

FILED MAR 24 1971

SENATE FILE 417

By COMMITTEE ON JUDICIARY
(Committee on Judiciary)

Passed Senate, Date 3-30-71 Passed House, Date 4-8-71

Vote: Ayes 35 Nays 13 Vote: Ayes 68 Nays 29

Approved 4-29-71

Passed Senate as amended by House

*4-20-71
aye 34 nays 8*

A BILL FOR

1 An Act relating to judicial redistricting.

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

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1 Section 1. Section six hundred four point eight (604.8),
2 Code 1971, is amended by striking all of such section before
3 subsection one (1) and inserting in lieu thereof the following:

4 "For all judicial purposes except as provided by this Act
5 the state is divided into eight judicial districts as follows:

6 The first district shall consist of the counties of Dubuque,
7 Delaware, Clayton, Allamakee, Winneshiek, Chickasaw, Butler,
8 Bremer, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

9 The second district shall consist of the counties of
10 Mitchell, Floyd, Worth, Winnebago, Kossuth, Hancock, Cerro
11 Gordo, Franklin, Wright, Humboldt, Pocahontas, Sac, Calhoun,
12 Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story,
13 and Boone.

14 The third district shall consist of the counties of Emmet,
15 Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee,
16 Buena Vista, Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

17 The fourth district shall consist of the counties of Harrison,
18 Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont,
19 and Page.

20 The fifth district shall consist of the counties of Guthrie,
21 Dallas, Polk, Jasper, Madison, Warren, Marion, Adair, Adams,
22 Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

23 The sixth district shall consist of the counties of Tama,
24 Benton, Linn, Jones, Iowa, and Johnson.

25 The seventh district shall consist of the counties of Jack-
26 son, Clinton, Cedar, Scott, and Muscatine.

27 The eighth district shall consist of the counties of Powe-
28 shiek, Mahaska, Keokuk, Washington, Monroe, Wapello, Jefferson,
29 Appanoose, Davis, Van Buren, Louisa, Henry, Des Moines, and
30 Lee.

31 For purposes of nomination, appointment, and election of
32 judges and application of the provisions of subsections two
33 (2) through eight (8) of section six hundred four point eight
34 (604.8) of the Code, judicial election districts are
35 established. They shall include the fourth, sixth, and seventh

1 districts as above set forth, but the other election districts
2 shall be as follows:

3 Election district 1A shall consist of the counties of
4 Dubuque, Delaware, Clayton, Allamakee and Winneshiek. Election
5 district 1B shall consist of the counties of Chickasaw, Butler,
6 Bremer, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

7 Election district 2A shall consist of the counties of
8 Mitchell, Floyd, Worth, Winnebago, Kossuth, Hancock, Cerro
9 Gordo, and Franklin. Election district 2B shall consist of
10 the counties of Wright, Humboldt, Pocahontas, Sac, Calhoun,
11 Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story,
12 and Boone.

13 Election district 3A shall consist of the counties of
14 Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto,
15 Cherokee, and Buena Vista. Election district 3B shall consist
16 of the counties of Plymouth, Sioux, Woodbury, Ida, Monona,
17 and Crawford.

18 Election district 5A shall consist of the counties of
19 Guthrie, Dallas, Polk, Jasper, Madison, Warren, and Marion.
20 Election district 5B shall consist of the counties of Adair,
21 Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and
22 Wayne.

23 Election district 8A shall consist of the counties of
24 Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello,
25 Jefferson, Appanoose, Davis, and Van Buren. Election district
26 8B shall consist of the counties of Louisa, Henry, Des Moines,
27 and Lee."

28 Sec. 2. Section forty-six point three (46.3), Code 1971,
29 is amended by striking the section and inserting in lieu
30 thereof the following:

31 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING COMMIS-
32 SIONERS. In January 1972 the governor shall appoint five
33 electors of each judicial election district to the district
34 judicial nominating commission for terms commencing February
35 1, 1972. He shall appoint two such commissioners to serve

1 until January 31, 1974, two to serve until January 31, 1976,
2 and one to serve until January 31, 1978. In the month of
3 January when each of those terms expire and every six years
4 thereafter the governor shall appoint district judicial
5 nominating commissioners for six-year terms.

6 Sec. 3. Section forty-six point four (46.4), Code 1971,
7 is amended by striking the section and inserting in lieu
8 thereof the following:

9 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING

10 COMMISSIONERS. In January 1972 the resident members of the
11 bar of each judicial election district shall elect five
12 electors of the district to the district judicial nominating
13 commission for terms commencing February 1, 1972. One of
14 such commissioners shall serve until January 31, 1974, two
15 until January 31, 1976, and two until January 31, 1978, as
16 determined by lot by such commissioners. In the month of
17 January when each of those terms expire and every six years
18 thereafter such members of the bar of the respective judicial
19 election districts shall elect district nominating
20 commissioners for six-year terms.

21 Sec. 4. TERMINATION OF OFFICE OF PRESENT COMMISSIONERS.
22 The terms of office of all district judicial nominating
23 commissioners in Iowa who are in office on December 31, 1971,
24 shall terminate on that date.

25 Sec. 5. EFFECTIVE DATE OF SECTIONS. Sections one (1),
26 two (2) and three (3) of this Act shall take effect on January
27 1, 1972.

28 EXPLANATION

29 This bill incorporates a plan for redistricting the judi-
30 cial districts of this state, and will reduce the present
31 18 judicial districts to 8. The plan was drafted and proposed
32 by the Judicial Redistricting Committee of the Iowa District
33 Court Judges Association, and has received a favorable response
34 from Iowa lawyers.

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Senate 13
March 30, 1971

SENATE FILE 417

1 Amend Senate File 417 as follows:
2 1. Page 4, by adding after line 20 the following
3 new section:
4 Sec. 4. Section forty-six point fourteen (46.14),
5 Code 1971, is amended as follows:
6 46.14 NOMINATION. Each judicial nominating commis-
7 sion shall carefully consider the individuals available
8 for judge, and within sixty days after receiving notice
9 of a vacancy shall certify to the governor and the
10 chief justice the proper number of nominees, in alpha-
11 betical order. Such nominees shall be chosen by the
12 affirmative vote of a majority of the full statutory
13 number of commissioners upon the basis of their
14 qualifications and without regard to political affili-
15 ation. Nominees shall be members of the bar of Iowa,
16 shall be residents of the state, or district, or sub-
17 district of the court to which they are nominated, and
18 shall be of such age that they will be able to serve an
19 initial and one regular term of office to which they are
20 nominated before reaching the age of seventy-two years.
21 No person shall be eligible for nomination by a
22 commission as judge during the term for which he was
23 elected or appointed to that commission. Absence of a
24 commissioner or vacancy upon the commission shall not
25 invalidate a nomination. The chairman of the commis-

Page 2

1 sion shall promptly certify the names of the nominees,
2 in alphabetical order, to the governor and the chief
3 justice.
4 2. Page 4, line 21, by striking the numeral "4" and
5 inserting in lieu thereof the numeral "5".
6 3. Page 4, line 25, by striking the numeral "5" and
7 inserting in lieu thereof the numeral "6".
8 4. Page 4, line 26, by striking the words and
9 numeral "and three (3)" and inserting in lieu thereof
10 the words and numerals ", three (3), and four (4)".

Filed *Last 3/30*
March 29, 1971

By ANDERSON

1 Amend Senate File 417 as follows:
2 1. Page 3, line 2, by inserting after the word "be"
3 the words "divided into subdistricts".
4 2. Page 3, by striking line 27 and inserting in
5 lieu thereof the following:
6 "and Lee.
7 Only electors residing within election sub-
8 districts shall vote for purposes of retention or
9 rejection of judges residing in those subdistricts."

Filed - *Last 3/20*
March 29, 1971

By ANDERSON

HOUSE AMENDMENT TO SENATE FILE 417

- 1 Amend Senate File 417, as passed by the Senate, as
 2 follows:
 3 1. Page 2, line 7, by striking the word "Butler,".
 4 2. Page 2, line 8, by striking the word "Bremer,".
 5 3. Page 2, by striking line 10 and inserting in lieu
 6 thereof the words "Mitchell, Floyd, Butler, Bremer,
 7 Worth, Winnebago, Hancock, Cerro".
 8 4. Page 2, line 14, by inserting before the word
 9 "Emmet" the word "Kossuth,".
 10 5. Page 3, line 5, by striking the word "Butler,".
 11 6. Page 3, line 6, by striking the word "Bremer,".
 12 7. Page 3, by striking line 8 and inserting in
 13 lieu thereof the words "Mitchell, Floyd, Butler, Bremer
 14 Worth, Winnebago, Hancock, Cerro".
 15 8. Page 3, line 13, by inserting after the words
 16 "counties of" the word "Kossuth".

Received from the House
April 12, 1971

*Senate concurred
4/20*

SENATE FILE 417
FISCAL NOTE

Date prepared April 8, 1971

Requested by Representative Kelly.

Prepared in regard to Amendment to S.F. 417, an Act relating to judicial redistricting. Following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48.

This amendment will add six additional district court judges to the current number. The following is the estimated additional annual salary cost to the state:

Salary @\$21,000	\$126,000
State share FICA & Retirement @\$910	<u>5,460</u>
Total estimated salary expense	<u>\$131,460</u>

No estimate is available as to what the travel and subsistence expense will be for these additional six judges.

Also, no estimate is available as to what the additional expense will be to the counties that provide the district court judges with court reporters and bailiffs.

Filed
April 8, 1971

By GERRY D. RANKIN
Legislative Fiscal Director

House

- 1 Amend Senate File 417, as passed by the Senate,
 2 as follows:
 3 1. Page 2, line 24, by inserting after the
 4 word "Iowa" the word ", Cedar".
 5 2. Page 2, line 26, by striking the word
 6 "Cedar,".

Filed - *Letter 4/7*
April 6, 1971

House

By HAMILTON of Cedar
District 72

Senate 14
March 30, 1971

SENATE FILE 417

- 1 Amend Senate File 417 as follows:
2 1. Page 3, by adding after line 27 the following:
3 "Sec. 2. Section six hundred four point eight
4 (604.8), subsection two (2), Code 1971, is amended as
5 follows:
6 2. The number of judgeships to which each of the
7 judicial districts shall be entitled shall be determined
8 from time to time according to the following formula,
9 giving equal weight to cases filed and population: In
10 districts containing a city of fifty thousand or more
11 population, there shall be one judgeship per five hun-
12 dred fifty combined civil and criminal filings and forty
13 thousand population, or major fraction of either; in all
14 other districts there shall be one judgeship per four
15 hundred fifty combined civil and criminal filings and
16 forty thousand population, or major fraction of either;
17 provided, the seat of government shall be entitled to
18 one additional judgeship and no judicial election sub-
19 district shall have fewer than two judgeships. The
20 figures on filings shall be the average for the latest
21 available previous three-year period and when current
22 census figures on population are not available, figures
23 shall be taken from the state department of health
24 computations."
25 2. Page 3, line 28, by striking the numeral "2" and
Page 2
1 inserting in lieu thereof the numeral "3".
2 3. Page 4, line 6, by striking the numeral "3" and
3 inserting in lieu thereof the numeral "4".
4 4. Page 4, line 21, by striking the numeral "4" and
5 inserting in lieu thereof the numeral "5".
6 5. Page 4, line 25, by striking the numeral "5" and
7 inserting in lieu thereof the numeral "6".
8 6. Page 4, line 26, by striking the words and num-
9 eral "and three (3)" and inserting in lieu thereof the
10 words and numerals ", three (3), and four (4)".

Filed - *Withdrawn 3/30*
March 29, 1971

By ANDERSON

SENATE FILE 417

- 1 Amend Senate File 417 as follows:
2 1. Page 2, line 7 by striking the word "Butler,".
3 2. Page 2, line 10 by adding after the word "Floyd," the
4 word "Butler,".

Filed - *Lost 3/30*
March 29, 1971

By KYHL

1 Amend Senate File 417 as follows:
2 1. Page 4, by adding after line 20 the following
3 new section:
4 Sec. 4. DELEGATION BY CHIEF JUDGE IN SUBDISTRICTS.
5 In judicial election subdistricts created pursuant to
6 section one (1) of this Act, the chief judge may
7 designate a judge in either or both of the subdistricts
8 to administer the internal operation of the court in
9 that subdistrict pursuant to the rules of civil
10 procedure.
11 2. Page 4, line 21, by striking the numeral "4" and
12 inserting in lieu thereof the numeral "5"
13 3. Page 4, line 25, by striking the numeral "5"
14 and inserting in lieu thereof the numeral "6".
15 4. Page 4, line 26, by striking the words and
16 numeral "and three (3)" and inserting in lieu thereof
17 the words and numerals ", three (3), and four (4)".

Filed - *Lost* 3/30
March 29, 1971

By ANDERSON

1 Amend the Hill amendment, filed March 29, 1971, to Senate
2 File 417 as follows:
3 1. Page 1, by adding in line 10 after the second word
4 "of" the words "Adams, Taylor,".
5 2. Page 1, by striking the word "Taylor," and the word
6 "Adams," where they appear in line 14.
7 3. Page 1, by adding in line 13 after the second word
8 "of" the words "Adair, Guthrie,".
9 4. Page 1, line 20, by striking the words "Adair,
10 Guthrie,".

Filed and Lost
March 30, 1971

By BRILES

1 Amend Senate File 417 as follows:
2 1. Page 2, line 7, by striking the word "Butler,".
3 2. Page 2, line 8, by striking the word "Bremer,".
4 3. Page 2, by striking line 10 and inserting in lieu
5 thereof the words "Mitchell, Floyd, Butler, Bremer,
6 Worth, Winnebago, Hancock, Cerro".
7 4. Page 2, line 14, by inserting before the word
8 "Emmet" the word "Kossuth,".
9 5. Page 3, line 5, by striking the word "Butler,".
10 6. Page 3, line 6, by striking the word "Bremer,".
11 7. Page 3, by striking line 8 and inserting in lieu
12 thereof the words "Mitchell, Floyd, Butler, Bremer,
13 Worth, Winnebago, Hancock, Cerro".
14 8. Page 3, line 13, by inserting after the words
15 "counties of" the word "Kossuth".

Filed and Lost
March 30, 1971

By KEITH, OLLENBURG, SHAWVER
and CURRAN

1 Amend Senate File 417, page 1, line 1, by inserting after the
2 word "redistricting" the following: "and judicial nominating
3 commissions."

Filed and Adopted
March 30, 1971

By NEU

Senate 15
March 30, 1971

SENATE FILE 417

- 1 Amend Senate File 417 as follows:
 - 2 1. Page 2, by striking lines 4 through 35,
 - 3 inclusive, and page 3, by striking lines 1 through 27,
 - 4 inclusive, and inserting in lieu thereof the following:
 - 5 "For judicial purposes the state is divided into
 - 6 twelve judicial districts as follows:
 - 7 The first district shall consist of the counties of
 - 8 Lee, Van Buren, Jefferson, Henry, Des Moines, and
 - 9 Louisa.
 - 10 The second district shall consist of the counties of
 - 11 Davis, Appanoose, Wayne, Decatur, Ringgold, Union,
 - 12 Clarke, Lucas, Monroe, and Wapello.
 - 13 The third district shall consist of the counties of
 - 14 Taylor, Page, Fremont, Mills, Montgomery, Adams, Cass,
 - 15 Pottawattamie, Harrison, Shelby, and Audubon.
 - 16 The fourth district shall consist of the counties of
 - 17 Crawford, Monona, Woodbury, Plymouth, Cherokee, Ida,
 - 18 and Sac.
 - 19 The fifth district shall consist of the counties of
 - 20 Marion, Warren, Madison, Adair, Guthrie, Dallas, and
 - 21 Polk.
 - 22 The sixth district shall consist of the counties of
 - 23 Washington, Keokuk, Mahaska, Johnson, Iowa, Poweshiek,
 - 24 and Jasper.
 - 25 The seventh district shall consist of the counties of
- Page 2
- 1 Cedar, Jones, Linn, Benton, Tama, and Marshall.
 - 2 The eighth district shall consist of the counties of
 - 3 Scott, Muscatine, Clinton, Jackson, and Dubuque.
 - 4 The ninth district shall consist of the counties of
 - 5 Delaware, Buchanan, Black Hawk, Grundy, Butler, Bremer
 - 6 Fayette, Clayton, Allamakee, Winneshiek, Howard, and
 - 7 Chickasaw.
 - 8 The tenth district shall consist of the counties of
 - 9 Story, Boone, Greene, Carroll, Calhoun, Humboldt,
 - 10 Webster, Hamilton, and Hardin.
 - 11 The eleventh district shall consist of the counties
 - 12 of Franklin, Wright, Kossuth, Hancock, Cerro Gordo,
 - 13 Floyd, Mitchell, Worth, and Winnebago.
 - 14 The twelfth district shall consist of the counties
 - 15 of Pocahontas, Buena Vista, Palo Alto, Clay, O'Brien
 - 16 Sioux, Lyon, Osceola, Dickinson, and Emmet."
 - 17 2. Page 3, line 33, by striking the word "election".
 - 18 3. Page 4, line 11, by striking the word "election".
 - 19 4. Page 4, line 19, by striking the word "election".

Filed - *Let 3/30*
March 29, 1971

By HILL

1 Amend Senate File 417, as passed by the Senate,
2 as follows:
3 1. Page 2, line 7, by striking the word "Butler,".
4 2. Page 2, line 8, by striking the word "Bremer,".
5 3. Page 2, by striking line 10 and inserting in
6 lieu thereof the words "Mitchell, Floyd, Butler,
7 Bremer, Worth, Winnebago, Hancock, Cerro".
8 4. Page 2, line 14, by inserting before the word
9 "Emmet" the word "Kossuth,".
10 5. Page 3, line 5, by striking the word "Butler,".
11 6. Page 3, line 6, by striking the word "Bremer,".
12 7. Page 3, by striking line 8 and inserting in
13 lieu thereof the words "Mitchell, Floyd, Butler,
14 Bremer, Worth, Winnebago, Hancock, Cerro".
15 8. Page 3, line 13, by inserting after the words
16 "counties of" the word "Kossuth".

Filed - *Adopted 4/8*
April 1, 1971

By STROMER of Hancock
District 8
LOGEMANN of Worth
District 7
GRASSLEY of Butler
District 10
PRIEBE of Kossuth
District 6

1 Amend Senate File 417 as follows:
2 Amend Senate File 417, page 4, by adding after
3 line 27 the following new section:
4 Sec. 6. Section six hundred four point eight
5 (604.8), subsection two (2), Code 1971, is amended as
6 follows:
7 2. The number of judgeships to which each of the
8 judicial districts shall be entitled shall be deter-
9 mined from time to time according to the following
10 formula, giving equal weight to cases filed and
11 population: ~~In districts containing a city of fifty~~
12 ~~thousand or more population, there shall be one judge-~~
13 ~~ship per five hundred fifty combined civil and crimin-~~
14 ~~al filings and forty thousand population, or major~~
15 ~~fraction of either; in all other~~ In all districts
16 there shall be one judgeship per four hundred fifty
17 combined civil and criminal filings and forty thousand
18 population, or major fraction of either; provided, the
19 seat of government shall be entitled to one additional
20 judgeship. The figures on filings shall be the
21 average for the latest available previous three-year
22 period and when current census figures on population
23 are not available, figures shall be taken from the
24 state department of health computations.

Filed - *Ruled not germane 4/8*
April 7, 1971

By KELLY of Woodbury, District 22
DOYLE of Woodbury, District 21
SARGISSON of Woodbury, District 24
ANDERSEN of Woodbury, District 23