

Judiciary 2/20/86

FILED FEB 6 1986

SENATE FILE 2124
BY COMMITTEE ON JUDICIARY
(formerly SSB 2046)
Approved (p. 250)

Passed Senate, Date 2-17-86 (p. 330) Passed House, Date 3-4-86 (p. 544)
Vote: Ayes 26 Nays 19 Vote: Ayes 54 Nays 35
Approved March 13, 1986 (p. 727)

A BILL FOR

1 An Act relating to the appointment of a district associate judge
2 in lieu of magistrates.

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

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SF 2124

1 Section 1. Section 602.6302, subsection 1, Code 1985, is
2 amended to read as follows:

3 1. ~~In a county having an apportionment of three or more~~
4 ~~magistrates, the~~ The chief judge of the judicial district,
5 subject to the limitations of this section, may designate by
6 order that a district associate judge be appointed pursuant to
7 this section in lieu of magistrates appointed under section
8 602.6403. However, the designation shall not be made unless
9 the county in which the district associate judge is to be
10 appointed, or the counties in which the district associate
11 judge is to be appointed in combination, have an apportionment
12 of three or more magistrates and the designation shall not be
13 made if the designation would result in the lack of a resident
14 district associate judge or magistrate in one or more of the
15 counties. The order of substitution may be made only upon the
16 affirmative vote of a majority of the district judges in that
17 judicial election district, or in the case of an appointment
18 involving more than one judicial election district of the same
19 judicial district a majority of the district judges in each
20 judicial election district, and only upon a finding by a
21 majority of those district judges that the substitution would
22 provide more speedy and efficient performance of judicial
23 business within that judicial election district. An order of
24 substitution shall not take effect unless a copy of the order
25 is received by the chairperson of the county magistrate
26 appointing commission or commissions no later than the thirty-
27 first day of March of the year in which the substitution is to
28 take effect. A copy of the order also shall be sent to the
29 state court administrator.

30 Sec. 2. Section 602.6302, subsection 2, Code 1985, is
31 amended to read as follows:

32 2. For a county in which a substitution order is in
33 effect, the number of magistrates actually appointed pursuant
34 to section 602.6403 shall be reduced by three for each
35 district associate judge substituted under this section.

1 However, if the substitution order is for a district associate
2 judge appointed to more than one county, the reduction of
3 three magistrates shall be as provided in the order of the
4 chief judge of the judicial district. Upon a subsequent
5 reduction in the apportionment of magistrates to the county or
6 counties, the magistrate appointing commission shall further
7 reduce the number of magistrates appointed.

8 Sec. 3. Section 602.6302, subsection 4, Code 1985, is
9 amended to read as follows:

10 4. If an apportionment by the state court administrator
11 pursuant to section 602.6401 reduces the number of magistrates
12 in the county or counties to less than three the number
13 required to be apportioned to allow a substitution order
14 pursuant to subsection 1, or if a majority of the district
15 judges in the judicial election district or districts
16 determines that a substitution is no longer desirable, then
17 the substituted office shall be terminated. However, a
18 reversion pursuant to this subsection, irrespective of cause,
19 shall not take effect until the substitute district associate
20 judge fails to be retained in office at a judicial election or
21 otherwise leaves office, whether voluntarily or involuntarily.
22 Upon the termination of office of that district associate
23 judge, appointments shall be made pursuant to section 602.6403
24 as necessary to reestablish terms of office as provided in
25 section 602.6403, subsection 4.

26 Sec. 4. Section 602.6304, subsection 1, Code 1985, is
27 amended to read as follows:

28 1. The district associate judges authorized by sections
29 602.6301, 602.6302, and 602.6303 shall be appointed by the
30 district judges of the judicial election district from persons
31 nominated by the county magistrate appointing commission. In
32 the case of a district associate judge to be appointed to more
33 than one county, the appointment shall be from persons
34 nominated by the county magistrate appointing commissions
35 acting jointly and in the case of a district associate judge

1 to be appointed to more than one judicial election district of
2 the same judicial district, the appointment shall be by a
3 majority of the district judges in each judicial election
4 district.

5 Sec. 5. Section 602.6305, subsection 3, Code 1985, is
6 amended to read as follows:

7 3. A district associate judge must be a resident of the a
8 county in which the office is held during the entire term of
9 office. A district associate judge shall serve within the
10 judicial district in which appointed, as directed by the chief
11 judge, and is subject to reassignment under section 602.6108.

12 EXPLANATION

13 This bill amends the current section of the Code which al-
14 lows for the substitution of a district associate judge in
15 lieu of three judicial magistrates to allow the appointment of
16 the judge to be for more than one county of the judicial
17 district, with corresponding changes to the minimum required
18 number of apportioned magistrates, eventual reduction of
19 magistrates for the counties affected, and nomination and
20 retention processes.

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SSB2046

SSB 2046

JUDICIARY: Doyle, Chair; Mann and Holt

*New
SF 2124*

SENATE/HOUSE FILE _____
BY JUDICIARY STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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9 the county in which the district associate judge is to be
10 appointed, or the counties in which the district associate
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14 district associate judge or magistrate in one or more of the
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19 judicial district a majority of the district judges in each
20 judicial election district, and only upon a finding by a
21 majority of those district judges that the substitution would
22 provide more speedy and efficient performance of judicial
23 business within that judicial election district. An order of
24 substitution shall not take effect unless a copy of the order
25 is received by the chairperson of the county magistrate
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27 first day of March of the year in which the substitution is to
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19 shall not take effect until the substitute district associate
20 judge fails to be retained in office at a judicial election or
21 otherwise leaves office, whether voluntarily or involuntarily.
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23 judge, appointments shall be made pursuant to section 602.6403
24 as necessary to reestablish terms of office as provided in
25 section 602.6403, subsection 4.

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8 county in which the office is held during the entire term of
9 office. A district associate judge shall serve within the
10 judicial district in which appointed, as directed by the chief
11 judge, and is subject to reassignment under section 602.6108.

12 EXPLANATION

13 This bill amends the current section of the Code which al-
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SENATE FILE 2124

AN ACT

RELATING TO THE APPOINTMENT OF A DISTRICT ASSOCIATE JUDGE IN LIEU OF MAGISTRATES.

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

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Sec. 2. Section 602.6302, subsection 2, Code 1985, is amended to read as follows:

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Sec. 3. Section 602.6302, subsection 4, Code 1985, is amended to read as follows:

4. If an apportionment by the state court administrator pursuant to section 602.6401 reduces the number of magistrates in the county or counties to less than three the number required to be apportioned to allow a substitution order pursuant to subsection 1, or if a majority of the district judges in the judicial election district or districts determines that a substitution is no longer desirable, then the substituted office shall be terminated. However, a reversion pursuant to this subsection, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily. Upon the termination of office of that district associate judge, appointments shall be made pursuant to section 602.6403 as necessary to reestablish terms of office as provided in section 602.6403, subsection 4.

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than one county, the appointment shall be from persons nominated by the county magistrate appointing commissions acting jointly and in the case of a district associate judge to be appointed to more than one judicial election district of the same judicial district, the appointment shall be by a majority of the district judges in each judicial election district.

Sec. 5. Section 602.6305, subsection 3, Code 1985, is amended to read as follows:

3. A district associate judge must be a resident of the a county in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2124, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved March 13, 1986

TERRY E. BRANSTAD
Governor