F I N A L R E P O R T

COURT STUDY JOINT SUBCOMMITTEE
OF THE
SENATE COMMITTEE ON JUDICIARY
AND THE
HOUSE COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

January, 1981

The Court Study Joint Subcommittee originally was created in 1979 pursuant to Senate Joint Resolution 13 to investigate the feasibility of reorganizing the courts of Iowa into a single state judicial department, to be funded by the state and administered by the Supreme Court.

The Legislative Council, upon the recommendation of the 1979-80 Joint Subcommittee, contracted in 1979 with the Resource Planning Corporation of Washington, D.C., to obtain a study of the personnel and funding of the existing court system. The final report of the study was submitted to the Legislative Council in August of 1980.

The Legislative Council authorized the continuation of the court study during the 1980-81 legislative interim, and the following legislators continued to serve as the Subcommittee: Senator Lucas J. DeKoster and Representative Nancy J. Shimanek, Co-chairpersons, Senators C. Joseph Coleman, Willard R. Hansen, A. R. Kudart, and John R. Scott, and Representatives Walter Conlon, Norman G. Jesse, James R. Johnson and John E. Patchett. Upon the resignation of Senator John Scott, Senator Bob Rush was appointed to the vacancy. The Subcommittee also invited the Judicial Department and the Executive Department to appoint a person to serve as an advisory member of the Subcommittee. The Honorable Robert G. Allbee, Supreme Court Justice, and Wythe Willey, Executive Assistant to the Governor were appointed to serve in this capacity.

The Subcommittee met in Des Moines on July 22, September 16, November 21, and December 19, 1980.

RESOURCE PLANNING CORPORATION REPORT

The primary resource material used by the Subcommittee in its study of the judicial system was the report prepared under contract by Resource Planning Corporation (referred to hereinafter as the RPC Report). Staff members of the Supreme Court and of the Joint Subcommittee met with representatives of RPC on several occasions, and the Subcommittee met with them on July 22. The preliminary report was reviewed, and directions were given for several modifications. The Subcommittee recommended that the Legislative Council accept the report in satisfaction of the contract, and the Council did so at its August meeting.

The RPC report contains an extensive survey of the existing Iowa judicial system with respect to its agencies and personnel and the funding of its operations. The complete report is contained in two volumes, each of which being preceded by an executive summary. Copies of these summaries are attached to this report for reference.

COMMENTS OF INTERESTED AGENCIES

The Subcommittee solicited the views of various public agencies and other interested groups respecting the RPC Report and the proposed reorganization of the Iowa judicial system. The following is a summary of the various comments:

1. Iowa Associaton of School Boards. The Association declined comment on the report, except with respect to the financial aspects of any proposed reorganization. The Association noted that one alternative for funding is to divert fine money from the school districts to the Judicial Department. The Association believes that fine money is an integral and necessary part of the school funding mechanisms and that fine money should not be diverted to other uses.

2. Association of Clerks of District Court. The Association supports in principle the appointment of clerks of district court, rather than election, subject to the following guidelines:

a. A clerk would be appointed by a majority vote of the district judges in the judicial district.

b. A clerk would serve at the pleasure of the appointing authority, but with removal only for cause and with a right of appeal.

c. The salary of a clerk would be set by the appointing authority according to Supreme Court guidelines based on experience, workload, population and longevity.

d. A clerk would be entitled to benefits as established by the Supreme Court, but without any reduction of existing benefits.

e. A clerk would retain full administrative and supervisory responsibilities for their offices and employees.

f. Bonds for a clerk and his or her employees would be provided by the state.

g. Clerks would have authority to prepare their budgets, subject to approval by the district judges.

h. The Association of Clerks of District Court should be recognized as an independent organization.

3. Association of County Supervisors. The Association supports the concept of state funding of the judicial system. The Association also recommended that fine money be used to support the courts, rather than the school districts, and that the state assume all costs of indigent defense.

4. Iowa Crime Commission. The Commission suggested that the data and conclusions in the RPC Report relating to indigent defense be disregarded. The Commission believes the data collection methods, evaluation techniques and analyses are invalid. The Commission recommends that the Subcommittee use the Crime Commission report entitled "Indigent Defense in Iowa" in lieu of the RPC Report, as it relates to indigent defense.

5. Juvenile Probation Officers Association. The Association supports the concept of a fully unified judicial system as advocated by the Iowa Supreme Court. The Association also recommends that juvenile probation officers be redesignated as "juvenile court officers" to recognize the scope of their duties; that these officers be entitled to consistent and equitable salary, benefit and personnel policies; and that each juvenile court be provided with sufficient independence to enable it to respond to the unique needs of the community that it serves.

6. Iowa Judicial Council. The Council endorses the concept of unified state court financing and budgeting and centralized structural and personnel systems, and urges legislative implementation.

7. Iowa Supreme Court. The Court presented several refinements of what it advocates with respect to a unified state judicial system. These recommendations and an accompanying organizational chart are attached to this report for reference.

SUBCOMMITTEE RECOMMENDATIONS

The Subcommittee generally supports the concept of a single state-administered and state-funded judicial system. However, such a proposal presents a series of complex decisions relating to funding and to reorganization of the existing county-level structures.

The Subcommittee recommends legislative creation of a unified state judicial department as soon as it becomes feasible for the state to assume the burden of the costs of such a system. It is estimated that the additional cost to state government should it assume the total burden of the judicial system would be in excess of $30 million as of the fiscal year ending July, 1982. The impact upon the state budget could be softened by a gradual assumption of the various categories of expenses as shown in the attached documents entitled "Iowa Judicial System Expenditures" and "Projected Judicial System Expenditures". The Subcommittee

declines to make any specific recommendations respecting the process of state assumption of the costs of the system because the present condition of the economy and state revenues indicates that immediate legislative action is not likely.

The Subcommittee submits the attached bill draft as an appropriate method of creating a unified state judicial department and recommends it passage. The commentary of interested persons and Subcommittee members supports the concept of a unified judicial department at the state level, but expresses some concern about the distribution of authority between central and local administrative levels. The attached bill draft represents one form of compromise between total central and local autonomy.

The Subcommittee further recommends that the appropriate standing committees consider the various alternatives that are available to produce additional state revenue for the financing of a state judicial department. These alternatives include, but need not be limited to the following:

1. Increasing filing fees in the district court with the additional revenue being used to offset the added burden to the state.

2. Redistribution of revenues produced by fines imposed by the district court from the support of schools to the state general fund.

3. Redistribution of those portions of district court fees and costs presently going to the county general fund to the state general fund.

The Subcommittee recognizes that a redistribution of existing district court revenues could impact substantially on local governmental entities and may necessitate adjustments in those laws which provide funding for those entities.

The Subcommittee finally recommends that the appropriate standing committees consider the advisability of eliminating the duty of counties and cities to provide physical facilities for use by the judicial system. While it would be logically consistent to recommend that the state assume the costs of physical facilities as well as salaries and other operating costs, the experiences of some other states in assuming the burden of physical facility costs indicate that it may be more desirable to leave this burden at the local level.

IOWA COURT FINANCIAL AND PERSONNEL INFORMATION PROFILE

IOWA COURT MODEL FINANCIAL AND PERSONNEL SYSTEM

EXECUTIVE SUMMARIES

Submitted to:

Iowa Legislative Council
Serge Garrison, Director
State House
Des Moines, Iowa 50319

Submitted by:

RESOURCE PLANNING CORPORATION
1401 Sixteenth Street, N.W.
Washington, D.C. 20036

August 6, 1980

IOWA COURT
FINANCIAL AND PERSONNEL INFORMATION
PROFILE

EXECUTIVE SUMMARY

This executive summary is designed to highlight the major findings contained in the narrative of this information profile. For the fullest understanding of this report, it is recommended that the entire document be examined.

Purpose

The purpose of this information profile is to:

- Identify all costs and revenues attributable to the operation of the courts in Iowa from fiscal year 1977 to fiscal year 1979;

- Provide a description of current organizational structure; and

- Provide current personnel rosters.

Organizational Structure

- The State of Iowa has a single tier unified court structure, although the financing, budgeting, and personnel administration of the system are not centralized.

- The system appears to be standardized but not administratively unified.

- Ultimate administrative power rests with the supreme court over all inferior courts via statutory law.

- The state court administrator's office has limited power, essentially in the area of information and statistical data collection and analysis, and the administration of funds for state level appropriations.

- The chief judges of the various districts exercise significant local administrative authority.

- The district court administrator's primary role is the scheduling of cases. However, in larger districts such as District 5, District 7, and District 1, these duties may expand to the supervision of district court support staff and monitoring the implementation of computer applications for the court system.

- Clerks exercise a wide range of local autonomy in their own offices in the administrative areas of budgeting and personnel.

- The juvenile probation offices have a totally different organizational structure from the rest of the local level court agencies. The offices are not organized along district lines. Additionally, there is more fragmentation of administrative authority with the juvenile judges, juvenile probation committees, and boards of supervisors exercising some degree of administrative control over the offices.

- RPC estimates there are approximately 1,700 total state and local level court employees in the State of Iowa.

Expenditures - Generally

- The total cost of the judicial system in the State of Iowa in 1977 was $30,704,855. In 1978 this cost increased 14% to $34,852,012. In 1979 this total increased by 9% to $38,356,018.

- In Iowa the state pays for approximately 25% of the total cost of the court system while the counties pay approximately 75%. This is a very typical state/county level proportional breakdown.

State Expenditures

- Total state level funding for the court system in 1979 was $9,215,190.

- The bulk of state costs are judicial salaries although this line item dropped in 1979.

- The state in the near future will have to assume the costs of judicial training which was approximately $100,000 in 1979.

- The cost of the judicial retirement fund will raise dramatically. In 1979 this figure was $175,000 while in 1981 this figure is projected to be over $1 million, displaying the legislature's intent to adequately fund the judicial retirement system.

County Expenditures

- The total expenditure for district court administration in 1979 was $521,190. For juvenile probation it was $3,906,632. For the clerks of district court, it was $9,335,203. For the district court support staff which included court reporters, bailiffs, magistrates' secretaries, jury and witness fees and other service fees, it was $11,458,001. For indigent defense, it was $3,919,892. The total funding provided at the county level for the Iowa court system was $29,140,918.

- District court administration costs jumped in 1978 and 1979. The large percentage of growth in this office during these years reflects the establishment of many new district court administrators offices around the state.

- Juvenile probation expenditures remained relatively stable except for District 5 which had a 42% increase in 1979.

- The clerks of the district court appeared to grow in salary expenditures from 1977 to 1979, at a relatively stable 10% a year.

- A per capita cost analysis indicates that citizens who live in urban districts bear a smaller proportion of costs to staff and operate a clerk's office. This indicates there is a basic cost to staff and operate a clerk's office that cannot be reduced.

- Judicial Election District 5A expends 38% of the total county level costs for district court support staff.

- Unlike clerk of court expenditures, in urban jurisdictions the per capita costs of providing district court support staff services will be higher than in rural areas.

- Jury fee and witness fee costs were reduced from 1977 to 1979.

- Public defender systems exist in 10 counties in the state. However, an appointed attorney system operates in conjunction with these systems.

- Indigent defense costs grew from 1977 to 1979, although the percentage of total county level costs remained stable over the same time period at approximately 13%.

- Urban jurisdiction judicial election districts bear a higher per capita cost for indigent defense than rural judicial election districts.

- The five judicial election districts that had the highest indigent defense expenditures have seven of the ten public defender offices within them. This suggests that while public defender offices are being established they increase the cost of providing indigent defense.

Revenues

- In 1979 total state and county revenues generated by the court was $51,869,823. Counties generate 99.9% of this amount.

- Total state level nontax revenue amounted to only $66,543 in 1979.

- Total county level nontax and tax revenues in 1979 were approximately $52 million. Of this amount, approximately $29 million came from property taxes and $23 million was generated from fines, fees, and other payment of court costs.

- There has been a slow rate of growth in nontax revenues from 1978 through 1979. Property tax revenues increased by approximately 12% each year but nontax revenue, after a 20% boost in 1978, slowed to 5% in 1979.

- Polk County generated approximately 17% of total county revenue in 1978 and 1979.

- The revenue generated by the courts in property taxes represents approximately 180% of total county level costs. Of that amount, property taxes funded approximately 100% of county expenditures, while court generated nontax revenue represents approximately 80% of county level expenditures.

- Disbursement of non-tax revenues over the fiscal years 1977 and 1978 was as follows: 32% to the county general funds; 45% to the school districts via the fines funds; 15% to the municipalities; and 8% to the state treasury.

IOWA COURT MODEL FINANCIAL AND PERSONNEL SYSTEM

EXECUTIVE SUMMARY

This executive summary highlights major findings that are contained in the Iowa Court Model Financial and Personnel System. For the fullest understanding of this model system, it is recommended that the entire document be examined.

Purpose

The purpose of this document is to describe the key issues in the development of a model state Financial and Personnel System. RPC is not recommending that centralization is the best method of financial and personnel administration. Our role is to describe what a centralized system would look like in the State of Iowa should the state decide to move in this direction.

Overview

In the determination of whether to move to a state administered court system or remain essentially a locally administered system, two important development issues are often considered critical. These are:

- Cost efficiencies of centralization versus localization, and
- Administrative control as exercised in a centralized system as opposed to a locally administered system.

There are cost and control advantages and disadvantages in both a state and locally administered system. RPC cannot categorically say that a centralized system would be better from the cost and control viewpoint.

What RPC considers the most important issue in developing an administrative system is to provide equal opportunity for justice by providing more equitable allocation of resources and more equitable

distribution of cost to courts around the state. In essence, centralization is offered as an answer to the problem of richer counties providing better and more expensive services within their court system than poorer counties. It is impossible to achieve the goal of equitable allocation of resources and equitable distribution of costs in a locally administered system. Some degree of centralized information gathering and decision making authority is essential.

The RPC model is also based on the approach used in the states of Missouri, South Dakota, and Kentucky - three states which have recently experienced the development of centralized financial and personnel systems in their court structure.

Organization and Management Structure of the Courts

Organization

- State financial and centralized personnel systems demand a unified court structure. Therefore, little change will be necessary in the basic Iowa structure, which is already unified. The only changes will be: 1) expansion of the authority of the state court administrator's office over the financial system of the courts; 2) the modification of the selection process for clerks of court from elective to appointed offices; 3) the expansion of the authority of district court administrators around the state; and 4) reorganization of juvenile probation offices along more centralized lines.

Management

- The ultimate responsibility of budgeting and personnel should rest with the supreme court and be delegated through that office to the state court administrator's office.
- There should be a dramatic allowance for local level input from chief judges, district court administrators, clerks of court, and juvenile probation officers into administrative policy affecting their offices.

Scope of Assumption - Costs

- The state should assume all local level nonjudicial payroll costs.

- As another option, the state should consider assuming all local level operating and facility costs for the court system. While it is more consistent with the philosophy of equitable distribution of costs to pick up operating facility expenditures, it is not as pragmatic as assuming payroll costs.

- Service fees, such as jury and witness fees should not be assumed because they offer no greater ability to control resource distribution or cost distribution. Therefore, it is better to leave these locally administered.

- The cost impact to the state to assume payroll costs solely, accounting for a 10% increase from the 1979 expenditures in 1980 and 1981, would be approximately $21 million. Should the state also assume operation and facility costs as well as payroll, the total cost impact would be $33 million.

Scope of Assumption - Revenue

- RPC does not believe that revenue control is as important as expenditure control to a centralized system. The state should try to avoid the appearance of a fee based system. Also, should the state assume revenues, the state treasury and not the court would have control of revenue money. Therefore, revenue assumption as an issue of cost efficiency or administrative control provides no benefit to the court.

- RPC sees two alternatives for the assumption of revenues. One alternative is for revenue distribution to be left as it is. Programs from which money would be redistributed would have to have their funding source replaced by tax dollars if they were to continue to exist anyway. Therefore, no tax dollar savings would accrue to the citizenry.

- A second alternative would be to redistribute some of the money out of the general and municipal funds. The state would be assuming a significant amount of the county cost; they may wish to take part of the revenues that typically go to the counties and cities within the counties. The only constraint to this assumption scheme is that if operating and facility costs are left at the local level the county would still be providing free services to the court system.

- The cost impacts of revenue redistribution would be minimal. This is because it would represent a simple transfer of dollars and would not be new earned money. Programs taken from would have to be reinvested if they were to continue to exist, most probably by other tax dollars.

Personnel

- There is an absence of formal personnel systems within the state. This is typified by the fact that the state system has no personnel officer, and the counties' nonjudicial employees are subject to few documented personnel rules and regulations.

- Within the model system, the supreme court would have general responsibility for a centralized personnel system, with the state court administrator's office assuming broad responsibility for implementing maintenance and operation of the system. Local level managers would be responsible for direct supervision of their employees.

- A classification system with unique job descriptions for court employees should be developed using local level input.

- A compensation system which takes into account the state's executive system should be developed.

W. W. REYNOLDSON
CHIEF JUSTICE

Supreme Court

STATE CAPITOL
DES MOINES, IOWA 50319

November 17, 1980

Senator Lucas J. DeKoster
Cochairperson, Joint Subcommittee
on the Court Study
1106 Main Street
Hull, IA 51239

Representative Nancy J. Shimanek
Cochairperson, Joint Subcommittee
on the Court Study
519 West 5th Street
Monticello, IA 52310

Dear Senator DeKoster and Representative Shimanek:

On behalf of the court, we reply to your subcommittee's request for the court's position on the Iowa Court System Model Organizational Structure as proposed by the Resource Planning Corporation (RPC).

We note the Legislative Council's court study consultant has concluded and recommended that "ultimate [judicial department] budget and personnel administration authority and responsibility should be placed in the Supreme Court." RPC's Model Financial and Personnel System Report, p. 11. Of course your subcommittee is aware that this is consistent with the constitutional provisions which direct that "[t]he Judicial power shall be vested in [the] Supreme Court," Iowa Const. art. V, § 1 (1857), which "shall exercise a supervisory and administrative control over all . . . Judicial tribunals throughout the State," Iowa Const. art. V, § 4 (1857, amended 1962). And we know your subcommittee is sensitive to the fact that the court's responsibility under these constitutional provisions has been inhibited by various statutes. Crucial among these are the sections which provide for elected clerks of the district court, section 39.17, The Code, and the method of selection, compensation and supervision of juvenile probation officers, section 231.8, The Code.

We mention this problem at the outset in the hope that if your subcommittee makes a favorable recommendation to the Legislature, or examines proposed implementing statutes, that this independent branch of government be granted the flexibility, or "play in the joints," to make adjustments and changes as circumstances demand. We are confident the Legislature will be comfortable with such a concept, as it has delegated extensive management discretion and authority to the commissions and councils which direct Iowa's largest agencies in the executive branch, for example, the Council on Social Services, Department of Social Services, section 217.2, .3, The Code, and the State Transportation Commission, Department of Transportation, section 307.3 and .10, The Code. Of course the legislative branch would continue to exercise close oversight of Judicial Department activities and problems through our budget presentations.

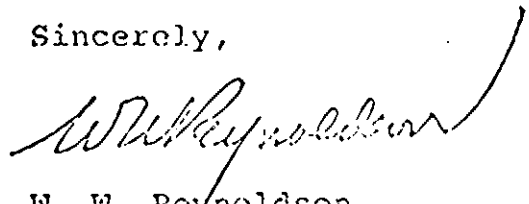
It is the policy of this court that its constitutional administrative function continue to be implemented through the judicial district system. The court should, and will, adopt broad state rules where necessary or desirable for administration of the state court system. It has neither the time, resources, or inclination to appoint or directly supervise district court personnel other than the chief judges of the judicial districts.

Against that backdrop, we respond more directly to your inquiry, with the caveat that we have launched an administrative personnel study to identify specifically the duties and responsibilities of the various positions and offices which serve the judicial branch and the qualifications they demand. We shall interview and survey district court administrators, juvenile probation officers, clerks of court and their employees, shorthand reporters, bailiffs and referees. This study will provide the court with the information it needs to develop a suitable personnel system for the Judicial Department, in the event the Legislature determines to finance a centralized state court budget.

We therefore attach a model organizational chart and narrative description of an Iowa court system approved by the Supreme Court of Iowa. We may elect to modify this to grant district associate judges participation in selection of district court clerks. Results of the administrative personnel study might call for other modifications. If there are any questions about this, please do not hesitate to let us know.

The court is grateful for all of the time and attention your subcommittee has devoted to this problem. We appreciate your consideration in asking for our position, and in providing us this opportunity to respond.

Sincerely,



W. W. Reynoldson
For the Supreme Court
of Iowa

WWR/nr
Enclosure
cc: Members of the Subcommittee
Members of the Judiciary

IOWA COURT SYSTEM MODEL

ORGANIZATIONAL STRUCTURE

as proposed by the Supreme Court of Iowa

Narrative Explanation of

ORGANIZATIONAL CHART

1. The state court administrator should be appointed by a majority vote of the supreme court and should serve at its pleasure. (As currently provided in § 685.6, The Code 1979.)

2. The clerk of the supreme court should be appointed by a majority vote of the supreme court and should serve at its pleasure. (Currently, the clerk of the supreme court serves a four-year term. § 685.1, The Code 1979.)

3. Chief judges should be appointed by the chief justice with the approval of the supreme court and serve for a term of two years. (As currently provided in Iowa R. Civ. P. 376.)

4. The Iowa Judicial Council should advise the supreme court on all court administrative rules, directives and regulations. (As currently provided in Iowa R. Civ. P. 380.)

5. The chief judges should exercise continuing administrative supervision within their respective districts over all court personnel and budgets. (As currently provided in Iowa R. Civ. P. 377.)

6. As aides to the chief judges, district court administrators should be responsible for all court personnel and budgets, and should assist the state court administrator in implementing statewide policy decisions. (Iowa R. Civ. P. 377 and § 605.35, The Code 1979, currently provide for delegation of duties by chief judge to district court administrator.)

7. A district court administrator should be appointed by the chief judge and serve at his or her pleasure. (As currently provided in Iowa R. Civ. P. 377.)

8. For each county in each judicial election district, the clerk of the district court should be appointed by a majority of the district judges of the judicial election district in which the county is located. Clerks of the district court should serve a term of years fixed by the supreme court. (Currently clerks of the district court are elected for four-year terms. § 39.17, The Code 1979.)

9. There should be one chief juvenile probation officer for each judicial district, who should be appointed by a majority of the judges of the judicial district and serve

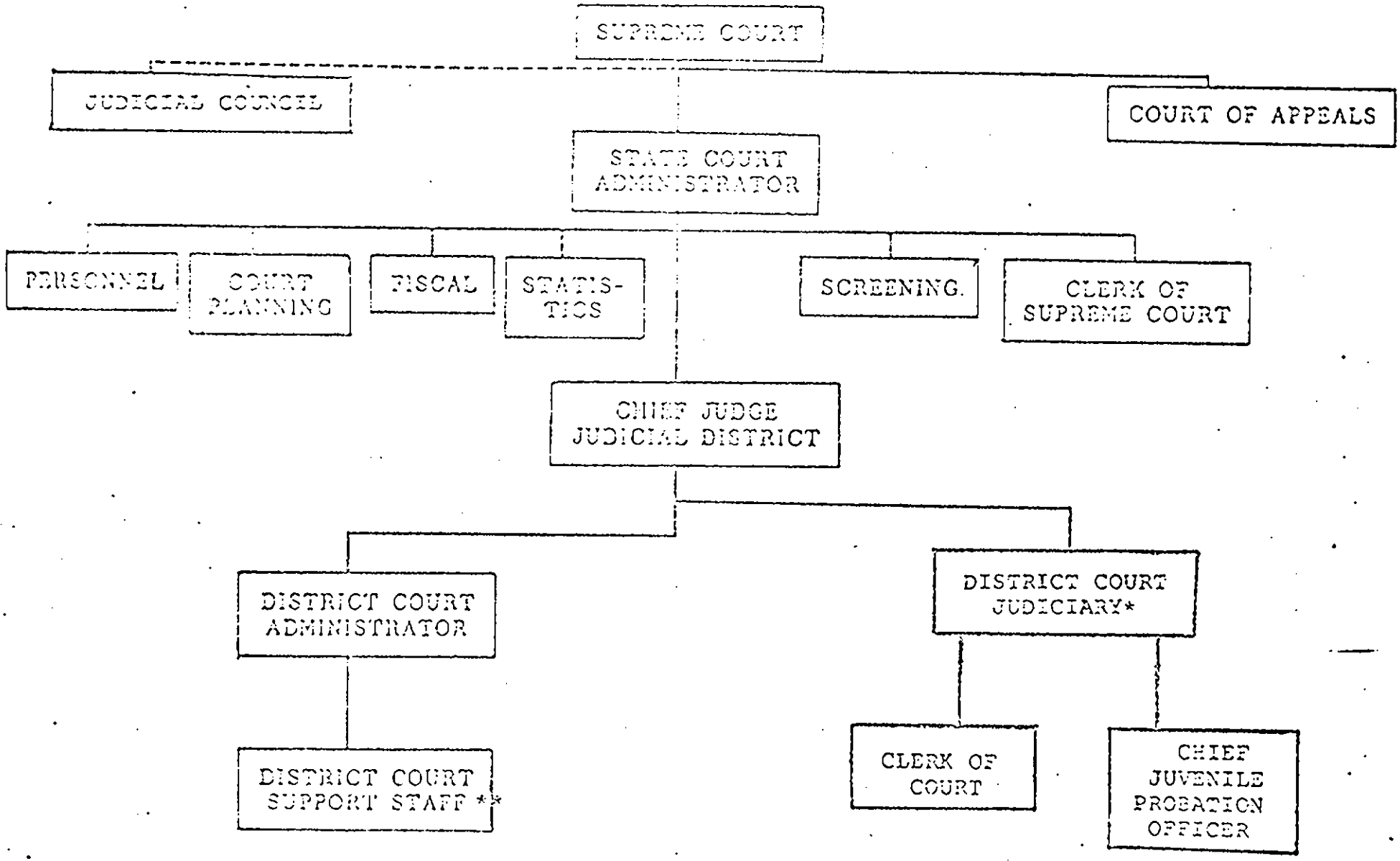
at their pleasure. (Currently, chief juvenile probation officers are designated by the judge assigned as juvenile court judge and serve at the pleasure of the probation officer committee. § 231.8, The Code 1979.)

10. Given the close working relationship of most court reporters to the judges and the fact that judges currently have authority to hire court reporters, these employees should be left under their administrative authority as opposed to district court administrators. (As currently provided in §§ 602.33 and 605.6, The Code 1979.)

11. District court administrators should have their personnel administrative functions expanded. They should be given personnel administrative responsibility for all employees of the district court other than those who work for the clerk of the district court and the chief juvenile probation officer. This would include such employees as bailiffs, secretaries and law clerks. (Current duties of district court administrators are provided in Iowa R. Civ. P. 377 and § 605.35, The Code 1979.)

IOWA COURT SYSTEM MODEL ORGANIZATIONAL CHART

as proposed by the Supreme Court of Iowa



*Judges would continue to hire and supervise their shorthand reporters.

**Bailiffs, secretaries and law clerks.

IOWA JUDICIAL SYSTEM EXPENDITURES

The accompanying table contains an abstract of financial information relating to the Iowa judicial system, as compiled and reported by Resource Planning Corporation pursuant to its contract with the Legislative Council. The data was obtained from state and local financial records covering fiscal years 1976-77, 1977-78 and 1978-79. The following comments are included to make the data more meaningful:

1. The data excludes expenditures for physical facilities. The RPC report did not contain any data relating to the state expenditures for physical facilities, and the district court data that was reported is based upon estimates of expenditures.

2. The figure columns shown in the table provide the following data:

a. Dollars of expenditures for the fiscal years ending 1977, 1978, and 1979, for the selected categories of expenses at the state level and at the county level and statewide, respectively.

b. For each of the years 1978 and 1979, the change in the amount expended as a percent of the expenditure for the previous year.

c. The portion of the total expenditures by a governmental level (either state or county) for a fiscal year that expended in each expense category, shown as a percentage (Level %).

d. The portion of the total statewide expenditures for a fiscal year that was expended in each expense category, shown as a percentage (SYST. %).

e. The per capita expenditure for each category of expense and for totals (Per CAP.).

f. Some of the percentage and per capita figures were computed from RPC dollar figures to provide complete data for all categories.

3. State expenditures for "Courts" includes "Salaries" and "Operations". "Salaries" includes salaries and recoverable personal expenses of judges of the supreme court, judges of the Court of Appeals, and their secretaries and law clerks. "Salaries" also includes the separate subcategory of "District Court" which includes the salaries and recoverable person expenses of judicial officers of the district court. "Operations" covers the direct operating costs of the supreme court and the court of appeals. The "Courts" category does not include the offices of the court administrator or court clerks.

4. State expenditures for "Administration" cover the offices of the court administrator and court clerk. This category is subdivided into "Salaries" and "Operations".

5. State expenditure for "Boards" includes all costs associated with the board of law examiners and the commission on judicial qualifications.

6. State expenditures for "Training" covers state matching money for federal programs for the training of judges and other court officials.

7. State expenditures for "Judicial Retirement" covers the state portion of contributions to the judicial retirement system. As noted in the RPC report, these expenditures do not reflect the total cost if the system is to be made actuarially sound. Appropriations for fiscal years 1979-80 and 1980-81 greatly exceeded the expenditures shown in the table.

8. County expenditures for "District Administrators" cover all expenses attributable to the funding of these administrators and the staff of each.

9. County expenditures for "Juvenile Probation" covers all expenses attributable to the funding of juvenile probation services.

10. County expenditures for "Clerk of Court" covers salaries and operations of all of the clerk of court offices.

11. County expenditures for "District Support" are referred to in the RPC report as "District Support Staff". This category is a residual one, and covers the costs associated with court reporters, juries and witnesses. The category also includes other expenses funded out of the court expense tax levy, which vary by county, and may include a portion of the budget for sheriffs and county attorneys, and some social programs such as friend of the court and rape crisis counseling.

12. County expenditures for "Indigent Defense" cover both public defender offices and court-appointed counsel.

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Iowa Judicial System Expenditures
(Excluding Physical Facilities)

Court Study
Joint Subcommittee
Leg. Serv. Bur.
Larry W. Burch
December, 1980

	1977 dollars	Level %	Syst %	Per Cap	1978 dollars	Level %	Level %	Syst %	Per Cap	1979 dollars	Change %	Level %	Syst %	Per Cap
STATE EXPENDITURES														
Courts														
Salaries														
Appell. Courts	780,411	11%	02%	.27	1,025,618	+31%	11%	03%	.35	999,922	-02%	11%	03%	.35
District Court	5,516,058	76%	18%	1.92	6,955,370	+26%	76%	20%	2.42	6,960,746	0+%	76%	18%	2.42
Total: Salaries	6,296,469	87%	20%	2.19	7,980,988	+27%	87%	23%	2.77	7,960,668	0-%	86%	21%	2.76
Operations	532,393	07%	02%	.18	572,420	+08%	05%	02%	.20	543,831	-05%	06%	01%	.19
Total: Courts	6,828,862	94%	22%	2.37	8,552,993	+25%	94%	25%	2.97	8,504,499	-0+%	92%	22%	2.95
Administration														
Salaries	201,217	03%	<01%	.07	306,269	+52%	04%	<01%	.11	371,317	+21%	04%	<01%	.13
Operations	68,412	<01%	<01%	.02	70,440	+03%	<01%	<01%	.02	84,075	+19%	<01%	<01%	.03
Total: Administ.	269,629	04%	<01%	.09	376,709	+40%	04%	01%	.13	455,393	+21%	05%	01%	.16
Boards	29,923	<01%	<01%	.01	36,528	+22%	<01%	<01%	.01	45,637	+25%	<01%	<01%	.02
Training	4,308	<01%	<01%	<.01	5,965	+38%	<01%	<01%	<.01	13,961	+135%	<01%	<01%	<.01
Judicial Retirement	114,000	02%	<01%	.04	122,000	+07%	01%	<01%	.04	195,700	+60%	02%	<01%	.07
Total: STATE EXP.	7,246,722	100%	23%	2.53	9,094,195	+25%	100%	26%	3.16	9,215,910	+01%	100%	24%	3.20
COUNTY EXPENDITURES														
District Administrators	204,547	<01%	<01%	.07	295,939	+45%	01%	<01%	.10	521,190	+76%	02%	01%	.18
Juvenile Probation	3,057,622	13%	10%	1.16	3,382,563	+11%	13%	10%	1.18	3,906,632	+15%	13%	10%	1.36
Clerk of Court														
Salaries	6,338,313	27%	21%	2.20	7,029,328	+11%	27%	20%	2.44	7,512,063	+07%	26%	20%	2.61
Operations	1,528,539	07%	05%	.53	1,708,877	+12%	07%	05%	.59	1,823,140	+07%	06%	05%	.63
Total: Clerk of Ct.	7,866,852	34%	26%	2.73	8,738,205	+11%	34%	25%	3.04	9,335,203	+07%	32%	24%	3.24
District Support														
Court Reporters	2,256,350	10%	07%	.78	2,378,959	+05%	07%	07%	.83	2,629,712	+11%	09%	07%	.91
Juries	1,311,129	06%	04%	.46	1,288,667	-02%	05%	04%	.45	1,230,109	-05%	04%	03%	.43
Witnesses	219,965	<01%	<01%	.08	186,906	-15%	[illegible]	[illegible]	.06	196,917	+05%	<01%	<01%	.0[illegible]
All Other	5,739,902	24%	19%	1.97	6,435,179	+12%	[illegible]	[illegible]	2.24	7,401,233	+15%	25%	[illegible]	2.57
Total: Support	9,527,345	41%	31%	3.30	10,289,671	+08%	[illegible]	[illegible]	3.57	11,458,001	+11%	39%	30%	[illegible]
Indigent Defense	2,801,767	12%	09%	.97	3,054,459	+09%	[illegible]	09%	1.06	3,919,092	[illegible]	[illegible]	[illegible]	[illegible]
Total: County EXP.	23,458,13[illegible]	[illegible]	[illegible]	[illegible]	20,757,8[illegible]	[illegible]	[illegible]	[illegible]	.95	29,1[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL SYSTEM EXP.	30,704,855	—	[illegible]	[illegible]	34,852,0[illegible]	+14%	—	[illegible]	[illegible]	38,356,[illegible]	+19%	—	[illegible]	[illegible]

EXPLANATION

PROJECTED JUDICIAL SYSTEM EXPENDITURES

The accompanying table contains estimates of state and county expenditures during fiscal years 1979-1985 for maintenance of the Iowa judicial system (excluding costs attributable to physical facilities). The data estimates are for use in projecting the costs to be assumed by the state if the state is to assume all or a part of the total cost of the Iowa judicial system as contemplated by the Resource Planning Corporation report to the Iowa Legislative Council.

The RPC report contains certain cost projections based on 1979 expenditure data and an assumed annual expenditure growth rate of 10%. The report offers a phased-assumption approach over a period of four fiscal years, but the figures cited do not reflect the annual increases in costs which presumably will occur during the transition period. Thus, e.g., if the state were to assume county expenditures for juvenile probation in 1981, this cost theoretically would be the $4,727,025 estimated in the report. If, however, this category of expense were not assumed until FY 1983-84, as suggested at page 23 of the report, the cost would then be $5,719,700 as a result of the 10% growth over each of the two years of the transition.

The attached table is intended to provide year-to-year cost estimates for the various court expenditure categories from the fiscal year beginning in 1980 through the fiscal year ending in 1985. While these figures also are estimates, they do reflect annual growth for any transition period of up to five years.

It should be noted that the RPC projections are based on an annual growth of 10% per year, while the figures in the attached table are based on an annual growth of 11.5%. The percentage used in the table is the average annual growth in total system expenditures as shown in the data contained in the table "Iowa Judicial System Expenditures" that accompanies these materials. If a 10% growth figure were used, the estimated expenditures contained in this table would be reduced somewhat. Overall, however, the difference would not be two great. For example, if the lower growth rate were used, the cummulative effect on the amount estimated as Total System Expenditures in FY 1984-85 would be a reduction of $5,752,000, or 8% of the $73,702,753 shown in the table.

Other explanatory comments are as follows:

1. The figure shown as the average % of system costs is the numerical average based on actual expenditures reported for FY 1976-1979. The percentages won't be entirely accurate because of rounding.

2. The estimated number of dollars of expenditures in each category for successive years were obtained by multiplying the 1979 reported expenditure by a factor of 1.115, and repeating this multiplication process for succeeding years. Thus a vertical addition of expenditures on the chart may not equal the totals shown because of rounding.

3. This table of projected expenditures assumes that the annual expenditure in each category will increase at the average annual rate that was experienced for the system as a whole. This assumption is not supported by the actual expenditure data shown in the table "Iowa Judicial System Expenditures". Annual expenditures within any one category have been subject to significant variation in the rate of annual growth (or in some instances reduction) during the years reported. Given the multitude of factors that determine actual growth, prediction of a rate of change within a single category is impossible. If the state is to assume the burden of financing the entire judicial system, the average annual growth is an important item of data for use in advance planning. If a phased-assumption is used, deviation of a major expense category from the average would significantly affect annual appropriations.

4. The expenditure projections shown in the table do not anticipate any significant change in existing court operations or funding patterns. Significant changes in numbers of personnel, or the creation of major new programs, or substantial appropriations to the judicial retirement fund would significantly affect year-to-year expenditures.

5. A final comment relates to the county-level expenditure category "District Support", and specifically the subcategory "All other". As noted in the RPC report, this item is composed of a variety of expenditures, including bailiff expense, a portion of county attorney costs, and the funding of some social programs in some counties. Thus, a substantial portion of this major expense item appears to be used to fund programs that are not inherent judicial system costs, and assumption of all of this portion of county expense by the state would appear to be unnecessary to achieve state funding of the "judicial system". Since this item accounts for approximately 19% of total system costs, deletion of this item, whether wholly or in part, from planned state-level funding, would have a substantial effect on anticipated state expenditures.

* * * * * * * * * * * *

PROJECTED JUDICIAL SYSTEM EXPENSE
-Existing Structure-
(Excluding Physical Facilities)

CATEGORY	Avg. % Total Sys. Exp.	1979 dollars	f 1979-80 Est.	f 1980-81 Est.	f 1981-82 Est.	f 1982-83 Est.	f 1983-84 Est.	f 1984-85 Est.
STATE EXPENDITURES : TOTAL	24.3	9,215,910	10,275,739	11,457,448	12,775,054	14,244,185	15,882,266	17,708,726
COUNTY EXPENDITURES								
District Administrators	01	521,190	581,127	647,956	722,471	805,556	898,194	1,001,487
Juvenile Probation	10.0	3,966,632	4,355,895	4,856,822	5,415,357	6,038,123	6,732,507	7,506,745
Clerk of Court								
Salaries	20.3	7,512,063	8,375,950	9,339,184	10,413,190	11,610,706	12,945,937	14,434,719
Operations	5.0	1,823,140	2,032,801	2,266,573	2,527,229	2,817,860	3,141,914	3,503,234
Total : Clerk of Court	25.0	9,335,203	10,408,751	11,605,757	12,940,419	14,428,567	16,087,852	17,937,954
District Support								
Court Reporters	7.0	2,629,712	2,932,128	3,269,324	3,645,296	4,064,505	4,531,923	5,053,094
Juries	3.7	1,230,109	1,371,572	1,529,302	1,705,172	1,901,267	2,119,912	2,363,702
Witnesses	0.6	196,947	219,596	244,849	273,007	304,403	339,409	378,441
All other	18.7	7,401,233	8,252,375	9,201,398	10,259,558	11,437,407	12,754,938	14,221,755
Total : District Support	30.3	11,458,001	12,775,671	14,244,873	15,883,033	17,707,581	19,746,182	22,016,992
Indigent Defense	9.3	3,919,872	4,370,580	4,873,308	5,433,738	6,058,618	6,755,359	7,532,225
TOTAL : COUNTY EXP.	75.7	29,140,912	32,472,116	36,228,709	40,375,610	45,040,436	50,220,080	55,995,395
TOTAL : SYSTEM EXP.	100.0	38,356,822	42,747,855	47,685,271	53,169,077	59,283,520	66,102,124	73,702,753

SENATE/HOUSE FILE _____

BY (PROPOSED COURT STUDY JOINT SUBCOMMITTEE BILL)

Passed Senate, Date_____ Passed House, Date_____

Vote: Ayes_____ Nays_____ Vote: Ayes_____ Nays_____

Approved_____

A BILL FOR

1 An Act relating to the composition, organization, administra-
2 tion, supervision and funding of the judicial department
3 of Iowa and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 DIVISION I
2 Section 1. Division I of this Act is enacted as a new
3 chapter entitled "Judicial Department Administration".
4 Sec. 2. NEW SECTION. DEFINITIONS. As used in this
5 chapter, unless the context otherwise requires:
6 1. "Court personnel" and "employee of the judicial
7 department" mean and include all employees of the judicial
8 department, except judicial officers.
9 2. "State court administrator" means the person appointed
10 by the supreme court pursuant to section 9 of this Act.
11 3. "District court administrator" means a person appointed
12 pursuant to section 16 of this Act.
13 4. "Judicial officer" means and includes a supreme court
14 justice, a judge of the court of appeals, a district judge,
15 a district associate judge and a magistrate. The term al-
16 so includes a retired judicial officer while serving as a
17 justice, judge or magistrate as permitted by law.
18 Sec. 3. NEW SECTION. JUDICIAL DEPARTMENT. The judicial
19 department consists of all of the following:
20 a. The supreme court.
21 b. The court of appeals.
22 c. The district court.
23 d. The clerks of all of the courts of this state.
24 e. Juvenile court officers.
25 f. Bailiffs of the district court.
26 g. All employees of the courts.
27 Sec. 4. NEW SECTION. SUPERVISION AND ADMINISTRATION.
28 The supreme court, by and through the chief justice, shall
29 have supervisory and administrative control over the judi-
30 cial department, and over all judicial officers and court
31 personnel.
32 Sec. 5. NEW SECTION. JUDICIAL COUNCIL. There shall be
33 a judicial council consisting of the chief judges of the
34 judicial districts, the chief judge of the court of appeals,
35 and the chief justice of the supreme court who shall be the

1 chairperson. The council shall convene not less than twice
2 each year at times and places as ordered by the chief justice.
3 The council shall advise the supreme court with respect to
4 the supervision and administration of the judicial department.
5 Sec. 6. NEW SECTION. JUDICIAL CONFERENCES. The chief
6 justice may from time to time order conferences of judicial
7 officers and court personnel on matters relating to the
8 administration of justice or the affairs of the department.
9 Sec. 7. NEW SECTION. RULES FOR DEPARTMENT.
10 1. The supreme court shall adopt and enforce rules for
11 the orderly and efficient supervision and administration of
12 the internal affairs of the judicial department. These rules
13 shall be executed by the chief justice.
14 2. The administrative director may issue directives re-
15 lating to the management of the judicial department. The
16 subject matters of these directives shall include, but need
17 not be limited to, fiscal procedures, the judicial retirement
18 system, and the collection and reporting of statistical and
19 other data.
20 3. The supreme court shall compile and publish all rules
21 and directives relating to the supervision and administration
22 of the internal affairs of the judicial department, and shall
23 distribute a copy of the compilation and all amendments to
24 each operating component of the judicial department. Copies
25 also shall be distributed to agencies referred to in sec-
26 tion 18.97 upon request.
27 Sec. 8. NEW SECTION. REPORT OF THE CONDITION OF THE
28 JUDICIAL DEPARTMENT. The chief justice of the supreme court
29 shall communicate the condition of the judicial department
30 by message to the general assembly at every regular session,
31 and may recommend such matters as the chief justice deems
32 appropriate.
33 Sec. 9. NEW SECTION. STATE COURT ADMINISTRATOR.
34 1. There shall be a state court administrator within the
35 judicial department, who shall be appointed by the supreme

1 court and who shall hold office at the pleasure of the court.
2 2. The state court administrator shall be the principal
3 administrative officer of the judicial department, subject
4 to the immediate direction and supervision of the chief
5 justice.
6 3. The state court administrator shall employ such
7 assistants as may be necessary.
8 Sec. 10. NEW SECTION. GENERAL DUTIES OF THE STATE COURT
9 ADMINISTRATOR. The state court administrator shall have the
10 following duties:
11 1. To manage the affairs of the judicial department.
12 2. To authorize the filling of vacancies in court
13 personnel, and to review the qualifications of each person
14 to be employed within the judicial department. The
15 administrative director shall not approve the employment of
16 a person when either the proposed terms and conditions of
17 employment or the qualifications of the individual do not
18 satisfy personnel policies of the department.
19 3. To administer the judicial retirement system as pro-
20 vided in chapter 605A.
21 4. To collect and compile statistical and other data,
22 and to submit reports relating to judicial business and other
23 affairs of the department.
24 5. To formulate and submit recommendations for improvement
25 of the judicial system, with reference to the structure of
26 the judicial department and its organization and methods of
27 operation, the selection, compensation, number, and tenure
28 of judicial officers and court personnel, and other matters
29 as the chief justice or the supreme court may direct.
30 6. To perform other duties as assigned by the supreme
31 court, the chief justice, or by law.
32 Sec. 11. NEW SECTION. FISCAL PROCEDURES.
33 1. The supreme court shall prepare an annual operating
34 budget for the judicial department.
35 2. The supreme court shall prepare and submit an annual

1 budget request to the general assembly.
2 3. The chief justice shall include the judicial department
3 budget recommendations as part of the message on the condition
4 of the judicial department.
5 4. The state court administrator shall prescribe the
6 procedures to be used by the operating components of the
7 judicial department with respect to the following:
8 a. The preparation, submission, review and revision of
9 budget requests.
10 b. The allocation and disbursement of funds appropriated
11 to the judicial department.
12 c. The purchase of forms, supplies, equipment and other
13 property.
14 d. Other matters relating to fiscal administration.
15 5. The state court administrator shall prescribe practices
16 and procedures for the accounting and internal auditing of
17 funds of the judicial department, including uniform practices
18 and procedures to be used by judicial officers and court
19 personnel with respect to all funds, regardless of source.
20 Sec. 12. NEW SECTION. PERSONNEL.
21 1. The supreme court shall establish, and may amend from
22 time to time, a personnel system for court personnel. The
23 personnel system shall include a designation by position
24 title, classification and function of each position or class
25 of positions within the judicial department. Reasonable
26 efforts shall be made to accommodate the individual staffing
27 and management practices of the respective clerks of the
28 district court.
29 2. The supreme court shall compile and publish all docu-
30 ments that establish the personnel system, and shall distribute
31 a copy of the compilation and all amendments to each operating
32 component of the judicial department.
33 3. Court personnel shall be members of the Iowa public
34 employees retirement system. However, the supreme court may
35 exempt from membership any classification of employees who

1 are temporary or part-time employees and who would be exempt
2 if employed by some other department of state government.
3 4. The supreme court shall be the employer of court
4 personnel for purposes of chapter 20, relating to public
5 employment relations.
6 5. The supreme court may establish such reasonable classes
7 of employees as may be appropriate to accomplish the purposes
8 of the personnel system.
9 Sec. 13. NEW SECTION. SELECTION OF CHIEF JUDGES. Not
10 later than December 15 in each odd-numbered year the chief
11 justice of the supreme court, subject to the approval of the
12 supreme court, shall appoint chief judges of the judicial
13 districts. The chief judge of a judicial district shall be
14 selected from those district judges who are serving within
15 the district. A judge so appointed shall serve for a two-
16 year term and shall be eligible for reappointment. Vacancies
17 in the office of chief judge shall be filled in the same
18 manner. An order appointing a chief judge shall be filed
19 with the clerk of the supreme court, who shall mail a copy
20 to each district court clerk.
21 Sec. 14. NEW SECTION. DUTIES OF CHIEF JUDGES. In addition
22 to judicial duties, a chief judge shall supervise all judicial
23 officers and court personnel serving within the judicial
24 district. The chief judge shall by order fix the times and
25 places of holding court and designate the respective pre-
26 siding judges; shall supervise the performance of all
27 administrative and judicial business of the district; and
28 shall conduct judicial conferences to consider, study and
29 plan for improvement of the administration of justice. A
30 chief judge shall not attempt to direct or influence a judicial
31 officer in any judicial ruling or decision.
32 The chief judge of a judicial district may appoint from
33 among the other district judges of that district one or more
34 assistants to serve throughout the judicial district and at
35 his or her pleasure. An assistant shall have administrative

1 duties as specified by rule of court or in the order of his
2 or her appointment. An appointment shall be made by judicial
3 order and shall be filed with the clerk of court in each
4 county in the judicial district.
5 Sec. 15. NEW SECTION. DISTRICT JUDICIAL CONFERENCES.
6 1. The district judges within a judicial district may
7 convene as an administrative body at such times as may be
8 necessary for the following purposes:
9 a. To promulgate local rules of court, subject to the
10 approval of the supreme court.
11 b. To advise the chief judge respecting supervision and
12 administration of the judicial district.
13 c. To exercise other duties of the conference which are
14 established by law or by rule of the supreme court.
15 2. Actions of a district judicial conference shall be
16 by majority vote of its members.
17 Sec. 16. NEW SECTION. DISTRICT COURT ADMINISTRATOR.
18 1. The chief judge of a judicial district shall appoint
19 a person to serve as administrator of the judicial district.
20 A district court administrator shall assist the chief judge
21 in the supervision and administration of the judicial district,
22 and shall serve at the pleasure of the chief judge.
23 2. A district court administrator shall assist the state
24 court administrator in the implementation of policies of the
25 judicial department and in the performance of the duties of
26 the state court administrator.
27 Sec. 17. NEW SECTION. CHIEF JUVENILE COURT OFFICER.
28 1. The district judges within a judicial district shall
29 appoint, by majority vote, a chief juvenile court officer
30 who shall serve in this capacity at their pleasure.
31 2. The chief juvenile court officer, in addition to per-
32 forming the duties of a juvenile court officer, shall supervise
33 the juvenile court officers and shall administer the juvenile
34 court services within the judicial district in accordance
35 with policies of the judicial department and the judicial

1 district.
2 3. The chief juvenile court officer shall assist the state
3 court administrator and the district court administrator in
4 implementing policies of the department and the district.
5 Sec. 18. NEW SECTION. CLERK OF DISTRICT COURT.
6 1. The district judges of each judicial election district
7 shall by majority vote appoint a person to serve as the clerk
8 of the district court for each of the counties within the
9 judicial election district. A clerk of the district court
10 shall serve at the pleasure of the appointing authority.
11 2. A clerk of district court shall have the duties pre-
12 scribed by law and by the supreme court.
13 3. A clerk of district court shall assist the state court
14 administrator and the district court administrator in carrying
15 out the policies of the department and the judicial district.
16 4. A clerk of district court shall supervise and administer
17 the operations of his or her office in accordance with policies
18 of the department and the judicial district.
19 Sec. 19. NEW SECTION. DISTRICT COURT BAILIFFS. The
20 supreme court shall provide for the employment by the district
21 court in each county of such number of bailiffs as may be
22 necessary to serve the district court. A bailiff shall have
23 the same law enforcement authority as a deputy sheriff and
24 may exercise the authority throughout the judicial district
25 in which employed.
26 Sec. 20. NEW SECTION. REFEREES AND SPECIAL MASTERS.
27 A person who has been appointed as a referee or special master,
28 or who otherwise has been appointed by a court pursuant to
29 law to exercise a judicial function, shall receive a salary
30 or other compensation pursuant to rules adopted by the supreme
31 court. A person so appointed shall be subject to the
32 supervision of the chief judge of the district in which
33 appointed.
34 DIVISION II
35 COORDINATING AMENDMENTS

1 Sec. 21. Section 4.1, Code 1981, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. COURT PERSONNEL. The terms "court per-
4 sonnel" and "employee of the judicial department" mean and
5 include all officers and employees of the judicial department
6 except judicial officers.
7 NEW SUBSECTION. JUDICIAL OFFICER. The term "judicial
8 officer" means and includes a supreme court justice, a judge
9 of the court of appeals, a district judge, a district associate
10 judge and a magistrate. The term also includes a retired
11 judicial officer while serving as a justice, judge or
12 magistrate as permitted by law.
13 Sec. 22. Section 14.10, subsection 4, Code 1981, is amended
14 to read as follows:
15 4. A list of elective state officers and deputies, supreme
16 court justices, ~~and appellate court~~ judges of the court of
17 appeals and members of the general assembly shall be published
18 annually with the session laws.
19 Sec. 23. Section 17A.2, subsection 1, Code 1981, is amended
20 to read as follows:
21 1. "Agency" means each board, commission, department,
22 officer or other administrative office or unit of the state.
23 "Agency" does not mean the general assembly, the courts or
24 administrative agencies of the judicial department, the
25 governor or a political subdivision of the state or its offices
26 and units. Unless provided otherwise by statute, no less
27 than two-thirds of the members eligible to vote of a
28 multimember agency shall constitute a quorum authorized to
29 act in the name of the agency.
30 Sec. 24. Section 17A.20, Code 1981, is amended to read
31 as follows:
32 17A.20 APPEALS. An aggrieved or adversely affected party
33 to the judicial review proceeding may obtain a review of any
34 final judgment of the district court under this chapter by
35 appeal ~~to the supreme court~~. The appeal shall be taken as

in other civil cases, although the appeal may be taken regardless of the amount involved.

Sec. 25. Section 18.97, subsection 15, paragraph e, Code 1981, is amended to read as follows:

e. ~~Court~~ State court administrator.

Sec. 26. Section 18.97, subsection 15, Code 1981, is amended by adding the following new paragraph:

NEW PARAGRAPH. Each district court administrator.

Sec. 27. Section 18.117, unnumbered paragraph 2, Code 1981, is amended to read as follows:

This section shall not apply to officials and employees of the state whose mileage is paid by other than state agencies and~~,-except-for-the-provisions-relating-to-mileage reimbursement,~~ this section shall not apply to elected officers of the state, ~~judges-of-the-district-court,-judges of-the-court-of-appeals-or-judges-of-the-supreme-court~~ judicial officers, or court personnel.

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

12. All ~~judges~~ judicial officers and ~~all-employees-of the-courts~~ court personnel.

Sec. 29. Section 20.4, subsection 7, Code 1981, is amended to read as follows:

7. ~~Judges-of-the-supreme-court,-district-judges,-district associate-judges-and-judicial-magistrates,-and-the-employees of-such-judges-and-courts.~~ Judicial officers, and confidential, professional, or supervisory employees of the judicial department.

Sec. 30. Section 25A.6, Code 1981, is amended to read as follows:

25A.6 APPLICABLE RULES. In suits under this chapter, the forms of process, writs, pleadings, and actions, and the practice and procedure, shall be in accordance with the rules of civil procedure ~~promulgated-and-adopted-by-the-supreme court-of-the-state~~. The same provisions for counterclaims,

setoff, interest upon judgments, and payment of judgments, shall be applicable as in other suits brought in the district ~~courts of the state~~ court. However, no writ of execution shall issue against the state or any state agency by reason of any judgment under this chapter.

Sec. 31. Section 39.17, unnumbered paragraph 1, Code 1981, is amended to read as follows:

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

Sec. 32. Section 44.7, Code 1981, is amended to read as follows:

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

Sec. 33. Section 64.6, Code 1981, is amended by adding the following new subsection:

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

Sec. 34. Section 64.8, Code 1981, is amended to read as follows:

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

1 Sec. 35. Section 64.11, Code 1981, is amended to read
2 as follows:
3 64.11 EXPENSE OF BONDS PAID BY COUNTY. If any county
4 treasurer, ~~clerk of the district court,~~ county attorney,
5 recorder, auditor, sheriff, medical examiner, members of
6 soldiers relief commission, members of the board of
7 supervisors, engineer, steward or matron shall elect to furnish
8 a bond with any association or incorporation as surety as
9 provided in this chapter, the reasonable cost of such bond
10 shall be paid by the county where the bond is filed.
11 Sec. 36. Section 64.19, Code 1981, is amended by adding
12 the following new subsection:
13 NEW SUBSECTION. By the state court administrator in case
14 of district court clerks and first deputy clerks.
15 Sec. 37. Section 64.23, subsection 1, Code 1981, is amended
16 to read as follows:
17 1. For all state officers, elective or appointive, except
18 those of the secretary of state and a judicial magistrate,
19 with the secretary of state. Bonds and official oaths of
20 judicial magistrates and court personnel shall be filed in
21 the office of the ~~district court clerk~~ state court
22 administrator.
23 Sec. 38. Section 66.19, Code 1981, is amended to read
24 as follows:
25 66.19 TEMPORARY OFFICER. Upon such suspension, the board
26 or person authorized to fill a vacancy in the office shall
27 temporarily fill the office by appointment. In case of a
28 suspension of a ~~clerk or~~ sheriff, the district court may
29 supply such place by appointment until a temporary appointment
30 shall be made. Such orders of suspension and temporary
31 appointment of county and township officers shall be certified
32 to the county auditor, and be by him or her entered in the
33 election book; those of city officers, certified to the clerk
34 and entered upon the records; in case of other officers, to
35 the person or body making the original appointment.

1 Sec. 39. Section 68.1, Code 1981, is amended to read as
2 follows:
3 68.1 IMPEACHMENT DEFINED. An impeachment is a written
4 accusation against the governor, or a judge of the supreme
5 court, court of appeals or district court, or other state
6 officer, by the house of representatives before the senate,
7 of a misdemeanor or malfeasance in office.
8 Sec. 40. Section 69.3, Code 1981, is amended to read as
9 follows:
10 69.3 POSSESSION OF OFFICE. When a vacancy occurs in a
11 public office, possession shall be taken of the office room,
12 the books, papers, and all things pertaining thereto, to be
13 held until the qualification of a successor, as follows:
14 Of the office of the county auditor, by the ~~clerk of the~~
15 ~~district court~~ county treasurer; of the ~~clerk or~~ treasurer,
16 by the county auditor; of any of the state officers, by the
17 governor, or, in his or her absence or inability at the time
18 of the occurrence, as follows: Of the secretary, by the
19 treasurer; of the auditor, by the secretary; of the treasurer,
20 by the secretary and auditor, who shall make an inventory
21 of the money and warrants therein, sign the same, and transmit
22 it to the governor; and the secretary shall take the keys
23 of the safe and desks, after depositing the books, papers,
24 money and warrants therein, and the auditor shall take the
25 key of the office room.
26 Sec. 41. Section 69.8, subsection 5, Code 1981, is amended
27 to read as follows:
28 5. BOARD OF SUPERVISORS. In the membership of the board
29 of supervisors, by the ~~clerk of the district court~~ treasurer,
30 auditor, and recorder.
31 Sec. 42. Section 79.12, Code 1981, is amended to read
32 as follows:
33 79.12 WARRANTS PROHIBITED. No warrant shall be issued
34 requiring any peace officer to go beyond the boundaries of
35 the state at public expense except with the approval of a

1 ~~judge-of-the~~ district ~~court~~ judge.
2 Sec. 43. Section 85.49, unnumbered paragraph 1, Code 1981,
3 is amended to read as follows:
4 When a minor or mentally incompetent dependent is entitled
5 to weekly benefits under this chapter, chapter 85A or sections
6 2 through 15 of this Act, payment shall be made to the clerk
7 of the district court for the county in which the injury
8 occurred, who shall act as trustee, and the money coming into
9 the clerk's hands shall be expended for the use and benefit
10 of the person entitled thereto under the direction and orders
11 of a judge of the district court, in which such county is
12 located. The clerk of the district court, as trustee, shall
13 qualify and give bond in such amount as the judge may direct,
14 which may be increased or diminished from time to time as
15 the court may deem best. ~~The-cost-of-such-bond-shall-be-paid~~
16 ~~by-the-county-as-the-court-may-direct-by-written-order-directed~~
17 ~~to-the-auditor-of-the-county-who-shall-issue-a-warrant-therefor~~
18 ~~upon-the-treasurer-of-the-county.~~ If the domicile or residence
19 of such minor or mentally incompetent dependent be within
20 the state but in a county other than that in which the injury
21 to the employee occurred the industrial commissioner may order
22 and direct that weekly benefits to such minors or incompetents
23 be paid to the clerk of the district court of the county
24 wherein they shall be domiciled or reside.
25 Sec. 44. Section 89.50, unnumbered paragraph 2, Code 1981,
26 is amended to read as follows:
27 ~~Every~~ A clerk of the district court ~~of-every-county-upon~~
28 ~~his-completion-of-his-term-of-office~~ shall, ~~or~~ upon ~~his~~
29 ~~resignation,-removal~~ resigning or being removed from office
30 or otherwise becoming disqualified as ~~such~~ clerk, ~~shall~~ make
31 an accounting and final report to be approved by ~~a-judge-of~~
32 ~~the-district-court-for-said-county~~ the chief judge of the
33 judicial district and all funds and other property shall be
34 delivered to the successor in the office of ~~such~~ clerk of
35 court.

1 Sec. 45. Section 115.1, Code 1981, is amended to read
2 as follows:
3 115.1 ESTABLISHMENT OF BOARD. There is established within
4 the judicial department a board of examiners of shorthand
5 reporters, which shall consist of three certified shorthand
6 reporters and two persons who are not certified shorthand
7 reporters and who shall represent the general public. Members
8 shall be appointed by the supreme court. A certified member
9 shall be actively engaged in the practice of certified
10 shorthand reporting and shall have been so engaged for five
11 years preceding his or her appointment, the last two of which
12 shall have been in Iowa. Professional associations or
13 societies composed of certified shorthand reporters may
14 recommend the names of potential board members to the supreme
15 court, but the supreme court shall not be bound by the
16 recommendations. A board member shall not be required to
17 be a member of any professional association or society composed
18 of certified shorthand reporters.
19 Sec. 46. Section 115.3, Code 1981, is amended to read
20 as follows:
21 115.3 MEETINGS AND BOARD EXPENSES. The board of examiners
22 shall fix stated times for the examination of the candidates
23 and shall hold at least one meeting each year at the seat
24 of government. A majority of the members of the board shall
25 constitute a quorum. ~~The supreme court shall set the board~~
26 ~~members'~~ Members shall receive per diem compensation at a
27 rate set by the supreme court not exceeding forty dollars
28 per day for each day actually engaged in the discharge of
29 ~~their~~ duties, and ~~their~~ necessary expenses~~, such per diem~~
30 ~~and expenses to be paid from funds appropriated to the board~~.
31 Sec. 47. Section 115.7, Code 1981, is amended to read
32 as follows:
33 115.7 ~~COURT ADMINISTRATOR TO ACT~~ AS SECRETARY OF BOARD-
34 -COLLECTION OF FEES. The ~~supreme court may designate the~~
35 state court administrator ~~to~~ or a designee shall act as

1 secretary for the board ~~and-in-such-case-no-compensation-in~~
2 ~~addition-to-the-court-administrator's-regular-salary-shall~~
3 ~~be-paid~~. The secretary shall collect and account for all
4 fees and pay them to the treasurer of state who shall deposit
5 the fees in the general fund of the state. The ~~board-of~~
6 ~~examiners-of-shorthand-reporters~~ supreme court shall set the
7 fees for examination and for certification. The fees for
8 examination shall be based on the annual cost of administering
9 the examinations. The fees for certification shall be based
10 upon the administrative costs of sustaining the board which
11 shall include but shall not be limited to the cost for per
12 diem, expenses and travel for board members, and office
13 facilities, supplies and equipment.
14 Sec. 48. Section 115.18, Code 1981, is amended to read
15 as follows:
16 115.18 EXPENDITURES. Warrants for the payment of ~~expenses~~
17 ~~and-compensations-provided-by-this-chapter~~ the per diem and
18 expenses of board members shall be issued by the state
19 comptroller ~~drawn-upon-funds-appropriated-to-the-board~~ upon
20 presentation of vouchers drawn by the ~~chairman-of-the-board~~
21 state court administrator or a designee and authorized by
22 the members of the board.
23 Sec. 49. Section 127.17, Code 1981, is amended to read
24 as follows:
25 127.17 COSTS. When any such conveyance is requisitioned
26 by the state department of justice, said department shall
27 pay ~~to-the-clerk-of-the-district-court,~~ the court costs and
28 the expense incurred by the county or the sheriff in keeping
29 said conveyance.
30 Sec. 50. Section 204.502, subsection 1, paragraphs a,
31 b and d, Code 1981, is amended to read as follows:
32 a. A district ~~or-municipal-court~~ judge or district
33 associate judge, within his or her jurisdiction, and upon
34 proper oath or affirmation showing probable cause, may issue
35 warrants for the purpose of conducting administrative

1 inspections authorized by this chapter or rule thereunder,
2 and seizures of property appropriate to such inspections.
3 For purposes of the issuance of administrative inspection
4 warrants, probable cause exists upon showing a valid public
5 interest in the effective enforcement of the chapter or rules
6 promulgated thereunder, sufficient to justify administrative
7 inspection of the area, premises, building or conveyance in
8 the circumstances specified in the application for the warrant.
9 b. A warrant shall issue only upon sworn testimony of
10 an officer or employee of the board duly designated and having
11 knowledge of the facts alleged, before the ~~district or~~
12 ~~municipal court~~ judge, establishing the grounds for issuing
13 the warrant. If the judge is satisfied that grounds for the
14 application exist or that there is probable cause to believe
15 they exist, he or she shall issue a warrant identifying the
16 area, premises, building, or conveyance to be inspected, the
17 purpose of the inspection, and, if appropriate, the type of
18 property to be inspected, if any.
19 d. The judge who has issued a warrant under this section
20 shall require that there be attached to the warrant a copy
21 of the return, and of all papers filed in connection with
22 the return, and shall file them with the clerk of the district
23 ~~or municipal~~ court for the district in which the inspection
24 was made.
25 Sec. 51. Section 231.1, subsection 1, Code 1981, is amended
26 to read as follows:
27 1. Of the district judges ~~of the district court~~.
28 Sec. 52. Section 231.3, unnumbered paragraph 2, Code 1981,
29 is amended to read as follows:
30 The judge of the juvenile court may appoint a referee in
31 juvenile court proceedings. The referee shall be qualified
32 for his or her duties by training which includes being a
33 licensed attorney and by experience and shall hold office
34 at the pleasure of the judge. The compensation of the referee
35 shall be ~~fixed~~ as provided by the ~~judge~~ supreme court. The

1 judge may direct that any case or class of cases arising under
2 chapter 232 or chapter 600A shall be heard in the first
3 instance by the referee in the manner provided for the hearing
4 of cases by the court.
5 Sec. 53. Section 231.7, Code 1981, is amended to read
6 as follows:
7 231.7 CLERK. The clerk of the district court ~~whose-judge~~
8 ~~acts-as-the-juvenile-court~~ shall ~~act-as~~ be the clerk of the
9 juvenile court.
10 Sec. 54. Section 231.8, Code 1981, is amended by striking
11 the section and inserting in lieu thereof the following:
12 231.8 JUVENILE COURT OFFICERS--SALARIES.
13 1. The chief juveile court officer for a judicial district
14 shall appoint juvenile court officers as authorized by the
15 supreme court. Juvenile court officers may be appointed to
16 serve two or more counties. A juvenile court officer shall
17 serve at the pleasure of the chief juvenile court officer,
18 and shall be selected and appointed in accordance with rules,
19 standards and qualifications established by the supreme court.
20 2. Secretarial, clerical and other help for a juvenile
21 court office may be employed as authorized by the supreme
22 court.
23 Sec. 55. Section 231.10, Code 1981, is amended to read
24 as follows:
25 231.10 POWERS AND DUTIES~~--OFFICE-AND-SUPPLIES~~ OF JUVENILE
26 COURT OFFICERS. ~~Probation~~ Juvenile court officers, in the
27 discharge of their duties as such, shall possess the powers
28 of peace officers. ~~They-shall-be-furnished-by-the-county~~
29 ~~with-a-proper-office-and-all-necessary-blanks,-books,-and~~
30 ~~stationery.~~ It shall be the duty of ~~said-probation~~ juvenile
31 court officers to make such investigation as may be required
32 by the court~~;~~, to be present in court in order to represent
33 the interests of the child when the case is heard~~;~~, to furnish
34 to the court such information and assistance as the judge
35 may require, and to take such charge of any child before and

after trial as may be directed by the court.

Sec. 56. Section 231.12, Code 1981, is amended to read as follows:

231.12 SALARIES--EXPENSES--HOW PAID. ~~The judges making the appointments shall fix the salaries of all appointees at not exceeding the amount authorized by law.~~ All appointees under section 231.9 shall ~~serve during the pleasure of such judges, and in addition to~~ receive salaries ~~shall receive~~ and their necessary and actual expenses incurred while performing their duties. For use of an automobile in the discharge of their duties ~~within the particular county or counties for which~~ they ~~are appointed such officers may~~ shall receive the mileage rate provided by law, or, in lieu thereof, ~~they~~ may receive a monthly allowance ~~in such amounts as the judge or judges of the juvenile court may determine and order~~ as authorized by the supreme court. ~~For use of an automobile outside the county or counties for which they have been appointed such officers shall be paid the regular mileage rate. All salaries and expenses shall be paid by the county either from the general county fund or from the court expense fund.~~

Sec. 57. Sections 231.11, 232.2, subsections 24, 29, 31, and 40, 232.19, subsection 1, paragraph d, 232.29, subsection 1, paragraph e, 232.46, subsections 1 and 3, 232.48, subsection 1, 232.51, 232.87, subsections 2 and 3, 232.96, subsection 6, 232.97, subsection 1, 232.111, subsections 1 and 2, and 232.125, subsection 2, Code 1981, are amended by striking the words "juvenile probation officer" and "probation officer" wherever within those provisions either or both of those terms appear and inserting in lieu of each of those terms the words "juvenile court officer".

Sec. 58. Sections 232.147, subsection 3, paragraph a, and 232.149, subsection 2, paragraph b, Code 1981, are amended by striking the words "juvenile probation officers" wherever in those provisions the term appears and inserting in lieu

1 thereof the words "juvenile court officers".
2 Sec. 59. Section 252.18, subsection 1, Code 1981, is
3 amended to read as follows:
4 1. Any person who is a county charge or likely to become
5 such, coming from another state and not having acquired a
6 settlement in any county of this state or any such person
7 having acquired a settlement in any county of this state who
8 removes to another county, may be removed from this state
9 or from the county into which such person has moved, as the
10 case may be, at the expense of the county wherein said person
11 is found, upon the petition of said county to the district
12 ~~or superior~~ court ~~of~~ in that county.
13 Sec. 60. Section 306B.5, subsection 2, Code 1981, is
14 amended to read as follows:
15 2. The cost of removal, including any fees and costs or
16 expenses as may arise out of any action brought by the
17 department to insure peaceful entry and removal may be assessed
18 against the owner of the advertising device. Should the owner
19 of the advertising device fail to pay such fees, costs, or
20 expenses within thirty days after assessment, the department
21 may ~~institute proceedings in the district court or small~~
22 ~~claims division as applicable,~~ commence an action to collect
23 said fees, costs, or expenses which when collected, shall
24 be paid into the "highway beautification fund."
25 Sec. 61. Section 306C.19, subsection 2, Code 1981, is
26 amended to read as follows:
27 2. The cost of removal, including any fees and costs or
28 expenses as may arise out of any action brought by the
29 department to insure peaceful entry and removal, may be
30 assessed against the owner of the advertising device. Should
31 the owner of the advertising device fail to pay such fees,
32 costs, or expenses, within thirty days after assessment, the
33 department may ~~institute proceedings in the district court~~
34 ~~or small claims division as applicable,~~ commence an action
35 to collect said fees, costs, or expenses which when collected,

1 shall be paid into the "highway beautification fund".
2 Sec. 62. Section 340.1, Code 1981, is amended to read
3 as follows:
4 340.1 COMPENSATION OF AUDITOR, TREASURER, AND RECORDER
5 ~~AND CLERK~~. The annual salary of the county auditor, county
6 treasurer~~,~~ and county recorder~~,-and-clerk-of-the-district~~
7 ~~court~~-shall be determined as provided in section 340A.6.
8 Sec. 63. Section 340.2, unnumbered paragraph 2, Code 1981,
9 is amended to read as follows:
10 The board of supervisors may allow an additional five
11 hundred dollars compensation for each county auditor, county
12 treasurer, county recorder~~,-clerk-of-the-district-court,~~ and
13 county sheriff in counties having two places at which the
14 district court is held.
15 Sec. 64. Section 340A.8, unnumbered paragraph 1 and
16 subsection 3, Code 1981, are amended to read as follows:
17 Effective July 1, 1975, the annual salary or per diem
18 compensation of the members of the board of supervisors,
19 county treasurer, county auditor, county recorder, county
20 attorney, and sheriff~~,-and-clerk-of-the-district-court~~ as
21 such salary or per diem exists June 30, 1975 may be increased
22 by resolution of the board of supervisors, according to the
23 following schedule which shall remain effective until modified
24 by the county compensation board as provided in this chapter.
25 The increase shall be consistent with the following schedule:
26 3. For the county auditor, county treasurer, county
27 recorder, ~~clerk-of-district-court,~~ sheriff, and county
28 attorney, a sum not to exceed one thousand five hundred
29 dollars.
30 Sec. 65. Section 341.1, Code 1981, is amended to read
31 as follows:
32 341.1 APPOINTMENT. Each county auditor, treasurer,
33 recorder, sheriff, and county attorney~~,-clerk-of-the-district~~
34 ~~court,~~ may, with the approval of the board of supervisors,
35 appoint one or more deputies or assistants, respectively,

not holding a county office, for whose acts he or she shall be responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board of supervisors, and such number together with the approval of each appointment shall be by resolution made of record in the proceedings of such board.

Sec. 66. Section 356A.2, Code 1981, is amended to read as follows:

356A.2 CONTRACT. If the board of supervisors contract with a public or private nonprofit agency or corporation for the establishment and maintenance of such a facility, the contract shall state the charge per person per day to be paid by the county; that each such facility shall insure the performance of the duties of the keeper as defined in section 356.5; the activities and service to be provided those detained or confined; the extent of security to be provided in the best interests of the community; the maximum number of persons that can be detained or committed at any one time; the number of employees to be provided by the contracting private nonprofit agency or corporation for the maintenance, supervision, control, and security of persons detained or confined therein; and any other matters deemed necessary by the supervisors. All such contracts shall be for a period not to exceed two years. The board of supervisors shall deliver a copy of the contract to each ~~municipal court judge in the county and to each district court judge~~ judicial officer of the district which includes that county.

Sec. 67. Section 356A.6, Code 1981, is amended to read as follows:

356A.6 TRANSFER. A ~~judge~~ judicial officer of the ~~municipal or~~ district court may originally commit a person to the county jail to serve any part of the sentence pronounced and thereafter be transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2.

Sec. 68. Section 400.6, subsection 1, unnumbered paragraph

1 1, Code 1981, is amended to read as follows:
2 The provisions of this chapter shall apply to all appointive
3 officers and employees~~,-including-former-deputy-clerks-of~~
4 ~~the-municipal-court-who-became-deputies-of-the-district-court~~
5 ~~clerks,~~ in cities under any form of government having a
6 population of more than fifteen thousand except:
7 Sec. 69. Section 453.1, Code 1981, is amended to read
8 as follows:
9 453.1 DEPOSITS IN GENERAL. All funds held in the hands
10 of the following officers or institutions shall be deposited
11 in banks as are first approved by the appropriate governing
12 body as indicated: For the treasurer of state, by the
13 executive council; for judicial officers and court personnel,
14 by the supreme court; for the county treasurer, recorder,
15 auditor, sheriff, and township clerk, ~~clerk-of-the-district~~
16 ~~court,-and-judicial-magistrate,~~ by the board of supervisors;
17 for the city treasurer, by the city council; for the county
18 public hospital or merged area hospital, by the board of
19 hospital trustees; for a memorial hospital, by the memorial
20 hospital commission; for a school corporation, by the board
21 of school directors; provided, however, that the treasurer
22 of state and the treasurer of each political subdivision shall
23 invest all funds not needed for current operating expenses
24 in time certificates of deposit in banks listed as approved
25 depositories pursuant to this chapter or in investments
26 permitted by section 452.10. The list of public depositories
27 and the amounts severally deposited therein shall be a matter
28 of public record. The term "bank" means a bank or a private
29 bank, as defined in section 524.103.
30 Sec. 70. Section 509A.1, Code 1981, is amended to read
31 as follows:
32 509A.1 AUTHORITY OF GOVERNING BODY. The governing body
33 of the state, county, school district or any institution
34 supported in whole or in part by public funds may establish
35 plans for and procure group insurance, health or medical

service for the employees of the state, county, school district or tax-supported institution. The county board of supervisors may establish plans for and procure group insurance, health or medical service for the county auditor, the county treasurer, the county attorney, the county recorder, ~~the clerk of the district court,~~ the members of the board of supervisors and the sheriff.

Sec. 71. Section 598.16, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Persons providing counseling and other services pursuant to this section are not court personnel, but are subject to court supervision.

Sec. 72. Section 602.64, Code 1981, is amended to read as follows:

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

Sec. 73. Chapter 605, Code 1981, is amended by adding the following new section:

NEW SECTION. RETIREMENT PROGRAMS.

1. Judges of the supreme court and court of appeals, and district judges shall be members of either the judicial retirement system or the Iowa public employees' retirement system, as provided in sections 97B.69 and 605A.3.

2. District associate judges who were municipal court judges prior to July 1, 1973, and who are members of the judicial retirement system under chapter 605A shall remain

1 members thereof; but the state of Iowa, instead of the city
2 and county, shall deduct four percent from their salaries
3 for the judicial retirement fund and shall contribute the
4 public's portion to the judicial retirement fund. A person
5 who becomes a district associate judge on January 1, 1981
6 by virtue of section 602.28 or who is appointed to the office
7 of district associate judge after January 1, 1981 shall be
8 a member of the Iowa public employees' retirement system as
9 long as the person continues to hold office as a district
10 associate judge.
11 3. Judicial magistrates appointed pursuant to either sec-
12 tion 602.50 or 602.58 may elect to be members of the Iowa
13 public employees' retirement system upon filing in writing
14 with the Iowa department of job service and the administrative
15 director.
16 4. This section and related repeal provisions shall be
17 construed only as a recodification of existing law, and shall
18 not be interpreted as an abridgment of the rights of any
19 person.
20 Sec. 74. Chapter 605, Code 1981, is amended by adding
21 the following new sections:
22 NEW SECTION. PRACTICE OF LAW PROHIBITED. Court personnel
23 shall not, for compensation, practice as attorneys or give
24 advice in relation to actions pending or about to be brought
25 in any of the courts of this state.
26 NEW SECTION. SALARIES EXCLUSIVE. Court personnel shall
27 not accept any compensation, fee or reward for services
28 rendered in connection with duties of employment except the
29 compensation provided by law.
30 Sec. 75. Chapter 605, Code 1981, is amended by adding
31 the following new section:
32 NEW SECTION. EXPENSES OF COURT PERSONNEL. If an employee
33 of the judicial department or a referee or special master
34 is required to travel in the discharge of duties, he or she
35 may be paid actual and necessary expenses incurred in the

1 performance of duties, subject to rules adopted by the supreme
2 court that prescribe the maximum amounts, terms and conditions
3 of reimbursement.
4 Sec. 76. Section 605.1, Code 1981, is amended by striking
5 the section and inserting in lieu thereof the following:
6 605.1 JUDICIAL SALARIES. The salaries of judges of the
7 supreme court and court of appeals, district judges, district
8 associate judges and magistrates shall be as established by
9 the general assembly.
10 Sec. 77. Section 605.6, Code 1981, is amended by striking
11 the section and inserting in lieu thereof the following:
12 605.6 SHORTHAND REPORTERS.
13 1. The supreme court shall provide for the appointment
14 of shorthand reporters who, upon the request of any party
15 in civil or criminal cases, shall take and report in full
16 the oral evidence and proceedings in the case and perform
17 all duties required at trial.
18 2. A person shall not be appointed to the position of
19 shorthand reporter of any district court in this state, unless
20 the person is a certified shorthand reporter who has been
21 found competent to report court proceedings, references, or
22 proceedings of like character, by the board of examiners
23 provided for in chapter 115. However, if the regularly
24 appointed shorthand reporter should be disabled from performing
25 duties, the judge may appoint a substitute to act during the
26 disability of the regular reporter or until a successor is
27 appointed, but in no event may the substitute act for a period
28 longer than one year unless the substitute becomes a certified
29 shorthand reporter of the state of Iowa within that one year,
30 nor may the substitute be reappointed at the end of the one-
31 year period, unless he or she becomes a certified shorthand
32 reporter of the state of Iowa within that one year.
33 Sec. 78. Section 605.17, Code 1981, is amended by striking
34 the section and inserting in lieu thereof the following:
35 605.17 JUDICIAL OFFICER DISQUALIFIED. A judicial officer

1 is disqualified from acting in a proceeding, except upon the
2 consent of all of the parties, if any of the following
3 circumstances exist:
4 1. The judicial officer has a personal bias or prejudice
5 concerning a party, or personal knowledge of disputed
6 evidentiary facts concerning the proceeding.
7 2. The judicial officer served as lawyer in the matter
8 in controversy, or a lawyer with whom he or she previously
9 practiced law served during such association as a lawyer
10 concerning the matter, or the judicial officer or such lawyer
11 has been a material witness concerning it.
12 3. The judicial officer knows that he or she, individually
13 or as a fiduciary, or his or her spouse or minor child residing
14 in his or her household, has a financial interest in the
15 subject matter in controversy or in a party to the proceeding,
16 or any other interest that could be substantially affected
17 by the outcome of the proceeding.
18 4. The judicial officer or his or her spouse, or a person
19 within the third degree of relationship to either of them,
20 or the spouse of such a person:
21 a. Is a party to the proceeeding, or an officer, direc-
22 tor, or trustee of a party.
23 b. Is acting as a lawyer in the proceeding.
24 c. Is known by the judicial officer to have an interest
25 that could be substantially affected by the outcome of the
26 proceeding.
27 d. Is to the judicial officer's knowledge likely to be
28 a material witness in the proceeding.
29 Sec. 79. Section 606.1, Code 1981, is amended to read
30 as follows:
31 606.1 GENERAL DUTIES. The clerk of the district court
32 shall keep his or her office at the county seat, attend the
33 sessions of the district court ~~himself~~ either personally or
34 by deputy, keep the records, papers, and seal, and record
35 the proceedings of the court ~~as hereinafter directed, under~~

1 ~~the-direction-of-the-judge~~.
2 Sec. 80. 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-or~~ district court, or stayed
6 execution on the judgment, shall not be entitled to redeem.
7 Sec. 81. Section 633.17, Code 1981, is amended to read
8 as follows:
9 633.17 JUDGE DISQUALIFIED--PROCEDURE. ~~Where-the-judge~~
10 ~~is-a-party,-or-is-connected-by-blood-or-affinity-with-a-person~~
11 ~~interested-nearer-than-the-fourth-degree,-or-is-personally~~
12 ~~interested~~ When a judge is disqualified from acting in any
13 probate matter, the same shall be heard before another judge
14 of the same district, or be transferred to the court of another
15 district, or a judge of another district shall be procured
16 to hold court for the hearing of such matter.
17 Sec. 82. Chapter 684, Code 1981, is amended by adding
18 the following new sections:
19 NEW SECTION. SUPREME COURT CLERK.
20 1. The supreme court shall appoint a clerk of the supreme
21 court who shall serve at the pleasure of the court.
22 2. The clerk of the supreme court shall have an office
23 at the seat of government, shall keep a complete record of
24 the proceedings of the court, and shall not allow an opinion
25 filed therein to be removed. Opinions shall be open to
26 examination and, upon request, may be copied and certified.
27 The clerk promptly shall announce by mail to one of the
28 attorneys on each side any ruling made or decision rendered,
29 shall record every opinion rendered as soon as filed, shall
30 mail a copy of each opinion rendered to each attorney of
31 record and to each party not represented by counsel, and shall
32 perform all other duties pertaining to the office of clerk.
33 NEW SECTION. DEPUTY CLERK. The supreme court may appoint
34 a deputy clerk of the supreme court who shall serve at the
35 pleasure of the supreme court. The appointment and the

1 revocation shall be filed and kept in the office of the
2 secretary of state. In the absence or disability of the
3 clerk, the deputy shall perform the duties of the clerk.
4 NEW SECTION. SUPREME COURT FEES.
5 1. The supreme court shall by rule prescribe fees for
6 the services of the court and clerk of the supreme court.
7 The court shall account for fees as provided in section 12.10
8 and shall keep account of and report in a like manner all
9 uncollected fees.
10 2. Rules prescribed under this section shall be reported
11 to the general assembly within twenty days after the
12 commencement of a regular session and shall take effect July
13 1 following the adjournment of such session, with such changes,
14 if any, as may have been enacted at such session; and
15 thereafter all laws in conflict therewith shall be of no
16 further force or effect.
17 3. At adjournment of the general assembly where such
18 report has been filed, an enrolled copy thereof, together
19 with any changes, shall be made in substantially the same
20 manner as Acts are enrolled. The enrolled copy shall be
21 certified as to whether or not any action was taken by the
22 general assembly and if any, what action, and thereupon it
23 shall be filed with the secretary of state and bound with
24 the Acts of the general assembly.
25 4. If any of the fees are not paid in advance, execution
26 may issue therefor, except where the fees are payable by the
27 county or the state.
28 5. The fees in effect on the effective date of this Act
29 shall continue in effect until modified as provided in this
30 section.
31 Sec. 83. Section 684.21, Code 1981, is amended by striking
32 the section and inserting in lieu thereof the following:
33 684.21 SUPREME COURT RULES.
34 1. The supreme court shall adopt and enforce such rules
35 as may be necessary to supervise the conduct of attorneys

1 and judges. These rules shall be executed by the chief
2 justice.
3 2. Supreme court rules shall be published in the Code,
4 but separate from rules of practice and procedure.
5 Sec. 84. Sections 66.25; 69.8, subsections 3 and 6; 115.4;
6 115.5; 231.13; 332.17, subsection 6; 337.7; 602.31; 602.33;
7 602.34; 602.54; 605.8; 605.9; 605.10; 606.13; 606.19; 684.17;
8 684.20; 684.22; 684.45, unnumbered paragraph 1; 684.46; 684.47;
9 684.52; 684.55; and chapter 685; Code 1981, are repealed.
10 Sec. 85. The Code editor, in consultation with the legis-
11 lative service bureau, shall recodify for purposes of the
12 1983 Code division I of this Act and chapters 115 and 602
13 through 684, or so much thereof as may be appropriate to ac-
14 complish the following:
15 1. Reorganization of all laws relating to the judicial
16 department into a logical pattern.
17 2. Consolidation of similar types of provisions into close
18 proximity.
19 3. Separation of provisions specifically relating to the
20 Iowa court of appeals into a separate chapter.
21 4. Reorganization of individual chapters, with appropriate
22 titles, appropriate subdivisions and titles, and reserved
23 sections.
24 The Code editor, in consultation with the legislative ser-
25 vice bureau, shall reorganize for purposes of the 1983 Code
26 court rules 1 through 200 and the Code of Professional
27 Responsibility, or so much thereof as may be appropriate to
28 establish a single compilation of court rules with appropriate
29 titles, subdivisions and titles, and reserved rules.
30 Sec. 86. Persons who are holding office as clerks of the
31 district court on the effective date of this Act are entitled
32 to continue to serve in that capacity until the expiration
33 of their respective terms of office. A vacancy in the office
34 of clerk of district court occurring on or after the effective
35 date of this Act shall be filled as provided in section 18

1 of this Act.

2 DIVISION III

3 Sec. 87. Chapter 606, Code 1981, is amended by adding
4 the following new section:

5 NEW SECTION. In addition to the other filing fee required
6 by this chapter or chapter 631, the clerk of district court
7 shall collect at the time of filing of every civil action
8 or proceeding a judicial department maintenance fee in the
9 amount of _____ dollars. Revenue from this fee
10 shall be deposited in the general fund of the state.

11 Sec. 88. There is appropriated from the general fund of
12 the state to the judicial department for the fiscal year be-
13 ginning July 1, 1983, and ending June 30, 1984, the amount
14 of _____ dollars, or so much thereof as
15 may be necessary, to accomplish the purposes of this Act.

16 Sec. 89. This Act takes effect July 1, 1983.

17 EXPLANATION

18 This bill reorganizes the courts of Iowa and related agen-
19 cies into a state judicial department supervised and
20 administered by the supreme court. All court personnel,
21 including clerks of district court, probation officers and
22 bailiffs would become state employees.

23 The bill establishes an administrative structure and gives
24 the supreme court authority to govern the affairs of the
25 department.

26 The bill requires a recodification of all laws relating
27 to the courts for purposes of the 1983 Code.

28 The bill provides that the state shall assume all costs
29 of operating the court system except physical facilities and
30 indigent defense.

31 The bill does not change the present distribution formulae
32 for fines or court fees.

33 The bill provides an appropriation of an indefinite amount
34 to fund the system.

35 The bill provides for a surcharge of an indefinite amount

on all civil filings in district court to be paid into the state general fund to help offset the costs of the reorganized department.

The bill would take effect July 1, 1983.

The bill was recommended by the court study joint subcommittee.