party
17 requesting the subpoena is a county or the state, the court
18 may order the issuance of the subpoena without the deposit
19 of the fee and mileage.

20 Sec. 10055. Section 625.8, Code 1981, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 625.8 JURY AND REPORTER FEES.

24 1. The clerk of the district court shall tax as a court
25 cost a jury fee of ten dollars in every action tried to a
26 jury.

27 2. The clerk of the district court shall tax as a court
28 cost a fee of fifteen dollars per day for the services of
29 a court reporter.

30 3. Revenue from the fees required by this section shall
31 be deposited in the court revenue distribution account es-
32 tablished under section 602.9108 of this Act.

33 Sec. 10056. Section 628.4, Code 1981, is amended to read
34 as follows:

35 628.4 REDEMPTION PROHIBITED. ~~No~~ A party who has taken

1 an appeal from the ~~superior-or~~ district court, or stayed
2 execution on the judgment, ~~shall-be~~ is not entitled to redeem.

3 Sec. 10057. Section 631.2, subsection 2, Code 1981, is
4 amended to read as follows:

5 2. The clerk of the district court shall maintain a
6 separate docket for small claims which shall be known as the
7 small claims docket, and which shall contain all matters
8 relating to those small claims which are required by section
9 ~~606-7~~ 602.9104, subsection 2, paragraph f of this Act to be
10 contained in a combination docket.

11 Sec. 10058. Section 631.6, subsection 4, unnumbered para-
12 graph 2, Code 1981, is amended to read as follows:

13 All fees and costs collected in small claims actions shall
14 be ~~remitted-to-the-county-treasurer-as-provided-in-section~~
15 ~~606-16---~~ deposited in the court revenue distribution
16 account established under section 602.9108 of this Act, except
17 that the fee specified in subsection 4 shall be remitted to
18 the secretary of state.

19 Sec. 10059. Section 633.17, Code 1981, is amended to read
20 as follows:

21 633.17 JUDGE DISQUALIFIED--PROCEDURE. ~~Where-the-judge~~
22 ~~is-a-party,-or-is-connected-by-blood-or-affinity-with-a-person~~
23 ~~interested-nearer-than-the-fourth-degree,-or-is-personally~~
24 ~~interested~~ When a judge is disqualified from acting in any
25 probate matter, the same matter shall be heard before another
26 judge of the same district, or shall be transferred to the
27 court of another district, or a judge of another district
28 shall be procured to hold court for the hearing of ~~such~~ the
29 matter.

30 Sec. 10060. Section 633.18, Code 1981, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 633.18 RULES IN PROBATE.

34 1. Actions and proceedings under this chapter are subject
35 to rules prescribed by the supreme court under section 602.5201

1 of this Act.

2 2. The district judges of a judicial district acting under
3 section 602.1212 of this Act may prescribe rules for probate
4 actions and proceedings within the district, but these rules
5 must be consistent with this chapter, and shall be subject
6 to the approval of the supreme court.

7 Sec. 10061. Section 633.20, Code 1981, is amended to read
8 as follows:

9 633.20 REFEREE--EXAMINATION OF ACCOUNTS--FEES CLERK.

10 1. For The court may appoint a referee in probate for
11 the auditing of the accounts of fiduciaries and for the
12 performance of such other ministerial duties as the court
13 may direct, the court may appoint a referee in probate whenever
14 in the opinion of the court it seems fit and proper to do
15 so prescribes. The referee may be the clerk. No A person
16 shall not be appointed as referee in any matter where he the
17 person is acting as a fiduciary or as the attorney. All fees
18 received by any county officer serving in the capacity of
19 referee in probate shall become a part of the fees of his
20 office and shall be accounted for as such.

21 2. The court may appoint the clerk as referee in probate.
22 In such cases, the fees received by the clerk for serving
23 in the capacity of referee shall be fees of the office of
24 the clerk of court and shall be deposited in the court revenue
25 distribution account established under section 602.9108 of
26 this Act.

27 Sec. 10062. Section 633.21, Code 1981, is amended to read
28 as follows:

29 633.21 APPRAISERS' FEES AND REFEREES' FEES FIXED BY RULE.

30 The district ~~court-sitting-en-banc~~ judges of each judicial
31 district shall by rule fix the fees of probate referees.
32 ~~It shall,~~ and also by rule provide, insofar as practicable,
33 a uniform schedule of compensation for inheritance tax
34 appraisers, other appraisers, brokers, and agents employed
35 at estate expense.

1 Sec. 10063. Chapter 633, division II, part 1, Code 1981,
2 is amended by adding the following new section as section
3 633.22:

4 NEW SECTION. 633.22 PROBATE ORDERS. A district judge
5 has statewide jurisdiction to enter orders in probate matters
6 not requiring notice and hearing, although the judge is not
7 a judge of or present in the district in which the probate
8 matter is pending. The orders shall be made in conformity
9 with the rules of the district in which the probate matter
10 is pending.

11 Sec. 10064. Section 633.31, subsection 2, unnumbered
12 paragraph 1, Code 1981, is amended to read as follows:

13 The clerk shall charge and collect the following fees,
14 in connection with probate matters, ~~all of~~ which shall be
15 ~~paid into the county treasury for the use of the county~~
16 deposited in the court revenue distribution account established
17 under section 602.9108 of this Act:

18 Sec. 10065. Section 666.6, Code 1981, is amended to read
19 as follows:

20 666.6 REPORT OF FORFEITED BONDS. Clerks of district court
21 shall, on the first Monday in January in each year, make a
22 report in writing to the ~~board of supervisors for their~~
23 ~~respective counties~~ supreme court of all forfeited
24 recognizances in their offices; of all fines, penalties, and
25 forfeitures imposed in their respective courts, which by law
26 go into the county state treasury for ~~the benefit of the~~
27 ~~school fund~~ distribution under section 602.9107 of this Act;
28 in what cause or proceeding, when and for what purpose, against
29 whom and for what amount, rendered; whether ~~said~~ these fines,
30 penalties, forfeitures, and recognizances have been paid,
31 remitted, canceled, or otherwise satisfied; if so, when, how,
32 and in what manner, and if not paid, remitted, canceled, or
33 otherwise satisfied, what steps have been taken to enforce
34 the collection thereof.

35 ~~Sueh~~ The report must be full, true, and complete with

1 reference to the matters ~~therein~~ contained ~~and of~~ in the
2 report and all things required by this section to be reported,
3 and the report shall be under oath ~~and any officer~~. Any
4 clerk failing to make such the report as required by this
5 section shall be guilty of a simple misdemeanor.

6 Sec. 10066. Section 684A.6, Code 1981, is amended to read
7 as follows:

8 684A.6 PROCEDURE. The supreme court may prescribe ~~its~~
9 ~~own~~ rules of procedure concerning the answering and
10 certification of questions of law under this chapter, subject
11 to section ~~684-19~~ 602.5202 of this Act.

12 Sec. 10067. Section 801.4, subsection 7, paragraph e,
13 Code 1981, is amended to read as follows:

14 e. Probation officers acting pursuant to section ~~231-10~~
15 602.8202, subsection 4 of this Act.

16 Sec. 10068. Section 805.11, Code 1981, is amended to read
17 as follows:

18 805.11 OTHER PENALTIES. If the defendant is convicted
19 of a scheduled violation, the penalty shall be the scheduled
20 fine, without suspension of the fine prescribed in section
21 805.8 together with costs assessed and distributed as
22 prescribed by section ~~602-63~~ 602.9106 of this Act, unless
23 it appears from the evidence that the violation was of the
24 type set forth in section 805.10, subsection 1 or 3, in which
25 event the scheduled fine shall not apply and the penalty shall
26 be increased within the limits provided by law for the offense.

27 Upon the conviction of a defendant of a violation specified
28 in section 805.8 or 805.10, fees shall not be imposed or
29 collected for the purposes specified in section 602.9105,
30 subsection 1, paragraph i, j, or t of this Act.

31 Sec. 10069. Section 805.12, Code 1981, is amended to read
32 as follows:

33 805.12 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines,
34 forfeiture of bail, fees, and costs collected for all traffic
35 violations, whether or not scheduled, and for all other

1 scheduled violations shall be ~~remitted~~ distributed in
2 accordance with section ~~602-55~~ 602.9106 of this Act.

3 Sec. 10070. Section 813.4, Code 1981, is amended to read
4 as follows:

5 813.4 ADDITIONS TO AND AMENDMENT OF RULES. The rules
6 of criminal procedure may be amended, provisions deleted,
7 and new rules added, ~~in the manner prescribed for civil rules~~
8 under chapter 604 by the supreme court, subject to section
9 602.5202 of this Act.

10 Sec. 10071. Chapter 815, Code 1981, is amended by adding
11 the following new sections:

12 NEW SECTION. TRIAL JURY EXPENSES. The clerk of the
13 district court shall pay fees and mileage due petit jurors,
14 and the costs of food, lodging, and transportation when
15 provided for petit jurors, out of amounts appropriated to
16 the supreme court for this purpose.

17 NEW SECTION. PAYMENT OF PROSECUTION COSTS. The county
18 or city that prosecutes a criminal action shall pay the
19 required fees and mileage to witnesses called on behalf of
20 the prosecution, the costs of depositions taken on behalf
21 of the prosecution, the costs of transcripts requested by
22 the prosecution, the fees that are payable to the clerk of
23 the district court for services rendered, and court costs
24 taxed in connection with the trial of the action or appeals
25 from the judgment. These fees and costs are recoverable by
26 the county or city from the defendant unless the defendant
27 is found not guilty or the action is dismissed. Expenditures
28 of a county under this section may be paid out of the court
29 expense fund in lieu of the county general fund.

30 Sec. 10072. Acts of the Sixty-ninth General Assembly,
31 1981 Session, chapter 117, section 320, subsection 1, para-
32 graph 2, is amended to read as follows:

33 2. Members of the county judicial magistrate appointing
34 commission in accordance with section ~~602-43~~ 602.7503 of this
35 Act.

1 Sec. 10073. Acts of the Sixty-ninth General Assembly,
2 1981 Session, chapter 117, section 321, subsection 5, is
3 amended to read as follows:

4 5. Furnish offices at the county seat for the ~~clerk,~~
5 recorder, treasurer, auditor, county attorney, county surveyor
6 or engineer, county assessor, and city assessor. If the
7 office of public defender is established, the board shall
8 furnish the public defender's office as provided in section
9 776 of this Act. The board shall furnish the officers with
10 fuel, lights, and office supplies. However, the board is
11 not required to furnish the county attorney or public defender
12 with law books. The board shall not furnish an office also
13 occupied by a practicing attorney to any officer other than
14 the county attorney or public defender.

15 Sec. 10074. Acts of the Sixty-ninth General Assembly,
16 1981 Session, chapter 117, section 322, subsection 2, paragraph
17 h, is amended to read as follows:

18 h. Establish the number of deputies, assistants, and
19 clerks for the offices of auditor, treasurer, recorder,
20 sheriff, and county attorney, ~~and clerk.~~

21 Sec. 10075. Acts of the Sixty-ninth General Assembly,
22 1981 Session, chapter 117, section 360, subsection 5, paragraph
23 h, is amended to read as follows:

24 h. Provide facilities for the ~~holding of~~ district court
25 ~~at the county seat~~ in accordance with ~~sections 602.6 and~~
26 ~~602.61~~ section 602.1303 of this Act.

27 Sec. 10076. Acts of the Sixty-ninth General Assembly,
28 1981 Session, chapter 117, section 421, subsection 24, is
29 amended to read as follows:

30 24. For the court expense fund, if the amount levied for
31 ordinary county revenue is insufficient to pay all expenses
32 incident to the ~~maintenance and operation~~ support of the
33 ~~courts~~ judicial system, an amount sufficient to pay the
34 expenses.

35 Sec. 10077. Acts of the Sixty-ninth General Assembly,

1 1981 Session, chapter 117, section 425, subsection 9, is
2 amended to read as follows:

3 9. A court expense fund, which shall not be used for a
4 purpose other than expenses incident to the ~~maintenanece-and~~
5 ~~operation-of-the-courts~~ support of the judicial system, in-
6 cluding but not limited to ~~salary-and-expenses-of-the-clerk,~~
7 ~~deputy-clerks,-and-other-employees-of-the-clerk's-office,~~
8 establishment and operation of a public defender's office
9 and other costs incurred in connection with indigent defense,
10 the costs of facilities, services and other obligations of
11 the county under section 602.1303 of this Act, costs otherwise
12 payable from the general fund under section 423, subsection
13 3, paragraph q, of this Act, the county's expense for
14 confinement of prisoners under chapter 356A, temporary
15 assistance to the county attorney, and claims filed under
16 section 622.93.

17 Sec. 10078. Acts of the Sixty-ninth General Assembly,
18 1981 Session, chapter 117, division IV, part 2, is amended
19 by adding the following new section:

20 NEW SECTION. INDEMNIFICATION FOR EXCESS INDIGENT DEFENSE
21 COSTS.

22 1. As used in this section:

23 a. "County base share" means the amount as determined
24 and certified to a county for a fiscal year by the state
25 comptroller under subsection 4.

26 b. "Indemnity trust fund" means the fund established by
27 subsection 9.

28 c. "Indigent defense costs" means costs incurred by a
29 county in providing legal assistance for an indigent person
30 pursuant to a law or rule of procedure of this state requiring
31 that legal assistance be provided the person at county expense.
32 The term includes, but is not necessarily limited to the
33 following:

34 (1) Amounts paid to court-appointed attorneys as compensa-
35 tion and reimbursement for expenses.

1 (2) The costs of providing witnesses, depositions, court
2 reporters, and transcripts.

3 (3) The costs incurred in establishing, operating, and
4 maintaining a public defender office.

5 (4) Amounts paid to the state office of appellate defender
6 in connection with appeals from the district court.

7 2. A county is entitled to indemnification from other
8 counties for excess indigent defense costs, subject to the
9 conditions and limitations of this section. The amount to
10 which a county is entitled as indemnity from other counties
11 under this section is eighty percent of that portion of the
12 indigent defense costs incurred by the county during a fiscal
13 year which is in excess of the county's base share for the
14 fiscal year.

15 3. A county is not entitled to indemnity under this sec-
16 tion until the county has incurred its entire base share for
17 a fiscal year. A cost shall be deemed to have been incurred
18 at the time a warrant is issued by the county auditor in
19 payment of the cost, irrespective of the date on which the
20 obligation to make payment arose. However, a county cannot
21 claim during a fiscal year any portion of an expenditure that
22 is attributable under a multi-year contract or lease to another
23 fiscal year.

24 4. The state comptroller shall determine in July of each
25 year the base share of each county for the fiscal year
26 commencing in that month. The base share of a county for
27 that fiscal year is equal to the average of the statewide
28 per capita expenditures for indigent defense during the pre-
29 ceding three fiscal years multiplied by the population of
30 that county. The statewide per capita expenditure for a
31 fiscal year shall be determined by the state comptroller by
32 dividing the total expenditures of all counties for indigent
33 defense during the fiscal year, as recorded under subsection
34 6, by the total state population. The population of the state
35 or of a county shall be the population according to the federal

1 decennial census report most recently distributed prior to
2 the date on which a computation is made. The state comptroller
3 shall certify the base share of each county for a fiscal year
4 to the county auditors of all counties not later than August
5 15 of the fiscal year.

6 5. The county auditor of a county shall compile and submit
7 to the state comptroller each month a report of the indigent
8 defense costs incurred by the county during the previous
9 month. The report shall be on a form prescribed and furnished
10 by the state comptroller, and shall contain the information
11 required by the state comptroller. The state comptroller
12 may require additional information or verification of
13 information at any time to assure compliance with the
14 conditions and limitations of this section.

15 6. The state comptroller shall maintain a record for each
16 county showing monthly and cumulative indigent defense costs
17 incurred by the county, as established by the monthly reports
18 and other information obtained under subsection 5. Upon es-
19 tablishing that the cumulative costs incurred by a county
20 are equal to the county's base share for the year, the state
21 comptroller shall certify to the county auditors of all
22 counties that the county has become entitled to indemnity
23 under this section.

24 7. If the state comptroller determines that all or a
25 portion of the expenditures of a county during a month are
26 subject to indemnification under this section, the state
27 comptroller shall determine the amount of indemnity to which
28 the county is entitled, and shall assess the remaining coun-
29 ties for their respective shares of the indemnity payment.
30 A county is liable for that portion of an indemnity payment
31 which bears the same relationship to the total indemnity
32 payment as the population of the county bears to the total
33 state population. Upon determining the liability of the
34 counties under this subsection, the state comptroller shall
35 send a notice of assessment to the county auditor of each

1 county stating the amount due and the due date, which shall
2 be the last day of the month in which the assessment notice
3 is mailed. Assessments not paid on or before the due date
4 shall bear interest for each day of delinquency at the rate
5 in effect, as of the first day of delinquency, under sec-
6 tion 74A.2 for unpaid warrants, and in addition shall be
7 subject to a penalty in the amount of one hundred dollars
8 for each month or fraction of a month for which delinquent.
9 All interest and penalties shall be paid to the county that
10 is entitled to the indemnity for which the assessment is made.

11 8. Amounts collected by the state comptroller under sub-
12 section 7 shall be deposited in the indemnity trust fund to
13 the credit of the county for whose benefit an assessment is
14 made. Within five days after the end of a month in which
15 assessment payments are received, the state comptroller shall
16 issue a warrant against the indemnity trust fund in the amount
17 held to the credit of a county.

18 9. There is created in the state treasury a county in-
19 digent defense indemnity trust fund. This fund shall consist
20 solely of receipts from assessments under subsection 7, and
21 shall be used exclusively to pay indemnity to counties under
22 this section.

23 10. A county shall charge assessments paid under this
24 section to the same county fund that indigent defense ex-
25 penditures are charged to by that county. A county shall
26 credit indemnity payments received under this section to the
27 same county fund that indigent defense expenditures are charged
28 to by that county.

29 11. The state comptroller shall submit to the general
30 assembly in January of each year a report disclosing all of
31 the following:

32 a. Amounts spent for indigent defense by each county and
33 statewide during the previous fiscal year.

34 b. The total amount of indemnity payments made to each
35 county and statewide during the previous fiscal year.

1 c. The per capita indigent defense costs for each county
2 and statewide during the previous fiscal year.

3 d. Other information as determined by the state
4 comptroller.

5 12. The state comptroller may adopt rules under chapter
6 17A as necessary in the administration of this section.

7 13. This section takes effect July 1, 1982, except that
8 a county is not entitled to indemnity for any expenditure
9 incurred prior to the fiscal year commencing in July, 1983.
10 Commencing in August, 1982, county auditors shall submit the
11 reports required by subsection 5. In 1983, the state comp-
12 troller shall calculate and certify county base shares as
13 provided in subsection 4, except that in lieu of using the
14 average of the statewide per capita expenditures during the
15 preceding three fiscal years the state comptroller shall use
16 the statewide per capita expenditure for the fiscal year com-
17 mencing in July, 1982, as determined from the expenditures
18 reported by the counties for the fiscal year commencing in
19 July, 1982. In 1984, the state comptroller shall calculate
20 and certify county base shares as provided in subsection 4,
21 except that in lieu of using the average of the statewide
22 per capita expenditures during the preceding three fiscal
23 years the state comptroller shall use the average of the
24 statewide per capita expenditures as determined from the total
25 expenditures reported by the counties for the fiscal years
26 commencing July, 1982, and July, 1983, respectively. In 1985
27 and each year thereafter the comptroller shall calculate and
28 certify county base shares as provided in subsection 4.

29 Sec. 10079. Acts of the Sixty-ninth General Assembly,
30 1981 Session, chapter 117, section 501, subsection 8, is
31 amended to read as follows:

32 8. Take temporary possession of the office and all official
33 books and papers in the office of treasurer ~~or clerk~~ when
34 a vacancy occurs ~~in either office~~ and hold the office, books,
35 and records until a successor qualifies as provided in section

1 69.3. The auditor shall also serve temporarily as the recorder
2 if a vacancy occurs in that office and, if there is no chief
3 deputy assessor, act temporarily as the assessor as provided
4 in section 441.8.

5 Sec. 10080. Acts of the Sixty-ninth General Assembly,
6 1981 Session, chapter 117, section 501, subsection 43, is
7 amended to read as follows:

8 43. Certify to the clerk of the district court the names,
9 addresses, and expiration date of the term of office of per-
10 sons appointed to the county judicial magistrate appointing
11 commission as provided in section ~~602.43,--subsection-3~~ 602.7503
12 of this Act.

13 Sec. 10081. Acts of the Sixty-ninth General Assembly,
14 1981 Session, chapter 117, section 505, subsection 2, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 2. The auditor may issue warrants to pay the following
18 claims against the county without prior approval of the board:

19 a. Witness fees and mileage for attendance before a grand
20 jury, as certified by the county attorney and the foreman
21 of the jury.

22 b. Witness fees and mileage in trials of criminal actions,
23 as certified by the county attorney.

24 c. Fees and costs payable to the clerk of the district
25 court or other state officers or employees in connection with
26 criminal and civil actions when due, as shown in the statement
27 submitted by the clerk of court under section 602.9109 of
28 this Act.

29 d. Expenses of the grand jury, upon order of a district
30 judge.

31 Sec. 10082. Acts of the Sixty-ninth General Assembly,
32 1981 Session, chapter 117, section 508, subsection 1, paragraph
33 c, is amended by striking the paragraph and inserting in lieu
34 thereof the following:

35 c. The amount paid witnesses and bailiffs, respectively,

1 in the district court, the amount of fees paid for the services
 2 of shorthand reporters, attorney fees for defending criminals,
 3 the amount paid as fees and costs to the clerk of the district
 4 court, and related expenditures.

5 Sec. 10083. Acts of the Sixty-ninth General Assembly,
 6 1981 Session, chapter 117, section 508, subsection 1, paragraph
 7 p, is amended to read as follows:

8 p. The reports made during the preceding year by the
 9 treasurer, auditor, recorder, sheriff, ~~clerk,~~ and the commis-
 10 sion of the Iowa department of veterans affairs as required
 11 by law.

12 Sec. 10084. Acts of the Sixty-ninth General Assembly,
 13 1981 Session, chapter 117, section 652, subsection 4, is
 14 amended to read as follows:

15 4. Provide bailiff and other law enforcement service to
 16 the district ~~court~~ judges, district associate judges, and
 17 judicial magistrates of the county ~~and while the judges and~~
 18 ~~magistrates are in session, provide them with the assistance~~
 19 ~~of bailiffs upon request. The sheriff shall appoint the~~
 20 ~~number of bailiffs as the judges and magistrates of the county~~
 21 ~~direct. The bailiffs are deputy sheriffs to the extent that~~
 22 ~~the sheriff delegates law enforcement powers to carry out~~
 23 ~~their duties and for whose acts the sheriff is responsible,~~
 24 ~~but the bailiffs need not be subject to civil service under~~
 25 ~~chapter 341A or mandated law enforcement training.~~

26 Sec. 10085. Acts of the Sixty-ninth General Assembly,
 27 1981 Session, chapter 117, section 900, subsection 6, paragraph
 28 b, is amended to read as follows:

29 b. Expenses incurred in the operation support of the
 30 ~~courts~~ judicial system.

31 Sec. 10086. Acts of the Sixty-ninth General Assembly,
 32 1981 Session, chapter 117, section 901, subsection 1, is
 33 amended to read as follows:

34 1. Unless otherwise specifically provided by statute,
 35 the fees and other charges collected by the auditor, treasurer,

1 recorder, or sheriff, ~~clerk~~, or their ~~respective~~ deputies
2 or employees, belong to the county.

3 Sec. 10087. Acts of the Sixty-ninth General Assembly,
4 1981 Session, chapter 117, section 902, subsection 1, is
5 amended to read as follows:

6 1. The auditor, treasurer, recorder, sheriff, and county
7 attorney, ~~and clerk~~ may appoint, with approval of the board,
8 one or more deputies, assistants, or clerks who do not hold
9 another county office and for whose acts the principal officer
10 shall be responsible. The number of deputies, assistants,
11 and clerks for each office shall be determined by the board
12 and the number and approval of each appointment shall be
13 adopted by a resolution recorded in the minutes of the board.

14 Sec. 10088. Acts of the Sixty-ninth General Assembly,
15 1981 Session, chapter 117, section 903, subsections 1 and
16 6, are amended to read as follows:

17 1. The annual salary of the first and second deputy offi-
18 cer of the office of auditor, treasurer, and recorder, and
19 ~~clerk~~ ~~and~~ the deputy in charge of the motor vehicle registra-
20 tion and title division shall each be an amount not to exceed
21 eighty percent of the annual salary of the deputy's principal
22 officer as determined by the principal officer. In offices
23 where more than two deputies are required, each additional
24 deputy shall be paid an amount not to exceed seventy-five
25 percent of the principal officer's salary. The amount of
26 the annual salary of each deputy shall be certified by the
27 principal officer to the board and, if a deputy's salary does
28 not exceed the limitations specified in this subsection, the
29 board shall certify the salary to the auditor. The board
30 shall not certify a deputy's salary which exceeds the
31 limitations of this subsection.

32 6. The salaries and expenses of the deputy officers, as-
33 sistants, clerks, and other employees of the county shall
34 be paid from the general fund of the county unless otherwise
35 provided by law. ~~The deputy clerks of the district court~~

1 ~~and other employees of the clerk's office may be paid from~~
2 ~~the court expense fund.~~

3 Sec. 10089. Acts of the Sixty-ninth General Assembly,
4 1981 Session, chapter 117, section 906, subsections 1 and
5 5, are amended to read as follows:

6 1. The annual compensation of the auditor, treasurer,
7 recorder, ~~clerk~~, sheriff, county attorney, and supervisors
8 shall be determined as provided in this section. The county
9 compensation board annually shall review the compensation
10 paid to comparable officers in other counties of this state,
11 other states, private enterprise, and the federal government.
12 The county compensation board shall prepare a recommended
13 compensation schedule for the elective county officers. Fol-
14 lowing completion of the compensation schedule, the county
15 compensation board shall publish the compensation schedule
16 in a newspaper having general circulation throughout the
17 county. The publication shall also include a public notice
18 of the date and location of a hearing to be held by the county
19 compensation board not less than one week nor more than three
20 weeks from the date of notice. Upon completion of the public
21 hearing, the county compensation board shall prepare a final
22 compensation schedule recommendation.

23 5. The salaries and expenses of elected county officers
24 shall be paid from the general fund of the county unless
25 otherwise provided by law. ~~The salary and expenses of the~~
26 ~~clerk of the district court may be paid from the court expense~~
27 ~~fund.~~

28 Sec. 10090. Rule of civil procedure 202, Code 1981, is
29 amended to read as follows:

30 202. FOOD AND LODGING. The court may order ~~the sheriff~~
31 ~~to provide suitable~~ that food and lodging ~~at the expense of~~
32 ~~the county~~ be provided at state expense for a jury being kept
33 together to try or deliberate on a cause.

34 Sec. 10091. Rule of criminal procedure 47, Code 1981,
35 is amended to read as follows:

1 Rule 47. BAILIFF OBTAINED. If trial by jury is demanded
2 and a court attendant employed under section 602.7601 of this
3 Act is not available to assist the magistrate, the magistrate
4 shall notify the sheriff who shall furnish a bailiff at that
5 time and place to act as officer of the court.

6 Sec. 10092. Rule of criminal procedure 49, Code 1981,
7 is amended by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. If the judgment and costs are
9 not fully and immediately satisfied, the magistrate shall
10 indicate on the judgment the portion unsatisfied and shall
11 promptly certify a copy of the judgment to the clerk of the
12 district court. The clerk shall index and file the judgment,
13 whereupon it shall be a judgment of the district court.

14 DIVISION IV

15 TRANSITION PROVISIONS

16 Sec. 10201. The supreme court and the state court
17 administrator shall prescribe and distribute initial rules
18 prior to the effective date of this Act as necessary to
19 implement the administrative and supervisory provisions of
20 division II of this Act on the effective date of this Act.

21 Sec. 10202. Persons who are holding office as clerks of
22 the district court on the effective date of this Act are
23 entitled to continue to serve in that capacity until the
24 expiration of their respective terms of office. A vacancy
25 in the office of clerk of the district court occurring on
26 or after the effective date of this Act shall be filled as
27 provided in section 602.1214 of this Act.

28 Sec. 10203.

29 1. It is the intent of the general assembly that those
30 persons who were being paid salaries by the counties
31 immediately prior to the effective date of this Act and who
32 become state employees as a result of this Act shall not
33 forfeit accrued vacation, accrued sick leave, or longevity,
34 except as provided in this section.

35 2. As a part of its rule-making authority under section

1 10201 of this Act, the supreme court, after consulting with
2 the state comptroller, shall prescribe rules to provide for
3 the following:

4 a. Each person referred to in subsection 1 shall have
5 to his or her credit as a state employee commencing on the
6 effective date of this Act the number of accrued vacation
7 days that was credited to the person as a county employee
8 as of the end of the day prior to the effective date of this
9 Act.

10 b. Each person referred to in subsection 1 shall have
11 to his or her credit as a state employee commencing on the
12 effective date of this Act the number of days of accrued sick
13 leave that was credited to the person as a county employee
14 as of the end of the day prior to the effective date of this
15 Act. However, the number of days of sick leave credited to
16 a person under this subsection shall not exceed the maximum
17 number of days that state employees generally are entitled
18 to accrue according to laws and rules in effect as of the
19 effective date of this Act.

20 c. Commencing on the effective date of this Act, each
21 person referred to in subsection 1 is entitled to claim his
22 or her most recent continuous period of service in full-time
23 county employment as full-time state employment for purposes
24 of determining the number of days of vacation which the person
25 is entitled to earn each year. The actual vacation benefit
26 shall be determined according to laws and rules in effect
27 for state employees of comparable longevity, irrespective
28 of any greater or lesser benefit as a county employee.

29 Sec. 10204. It is the intent of the general assembly that
30 public employees who were covered by county employee life
31 insurance and accident and health insurance plans prior to
32 the effective date of this Act and who become state employees
33 as a result of this Act be permitted to apply prior to the
34 effective date of this Act for life insurance and health and
35 accident insurance plans that are available to state employees

1 so that those persons do not suffer a lapse of insurance
2 coverage as a result of this Act. The supreme court, after
3 consulting with the state comptroller, shall prescribe rules
4 and distribute application forms and take other actions as
5 necessary to enable those persons to elect to have insurance
6 coverage that is in effect as of the effective date of this
7 Act. The actual insurance coverage available to a person
8 shall be determined by the plans that are available to state
9 employees, irrespective of any greater or lesser benefits
10 as a county employee.

11 Sec. 10205. It is the intent of the general assembly that
12 the recodification of chapter 605A as contained in division
13 II, article 2 of this Act shall be deemed a continuation of
14 prior law, and without substantive effect on the rights of
15 any member or annuitant of the judicial retirement system.

16 Sec. 10206.

17 1. As used in this section, "base cost" equals twenty-
18 eight million seven hundred forty-six thousand eight hundred
19 thirty-five dollars.

20 2. For purposes of this section, the percentage share
21 of a county is the decimal percentage stated in the following
22 paragraph for that county:

23 Adair, .0034; Adams, .0026; Allamakee, .0055; Appanoose,
24 .0061; Audubon, .0038; Benton, .0087; Black Hawk, .0519;
25 Boone, .0082; Bremer, .0060; Buchanan, .0090; Buena Vista,
26 .0058; Butler, .0052; Calhoun, .0044; Carroll, .0095; Cass,
27 .0052; Cedar, .0085; Cerro Gordo, .0126; Cherokee, .0052;
28 Chickasaw, .0055; Clarke, .0038; Clay, .0059; Clayton, .0065;
29 Clinton, .0183; Crawford, .0056; Dallas, .0111; Davis, .0030;
30 Decatur, .0035; Delaware, .0045; Des Moines, .0187; Dickinson,
31 .0056; Dubuque, .0287; Emmet, .0041; Fayette, .0101; Floyd,
32 .0066; Franklin, .0052; Fremont, .0046; Greene, .0041; Grundy,
33 .0049; Guthrie, .0047; Hamilton, .0061; Hancock, .0053; Hardin,
34 .0069; Harrison, .0056; Henry, .0073; Howard, .0039; Humboldt,
35 .0043; Ida, .0032; Iowa, .0061; Jackson, .0078; Jasper, .0111;

1 Jefferson, .0056; Johnson, .0239; Jones, .0065; Keokuk, .0040;
2 Kossuth, .0052; Lee, .0149; Linn, .0586; Louisa, .0041; Lucas,
3 .0041; Lyon, .0045; Madison, .0047; Mahaska, .0068; Marion,
4 .0067; Marshall, .0137; Mills, .0052; Mitchell, .0050; Monona,
5 .0045; Monroe, .0044; Montgomery, .0049; Muscatine, .0129;
6 O'Brien, .0065; Osceola, .0036; Page, .0047; Palo Alto, .0044;
7 Plymouth, .0074; Pocahontas, .0055; Polk, .1268; Pottawattamie,
8 .0300; Poweshiek, .0058; Ringgold, .0027; Sac, .0058; Scott,
9 .0412; Shelby, .0049; Sioux, .0061; Story, .0191; Tama, .0076;
10 Taylor, .0029; Union, .0088; Van Buren, .0037; Wapello, .0118;
11 Warren, .0086; Washington, .0064; Wayne, .0036; Webster,
12 .0139; Winnebago, .0050; Winneshiek, .0070; Woodbury, .0432;
13 Worth, .0038; and Wright, .0047.

14 3. During the fiscal year commencing July 1, 1983 and
15 ending June 30, 1984, each county shall pay to the treasurer
16 of state for deposit in the state general fund an amount equal
17 to the product of the base cost multiplied by the percentage
18 share of the county.

19 4. During the fiscal year commencing July 1, 1984 and
20 ending June 30, 1985, each county shall pay to the treasurer
21 of state for deposit in the state general fund an amount equal
22 to the product of the base cost multiplied by eighty percent
23 multiplied by the percentage share of the county.

24 5. During the fiscal year commencing July 1, 1985 and
25 ending June 30, 1986, each county shall pay to the treasurer
26 of state for deposit in the state general fund an amount equal
27 to the product of the base cost multiplied by sixty percent
28 multiplied by the percentage share of the county.

29 6. During the fiscal year commencing July 1, 1986 and
30 ending June 30, 1987, each county shall pay to the treasurer
31 of state for deposit in the state general fund an amount equal
32 to the product of the base cost multiplied by forty percent
33 multiplied by the percentage share of the county.

34 7. During the fiscal year commencing July 1, 1987 and
35 ending June 30, 1988, each county shall pay to the treasurer

1 of state for deposit in the state general fund an amount equal
2 to the product of the base cost multiplied by twenty percent
3 multiplied by the percentage share of the county.

4 8. The amount that is payable by a county to the state
5 treasurer during a fiscal year as provided in subsections
6 3 through 7 shall be paid in quarterly installments. One-
7 fourth of the amount payable for the fiscal year shall be
8 paid not later than the first day of each of the months of
9 July, October, January, and April. A delinquent installment
10 shall bear interest for each day of delinquency. The rate
11 of interest that applies to a delinquent installment is the
12 rate that is in effect, as of the latest date for payment
13 of that installment, for deposits of state funds placed on
14 time deposit for a period of eighty-nine days, as established
15 under section 453.6.

16 9. Amounts that are payable by a county under this section
17 may be paid from the court expense fund or the county general
18 fund.

19 Sec. 10207. Commencing July 1, 1982, new employees shall
20 not be hired and vacancies shall not be filled, except as
21 provided in subsection 2, with respect to any of the following
22 agencies or positions:

- 23 a. Offices of the clerks of district court.
- 24 b. Juvenile probation offices.
- 25 c. Court reporters.
- 26 d. District court administrators.
- 27 e. Any other position of employment that is supervised
28 by a district court judicial officer or by a person referred
29 to or employed in an office referred to in paragraph a, b,
30 c, or d.

31 2. A new employee position or vacancy that is subject
32 to subsection 1 may be filled upon approval by the chief judge
33 of the judicial district. The employer seeking to fill the
34 new position or vacancy shall submit a request to the chief
35 judge in the form prescribed by the supreme court, and shall

1 be governed by the decision of the chief judge. The chief
2 judge shall obtain the advice of the district judges of the
3 judicial district respecting decisions to be rendered under
4 this subsection.

5 Sec. 10208. A person who is a county employee as of July
6 1, 1982, and who will become a state employee on the effective
7 date of this Act as a result of this Act shall not be promoted
8 or demoted on or after July 1, 1982, and shall not be subject
9 to a reduction in salary or a reduction in other employee
10 benefits on or after July 1, 1982, except after approval by
11 the chief judge of the judicial district in which employed.
12 An employer wishing to take any of these actions shall apply
13 to the chief judge in a writing that discloses the proposed
14 action, the reasons for the action, and the statutory or other
15 authority for the action. The chief judge shall not approve
16 any proposed action that is unlawful, or that is in violation
17 of an employee's rights, or that is extraordinary when compared
18 with customary practices and procedures of the employer.
19 A chief judge of a judicial district shall obtain the advice
20 of the district judges of that judicial district respecting
21 decisions to be rendered under this section.

22 Sec. 10209.

23 1. As of the effective date of this Act, public property
24 referred to in subsection 2 that on the day prior to the
25 effective date of this Act is in the custody of a person or
26 agency referred to in subsection 3 shall become property of
27 the judicial department for its use in the course of business,
28 and title is transferred for all intents and purposes.

29 2. This section applies to the following property:

30 a. Books, accounts and records that pertain to the
31 operation of the district court.

32 b. Forms, materials and supplies that are consumed in
33 the usual course of business.

34 c. Tables, chairs, desks, lamps, curtains, window blinds,
35 rugs and carpeting, flags and flag standards, pictures and

1 other wall decorations, and other similar furnishings.

2 d. Typewriters, adding machines, desk calculators, cash
3 registers and similar business machines, reproduction machines
4 and equipment, microfiche projectors, tape recorders and
5 associated equipment, microphones, amplifiers and speakers,
6 film projectors and screens, overhead projectors, and similar
7 personal property.

8 e. Filing cabinets, shelving, storage cabinets, and other
9 property used for storage.

10 f. Books of statutes, books of ordinances, books of
11 judicial decisions, and reference books, except those that
12 are customarily held in a law library for use by the public.

13 g. All other personal property that is in use in the
14 operation of the district court.

15 3. This section applies to the following persons and
16 agencies:

17 a. Clerks of the district court.

18 b. Judicial officers.

19 c. District court administrators.

20 d. Juvenile probation officers.

21 e. Court reporters.

22 f. Persons who are employed by a person referred to in
23 paragraphs a through e.

24 4. Notwithstanding subsections 1 through 3, the supreme
25 court has the option to refuse title to any of the following:

26 a. Any item purchased on credit prior to the effective
27 date of this Act if outstanding indebtedness still exists
28 on the effective date of this Act as a result of that purchase
29 and if the supreme court determines that the item was purchased
30 other than in the ordinary course of business.

31 b. Any item obtained pursuant to a lease, lease-purchase
32 agreement, or other contract creating a debt if outstanding
33 indebtedness still exists on the effective date of this Act
34 as a result of the agreement and if the supreme court
35 determines that the decision to obtain the item was

1 unreasonable, arbitrary or capricious, or characterized by
2 an abuse of discretion or an unwarranted exercise of
3 discretion, considering the need if any for the item at the
4 time it was obtained and the availability of reasonable
5 alternative action.

6 If the supreme court refuses title to any item as provided
7 in this subsection, possession and control of the item shall
8 be returned to the county on the effective date of this Act
9 or as soon thereafter as possible.

10 5. As of the effective date of this Act, the state assumes
11 outstanding indebtedness that exists with respect to any item
12 of property that becomes state property pursuant to subsections
13 1 through 3, except that the state does not assume liability
14 that exists with respect to any item which the supreme court
15 refuses to accept under subsection 4.

16 6. Subsections 1 through 5 and 7 do not apply to electronic
17 data storage equipment, commonly referred to as computers,
18 or to computer terminals or any machinery, equipment or
19 supplies used in the operation of computers. Those counties
20 that were providing computer services to the district court
21 prior to the effective date of this Act shall continue to
22 provide these services until the general assembly provides
23 otherwise. The state shall reimburse these counties for the
24 cost of providing these services. Each county providing
25 computer services to the district court shall submit a bill
26 for these services to the supreme court at the end of each
27 calendar quarter. Reimbursement shall be payable from funds
28 appropriated to the supreme court for operating expenses of
29 the district court, and shall be paid within thirty days after
30 receipt by the supreme court of the quarterly billing.

31 7. Personal property of a type that is subject to transfer
32 under subsections 1 through 3 shall be subject to control
33 by the chief judges of the judicial districts commencing July
34 1, 1982. On and after that date a chief judge of a judicial
35 district may issue necessary orders to preserve the use of

1 the property by the district court. A violation of any order
2 is punishable as contempt of court. Commencing on that date,
3 the chief judges, subject to the direction of the supreme
4 court, shall establish and maintain an inventory of property
5 used by the district court.

6 Sec. 10210.

7 1. County employees who become state employees on the
8 effective date of this Act as a result of this Act are state
9 employees as of the effective date of this Act for purposes
10 of chapter 20 of the Code, as provided in section 602.1401
11 of this Act.

12 2. A person who is referred to in subsection 1 and who
13 was subject to a collective bargaining agreement negotiated
14 prior to July 1, 1982 is entitled to the rights and benefits
15 obtained by the person pursuant to that contract after the
16 effective date of this Act and until the contract expires.

17 3. A person who is referred to in subsection 1 and who
18 was subject to a collective bargaining agreement negotiated
19 on or after July 1, 1982 is not entitled on or after the
20 effective date of this Act to any rights or benefits obtained
21 by the person pursuant to that contract.

22 4. Persons who are referred to in subsections 1 and 2
23 may bargain collectively on and after the effective date of
24 this Act as provided by law for employees of the judicial
25 department.

26 DIVISION V

27 APPROPRIATION

28 Sec. 10301. There is appropriated from the general fund
29 of the state to the supreme court for the fiscal year be-
30 ginning July 1, 1982, and ending June 30, 1983, the amount
31 of two hundred thousand (200,000) dollars, or so much thereof
32 as may be necessary, to enable the supreme court to employ
33 additional staff within the state court administrator's office
34 and to undertake such studies of the judicial system of this
35 state as may be necessary to provide for the implementation

1 of this Act.

2

DIVISION VI

3

LAWS REPEALED--EFFECTIVE DATE--CODIFICATION

4 Sec. 10401. REPEALER.

5 1. Chapters 115, 231, 605, 605A, 684, and 685, Code 1981,
6 are repealed.

7 2. Sections 66.25, 607.6, 622.68, and 622.73, Code 1981,
8 are repealed.

9 3. Section 69.8, subsection 3, Code 1981, is amended by
10 striking the subsection. Section 69.8, subsection 6, Code
11 1981, as amended by Acts of the Sixty-ninth General Assembly,
12 1981 Session, chapter 117, section 1204, is amended by striking
13 the subsection.

14 4. Acts of the Sixty-ninth General Assembly, 1981 Session,
15 chapter 117, sections 700 through 704, are repealed.

16 5. Acts of the Sixty-ninth General Assembly, 1981 Session,
17 chapter 117, section 302, subsection 10, is amended by striking
18 the subsection.

19 6. Acts of the Sixty-ninth General Assembly, 1981 Session,
20 chapter 117, section 322, subsection 1, paragraph f, is amended
21 by striking the paragraph.

22 7. Acts of the Sixty-ninth General Assembly, 1981 Session,
23 chapter 117, section 423, subsection 1, paragraph m, is amended
24 by striking the paragraph.

25 8. Acts of the Sixty-ninth General Assembly, 1981 Session,
26 chapter 117, section 501, subsections 10, 44, and 45, are
27 amended by striking the subsections.

28 9. Acts of the Sixty-ninth General Assembly, 1981 Session,
29 chapter 117, section 551, subsection 30, is amended by striking
30 the subsection.

31 10. Acts of the Sixty-ninth General Assembly, 1981 Session,
32 chapter 117, section 652, subsections 7 and 71, are amended
33 by striking the subsections.

34 Sec. 10402.

35 1. The Code editor shall rename title XXX of the Code

1 to correspond to the subject matters contained in chapter
2 602 as amended by this Act.

3 2. The Code editor shall recodify chapter 610 as a new
4 and separate article at the end of chapter 602 as amended
5 by this Act.

6 Sec. 10403. Except as otherwise provided in sections
7 10078, 10201, 10203, 10204, 10207, 10208, 10209, 10210, and
8 10301 of this Act, this Act takes effect July 1, 1983.

9 EXPLANATION

10 This bill reorganizes the courts of Iowa and related agen-
11 cies into a state judicial department that is supervised and
12 administered by the supreme court. All district court
13 personnel, including clerks of the district court, court
14 reporters, probation officers and district court administrators
15 would be state employees.

16 The bill establishes an administrative structure and gives
17 the supreme court authority to govern the affairs of the
18 department.

19 The bill provides that over a period of time the state
20 shall assume the costs of operating the trial courts, except
21 physical facilities and expenses of magistrate appointing
22 commissions and jury commissions. Counties would continue
23 to bear the costs of indigent defense and prosecutions of
24 criminal actions under state laws.

25 The bill provides for a transition period commencing in
26 July of 1983 and ending in June of 1988, during which the
27 financial obligation of the county to fund district court
28 operations would be reduced in increments to zero. During
29 the same period, county revenue from court operations would
30 be shifted to the state in increments.

31 The bill provides that commencing in July of 1983 fine
32 money paid into the county treasury for the benefit of the
33 school districts would be paid into the state treasury for
34 distribution. The school districts would continue to receive
35 in fiscal year 1983-84 and thereafter, the amount which is

1 collected as school district fine revenue during 1983-84.
2 However, any subsequent growth in fine revenue over what is
3 collected in fiscal year 1983-84 would be paid into the state
4 general fund. A standing appropriation is made to permit
5 disbursement of the proper revenues to the school districts
6 by the state comptroller.

7 The bill creates a mechanism by which a county that spends
8 in excess of the statewide per capita cost for indigent defense
9 during a fiscal year is indemnified by other counties to the
10 extent of 80 percent of the excess.

11 The bill contains a recodification of all statutes relating
12 to the courts, except those relating to actions and
13 proceedings.

14 The bill generally would take effect July 1, 1983. The
15 supreme court is given rule-making authority effective July
16 1, 1982 so that it can develop the rules and procedures that
17 will be needed as of the effective date of the remainder of
18 the Act, and an appropriation of \$200,000 is made to the
19 supreme court effective July 1, 1982, to permit the court
20 to employ the additional administrative staff and to take
21 other actions that will be needed prior to the general
22 effective date of the Act. Certain other provisions also
23 take effect July 1, 1982, to permit an orderly transition
24 to the new system.

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SENATE FILE 2233

FISCAL NOTE

REQUESTED BY SENATOR DE KOSTER

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 2233 pursuant to Joint Rule 16.

S.F. 2233 is an Act relating to the organization, administration, supervision, and funding of the courts, and including recodification of court statutes and providing penalties and an appropriation.

This bill reorganizes the courts and related agencies into a state judicial department that is supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, probation officers and district court administrators would become state employees. Over a five-year period, starting July of 1983, the financial obligation of the counties will transfer to the state, except expenses for the physical facilities, magistrate appointing commission, jury commission, indigent defense and prosecutions of criminal actions under state law. The same five-year period of time county revenue from court operations would be shifted to the state. Fine money paid to the county treasury for the benefit of the school districts will be deposited in the state general fund but the schools would continue to receive the same amount as they received in fiscal year 1983-84. Any subsequent growth in school district fine revenue will remain with the state. The bill creates a mechanism by which the counties will participate in an indigent defense indemnification fund.

This bill generally takes effect July, 1983. Prior rule-making authority is given to the supreme court effective July 1, 1982 and makes an appropriation of \$200,000 to permit the court to do the necessary planning.

The legislative council in 1979 contracted with Resources Planning Corporation of Washington, D. C. to prepare the "Iowa Court Financial and Personnel Information Profile." The study determined that during the fiscal years 1976-77 through 1978-79 the various expenditures of counties and state to maintain the court system increased an average 11.5% a year and the various receipts increased an average 12.5% a year. Using those assumptions, the following would be the fiscal effect of the bill:

Estimated Expenditures
(Dollars in Millions)

	Base Year FY 83	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
Clerk of Court	\$ 15.6	17.3	19.3	21.6	24.1	26.8	29.9
Juv. Probation	6.4	7.2	8.0	8.9	10.0	11.1	12.4
Court Reporters	4.5	5.1	5.6	6.3	7.0	7.8	8.7
Jury-Witness	2.2	2.5	2.7	3.0	3.4	3.8	4.2
	<u>\$ 28.7</u>	<u>32.1</u>	<u>35.6</u>	<u>39.8</u>	<u>44.5</u>	<u>49.5</u>	<u>55.2</u>
State's Share	\$ -	3.4	12.6	22.6	33.0	43.8	55.2
Counties Share	28.7	28.7	23.0	17.2	11.5	5.7	-
	<u>28.7</u>	<u>32.1</u>	<u>35.6</u>	<u>39.8</u>	<u>44.5</u>	<u>49.5</u>	<u>55.2</u>

Estimated Revenue
 (Dollars in Millions)

Estimated Revenue	Base Year	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
	FY 83						
Estimated Revenue	\$ <u>2.70</u>	<u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.6</u>
State's Share	\$ -	-	5.0	11.0	18.1	26.5	36.2
Counties' Share	10.7	12.0	10.8	9.1	6.8	3.8	-
Schools' Share	<u>16.3</u>	<u>18.4</u>	<u>18.4</u>	<u>18.4</u>	<u>18.4</u>	<u>18.4</u>	<u>18.4</u>
	\$ <u>27.0</u>	<u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.6</u>

The above amounts use 11.5% increased cost per year and 12.5% increase in receipts per year. These amounts are used because that was the historical increase. Even though the actual percentages will be different, it shows the relationship between the counties and the state's portion during the phase in.

Section 10209 sub. 6 of the bill provides that the counties who provide computer services shall continue to do so unless otherwise directed by the General Assembly and the supreme court shall reimburse the counties for the services. This amount cannot be determined from present records maintained by ~~the~~ court administrator.

FILED:
 MARCH 15, 1982

BY GERRY RANKIN, FISCAL DIRECTOR

SENATE 9
MARCH 26, 1982

SENATE FILE 2233
FISCAL NOTE

REQUESTED BY SENATOR JENSEN

In compliance with a written request there is hereby submitted a Fiscal Note for Amendment S-5354 to Senate File 2233 pursuant to Joint Rule 16.

Amendment S-5354 is an amendment to Senate File 2233. This amendment would add the provision that expense for indigent defense should be assumed by the state during the phase in of the court reorganization bill.

The fiscal effect would be the same phase in as detailed by S.F. 2233.

(Dollars in Millions)

	Base Year <u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
Indigent Defense \$	<u>6.1</u>	<u>6.8</u>	<u>7.5</u>	<u>8.4</u>	<u>9.4</u>	<u>10.4</u>	<u>11.6</u>
States Share \$.7	2.6	4.7	7.0	9.2	11.6
Counties Share	<u>6.1</u>	<u>6.1</u>	<u>4.9</u>	<u>3.7</u>	<u>2.4</u>	<u>1.2</u>	-
\$	<u>6.1</u>	<u>6.8</u>	<u>7.5</u>	<u>8.4</u>	<u>9.4</u>	<u>10.4</u>	<u>11.6</u>

FILED:
MARCH 25, 1982

BY GERRY RANKIN, FISCAL DIRECTOR

SENATE FILE 2233

S-5289

1 Amend Senate File 2233 as follows:

C 2 1. Page 97, line 29, by striking the figure "1984"
3 and inserting in lieu thereof the figure "1985".

4 2. Page 97, line 32, by striking the figure "1983"
5 and inserting in lieu thereof the figure "1984".

6 3. Page 98, by striking line 17 and inserting
7 in lieu thereof the words and figures "year commencing
8 July 1, 1985 and ending June 30, 1986, the".

A 9 4. Page 98, by striking line 21 and inserting
10 in lieu thereof the words and figures "year commencing
11 July 1, 1986 and ending June 30, 1987, the".

12 5. Page 98, by striking line 25 and inserting
13 in lieu thereof the words and figures "year commencing
14 July 1, 1987 and ending June 30, 1988, the".

15 6. Page 98, by striking line 29 and inserting
16 in lieu thereof the words and figures "year commencing
17 July 1, 1988 and ending June 30, 1989, the".

18 7. Page 98, line 33, by striking the figure "1988"
19 and inserting in lieu thereof the figure "1989".

20 8. Page 128, line 7, by striking the figure "1982"
B 21 and inserting in lieu thereof the figure "1983".

22 9. Page 128, line 9, by striking the figure "1983"
23 and inserting in lieu thereof the figure "1984".

24 10. Page 128, line 10, by striking the figure
25 "1982" and inserting in lieu thereof the figure "1983".

26 11. Page 128, line 11, by striking the figure
27 "1983" and inserting in lieu thereof the figure "1984".

28 12. Page 128, line 17, by striking the figure
29 "1982" and inserting in lieu thereof the figure "1983".

30 13. Page 128, by striking line 19 and inserting
31 in lieu thereof the words and figures "July, 1983.
32 In 1985, the state comptroller shall calculate".

33 14. Page 128, by striking line 26, and inserting
34 in lieu thereof the words and figures "commencing
35 July, 1983 and July, 1984, respectively. In 1986".

539
D 36 15. Page 135, by striking lines 17 through 19
37 and inserting in lieu thereof the following:

38 "1. As used in this section, "base cost" equals
39 thirty-two million fifty-two thousand seven hundred
40 twenty-one dollars."

41 16. Page 136, by striking lines 14 and 15 and
A 42 inserting in lieu thereof the following:

43 "3. During the fiscal year commencing July 1,
44 1984 and ending June 30, 1985, each county shall pay
45 to the treasurer".

46 17. Page 136, by striking lines 19 and 20 and
47 inserting in lieu thereof the following:

48 "4. During the fiscal year commencing July 1,
49 1985 and ending June 30, 1986, each county shall pay
50 to the treasurer".

- 1 18. Page 136, by striking lines 24 and 25 and
- 2 inserting in lieu thereof the following:
- 3 "5. During the fiscal year commencing July 1,
- 4 1986 and ending June 30, 1987, each county shall pay
- 5 to the treasurer".
- 6 19. Page 136, by striking lines 29 and 30 and
- 7 inserting in lieu thereof the following:
- 8 "6. During the fiscal year commencing July 1,
- 9 1987 and ending June 30, 1988, each county shall pay
- 10 to the treasurer".
- 11 20. Page 136, by striking lines 34 and 35 and
- 12 inserting in lieu thereof the following:
- 13 "7. During the fiscal year commencing July 1,
- 14 1988 and ending June 30, 1989, each county shall pay
- 15 to the treasurer".
- 16 21. Page 137, line 19, by striking the figure
- 17 "1982" and inserting in lieu thereof the figure "1983".
- 18 22. Page 138, line 6, by striking the figure
- 19 "1982" and inserting in lieu thereof the figure "1983".
- 20 23. Page 138, line 8, by striking the figure
- 21 "1982" and inserting in lieu thereof the figure "1983".
- 22 24. Page 138, line 10, by striking the figure
- 23 "1982" and inserting in lieu thereof the figure "1983".
- 24 25. Page 140, line 34, by striking the figure
- 25 "1982" and inserting in lieu thereof the figure "1983".
- 26 26. Page 141, line 14, by striking the figure
- 27 "1982" and inserting in lieu thereof the figure "1983".
- 28 27. Page 141, line 19, by striking the figure
- 29 "1982" and inserting in lieu thereof the figure "1983".
- 30 28. Page 141, by striking lines 29 and 30 and
- 31 inserting in lieu thereof the words and figures "of
- 32 the state to the supreme court for the portion of
- 33 the fiscal year beginning January 1, 1983 and ending
- 34 June 30, 1983, the amount".
- 35 29. Page 143, line 8, by striking the figure
- 36 "1983" and inserting in lieu thereof the figure "1984".

S-5289 FILED
MARCH 17, 1982

BY COMMITTEE ON APPROPRIATIONS
JOHN MURRAY, CHAIR

A - Adopted 3/25 (p. 908)

Motion to reconsider (p. 920) Lost 3/30 (p. 950)

C-18 - Adopted as amended by 5397 3/29 (p. 939)

B - Placed out of order 2/30 (p. 948)

SENATE FILE 2233

S-5207

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 121, line 29, by inserting after the word
- 3 "in" the words "~~section-606-157-subsection-97-10-ex~~
- 4 20".

S-5207 FILED

BY LUCAS J. DeKOSTER

MARCH 8, 1982

Adopted 3/29 (p. 940)

SENATE FILE 2233

S-5211

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 98, by inserting after line 15 the
- 3 following:
- 4 " . The clerk shall remit all revenue received
- 5 by the clerk during the fiscal year commencing July
- 6 1, 1983 and ending June 30, 1984, to the county
- 7 treasurer."

S-5211 FILED

BY LUCAS J. DeKOSTER

MARCH 9, 1982

Adopted 3/29 (p. 939)

SENATE FILE 2233

S-5334

as proposed amended and reported by the Senate

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 97, by striking lines 10 and 11 and
- 3 inserting in lieu thereof the words "bail received
- 4 from a magistrate to the treasurer of the county for
- 5 the benefit of the school fund. On the first Monday
- 6 in January of each year, the clerk shall make a written
- 7 report to the boards of supervisors of the respective
- 8 counties showing those fines, penalties, and
- 9 forfeitures collected in the district court during
- 10 the previous year which are payable into the county
- 11 treasury for the benefit of the school fund under
- 12 this section."
- 13 2. By striking page 97, line 21 through page 98,
- 14 line 5.

S-5334 FILED
MARCH 23, 1982

BY JOE BROWN

Lois 2/29 (p 939)

SENATE FILE 2233

FISCAL NOTE

REQUESTED BY SENATOR BROWN

In compliance with a written request there is hereby submitted a Fiscal Note for Amendment S-5334 to Senate File 2233 pursuant to Joint Rule 16.

S-5334 amends sections of Senate File 2233 which provide that beginning July 1, 1984 fines and forfeited bail which are currently deposited in the school fund will be forwarded to the State Treasurer and allocated to school districts at the same level as their actual FY 84 distribution, any amount in excess of FY 84 receipts will be deposited in the state general fund. Under S-5334 all of these receipts will continue to be deposited in the school fund and distributed to local districts.

The fiscal effect of S-5334 is to allow whatever growth occurs in these receipts to be distributed to local school districts as miscellaneous income rather than be deposited in the state general fund in support of the modified court financing system. The annual increases in these receipts are estimated to be:

<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
\$2.3M	\$4.9M	\$7.8M	\$11.1M	\$14.7M

SOURCE: ESTIMATES BASED ON:
"IOWA COURT FINANCIAL AND PERSONNEL INFORMATION PROFILE"
RESOURCES PLANNING CORP., WASHINGTON, D.C.

RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 26, 1982

FILED:
MARCH 29, 1982

BY GERRY RANKIN, FISCAL DIRECTOR

SENATE FILE 2233

5354

1 Amend Senate File 2233 as follows:

2 1. Page 10, by striking lines 31 through 35 and
3 inserting in lieu thereof the following:

4 "9. A county shall provide suitable office space
5 for a public defender if established for the county.

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

11 2. Page 121, by inserting after line 15 the
12 following:

13 "Sec. ____ . Section 801.4, subsection 10, Code
14 1981, as amended by Acts of the Sixty-ninth General
15 Assembly, 1981 Session, chapter 117, section 1240,
16 is amended by striking the subsection and inserting
17 in lieu thereof the following:

18 10. "Indigent person" means a person who is
19 determined to be indigent in accordance with section
20 20000 of this Act."

21 3. Page 122, by inserting after line 9 the
22 following:

23 "Sec. ____ . Section 814.9, Code 1981, is amended
24 to read as follows:

25 814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL.
26 If a defendant in a criminal cause has perfected an
27 appeal from a judgment ~~against-him-or-her-and-shall~~
28 ~~satisfy-the-judge-of-the-district-court-that-he-or~~
29 ~~she-is-indigent,-such-judge~~ and is determined by the
30 court to be indigent, the court may order the
31 transcript made at ~~the-expense-of-the-county-where~~
32 ~~the-defendant-was-tried~~ public expense. When an
33 attorney of record is representing ~~such~~ an indigent,
34 ~~said~~ the attorney shall ~~make-application~~ apply to
35 the district court for the transcript.

36 Sec. ____ . Section 814.10, Code 1981, is amended
37 to read as follows:

38 814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN
39 OTHER CASES. If a defendant in a criminal cause has
40 been granted discretionary review from an action of
41 the district court and the appellate court deems a
42 transcript or portions thereof are necessary to proper
43 review of the question or questions raised, the
44 district court shall order the transcript made at
45 ~~the-expense-of-the-county-where-the-defendant-was~~
46 ~~tried,~~ public expense if the defendant is determined
47 to be indigent.

48 Sec. 20000. Chapter 815, Code 1981, is amended
49 by adding the following new section:

50 NEW SECTION. INDIGENCY DETERMINED--PENALTY.

1 1. For purposes of this chapter, section 68.8,
2 section 222.22, chapter 232, chapter 814, and the
3 rules of criminal procedure, a person is indigent
4 if the person is determined to be unable to employ
5 legal counsel without prejudicing the person's
6 financial ability to provide economic necessities
7 for the person or the person's dependent family.

8 2. A person shall not be determined to be indigent
9 except upon the basis of information contained in
10 a detailed financial statement submitted by the person,
11 or in an appropriate case by the person's parent,
12 guardian, or custodian. The financial statement shall
13 be in the form prescribed by the supreme court, and
14 shall contain a full disclosure of all assets,
15 liabilities, current income, dependents, and other
16 information prescribed by the supreme court. The
17 supreme court shall adopt rules under section 602.5202
18 of this Act prescribing the form and content of the
19 financial statement, and the standards by which
20 indigency shall be determined under subsection 1.
21 If a person is granted legal assistance as an indigent,
22 the financial statement shall be filed and permanently
23 retained in the person's court file.

24 3. A person who knowingly submits a false financial
25 statement for the purpose of obtaining legal assistance
26 at public expense commits a fraudulent practice.
27 As used in this subsection, "legal assistance" includes
28 legal counsel, transcripts, witness fees and expenses,
29 and any other goods or services required by law to
30 be provided to an indigent person at public expense.

31 Sec. _____. Chapter 815, Code 1981, is amended by
32 adding the following new section:

33 NEW SECTION. APPOINTMENT OF COUNSEL BY COURT.

34 1. The court, for cause and upon its own motion
35 or upon application by an indigent person or a public
36 defender, may appoint a public defender or any attorney
37 who is admitted to the practice of law in this state
38 to represent an indigent person at any state of the
39 proceedings or on appeal of any action in which the
40 indigent person is entitled to legal assistance at
41 public expense. An appointment shall not be made
42 unless the person is found to be indigent under section
43 20000 of this Act.

44 2. If a court finds that a person desires legal
45 assistance and is not indigent, but refuses to employ
46 an attorney, the court shall appoint a public defender
47 or another attorney to represent the person at public
48 expense. If an attorney other than a public defender
49 is appointed, the fee paid to the attorney shall be
50 taxed as a court cost against the person.

1 3. An attorney other than a public defender who
2 is appointed by the court under subsection 1 or 2
3 shall apply to the district court for compensation
4 and for reimbursement of costs incurred. The amount
5 of compensation due shall be determined in accordance
6 with section 815.7.

7 Sec. ____ Chapter 815, Code 1981, is amended by
8 adding the following new section:

9 NEW SECTION. APPROPRIATIONS FOR INDIGENT DEFENSE.
10 Costs incurred under sections 814.9, 814.10, 814.11,
11 815.4, 815.5, 815.6, 815.7, or the rules of criminal
12 procedure on behalf of an indigent shall be paid from
13 funds appropriated by the general assembly to the
14 supreme court for those purposes."

15 4. Page 124, by striking lines 8 and 9 and insert-
16 ing in lieu thereof the words "establishment-and
17 operation-of-a-public-defender's-office".

18 5. By striking page 124, line 17 through page
19 128, line 28.

20 6. Page 130, line 2, by striking the words "attor-
21 ney fees for defending criminals,".

22 7. Page 130, by inserting after line 25 the fol-
23 lowing:

24 "Sec. ____ Acts of the Sixty-ninth General
25 Assembly, 1981 Session, chapter 117, section 776,
26 subsection 4, is amended to read as follows:

27 4. The board shall determine the compensation
28 of the public defender, subject to limitations
29 established by the general assembly or the supreme
30 court.

31 Sec. ____ Acts of the Sixty-ninth General Assembly,
32 1981 Session, chapter 117, section 776, subsection
33 5, is amended by striking the subsection and inserting
34 in lieu thereof the following:

35 5. a. The board shall provide office space that
36 is for the use of the public defender and that is
37 suitable for the business of the office. However,
38 the board may provide the public defender office with
39 a facility expense allowance in lieu of furnishing
40 office space. If the public defender office serves
41 more than one county, the expense of providing office
42 space or the amount allowed for facility expense shall
43 be apportioned between the counties served on a
44 reasonable basis.

45 b. The board shall provide furniture, equipment,
46 and supplies, that are for the use of the public
47 defender office and that are suitable for the business
48 of the office, out of funds appropriated to the supreme
49 court and allocated by the supreme court to the county
50 for this purpose. If a public defender office serves

1 more than one county, the supreme court shall select
2 one of the counties to perform the duties required
3 by this paragraph. The board shall account to the
4 supreme court for allocations and expenditures under
5 this paragraph.

6 c. The board shall approve the appointment and
7 compensation of deputy public defenders and other
8 employees of the public defender office, subject to
9 limitations established by the general assembly or
10 the supreme court. The compensation and expenses
11 of the public defender, deputy public defenders, and
12 employees of the public defender office shall be paid
13 from funds appropriated to the supreme court and
14 allocated by the supreme court to the county for this
15 purpose. The board shall account to the supreme court
16 for allocations and expenditures under this paragraph.

17 Sec. _____. Acts of the Sixty-ninth General Assembly,
18 1981 Session, chapter 117, section 776, subsection
19 8, is amended to read as follows:

20 8. ~~The compensation-and-expenses-of costs incurred~~
21 by a county in providing office space for the office
22 of public defender may be paid from the court expense
23 fund.

24 Sec. _____. Acts of the Sixty-ninth General Assembly,
25 1981 Session, chapter 117, section 777, subsection
26 2, is amended to read as follows:

27 2. ~~Shall make the determination of indigence~~
28 ~~within-criteria-established-by-the-board-before as~~
29 required under section 20000 of this Act prior to
30 the initial arraignment or other initial court
31 appearance. At or after initial arraignment or other
32 initial court appearance, the a determination of
33 indigence shall be made by the court. The public
34 defender-shall-require-an-indigent-person-requesting
35 legal-assistance-to-complete-a-detailed financial
36 statement which required under section 20000 of this
37 Act shall be filed in the indigent person's court
38 file and retained as a permanent part of the file."

39 8. Page 132, by inserting after line 33 the
40 following:

41 "Sec. _____. Rule of criminal procedure 2, subsection
42 3, Code 1981, as amended by Acts of the Sixty-ninth
43 General Assembly, 1981 Session, chapter 117, section
44 1241, is amended by striking the subsection and
45 inserting in lieu thereof the following:

46 3. COUNSEL FOR INDIGENT. The magistrate may
47 appoint counsel to represent the defendant at public
48 expense if the magistrate determines the defendant
49 to be indigent in accordance with section 20000 of
50 this Act.

1 Sec. _____. Rule of criminal procedure 2, subsection
2 4, paragraph g, subparagraph (2), Code 1981, is amended
3 to read as follows:

4 (2) On application of a defendant addressed to
5 a district judge, showing that the record of
6 preliminary hearing, in whole or in part, should be
7 made available to the defendant's counsel, an order
8 may issue that the clerk make available a copy of
9 the record, or of a portion thereof, to defense
10 counsel. ~~Such~~ The order shall provide for require
11 prepayment of the costs of such the record by the
12 defendant unless the defendant makes a sufficient
13 affidavit that he or she is unable to pay or to give
14 security therefor, in which case the expense shall
15 be paid by the county, provided that if the defendant
16 is indigent the record shall be made at public expense.
17 The prosecution may move also that a copy of the
18 record, in whole or in part, be made available to
19 it, for good cause shown, and an order may be entered
20 granting such motion in whole or in part, on
21 appropriate terms, except that the government need
22 not prepay costs nor furnish security therefor.

23 Sec. _____. Rule of criminal procedure 19, subsection
24 4, Code 1981, is amended to read as follows:

25 4. WITNESSES FOR INDIGENTS. Counsel for a
26 defendant who because of indigency is financially
27 unable to obtain expert or other witnesses necessary
28 to an adequate defense of the case may request
29 compensation in a written application that the
30 necessary witnesses be secured at public expense.
31 Upon finding, after appropriate inquiry, that the
32 services are necessary and that the defendant is
33 financially unable to provide compensation, the court
34 shall authorize counsel to obtain such the witnesses
35 on behalf of the defendant. The court shall determine
36 reasonable compensation for the services and direct
37 payment to the person who rendered them pursuant to
38 chapter 815, The Code.

39 Sec. _____. Rule of criminal procedure 26, subsection
40 1, Code 1981, as amended by Acts of the Sixty-ninth
41 General Assembly, 1981 Session, chapter 117, section
42 1.242, is amended to read as follows:

43 1. REPRESENTATION. Every defendant who is an
44 indigent person as defined in section 775, ~~subsectien~~
45 ~~4-of-this-Act~~ 20000 of this Act is entitled to have
46 counsel appointed to represent him or her at every
47 stage of the proceedings from the defendant's initial
48 appearance before the magistrate or the court through
49 appeal, including probation and parole revocation
50 hearings, unless the defendant waives such appointment.

S-5354
PAGE 6

1 Sec. ____ . Rule of criminal procedure 26.1,
2 subsections 1 and 5, Code 1981, are amended to read
3 as follows:

4 1. An indigent defendant, as defined in section
5 ~~336A-47--The-Code~~ 20000 of this Act, convicted of an
6 indictable offense or a simple misdemeanor where
7 defendant faces the possibility of imprisonment, is
8 entitled to appointment of counsel on appeal or
9 application for discretionary review to the supreme
10 court. Application for appointment of appellate
11 counsel shall be made to the trial court, which shall
12 retain authority to act on such application after
13 notice of appeal or application for discretionary
14 review has been filed. The supreme court, or a justice
15 thereof, shall have authority to appoint counsel in
16 the event the trial court fails or refuses to appoint
17 and it becomes necessary to further provide for
18 counsel.

19 5. If defendant has proceeded as an indigent in
20 the trial court and a financial statement ~~required~~
21 ~~by-section-336B-27--The-Code,~~ already has been filed
22 pursuant to ~~section-336B-47--The-Code,~~ ~~such section~~
23 20000 of this Act, the defendant, upon making appli-
24 cation for appointment of appellate counsel, shall
25 be presumed to be an indigent, and an additional
26 financial statement shall not be required to be
27 submitted to the court, unless evidence is offered
28 that defendant is not an indigent. In all other cases
29 defendant shall be required to submit a financial
30 statement to the trial court. Defendant and appointed
31 appellate counsel shall be under a continuing
32 obligation to inform the trial court of any change
33 in circumstances that would make defendant ineligible
34 to qualify as an indigent."

35 9. Page 135, by striking lines 17 through 19 and
36 inserting in lieu thereof the following:

37 "1. As used in this section, "base cost" equals
38 thirty-four million eight hundred five thousand four
39 hundred fifty-three dollars,".

40 10. Page 142, line 15, by inserting after the
41 figure "704," the words and figures "and sections
42 775 and 778,".

43 11. Page 143, line 7, by striking the number
44 "10078,".

45 12. By renumbering and correcting internal
46 references as necessary.

S-5354 FILED
MARCH 23, 1982

BY JOHN W. JENSEN

A - updated 3/25 (p. 910)
B - 2/25 3/29 (p. 940)

SENATE FILE 2233

S-5400

1 Amend amendment S-5354 to Senate File 2233 as
2 follows:
3 1. Page 6, by striking lines 38 and 39 and
4 inserting in lieu thereof the words "thirty-eight
5 million, eight hundred eight thousand eighty dollars."

S-5400 FILED

BY JOHN W. JENSEN

MARCH 29, 1982

H/D S/Sec (p. 949)

SENATE FILE 2233

S-5385

1 Amend Senate File 2233 as follows:

2 1. By striking page 124, line 17 through page
3 128, line 28 and inserting in lieu thereof the
4 following:

5 "Sec. 10078. Chapter 331, division IV, part 2,
6 Code 1981 Supplement, is amended by adding the
7 following new section:

8 NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.

9 1. Two or more counties may execute an agreement
10 under chapter 28E to create a joint county indigent
11 defense fund to be used to compensate attorneys
12 appointed to represent indigents under section 331.778
13 when funds budgeted for that purpose are exhausted.
14 In addition to other requirements of an agreement
15 under chapter 28E, the agreement shall provide for
16 the amount to be paid by each county based on its
17 population to establish and maintain an appropriate
18 balance in the joint fund and for a method of repayment
19 if a county withdraws more funds than it has
20 contributed.

21 2. The amount to be paid by each county under
22 the agreement may be paid from property taxes levied
23 or from any other funds available to the county for
24 that purpose.

25 3. This section takes effect July 1 following
26 its enactment.

27 Sec. 10079. Section 331.422, Code 1981 Supplement,
28 is amended by adding the following new subsection
29 after subsection 24 and renumbering the remaining
30 subsections:

31 NEW SUBSECTION. For a joint county indigent defense
32 fund, an amount sufficient to make its per capita
33 payment to the fund or to repay excess funds withdrawn
34 from the fund as provided in a joint agreement executed
35 under chapter 28E.

36 This subsection takes effect July 1 following its
37 enactment."

38 2. Page 143, line 7, by inserting after the number
39 "10078," the number "10079,".

40 3. By renumbering sections and correcting internal
41 references as necessary.

S-5385 FILED BY FORREST V. SCHWENGELS
MARCH 25, 1982

Placed out of order 2/30 (p. 948)

SENATE FILE 2233

S-5397

1 Amend amendment S-5289 to Senate File 2233 as
2 follows:

3 1. Page 1, by striking lines 39 and 40 and
4 inserting in lieu thereof the words "thirty-eight
5 million, eight hundred eight thousand eighty dollars."

S-5397 FILED & ADOPTED BY JOHN S. MURRAY
MARCH 29, 1982 (p. 929)

SENATE FILE 2233

S-5399

1 Amend Senate File 2233 as follows:

2 1. By striking page 135, line 23 through page
3 136, line 13, and inserting in lieu thereof the
4 following:

5 "Adair, .0031; Adams, .0022; Allamakee, .0052;
6 Appanoose, .0059; Audubon, .0033; Benton, .0081; Black
7 Hawk, .0563; Boone, .0080; Bremer, .0053; Buchanan,
8 .0086; Buena Vista, .0055; Butler, .0047; Calhoun,
9 .0041; Carroll, .0083; Cass, .0046; Cedar, .0076;
10 Cerro Gordo, .0126; Cherokee, .0047; Chickasaw, .0052;
11 Clarke, .0037; Clay, .0052; Clayton, .0063; Clinton,
12 .0193; Crawford, .0052; Dallas, .0103; Davis, .0030;
13 Decatur, .0033; Delaware, .0048; Des Moines, .0231;
14 Dickinson, .0056; Dubuque, .0297; Emmet, .0047;
15 Fayette, .0097; Floyd, .0061; Franklin, .0047; Fremont,
16 .0042; Greene, .0042; Grundy, .0045; Guthrie, .0043;
17 Hamilton, .0061; Hancock, .0050; Hardin, .0077;
18 Harrison, .0050; Henry, .0073; Howard, .0038; Humboldt,
19 .0041; Ida, .0033; Iowa, .0053; Jackson, .0071; Jasper,
20 .0108; Jefferson, .0055; Johnson, .0251; Jones, .0064;
21 Keokuk, .0036; Kossuth, .0049; Lee, .0153; Linn,
22 .0618; Louisa, .0037; Lucas, .0039; Lyon, .0040;
23 Madison, .0042; Mahaska, .0070; Marion, .0059;
24 Marshall, .0142; Mills, .0049; Mitchell, .0044; Monona,
25 .0042; Monroe, .0039; Montgomery, .0042; Muscatine,
26 .0120; O'Brien, .0058; Osceola, .0032; Page, .0044;
27 Palo Alto, .0042; Plymouth, .0065; Pocahontas, .0053;
28 Polk, .1285; Pottawattamie, .0323; Poweshiek, .0058;
29 Ringgold, .0025; Sac, .0052; Scott, .0408; Shelby,
30 .0045; Sioux, .0056; Story, .0214; Tama, .0076; Taylor,
31 .0026; Union, .0083; Van Buren, .0036; Wapello, .0121;
32 Warren, .0086; Washington, .0066; Wayne, .0032;
33 Webster, .0142; Winnebago, .0043; Winneshiek, .0064;
34 Woodbury, .0487; Worth, .0033; and Wright, .0045."

S-5399 FILED
MARCH 29, 1982

BY JOHN W. JENSEN

Adopted 2/3 (p. 949)

SENATE FILE 2233

S-5398

1 Amend Senate File 2233 as follows:

2 1. Page 124, by inserting after line 16 the
3 following:

4 "Sec. 11111. Chapter 331, division IV, part 2,
5 Code 1981 Supplement, is amended by adding the
6 following new section:

7 NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.

8 1. Two or more counties may execute an agreement
9 under chapter 28E to create a joint county indigent
10 defense fund to be used to compensate attorneys
11 appointed to represent indigents under section 331.778
12 when funds budgeted for that purpose are exhausted,
13 and so long as counties are required by state law
14 to pay compensation to those attorneys. In addition
15 to other requirements of an agreement under chapter
16 28E, the agreement shall provide for the amount to
17 be paid by each county based on its population to
18 establish and maintain an appropriate balance in the
19 joint fund and for a method of repayment if a county
20 withdraws more funds than it has contributed.

21 2. The amount to be paid by each county under
22 the agreement may be paid from property taxes levied
23 or from any other funds available to the county for
24 that purpose.

25 3. This section takes effect July 1 following
26 its enactment.

27 Sec. 22222. Section 331.422, Code 1981 Supplement,
28 is amended by adding the following new subsection
29 after subsection 24 and renumbering the remaining
30 subsections:

31 NEW SUBSECTION. For a joint county indigent defense
32 fund, an amount sufficient to make its per capita
33 payment to the fund or to repay excess funds withdrawn
34 from the fund as provided in a joint agreement executed
35 under chapter 28E for the purposes specified in section
36 11111 of this Act.

37 This subsection takes effect July 1 following its
38 enactment."

39 2. Page 143, line 6, by inserting after the word
40 "sections" the numbers "11111, 22222,".

41 3. By renumbering sections and correcting internal
42 references as necessary.

S-5398 FILED

MARCH 29, 1982

Adopted 2/30 (p. 949)

BY FORREST V. SCHWENGELS

SENATE FILE 2233

S-5224

1 Amend Senate File 2233 as follows:

2 1. Page 2, line 8, by inserting after the word
3 "state" the words ", provided that the clerks of the
4 district court and their deputies and employees shall
5 continue to be county employees".

6 2. By striking page 7, line 31 through page 8,
7 line 1 and inserting in lieu thereof the following:

8 "1. The office of clerk of the district court
9 is an elective office as provided in section 39.17."

10 3. Page 10, by inserting after line 35 the
11 following:

12 " . A county shall pay the salaries, travel
13 and other personal expenses, benefit costs, and all
14 other personnel costs of the clerk of the district
15 court, deputy clerks, and other persons employed in
16 the office of the clerk of the district court."

17 4. Page 11, by striking lines 16 through 18 and
18 inserting in lieu thereof the words "of positions
19 within the department, except clerks of the district
20 court and their deputies and employees."

21 5. Page 14, by striking lines 9 through 22 and
22 inserting in lieu thereof the words "OFFICES. The
23 salaries of the clerks of the district court and their
24 deputies and employees shall be set as provided in
25 Acts of the Sixty-ninth General Assembly, 1981 Session,
26 chapter 117."

27 6. Page 16, by inserting after line 4 the
28 following:

29 " . This section does not apply to clerks of
30 the district court or their deputies or employees."

31 7. By striking page 74, line 31 through page 75,
32 line 7 and inserting in lieu thereof the words "OF
33 THE DISTRICT COURT. The clerk of the district court
34 shall be elected as provided by section 39.17. The
35 clerk of the district court may employ deputies and
36 other employees as provided in Acts of the Sixty-ninth
37 General Assembly, 1981 Session, chapter 117. The
38 clerk of the district court and deputies and employees
39 of the clerk of the district court are county
40 employees, but shall be subject to administrative
41 and supervisory control by the judicial department
42 as provided by law."

43 8. Page 103, line 2, by inserting after the period
44 the words "This subsection does not apply to the
45 clerks of the district court or their deputies and
46 employees."

47 9. Page 103, by striking lines 15 through 21.

48 10. Page 104, by striking lines 3 through 28.

49 11. Page 105, by striking lines 2 through 15.

50 12. Page 105, by striking lines 29 and 30 and

1 inserting in lieu thereof the words "Of the office
2 of the county auditor, by the clerk of the district
3 court; of the clerk of the district court by the state
4 court administrator; or of the county".

5 13. Page 106, by striking lines 8 through 12.

6 14. Page 115, by striking lines 19 through 26.

7 15. Page 115, line 34, by inserting after the
8 word "employees," the words "including the clerks
9 of the district court,".

10 16. Page 123, by striking lines 15 through 20.

11 17. Page 124, by striking lines 6 and 7 and
12 inserting in lieu thereof the words "cluding but not
13 limited to salary and ~~expenses~~ of other personnel
14 costs attributable to the clerk, deputy clerks, and
15 other employees of the clerk's office,".

16 18. By striking page 131, line 3 through page
17 132, line 27.

18 19. Page 133, by striking lines 21 through 27.

19 20. Page 135, by striking lines 17 through 19
20 and inserting in lieu thereof the following:

21 "1. As used in this section, "base cost" equals
22 sixteen million twenty-eight thousand one hundred
23 twenty dollars."

24 21. Page 137, by striking line 23.

25 22. Page 142, by striking lines 10 through 13
26 and inserting in lieu thereof the words "striking
27 the subsection."

28 23. Page 142, by striking lines 16 through 18.

29 24. Page 142, line 26, by striking the figures
30 "10, 44," and inserting in lieu thereof the figure
31 "44".

32 25. Page 142, line 32, by striking the words and
33 figures "subsections 7 and 71, are" and inserting
34 in lieu thereof the words and figure "subsection 71
35 is".

36 26. By renumbering sections, subsections and
37 paragraphs and correcting internal references.

S-5224 FILED

BY RAY TAYLOR

MARCH 10, 1982

A- *Lost 3/25 (p. 909)*

B- *W/C 2/29 (p. 939)*

SENATE FILE 2233

S-5223

1 Amend Senate File 2233 as follows:

2 1. Page 124, by striking line 17 through page 128
3 line 28.

S-5223 FILED

BY LUCAS J. DeKOSTER

MARCH 10, 1982

Placed out of order 3/30 (p. 948)

STATE OF IOWA
F I S C A L N O T ERequest No. 82-361

In compliance with a written request received March 4, 19 82, there is hereby submitted a Fiscal Note for Senate File 2233 as passed pursuant to Joint Rule 16.
Background information used in developing this Fiscal Note is available from the ^{by the SENATE} Legislative Fiscal Bureau, to members of the Legislature upon request.

S.F. 2233, as passed by the Senate, is an Act relating to the organization, administration, supervision, and funding of the courts, and including recodification of court statutes and providing penalties and an appropriation.

This bill reorganizes the courts and related agencies into a state judicial department that is supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, probation court personnel, including clerks of the district court, court reporters, probation officers and district court administrators would become state employees. Over a five-year period, starting July of 1984, the financial obligation of the counties will transfer to the state, except expenses for the physical facilities, magistrate appointing commissions, jury commission, and prosecutions of criminal actions under state law. The same five-year period of time county revenue from court operations would be shifted to the state. Fine money paid to the county treasury for the benefit of the school districts will be deposited in the state general fund but the schools would continue to receive the same amount as they received in fiscal year 1983-84. Any subsequent growth in school district fine revenue will remain with the state. This bill generally takes effect July 1984. Prior rule-making authority is given to the supreme court effective January 1, 1983, and makes an appropriation of \$200,000 to permit the court to do the necessary planning.

The legislative council in 1979 contracted with Resources Planning Corporation of Washington, D.C. to prepare the "Iowa Court Financial and Personnel Information Profile." The study determined that during the fiscal years 1976-77 through 1978-79 the various expenditures of counties and state to maintain the court system increased an average 11.5% a year and the various receipts increased an average 12.5% a year. Using those assumptions, the following would be the fiscal effect of the bill:

Estimated Expenditures
(Dollars in Millions)

	Base Year FY '84	FY '85	FY '86	FY '87	FY '88	FY '89
Clerk of Court	\$ 17.3	19.3	21.6	24.1	26.8	29.9
Juv. Probation	7.2	8.0	8.9	10.0	11.1	12.4
Court Reporters	5.1	5.6	6.3	7.0	7.8	8.7
Jury-Witness	2.5	2.7	3.0	3.4	3.8	4.2
Indigent Defense	6.8	7.5	8.4	9.4	10.4	11.6
	\$ <u>38.9</u>	<u>43.1</u>	<u>48.2</u>	<u>53.9</u>	<u>59.9</u>	<u>66.8</u>
State's Share	\$ -	4.2	17.2	30.6	44.4	59.0
Counties Share	<u>38.9</u>	<u>38.9</u>	<u>31.0</u>	<u>23.3</u>	<u>15.5</u>	<u>7.8</u>
	\$ <u>38.9</u>	<u>43.1</u>	<u>48.2</u>	<u>53.9</u>	<u>59.9</u>	<u>66.8</u>

Estimated Revenue
(Dollars in Millions)

	FY '84	FY '85	FY '86	FY '87	FY '88	FY '89
Estimated Revenue	\$ <u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.6</u>
State's Share	\$ -	-	5.7	12.3	20.3	29.7
Counties' Share	12.0	13.5	12.1	10.3	7.7	4.2
Schools' Share	18.4	20.7	20.7	20.7	20.7	20.7
	\$ <u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.6</u>

The above amounts use 11.5% increased cost per year and 12.5% increase in receipts per year. These amounts are used because that was the historical increase. Even though the actual percentages will be different, it shows the relationship between the counties and the state's portion during the phase in.

Section 10209 sub. 6 of the bill provides that the counties who provide computer services shall continue to do so unless otherwise directed by the General Assembly and the supreme court shall reimburse the counties for the services. This amount cannot be determined from present records maintained by the court administrator.

FILED APRIL 12, 1982

BY GERRY RANKIN, Fiscal Director

Sen Judiciary 3/31
Without recommendation 4/2 (p. 1211)

Senate File 2233

Judiciary and Law Enforcement: Poffenberger, Chair; Johnson of Howard, Sturgeon,
Rapp and Gross.

SENATE FILE **2233**

BY COMMITTEE ON JUDICIARY

Referred Appropriations 4/8
Failed to pass 4/15 (p. 1527)

(AS AMENDED AND PASSED BY THE SENATE ON MARCH 30, 1982)

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

A BILL FOR

1 An Act relating to the organization, administration, super-
2 vision and funding of the courts, and including a recodi-
3 fication of court statutes and providing penalties and an
4 appropriation.

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

SENATE FILE 2233

H-5701

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. By striking page 144, line 29, through page 145,
4 line 4.

H-5701 FILED APRIL 5, 1982 BY POFFENBERGER of Dallas

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by the Senate

* = Language Stricken
by the Senate

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DIVISION I

Section 1. Chapter 602, Code 1981, is amended by striking the chapter and inserting in lieu thereof division II of this Act.

DIVISION II

THE COURTS

ARTICLE 1

JUDICIAL DEPARTMENT

PART 1

DEFINITIONS AND COMPOSITION

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

1. "Court employee" or "employee of the judicial department" means every officer or employee of the judicial department except a judicial officer.

2. "State court administrator" means the person appointed by the supreme court pursuant to section 602.1208 of this Act.

3. "District court administrator" means a person appointed pursuant to section 602.1213 of this Act.

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

5. "Senior judge" means a person who qualifies as a senior judge under division II, article 2, part 2 of this Act.

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

7. "Department" means the judicial department as defined in section 602.1102 of this Act.

8. "Chief justice" means the chief justice of the supreme court selected pursuant to section 602.5103 of this Act.

9. "Magistrate" means a person appointed under division

1 II, article 7, part 4 of this Act to exercise judicial
2 functions.

3 Sec. 1102. NEW SECTION. 602.1102 JUDICIAL DEPARTMENT.

4 The judicial department consists of all of the following:

5 a. The supreme court.

6 b. The court of appeals.

7 c. The district court.

8 *5770* > d. The clerks of all of the courts of this state.

9 e. Juvenile court officers.

10 f. Court reporters.

11 g. All other court employees.

12 PART 2

13 ADMINISTRATION

14 Sec. 1201. NEW SECTION. 602.1201 SUPERVISION AND
15 ADMINISTRATION. The supreme court, by and through the chief
16 justice, has supervisory and administrative control over the
17 department, and over all judicial officers and court employees.

18 Sec. 1202. NEW SECTION. 602.1202 JUDICIAL COUNCIL.

19 A judicial council is established, consisting of the chief
20 judges of the judicial districts, the chief judge of the court
21 of appeals, and the chief justice who shall be the chairperson.
22 The council shall convene not less than twice each year at
23 times and places as ordered by the chief justice. The council
24 shall advise the supreme court with respect to the supervision
25 and administration of the department.

26 Sec. 1203. NEW SECTION. 602.1203 PERSONNEL CONFERENCES.

27 The chief justice may from time to time order conferences
28 of judicial officers or court employees on matters relating
29 to the administration of justice or the affairs of the
30 department.

5526 31 Sec. 1204. NEW SECTION. 602.1204 RULES FOR DEPARTMENT.

32 1. The supreme court shall prescribe rules for the orderly
33 and efficient supervision and administration of the internal
34 affairs of the department. These rules shall be executed
35 by the chief justice.

1 2. The state court administrator may issue directives
2 relating to the management of the department. The subject
3 matters of these directives shall include, but need not be
4 limited to, fiscal procedures, the judicial retirement system,
5 and the collection and reporting of statistical and other
6 data.

5767 >

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

13 Sec. 1205. NEW SECTION. 602.1205 RULES FOR COURTS.

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

17 2. Rules for the district court shall provide for a court
18 session at least once each week in each county to be fixed
19 in advance and announced in the form of a printed schedule,
20 provided that court sessions may be at intervals other than
21 once each week if in the opinion of the chief judge more
22 efficient operations in the district will result. The rules
23 shall also provide for additional sessions for the trial of
24 cases in each county at a frequency which will promptly dispose
25 of the cases that are ready for trial.

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

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

31 2. Supreme court rules shall be published in the Code,
32 but separate from rules of practice and procedure.

33 Sec. 1207. NEW SECTION. 602.1207 REPORT OF THE CONDITION
34 OF THE JUDICIAL DEPARTMENT. The chief justice shall
35 communicate the condition of the department by message to

1 the general assembly at every regular session, and may
2 recommend matters the chief justice deems appropriate.

3 Sec. 1208. NEW SECTION. 602.1208 STATE COURT ADMINISTRA-
4 TOR.

5 1. The supreme court, by majority vote, shall appoint
6 and may remove a state court administrator.

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

11 3. The state court administrator shall employ staff as
12 necessary to perform the duties of the administrator, subject
13 to the approval of the supreme court.

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

21 ⁵⁸²⁵ Sec. 1209. NEW SECTION. 602.1209 GENERAL DUTIES OF THE
22 STATE COURT ADMINISTRATOR. The state court administrator
23 shall:

24 1. Manage the affairs of the judicial department.

25 2. Administer funds appropriated to the department.

26 3. Authorize the filling of vacancies in court employees,
27 and review the qualifications of each person to be employed
28 within the department. The state court administrator shall
29 not approve the employment of a person when either the proposed
30 terms and conditions of employment or the qualifications
31 of the individual do not satisfy personnel policies of the
32 department.

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

35 5. Administer the judicial retirement system as provided

1 in division II, article 2 of this Act.

2 6. Collect and compile statistical and other data, and
3 submit reports relating to judicial business and other affairs
4 of the department.

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

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

13 9. Provide a secretary and clerical services for the board
14 of examiners of shorthand reporters under division II, article
15 4 of this Act.

16 10. Act as executive secretary of the commission on
17 judicial qualifications under division II, article 3 of this
18 Act.

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

21 12. Issue vouchers for the payment of per diem and expenses
22 from funds appropriated for purposes of division II, articles
23 3 and 4 of this Act and chapter 610.

24 13. Collect and account for fees paid to the board of
25 examiners of shorthand reporters under division II, article
26 4 of this Act.

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

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

31 Sec. 1210. NEW SECTION. 602.1210 SELECTION OF CHIEF
32 JUDGES. Not later than December 15 in each odd-numbered year
33 the chief justice shall appoint chief judges of the judicial
34 districts, subject to the approval of the supreme court.
35 The chief judge of a judicial district shall be appointed

1 from those district judges who are serving within the district.
2 A chief judge shall serve for a two-year term and is eligible
3 for reappointment. The supreme court, by majority vote, may
4 remove a person from the position of chief judge. Vacancies
5 in the office of chief judge shall be filled in the same
6 manner. An order appointing a chief judge shall be filed
7 with the clerk of the supreme court, who shall mail a copy
8 to the clerk of the district court in each county in the
9 judicial district.

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

11 1. In addition to judicial duties, a chief judge of a
12 judicial district shall supervise all judicial officers and
13 court employees serving within the district. The chief judge
14 shall by order fix the times and places of holding court,
15 and shall designate the respective presiding judges, supervise
16 the performance of all administrative and judicial business
17 of the district, allocate the workloads of district associate
18 judges and magistrates as necessary in the efficient
19 performance of judicial business, and conduct judicial
20 conferences to consider, study and plan for improvement of
21 the administration of justice.

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

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

32 Sec. 1212. NEW SECTION. 602.1212 DISTRICT JUDICIAL CON-
33 FERENCES.

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

1 a. Promulgate local rules of court, subject to the approval
2 of the supreme court.

3 b. Advise the chief judge respecting supervision and
4 administration of the judicial district.

5 c. Exercise other duties, as established by law or by
6 the supreme court.

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

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

11 1. The chief judge of a judicial district shall appoint
12 and may remove a district court administrator.

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

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

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

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

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

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

5779-31 1. The district judges of each judicial election district
32 shall by majority vote appoint persons to serve as clerks
33 of the district court, one for each county within the judicial
34 election district. A clerk of the district court may be
35 removed from office by a majority vote of the district judges

1 of the judicial election district.

2 2. The clerk of the district court has the duties specified
3 in division II, article 9 of this Act, and other duties as
4 prescribed by law or by the supreme court.

5 3. The clerk of the district court shall assist the state
6 court administrator and the district court administrator in
7 carrying out the policies of the department and the judicial
8 district.

9 4. The clerk of the district court shall comply with
10 policies of the department and the judicial district.

11 Sec. 1215. NEW SECTION. 602.1215 CHIEF JUVENILE COURT
12 OFFICER.

13 1. The district judges within a judicial district, by
14 majority vote, shall appoint and may remove a chief juvenile
15 court officer.

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

19 3. The chief juvenile court officer, in addition to per-
20 forming the duties of a juvenile court officer, shall supervise
21 juvenile court officers and administer juvenile court services
22 within the judicial district in accordance with law and with
23 the policies of the department and the judicial district.

24 4. The chief juvenile court officer shall assist the state
25 court administrator and the district court administrator in
26 implementing policies of the department and the judicial
27 district.

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

31 PART 3

32 FISCAL AFFAIRS AND FUNDING

33 Sec. 1301. NEW SECTION. 602.1301 FISCAL PROCEDURES.

5790 34 1. The supreme court shall prepare an annual operating
35 budget for the department, and shall submit an annual budget

1 request to the general assembly.

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

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

9 a. The preparation, submission, review, and revision of
10 budget requests.

11 b. The allocation and disbursement of funds appropriated
12 to the department.

13 c. The purchase of forms, supplies, equipment, and other
14 property.

15 d. Other matters relating to fiscal administration.

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

5825 21 Sec. 1302. NEW SECTION. 602.1302 STATE FUNDING.

22 1. Except as otherwise provided by section 602.1303 of
23 this Act or other applicable law, the expenses of operating
24 and maintaining the department shall be paid out of the state
25 general fund.

26 2. The supreme court is authorized to accept federal funds
27 to supplement the funds appropriated to the court.

5823 28 Sec. 1303. NEW SECTION. 602.1303 LOCAL FUNDING.

5765 29 1. A county or city shall provide the district court for
30 the county with physical facilities, including heat, water,
31 electricity, maintenance, and custodial services, as follows:

32 a. A county shall provide suitable court rooms, offices,
33 and other physical facilities for the district court, and
34 for judicial officers of the district court, the clerk of
35 the district court, juvenile court officers, and other court

1 employees, as requested by the chief judge of the judicial
2 district. The chief judge may direct the sheriff to procure
5743 3 these facilities at county expense if the county fails to
4 provide them.

5742-5 b. If court is held in a city other than the county seat,
6 the city shall provide suitable courtrooms and other physical
7 facilities as requested by the chief judge of the judicial
8 district. The chief judge may direct the sheriff to procure
5743 9 these facilities at city expense if the city fails to provide
10 them.

11 2. A county shall pay the expenses of the members of the
12 county judicial magistrate nominating commission as provided
13 in section 602.7501 of this Act.

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

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

19 5. A county shall pay the costs incurred in connection
20 with the administration of juvenile justice under section
21 232.141.

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

24 7. A county or city shall pay the costs of its witnesses,
25 depositions and transcripts and the court fees and costs pro-
26 vided by law in criminal actions prosecuted by that county
27 or city.

28 8. A county shall pay its share of the transition funding
29 for court reorganization as provided in section 10206 of this
30 Act.

31 9. A county shall provide suitable office space for a
32 public defender if established for the county.

33 10. A county shall pay the fees and expenses allowed under
34 sections 815.2 and 815.3, and shall pay the fees and expenses
35 allowed under sections 815.5 and 815.6 with respect to

1 witnesses for the prosecution.

2 Sec. 1304. NEW SECTION. 602.1304 REVENUES. Except as
3 provided in section 602.1305 of this Act, all fees and other
4 revenues collected by judicial officers and court employees
5 shall be paid into the general fund of the state.

6 Sec. 1305. NEW SECTION. 602.1305 REVENUES OF THE DISTRICT
7 COURT. All fees, costs, forfeited bail, and other court
8 revenues collected by the district court shall be distributed
9 as provided in division II, article 9 of this Act.

10 PART 4

11 PERSONNEL

12 Sec. 1401. NEW SECTION. 602.1401 PERSONNEL SYSTEM.

13 1. The supreme court shall establish, and may amend from
14 time to time, a personnel system for court employees. The
15 personnel system shall include a designation by position
16 title, classification and function of each position or class
17 of positions within the department. Reasonable efforts shall
18 be made to accommodate the individual staffing and management
19 practices of the respective clerks of the district court.

20 2. The supreme court shall compile and publish all docu-
21 ments that establish the personnel system, and shall distribute
22 a copy of the compilation and all amendments to each operating
23 component of the department.

24 3. The supreme court is the employer of court employees
25 for purposes of chapter 20, relating to public employment
26 relations.

27 4. The supreme court may establish reasonable classes
28 of employees as necessary to accomplish the purposes of the
29 personnel system.

30 Sec. 1402. NEW SECTION. 602.1402 PERSONNEL CONTROL.

31 The employment of court employees within an operating component
32 of the judicial department is subject to prior authorization
33 by the supreme court, and to approval by the state court
34 administrator under section 602.1209 of this Act.

35 PART 5

1 COMPENSATION OF JUDICIAL OFFICERS AND COURT EMPLOYEES

2 Sec. 1501. NEW SECTION. 602.1501 JUDICIAL SALARIES.

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

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

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

9 4. District associate judges shall receive the salary
10 set by the general assembly, provided that an alternate
11 district associate judge appointed under section 602.7303
12 of this Act shall receive forty dollars for each day of actual
13 duty, in lieu of a salary.

14 5. Magistrates shall receive the salary set by the general
15 assembly, subject to section 602.7402 of this Act.

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

5945 18 1. The supreme court shall set the compensation of the
19 state court administrator, deputy administrator, and research
20 director. The salary of the administrator, deputy
21 administrator, and research director shall be not less than
22 twenty-seven thousand or more than thirty-seven thousand eight
23 hundred dollars annually for the fiscal year beginning July
24 1, 1981, and not less than twenty-nine thousand two hundred
25 or more than forty thousand eight hundred dollars annually
26 for the fiscal year beginning July 1, 1982, and subsequent
27 fiscal years until otherwise provided by the general assembly.

5745 28 2. The state court administrator, with the approval of
29 the supreme court, shall set the salaries of assistants and
30 employees of the office of the state court administrator.
31 The salaries of the assistants, except the court fiscal
32 director, shall be not less than sixteen thousand two hundred
33 or more than twenty-seven thousand dollars annually for the
34 fiscal year beginning July 1, 1981, and not less than seventeen
35 thousand five hundred or more than twenty-nine thousand two

1 hundred dollars annually for the fiscal year beginning July
2 1, 1982, and subsequent fiscal years until otherwise provided
3 by the general assembly. The salary of the court fiscal
4 director shall be not less than twenty-one thousand six hundred
5 dollars or more than thirty-two thousand four hundred dollars
6 for the fiscal year beginning July 1, 1981, and not less than
7 twenty-three thousand three hundred or more than thirty-five
8 thousand dollars for the fiscal year beginning July 1, 1982
9 and subsequent fiscal years until otherwise provided by the
10 general assembly.

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

13 1. The supreme court shall set the salary of the clerk
14 of the supreme court, which shall not be less than twenty-
15 one thousand six hundred or more than thirty-two thousand
16 four hundred dollars annually for the fiscal year beginning
17 July 1, 1981, and not less than twenty-three thousand three
18 hundred or more than thirty-five thousand dollars annually
19 for the fiscal year beginning July 1, 1982, and subsequent
20 fiscal years until otherwise provided by the general assembly.

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

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

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

31 1. The chief judge of a judicial district shall set the
32 salary of the district court administrator, which shall be
33 not less than twenty-two thousand dollars and not more than
34 thirty-four thousand dollars annually, provided that any
35 person who is employed as a district court administrator on

1 October 1, 1981, at a salary greater than this maximum amount
2 is entitled to continue to receive the salary in effect for
3 the person on that date.

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

9 Sec. 1505. NEW SECTION. 602.1505 DISTRICT COURT CLERK
10 OFFICES.

11 1. The chief judge of each judicial district shall set
12 the salaries of the clerks of the district court within the
13 judicial district.

14 2. The annual salary of each of the first and second
15 deputies to a clerk of the district court shall not exceed
16 eighty percent of the annual salary of the clerk of the
17 district court. In offices where more than two deputies are
18 required, the salary of each additional deputy shall not
19 exceed seventy-five percent of the annual salary of the clerk.

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

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

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

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

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

34 1. The supreme court shall set the annual salary of each
35 full-time court reporter of the district court based on the

1 reporter's experience and within the following salary ranges:

2 a. For the fiscal year beginning July 1, 1981, the salary
3 shall be not less than fifteen thousand four hundred fifty
4 dollars or more than twenty-three thousand nine hundred fifty
5 dollars.

6 b. For the fiscal year beginning July 1, 1982, the salary
7 shall be not less than fifteen thousand four hundred fifty
8 dollars or more than twenty-five thousand eight hundred fifty
9 dollars.

10 A salary increase under this subsection is effective on
11 the employment anniversary of the court reporter.

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

17 3. Court reporters who are employed on an emergency basis
18 in the district court shall be paid not more than seventy-
19 five dollars per day while employed by the court. Payments
20 of accrued per diem shall be made at least once each month.

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

25 Sec. 1508. NEW SECTION. 602.1508 COMPENSATION OF
26 REFEREES. Referees and other persons referred to in section
27 602.7602 of this Act shall receive a salary or other
28 compensation as set by rule of the supreme court.

29 Sec. 1509. NEW SECTION. 602.1509 EXPENSES.

30 1. When a judicial officer, court employee, or other
31 person providing professional services to the courts is
32 required to travel in the discharge of official duties, the
33 person shall be paid actual and necessary expenses incurred
34 in the performance of duties, not to exceed a maximum amount
35 set by the supreme court by rule prescribing the maximum

1 amounts, terms, and conditions of reimbursement.

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

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

10 Sec. 1511. NEW SECTION. 602.1511 BOARD OF EXAMINERS
11 FOR SHORTHAND REPORTERS. Members of the board of examiners
12 for certified shorthand reporters appointed under division
13 II, article 4 of this Act shall receive actual and necessary
14 expenses pursuant to section 602.1509 of this Act and per
15 diem compensation for each day actually engaged in the
16 discharge of duties. The supreme court shall set the per
17 diem at a rate not exceeding forty dollars.

18 Sec. 1512. NEW SECTION. 602.1512 COMMISSION ON JUDICIAL
19 QUALIFICATIONS. The members of the commission on judicial
20 qualifications, other than the judicial member, shall receive
21 per diem compensation at the rate of forty dollars for each
22 day that they are actually engaged in the performance of
23 duties. All of the members shall be reimbursed for actual
24 and necessary expenses pursuant to section 602.1509 of this
25 Act.

26 PART 6

27 GENERAL PROVISIONS

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

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

35 1. Give instructions to a jury then deliberating on its

1 verdict.

2 2. Receive a verdict or discharge a jury.

3 3. Exercise the powers of a magistrate in a criminal
4 proceeding.

5 4. Perform other acts as provided by law.

6 Sec. 1603. NEW SECTION. 602.1603 JUDGE TO BE ATTORNEY.

7 A person is not eligible for, and shall not hold the office
8 of supreme court justice, court of appeals judge, district
9 judge, or district associate judge unless admitted to the
10 practice of law in this state.

11 Sec. 1604. NEW SECTION. 602.1604 JUDGES SHALL NOT

12 PRACTICE LAW. While holding office, a supreme court justice,
13 court of appeals judge, district judge, or district associate
14 judge shall not practice as an attorney or counselor or give
15 advice in relation to any action pending or about to be brought
16 in any of the courts of the state. However, a person appointed
17 as an alternate district associate judge under section 602.7303
18 of this Act may practice law except when actually serving
19 as a district associate judge.

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

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

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

34 Sec. 1606. NEW SECTION. 602.1606 JUDICIAL OFFICER

35 DISQUALIFIED. A judicial officer is disqualified from acting

1 in a proceeding, except upon the consent of all of the parties,
2 if any of the following circumstances exist:

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

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

11 3. The judicial officer knows that he or she, individually
12 or as a fiduciary, or his or her spouse or minor child residing
13 in his or her household, has a financial interest in the
14 subject matter in controversy or in a party to the proceeding,
15 or has any other interest that could be substantially affected
16 by the outcome of the proceeding.

17 4. The judicial officer or the officer's spouse, or a
18 person within the third degree of relationship to either of
19 them or the spouse of such a person, is a party to the
20 proceeding, or an officer, director, or trustee of a party,
21 or is acting as a lawyer in the proceeding, or is known by
22 the judicial officer to have an interest that could be
23 substantially affected by the outcome of the proceeding,
24 or is, to the judicial officer's knowledge, likely to be a
25 material witness in the proceeding.

26 Sec. 1607. NEW SECTION. 602.1607 COURT EMPLOYEES SHALL
27 NOT PRACTICE LAW. Court employees shall not, for compensation,
28 practice as attorneys or give advice in relation to actions
29 pending or about to be brought in any of the courts of this
30 state.

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

35 Sec. 1609. NEW SECTION. 602.1609 COMPLIANCE WITH GIFT

1 LAW. Judicial officers and court employees shall comply with
2 rules adopted by the supreme court under section 68B.11 with
3 respect to the reporting of gifts received. Violations are
4 subject to the criminal penalties provided in that section.

5 Sec. 1610. NEW SECTION. 602.1610 MANDATORY RETIREMENT.

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

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

11 b. The mandatory retirement age is seventy-two years for
12 all justices of the supreme court, judges of the court of
13 appeals and district judges appointed to office after July
14 1, 1965.

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

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

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

21 1. Justices of the supreme court, judges of the court
22 of appeals and district judges are members of either the
23 judicial retirement system or the Iowa public employees'
24 retirement system, as determined under section 97B.69 and
25 division II, article 2, part 1 of this Act.

26 2. District associate judges who were municipal court
27 judges prior to July 1, 1973, and who are members of the
28 judicial retirement system under division II, article 2 of
29 this Act shall remain members thereof. Other district
30 associate judges are members of the Iowa public employees'
31 retirement system, except that alternate district associate
32 judges appointed under section 602.7303 of this Act are not
33 members of either retirement system.

34 3. Magistrates may elect to be members of the Iowa public
35 employees' retirement system upon filing in writing with the

1 Iowa department of job service as provided in section 97B.41,
2 subsection 3, paragraph b.

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

5 1. Justices of the supreme court, judges of the court
6 of appeals and district judges who are retired by reason of
7 age or who are drawing benefits under section 602.2106 of
8 this Act, and senior judges who have retired under section
9 602.2207 of this Act or who have relinquished senior judgeship
10 under section 602.2208, subsection 1 of this Act, may with
11 their consent be assigned by the supreme court to temporary
12 judicial duties on a court in this state. A retired officer
13 shall not be assigned to temporary judicial duties on any
14 court superior to the highest court to which that officer
15 had been appointed prior to retirement, and shall not be
16 assigned for temporary duties with the supreme court or the
17 court of appeals except in the case of a temporary absence
18 of a member of one of those courts.

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

24 3. While serving under temporary assignment, a retired
25 justice or judge shall be paid the compensation and expense
26 reimbursement provided by law for justices or judges on the
27 court to which assigned, but shall not receive annuity payments
28 under the judicial retirement system.

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

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

1 to serve.

2 Sec. 1613. NEW SECTION. 602.1613 COURT EMPLOYEE
3 RETIREMENT. Employees of the judicial department shall be
4 members of the Iowa public employees' retirement system under
5 chapter 97B, except as otherwise provided in that chapter.

6 ARTICLE 2

7 JUDICIAL RETIREMENT

8 PART 1

9 JUDICIAL RETIREMENT SYSTEM

10 Sec. 2101. NEW SECTION. 602.2101 SYSTEM CREATED--
11 DEFINITIONS.

12 1. There is a "Judicial Retirement System".

13 2. As used in this article, unless the context otherwise
14 requires:

15 a. "System" means the judicial retirement system.

16 b. "Judge" means a supreme court justice, court of appeals
17 judge, or district judge, or a district associate judge who
18 was a municipal court judge prior to July 1, 1973.

19 c. "Fund" means the judicial retirement fund established
20 by section 602.2104 of this Act.

21 d. "Survivor" means as defined in section 602.2115 of
22 this Act.

23 Sec. 2102. NEW SECTION. 602.2102 ADMINISTERED BY STATE
24 COURT ADMINISTRATOR. The state court administrator shall
25 administer the system, and may promulgate rules for the system
26 that are not inconsistent with this article.

27 Sec. 2103. NEW SECTION. 602.2103 NOTICE BY JUDGE IN
28 WRITING. This article does not apply to a judge who otherwise
29 qualifies for membership in the system until the judge gives
30 notice in writing to the state comptroller and treasurer of
31 state of the judge's election to become a member of the system.
32 Notice shall be given within one year after the date on which
33 the judge takes the oath of office as judge.

34 Sec. 2104. NEW SECTION. 602.2104 DEPOSIT BY JUDGE--
35 DEDUCTIONS--CONTRIBUTIONS BY STATE.

1 1. A judicial retirement fund is established in the state
2 treasury.

3 2. Each judge shall, on or before retirement, pay to the
4 state court administrator for deposit in the fund a sum equal
5 to four percent of the judge's basic salary for services as
6 a judge for the aggregate period of service on the municipal,
7 superior, district or supreme courts, or the court of appeals
8 prior to the date of giving notice. However, the maximum
9 amount that a judge is required to contribute for past service
10 is three thousand five hundred dollars for a municipal or
11 superior court or district associate judge, four thousand
12 dollars for a district judge, four thousand five hundred
13 dollars for a court of appeals judge, and five thousand dollars
14 for a supreme court justice. On and after the date notice
15 is given, four percent of the basic salary of the judge shall
16 be withheld from the salary of the judge and deposited in
17 the fund.

18 3. The fund is hereby appropriated for the payment of
19 the annuities, refunds, and allowances provided in this
20 article.

21 4. A judge electing to become a member of the system is
22 deemed to consent to the deduction from basic salary that
23 is provided in this section, and payment of the basic salary
24 less the deduction discharges all claims and demands with
25 respect to regular services rendered during the period covered
26 by the payment, except the right to the benefits to which
27 the judge is entitled under this article.

28 5. The state shall contribute sums to finance the system
29 as necessary over the amounts contributed by judges.

30 Sec. 2105. NEW SECTION. 602.2105 QUALIFICATION
31 CONDITIONS. A person is not entitled to receive an annuity
32 under this article unless the person has contributed to the
33 fund as provided in this article for the person's entire
34 period of service as a judge, or unless the person is entitled
35 to a survivor's annuity under section 602.2115 of this Act.

1 Sec. 2106. NEW SECTION. 602.2106 RETIREMENT. A person
2 who becomes separated from service as a judge, and who has
3 completed an aggregate of at least six years of service as
4 a judge, and who has attained the age of sixty-five years
5 or has completed twenty-five years of consecutive service
6 as a judge, and who has otherwise qualified as provided in
7 this article, is entitled to an annuity as provided in this
8 article.

9 Sec. 2107. NEW SECTION. 602.2107 AMOUNT OF ANNUITY.
10 The annuity of a judge under the system is an amount equal
11 to three percent of the average annual basic salary of the
12 judge for the last three years of service as a judge,
13 multiplied by the aggregate number of years of service as
14 a judge, but an annuity shall not exceed an amount equal to
15 fifty percent of the salary that the judge is receiving at
16 the time the judge becomes separated from service.

17 Sec. 2108. NEW SECTION. 602.2108 INDIVIDUAL ACCOUNTS-
18 -REFUNDING. The amounts withheld from the salary of a judge
19 under this article for the credit of the fund, and all amounts
20 paid into the fund by the judge, shall be credited to the
21 individual account of the judge. If the judge becomes
22 separated from service as a judge before completing an
23 aggregate of six years of service as a judge, the total amount
24 of the judge's contributions to the fund shall be returned
25 in one sum to the judge or to the judge's legal
26 representatives. If a judge who has completed an aggregate
27 of six years or more of service as a judge dies before
28 retirement and without a survivor, the total amount of the
29 judge's contributions to the fund shall be paid in one sum
30 to the judge's legal representatives. If a judge who is
31 receiving an annuity under this article dies without a survivor
32 and without having received in annuities an amount equal to
33 the total amount held to the judge's credit at the time of
34 separation from service, the amount remaining to the judge's
35 credit at the time of death shall be paid in one sum to the

1 judge's legal representatives.

2 Sec. 2109. NEW SECTION. 602.2109 PAYMENT OF ANNUITIES.

3 Annuities are due and payable in monthly installments, and
4 shall continue during the life of the annuitant. An annuity
5 shall be paid on the last business day of the month following
6 the month or other period for which the annuity has accrued.
7 Payment of all annuities, refunds, and allowances from the
8 fund shall be made by checks or warrants issued by the state
9 comptroller. Applications for annuities shall be in the form
10 prescribed by the state comptroller.

11 Sec. 2110. NEW SECTION. 602.2110 OTHER PUBLIC EMPLOYMENT
12 PROHIBITED. An annuity shall not be paid to any person,
13 except a survivor, while the person is serving as a state
14 officer or employee.

15 This section does not prohibit the payment of an annuity
16 to a senior judge while serving as provided in section 602.2206
17 of this Act.

18 Sec. 2111. NEW SECTION. 602.2111 INVESTMENT OF FUND.

19 The portion of the fund that is not needed for disbursements
20 shall be invested by the treasurer of state in bonds or other
21 evidences of indebtedness issued, assumed, or guaranteed by
22 the United States or by an agency or instrumentality of the
23 United States, or in investments authorized for the Iowa
24 public employees' retirement system in section 97B.7,
25 subsection 2, paragraph b. Earnings shall be credited to
26 the fund.

27 Sec. 2112. NEW SECTION. 602.2112 VOLUNTARY RETIREMENT

28 FOR DISABILITY. A judge who is a member of the system, and
29 who has served as a judge for a period of at least six years
30 in the aggregate, and who believes he or she has become
31 permanently incapacitated, physically or mentally, to perform
32 the duties of office, may personally or by next friend or
33 guardian file with the state court administrator a written
34 application for retirement. The application shall be filed
35 in duplicate and shall be accompanied by an affidavit

1 disclosing the duration and particulars of the judge's service
2 and the nature of the incapacity. The state court
3 administrator shall transmit one copy of the application and
4 affidavit to the chief justice, who shall request in writing
5 that the attorney general cause an investigation of the claimed
6 incapacity and report back the results in writing. If the
7 chief justice finds from the report of the attorney general
8 that the applicant is permanently incapacitated, physically
9 or mentally, to perform the duties of office, the chief justice
10 shall by endorsement on the report declare the applicant
11 retired and the office vacant. The chief justice shall file
12 the report in the office of the state court administrator,
13 and shall file a copy in the office of the secretary of state.
14 From the date of filing, the applicant shall be deemed retired
15 from office and entitled to the benefits of this article to
16 the same extent as if the applicant had retired under section
17 602.2106 of this Act.

18 Sec. 2113. NEW SECTION. 602.2113 RETIREMENT BENEFITS
19 FOR DISABILITY. An adjudication of permanent physical or
20 mental disability by the supreme court under section 602.3106,
21 subsection 3, paragraph a of this Act entitles the judge to
22 the same retirement benefits as those that are provided for
23 voluntary retirement for the same cause.

24 Sec. 2114. NEW SECTION. 602.2114 FORFEITURE OF BENEFITS-
25 -REFUND. If a judge who is a member of the system is removed
26 for cause other than permanent disability, the judge and any
27 survivor shall forfeit the right to retirement benefits under
28 the system, but the total amount of the judge's contributions
29 to the fund shall be returned in one sum to the judge or to
30 a legal representative of the judge.

31 Sec. 2115. NEW SECTION. 602.2115 ANNUITY FOR SURVIVOR
32 OF ANNUITANT.

33 1. The survivor of a judge who was qualified to receive
34 an annuity under the system at the time of death is entitled
35 to receive an annuity of one-half the amount of the annuity

1 the judge was receiving or would have been entitled to receive
2 at the time of death, or if the judge died before age sixty-
3 five, then one-half of the amount the judge would have been
4 entitled to receive at age sixty-five based on years of
5 service. A survivor's annuity shall begin on the judge's
6 death, or on the date the judge would have been sixty-five
7 if the judge died earlier than age sixty-five, or upon the
8 survivor's reaching age sixty, whichever is later.

9 2. For purposes of this article, "survivor" means the
10 surviving spouse of a judge, if married to the judge for at
11 least five years next preceding the judge's death, but does
12 not include a surviving spouse who remarries.

13 3. If a judge dies leaving a survivor, but without
14 receiving in annuities an amount equal to the judge's credit,
15 the balance shall be credited to the account of the survivor,
16 and if the survivor dies without remarrying and without
17 receiving in annuities an amount equal to that balance, the
18 amount then remaining shall be paid to the survivor's legal
19 representative.

20 Sec. 2116. NEW SECTION. 602.2116 ACTUARIAL VALUATION.

21 1. The state court administrator shall cause an actuarial
22 valuation to be made of the assets and liabilities of the
23 system at least once every four years commencing with the
24 fiscal year beginning July 1, 1981. The state court
25 administrator, upon the recommendation of the actuary, shall
26 adopt mortality tables and other necessary factors for use
27 in the actuarial calculations required for the valuation.
28 Following the actuarial valuation, the state court
29 administrator shall determine the condition of the system
30 and shall report findings and recommendations to the general
31 assembly.

32 2. The cost of the actuarial valuation shall be paid from
33 the fund.

34 PART 2

35 IOWA SENIOR JUDGE ACT

1 Sec. 2201. NEW SECTION. 602.2201 SHORT TITLE. This
2 part may be cited and referred to as the Iowa senior judge
3 Act.

4 Sec. 2202. NEW SECTION. 602.2202 DEFINITIONS. As used
5 in this part unless the context otherwise requires:

6 1. "Senior judge" means a judge who has become a senior
7 judge under section 602.2203 of this Act and who has not been
8 retired or removed from the roster of senior judges under
9 section 602.2207 or 602.2208 of this Act.

10 2. "Retired senior judge" means a senior judge who has
11 been retired from a senior judgeship as provided in section
12 602.2207 of this Act.

13 3. "Roster of senior judges" means the roster maintained
14 by the clerk of the supreme court under section 602.2203,
15 subsection 3 of this Act.

16 4. "Twelve-month period" means each successive one-year
17 period during the time a judge is a senior judge, commencing
18 on the date the judge becomes a senior judge.

19 Sec. 2203. NEW SECTION. 602.2203 SENIOR JUDGESHIP
20 REQUIREMENTS.

21 1. A judge who meets the requirements under subsection
22 2 may become a senior judge by filing with the clerk of the
23 supreme court a written election in the form specified by
24 the state court administrator. The election shall be filed
25 not later than the date of retirement.

26 2. A judge qualifies for a senior judgeship if the judge
27 meets all of the following requirements:

28 a. Retires from office, whether or not at mandatory
29 retirement age.

30 b. Meets the minimum requirements for entitlement to an
31 annuity as specified in section 602.2106 of this Act.

32 c. Agrees in writing on a form prescribed by the state
33 court administrator to be available while a senior judge to
34 perform judicial duties as assigned by the supreme court for
35 an aggregate period of thirteen weeks out of each twelve-month

1 period.

2 d. Submits evidence to the satisfaction of the supreme
3 court that as of the date of retirement the judge does not
4 suffer from a permanent physical or mental disability which
5 would substantially interfere with the performance of duties
6 agreed to under paragraph c of this subsection.

7 3. The clerk of the supreme court shall maintain a book
8 entitled "Roster of Senior Judges", and shall enter in the
9 book the name of each judge who files a timely election under
10 subsection 1 and qualifies under subsection 2. A person shall
11 be a senior judge upon entry of the person's name in the
12 roster of senior judges and until the person becomes a retired
13 senior judge as provided in section 602.2207 of this Act,
14 or until the person's name is stricken from the roster of
15 senior judges as provided in section 602.2208 of this Act,
16 or until the person dies.

17 4. The supreme court shall cause a senior judge to actually
18 perform judicial duties during each twelve-month period.

19 Sec. 2204. NEW SECTION. 602.2204 ANNUITY OF SENIOR JUDGE
20 AND RETIRED SENIOR JUDGE. A senior judge or a retired senior
21 judge shall not be paid a salary. A senior judge or retired
22 senior judge shall be paid an annuity under the system in
23 the manner provided in section 602.2109 of this Act, but
24 computed under this section in lieu of section 602.2107 of
25 this Act, as follows: The annuity paid to a senior judge
26 or retired senior judge shall be an amount equal to three
27 percent of the current base salary, as of the time each payment
28 is made, of the office in which the senior judge last served
29 as a judge before retirement as a judge or senior judge,
30 multiplied by the judge's aggregate years of service prior
31 to retirement as a judge of one or more of the courts included
32 under this article, but the annuity of the senior judge or
33 retired senior judge shall not exceed fifty percent of that
34 current base salary.

35 Sec. 2205. NEW SECTION. 602.2205 PRACTICE OF LAW

1 PROHIBITED. A senior judge shall not practice law.

2 Sec. 2206. NEW SECTION. 602.2206 TEMPORARY SERVICE BY
3 SENIOR JUDGE. During the tenure of a senior judge, the supreme
4 court may assign the senior judge to serve, if able, temporary
5 judicial duties on courts of this state without salary for
6 an aggregate of thirteen weeks out of each twelve-month period,
7 and for additional weeks with the senior judge's consent.
8 A senior judge shall not be assigned to judicial duties on
9 a court superior to the highest court to which appointed prior
10 to retirement, and shall not be assigned to the court of
11 appeals or to the supreme court except to serve in the
12 temporary absence of a member of the court. While serving
13 on temporary assignment, a senior judge has all of the
14 authority of the office to which assigned, shall continue
15 to be paid his or her annuity as senior judge, and shall be
16 reimbursed for actual expenses as provided in section 602.1509
17 of this Act. A senior judge may, if permitted by the temporary
18 assignment order, appoint a temporary court reporter who shall
19 be paid the remuneration and reimbursement for expenses
20 provided by law for a reporter in the court to which the
21 senior judge is assigned. If a senior judge is temporarily
22 assigned to the court of appeals or to the supreme court,
23 the senior judge shall be given the assistance of a law clerk
24 and a secretary designated by the state court administrator
25 from the state court administrator's staff. Each order of
26 temporary assignment shall be filed with the clerk of the
27 court on which the senior judge is to serve.

28 A senior judge also shall be available to serve in the
29 capacity of administrative hearing officer under chapter 17A,
30 and the supreme court may assign a senior judge for temporary
31 duties as a hearing officer upon the request of an agency.
32 A senior judge shall not be required to serve a period of
33 time as a hearing officer which, when added to the period
34 of time being served by the person as a judge, if any, would
35 exceed the maximum period of time the person agreed to serve

1 pursuant to section 602.2203, subsection 2, of this Act.

2 Sec. 2207. NEW SECTION. 602.2207 RETIREMENT OF SENIOR
3 JUDGE.

4 1. A senior judge shall cease to be a senior judge upon
5 completion of the twelve-month period during which the senior
6 judge attains seventy-eight years of age. The clerk of the
7 supreme court shall make a notation of the retirement of a
8 senior judge in the roster of senior judges, at which time
9 the senior judge shall become a retired senior judge.

10 2. A senior judge is subject to retirement under division
11 II, article 3, part 1 of this Act for the causes specified
12 in section 602.3106, subsection 3, paragraph a of this Act.
13 A senior judge may request and be granted retirement in the
14 manner provided in section 602.2112 of this Act. When a
15 senior judge is retired as provided in this subsection the
16 clerk of the supreme court shall make a notation of the
17 retirement of the senior judge in the roster of senior judges,
18 at which time the senior judge shall become a retired senior
19 judge.

20 Sec. 2208. NEW SECTION. 602.2208 RELINQUISHMENT OF
21 SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

22 1. A senior judge, at any time prior to the end of the
23 twelve-month period during which the senior judge attains
24 seventy-eight years of age, may submit to the clerk of the
25 supreme court a written request to be stricken from the roster
26 of senior judges. Upon the receipt of the request the clerk
27 shall strike the name of the person from the roster of senior
28 judges, at which time the person shall cease to be a senior
29 judge. A person who relinquishes a senior judgeship as
30 provided in this subsection may be assigned to temporary
31 judicial duties as provided in section 602.1612 of this Act.

32 2. A senior judge is subject to removal under provisions
33 of division II, article 3, part 1 of this Act for any of the
34 causes specified in section 602.3106, subsection 3, paragraph
35 b of this Act. When a person is removed from a senior

1 judgeship as provided in this subsection the clerk of the
2 supreme court shall strike the name of the person from the
3 roster of senior judges, at which time the person shall cease
4 to be a senior judge.

5 3. A person who relinquishes a senior judgeship in the
6 manner provided in subsection 1 or who is removed as provided
7 in subsection 2 shall be paid a retirement annuity in an
8 amount determined according to section 602.2107 of this Act
9 in lieu of section 602.2204 of this Act, commencing on the
10 effective date of the relinquishment or removal, and for this
11 purpose the service and annuity of the person as a senior
12 judge is disregarded.

13 Sec. 2209. NEW SECTION. 602.2209 SURVIVOR'S ANNUITY.

14 1. A person who is a survivor of a senior judge or a
15 retired senior judge and who is qualified under section
16 602.2115 of this Act to receive an annuity shall be paid an
17 annuity, in lieu of that specified in section 602.2115 of
18 this Act, which is equal to one-half the amount of the annuity
19 the senior judge or retired senior judge was receiving at
20 the time of the judge's death.

21 2. A survivor of a person whose name is stricken from
22 the roster of senior judges shall, if the survivor is qualified
23 under section 602.2115 of this Act to receive an annuity,
24 be paid an annuity equal to one-half of the amount the person
25 was receiving at the time of the person's death.

26 ARTICLE 3

27 DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

28 PART 1

29 SUPREME COURT ACTION

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

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

35 1. A seven-member "Commission on Judicial Qualifications"

1 is established. The commission consists of one district judge
2 and two members who are practicing attorneys in Iowa and who
3 do not belong to the same political party, to be appointed
4 by the chief justice; and four electors of the state who are
5 not attorneys, no more than two of whom shall belong to the
6 same political party, to be appointed by the governor, subject
7 to confirmation by the senate. The commission members shall
8 serve for six-year terms, are ineligible for a second term,
9 and except for the judicial member shall not hold any other
10 office of and shall not be employed by the United States or
11 the state of Iowa or its political subdivisions. Members
12 appointed by the chief justice shall serve terms beginning
13 January 1 and members appointed by the governor shall serve
14 staggered terms beginning and ending as provided by section
15 69.19. Vacancies shall be filled by appointment by the chief
16 justice or governor as provided in this subsection, for the
17 unexpired portion of the term.

18 2. If the judicial member is the subject of a charge
19 before the commission, the chief justice shall appoint a
20 district judge of another judicial district to act as the
21 judicial member of the commission until the person charged
22 is exonerated, or for the unexpired portion of the term if
23 the person charged is not exonerated. If the judicial member
24 is a resident judge of the same judicial district as the
25 judicial officer who is the subject of a charge before the
26 commission, the chief justice shall appoint a district judge
27 of another judicial district to act as the judicial member
28 during that proceeding.

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

32 Sec. 3103. NEW SECTION. 602.3103 OPERATION OF COMMISSION.
33 A quorum of the commission is four members. Only those
34 commission members that are present at commission meetings
35 or hearings may vote. Any application by the commission to

1 the supreme court to retire, discipline, or remove a judicial
2 officer, or any action by the commission which affects the
3 final disposition of a complaint, requires the affirmative
4 vote of at least four commission members. Notwithstanding
5 chapter 28A and chapter 68A, all records, papers, proceedings,
6 meetings and hearings of the commission are confidential,
7 but if the commission applies to the supreme court to retire,
8 discipline, or remove a judicial officer, the application
9 and all of the records and papers in that proceeding shall
10 be public documents.

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

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

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

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

14 Sec. 3105. NEW SECTION. 602.3105 RULES. The commission
15 may adopt rules for its operation and procedure.

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

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

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

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

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

32 b. Discipline or remove the judicial officer for persistent
33 failure to perform duties, habitual intemperance, willful
34 misconduct in office, conduct which brings judicial office
35 into disrepute, or substantial violation of the canons of

1 judicial ethics. Discipline may include suspension without
2 pay for a definite period of time not to exceed twelve months.
3 4. If the supreme court finds that the application should
4 be granted in whole or in part, it shall render the decree
5 that it deems appropriate.

6 Sec. 3107. NEW SECTION. 602.3107 CIVIL IMMUNITY. The
7 making of charges before the commission, the giving of evidence
8 or information before the commission or to an investigator
9 employed by the commission, and the presentation of
10 transcripts, extensions of evidence, briefs and arguments
11 in the supreme court shall be privileged in actions for
12 defamation.

13 PART 2

14 OTHER PROCEEDINGS

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

18 ARTICLE 4

19 CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS

20 PART 1

21 CERTIFICATION

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

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

1 association or society composed of certified shorthand
2 reporters.

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

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

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

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

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

33 Sec. 4106. NEW SECTION. 602.4106 FEES.

34 1. The supreme court shall set the fees for examination
35 and for certification. The fee for examination shall be based

1 on the annual cost of administering the examinations. The
2 fee for certification shall be based upon the administrative
3 costs of sustaining the board, which shall include but shall
4 not be limited to the cost for per diem, expenses, and travel
5 for board members, and office facilities, supplies, and
6 equipment.

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

9 Sec. 4107. NEW SECTION. 602.4107 EXAMINATIONS. The
10 board may administer as many examinations per year as
11 necessary, but shall administer at least one examination per
12 year. The scope of the examinations and the methods of
13 procedure shall be prescribed by the board. A written
14 examination may be conducted by representatives of the board.
15 Examinations in theory shall be in writing and the identity
16 of the person taking the examination shall be concealed until
17 after the examination papers have been graded. For
18 examinations in practice, the identity of the person taking
19 the examination also shall be concealed as far as possible.
20 Applicants who fail the examination once shall be allowed
21 to take the examination at the next scheduled time.
22 Thereafter, the applicant shall be allowed to take the
23 examination at the discretion of the board. An applicant
24 who has failed the examination may request in writing
25 information from the board concerning the examination grade
26 and subject areas or questions which the applicant failed
27 to answer correctly, except that if the board administers
28 a uniform, standardized examination, the board shall only
29 be required to provide the examination grade and other
30 information concerning the applicant's examination results
31 that is available to the board.

32 PART 2

33 REGULATION

34 Sec. 4201. NEW SECTION. 602.4201 UNLAWFUL USE OF TITLE.
35 A person who is certified by the board is a certified shorthand

1 reporter. A person who is not certified by the board shall
2 not assume the title of certified shorthand reporter, or use
3 the abbreviation C.S.R., or any words, letters, or figures
4 to indicate that the person is a certified shorthand reporter.

5 Sec. 4202. NEW SECTION. 602.4202 TRANSCRIPT FEE.

6 Certified shorthand reporters shall receive compensation for
7 transcribing their official notes as set by rule of the supreme
8 court, to be paid for in all cases by the party ordering the
9 transcription.

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

- 13 1. Fraud in procuring a license.
- 14 2. Professional incompetency.
- 15 3. Knowingly making misleading, deceptive, untrue or
16 fraudulent representations in the practice of shorthand
17 reporting, or engaging in unethical conduct or in a practice
18 that is harmful or detrimental to the public. Proof of actual
19 injury need not be established.
- 20 4. Habitual intoxication or addiction to the use of drugs.
- 21 5. Conviction of a felony related to the practice of
22 shorthand reporting or conviction of a felony that would
23 affect the ability to practice shorthand reporting. A copy
24 of the record of conviction or plea of guilty is conclusive
25 evidence.
- 26 6. Fraud in representations relating to skill or ability.
- 27 7. Use of untruthful or improbable statements in
28 advertisements.
- 29 8. Willful or repeated violations of one or more of the
30 provisions of this article.

31 PART 3

32 PENAL PROVISIONS

33 Sec. 4301. NEW SECTION. 602.4301 MISUSE OF CONFIDENTIAL
34 INFORMATION--PENALTY.

- 35 1. A member of the board shall not disclose information

1 relating to the following:

2 a. Criminal history or prior misconduct of the applicant.

3 b. The contents of the examination.

4 c. Examination results other than final score except for
5 information about the results of an examination which is given
6 to the person who took the examination.

7 2. A member of the board who willfully communicates or
8 seeks to communicate information referred to in subsection
9 1, and a person who willfully requests, obtains, or seeks
10 to obtain information referred to in subsection 1, is guilty
11 of a simple misdemeanor.

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

15 ARTICLE 5

16 SUPREME COURT

17 PART 1

18 GENERAL PROVISIONS

19 Sec. 5101. NEW SECTION. 602.5101 JUSTICES--QUORUM.

20 1. The supreme court consists of nine justices. A majority
21 of the justices sitting constitutes a quorum, but in no case
22 shall a quorum consist of less than three justices.

23 2. Justices of the supreme court shall be nominated and
24 appointed and shall stand for retention in office as provided
25 in chapter 46. Justices of the supreme court shall qualify
26 for office as provided in chapter 63.

27 Sec. 5102. NEW SECTION. 602.5102 JURISDICTION.

28 1. The supreme court shall have appellate jurisdiction
29 only in cases in chancery, and shall constitute a court for
30 the correction of errors at law. The jurisdiction of the
31 supreme court is coextensive with the state.

32 2. A civil or criminal action or special proceeding filed
33 with the supreme court for appeal or review, may be transferred
34 by the supreme court to the court of appeals by issuing an
35 order of transfer. The jurisdiction of the supreme court

1 in the matter ceases upon the filing of that order by the
2 clerk of the supreme court. A matter which has been
3 transferred to the court of appeals pursuant to order of the
4 supreme court is not thereafter subject to the jurisdiction
5 of the supreme court, except as provided in subsection 4.

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

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

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

1 Sec. 5103. NEW SECTION. 602.5103 CHIEF JUSTICE. The
2 members of the supreme court shall select one of their number
3 to be chief justice, to serve as such during that person's
4 term of office. The chief justice is eligible for reselection.
5 The chief justice shall appoint one of the other members of
6 the court to act during the absence or inability of the chief
7 justice to act, and when so acting the appointee has all the
8 rights, duties, and powers of the chief justice.

9 Sec. 5104. NEW SECTION. 602.5104 DIVISIONS--FULL COURT.

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

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

20 3. The supreme court shall prescribe rules to provide
21 for the submission of cases to the entire bench or to the
22 separate divisions. These rules are subject to section
23 602.5202 of this Act.

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

28 Sec. 5106. NEW SECTION. 602.5106 OPINIONS--REPORTS.

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

1 motions may be entered upon the announcement book.

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

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

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

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

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

22 PART 2

23 RULES OF PROCEDURE

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

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

32 2. Rules of appellate procedure relating to appeals to
33 and review by the supreme court, discretionary review by the
34 courts of small claims actions, review by the supreme court
35 by writ of certiorari to inferior courts, appeal to or review

1 by the court of appeals of a matter transferred to that court
2 by the supreme court, and further review by the supreme court
3 of decisions of the court of appeals, shall be known as "Rules
4 of Appellate Procedure", and shall be codified apart from
5 rules of procedure applicable in the district court and other
6 rules prescribed by the supreme court.

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

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

12 2. Rules and forms prescribed by the supreme court shall
13 be reported by the court to the general assembly within twenty
14 days after the commencement of a regular session. The rules
15 and forms shall take effect July 1 following the date of
16 submission, as modified by any changes that are enacted during
17 the session, and conflicting law shall be of no further force
18 or effect.

19 3. At adjournment of a session where rules and forms have
20 been reported, an enrolled copy thereof, together with any
21 changes, shall be made in substantially the same manner as
22 Acts are enrolled. The enrolled copy shall be certified as
23 to the action, if any, taken by the general assembly, and
24 shall be filed with the secretary of state and bound with
25 the Acts of the general assembly.

26 PART 3

27 ADMINISTRATION

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

29 1. The supreme court shall appoint and may remove a clerk
30 of the supreme court.

31 2. The clerk of the supreme court shall have an office
32 at the seat of government, shall keep a complete record of
33 the proceedings of the court, and shall not allow an opinion
34 filed in the office to be removed. Opinions shall be open
35 to examination and, upon request, may be copied and certified.

1 The clerk promptly shall announce by mail to one of the
2 attorneys on each side any ruling made or decision rendered,
3 shall record every opinion rendered as soon as filed, shall
4 mail a copy of each opinion rendered to each attorney of
5 record and to each party not represented by counsel, and shall
6 perform all other duties pertaining to the office of clerk.

7 3. The clerk of the supreme court shall collect and ac-
8 count to the state court administrator for all fees received
9 by the supreme court.

10 4. The clerk of the supreme court shall give bond as pro-
11 vided in chapter 64.

12 Sec. 5302. NEW SECTION. 602.5302 DEPUTY CLERK--STAFF.

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

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

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

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

22 2. Rules prescribed under this section are subject to
23 section 602.5202 of this Act.

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

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

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

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

34

ARTICLE 6

35

COURT OF APPEALS

PART 1

GENERAL PROVISIONS

1
2
3 Sec. 6101. NEW SECTION. 602.6101 COURT OF APPEALS.

4 The Iowa court of appeals is established as an intermediate
5 court of appeals. The court of appeals is a court of record.

6 Sec. 6102. NEW SECTION. 602.6102 JUDGES--QUORUM.

7 1. The court of appeals consists of five judges, any three
8 of whom constitute a quorum.

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

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

16 Sec. 6103. NEW SECTION. 602.6103 JURISDICTION.

17 1. The jurisdiction of the court of appeals is coextensive
18 with the state. The court of appeals has appellate
19 jurisdiction only in cases in chancery, and shall constitute
20 a court for the correction of errors at law.

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

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

25 b. Criminal actions.

26 c. Postconviction remedy proceedings.

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

28 3. The jurisdiction of the court of appeals with respect
29 to actions and parties shall be limited to those matters for
30 which an appeal or review proceeding properly has been brought
31 before the supreme court, and for which the supreme court
32 pursuant to section 602.5102 of this Act has entered an order
33 transferring the matter to the court of appeals.

34 4. The court of appeals and judges of the court may issue
35 writs and other process necessary for the exercise and

1 enforcement of the court's jurisdiction, but a writ, order
2 or other process issued in a matter that is not before the
3 court pursuant to an order of transfer issued by the supreme
4 court is void.

5 Sec. 6104. NEW SECTION. 602.6104 SESSIONS--LOCATION.

6 The court of appeals shall meet at the seat of state government
7 at the times specified by order of the supreme court. Court
8 sessions shall be held in the courtroom of the supreme court
9 at the statehouse.

10 Sec. 6105. NEW SECTION. 602.6105 CHIEF JUDGE.

5745 11 1. At the first meeting in each odd-numbered year the
12 judges of the court of appeals by majority vote shall designate
13 one of their members to serve as chief judge for a two-year
14 term. A vacancy in the office of chief judge shall be filled
15 by majority vote of the judges of the court of appeals, after
16 any vacancy on the court has been filled and for the remainder
17 of the unexpired term.

18 2. In the absence of the chief judge the duties of the
19 chief judge shall be exercised by the judge next in precedence,
20 as prescribed in subsection 5.

21 3. The chief judge shall supervise the affairs of the
22 court and shall preside at a session of the court at which
23 the chief judge is in attendance.

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

30 5. Judges of the court of appeals other than the chief
31 judge have precedence according to the length of time served
32 on that court. Of several judges having equal periods of
33 time served, the eldest has precedence.

34 Sec. 6106. NEW SECTION. 602.6106 DECISIONS OF THE COURT-
35 -FINALITY.

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

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

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

22 Sec. 6108. NEW SECTION. 602.6108 WHEN DECISIONS
23 EFFECTIVE. A decision of the court of appeals shall be in
24 writing, and shall be effective, except as provided in section
25 602.6106, subsection 2, of this Act when the decision of the
26 court is filed with the clerk of the supreme court.

27 Sec. 6109. NEW SECTION. 602.6109 PROCESS--STYLE--SEAL.

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

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

35 Sec. 6110. NEW SECTION. 602.6110 RECORDS. The records

1 of the court of appeals shall be kept by the clerk of the
2 supreme court, and at the same place as, but segregated from
3 the records of the supreme court. Records of the court of
4 appeals shall be maintained in the same manner as records
5 of the supreme court under division II, article 5 of this
6 Act.

7 Sec. 6111. NEW SECTION. 602.6111 PUBLICATION OF OPINIONS.
8 The state court administrator shall cause the publication
9 of opinions of the judges of the court of appeals in accordance
10 with rules issued by the supreme court. Section 602.5106
11 of this Act applies to decisions of the court of appeals.
12 The state court administrator shall cause the publication
13 of abstracts of all decisions for which written opinions are
14 not published.

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

22 PART 2

23 ADMINISTRATION

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

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

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

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

1 secretary.

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

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

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

12 1. Each judge of the court of appeals shall be provided
13 personal office space and equipment, and facilities for a
14 secretary and law clerk at the seat of state government only.
15 Each judge may choose whether to reside at the seat of
16 government or elsewhere, but a judge of the court of appeals
17 is not entitled to reimbursement for expenses incurred as
18 a result of residing or maintaining a residence other than
19 at the seat of state government.

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

23 ARTICLE 7

24 DISTRICT COURT

25 PART 1

26 GENERAL PROVISIONS

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

1 a court of record.

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

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

13 Sec. 7104. NEW SECTION. 602.7104 JUDICIAL OFFICERS.

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

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

21 Sec. 7105. NEW SECTION. 602.7105 PLACES OF HOLDING
22 COURT--MAGISTRATE SCHEDULES.

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

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

31 3. The chief judge of a judicial district shall designate
32 times and places for magistrates to hold court to ensure
33 accessibility of magistrates at all times throughout the
34 district. The schedule of times and places of availability
35 of magistrates and any schedule changes shall be disseminated

1 by the chief judge to the peace officers within the district.

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

17 Sec. 7107. NEW SECTION. 602.7107 JUDICIAL DISTRICTS.
18 For all judicial purposes except as provided in section
19 602.7109 of this Act, the state is divided into eight judicial
20 districts as follows:

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

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

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

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

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

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

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

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

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

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

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

5723 23 2. The judicial election districts are as follows:

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

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

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

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

34 e. Election district 3A consists of the counties of
 35 Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo

1 Alto, Cherokee, and Buena Vista.

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

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

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

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

11 j. Election district 6 consists of the sixth judicial
12 district, as established by section 602.7107 of this Act.

13 k. Election district 7 consists of the seventh judicial
14 district, as established by section 602.7107 of this Act.

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

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

20

PART 2

21

DISTRICT JUDGES

22 Sec. 7201. NEW SECTION. 602.7201 OFFICE OF DISTRICT
23 JUDGE.

24 1. The number and apportionment of district judges is
25 as provided in this section. District judges shall be
26 nominated and appointed and shall stand for retention in
27 office as provided in chapter 46. District judges shall
28 qualify for office as provided in chapter 63.

29 2. A district judge must be a resident of the judicial
30 election district in which appointed and retained. Subject
31 to the provision for reassignment of judges under section
32 602.7108 this Act, a district judge shall serve in the district
33 of the judge's residence while in office, regardless of the
34 number of judgeships to which the district is entitled under
35 subsection 3.

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

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

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

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

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

23 e. Notwithstanding paragraph a, b, c, or d, each election
24 district is entitled to not less than one judgeship for each
25 forty thousand population or major fraction thereof contained
26 in the election district. The state court administrator shall
27 determine both the number of judgeships for each election
28 district based upon this paragraph, and the number of
29 judgeships for each election district based upon paragraph
30 a, b, c, or d. If the number for any election district as
31 determined under this paragraph exceeds the number as
32 determined under paragraph a, b, c, or d, that election
33 district is entitled to the number of judgeships as determined
34 under this paragraph.

35 f. The filings included in the determinations to be made

1 under this subsection shall not include small claims or
2 nonindictable misdemeanors, and shall not include either civil
3 actions for money judgment where the amount in controversy
4 does not exceed three thousand dollars or indictable
5 misdemeanors, which were assigned to district associate judges
6 and judicial magistrates as shown on their administrative
7 reports, but shall include appeals from decisions of judicial
8 magistrates, district associate judges, and district judges
9 sitting as judicial magistrates. The figures on filings shall
10 be the average for the latest available previous three-year
11 period and when current census figures on population are not
12 available, figures shall be taken from the state department
13 of health computations.

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

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

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

26 7. In those judicial districts that contain judicial
27 election districts, a vacancy in a judicial election district
28 shall not be filled if the total number of district judges
29 in all judicial election districts within the judicial district
30 equals or exceeds the aggregate number of judgeships to which
31 all of the judicial election districts of the judicial district
32 are authorized.

33 8. Vacancies shall not be filled in a judicial election
34 district which becomes entitled to fewer judgeships under
35 subsection 3, but an incumbent district judge shall not be

1 removed from office because of a reduction in the number of
2 authorized judgeships.

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

8 10. The governor may appoint a person to serve as a
9 district judge or magistrate whenever federal funds are
10 available for the officer's salary, the cost of courtroom
11 space, and the salary of any additional court staff. The
12 person appointed by the governor shall fill the position until
13 a successor is appointed or until federal funds are no longer
14 available as required in this subsection. A person appointed
15 under this section may hear all cases in which the use of
16 alcohol is evident, and a prosecution under section 321.281
17 may be transferred within the judicial district to the
18 jurisdiction of the person appointed under this subsection.

19 11. Notwithstanding contrary provisions of this section,
20 the number of district judges shall not exceed ninety-five
21 during the period commencing July 1, 1981 and ending as the
22 general assembly shall specify.

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

29 Sec. 7203. NEW SECTION. 602.7203 PREPARATION AND SIGNING
30 OF RECORD--ALTERATIONS.

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

34 2. Delay in the preparation and signing of the record
35 of court proceedings shall not prevent the issuance of an

1 execution and other proceedings may be had in the same manner
2 as though the record had been signed.

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

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

10 PART 3

11 DISTRICT ASSOCIATE JUDGES

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

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

27 1. In a county having an apportionment of three or more
28 magistrates, the chief judge of the judicial district, subject
29 to the limitations of this section, may designate by order
30 that a district associate judge be appointed pursuant to this
31 section in lieu of magistrates appointed under section 602.7403
32 of this Act. The order of substitution may be made only upon
33 the affirmative vote of a majority of the district judges
34 in that judicial election district that the substitution be
35 made, and only upon a finding by a majority of those district

1 judges that a substitution would provide more speedy and
2 efficient performance of judicial business within that judicial
3 election district. An order of substitution shall not take
4 effect unless a copy of the order is received by the
5 chairperson of the county magistrate appointing commission
6 not later than the thirty-first day of March of the year in
7 which the substitution is to take effect. A copy of the order
8 also shall be sent to the state court administrator.

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

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

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

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

26 4. If an apportionment by the state court administrator
27 pursuant to section 602.7401 of this Act reduces the number
28 of magistrates in the county to less than three, or if a
29 majority of the district judges in the judicial election
30 district determines that a substitution is no longer desirable,
31 then the substituted office shall be terminated. However,
32 a reversion pursuant to this subsection, irrespective of
33 cause, shall not take effect until the substitute district
34 associate judge fails to be retained in office at a judicial
35 election or otherwise leaves office, whether voluntarily or

1 involuntarily. Upon the termination of office of that district
2 associate judge, appointments shall be made pursuant to section
3 602.7403 of this Act as necessary to re-establish terms of
4 office as provided in subsection 4 of that section.

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

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

11 2. A person appointed under this section shall be
12 designated as an alternate and shall be subject to this
13 section.

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

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

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

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

33 1. The district associate judges authorized by sections
34 602.7301, 602.7302, and 602.7303 of this Act shall be appointed
35 by the district judges of the judicial election district from

1 persons nominated by the county magistrate appointing
2 commission.

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

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20 3. Within thirty days after a county magistrate appointing
21 commission receives notification of an actual or impending
22 vacancy in the office of district associate judge, other than
23 a vacancy referred to in subsection 3, the commission shall
24 certify to the chief judge of the judicial district the names
25 of three applicants who are nominated by the commission for
26 the vacancy. The commission shall publicize notice of the
27 vacancy in at least two publications in the official county
28 newspaper. The commission shall accept applications for
29 consideration for nomination as district associate judge for
30 a minimum of fifteen days prior to certifying nominations.
31 The commission shall consider the applications and shall,
32 by majority vote, certify to the chief judge of the judicial
33 district the names of three applicants who are nominated by
34 the commission for the vacancy. If there are three or fewer
35 applicants the commission shall certify all applicants who

1 meet the statutory qualifications. Nominees shall be chosen
2 solely on the basis of the qualifications of the applicants,
3 and political affiliation shall not be considered. As used
4 in this subsection, a vacancy is created by the death,
5 retirement, resignation, or removal of a district associate
6 judge, or by an increase in the number of positions authorized.

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

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

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

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

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

30 3. A district associate judge must be a resident of the
31 county in which the office is held during the entire term
32 of office. A district associate judge shall serve within
33 the judicial district in which appointed, as directed by the
34 chief judge, and is subject to reassignment under section
35 602.7108 of this Act.

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

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

5 1. District associate judges have the jurisdiction provided
6 in section 602.7405 of this Act for magistrates, and when
7 exercising that jurisdiction shall employ magistrates' practice
8 and procedure.

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

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

24 4. Appeals from judgments or orders of district associate
25 judges while exercising the jurisdiction of magistrates shall
26 be governed by the laws relating to appeals from judgments
27 and orders of magistrates. Appeals from judgments or orders
28 of district associate judges while exercising any other
29 jurisdiction shall be governed by the laws relating to appeals
30 from judgments or orders of district judges.

31

PART 4

32

MAGISTRATES

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

35 1. One hundred ninety-one magistrates shall be apportioned

1 among the counties as provided in this section. Magistrates
2 appointed pursuant to section 602.7402 of this Act shall not
3 be counted for purposes of this section.

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

7 a. The number and type of proceedings contained in the
8 administrative reports required by section 602.7606 of this
9 Act.

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

12 c. The geographical area to be served.

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

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

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

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

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

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

35 1. In April of each year in which magistrates' terms

1 expire, the county magistrate appointing commission shall
2 appoint, except as otherwise provided in section 602.7302
3 of this Act, the number of magistrates apportioned to the
4 county by the state court administrator under section 602.7401
5 of this Act, and may appoint an additional magistrate when
6 allowed by section 602.7402 of this Act. The commission shall
7 not appoint more magistrates than are authorized for the
8 county by this article.

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

18 3. Within thirty days following receipt of notification
19 of a vacancy in the office of magistrate, the commission shall
20 appoint a person to the office to serve the remainder of the
21 unexpired term. For purposes of this section, vacancy means
22 a death, resignation, retirement, or removal of a magistrate,
23 or an increase in the number of positions authorized.

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

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

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

34 7. Annually, the state court administrator shall cause
35 a school of instruction to be conducted for magistrates, and

1 each magistrate shall attend prior to the time of taking
2 office unless excused by the chief justice for good cause.
3 A magistrate appointed to fill a vacancy shall attend the
4 first school of instruction that is held following the
5 appointment, unless excused by the chief justice for good
6 cause.

7 Sec. 7404. NEW SECTION. 602.7404 QUALIFICATIONS.

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

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

5722 20 3. A magistrate may be admitted to practice law in Iowa,
21 and the magistrate appointing commission shall first consider
22 applicants who are admitted to practice law in Iowa when
23 selecting persons for the office of magistrate.

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

25 1. Magistrates have jurisdiction of simple misdemeanors,
26 including traffic and ordinance violations, and preliminary
27 hearings, search warrant proceedings, and small claims. They
28 also have jurisdiction to exercise the powers specified in
29 sections 644.2 and 644.12, and to hear complaints or
30 preliminary informations, issue warrants, order arrests, make
31 commitments and take bail.

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

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PART 5

MAGISTRATE APPOINTING COMMISSIONS

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

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

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

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

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

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

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

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

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

1. The board of supervisors of each county shall appoint
three electors to the magistrate appointing commission for

1 the county for six-year terms beginning January 1, 1973 and
2 each sixth year thereafter. However, if there is only one
3 attorney elected pursuant to section 602.7504 of this Act,
4 the county board of supervisors shall only appoint two
5 commissioners, and if no attorney is elected, the board of
6 supervisors shall only appoint one commissioner.

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

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

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

15 1. The resident attorneys of each county shall elect two
16 resident attorneys of the county to the magistrate appointing
17 commission for six-year terms beginning on January 1, 1973,
18 and each sixth year thereafter. An election shall be held
19 in December preceding the commencement of new terms. The
20 attorneys in a county may elect only one commissioner if there
21 is only one who is qualified and willing to serve and if there
22 are no resident attorneys in a county or none is willing to
23 serve as a commissioner, none shall be elected.

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

26 3. An attorney is eligible to vote in elections of
27 magistrate appointing commissioners within a county if
28 registered as a member of the bar in accordance with sections
29 46.7 and 46.8, and if a resident of the county.

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

34 BALLOT

35

1 County Magistrate Appointing Commission

2

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

5 Vote for (state number) for county judicial
6 magistrate appointing commissioner(s) for term commencing
7
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9

10 To be counted, this ballot must be completed and mailed or
11 delivered to clerk of the district court,, not
12 later than December 31, 19..... (or the appropriate date in
13 case of an election to fill a vacancy).

14 Sec. 7505. NEW SECTION. 602.7505 VACANCY. A vacancy
15 in the office of magistrate appointing commissioner shall
16 be filled for the unexpired term.

17 PART 6

18 DISTRICT COURT ADMINISTRATION

19 Sec. 7601. NEW SECTION. 602.7601 COURT ATTENDANTS.

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

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

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

33 Sec. 7603. NEW SECTION. 602.7603 COURT REPORTERS.

34 1. Each district judge shall appoint a court reporter
35 who shall, upon the request of a party in a civil or criminal

1 case, report the evidence and proceedings in the case, and
2 perform all duties as provided by law.

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

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

12 4. If a regularly appointed court reporter becomes disabled
13 from performing duties, the judge may appoint a competent
14 substitute to act during the disability of the regular reporter
15 or until a successor is appointed, but a substitute shall
16 not act for a period longer than one year unless the substitute
17 becomes a certified shorthand reporter within that one year,
18 and a substitute shall not be reappointed at the end of the
19 one-year period unless the substitute becomes a certified
20 shorthand reporter within that one year.

21 5. Except as provided in subsection 4, a person shall
22 not be appointed to the position of court reporter of the
23 district court unless the person has been certified as a
24 shorthand reporter by the board of examiners under division
25 II, article 4 of this Act.

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

29 7. A court reporter may be removed by the judicial officer
30 making the appointment.

31 Sec. 7604. NEW SECTION. 602.7604 DOCKETS.

32 1. The clerk of the district court shall furnish a
33 magistrate, district associate judge, or district judge acting
34 as a magistrate, with a docket in which the officer shall
35 enter all proceedings except small claims. The docket shall

1 be indexed and shall contain for each case the title and
2 nature of the action; the place of hearing; appearances; and
3 notations of the documents filed with the judicial officer,
4 the proceedings in the case and orders made, the verdict and
5 judgment including costs, any satisfaction of the judgment,
6 whether the judgment was certified to the clerk of the district
7 court, whether an appeal was taken, and the amount of any
8 appeal bond.

9 2. The chief judge of a judicial district may order that
10 criminal proceedings which are within the jurisdictions of
11 magistrates and district associate judges be combined into
12 centralized dockets for the county if the chief judge
13 determines that administration could be improved by this
14 procedure. When so ordered, a centralized docket shall be
15 maintained in lieu of individual dockets, and the clerk of
16 the district court shall compile a centralized docket in the
17 manner prescribed for an individual docket. The chief judge
18 may assign actions and proceedings on centralized dockets
19 to judicial officers having jurisdiction as the chief judge
20 deems necessary.

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

29 Sec. 7606. NEW SECTION. 602.7606 ADMINISTRATIVE REPORTS.
30 Each magistrate, and each district associate judge and district
31 judge acting as a magistrate, shall report all judicial
32 business handled to the clerk of the district court and to
33 the chief judge of the judicial district. Reports shall be
34 in the form and filed at the times prescribed by the state
35 court administrator. The administrator may require the clerk

1 to forward copies of individual reports or require a
2 consolidated report for the county.

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

9 PART 7

10 SPECIAL PROVISIONS

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

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

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

575' 25 Sec. 7702. NEW SECTION. 602.7702 COUNTIES BORDERING
26 ON MISSOURI RIVER. The jurisdiction of the courts of the
27 state in all civil and criminal actions and proceedings, shall
28 extend in counties bordering on the Missouri river to the
29 center of the main channel of the Missouri river, where it
30 now is or may hereafter be, and to all lands and territory
31 lying along the river which have been adjudged by the United
32 States supreme court or the supreme court of this state to
33 be within the state of Iowa, and to such other lands and
34 territory along the river over which the courts of this state
35 have heretofore exercised jurisdiction.

1 before the court.

2 Sec. 8103. NEW SECTION. 602.8103 REFEREE--PROCEDURE.

3 1. The judge of the juvenile court may appoint and may
4 remove a juvenile court referee. The referee must be an
5 attorney admitted to practice law in this state, and must
6 be qualified for duties by training and experience.

7 2. The juvenile court judge may order that any case or
8 class of cases arising under chapter 232 or chapter 600A be
9 heard in the first instance by the referee in the manner
10 provided for the hearing of cases by the court.

11 3. Upon the conclusion of a hearing held by a referee,
12 the referee shall transmit findings of fact to the juvenile
13 court judge. Notice of the findings of fact of the referee,
14 together with a statement concerning the right to a rehearing,
15 shall be given to the parties to the proceeding, including
16 the parents, guardian or custodian of a minor, and to any
17 other interested person as the court may direct. This notice
18 may be given orally at the hearing, or by certified mail or
19 other service as directed by the court.

20 4. The parties to a proceeding heard by a referee shall
21 be entitled to a rehearing by the judge of the juvenile court
22 if requested within seven days after receiving notice of the
23 findings of fact of the referee. In the interest of justice,
24 the court may allow a rehearing at any time. If a rehearing
25 is not requested, the court may enter an appropriate order
26 based upon the referee's findings of fact.

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

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

32 2. Appointees shall receive salaries and shall be reim-
33 bursed for expenses incurred in the performance of duties,
34 as prescribed by the supreme court.

35

PART 2

1 PROBATION AND COURT SERVICES

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

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

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

10 3. The chief juvenile court officer may employ and shall
11 supervise secretarial, clerical, and other staff within
12 juvenile court service offices as authorized by the chief
13 judge.

14 Sec. 8202. NEW SECTION. 602.8202 JUVENILE COURT OFF-
15 CERS.

16 1. Subject to the approval of the chief judge of the
17 judicial district, the chief juvenile court officer shall
18 appoint juvenile court officers to serve the juvenile court.
19 Juvenile court officers may be required to serve in two or
20 more counties within the judicial district.

21 2. Juvenile court officers shall be selected, appointed,
22 and removed in accordance with rules, standards, and qualifica-
23 tions prescribed by the supreme court.

24 3. Juvenile court officers have the duties prescribed
25 in chapter 232, subject to the direction of the judges of
26 the juvenile court.

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

29 ARTICLE 9

30 CLERK OF DISTRICT COURT

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

33 1. The office of clerk of the district court is an
34 appointive office, as provided in section 602.1214 of this
35 Act.

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

4 3. The clerk may employ deputies, assistants, and clerks
5 when authorized under section 602.1402 of this Act and when
6 authorized by the chief judge of the judicial district. The
7 clerk shall be responsible for the acts of these employees.
8 Each first deputy shall give bond as provided in chapter 64.

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

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

12 2. Attend sessions of the district court.

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

16 4. Upon the death of a judge of the district court, give
17 written notice to the state comptroller of the date of death.
18 The clerk shall also give written notice of the death of a
19 justice of the supreme court or a judge of the court of appeals
20 or the district court who resides in the clerk's county to
21 the state commissioner of elections, as provided in section
22 46.12.

23 5. When money in the amount of five hundred dollars or
24 more is paid to the clerk to be paid to another person and
25 the money is not disbursed within thirty days, notify the
26 person who is entitled to the money or for whose account the
27 money is paid or the attorney of record of the person. The
28 notice shall be given by certified mail within forty days
29 of the receipt of the money to the last known address of the
30 person or the person's attorney and a memorandum of the notice
31 shall be made in the proper record. If the notice is not
32 given, the clerk and the clerk's sureties are liable for
33 interest at the rate specified in section 535.2, subsection
34 1 on the money from the date of receipt to the date that the
35 money is paid to the person entitled to it or the person's

1 attorney.

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

5 7. Upon return of an original notice to the clerk's of-
6 fice, enter in the appearance or combination docket informa-
7 tion to show which parties have been served the notice and
8 the manner and time of service.

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

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

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

1 in which the real estate is located.

CS 2 11. Keep for public inspection a certified copy of each
3 Act of the general assembly and furnish a copy of the Act
4 upon payment of a fee as provided in section 3.15.

5 12. At the order of a justice of the supreme court, docket
6 without fee any civil or criminal case transferred from a
7 military district under martial law as provided in section
8 29A.45.

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

11 14. Maintain a bar registration book, biennially give
12 notice and accept registration of attorneys to be eligible
13 to vote in elections of judicial nominating commissioners,
14 and certify the names registered to the clerk of the supreme
15 court as provided in section 46.8.

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

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

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

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

28 19. Keep a book of the record of official bonds and record
29 the official bonds of magistrates as provided in section
30 64.24.

31 20. Carry out duties relating to proceedings for the re-
32 moval of a public officer as provided in sections 66.4 and
33 66.17.

34 21. Approve the surety bonds of persons accepting appoint-
35 ment as notaries public in the county as provided in section

1 77.4, subsection 2.

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

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

10 24. Certify the imposition of a mulct tax against prop-
11 erty creating a public nuisance to the auditor as provided
12 in section 99.28.

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

16 26. With sufficient surety, approve an appeal bond for
17 judicial review of an order or action of the state conserva-
18 tion commission relating to dams and spillways as provided
19 in section 112.8.

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

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

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

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

34 31. Carry out duties relating to a judgment of forfeiture
35 ordering the sale or other disposition of a conveyance used

1 in the illegal transportation of liquor or distribution of
2 a controlled substance as provided in chapter 127.

3 32. Carry out duties as county registrar of vital statis-
4 tics as provided in chapter 144.

5 33. Furnish to the state department of health a certified
6 copy of a judgment suspending or revoking a professional li-
7 cense as provided in section 147.66.

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

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

16 36. Carry out duties relating to the commitment of a
17 mentally retarded person as provided in sections 222.37 through
18 222.40.

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

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

24 39. If the board has adopted a resolution implementing
25 a policy of preliminary diagnostic evaluations as provided
26 in section 225B.5, refer persons applying for voluntary
27 admission to a community mental health center for a preliminary
28 diagnostic evaluation as provided in section 225B.6.

29 40. Make a copy of the warrant and return of service sub-
30 mitted by the sheriff relating to the return of a mental pa-
31 tient from a state hospital to stand trial and mail the war-
32 rant and return to the superintendent of the hospital as pro-
33 vided in section 226.28.

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

1 42. Serve as clerk of the juvenile court and carry out
2 duties as provided in chapter 232 and division II, article
3 8 of this Act.

4 43. Submit to the director of the division of child and
5 family services of the department of social services a dupli-
6 cate of the findings of the district court related to adop-
7 tions as provided in section 235.3, subsection 7.

8 44. Certify to the warden of the penitentiary or men's
9 reformatory the number of days that an inmate has been credited
10 toward completion of the inmate's sentence as provided in
11 section 246.38.

12 45. Report to the board of parole and the director of
13 the division of corrections of the department of social
14 services the criminal statistics as provided in sections
15 247.29 through 247.31.

16 46. Carry out duties relating to the pardons, commutations,
17 remission of fines and forfeitures, and restoration of citizen-
18 ship as provided in sections 248.9 and 248.17.

19 47. Forward support payments received under section 252A.6
20 to the department of social services and furnish copies of
21 orders and decrees awarding support to parties receiving wel-
22 fare assistance as provided in section 252A.13.

23 48. Carry out duties relating to the provision of medi-
24 cal care and treatment for indigent persons as provided in
25 chapter 255.

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

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

32 51. Forward to the department of transportation a copy
33 of the record of each conviction or forfeiture of bail of
34 a person charged with the violation of the laws regulating
35 the operation of vehicles on public roads as provided in

1 sections 321.281 and 321.491.

2 52. Send to the department of transportation licenses
3 and permits surrendered by a person convicted of being a
4 habitual offender of traffic and motor vehicle laws as pro-
5 vided in section 321.559.

6 53. If a person fails to satisfy a judgment relating to
7 motor vehicle financial responsibility within sixty days,
8 forward to the director of the department of transportation
9 a certified copy of the judgment as provided in section
10 321A.12.

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

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

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

19 57. Serve as an inspector of the county jails with the
20 county attorney as provided in sections 356.9 through 356.13.

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

23 59. Upon order of the director of revenue, issue a com-
24 mission for the taking of depositions as provided in section
25 421.17, subsection 8.

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

29 61. With acceptable sureties, approve the bond of a peti-
30 tioner for a tax appeal as provided in section 422.29, sub-
31 section 2.

32 62. Certify the final decision of the district court in
33 an appeal of the tax assessments as provided in section 441.39.
34 Costs of the appeal to be assessed against the board of review
35 or a taxing body shall be certified to the treasurer as pro-

- 1 vided in section 441.40.
- 2 63. Certify a final order of the district court relating
3 to the apportionment of tax receipts to the auditor as provided
4 in section 449.7.
- 5 64. Carry out duties relating to the inheritance tax as
6 provided in chapter 450.
- 7 65. Deposit funds held by the clerk in an approved de-
8 pository as provided in 453.1.
- 9 66. Carry out duties relating to appeals and certification
10 of costs relating to levee and drainage districts as provided
11 in sections 455.96 through 455.105.
- 12 67. Carry out duties relating to the condemnation of land
13 as provided in chapter 472.
- 14 68. Forward civil penalties collected for violations re-
15 lating to the siting of electric power generators to the
16 treasurer of state as provided in section 476A.14, subsection
17 1.
- 18 69. Certify a copy of a decree of dissolution of a business
19 corporation to the secretary of state and the recorder of
20 the county in which the corporation is located as provided
21 in section 496A.100.
- 22 70. With acceptable sureties, approve the bond of a peti-
23 tioner filing an appeal for review of an order of the commis-
24 sioner of insurance as provided in section 502.606 or 507A.7.
- 25 71. Certify a copy of a decree of dissolution of a
26 nonprofit corporation to the secretary of state and the
27 recorder in the county in which the corporation is located
28 as provided in section 504A.62.
- 29 72. Carry out duties relating to the enforcement of de-
30 crees and orders of reciprocal states under the Iowa
31 unauthorized insurers Act as provided in section 507A.11.
- 32 73. Certify copies of a decree of involuntary dissolution
33 of a state bank to the secretary of state and the recorder
34 of the county in which the bank is located as provided in
35 section 524.1311, subsection 4.

1 74. Certify copies of a decree dissolving a credit union
2 as provided in section 533.21, subsection 4.

3 75. Refuse to accept the filing of papers to institute
4 legal action under the Iowa consumer credit code if proper
5 venue is not adhered to as provided in section 537.5113.

6 76. Receive payment of money due to a person who is absent
7 from the state if the address or location of the person is
8 unknown as provided in section 538.5.

9 77. Carry out duties relating to the appointment of the
10 Iowa state commerce commission as receiver for agricultural
11 commodities on behalf of a warehouse operator whose license
12 is suspended or revoked as provided in section 543.3.

13 78. Certify the signature of the recorder on the transcript
14 of any instrument affecting real estate as provided in sec-
15 tion 558.12.

16 79. Certify an acknowledgement of a written instrument
17 relating to real estate as provided in section 558.20.

18 80. Collect on behalf of, and pay to the auditor the fee
19 for the transfer of real estate as provided in section 558.66.

20 81. With acceptable sureties, endorse a bond sufficient
21 to settle a dispute between adjoining owners of a common wall
22 as provided in section 563.11.

23 82. Carry out duties relating to cemeteries as provided
24 in sections 566.4, 566.7, and 566.8.

25 83. Carry out duties relating to liens as provided in
26 chapters 570, 571, 572, 574, 580, 581, 582, and 584.

27 84. Accept applications for and issue marriage licenses
28 as provided in chapter 595 or 596.

29 85. Carry out duties relating to the dissolution of a
30 marriage as provided in chapter 598.

31 86. Carry out duties relating to the custody of children
32 as provided in chapter 598A.

33 87. Carry out duties relating to adoptions as provided
34 in chapter 600.

35 88. Enter upon the clerk's records actions taken by the

1 court at a location which is not the county seat as provided
2 in section 602.7106 of this Act.

3 89. Maintain a record of the name, address, and term of
4 office of each member of the county magistrate appointing
5 commission as provided in section 602.7501 of this Act.

6 90. Certify to the state court administrator the names
7 and addresses of the magistrates appointed by the county
8 magistrate appointing commission as provided in section
9 602.7403 of this Act.

10 91. Furnish an individual or centralized docket for the
11 magistrates of the county as provided in section 602.7604
12 of this Act.

13 92. Serve as an ex officio jury commissioner and notify
14 appointive commissioners of their appointment as provided
15 in sections 608.1 and 608.5.

16 93. Carry out duties relating to the selection of jurors
17 as provided in chapter 609.

18 94. Carry out duties relating to the revocation or sus-
19 pension of an attorney's authority to practice law as provided
20 in chapter 610.

21 95. File and index petitions affecting real estate as
22 provided in sections 617.10 through 617.15.

23 96. Designate the newspapers in which the notices per-
24 taining to the clerk's office shall be published as provided
25 in section 618.7.

26 97. With acceptable surety, approve a bond of the plain-
27 tiff in an action for the payment of costs which may be ad-
28 judged against the plaintiff as provided in section 621.1.

29 98. Issue subpoenas for witnesses as provided in section
30 622.63.

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

33 100. Collect jury fees and court reporter fees as required
34 by chapter 625.

35 101. When the judgment is for recovery of money, compute

1 the interest from the date of verdict to the date of payment
2 of the judgment as provided in section 625.21.

3 102. Carry out duties relating to executions as provided
4 in chapter 626.

5 103. Carry out duties relating to the redemption of prop-
6 erty as provided in sections 628.13, 628.18, and 628.20.

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

10 105. Carry out duties relating to small claim actions
11 as provided in chapter 631.

12 106. Carry out duties of the clerk of the probate court
13 as provided in chapter 633.

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

17 108. Carry out duties relating to the attachment of prop-
18 erty as provided in chapter 639.

19 109. Carry out duties relating to garnishment as provided
20 in chapter 642.

21 110. With acceptable surety, approve bonds of the plain-
22 tiff desiring immediate delivery of the property in an action
23 of replevin as provided in sections 643.7 and 643.12.

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

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

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

30 114. When a judgment of foreclosure is entered, file with
31 the recorder an instrument acknowledging the foreclosure and
32 the date of decree and upon payment of the judgment, file
33 an instrument with the recorder acknowledging the satisfac-
34 tion as provided in sections 655.4 and 655.5.

35 115. Carry out duties relating to the issuance of a writ

- 1 of habeas corpus as provided in sections 663.9, 663.43, and
2 663.44.
- 3 116. Accept and docket an application for post-conviction
4 review of a conviction as provided in section 663A.3.
- 5 117. Report all fines, forfeited recognizances, penalties,
6 and forfeitures as provided in section 602.9106, subsection
7 3 of this Act and section 666.6.
- 8 118. Issue a warrant for the seizure of a boat or raft
9 as provided in section 667.2.
- 10 119. Carry out duties relating to the changing of a per-
11 son's name as provided in chapter 674.
- 12 120. Notify the state registrar of vital statistics of
13 a judgment determining the paternity of an illegitimate child
14 as provided in section 675.36.
- 15 121. Enter a judgment made by confession and issue an
16 execution of the judgment as provided in section 676.4.
- 17 122. With acceptable surety, approve the bond of a re-
18 ceiver as provided in section 680.3.
- 19 123. Carry out duties relating to the assignment of prop-
20 erty for the benefit of creditors as provided in chapter 681.
- 21 124. Carry out duties relating to the certification of
22 surety companies and the investment of trust funds as pro-
23 vided in chapter 682.
- 24 125. Maintain a separate docket for petitions requesting
25 that the record and evidence in a judicial review proceeding
26 be closed as provided in section 692.5.
- 27 126. Furnish a disposition of each criminal complaint
28 or information filed in the district court to the department
29 of public safety as provided in section 692.15.
- 30 127. Carry out duties relating to the issuance of warrants
31 to persons who fail to appear to answer citations as provided
32 in section 805.5.
- 33 128. Provide for a traffic and scheduled violations office
34 for the district court and service the locked collection boxes
35 at weigh stations as provided in section 805.7.

1 129. Issue a summons to corporations to answer an indict-
2 ment as provided in section 807.5.

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

5 131. Docket undertakings of bail as liens on real estate
6 and enter them upon the lien index as provided in section
7 811.4.

8 132. Hold the amount of forfeiture and judgment of bail
9 in the clerk's office for sixty days as provided in section
10 811.6.

11 133. Carry out duties relating to appeals from the dis-
12 trict court as provided in chapter 814.

13 134. Certify costs and fees payable by the state as
14 provided in section 815.1.

15 135. Notify the director of the division of adult correc-
16 tions of the department of social services of the commitment
17 of a convicted person as provided in section 901.7.

18 136. Carry out duties relating to deferred judgments,
19 probations, and restitution as provided in sections 907.4,
20 907.8, and 907.12.

21 137. Carry out duties relating to the impaneling and pro-
22 ceedings of the grand jury as provided in section 813.2, rule
23 of criminal procedure 3.

24 138. Issue subpoenas upon application of the prosecuting
25 attorney and approval of the court as provided in section
26 813.2, rule of criminal procedure 5.

27 139. Issue summons or warrants to defendants as provided
28 in section 813.2, rule of criminal procedure 7.

29 140. Carry out duties relating to the change of venue
30 as provided in section 813.2, rule of criminal procedure 10.

31 141. Issue blank subpoenas for witnesses at the request
32 of the defendant as provided in section 813.2, rule of criminal
33 procedure 14.

34 142. Carry out duties relating to the entry of judgment
35 as provided in section 813.2, rule of criminal procedure 22.

- 1 143. Carry out duties relating to the execution of a judg-
2 ment as provided in section 813.2, rule of criminal procedure
3 24.
- 4 144. Carry out duties relating to the trial of simple
5 misdemeanors as provided in section 813.2, rules of criminal
6 procedure 32 through 56.
- 7 145. Serve notice of an order of judgment entered as
8 provided in rule of civil procedure 82.
- 9 146. If a party is ordered or permitted to plead further
10 by the court, serve notice to attorneys of record as pro-
11 vided in rule of civil procedure 86.
- 12 147. Maintain a motion calendar as provided in rule of
13 civil procedure 117.
- 14 148. Provide notice of a judgment, order, or decree as
15 provided in rule of civil procedure 120.
- 16 149. Issue subpoenas as provided in rule of civil pro-
17 cedure 155.
- 18 150. Tax the costs of taking a deposition as provided
19 in rule of civil procedure 157.
- 20 151. With acceptable sureties, approve a bond filed for
21 change of venue under rule of civil procedure 167.
- 22 152. Transfer the papers relating to a case transferred
23 to another court as provided in rule of civil procedure 173.
- 24 153. Maintain a ready calendar list as provided in rule
25 of civil procedure 181.1.
- 26 154. Assess costs related to a continuance motion as pro-
27 vided in rule of civil procedure 182.
- 28 155. Carry out duties relating to the impaneling of jurors
29 as provided in rules of civil procedure 187 through 190.
- 30 156. Furnish a referee, auditor, or examiner with a copy
31 of the order of appointment as provided in rule of civil
32 procedure 207.
- 33 157. Mail a copy of the referee's, auditor's, or examiner's
34 report to the attorneys of record as provided in rule of civil
35 procedure 214.

- 1 158. Carry out duties relating to the entry of judgments
2 as provided in rules of civil procedure 223, 226, 227.1, 228,
3 and 229.
- 4 159. Carry out duties relating to defaults and judgments
5 on defaults as provided in rules of civil procedure 231, 232,
6 and 233.
- 7 160. Notify the attorney of record if exhibits used in
8 a case are to be destroyed as provided in rule of civil
9 procedure 253.1.
- 10 161. Docket the request for a hearing on a sale of property
11 as provided in rule of civil procedure 290.
- 12 162. With acceptable surety, approve the bond of a citizen
13 commencing an action of quo warranto as provided in rule of
14 civil procedure 300.
- 15 163. Carry out duties relating to the issuance of a writ
16 of certiorari as provided in rules of civil procedure 306
17 through 319.
- 18 164. Carry out duties relating to the issuance of an in-
19 junction as provided in rules of civil procedure 320 through
20 330.
- 21 165. Carry out other duties as provided by law.
- 22 Sec. 9103. NEW SECTION. 602.9103 GENERAL POWERS. The
23 clerk may:
- 24 1. Administer oaths and take affirmations as provided
25 in section 78.1.
- 26 2. Reproduce original records of the court by any reason-
27 ably permanent legible means including, but not limited to,
28 reproduction by photographing, photostating, microfilming,
29 and computer cards. The reproduction shall include proper
30 indexing. The reproduced record has the same authenticity
31 as the original record.
- 32 3. After the original record is reproduced and after ap-
33 proval of a majority of the judges of the district court by
34 court order, destroy the original records including, but not
35 limited to, dockets, journals, scrapbooks, files, and marriage

1 license applications. The order shall state the specific
2 records which are to be destroyed. An original court file
3 shall not be destroyed until after ten years from the date
4 a decree or judgment entry is signed and entered of record
5 and after the contents have been reproduced, but if the matter
6 is dismissed with prejudice before judgment or decree, the
7 original file may be destroyed one year from the date of the
8 dismissal and after its reproduction is authorized and
9 completed as provided in this subsection. As used in this
10 subsection and subsection 4, "destroy" includes the
11 transmission of the original records which are of general
12 historical interest to any recognized historical society or
13 association.

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

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

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

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

32 d. Original court files on dissolutions of marriage, one
33 year after dismissal by the parties or under rule 215 of the
34 rules of civil procedure.

35 e. Small claims files, one year after dismissal with or

1 without prejudice.

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

5 5. Invest money which is paid to the clerk to be paid
6 to any other person in a savings account of a supervised
7 financial organization as defined in section 537.1301,
8 subsection 42, except a credit union operating pursuant to
9 chapter 533. The provisions of chapter 453 relating to the
10 deposit and investment of public funds apply to the deposit
11 and investment of the money except that a supervised financial
12 organization other than a credit union may be designated as
13 a depository and the money shall be available upon demand.
14 The interest earnings shall be paid into the general fund
15 of the state, except as otherwise provided by law.

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

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

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

20 a. A record book which contains the entries of the pro-
21 ceedings of the court and which has an index referring to
22 each proceeding in each cause under the names of the parties,
23 both plaintiff and defendant, and under the name of each
24 person named in either party.

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

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

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

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

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

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

13 f. An appearance docket in which the titles of all actions
14 or special proceedings shall be entered. The actions or pro-
15 ceedings shall be numbered consecutively in the order in which
16 they commence and shall include the full names of the parties,
17 plaintiffs and defendants, as contained in the petition or
18 as subsequently made parties by a pleading, proceeding, or
19 order. The entries provided for in this paragraph and para-
20 graphs b and c may be combined in one book, the combination
21 docket, which shall also have an index containing the informa-
22 tion specified in paragraph a of this subsection.

23 g. A lien book in which an index of all liens in the court
24 are kept.

25 h. A record of official bonds as provided in section
26 64.24.

27 i. An inheritance tax and lien book as provided in section
28 450.13.

29 j. A cemetery record as provided in section 566.4.

30 k. A hospital lien docket as provided in section 582.4.

31 l. A marriage license book as provided in section 595.6.

32 m. A book of surety company certificates and revocations
33 as provided in section 682.13.

34 n. A book in which the deposits of funds, money, and
35 securities kept by the clerk are recorded as provided in

1 section 682.37.

2 Sec. 9105. NEW SECTION. 602.9105 FEES--COLLECTION AND
3 DISPOSITION.

4 1. The clerk shall collect the following fees:

- 5 a. For filing a petition, appeal, or writ of error and
6 docketing them, twenty-five dollars. Four dollars of the
7 fee shall be deposited in the court revenue distribution
8 account established under section 602.9108 of this Act, and
9 twenty-one dollars of the fee shall be paid into the state
10 treasury. Of the amount paid to the state treasury, one
11 dollar shall be deposited in the judicial retirement fund
12 established in section 602.2104 of this Act to be used to
13 pay retirement benefits of the judicial retirement system,
14 and the remainder shall be deposited in the general fund of
15 the state. In counties having a population of one hundred
16 thousand or over, an additional one dollar shall be charged
17 and collected, to be known as the journal publication fee
18 and used for the purposes provided for in section 618.13.
- 19 b. For an attachment, two dollars.
- 20 c. For a cause tried by jury, five dollars.
- 21 d. For a cause tried by the court, two dollars and fifty
22 cents.
- 23 e. For an equity case, three dollars.
- 24 f. For an injunction or other extraordinary process or
25 order, five dollars.
- 26 g. For a cause continued on application of a party by
27 affidavit, two dollars.
- 28 h. For a continuance, one dollar.
- 29 i. For entering a final judgment or decree, one dollar
30 and fifty cents.
- 31 j. For taxing costs, one dollar.
- 32 k. For issuing an execution or other process after judgment
33 or decree, two dollars.
- 34 l. For filing, entering, and endorsing a mechanic's lien,
35 three dollars, and if a suit is brought, the fee is taxable

- 1 as other costs in the action.
- 2 m. For a certificate and seal, two dollars.
- 3 n. For filing and docketing a transcript of judgment from
4 another county, one dollar.
- 5 o. For entering a rule or order, one dollar.
- 6 p. For issuing a writ or order, not including subpoenas,
7 two dollars.
- 8 q. For issuing a commission to take depositions, two
9 dollars.
- 10 r. For entering a sheriff's sale of real estate, two
11 dollars.
- 12 s. For entering a judgment by confession, two dollars.
- 13 t. For entering a satisfaction of a judgment, one dollar.
- 14 u. For a copy of records or papers filed in the clerk's
15 office, transcripts, and making a complete record, fifty cents
16 for each one hundred words.
- 17 v. For taking and approving a bond and sureties on the
18 bond, two dollars.
- 19 w. For receiving and filing a declaration of intention
20 and issuing a duplicate, two dollars. For making, filing,
21 and docketing the petition of an alien for admission as a
22 citizen of the United States and for the final hearing, four
23 dollars; and for entering the final order and the issuance
24 of the certificate of citizenship, if granted, four dollars.
- 25 x. In addition to the fees required in paragraph w, the
26 petitioner shall, upon the filing of a petition to become
27 a citizen of the United States, deposit with the clerk money
28 sufficient to cover the expense of subpoenaing and paying
29 the legal fees of witnesses for whom the petitioner may request
30 a subpoena, and upon the final discharge of the witnesses
31 they shall receive, if they demand it from the clerk, the
32 customary and usual witness fees from the moneys collected,
33 and the residue, if any, except the amount necessary to pay
34 the cost of serving the subpoenas, shall be returned by the
35 clerk to the petitioner.

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

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

6 aa. In criminal cases, the same fees for the same services
7 as in civil cases, to be paid by the county or city initiating
8 the action as provided in section 602.9109 of this Act. When
9 judgment is rendered against the defendant, costs collected
10 from the defendant shall be paid to the county or city
11 initiating the action to the extent necessary for reimburse-
12 ment for fees paid.

13 bb. For issuing a marriage license, five dollars. For
14 issuing a marriage license when a party requests a name change
15 other than a change of surname to that of the other spouse
16 or to a hyphenated combination of the surnames of both spouses,
17 seven dollars and fifty cents. Two dollars and fifty cents
18 of the seven dollars and fifty cents shall be paid to the
19 recorder as a recording fee for recording the return of
20 marriage. For issuing an application for an order of the
21 district court authorizing the issuance of a license to marry
22 prior to the expiration of three days from the date of filing
23 the application for the license, five dollars.

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

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

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

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

35 gg. Other fees provided by law.

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

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

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

29 Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES--COLLECTION
30 AND DISPOSITION.

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

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

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

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

16 a. Two-thirds shall be remitted monthly by the clerk to
17 the treasurer of state to be credited to the state general
18 fund.

19 b. One-third shall be deposited in the court revenue
20 distribution account established under section 602.9108 of
21 this Act.

22 Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES-
23 -APPROPRIATION.

24 1. The treasurer of state shall certify to the state comp-
25 troller the amounts received from a clerk of the district
26 court under section 602.9106, subsection 3 of this Act.

27 2. The state comptroller shall distribute amounts certified
28 under subsection 1 to the school district in which the fines
29 and forfeited bail were received, provided that commencing
30 in the fiscal year beginning in July, 1985, the maximum amount
31 a school district is entitled to receive during a fiscal year
32 is the amount paid to the school district under this section
33 during the fiscal year beginning July 1, 1984.

34 3. Any amount collected under section 602.9106, subsection
35 3 of this Act that is in excess of the amount to which a

1 school district is entitled under subsection 2 shall be
2 deposited in the state general fund.

3 4. There is appropriated to the state comptroller so much
4 of the revenues received under section 602.9106, subsection
5 3 of this Act as may be necessary for the distributions
6 required under subsection 2.

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

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

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

17 a. The clerk shall remit all revenue received by the clerk
18 during the fiscal year commencing July 1, 1983 and ending
19 June 30, 1984, to the county treasurer.

20 b. Of the revenue received by the clerk during the fiscal
21 year commencing July 1, 1985 and ending June 30, 1986, the
22 clerk shall remit eighty percent to the county treasurer and
23 twenty percent to the treasurer of state.

24 c. Of the revenue received by the clerk during the fiscal
25 year commencing July 1, 1986 and ending June 30, 1987, the
26 clerk shall remit sixty percent to the county treasurer and
27 forty percent to the treasurer of state.

28 d. Of the revenue received by the clerk during the fiscal
29 year commencing July 1, 1987 and ending June 30, 1988, the
30 clerk shall remit forty percent to the county treasurer and
31 sixty percent to the treasurer of state.

32 e. Of the revenue received by the clerk during the fiscal
33 year commencing July 1, 1988 and ending June 30, 1989, the
34 clerk shall remit twenty percent to the county treasurer and
35 eighty percent to the treasurer of state.

576/ 1 f. The clerk shall remit all revenue received on or after
2 July 1, 1989, to the treasurer of state.

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

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

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

23 1. A city or a county shall pay court costs and other
24 fees payable to the clerk of the district court for services
25 rendered upon receipt of a statement from the clerk disclos-
26 ing the amount due.

27 2. Not later than the fifteenth day of each calendar month
28 the clerk of the district court shall deliver to the county
29 auditor a statement disclosing all of the following:

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

35 b. Any amounts collected by the clerk of the district

1 court during the preceding month as costs in an action when
2 these amounts are payable by law to the county as reimbursement
3 for costs incurred by the county in connection with a civil
4 or criminal action, and the total of all of these amounts.

5 3. If the amount owed by the county under subsection 2,
6 paragraph a for a calendar month is greater than the amount
7 due to the county under subsection 2, paragraph b for that
8 month, the county shall remit the difference to the clerk
9 of the district court not later than the last day of the month
10 in which the statement under subsection 2 is received.

11 4. If the amount due to the county under subsection 2,
12 paragraph b for a calendar month is greater than the amount
13 owed by the county under subsection 2, paragraph a for that
14 month, the clerk of the district court shall remit the
15 difference to the county treasurer not later than the last
16 day of the month in which the statement under subsection 2
17 is delivered.

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

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

30 7. Amounts not paid as required under subsection 3, 4,
31 5, or 6 shall bear interest for each day of delinquency at
32 the rate in effect as of the day of delinquency for time
33 deposits of public funds for eighty-nine days, as established
34 under section 453.6.

35

DIVISION III

1 "Agency" does not mean the general assembly, the ~~courts~~
 2 judicial department or any of its components, the governor
 3 or a political subdivision of the state or its offices and
 4 units. Unless provided otherwise by statute, no less than
 5 two-thirds of the members eligible to vote of a multimember
 6 agency shall constitute a quorum authorized to act in the
 7 name of the agency.

8 Sec. 10005. Section 17A.20, Code 1981, is amended to read
 9 as follows:

10 17A.20 APPEALS. An aggrieved or adversely affected party
 11 to the judicial review proceeding may obtain a review of any
 12 final judgment of the district court under this chapter by
 13 appeal ~~to-the-supreme-court~~. The appeal shall be taken as
 14 in other civil cases, although the appeal may be taken re-
 15 gardless of the amount involved.

16 Sec. 10006. Section 18.97, subsection 15, paragraph e,
 17 Code 1981, is amended to read as follows:

18 e. ~~Court~~ State court administrator.

19 Sec. 10007. Section 18.97, subsection 15, Code 1981, is
 20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. Each district court administrator.

22 Sec. 10008. Section 18.117, unnumbered paragraph 2, Code
 23 1981, is amended to read as follows:

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

31 Sec. 10009. Section 19A.3, subsection 12, Code 1981, is
 32 amended to read as follows:

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

35 Sec. 10010. Section 20.4, subsection 7, Code 1981, is

1 amended to read as follows:

5092 7. ~~Judges-of-the-supreme-court, district-judges, district~~
3 ~~associate-judges-and-judicial-magistrates, and the employees~~
4 ~~of such judges and courts.~~ Judicial officers, and
5 confidential, professional, or supervisory employees of the
6 judicial department.

5110 7 Sec. 10011. Section 25A.6, Code 1981, is amended to read
8 as follows:

9 25A.6 APPLICABLE RULES. In suits under this chapter,
10 the forms of process, writs, pleadings, and actions, and the
11 practice and procedure, shall be in accordance with the rules
12 of civil procedure ~~promulgated and adopted by the supreme~~
13 ~~court of the state.~~ The same provisions for counterclaims,
14 setoff, interest upon judgments, and payment of judgments,
15 shall be applicable as in other suits brought in the district
16 ~~courts of the state court.~~ However, no writ of execution
17 shall issue against the state or any state agency by reason
18 of any judgment under this chapter.

5770 19 Sec. 10012. Section 39.17, unnumbered paragraph 1, Code
20 1981, is amended to read as follows:

21 39.17 COUNTY OFFICERS. There shall be elected in each
22 county at the general election to be held in the year 1976
23 and every four years thereafter, ~~a clerk of the district~~
24 ~~court,~~ an auditor and a sheriff ~~who shall,~~ each to hold office
25 for a term of four years.

26 Sec. 10013. Section 44.7, Code 1981, is amended to read
27 as follows:

28 44.7 HEARING BEFORE COMMISSIONER. Objections filed with
29 the commissioner shall be considered by the county auditor,
30 ~~clerk of the district court~~ county treasurer, and county
31 attorney, and a majority decision shall be final; but if the
32 objection is to the certificate of nomination of one or more
33 of the above named county officers, ~~said~~ the officer or
34 officers ~~so~~ objected to shall not pass upon ~~such~~ the objection,
35 but their places shall be filled, respectively, by the ~~county~~

1 ~~treasurer~~ chairperson of the board of supervisors, the sheriff,
2 and the county recorder.

3 Sec. 10014. Section 46.16, subsection 1, unnumbered para-
4 graph 1, Code 1981, is amended to read as follows:

5 Subject to ~~the provisions of~~ sections ~~605-24 and 605-25~~
6 602.1610 and 602.1612 of this Act and to removal for cause:

5770-7 Sec. 10015. Section 64.6, Code 1981, is amended by adding
8 the following new subsection:

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

11 Sec. 10016. Section 64.8, Code 1981, is amended to read
12 as follows:

13 64.8 BONDS OF COUNTY OFFICERS. The bonds of members of
14 the boards of supervisors, ~~clerks of the district courts,~~
15 county attorneys, recorders, auditors, sheriffs and assessors
16 shall each be in a penal sum of not less than ten thousand
17 dollars ~~each~~ per annum.

18 Sec. 10017. Section 64.11, Code 1981, is amended to read
19 as follows:

20 64.11 EXPENSE OF BONDS PAID BY COUNTY. If any county
21 treasurer, ~~clerk of the district court,~~ county attorney,
22 recorder, auditor, sheriff, medical examiner, ~~members of~~
23 member of the soldiers relief commission, ~~members~~ member of
24 the board of supervisors, engineer, steward or matron shall
25 ~~elect~~ elects to furnish a bond with any association or
26 incorporation as surety as provided in this chapter, the
27 reasonable cost of ~~such~~ the bond shall be paid by the county
28 where the bond is filed.

29 Sec. 10018. Section 64.19, Code 1981, is amended by adding
30 the following new subsection:

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

33 Sec. 10019. Section 64.23, subsection 1, Code 1981, is
34 amended to read as follows:

35 1. For all state officers, elective or appointive, except

1 those of the secretary of state and a judicial magistrate,
2 with the secretary of state. Bonds and official oaths of
3 judicial magistrates and court personnel shall be filed in
4 the office of the district-court-clerk state court
5 administrator.

5770 6 Sec. 10020. Section 66.19, Code 1981, is amended to read
7 as follows:

8 66.19 TEMPORARY OFFICER. Upon ~~such~~ a suspension, the
9 board or person authorized to fill a vacancy in the office
10 shall temporarily fill the office by appointment. In case
11 of a suspension of a ~~clerk-or~~ sheriff, the district court
12 may ~~supply-such-place-by-appointment~~ designate an acting
13 sheriff until a temporary ~~appointment-shall-be-made~~ sheriff
14 is appointed. ~~Such-orders~~ Orders of suspension and temporary
15 appointment of county and township officers shall be certified
16 to the county auditor, ~~and-be-by-him-entered~~ for entry in
17 the election book; those of city officers, certified to the
18 clerk and entered upon the records; in case of other officers,
19 to the person or body making the original appointment.

20 Sec. 10021. Section 68.1, Code 1981, is amended to read
21 as follows:

22 68.1 IMPEACHMENT DEFINED. An impeachment is a written
23 accusation against the governor, or a ~~judge-of-the-supreme~~
6769 24 ~~or-district-court~~ judicial officer or other state officer,
25 by the house of representatives before the senate, of a
26 misdemeanor or malfeasance in office.

27 Sec. 10022. Section 69.3, Code 1981, is amended to read
28 as follows:

5770 29 69.3 POSSESSION OF OFFICE. When a vacancy occurs in a
30 public office, possession shall be taken of the office room,
31 the books, papers, and all things pertaining thereto, to be
32 held until the qualification of a successor, as follows:
33 Of the office of the county auditor, by the ~~clerk-of-the~~
34 ~~district-court~~ county treasurer; of the ~~clerk-or~~ county
35 treasurer, by the county auditor; of any of the state officers,

1 by the governor, or, in ~~his~~ the absence or inability of the
 2 governor at the time of the occurrence, as follows: Of the
 3 secretary of state, by the treasurer of state; of the auditor
 4 of state, by the secretary of state; of the treasurer of
 5 state, by the secretary of state and auditor of state, who
 6 shall make an inventory of the money and warrants therein,
 7 sign the same, and transmit it to the governor; and the
 8 secretary of state shall take the keys of the safe and desks,
 9 after depositing the books, papers, money and warrants therein,
 10 and the auditor of state shall take the key ~~of~~ to the office
 11 room.

12 Sec. 10023. Section 69.8, subsection 5, Code 1981, is
 13 amended to read as follows:

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

17 Sec. 10024. Section 79.12, Code 1981, is amended to read
 18 as follows:

19 79.12 WARRANTS PROHIBITED. No A warrant ~~shall-be-issued~~
 20 requiring any peace officer to go beyond the boundaries of
 21 the state at public expense shall not be issued except with
 22 the approval of a ~~judge-of-the~~ district court judge.

23 Sec. 10025. Section 85.49, unnumbered paragraph 1, Code
 24 1981, is amended to read as follows:

25 When a minor or mentally incompetent dependent is entitled
 26 to weekly benefits under this chapter, chapter 85A or chapter
 27 85B, payment shall be made to the clerk of the district court
 28 for the county in which the injury occurred, who shall act
 29 as trustee, and the money coming into the clerk's hands shall
 30 be expended for the use and benefit of the person entitled
 31 thereto under the direction and orders of a district judge
 32 ~~of-the-district-court,-in-which-such-county-is-located~~. The
 33 clerk of the district court, as ~~such~~ trustee, shall qualify
 34 and give bond in ~~such~~ an amount as the district judge may
 35 ~~direct~~ directs, which may be increased or diminished from

1 time to time ~~as the court may deem best.~~ ~~The cost of such~~
2 ~~bond shall be paid by the county as the court may direct by~~
3 ~~written order directed to the auditor of the county who shall~~
4 ~~issue a warrant therefor upon the treasurer of the county.~~
5 If the domicile or residence of such the minor or mentally
6 incompetent dependent be is within the state but in a county
7 other than that in which the injury to the employee occurred
8 the industrial commissioner may order and direct that weekly
9 benefits ~~to such minors or incompetents~~ be paid to the clerk
10 of the district court of the county ~~wherein they shall be~~
11 ~~domiciled or reside~~ of domicile or residence.

12 Sec. 10026. Section 85.50, unnumbered paragraph 2, Code
13 1981, is amended to read as follows:

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

23 Sec. 10027. Section 97B.41, subsection 3, paragraph b,
24 subparagraph (6), Code 1981, is amended to read as follows:

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

30 Sec. 10028. Section 127.17, Code 1981, is amended to read
31 as follows:

32 127.17 COSTS. When any such conveyance is requisitioned
33 by the state department of justice, ~~said~~ the department shall
34 ~~pay to the clerk of the district court,~~ the court costs and
35 the expense incurred by the county or the sheriff in keeping

1 ~~said~~ the conveyance.

2 Sec. 10029. Section 144.36, subsection 1, Code 1981, is
3 amended to read as follows:

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

18 Sec. 10030. Section 144.37, unnumbered paragraph 2, Code
19 1981, is amended to read as follows:

20 The clerk of the district court in each county shall keep
21 a record book for divorces. The form of divorce record books
22 shall be uniform throughout the state and shall be prescribed
23 by the state department. ~~Divorce-record-books-shall-be~~
24 ~~provided-at-county-expense-~~ A properly indexed record of
25 divorces upon microfilm, electronic computer, or data
26 processing equipment may be kept ~~instead~~ in lieu of divorce
27 record books.

28 Sec. 10031. Section 144.46, Code 1981, is amended to read
29 as follows:

30 144.46 FEE FOR COPY OF RECORD. A fee of two dollars per
31 copy shall be collected by the state registrar or the clerk
32 of the district court for each certified copy or short form
33 certification of certificates or records, or for a search
34 of the files or records when no copy is made, or when no
35 record is found on file. Fees collected by the state registrar

1 under this section shall be deposited in the state general
2 fund. Fees collected by the clerk of the district court shall
3 be deposited in the court revenue distribution account
4 established under section 602.9108 of this Act.

5759 5 Sec. 10032. Section 204.502, subsection 1, paragraphs
6 a, b and d, Code 1981, is amended to read as follows:

7 a. A district ~~or-municipal-court~~ judge, ~~within his or~~
8 district associate judge having jurisdiction may, and upon
9 proper oath or affirmation showing probable cause, may issue
10 warrants for the purpose of conducting administrative
11 inspections authorized by this chapter or rule ~~thereunder~~
12 adopted under this chapter, and seizures of property
13 appropriate to ~~sueh~~ the inspections. For purposes of the
14 issuance of administrative inspection warrants, probable cause
15 exists upon showing a valid public interest in the effective
16 enforcement of the chapter or rules ~~promulgated-thereunder~~,
17 sufficient to justify administrative inspection of the area,
18 premises, building or conveyance in the circumstances specified
19 in the application for the warrant.

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

31 d. The ~~judge~~ judicial officer who has issued a warrant
32 under this section shall require that there be attached to
33 the warrant a copy of the return, and of all papers filed
34 in connection with the return, and shall file them with the
35 clerk of the district ~~or-municipal~~ court for the ~~district~~

1 county in which the inspection was made.

2 Sec. 10033. Section 229.40, Code 1981, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 229.40 RULES FOR PROCEEDINGS. Proceedings under this
6 chapter are subject to rules prescribed by the supreme court
7 under section 602.5201 of this Act.

8 Sec. 10034. Section 232.2, subsections 8 and 29, Code 1981,
9 are amended to read as follows:

10 8. "Court" means the juvenile court established in ~~chapter~~
11 231 section 602.8101 of this Act.

12 29. "Juvenile ~~probation~~ court officer" ~~or "probation~~
13 ~~officer"~~ means a person appointed as a juvenile ~~probation~~
14 court officer under section-231-8 division II, article 8 of
15 this Act and a chief juvenile court officer appointed under
16 section 602.1215 of this Act.

17 Sec. 10035. Sections 232.2, subsections 24, 31, and 40,
18 232.19, subsection 1, paragraph d, 232.29, subsection 1,
19 paragraph e, 232.46, subsections 1 and 3, 232.48, subsection
20 1, 232.51, 232.87, subsections 2 and 3, 232.96, subsection
21 6, 232.97, subsection 1, 232.111, subsections 1 and 2, and
22 232.125, subsection 2, Code 1981, are amended by striking
23 the terms "juvenile probation officer" and "probation officer"
24 wherever within those provisions either or both of those terms
25 appear and inserting in lieu of each of those terms the words
26 "juvenile court officer".

27 Sec. 10036. Sections 232.147, subsection 3, paragraph
28 a, and 232.149, subsection 3, paragraph b, Code 1981, are
29 amended by striking the terms "juvenile probation officers"
30 wherever in those provisions the term appears and inserting
31 in lieu thereof the words "juvenile court officers".

32 Sec. 10037. Section 232.152, Code 1981, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 232.152 RULES OF JUVENILE PROCEDURE. Proceedings under

1 this chapter are subject to rules prescribed by the supreme
2 court under section 602.5201 of this Act.

3 Sec. 10038. Section 247.29, Code 1981, is amended to read
4 as follows:

5 247.29 CRIMINAL STATISTICS. The clerk of the district
6 court shall, on or before July 15 of each year, report to
7 the supreme court, the board of parole, and the director of
8 the division of corrections of the department of social
9 services all of the following information for the preceding
10 fiscal year:

11 1. The number of convictions of all criminal offenses
12 ~~in that court, in his county, for the year ending June 30~~
13 ~~preceding~~, the character of each offense, the sentence imposed,
14 the occupation of the offender, and whether such or not the
15 offender can read or write.

16 2. ~~Number~~ The number of acquittals in criminal cases.

17 3. ~~Number~~ The number of dismissals by the court without
18 trial, and the nature of the charges so dismissed in criminal
19 cases.

20 4. The expenses ~~of the county~~ for criminal prosecutions
21 ~~during said year.~~

22 Sec. 10039. Section 247.30, Code 1981, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 247.30 ITEMIZATION OF STATISTICS. The information required
26 by section 247.29, subsection 4, shall be itemized as follows:

27 1. Fees and mileage paid to jurors.

28 2. The cost of meals and lodging for jurors.

29 3. The amount expended by the county in each of the follow-
30 ing categories, as reported to the clerk by the county auditor,
31 and whether or not recovered from defendants:

32 a. The cost for the services of bailiffs while attending
33 the grand jury or trials of actions.

34 b. Fees and mileage paid to members of the grand jury,
35 the clerk of the grand jury, and witnesses before the grand

1 jury.

2 c. Fees and mileage paid to witnesses in the trial of
3 actions.

4 d. Fees paid for court reporting and for transcriptions
5 of the notes of court reporters.

6 e. The costs of depositions.

7 f. The expense of providing a jail, not including board
8 of prisoners.

9 g. The expense of the board of prisoners in a county jail.

10 h. The expense of transporting prisoners to state cor-
11 rectional institutions.

12 i. The compensation and expenses incurred by the office
13 of the county attorney in connection with criminal
14 prosecutions.

15 Sec. 10040. Section 247.31, Code 1981, is amended to read
16 as follows:

17 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
18 auditor shall report to the clerk of the district court, on
19 or before July 5 of each year, the expenses of the county
20 in connection with criminal prosecutions during the preceding
21 fiscal year ending-June-30-preceding,-including-but

22 distinguishing-the-compensation-of-the-county-attorney. Such

23 The report shall include all the items of criminal expenses
24 which-appear-in-the-records-of-his-office-and which are

25 required to be reported by the clerk of the district court

26 to-the-board-of-parole-and-the-director-of-the-division-of

27 corrections-of-the-department-of-social-services under section

28 247.30, subsection 4, and which appear in the records of the

29 county auditor. The clerk of the district court shall furnish

30 to the auditor with the blanks to be used in making such this

31 report.

32 Sec. 10041. Section 252.18, subsection 1, Code 1981, is
33 amended to read as follows:

34 1. Any person who is a county charge or is likely to

35 become such so, coming from another state and not having

1 acquired a settlement in any county of this state or any such
2 person having acquired a settlement in any county of this
3 state who ~~removes~~ moves to another county, may be removed
4 from this state or from the county into which ~~such~~ the person
5 has moved, ~~as the case may be,~~ at the expense of the county
6 ~~wherein said~~ where the person is found, upon the petition
7 of said the county to the district ~~or superior~~ court ~~of~~ in
8 that county.

9 Sec. 10042. Section 258A.1, subsection 1, paragraph b,
10 Code 1981, is amended to read as follows:

11 b. The board of examiners of shorthand reporters, created
12 pursuant to ~~chapter 115~~ division II, article 4 of this Act.

13 Sec. 10043. Section 258A.3, subsection 2, paragraph a,
14 Code 1981, is amended to read as follows:

15 a. Revoke a license, or suspend a license either until
16 further order of the board or for a specified period, upon
17 the grounds specified in sections 114.21, ~~115-8,~~ 116.21,
18 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34,
19 154A.24, 169.13, 455B.59 and chapters 135E, 151, 507B and
20 522 and section 602.4203 of this Act or upon any other grounds
21 specifically provided for in this chapter for revocation of
22 the license of a licensee subject to the jurisdiction of that
23 board, or upon failure of the licensee to comply with a
24 decision of the board imposing licensee discipline;

25 Sec. 10044. Section 258A.4, subsection 1, paragraph f,
26 Code 1981, is amended to read as follows:

27 f. Define by rule acts or omissions which are grounds
28 for revocation or suspension of a license under ~~the provisions~~
29 ~~of~~ sections 114.21, ~~115-8,~~ 116.21, 117.29, 118.13, 118A.15,
30 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.49 and
31 chapters 135E, 151, 507B and 522 and section 602.4203 of this
32 Act, and to define by rule acts or omissions which constitute
33 negligence, careless acts or omissions within the meaning
34 of section 258A.3, subsection 2, paragraph "b", which licensees
35 are required to report to the board pursuant to section 258A.9,

1 subsection 2;

2 Sec. 10045. Section 306B.5, subsection 2, Code 1981, is
3 amended to read as follows:

4 2. The cost of removal, including any fees, and costs
5 ~~or~~ and expenses ~~as may~~ which arise out of any action brought
6 by the department to insure peaceful entry and removal, may
7 be assessed against the owner of the advertising device.
8 Should the owner of the advertising device fail to pay ~~such~~
9 the fees, costs, or expenses within thirty days after
10 assessment, the department may ~~institute-proceedings-in-the~~
11 ~~district-court-or-small-claims-division-as-applicable,~~ commence
12 an action to collect ~~said~~ the fees, costs, or expenses, which
13 when collected, shall be paid into the "highway beautification
14 fund."

15 Sec. 10046. Section 306C.19, subsection 2, Code 1981,
16 is amended to read as follows:

17 2. The cost of removal, including any fees, and costs
18 ~~or~~ and expenses ~~as may~~ which arise out of any action brought
19 by the department to insure peaceful entry and removal, may
20 be assessed against the owner of the advertising device.
21 Should the owner of the advertising device fail to pay ~~such~~
22 the fees, costs, or expenses, within thirty days after
23 assessment, the department may ~~institute-proceedings-in-the~~
24 ~~district-court-or-small-claims-division-as-applicable,~~ commence
25 an action to collect ~~said~~ the fees, costs, or expenses, which
26 when collected, shall be paid into the "highway beautification
27 fund".

28 Sec. 10047. Section 356A.2, Code 1981, is amended to read
29 as follows:

30 356A.2 CONTRACT. If the board of supervisors ~~contract~~
31 contracts with a public or private nonprofit agency or
32 corporation for the establishment and maintenance of such
33 a facility, the contract shall state the charge per person
34 per day to be paid by the county; that each ~~such~~ facility
35 shall insure the performance of the duties of the keeper as

1 defined in section 356.5; the activities and service to be
2 provided those detained or confined; the extent of security
3 to be provided in the best interests of the community; the
4 maximum number of persons that can be detained or committed
5 at any one time; the number of employees to be provided by
6 the contracting private nonprofit agency or corporation for
7 the maintenance, supervision, control, and security of persons
8 detained or confined ~~therein~~ in the facility; and any other
9 matters deemed necessary by the supervisors. ~~All-such~~ The
10 contracts shall be for a period not to exceed two years.
11 The board of supervisors shall deliver a copy of the contract
12 to each ~~municipal-court-judge-in-the-county-and-to-each~~
13 ~~district-court-judge~~ judicial officer of the district which
14 includes that county.

15 Sec. 10048. Section 356A.6, Code 1981, is amended to read
16 as follows:

17 356A.6 TRANSFER. A ~~judge~~ judicial officer of the ~~municipal~~
18 ~~or~~ district court may originally commit a person to the county
19 jail to serve any part of the sentence pronounced, and
20 thereafter the person may be transferred to a facility
21 established and maintained pursuant to section 356A.1 or
22 356A.2.

5770 23 Sec. 10049. Section 400.6, subsection 1, unnumbered
24 paragraph 1, Code 1981, is amended to read as follows:

25 ~~The-provisions-of-this-chapter-shall-apply~~ This chapter
26 applies to all appointive officers and employees, ~~-including~~
27 ~~former-deputy-clerks-of-the-municipal-court-who-became-deputies~~
28 ~~of-the-district-court-clerks,~~ in cities under any form of
29 government having a population of more than fifteen thousand
30 except:

31 Sec. 10050. Section 453.1, Code 1981, as amended by Acts
32 of the Sixty-ninth General Assembly, 1981 Session, chapter
33 148, section 1, is amended to read as follows:

34 453.1 DEPOSITS IN GENERAL. All funds held in the hands
35 of the following officers or institutions shall be deposited

1 in banks first approved by the appropriate governing body
 2 as indicated: For the treasurer of state, by the executive
 3 council; for judicial officers and court employees, by the
 4 supreme court; for the county treasurer, recorder, auditor,
 5 sheriff, ~~clerk-of-the-district-court, and judicial-magistrate,~~
 6 by the board of supervisors; for the city treasurer, by the
 7 city council; for the county public hospital or merged area
 8 hospital, by the board of hospital trustees; for a memorial
 9 hospital, by the memorial hospital commission; for a school
 10 corporation, by the board of school directors. However, the
 11 treasurer of state and the treasurer of each political
 12 subdivision shall invest all funds not needed for current
 13 operating expenses in time certificates of deposit in banks
 14 listed as approved depositories pursuant to this chapter or
 15 in investments permitted by section 452.10. The list of
 16 public depositories and the amounts severally deposited in
 17 the depositories ~~shall-be-a-matter~~ are matters of public
 18 record. The term "bank" means a bank or a private bank, as
 19 defined in section 524.103.

20 Sec. 10051. Section 509A.7, Code 1981, is amended to read
 21 as follows:

22 509A.7 EMPLOYEE DEFINED. The word "employee" as used
 23 in this division ~~shall~~ does not include temporary or retired
 24 employees; however, ~~nothing-herein-shall-be-construed-as~~
 25 preventing this division does not prevent a retired employee
 26 from voluntarily continuing an existing contract in force,
 27 at ~~his~~ the employee's own expense, ~~an-existing-contract.~~
 28 ~~For-purposes-of-group-insurance, the word "employee" includes~~
 29 ~~a-full-time-certified-court-reporter-as-an-employee-of-each~~
 30 ~~county-within-the-judicial-district-which-employs-him, on~~
 31 ~~a-percentage-basis-as-provided-in-section-605-9,--However,~~
 32 ~~group-insurance-for-the-certified-court-reporter-may-be~~
 33 ~~obtained-through-only-one-of-the-counties-within-the-district,~~
 34 ~~at-the-reporter's-option, with-a-percentage-contribution-from~~
 35 ~~the-other-counties, on-the-basis-provided-in-section-605-9,~~

1 ~~for-the-employer's-share-of-the-premium-~~

2 Sec. 10052. Section 598.16, Code 1981, is amended by
3 adding the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. Persons providing counseling
5 and other services pursuant to this section are not court
6 employees, but are subject to court supervision.

7 Sec. 10053. Section 600A.2, subsection 15, Code 1981,
8 is amended to read as follows:

9 15. "Juvenile court" means a the juvenile court as
10 established ~~under-section-231-1~~ by section 602.8101 of this
11 Act.

12 Sec. 10054. Section 622.67, Code 1981, is amended to read
13 as follows:

14 622.67 DEPOSIT--EFFECT. The court ~~ex-judge~~, for good
15 cause shown, may, upon deposit with the clerk of the court
16 of sufficient money to pay the ~~legal-fees~~ fee and mileage
17 of a witness, order a subpoena to issue requiring the
18 attendance of ~~such~~ the witness from a greater distance within
19 the state. ~~Such~~ The subpoena shall show that it is issued
20 under ~~the-provisions-hereof~~ this section. If the party
21 requesting the subpoena is a county or the state, the court
22 may order the issuance of the subpoena without the deposit
23 of the fee and mileage.

24 Sec. 10055. Section 625.8, Code 1981, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 625.8 JURY AND REPORTER FEES.

28 1. The clerk of the district court shall tax as a court
29 cost a jury fee of ten dollars in every action tried to a
30 jury.

31 2. The clerk of the district court shall tax as a court
32 cost a fee of fifteen dollars per day for the services of
33 a court reporter.

34 3. Revenue from the fees required by this section shall
35 be deposited in the court revenue distribution account es-

1 tablished under section 602.9108 of this Act.

2 Sec. 10056. Section 628.4, Code 1981, is amended to read
3 as follows:

4 628.4 REDEMPTION PROHIBITED. No A party who has taken
5 an appeal from the ~~superior~~ district court, or stayed
6 execution on the judgment, ~~shall be~~ is not entitled to redeem.

7 Sec. 10057. Section 631.2, subsection 2, Code 1981, is
8 amended to read as follows:

9 2. The clerk of the district court shall maintain a
10 separate docket for small claims which shall be known as the
11 small claims docket, and which shall contain all matters
12 relating to those small claims which are required by section
13 ~~606-7~~ 602.9104, subsection 2, paragraph f of this Act to be
14 contained in a combination docket.

15 Sec. 10058. Section 631.6, subsection 4, unnumbered para-
16 graph 2, Code 1981, is amended to read as follows:

17 All fees and costs collected in small claims actions shall
18 be ~~remitted to the county treasurer as provided in section~~
19 ~~606-16~~ The deposited in the court revenue distribution
20 account established under section 602.9108 of this Act, except
21 that the fee specified in subsection 4 shall be remitted to
22 the secretary of state.

23 Sec. 10059. Section 633.17, Code 1981, is amended to read
24 as follows:

25 633.17 JUDGE DISQUALIFIED--PROCEDURE. ~~Where the judge~~
26 ~~is a party, or is connected by blood or affinity with a person~~
27 ~~interested nearer than the fourth degree, or is personally~~
28 ~~interested~~ When a judge is disqualified from acting in any
29 probate matter, the same matter shall be heard before another
30 judge of the same district, or shall be transferred to the
31 court of another district, or a judge of another district
32 shall be procured to hold court for the hearing of such the
33 matter.

34 Sec. 10060. Section 633.18, Code 1981, is amended by
35 striking the section and inserting in lieu thereof the

1 following:

2 633.18 RULES IN PROBATE.

3 1. Actions and proceedings under this chapter are subject
4 to rules prescribed by the supreme court under section 602.5201
5 of this Act.

6 2. The district judges of a judicial district acting under
7 section 602.1212 of this Act may prescribe rules for probate
8 actions and proceedings within the district, but these rules
9 must be consistent with this chapter, and shall be subject
10 to the approval of the supreme court.

11 Sec. 10061. Section 633.20, Code 1981, is amended to read
12 as follows:

13 633.20 REFEREE--EXAMINATION OF ACCOUNTS--FEES CLERK.

14 1. For The court may appoint a referee in probate for
15 the auditing of the accounts of fiduciaries and for the
16 performance of such other ministerial duties as the court
17 may direct, the court may appoint a referee in probate whenever
18 in the opinion of the court it seems fit and proper to do
19 so prescribes. The referee may be the clerk. No A person
20 shall not be appointed as referee in any matter where he the
21 person is acting as a fiduciary or as the attorney. All fees
22 received by any county officer serving in the capacity of
23 referee in probate shall become a part of the fees of his
24 office and shall be accounted for as such.

25 2. The court may appoint the clerk as referee in probate.
26 In such cases, the fees received by the clerk for serving
27 in the capacity of referee shall be fees of the office of
28 the clerk of court and shall be deposited in the court revenue
29 distribution account established under section 602.9108 of
30 this Act.

31 Sec. 10062. Section 633.21, Code 1981, is amended to read
32 as follows:

33 633.21 APPRAISERS' FEES AND REFEREES' FEES FIXED BY RULE.

34 The district court sitting en banc judges of each judicial
35 district shall by rule fix the fees of probate referees.

1 ~~It shall~~, and also ~~by rule~~ provide, insofar as practicable,
2 a uniform schedule of compensation for inheritance tax
3 appraisers, other appraisers, brokers, and agents employed
4 at estate expense.

5 Sec. 10063. Chapter 633, division II, part 1, Code 1981,
6 is amended by adding the following new section as section
7 633.22:

8 NEW SECTION. 633.22 PROBATE ORDERS. A district judge
9 has statewide jurisdiction to enter orders in probate matters
10 not requiring notice and hearing, although the judge is not
11 a judge of or present in the district in which the probate
12 matter is pending. The orders shall be made in conformity
13 with the rules of the district in which the probate matter
14 is pending.

15 Sec. 10064. Section 633.31, subsection 2, unnumbered
16 paragraph 1, Code 1981, is amended to read as follows:

17 The clerk shall charge and collect the following fees,
18 in connection with probate matters, ~~all of which shall be~~
19 ~~paid into the county treasury for the use of the county~~
20 deposited in the court revenue distribution account established
21 under section 602.9108 of this Act:

22 Sec. 10065. Section 666.6, Code 1981, is amended to read
23 as follows:

24 666.6 REPORT OF FORFEITED BONDS. Clerks of district court
25 shall, on the first Monday in January in each year, make a
26 report in writing to the ~~board of supervisors for their~~
27 ~~respective counties~~ supreme court of all forfeited
28 recognizances in their offices; of all fines, penalties, and
29 forfeitures imposed in their respective courts, which by law
30 go into the ~~county state~~ state treasury for ~~the benefit of the~~
31 ~~school fund~~ distribution under section 602.9107 of this Act;
32 in what cause or proceeding, when and for what purpose, against
33 whom and for what amount, rendered; whether ~~said~~ these fines,
34 penalties, forfeitures, and recognizances have been paid,
35 remitted, canceled, or otherwise satisfied; if so, when, how,

1 and in what manner, and if not paid, remitted, canceled, or
2 otherwise satisfied, what steps have been taken to enforce
3 the collection thereof.

4 ~~Sueh~~ The report must be full, true, and complete with
5 reference to the matters ~~therein~~ contained, ~~and of~~ in the
6 report and all things required by this section to be reported,
7 and the report shall be under oath, and any officer. Any
8 clerk failing to make such the report as required by this
9 section shall be guilty of a simple misdemeanor.

10 Sec. 10066. Section 684A.6, Code 1981, is amended to read
11 as follows:

12 684A.6 PROCEDURE. The supreme court may prescribe ~~its~~
13 ~~own~~ rules of procedure concerning the answering and
14 certification of questions of law under this chapter, subject
15 to section ~~684-19~~ 602.5202 of this Act.

16 Sec. 10067. Section 801.4, subsection 7, paragraph e,
17 Code 1981, is amended to read as follows:

18 e. Probation officers acting pursuant to section ~~231-10~~
19 602.8202, subsection 4 of this Act.

20 Sec. 10068. Section 801.4, subsection 10, Code 1981, as
21 amended by Acts of the Sixty-ninth General Assembly, 1981
22 Session, chapter 117, section 1240, is amended by striking
23 the subsection and inserting in lieu thereof the following:

24 10. "Indigent person" means a person who is determined
25 to be indigent in accordance with section 10074 of this Act.

26 Sec. 10069. Section 805.11, Code 1981, is amended to read
27 as follows:

28 805.11 OTHER PENALTIES. If the defendant is convicted
29 of a scheduled violation, the penalty shall be the scheduled
30 fine, without suspension of the fine prescribed in section
31 805.8 together with costs assessed and distributed as
32 prescribed by section ~~602-63~~ 602.9106 of this Act, unless
33 it appears from the evidence that the violation was of the
34 type set forth in section 805.10, subsection 1 or 3, in which
35 event the scheduled fine shall not apply and the penalty shall

1 be increased within the limits provided by law for the offense.

2 Upon the conviction of a defendant of a violation specified
3 in section 805.8 or 805.10, fees shall not be imposed or
4 collected for the purposes specified in ~~section 606-157~~
5 ~~subsection 97-10-20~~ section 602.9105, subsection 1,
6 paragraph i, j, or t of this Act.

7 Sec. 10070. Section 805.12, Code 1981, is amended to read
8 as follows:

9 805.12 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines,
10 forfeiture of bail, fees, and costs collected for all traffic
11 violations, whether or not scheduled, and for all other
12 scheduled violations shall be ~~remitted~~ distributed in
13 accordance with section ~~602-55~~ 602.9106 of this Act.

14 Sec. 10071. Section 813.4, Code 1981, is amended to read
15 as follows:

16 813.4 ADDITIONS TO AND AMENDMENT OF RULES. The rules
17 of criminal procedure may be amended, provisions deleted,
18 and new rules added, ~~in the manner prescribed for civil rules~~
19 ~~under chapter 684~~ by the supreme court, subject to section
20 602.5202 of this Act.

21 Sec. 10072. Section 814.9, Code 1981, is amended to read
22 as follows:

23 814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a
24 defendant in a criminal cause has perfected an appeal from
25 a judgment against him or her and shall satisfy the judge
26 of the district court that he or she is indigent, such judge
27 and is determined by the court to be indigent, the court may
28 order the transcript made at the expense of the county where
29 the defendant was tried public expense. When an attorney
30 of record is representing such an indigent, said the attorney
31 shall make application apply to the district court for the
32 transcript.

33 Sec. 10073. Section 814.10, Code 1981, is amended to read
34 as follows:

35 814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER

1 CASES. If a defendant in a criminal cause has been granted
2 discretionary review from an action of the district court
3 and the appellate court deems a transcript or portions thereof
4 are necessary to proper review of the question or questions
5 raised, the district court shall order the transcript made
6 at the expense of the county where the defendant was tried,
7 public expense if the defendant is determined to be indigent.

8 Sec. 10074. Chapter 815, Code 1981, is amended by adding
9 the following new section:

10 NEW SECTION. INDIGENCY DETERMINED--PENALTY.

11 1. For purposes of this chapter, section 68.8, section
12 222.22, chapter 232, chapter 814, and the rules of criminal
13 procedure, a person is indigent if the person is determined
14 to be unable to employ legal counsel without prejudicing the
15 person's financial ability to provide economic necessities
16 for the person or the person's dependent family.

17 2. A person shall not be determined to be indigent except
18 upon the basis of information contained in a detailed financial
19 statement submitted by the person, or in an appropriate case
20 by the person's parent, guardian, or custodian. The financial
21 statement shall be in the form prescribed by the supreme
22 court, and shall contain a full disclosure of all assets,
23 liabilities, current income, dependents, and other information
24 prescribed by the supreme court. The supreme court shall
25 adopt rules under section 602.5202 of this Act prescribing
26 the form and content of the financial statement, and the
27 standards by which indigency shall be determined under
28 subsection 1. If a person is granted legal assistance as
29 an indigent, the financial statement shall be filed and
30 permanently retained in the person's court file.

31 3. A person who knowingly submits a false financial
32 statement for the purpose of obtaining legal assistance at
33 public expense commits a fraudulent practice. As used in
34 this subsection, "legal assistance" includes legal counsel,
35 transcripts, witness fees and expenses, and any other goods

1 or services required by law to be provided to an indigent
2 person at public expense.

3 Sec. 10075. Chapter 815, Code 1981, is amended by adding
4 the following new section:

5 NEW SECTION. APPOINTMENT OF COUNSEL BY COURT.

6 1. The court, for cause and upon its own motion or upon
7 application by an indigent person or a public defender, may
8 appoint a public defender or any attorney who is admitted
9 to the practice of law in this state to represent an indigent
10 person at any state of the proceedings or on appeal of any
11 action in which the indigent person is entitled to legal
12 assistance at public expense. An appointment shall not be
13 made unless the person is found to be indigent under section
14 10074 of this Act.

15 2. If a court finds that a person desires legal assistance
16 and is not indigent, but refuses to employ an attorney, the
17 court shall appoint a public defender or another attorney
18 to represent the person at public expense. If an attorney
19 other than a public defender is appointed, the fee paid to
20 the attorney shall be taxed as a court cost against the person.

21 3. An attorney other than a public defender who is
22 appointed by the court under subsection 1 or 2 shall apply
23 to the district court for compensation and for reimbursement
24 of costs incurred. The amount of compensation due shall be
25 determined in accordance with section 815.7.

26 Sec. 10076. Chapter 815, Code 1981, is amended by adding
27 the following new section:

28 NEW SECTION. APPROPRIATIONS FOR INDIGENT DEFENSE. Costs
29 incurred under sections 814.9, 814.10, 814.11, 815.4, 815.5,
30 815.6, 815.7, or the rules of criminal procedure on behalf
31 of an indigent shall be paid from funds appropriated by the
32 general assembly to the supreme court for those purposes.

33 Sec. 10077. Chapter 815, Code 1981, is amended by adding
34 the following new sections:

35 NEW SECTION. TRIAL JURY EXPENSES. The clerk of the

1 district court shall pay fees and mileage due petit jurors,
2 and the costs of food, lodging, and transportation when
3 provided for petit jurors, out of amounts appropriated to
4 the supreme court for this purpose.

5 NEW SECTION. PAYMENT OF PROSECUTION COSTS. The county
6 or city that prosecutes a criminal action shall pay the
7 required fees and mileage to witnesses called on behalf of
8 the prosecution, the costs of depositions taken on behalf
9 of the prosecution, the costs of transcripts requested by
10 the prosecution, the fees that are payable to the clerk of
11 the district court for services rendered, and court costs
12 taxed in connection with the trial of the action or appeals
13 from the judgment. These fees and costs are recoverable by
14 the county or city from the defendant unless the defendant
15 is found not guilty or the action is dismissed. Expenditures
16 of a county under this section may be paid out of the court
17 expense fund in lieu of the county general fund.

18 Sec. 10078. Acts of the Sixty-ninth General Assembly,
19 1981 Session, chapter 117, section 320, subsection 1, para-
20 graph z, is amended to read as follows:

21 z. Members of the county judicial magistrate appointing
22 commission in accordance with section ~~602-43~~ 602.7503 of this
23 Act.

24 Sec. 10079. Acts of the Sixty-ninth General Assembly,
25 1981 Session, chapter 117, section 321, subsection 5, is
26 amended to read as follows:

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27 5. Furnish offices at the county seat for the clerk,
28 recorder, treasurer, auditor, county attorney, county surveyor
29 or engineer, county assessor, and city assessor. If the
30 office of public defender is established, the board shall
31 furnish the public defender's office as provided in section
32 776 of this Act. The board shall furnish the officers with
33 fuel, lights, and office supplies. However, the board is
34 not required to furnish the county attorney or public defender
35 with law books. The board shall not furnish an office also

1 occupied by a practicing attorney to any officer other than
2 the county attorney or public defender.

3 Sec. 10080. Acts of the Sixty-ninth General Assembly,
4 1981 Session, chapter 117, section 322, subsection 2, paragraph
5 h, is amended to read as follows:

6 h. Establish the number of deputies, assistants, and
7 clerks for the offices of auditor, treasurer, recorder,
8 sheriff, and county attorney,--and-clerk.

9 Sec. 10081. Acts of the Sixty-ninth General Assembly,
10 1981 Session, chapter 117, section 360, subsection 5, paragraph
11 h, is amended to read as follows:

12 h. Provide facilities for the ~~holding of~~ district court
13 ~~at the county seat~~ in accordance with ~~sections 602-6 and~~
14 ~~602-61~~ section 602.1303 of this Act.

15 Sec. 10082. Acts of the Sixty-ninth General Assembly,
16 1981 Session, chapter 117, section 421, subsection 24, is
17 amended to read as follows:

18 24. For the court expense fund, if the amount levied for
19 ordinary county revenue is insufficient to pay all expenses
20 incident to the ~~maintenance and operation~~ support of the
21 ~~courts~~ judicial system, an amount sufficient to pay the
22 expenses.

23 Sec. 10083. Acts of the Sixty-ninth General Assembly,
24 1981 Session, chapter 117, section 425, subsection 9, is
25 amended to read as follows:

26 9. A court expense fund, which shall not be used for a
27 purpose other than expenses incident to the ~~maintenance and~~
28 ~~operation of the courts~~ support of the judicial system, in-
29 cluding but not limited to ~~salary and expenses of the clerk,~~
30 ~~deputy clerks, and other employees of the clerk's office,~~
31 ~~establishment and operation of a public defender's office~~
32 the costs of facilities, services and other obligations of
33 the county under section 602.1303 of this Act, costs otherwise
34 payable from the general fund under section 423, subsection
35 3, paragraph g, of this Act, the county's expense for

1 confinement of prisoners under chapter 356A, temporary
2 assistance to the county attorney, and claims filed under
3 section 622.93.

4 Sec. 10084. Chapter 331, division IV, part 2, Code 1981
5 Supplement, is amended by adding the following new section:

6 NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.

7 1. Two or more counties may execute an agreement under
8 chapter 28E to create a joint county indigent defense fund
9 to be used to compensate attorneys appointed to represent
10 indigents under section 331.778 when funds budgeted for that
11 purpose are exhausted, and so long as counties are required
12 by state law to pay compensation to those attorneys. In
13 addition to other requirements of an agreement under chapter
14 28E, the agreement shall provide for the amount to be paid
15 by each county based on its population to establish and
16 maintain an appropriate balance in the joint fund and for
17 a method of repayment if a county withdraws more funds than
18 it has contributed.

19 2. The amount to be paid by each county under the agreement
20 may be paid from property taxes levied or from any other funds
21 available to the county for that purpose.

22 3. This section takes effect July 1 following its
23 enactment.

24 Sec. 10085. Section 331.422, Code 1981 Supplement, is
25 amended by adding the following new subsection after subsection
26 24 and renumbering the remaining subsections:

27 NEW SUBSECTION. For a joint county indigent defense fund,
28 an amount sufficient to make its per capita payment to the
29 fund or to repay excess funds withdrawn from the fund as
30 provided in a joint agreement executed under chapter 28E for
31 the purposes specified in section 10084 of this Act.

32 This subsection takes effect July 1 following its enactment.

* 33 Sec. 10086. Acts of the Sixty-ninth General Assembly,
34 1981 Session, chapter 117, section 501, subsection 8, is
35 amended to read as follows:

1 8. Take temporary possession of the office and all official
2 books and papers in the office of treasurer ~~or clerk~~ when
3 a vacancy occurs ~~in either office~~ and hold the office, books,
4 and records until a successor qualifies as provided in section
5 69.3. The auditor shall also serve temporarily as the recorder
6 if a vacancy occurs in that office and, if there is no chief
7 deputy assessor, act temporarily as the assessor as provided
8 in section 441.8.

9 Sec. 10087. Acts of the Sixty-ninth General Assembly,
10 1981 Session, chapter 117, section 501, subsection 43, is
11 amended to read as follows:

12 43. Certify to the clerk of the district court the names,
13 addresses, and expiration date of the term of office of per-
14 sons appointed to the county judicial magistrate appointing
15 commission as provided in section ~~602.43, subsection 2~~ 602.7503
16 of this Act.

17 Sec. 10088. Acts of the Sixty-ninth General Assembly,
18 1981 Session, chapter 117, section 505, subsection 2, is
19 amended by striking the subsection and inserting in lieu
20 thereof the following:

21 2. The auditor may issue warrants to pay the following
22 claims against the county without prior approval of the board:

23 a. Witness fees and mileage for attendance before a grand
24 jury, as certified by the county attorney and the foreman
25 of the jury.

26 b. Witness fees and mileage in trials of criminal actions,
27 as certified by the county attorney.

28 c. Fees and costs payable to the clerk of the district
29 court or other state officers or employees in connection with
30 criminal and civil actions when due, as shown in the statement
31 submitted by the clerk of court under section 602.9109 of
32 this Act.

33 d. Expenses of the grand jury, upon order of a district
34 judge.

35 Sec. 10089. Acts of the Sixty-ninth General Assembly,

1 1981 Session, chapter 117, section 508, subsection 1, paragraph
2 c, is amended by striking the paragraph and inserting in lieu
3 thereof the following:

4 c. The amount paid witnesses and bailiffs, respectively,
5 in the district court, the amount of fees paid for the services
* 6 of shorthand reporters, the amount paid as fees and costs
7 to the clerk of the district court, and related expenditures.

8 Sec. 10090. Acts of the Sixty-ninth General Assembly,
9 1981 Session, chapter 117, section 508, subsection 1, paragraph
10 p, is amended to read as follows:

11 p. The reports made during the preceding year by the
12 treasurer, auditor, recorder, sheriff, ~~clerk~~, and the commis-
13 sion of the Iowa department of veterans affairs as required
14 by law.

15 Sec. 10091. Acts of the Sixty-ninth General Assembly,
16 1981 Session, chapter 117, section 652, subsection 4, is
17 amended to read as follows:

18 4. Provide bailiff and other law enforcement service to
19 the district ~~court~~ judges, district associate judges, and
20 judicial magistrates of the county ~~and-while-the-judges-and~~
21 ~~magistrates-are-in-session,-provide-them-with-the-assistance~~
22 ~~of-bailiffs upon request. The-sheriff-shall-appoint-the~~
23 ~~number-of-bailiffs-as-the-judges-and-magistrates-of-the-county~~
24 ~~direct.--The-bailiffs-are-deputy-sheriffs-to-the-extent-that~~
25 ~~the-sheriff-delegates-law-enforcement-powers-to-carry-out~~
26 ~~their-duties-and-for-whose-acts-the-sheriff-is-responsible,~~
27 ~~but-the-bailiffs-need-not-be-subject-to-civil-service-under~~
28 ~~chapter-341A-or-mandated-law-enforcement-training-~~

5703-29 Sec. 10092. Acts of the Sixty-ninth General Assembly,
30 1981 Session, chapter 117, section 776, subsection 4, is
31 amended to read as follows:

32 4. The board shall determine the compensation of the
33 public defender, subject to limitations established by the
34 general assembly or the supreme court.

35 Sec. 10093. Acts of the Sixty-ninth General Assembly,

1 1981 Session, chapter 117, section 776, subsection 5, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

5804 4 5. a. The board shall provide office space that is for
5 the use of the public defender and that is suitable for the
6 business of the office. However, the board may provide the
7 public defender office with a facility expense allowance in
8 lieu of furnishing office space. If the public defender
9 office serves more than one county, the expense of providing
10 office space or the amount allowed for facility expense shall
11 be apportioned between the counties served on a reasonable
12 basis.

5904 13 b. The board shall provide furniture, equipment, and
14 supplies, that are for the use of the public defender office
15 and that are suitable for the business of the office, out
16 of funds appropriated to the supreme court and allocated by
17 the supreme court to the county for this purpose. If a public
18 defender office serves more than one county, the supreme court
19 shall select one of the counties to perform the duties required
20 by this paragraph. The board shall account to the supreme
21 court for allocations and expenditures under this paragraph.

22 c. The board shall approve the appointment and compensation
23 of deputy public defenders and other employees of the public
24 defender office, subject to limitations established by the
25 general assembly or the supreme court. The compensation and
26 expenses of the public defender, deputy public defenders,
27 and employees of the public defender office shall be paid
28 from funds appropriated to the supreme court and allocated
29 by the supreme court to the county for this purpose. The
30 board shall account to the supreme court for allocations and
31 expenditures under this paragraph.

32 Sec. 10094. Acts of the Sixty-ninth General Assembly,
33 1981 Session, chapter 117, section 776, subsection 8, is
34 amended to read as follows:

35 8. The compensation-and-expenses-of costs incurred by

1 a county in providing office space for the office of public
2 defender may be paid from the court expense fund.

3 Sec. 10095. Acts of the Sixty-ninth General Assembly,
4 1981 Session, chapter 117, section 777, subsection 2, is
5 amended to read as follows:

6 2. Shall make the determination of indigence within
7 criteria-established-by-the-board-before as required under
8 section 10074 of this Act prior to the initial arraignment
9 or other initial court appearance. At or after initial
10 arraignment or other initial court appearance, the a
11 determination of indigence shall be made by the court. The
12 public-defender-shall-require-an-indigent-person-requesting
13 legal-assistance-to-complete-a-detailed financial statement
14 which required under section 10074 of this Act shall be filed
15 in the indigent person's court file and retained as a permanent
16 part of the file.

17 Sec. 10096. Acts of the Sixty-ninth General Assembly,
18 1981 Session, chapter 117, section 900, subsection 6, paragraph
19 b, is amended to read as follows:

20 b. Expenses incurred in the operation support of the
21 courts judicial system.

22 Sec. 10097. Acts of the Sixty-ninth General Assembly,
23 1981 Session, chapter 117, section 901, subsection 1, is
24 amended to read as follows:

25 1. Unless otherwise specifically provided by statute,
26 the fees and other charges collected by the auditor, treasurer,
5789 27 recorder, or sheriff, clerk, or their respective deputies
28 or employees, belong to the county.

5770 29 Sec. 10098. Acts of the Sixty-ninth General Assembly,
30 1981 Session, chapter 117, section 902, subsection 1, is
31 amended to read as follows:

32 1. The auditor, treasurer, recorder, sheriff, and county
33 attorney, and clerk may appoint, with approval of the board,
34 one or more deputies, assistants, or clerks who do not hold
35 another county office and for whose acts the principal officer

1 shall be responsible. The number of deputies, assistants,
2 and clerks for each office shall be determined by the board
3 and the number and approval of each appointment shall be
4 adopted by a resolution recorded in the minutes of the board.

5776 5 Sec. 10099. Acts of the Sixty-ninth General Assembly,
6 1981 Session, chapter 117, section 903, subsections 1 and
7 6, are amended to read as follows:

8 1. The annual salary of the first and second deputy offi-
9 cer of the office of auditor, treasurer, and recorder, and
10 ~~clerk~~ and the deputy in charge of the motor vehicle registra-
11 tion and title division shall each be an amount not to exceed
12 eighty percent of the annual salary of the deputy's principal
13 officer as determined by the principal officer. In offices
14 where more than two deputies are required, each additional
15 deputy shall be paid an amount not to exceed seventy-five
16 percent of the principal officer's salary. The amount of
17 the annual salary of each deputy shall be certified by the
18 principal officer to the board and, if a deputy's salary does
19 not exceed the limitations specified in this subsection, the
20 board shall certify the salary to the auditor. The board
21 shall not certify a deputy's salary which exceeds the
22 limitations of this subsection.

23 6. The salaries and expenses of the deputy officers, as-
24 sistants, clerks, and other employees of the county shall
25 be paid from the general fund of the county unless otherwise
26 provided by law. ~~The deputy clerks of the district court~~
27 ~~and other employees of the clerk's office may be paid from~~
28 ~~the court expense fund.~~

5777 29 Sec. 10100. Acts of the Sixty-ninth General Assembly,
30 1981 Session, chapter 117, section 906, subsections 1 and
31 5, are amended to read as follows:

32 1. The annual compensation of the auditor, treasurer,
33 recorder, ~~clerk~~, sheriff, county attorney, and supervisors
34 shall be determined as provided in this section. The county
35 compensation board annually shall review the compensation

1 paid to comparable officers in other counties of this state,
2 other states, private enterprise, and the federal government.
3 The county compensation board shall prepare a recommended
4 compensation schedule for the elective county officers. Fol-
5 lowing completion of the compensation schedule, the county
6 compensation board shall publish the compensation schedule
7 in a newspaper having general circulation throughout the
8 county. The publication shall also include a public notice
9 of the date and location of a hearing to be held by the county
10 compensation board not less than one week nor more than three
11 weeks from the date of notice. Upon completion of the public
12 hearing, the county compensation board shall prepare a final
13 compensation schedule recommendation.

14 5. The salaries and expenses of elected county officers
15 shall be paid from the general fund of the county unless
16 otherwise provided by law. ~~The salary and expenses of the~~
17 ~~clerk of the district court may be paid from the court expense~~
18 ~~fund-~~

19 Sec. 10101. Rule of civil procedure 202, Code 1981, is
20 amended to read as follows:

21 202. FOOD AND LODGING. The court may order ~~the sheriff~~
22 ~~to provide suitable~~ that food and lodging ~~at the expense of~~
23 ~~the county be provided at state expense~~ for a jury being kept
24 together to try or deliberate on a cause.

25 Sec. 10102. Rule of criminal procedure 2, subsection 3,
26 Code 1981, as amended by Acts of the Sixty-ninth General
27 Assembly, 1981 Session, chapter 117, section 1241, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 3. COUNSEL FOR INDIGENT. The magistrate may appoint
31 counsel to represent the defendant at public expense if the
32 magistrate determines the defendant to be indigent in
33 accordance with section 10074 of this Act.

34 Sec. 10103. Rule of criminal procedure 2, subsection 4,
35 paragraph g, subparagraph (2), Code 1981, is amended to read

1 as follows:

2 (2) On application of a defendant addressed to a district
3 judge, showing that the record of preliminary hearing, in
4 whole or in part, should be made available to the defendant's
5 counsel, an order may issue that the clerk make available
6 a copy of the record, or of a portion thereof, to defense
7 counsel. Such The order shall provide-for require prepayment
8 of the costs of such the record by the defendant unless-the
9 defendant-makes-a-sufficient-affidavit-that-he-or-she-is
10 unable-to-pay-or-to-give-security-therefor,-in-which-case
11 the-expense-shall-be-paid-by-the-county, provided that if
12 the defendant is indigent the record shall be made at public
13 expense. The prosecution may move also that a copy of the
14 record, in whole or in part, be made available to it, for
15 good cause shown, and an order may be entered granting such
16 motion in whole or in part, on appropriate terms, except that
17 the government need not prepay costs nor furnish security
18 therefor.

19 Sec. 10104. Rule of criminal procedure 19, subsection
20 4, Code 1981, is amended to read as follows:

21 4. WITNESSES FOR INDIGENTS. Counsel for a defendant who
22 because of indigency is financially unable to obtain expert
23 or other witnesses necessary to an adequate defense of the
24 case may request compensation in a written application that
25 the necessary witnesses be secured at public expense. Upon
26 finding, after appropriate inquiry, that the services are
27 necessary and that the defendant is financially unable to
28 provide compensation, the court shall authorize counsel to
29 obtain such the witnesses on behalf of the defendant. The
30 court shall determine reasonable compensation for-the-services
31 and direct payment to-the-person-who-rendered-them pursuant
32 to chapter 815, The Code.

33 Sec. 10105. Rule of criminal procedure 26, subsection
34 1, Code 1981, as amended by Acts of the Sixty-ninth General
35 Assembly, 1981 Session, chapter 117, section 1242, is amended

1 to read as follows:

2 1. REPRESENTATION. Every defendant who is an indigent
3 person as defined in section 775, -subsection-4-of-this-Act
4 10074 of this Act is entitled to have counsel appointed to
5 represent him or her at every stage of the proceedings from
6 the defendant's initial appearance before the magistrate or
7 the court through appeal, including probation and parole
8 revocation hearings, unless the defendant waives such
9 appointment.

10 Sec. 10106. Rule of criminal procedure 26.1, subsections
11 1 and 5, Code 1981, are amended to read as follows:

12 1. An indigent defendant, as defined in section 336A-4,
13 The-Code 10074 of this Act convicted of an indictable offense
14 or a simple misdemeanor where defendant faces the possibility
15 of imprisonment, is entitled to appointment of counsel on
16 appeal or application for discretionary review to the supreme
17 court. Application for appointment of appellate counsel shall
18 be made to the trial court, which shall retain authority to
19 act on such application after notice of appeal or application
20 for discretionary review has been filed. The supreme court,
21 or a justice thereof, shall have authority to appoint counsel
22 in the event the trial court fails or refuses to appoint and
23 it becomes necessary to further provide for counsel.

24 5. If defendant has proceeded as an indigent in the trial
25 court and a financial statement required-by-section-336B-2,
26 The-Code, already has been filed pursuant to section-336B-4,
27 The-Code, -such section 10074 of this Act, the defendant, upon
28 making application for appointment of appellate counsel, shall
29 be presumed to be an indigent, and an additional financial
30 statement shall not be required to be submitted to the court,
31 unless evidence is offered that defendant is not an indigent.
32 In all other cases defendant shall be required to submit a
33 financial statement to the trial court. Defendant and
34 appointed appellate counsel shall be under a continuing
35 obligation to inform the trial court of any change in

1 circumstances that would make defendant ineligible to qualify
2 as an indigent.

3 Sec. 10091. Rule of criminal procedure 47, Code 1981,
4 is amended to read as follows:

5 Rule 47. BAILIFF OBTAINED. If trial by jury is demanded
6 and a court attendant employed under section 602.7601 of this
7 Act is not available to assist the magistrate, the magistrate
8 shall notify the sheriff who shall furnish a bailiff at that
9 time and place to act as officer of the court.

10 Sec. 10092. Rule of criminal procedure 49, Code 1981,
11 is amended by adding the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. If the judgment and costs are
13 not fully and immediately satisfied, the magistrate shall
14 indicate on the judgment the portion unsatisfied and shall
15 promptly certify a copy of the judgment to the clerk of the
16 district court. The clerk shall index and file the judgment,
17 whereupon it shall be a judgment of the district court.

18 DIVISION IV

19 TRANSITION PROVISIONS

20 Sec. 10201. The supreme court and the state court
21 administrator shall prescribe and distribute initial rules
22 prior to the effective date of this Act as necessary to
23 implement the administrative and supervisory provisions of
24 division II of this Act on the effective date of this Act.

25 Sec. 10202. Persons who are holding office as clerks of
26 the district court on the effective date of this Act are
27 entitled to continue to serve in that capacity until the
28 expiration of their respective terms of office. A vacancy
29 in the office of clerk of the district court occurring on
30 or after the effective date of this Act shall be filled as
31 provided in section 602.1214 of this Act.

32 Sec. 10203.

33 1. It is the intent of the general assembly that those
34 persons who were being paid salaries by the counties
35 immediately prior to the effective date of this Act and who

1 become state employees as a result of this Act shall not
2 forfeit accrued vacation, accrued sick leave, or longevity,
3 except as provided in this section.

4 2. As a part of its rule-making authority under section
5 10201 of this Act, the supreme court, after consulting with
6 the state comptroller, shall prescribe rules to provide for
7 the following:

8 a. Each person referred to in subsection 1 shall have
9 to his or her credit as a state employee commencing on the
10 effective date of this Act the number of accrued vacation
11 days that was credited to the person as a county employee
12 as of the end of the day prior to the effective date of this
13 Act.

14 b. Each person referred to in subsection 1 shall have
15 to his or her credit as a state employee commencing on the
16 effective date of this Act the number of days of accrued sick
17 leave that was credited to the person as a county employee
18 as of the end of the day prior to the effective date of this
19 Act. However, the number of days of sick leave credited to
20 a person under this subsection shall not exceed the maximum
21 number of days that state employees generally are entitled
22 to accrue according to laws and rules in effect as of the
23 effective date of this Act.

24 c. Commencing on the effective date of this Act, each
25 person referred to in subsection 1 is entitled to claim his
26 or her most recent continuous period of service in full-time
27 county employment as full-time state employment for purposes
28 of determining the number of days of vacation which the person
29 is entitled to earn each year. The actual vacation benefit
30 shall be determined according to laws and rules in effect
31 for state employees of comparable longevity, irrespective
32 of any greater or lesser benefit as a county employee.

33 Sec. 10204. It is the intent of the general assembly that
34 public employees who were covered by county employee life
35 insurance and accident and health insurance plans prior to

1 the effective date of this Act and who become state employees
2 as a result of this Act be permitted to apply prior to the
3 effective date of this Act for life insurance and health and
4 accident insurance plans that are available to state employees
5 so that those persons do not suffer a lapse of insurance
6 coverage as a result of this Act. The supreme court, after
7 consulting with the state comptroller, shall prescribe rules
8 and distribute application forms and take other actions as
9 necessary to enable those persons to elect to have insurance
10 coverage that is in effect as of the effective date of this
11 Act. The actual insurance coverage available to a person
12 shall be determined by the plans that are available to state
13 employees, irrespective of any greater or lesser benefits
14 as a county employee.

15 Sec. 10205. It is the intent of the general assembly that
16 the recodification of chapter 605A as contained in division
17 II, article 2 of this Act shall be deemed a continuation of
18 prior law, and without substantive effect on the rights of
19 any member or annuitant of the judicial retirement system.

20 Sec. 10206.

5770 21 1. As used in this section, "base cost" equals thirty-
22 eight million, eight hundred eight thousand eighty dollars.

23 2. For purposes of this section, the percentage share
24 of a county is the decimal percentage stated in the following
25 paragraph for that county:

- 26 Adair, .0031; Adams, .0022; Allamakee, .0052; Appanoose,
- 27 .0059; Audubon, .0033; Benton, .0081; Black Hawk, .0563;
- 28 Boone, .0080; Bremer, .0053; Buchanan, .0086; Buena Vista,
- 29 .0055; Butler, .0047; Calhoun, .0041; Carroll, .0083; Cass,
- 30 .0046; Cedar, .0076; Cerro Gordo, .0126; Cherokee, .0047;
- 31 Chickasaw, .0052; Clarke, .0037; Clay, .0052; Clayton, .0063;
- 32 Clinton, .0193; Crawford, .0052; Dallas, .0103; Davis, .0030;
- 33 Decatur, .0033; Delaware, .0048; Des Moines, .0231; Dickinson,
- 34 .0056; Dubuque, .0297; Emmet, .0047; Fayette, .0097; Floyd,
- 35 .0061; Franklin, .0047; Fremont, .0042; Greene, .0042; Grundy,

1 .0045; Guthrie, .0043; Hamilton, .0061; Hancock, .0050; Hardin,
2 .0077; Harrison, .0050; Henry, .0073; Howard, .0038; Humboldt,
3 .0041; Ida, .0033; Iowa, .0053; Jackson, .0071; Jasper, .0108;
4 Jefferson, .0055; Johnson, .0251; Jones, .0064; Keokuk, .0036;
5 Kossuth, .0049; Lee, .0153; Linn, .0618; Louisa, .0037; Lucas,
6 .0039; Lyon, .0040; Madison, .0042; Mahaska, .0070; Marion,
7 .0059; Marshall, .0142; Mills, .0049; Mitchell, .0044; Monona,
8 .0042; Monroe, .0039; Montgomery, .0042; Muscatine, .0120;
9 O'Brien, .0058; Osceola, .0032; Page, .0044; Palo Alto, .0042;
10 Plymouth, .0065; Pocahontas, .0053; Polk, .1285; Pottawattamie,
11 .0323; Poweshiek, .0058; Ringgold, .0025; Sac, .0052; Scott,
12 .0408; Shelby, .0045; Sioux, .0056; Story, .0214; Tama, .0076;
13 Taylor, .0026; Union, .0083; Van Buren, .0036; Wapello, .0121;
14 Warren, .0086; Washington, .0066; Wayne, .0032; Webster,
15 .0142; Winnebago, .0043; Winneshiek, .0064; Woodbury, .0487;
16 Worth, .0033; and Wright, .0045.

17 3. During the fiscal year commencing July 1, 1984 and
18 ending June 30, 1985, each county shall pay to the treasurer
19 of state for deposit in the state general fund an amount equal
20 to the product of the base cost multiplied by the percentage
21 share of the county.

22 4. During the fiscal year commencing July 1, 1985 and
23 ending June 30, 1986, each county shall pay to the treasurer
24 of state for deposit in the state general fund an amount equal
25 to the product of the base cost multiplied by eighty percent
26 multiplied by the percentage share of the county.

27 5. During the fiscal year commencing July 1, 1986 and
28 ending June 30, 1987, each county shall pay to the treasurer
29 of state for deposit in the state general fund an amount equal
30 to the product of the base cost multiplied by sixty percent
31 multiplied by the percentage share of the county.

32 6. During the fiscal year commencing July 1, 1987 and
33 ending June 30, 1988, each county shall pay to the treasurer
34 of state for deposit in the state general fund an amount equal
35 to the product of the base cost multiplied by forty percent

1 multiplied by the percentage share of the county.

2 7. During the fiscal year commencing July 1, 1988 and
3 ending June 30, 1989, each county shall pay to the treasurer
4 of state for deposit in the state general fund an amount equal
5 to the product of the base cost multiplied by twenty percent
6 multiplied by the percentage share of the county.

7 8. The amount that is payable by a county to the state
8 treasurer during a fiscal year as provided in subsections
9 3 through 7 shall be paid in quarterly installments. One-
10 fourth of the amount payable for the fiscal year shall be
11 paid not later than the first day of each of the months of
12 July, October, January, and April. A delinquent installment
13 shall bear interest for each day of delinquency. The rate
14 of interest that applies to a delinquent installment is the
15 rate that is in effect, as of the latest date for payment
16 of that installment, for deposits of state funds placed on
17 time deposit for a period of eighty-nine days, as established
18 under section 453.6.

19 9. Amounts that are payable by a county under this section
20 may be paid from the court expense fund or the county general
21 fund.

5289 22 Sec. 10207. Commencing July 1, 1983, new employees shall
23 not be hired and vacancies shall not be filled, except as
24 provided in subsection 2, with respect to any of the following
25 agencies or positions:

- 5270 26 a. Offices of the clerks of district court.
27 b. Juvenile probation offices.
28 c. Court reporters.
29 d. District court administrators.
30 e. Any other position of employment that is supervised
31 by a district court judicial officer or by a person referred
32 to or employed in an office referred to in paragraph a, b,
33 c, or d.

34 2. A new employee position or vacancy that is subject
35 to subsection 1 may be filled upon approval by the chief judge

1 of the judicial district. The employer seeking to fill the
2 new position or vacancy shall submit a request to the chief
3 judge in the form prescribed by the supreme court, and shall
4 be governed by the decision of the chief judge. The chief
5 judge shall obtain the advice of the district judges of the
6 judicial district respecting decisions to be rendered under
7 this subsection.

8 Sec. 10208. A person who is a county employee as of July
9 1, 1983, and who will become a state employee on the effective
10 date of this Act as a result of this Act shall not be promoted
11 or demoted on or after July 1, 1983, and shall not be subject
12 to a reduction in salary or a reduction in other employee
13 benefits on or after July 1, 1983, except after approval by
14 the chief judge of the judicial district in which employed.
15 An employer wishing to take any of these actions shall apply
16 to the chief judge in a writing that discloses the proposed
17 action, the reasons for the action, and the statutory or other
18 authority for the action. The chief judge shall not approve
19 any proposed action that is unlawful, or that is in violation
20 of an employee's rights, or that is extraordinary when compared
21 with customary practices and procedures of the employer.
22 A chief judge of a judicial district shall obtain the advice
23 of the district judges of that judicial district respecting
24 decisions to be rendered under this section.

25 Sec. 10209.

26 1. As of the effective date of this Act, public property
27 referred to in subsection 2 that on the day prior to the
28 effective date of this Act is in the custody of a person or
29 agency referred to in subsection 3 shall become property of
30 the judicial department for its use in the course of business,
31 and title is transferred for all intents and purposes.

32 2. This section applies to the following property:

33 a. Books, accounts and records that pertain to the
34 operation of the district court.

35 b. Forms, materials and supplies that are consumed in

1 the usual course of business.

2 c. Tables, chairs, desks, lamps, curtains, window blinds,
3 rugs and carpeting, flags and flag standards, pictures and
4 other wall decorations, and other similar furnishings.

5 d. Typewriters, adding machines, desk calculators, cash
6 registers and similar business machines, reproduction machines
7 and equipment, microfiche projectors, tape recorders and
8 associated equipment, microphones, amplifiers and speakers,
9 film projectors and screens, overhead projectors, and similar
10 personal property.

11 e. Filing cabinets, shelving, storage cabinets, and other
12 property used for storage.

13 f. Books of statutes, books of ordinances, books of
14 judicial decisions, and reference books, except those that
15 are customarily held in a law library for use by the public.

16 g. All other personal property that is in use in the
17 operation of the district court.

18 3. This section applies to the following persons and
19 agencies:

20 a. Clerks of the district court.

21 b. Judicial officers.

22 c. District court administrators.

23 d. Juvenile probation officers.

24 e. Court reporters.

25 f. Persons who are employed by a person referred to in
26 paragraphs a through e.

27 4. Notwithstanding subsections 1 through 3, the supreme
28 court has the option to refuse title to any of the following:

29 a. Any item purchased on credit prior to the effective
30 date of this Act if outstanding indebtedness still exists
31 on the effective date of this Act as a result of that purchase
32 and if the supreme court determines that the item was purchased
33 other than in the ordinary course of business.

34 b. Any item obtained pursuant to a lease, lease-purchase
35 agreement, or other contract creating a debt if outstanding

1 indebtedness still exists on the effective date of this Act
2 as a result of the agreement and if the supreme court
3 determines that the decision to obtain the item was
4 unreasonable, arbitrary or capricious, or characterized by
5 an abuse of discretion or an unwarranted exercise of
6 discretion, considering the need if any for the item at the
7 time it was obtained and the availability of reasonable
8 alternative action.

9 If the supreme court refuses title to any item as provided
10 in this subsection, possession and control of the item shall
11 be returned to the county on the effective date of this Act
12 or as soon thereafter as possible.

13 5. As of the effective date of this Act, the state assumes
14 outstanding indebtedness that exists with respect to any item
15 of property that becomes state property pursuant to subsections
16 1 through 3, except that the state does not assume liability
17 that exists with respect to any item which the supreme court
18 refuses to accept under subsection 4.

19 6. Subsections 1 through 5 and 7 do not apply to electronic
20 data storage equipment, commonly referred to as computers,
21 or to computer terminals or any machinery, equipment or
22 supplies used in the operation of computers. Those counties
23 that were providing computer services to the district court
24 prior to the effective date of this Act shall continue to
25 provide these services until the general assembly provides
26 otherwise. The state shall reimburse these counties for the
27 cost of providing these services. Each county providing
28 computer services to the district court shall submit a bill
29 for these services to the supreme court at the end of each
30 calendar quarter. Reimbursement shall be payable from funds
31 appropriated to the supreme court for operating expenses of
32 the district court, and shall be paid within thirty days after
33 receipt by the supreme court of the quarterly billing.

34 7. Personal property of a type that is subject to transfer
35 under subsections 1 through 3 shall be subject to control

1 by the chief judges of the judicial districts commencing July
 2 1, 1983. On and after that date a chief judge of a judicial
 3 district may issue necessary orders to preserve the use of
 4 the property by the district court. A violation of any order
 5 is punishable as contempt of court. Commencing on that date,
 6 the chief judges, subject to the direction of the supreme
 7 court, shall establish and maintain an inventory of property
 8 used by the district court.

9 Sec. 10210.

10 1. County employees who become state employees on the
 11 effective date of this Act as a result of this Act are state
 12 employees as of the effective date of this Act for purposes
 13 of chapter 20 of the Code, as provided in section 602.1401
 14 of this Act.

15 2. A person who is referred to in subsection 1 and who
 16 was subject to a collective bargaining agreement negotiated
 17 prior to July 1, 1983 is entitled to the rights and benefits
 18 obtained by the person pursuant to that contract after the
 19 effective date of this Act and until the contract expires.

20 3. A person who is referred to in subsection 1 and who
 21 was subject to a collective bargaining agreement negotiated
 22 on or after July 1, 1983 is not entitled on or after the
 23 effective date of this Act to any rights or benefits obtained
 24 by the person pursuant to that contract.

25 4. Persons who are referred to in subsections 1 and 2
 26 may bargain collectively on and after the effective date of
 27 this Act as provided by law for employees of the judicial
 28 department.

29 DIVISION V

30 APPROPRIATION

31 Sec. 10301. There is appropriated from the general fund
 32 of the state to the supreme court for the portion of the
 33 fiscal year beginning January 1, 1983, and ending June 30,
 34 1983, the amount of two hundred thousand (200,000) dollars,
 35 or so much thereof as may be necessary, to enable the supreme

1 court to employ additional staff within the state court
2 administrator's office and to undertake such studies of the
3 judicial system of this state as may be necessary to provide
4 for the implementation of this Act.

5 DIVISION VI

570 6 LAWS REPEALED--EFFECTIVE DATE--CODIFICATION

7 Sec. 10401. REPEALER.

8 1. Chapters 115, 231, 605, 605A, 684, and 685, Code 1981,
9 are repealed.

10 2. Sections 66.25, 607.6, 622.68, and 622.73, Code 1981,
11 are repealed.

12 3. Section 69.8, subsection 3, Code 1981, is amended by
13 striking the subsection. Section 69.8, subsection 6, Code
14 1981, as amended by Acts of the Sixty-ninth General Assembly,
15 1981 Session, chapter 117, section 1204, is amended by striking
16 the subsection.

17 4. Acts of the Sixty-ninth General Assembly, 1981 Session,
18 chapter 117, sections 700 through 704, and sections 775 and
19 778, are repealed.

20 5. Acts of the Sixty-ninth General Assembly, 1981 Session,
21 chapter 117, section 302, subsection 10, is amended by striking
22 the subsection.

23 6. Acts of the Sixty-ninth General Assembly, 1981 Session,
24 chapter 117, section 322, subsection 1, paragraph f, is amended
25 by striking the paragraph.

26 7. Acts of the Sixty-ninth General Assembly, 1981 Session,
27 chapter 117, section 423, subsection 1, paragraph m, is amended
28 by striking the paragraph.

29 8. Acts of the Sixty-ninth General Assembly, 1981 Session,
30 chapter 117, section 501, subsections 10, 44, and 45, are
31 amended by striking the subsections.

32 9. Acts of the Sixty-ninth General Assembly, 1981 Session,
33 chapter 117, section 551, subsection 30, is amended by striking
34 the subsection.

35 10. Acts of the Sixty-ninth General Assembly, 1981 Session,

1 chapter 117, section 652, subsections 7 and 71, are amended
2 by striking the subsections.

3 Sec. 10402.

4 1. The Code editor shall rename title XXX of the Code
5 to correspond to the subject matters contained in chapter
6 602 as amended by this Act.

7 2. The Code editor shall recodify chapter 610 as a new
8 and separate article at the end of chapter 602 as amended
9 by this Act.

10 Sec. 10403. Except as otherwise provided in sections
* 11 10084, 10085, 10201, 10203, 10204, 10207, 10208, 10209, 10210,
12 and 10301 of this Act, this Act takes effect July 1, 1984.

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SENATE FILE 2233

H-5703

1 Amend Senate File 2233 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 53, line 7, by striking the word "Polk,".
4 2. Page 53, by inserting after line 10 the
5 following:
6 "j. Election district 5C consists of Polk County."
7 3. Page 53, lines 11, 13, 15 and 18, by relettering
8 paragraphs.
9 4. Page 124, by inserting after line 32 the
10 following:
11 "The supreme court may require the appointment
12 of a public defender to serve in one or more counties,
13 as provided in section 10092 of this Act, if upon
14 conferring with the board of supervisors of each
15 county that is affected and upon considering relevant
16 factors the supreme court determines that the
17 establishment of a public defender office would result
18 in significant cost efficiencies or improvements in
19 the delivery of services."
20 5. Page 129, by striking lines 30 and 31 and
21 inserting in lieu thereof the words "1981 Session,
22 chapter 117, section 776, subsections 1 and 4, are
23 amended to read as follows:
24 1. The board, by resolution, may establish or
25 abolish the office of public defender. The board
26 of a county shall establish the office of public
27 defender when required by the supreme court under
28 section 10076 of this Act. Two or more counties
29 within the same judicial district, by agreement
30 executed under chapter 28E, may establish an office
31 of public defender to serve the counties."
32 6. Page 144, by inserting after line 28 the
33 following:
34 "Sec. ____ . The membership of district judicial
35 nominating commissions for judicial election districts
36 5A and 5C shall be as provided in chapter 46, subject
37 to the following transition provisions:
38 1. Those judicial nominating commissioners of
39 judicial election district 5A who are residents of
40 Polk county shall be disqualified from serving in
41 election district 5A on the effective date of this
42 Act, and their offices shall be deemed vacant. The
43 vacancies thus created shall be filled as provided
44 in section 46.5 and for the remainder of the unexpired
45 terms.
46 2. After the effective date of this Act the
47 governor shall appoint five eligible electors of
48 judicial election district 5C to the district judicial
49 nominating commission for terms commencing immediately.
50 Two of the appointees shall serve terms ending January

1 31, 1986, two of the appointees shall serve terms
 2 ending January 31, 1988, and the remaining appointee
 3 shall serve a term ending January 31, 1990, as
 4 determined by the governor. At the end of these terms
 5 and each six years thereafter the governor shall
 6 appoint commissioners pursuant to section 46.3.

7 3. After the effective date of this Act elective
 8 judicial nominating commissioners for judicial election
 9 district 5C shall be elected as provided in chapter
 10 46 to terms of office commencing immediately. Two
 11 of those elected shall serve terms ending January
 12 31, 1986, two shall serve terms ending January 31,
 13 1988, and the remaining number shall serve a term
 14 ending January 1, 1990, as determined by the drawing
 15 of lots by the persons elected. At the end of these
 16 terms and every six years thereafter elective
 17 commissioners shall be elected pursuant to chapter
 18 46.

19 Sec. ____ . As soon as practicable after the
 20 effective date of this Act, the state court
 21 administrator shall recompute the number of judgeships
 22 to which each of the judicial election districts as
 23 redefined in section 602.7109, subsection 2, paragraphs
 24 h and j of this Act is entitled, as provided in section
 25 602.7201, subsection 3 of this Act. The administrator
 26 shall submit the results of this recomputation to
 27 the supreme court. The supreme court shall reassign
 28 judges between judicial districts as necessary to
 29 maintain continuity of judicial business within
 30 judicial election districts 5A and 5C. Commencing
 31 on the effective date of this Act, vacancies within
 32 the judicial election districts as redefined in section
 33 602.7109, subsection 2, paragraphs h and j of this
 34 Act shall be determined and filled according to the
 35 provisions of and subject to the conditions contained
 36 in section 602.7201 of this Act.

37 For purposes of the recomputations required by
 38 this section, the supreme court administrator shall
 39 determine the average case filings for the latest
 40 available three-year period by reallocating the actual
 41 case filings during that three-year period to the
 42 judicial election districts as they would have existed
 43 during the three-year period if section 602.7109,
 44 subsection 2, paragraphs h and j of this Act had been
 45 in continuous effect throughout the three-year period."

46 7. By renumbering sections and correcting
 47 references as necessary.

BY POFFENBERGER of Dallas

GROSS of Ringgold
 CONLON of Muscatine

JOHNSON of Howard
 DODERER of Johnson
 RAPP of Black Hawk

SENATE FILE 2233

H-5745

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 22 through 24, and
- 4 inserting in lieu thereof the following: "twenty-
- 5 nine thousand two hundred".
- 6 2. Page 12, by striking lines 32 through 34, and
- 7 inserting in lieu thereof the following: "director,
- 8 shall be not less than seventeen".
- 9 3. Page 13, by striking lines 4 through 6, and
- 10 inserting in lieu thereof the following: "director
- 11 shall be not less than".
- 12 4. Page 13, by striking lines 15 through 17, and
- 13 inserting in lieu thereof the following: "three
- 14 thousand three".

H-5745 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5746

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 61, by striking lines 26 through 29 and
- 4 inserting in lieu thereof the words "in Iowa."

H-5746 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5747

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 60, line 23, by striking the number "3"
- 4 and inserting in lieu thereof the number "2".

H-5747 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5748

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 46, line 14, by inserting after the word
- 4 "filled" the words "for the remainder of the unexpired
- 5 term".
- 6 2. Page 46, lines 16 and 17 by striking the words
- 7 "and for the remainder of the unexpired term".

H-5748 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5730

1 Amend Senate File 2233 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 97, by striking lines 11 and 12 and
4 inserting in lieu thereof the words "bail received
5 from a magistrate to the treasurer of the county for
6 the benefit of the school fund. On the first Monday
7 in January of each year, the clerk shall make a written
8 report to the boards of supervisors of the respective
9 counties showing those fines, penalties, and
10 forfeitures collected in the district court during
11 the previous year which are payable into the county
12 treasury for the benefit of the school fund under
13 this section."
14 2. By striking page 97, line 22 through page 98,
15 line 6.

JOHNSON of Woodbury

JAY of Appanoose

MENKE of O'Brien

HORN of Linn

SWEARINGEN of Keokuk

GROTH of Buena Vista

NORLAND of Worth

GETTINGS of Wapello

DAGGETT of Taylor

H-5730 FILED APRIL 6, 1982

SENATE FILE 2233

H-5741

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 11, line 13, by striking the word
4 "shall" and inserting in lieu thereof the word "may".

H-5741 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5742

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 10, line 5, by striking the word "the"
4 and inserting in lieu thereof the word "a".

H-5742 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5743

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 10, line 3, by striking the word "these"
4 and inserting in lieu thereof the word "necessary".
5 2. Page 10, line 9, by striking the word "these"
6 and inserting in lieu thereof the word "necessary".

H-5743 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5762

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 65, by striking lines 20 and 21 and
4 inserting in lieu thereof the following:
5 "3. A person is not required to be admitted to
6 the practice of law in this state as a condition of
7 being appointed to the office of magistrate, but the
8 magistrate appointing commission shall first consider".

H-5762 FILED APRIL 7, 1982

BY SPEAR of Lee

SENATE FILE 2233

H-5763

1 Amend Senate File 2233, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. By striking page 9, line 29, through page 10,
4 line 10, and inserting in lieu thereof the following:
5 "1. A county shall provide the district court
6 for the county with physical facilities, including
7 heat, water, electricity, maintenance, and custodial
8 services. A county shall provide suitable court
9 rooms, and offices for the district court, and for
10 judicial officers of the district court, the clerk of
11 the district court, juvenile court officers, and
12 other court employees. The chief judge may direct
13 the sheriff to procure these facilities at county
14 expense if the county fails to provide them."

H-5763 FILED APRIL 7, 1982 BY SWARTZ of Marshall

SENATE FILE 2233

H-5749

1 Amend Senate file 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 15, by striking lines 1 through 9 and
4 inserting in lieu thereof the following: "reporter's
5 experience. For the fiscal year beginning July 1,
6 1982, the salary shall be not less than fifteen
7 thousand four hundred fifty dollars nor more than
8 twenty-five thousand eight hundred fifty dollars."

H-5749 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5751

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 71, line 31, by inserting after the
4 word "along" the words "either side of".
5 2. Page 71, line 34, by inserting after the
6 word "along" the words "either side of".

H-5751 FILED APRIL 7, 1982 BY SPEAR of Lee

SNEATE FILE 2233

H-5752

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 78, line 10, by striking the words "a
4 mulct" and inserting in lieu thereof the word "the".

H-5752 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5753

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 72, line 34, by striking the word
4 "convenient".

H-5753 FILED APRIL 7, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5761

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 99, line 1, by striking the word "all"
4 and inserting in lieu thereof the words "ninety percent
5 of the".

H-5761 FILED APRIL 7, 1982 BY SWARTZ of Marshall

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 8, by inserting after the word
4 "state" the words ", provided that the clerks of the
5 district court and their deputies and employees shall
6 continue to be county employees".

7 2. By striking page 7, line 31 through page 8,
8 line 1 and inserting in lieu thereof the following:

9 "1. The office of clerk of the district court
10 is an elective office as provided in section 39.17."

11 3. Page 11, by inserting after line 1 the
12 following:

13 "____. A county shall pay the salaries, travel
14 and other personal expenses, benefit costs, and all
15 other personnel costs of the clerk of the district
16 court, deputy clerks, and other persons employed in
17 the office of the clerk of the district court."

18 4. Page 11, by striking lines 17 through 19 and
19 inserting in lieu thereof the words "of positions
20 within the department, except clerks of the district
21 court and their deputies and employees."

22 5. Page 14, by striking lines 10 through 23 and
23 inserting in lieu thereof the words "OFFICES. The
24 salaries of the clerks of the district court and their
25 deputies and employees shall be set as provided in
26 Acts of the Sixty-ninth General Assembly, 1981 Session,
27 chapter 117."

28 6. Page 16, by inserting after line 5 the
29 following:

30 "____. This section does not apply to clerks of
31 the district court or their deputies or employees."

32 7. By striking page 74, line 32 through page 75,
33 line 8 and inserting in lieu thereof the words "OF
34 THE DISTRICT COURT. The clerk of the district court
35 shall be elected as provided in section 39.17. The
36 clerk of the district court may employ deputies and
37 other employees as provided in Acts of the Sixty-ninth
38 General Assembly, 1981 Session, chapter 117. The
39 clerk of the district court and deputies and employees
40 of the clerk of the district court are county
41 employees, but shall be subject to administrative
42 and supervisory control by the judicial department
43 as provided by law."

44 8. Page 103, line 6, by inserting after the period
45 the words "This subsection does not apply to the
46 clerks of the district court or their deputies and
47 employees."

48 9. Page 103, by striking lines 19 through 25.

49 10. Page 104, by striking lines 7 through 32.

50 11. Page 105, by striking lines 6 through 19.

H-5770
Page 2

- 1 12. Page 105, by striking lines 33 and 34 and
2 inserting in lieu thereof the words "Of the office
3 of the county auditor, by the clerk of the district
4 court; of the clerk of the district court by the state
5 court administrator; or of the county".
6 13. Page 106, by striking lines 12 through 16.
7 14. Page 115, by striking lines 23 through 30.
8 15. Page 116, line 3, by inserting after the word
9 "employees," the words "and the clerks of the district
10 court,".
11 16. Page 126, by striking lines 3 through 8.
12 17. Page 126, by striking lines 29 and 30 and
13 inserting in lieu thereof the words "cluding but not
14 limited to salary and expenses-of other personnel
15 costs attributable to the clerk, deputy clerks, and
16 other employees of the clerk's office,".
17 18. By striking page 131, line 29 through page
18 133, line 18.
19 19. Page 136, by striking lines 25 through 31.
20 20. Page 138, by striking lines 21 and 22 and
21 inserting in lieu thereof the following:
22 "1. As used in this section, "base cost" equals
23 twenty-four million, six hundred twenty-six thousand
24 seven hundred thirty-six dollars."
25 21. Page 140, by striking line 26.
26 22. Page 145, by striking lines 13 through 16
27 and inserting in lieu thereof the words "striking
28 the subsection."
29 23. Page 145, by striking lines 20 through 22.
30 24. Page 145, line 30, by striking the figures
31 "10, 44," and inserting in lieu thereof the figure
32 "44".
33 25. Page 146, line 1, by striking the words and
34 figures "subsections 7 and 71, are" and inserting
35 in lieu thereof the words and figure "subsection 71
36 is".
37 26. Page 146, line 2, by striking the word
38 "subsections" and inserting in lieu thereof the word
39 "subsection".
40 27. By renumbering sections, subsections and
41 paragraphs, and correcting internal references.

SMALLEY of Polk

DAVITT of Warren	VAN MAANEN of Mahaska
DAGGETT of Taylor	MANN of Green
LIND of Black Hawk	PELLETT of Cass
STUELAND of Clinton	TYRELL of Iowa
JOHNSON of Howard	RENKEN of Grundy
SWEARINGEN of Keokuk	RITSEMA of Sioux
HANSEN of O'Brien	BRANSTAD of Winnebago
CLEMENTS of Scott	CRABB of Crawford

SENATE FILE 2233

H-5771

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 41, by striking lines 2 through 8 and
4 inserting in lieu thereof the words "governor shall
5 appoint a member of the supreme court to serve as
6 chief justice of the supreme court during that member's
7 term of office, and any vacancy in the office of chief
8 justice shall be filled in the same manner. The
9 governor may reappoint a member of the supreme court
10 as chief justice for one or more successive terms.
11 During the absence or inability of the chief justice,
12 the governor may appoint another member of the supreme
13 court to serve as acting chief justice and to exercise
14 all of the rights, duties and powers of the chief
15 justice. If the governor fails to appoint a chief
16 justice or acting chief justice within thirty days
17 after receipt of a written request from the supreme
18 court to do so, the members of the supreme court may
19 select one of the members of the supreme court to
20 serve as chief justice or acting chief justice,
21 respectively."

H-5771 FILED APRIL 7, 1982 BY WELSH of Dubuque

SENATE FILE 2233

H-5767

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 6, by inserting after the word
4 "data." the words "The subject matter of these
5 directives also shall include guidelines appropriate
6 to assure compliance with the Iowa State Civil Rights
7 Act in chapter 601A and that persons performing
8 comparable work shall receive comparable compensation
9 regardless of whether the work performed has
10 traditionally been performed by males or females.
11 To determine whether the work is comparable, the value
12 of the work shall be measured by the composite of
13 the skill, effort, responsibility, and working
14 conditions normally required to perform the work."
15 2. Page 4, line 13, by inserting after the word
16 "court." the words "The administrator shall implement
17 directives issued under section 602.1204, subsection
18 2 of this Act, regarding comparable work in any
19 employment decisions made."
20 3. Page 4, line 32, by inserting after the word
21 "department." the words "The administrator shall
22 implement directives issued under section 602.1204,
23 subsection 2 of this Act, regarding comparable work
24 in any employment decisions made."
25 4. Page 11, line 19, by inserting after the word
26 "court." the words "Directives issued by the state
27 court administrator under section 602.1204, subsection
28 2 of this Act, regarding comparable work shall be
29 implemented in the personnel system."

DODERER of Johnson

BAXTER of Des Moines	CLARK of Cerro Gordo
SMITH of Scott	BRANSTAD of Winnebago
KREWSON of Polk	PELTON of Clinton
RITSEMA of Sioux	HOFFMANN-BRIGHT of Muscatine
SMALLEY of Polk	ANDERSON of Audubon
JOHNSON of Howard	POFFENBERGER of Dallas
PAVICH of Pottawattamie	RAPP of Black Hawk
AVENSON of Fayette	MULLINS of Kossuth
FEY of Scott	LLOYD-JONES of Johnson
HALL of Linn	DAVITT of Warren
DE GROOT of Lyon	CONNORS of Polk
ARNOULD of Scott	CARPENTER of Polk
STUELAND of Clinton	SULLIVAN of Van Buren
PELLETT of Cass	LONERGAN of Boone
PONCY of Wapello	WOODS of Polk
TYRRELL of Iowa	JOHNSON of Woodbury
WELSH of Dubuque	CARL of Poweshiek
BRANDT of Black Hawk	CRABB of Crawford
JOHNSON of Linn	EGENES of Story
SCHROEDER of Pottawattamie	HORN of Linn
CHIODO of Polk	RUNNING of Linn
TRUCANO of Polk	SWEARINGEN of Keokuk
MANN of Green	HARBOR of Mills

H-5767 FILED
APRIL 7, 1982

SENATE FILE 2233

H-5804

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 117, line 17, by striking the words "order
- 4 a subpoena to issue" and inserting in lieu thereof
- 5 the words "order the clerk of court to issue a subpoena
- 6 ~~to issue~~".

H-5804 FILED APRIL 8, 1982

BY SPEAR of Lee

SENATE FILE 2233

H-5805

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 125, line 33, by striking the words "fuel,
- 4 lights," and inserting in lieu thereof the words
- 5 "~~fuel, lights~~ utilities other than telephone service,".

H-5805 FILED APRIL 8, 1982

BY SPEAR of Lee

SENATE FILE 2233

H-5790

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 34, by striking the word "annual".
- 4 2. Page 8, line 35, by striking the words "an
- 5 annual" and inserting in lieu thereof the word "a".

H-5790 FILED APRIL 8, 1982

BY CONLON of Muscatine

SENATE FILE 2233

H-5793

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 125, line 27, by striking the words
- 4 "at the" and inserting in lieu thereof the words
- 5 "at the, a".

H-5793 FILED APRIL 8, 1982

BY SPEAR of Lee

SENATE FILE 2233

H-5789

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 60, line 23, by striking the number "3"
4 and inserting in lieu thereof the number "2".
5 2. Page 105, line 24, by striking the word
6 "officer" and inserting in lieu thereof the word
7 "officer".
8 3. Page 109, lines 5 and 6, by striking the words
9 "paragraphs a, b and d" and inserting in lieu thereof
10 the words and figure "paragraph a, paragraph b,
11 unnumbered subparagraph 1, and paragraph d".
12 4. Page 112, line 28, by striking the word and
13 figure "subsection 4".
14 5. Page 131, line 27, by striking the words "or
15 sheriff," and inserting in lieu thereof the words
16 "or sheriff".
17 6. Page 136, line 3, by striking the number "10091"
18 and inserting in lieu thereof the number "10107".
19 7. Page 136, line 10, by striking the number
20 "10092" and inserting in lieu thereof the number
21 "10108".
22 8. Page 140, by striking line 22 and inserting
23 in lieu thereof the following:
24 "Sec. 10207.
25 1. Commencing July 1, 1983, new employees shall".

H-5789 FILED APRIL 8, 1982 BY CONLON of Muscatine

SENATE FILE 2233

H-5806

- 1 Amend Senate File 2233 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 130, by striking lines 4 through 6 and
4 inserting in lieu thereof the following:
5 "5. a. The board shall provide suitable office
6 space for the office of the public defender. However,
7 the board may provide the".
8 2. Page 130, by striking lines 13 through 15 and
9 inserting in lieu thereof the following:
10 "b. The board shall provide suitable furniture,
11 equipment, and supplies for the office of the public
12 defender out".

H-5806 FILED APRIL 8, 1982 BY SPEAR of Lee

SENATE FILE 2233

H-5822

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 91, line 8, by striking the figure "42"
4 and inserting in lieu thereof the figure "41".

H-5822 FILED APRIL 13, 1982 BY CONLON of Muscatine

SENATE FILE 2233

H-5831

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, by striking lines 33 and 34 and
4 inserting in lieu thereof the words "the district
5 judges of a judicial district shall appoint a chief
6 judge for the judicial district."
7 2. Page 6, line 3, by striking the words "supreme
8 court" and inserting in lieu thereof the words
9 "district judges of a judicial district".
10 3. Page 146, by inserting after line 2 the
11 following:
12 "11. Rule of civil procedure 376, Code 1981, is
13 amended by striking the rule."

H-5831 FILED APRIL 13, 1982 BY WELDEN of Hardin

SENATE FILE 2233

H-5849

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 11, by striking lines 24 through 26.
4 2. Page 103, by striking lines 5 and 6 and
5 inserting in lieu thereof the words "court employees."
6 3. Page 144, by striking lines 10 through 14 and
7 inserting in lieu thereof the following:
8 "1. County employees who become state employees
9 on the effective date of this Act as a result of this
10 Act are court employees for purposes of section 10010
11 of this Act, subject to the temporary provisions
12 contained in subsection 2."
13 4. Page 144, by striking lines 25 through 28.
14 5. By renumbering as necessary.

H-5849 FILED
APRIL 14, 1982

BY WELDEN of Hardin
BRANSTAD of Winnebago
SCHROEDER of Pottawattamie

SENATE FILE 2233

H-5823

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, lines 33 and 34, by striking the words
4 "internal affairs of the".
5 2. Page 3, line 1, by striking the words "state
6 court administrator" and inserting in lieu thereof
7 the words "supreme court".
8 3. Page 4, line 26, by striking the words
9 "vacancies in court employees" and inserting in lieu
10 thereof the words "vacant court-employee positions".
11 4. Page 5, line 2, by striking the words
12 "statistical and other data" and inserting in lieu
13 thereof the words "information and statistical data".
14 5. Page 5, lines 3 and 4, by striking the words
15 "affairs of" and inserting in lieu thereof the words
16 "matters relating to".
17 6. Page 9, line 25, by inserting after the word
18 "fund" the words "from funds appropriated by the
19 general assembly".
20 7. Page 9, by striking line 27 and inserting in
21 lieu thereof the words "to be used in the operation
22 of the department, but shall not expend any of these
23 funds except pursuant to appropriations of the funds
24 by the general assembly."
25 8. Page 10, by striking lines 2 through 4 and
26 inserting in lieu thereof the word "district."
27 9. Page 10, by striking lines 8 through 10 and
28 inserting in lieu thereof the word "district."
29 10. Page 10, by inserting after line 10 the
30 following:
31 "The supreme court may contract with a county or
32 a city for the transfer to the state of title to
33 physical facilities owned by the county or city and
34 used by the department or any of its operating
35 components. Upon the transfer the county or city
36 shall be relieved of subsequent liability to furnish
37 physical facilities for the department or any of its
38 operating components. However, a contract executed
39 under this paragraph is not enforceable except when
40 and to the extent the contract has been approved by
41 the general assembly."

H-5823 FILED
APRIL 13, 1982

BY CONLON of Muscatine
DODERER of Johnson

SENATE FILE 2233

H-5859

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 97, line 27 through page 98,
4 line 2, and inserting in lieu thereof the following:

5 "2. The state comptroller shall distribute amounts
6 certified by the treasurer of state under subsection
7 1 to the school districts in the manner provided in
8 subsection 3, provided that commencing in the fiscal
9 year beginning in July, 1985, the maximum amount that
10 is subject to distribution to school districts by
11 the state comptroller during a fiscal year is the
12 aggregate amount distributed to all school districts
13 during the fiscal year beginning July 1, 1984, and
14 any excess of the aggregate of amounts collected over
15 the maximum amount that is subject to distribution
16 shall be deposited in the state general fund.

17 3. Subject to the limit established in subsection
18 2, the state comptroller shall distribute amounts
19 certified under subsection 1 as follows:

20 a. During the fiscal year commencing July 1, 1984
21 and ending June 30, 1985, the state comptroller shall
22 distribute to a school district the amount collected
23 by a clerk of the district court in actions arising
24 in the school district.

25 b. During the fiscal year commencing July 1, 1985
26 and ending June 30, 1986, the state comptroller shall
27 distribute to a school district an amount equal to
28 the sum of seventy-five percent of the amount collected
29 by a clerk of the district court in actions arising
30 in that school district plus that school district's
31 proportionate share of twenty-five percent of the
32 amounts collected by all clerks of the district court
33 in actions arising in all school districts.

34 c. During the fiscal year commencing July 1, 1986
35 and ending June 30, 1987, the state comptroller shall
36 distribute to a school district an amount equal to
37 the sum of fifty percent of the amount collected by
38 a clerk of the district court in actions arising in
39 that school district plus that school district's
40 proportionate share of fifty percent of the amounts
41 collected by all clerks of the district court in
42 actions arising in all school districts.

43 d. During the fiscal year commencing July 1, 1987
44 and ending June 30, 1988 the state comptroller shall
45 distribute to a school district an amount equal to
46 the sum of twenty-five percent of the amount collected
47 by a clerk of the district court in actions arising
48 in that school district plus that school district's
49 proportionate share of seventy-five percent of the
50 amounts collected by all clerks of the district court

1 in actions arising in all school districts.

2 e. During a fiscal year that commences on or after
3 July 1, 1988 the state comptroller shall distribute
4 to a school district that district's proportionate
5 share of the amounts collected by all clerks of the
6 district court in actions arising in all school
7 districts.

8 f. For purposes of paragraphs a through e of this
9 subsection, the proportionate share of a school
10 district for a fiscal year is the percentage, to the
11 nearest one one-hundredth of a percent, determined
12 by dividing the basic enrollment of that school
13 district as reported to the department of public
14 instruction in September of the preceding year under
15 section 442.4 by the aggregate of the basic enrollments
16 of all school districts as reported to the department
17 of public instruction in September of the preceding
18 year under section 442.4."

19 2. Page 98, line 6, by striking the number "2"
20 and inserting in lieu thereof the number "3".

H-5859 FILED APRIL 14, 1982 BY DE GROOT of Lyon

SENATE FILE 2233

H-5856

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 14, line 13, by inserting after the period
4 the words "The salary of the clerk of the district
5 court in any county shall not exceed the highest of
6 the respective salaries being paid at the same time
7 by the county to the county auditor, county treasurer
8 and county recorder in that county."

H-5856 FILED APRIL 14, 1982 BY DE GROOT of Lyon

SENATE FILE 2233

H-5850

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 77, by striking lines 2 through 4 and
4 inserting in lieu thereof the following:
5 "11. Keep for public inspection a certified copy
6 of Acts effective by publication and furnish copies
7 as provided in section 3.15."

H-5850 FILED BY SPEAR of Lee
APRIL 14, 1982

SENATE FILE 2233

H-5871

1 Amend Senate File 2233, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 95, by striking lines 6 through 12 and
4 inserting in lieu thereof the following:

5 "aa. In criminal cases, when judgment is
6 rendered against the defendant, the clerk shall
7 impose and collect from the defendant the same fees
8 for the same services as in civil cases. No filing fee
9 shall be assessed against the complaining witness.

10 In addition to other fees required by this
11 paragraph, there is a twenty-five dollar fee for
12 the filing of an indictment or information. Upon
13 collection of the fee from the defendant, four
14 dollars of the twenty-five dollar fee shall be
15 deposited in the county treasury for the use of the
16 county and twenty-one dollars of the fee shall be
17 paid to the state treasury of which one dollar shall
18 be deposited in the judicial retirement fund created
19 in section 605.4 to be used to pay retirement benefits
20 of the judicial retirement system and the remainder to
21 be deposited in the general fund of the state."

H-5871 FILED APRIL 15, 1982

BY CONLON of Muscatine

SENATE FILE 2233

H-5870

1 Amend Senate File 2233, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 114, by inserting after line 27; the
4 following:

5 "Sec. _____. Section 321.207, Code 1981
6 Supplement, is amended to read as follows:

7 321.207 RECORD FORWARDED. Every court having
8 jurisdiction over offenses committed under this
9 chapter, or any other law of this state or any city
10 or county traffic ordinances, other than parking
11 regulations, regulating the operation of motor
12 vehicles on highways, shall forward to the
13 department a record of the conviction of any person
14 in the court for a violation of any said of those
15 laws, and may recommend the suspension of the
16 operator's or chauffeur's license of the person
17 convicted, and the department shall consider and act
18 upon the recommendation. However, a record of
19 conviction for a scheduled excessive speed violation
20 of ten miles per hour or less over the posted speed
21 limit shall not be forwarded to the department nor
22 result in a license suspension or revocation."

H-5870 FILED APRIL 15, 1982

BY LIND of Black Hawk