

Appropriation 2/13, Pass 4/16

Senate File 136
Appropriations
DeKoster, Chairman
Van Gilst
Willits

Senate File 136
Judiciary and Law
Enforcement *Pass 2/4*
Hennessey, Chair
Jesse
Poncy

FILED 136

SENATE FILE 136

BY COMMITTEE ON JUDICIARY

Passed Senate, Date 4-18-75 (1014) Passed House, Date 5-7-76 (p. 2532)

Vote: Ayes 39 Nays 8 Vote: Ayes 77 Nays 9

Approved 6-22-76
motion to reconsider filed 5-7 (2537)

A BILL FOR

- 1 An Act relating to the number of judgeships in judicial
- 2 election districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 136

FISCAL NOTE

Date Prepared: February 17, 1975
Requested by: Senator De Koster
Prepared in regard to Senate File 136, An Act relating to judgeships in judicial election districts. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

SF 136 modifies the formula which is used to determine the number of judgeships for each of the thirteen judicial election districts. The net result of this new formula is that election districts 3A, 4, 5B, and 8A each are entitled to an additional judgeship.

It is estimated that salaries, benefits, and travel expense (which are paid by the state) for four additional judges would be approximately \$144,000 per year.

On the county level, assuming that office space and equipment are available in existing building, the estimated cost for a shorthand report, office supplies, and other miscellaneous expenses (existing secretary would be shared) would be approximately \$66,000 for one year. Also, if new bailiffs need to be hired then that cost would have to be added to the above system.

SOURCE: Court Administrator
Polk County Court Administrator

LEGISLATIVE FISCAL DIRECTOR

1 Section 1. Section six hundred two point eighteen (602.18),
2 subsection two (2), Code 1975, is amended by striking the
3 subsection and inserting in lieu thereof the following:

4 2. The number of judgeships to which each of the judicial
5 election districts shall be entitled shall be determined from
6 time to time according to the following formula:

7 a. In an election district wherein the largest county
8 contains two hundred thousand or more population, there shall
9 be one judgeship per seven hundred twenty-five combined civil
10 and criminal filings or major fraction thereof; provided,
11 the seat of government shall be entitled to one additional
12 judgeship.

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

18 c. In an election district wherein the largest county
19 contains forty-five thousand or more population, but less
20 than eighty-five thousand, there shall be one judgeship per
21 five hundred twenty-five combined civil and criminal filings
22 or major fraction thereof.

23 d. In an election district wherein the largest county
24 contains less than forty-five thousand population, there shall
25 be one judgeship per four hundred seventy-five combined civil
26 and criminal filings or major fraction thereof.

27 e. Notwithstanding paragraphs a, b, c, or d of this
28 subsection, each election district shall be entitled to not
29 less than one judgeship for each forty thousand population
30 or major fraction thereof contained in the election district.
31 The court administrator shall determine both the number of
32 judgeships for each election district based upon this
33 paragraph, and the number of judgeships for each election
34 district based upon paragraph a, b, c, or d of this subsection.
35 If the number for any election district determined under this

1 paragraph exceeds the number determined under paragraph a,
2 b, c, or d, that election district shall be entitled to the
3 number of judgeships determined under this paragraph.

4 f. The filings included in the determinations to be made
5 under this subsection shall not include small claims or
6 nonindictable misdemeanors filed after June 30, 1973, nor
7 shall they include either civil actions for money judgment
8 where the amount in controversy does not exceed three thousand
9 dollars or indictable misdemeanors, which were assigned to
10 district associate judges and judicial magistrates as shown
11 on their administrative reports, but they shall include appeals
12 from decisions of judicial magistrates, district associate
13 judges, and district judges sitting as judicial magistrates.
14 The figures on filings shall be the average for the latest
15 available previous three-year period and when current census
16 figures on population are not available, figures shall be
17 taken from the state department of health computations.

18 EXPLANATION

19 This bill modifies the formula which is used to determine
20 the number of judgeships for each of the thirteen judicial
21 election districts. Whereas the present formula recognizes
22 two population categories, i.e., election districts which
23 contain a city of 50,000 population and those which do not,
24 this proposal divides election districts into four population
25 categories, and uses the most populous county as the base.
26 The net result is that election districts 3A, 4, 5B, and 8A
27 each are entitled to an additional judgeship. Generally
28 speaking, these four districts have a greater number of court
29 locations to be serviced and relatively wider geographic
30 distributions of population and case filings than do the
31 remaining nine election districts. As a result, the Joint
32 Subcommittee on Apportionment of Judges and Magistrates
33 concluded that court service in these four districts resulting
34 from the use of the present formula was below standard.

35 A second change from the present formula is that civil

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actions under \$3,000 will not be included, under the proposal, in the combined filing figures if those cases were assigned to other than district judges. Without this change, the actual workload of judges as measured by case filings may be distorted because those cases actually may be heard by other than a district judge.

The third and final change deletes the phrase "after June 30, 1973" which referenced cases assigned to district associate judges and magistrates. Since those cases could not have been assigned prior to that date, the language is surplus and adds nothing to the meaning of the sentence.

LSB 404
lb/rh/31

H-5776

1 Amend Senate File 136 as follows:

2 1. Page 2, by inserting after line 17 the following
3 sections:

4 "Sec. _____. Section six hundred two point eighteen
5 (602.18), unnumbered paragraph fourteen (14), Code
6 1975, is amended to read as follows:

7 Election district 5A shall consist of ~~the counties~~
8 ~~of Polk county~~. Election district 5B shall consist
9 of the counties of Guthrie, Dallas, Polk, Jasper,
10 Madison, Warren, and Marion. Election district 5B
11 5C shall consist of the counties of Adair, Adams,
12 Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and
13 Wayne.

14 Sec. _____. All judicial nominating commissioners
15 in election district 5A as it existed on June 30,
16 1976, who are in office on that date shall continue
17 to serve until the expiration of the term of their
18 appointments or elections, but those commissioners
19 who reside in Polk County shall become commissioners
20 of judicial election district 5A as created by this
21 Act, and those commissioners who reside in Guthrie,
22 Dallas, Jasper, Madison, Warren and Marion counties
23 shall become commissioners of judicial election
24 district 5B as created by this Act. Effective July
25 1, 1976, judicial election district 5B shall be known
26 as judicial election district 5C, but this change
27 in name shall not affect its judicial nominating
28 commissioners or their terms.

29 In judicial election districts 5A and 5B as they
30 exist after the effective date of this Act, the
31 governor shall appoint in July, 1976, in the manner
32 provided in section forty-six point three (46.3) of
33 the Code, electors of district 5A and electors of
34 district 5B to their respective judicial nominating
35 commissions for terms commencing August 1, 1976, but
36 only if and to the extent necessary to provide for
37 five appointive members of the judicial nominating
38 commission in each of those judicial election
39 districts. Such appointments shall be for staggered
40 terms, to the extent practicable, ending January 31,
41 1980, and January 31, 1982, respectively. In the
42 month of January when each of those terms expires
43 and every six years thereafter the governor shall
44 appoint district judicial nominating commissioners
45 for six-year terms in the manner provided in section
46 forty-six point three (46.3) of the Code.

47 In judicial election districts 5A and 5B as they
48 exist after the effective date of this Act, the
49 resident members of the bar shall elect, in the manner
50 provided in chapter forty-six (46) of the Code,

1 eligible electors of their respective districts to
2 their respective judicial nominating commissions for
3 terms commencing August 1, 1976, but only if and to
4 the extent necessary to provide for five elective
5 members of the judicial nominating commission in each
6 of those judicial election districts. Such elections
7 shall be for staggered terms, to the extent
8 practicable, ending January 31, 1980, and January
9 31, 1982, respectively, but the determination of which
10 newly elected members serve which terms shall be
11 determined by lot by the newly elected commissioners.
12 In the month of January when each of those terms
13 expires and every six years thereafter such members
14 of the bar of each such district shall elect district
15 nominating commissioners for six-year terms in the
16 manner provided in section forty-six point four (46.4)
17 of the Code."

18 2. Amend the title, line 1, by inserting after
19 the words "relating to" the words "judicial election
20 districts and to".

21 3. By renumbering sections as necessary.

H-5776 FILED BY MIDDLESWART of Warren
ARCH 15, 1976 DIELEMAN of Marion
Ruled not germane WEST of Marshall
5/7 (2550) KOOGLER of Mahaska
Rules suspended, HULLINGER of Decatur
5776 lost 5/7 (2531) BORTELL of Madison
VARLEY of Adair
HUTCHINS of Guthrie
ANDERSON of Jasper

Motion to reconsider filed 5/10 (p. 2564)

1 Amend Senate File 136 as passed by the Senate as
2 follows:

3 1. Page 2, by inserting after line 17 the follow-
4 ing new sections:

5 "Sec. _____. Section six hundred two point fifty
6 (602.50), subsection one (1), Code 1975, is amended
7 to read as follows:

8 1. REGULAR APPOINTMENTS. In April of each year
9 in which magistrates' terms expire, the commission
10 shall appoint ~~7-except-as-otherwise-permitted-in-section~~
11 ~~602-59~~, the number of magistrates apportioned to the
12 county by the supreme court administrator as provided
13 in section 602.57 and may appoint the additional
14 magistrate allowed by section 602.58. The commission
15 shall appoint no more magistrates than are apportioned
16 to the county by the supreme court administrator
17 except as provided in section 602.58.

18 Sec. _____. Section six hundred two point fifty-one
19 (602.51), unnumbered paragraphs one (1) and two (2),
20 Code 1975, are amended to read as follows:

21 There shall be one judicial magistrate who shall
22 devote his entire time to the duties of his position
23 in those counties having a population, according to
24 the last federal decennial census, of more than thirty-
25 five thousand and less than eighty thousand. There
26 shall be two such magistrates in these counties having
27 a population of more than eighty thousand and less
28 than one hundred twenty-five thousand. There shall
29 be three such magistrates in any county having a
30 population of more than one hundred twenty-five
31 thousand and less than two hundred thousand people.
32 There shall be four such magistrates in counties
33 having a population of two hundred thousand people
34 or above. In those counties in which a district court
35 associate judge resides, the district court associate
36 judge shall be considered a judicial magistrate for
37 the purpose of this paragraph. ~~A-judicial-magistrate~~
38 ~~appointed-pursuant-to-section-602-59-shall-not-be~~
39 ~~counted-for-the-purposes-of-this-paragraph.~~

40 The judicial magistrates authorized by this sec-
41 tion ~~and-section-602-59~~ shall be appointed by the
42 district judges of the election district from persons
43 nominated by the county judicial magistrate appoint-
44 ing commission. Each office of judicial magistrate
45 authorized by this section shall be for a term of
46 four years from July 1, 1974, and each four years
47 thereafter.

48 Sec. _____. Section six hundred two point fifty-eight
49 (602.58), Code 1975, is amended to read as follows:

50 602.58 ADDITIONAL JUDICIAL MAGISTRATE ALLOWED.

Page 2

1 In those counties which are allotted one judicial
2 magistrate under section 602.57 ~~or-602-59~~, the county
3 judicial magistrate appointing commission may, by
4 majority vote, decide to appoint one additional
5 judicial magistrate. In those counties appointing
6 an additional magistrate under this section, each
7 magistrate shall receive a salary of two thousand
8 four hundred dollars per year.

9 Sec. _____. Section six hundred two point fifty-nine
10 (602.59), Code 1975, is repealed."

SENATE FILE 136

AN ACT

RELATING TO THE NUMBER OF JUDGESHIPS IN JUDICIAL ELECTION DISTRICTS.

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

Section 1. Section six hundred two point eighteen (602.18), subsection two (2), Code 1975, is amended by striking the subsection and inserting in lieu thereof the following:

2. The number of judgeships to which each of the judicial election districts shall be entitled shall be determined from time to time according to the following formula:

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

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

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

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

e. Notwithstanding paragraphs a, b, c, or d of this subsection, each election district shall be entitled to not less than one judgeship for each forty thousand population

or major fraction thereof contained in the election district. The court administrator shall determine both the number of judgeships for each election district based upon this paragraph, and the number of judgeships for each election district based upon paragraph a, b, c, or d of this subsection. If the number for any election district determined under this paragraph exceeds the number determined under paragraph a, b, c, or d, that election district shall be entitled to the number of judgeships determined under this paragraph.

f. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors filed after June 30, 1973, nor shall they include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but they shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 136, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved June 23, 1976

ROBERT D. RAY
Governor