

Pass 4/22

FILED FEB 19 1975

SENATE FILE 147

BY COMMITTEE ON JUDICIARY

Passed Senate, Date 2-14-75 (p. 317) Passed House, Date 5-12-75 (1702)

Vote: Ayes 48 Nays 0 Vote: Ayes 83 Nays 2

Approved 2-3-75

A BILL FOR

- 1 An Act amending the duties of the court administrator.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section six hundred two point eighteen (602.18),
2 subsection two (2), Code 1975, is amended to read as follows:
3 2. The number of judgeships to which each of the judicial
4 districts shall be entitled shall be determined from time
5 to time according to the following formula, giving equal
6 weight to cases filed and population: In districts containing
7 a city of fifty thousand or more population, there shall be
8 one judgeship per five hundred fifty combined civil and
9 criminal filings and forty thousand population, or major
10 fraction of either; in all other districts there shall be
11 one judgeship per four hundred fifty combined civil and
12 criminal filings and forty thousand population, or major
13 fraction of either; provided, the seat of government shall
14 be entitled to one additional judgeship. The filings included
15 in the determinations to be made under this subsection shall
16 not include small claims, or nonindictable misdemeanors, filed
17 after June 30, 1973, and nor shall they include either civil
18 actions for money judgment where the amount in controversy
19 does not exceed three thousand dollars or indictable
20 misdemeanors, which were assigned to district associate judges
21 and judicial magistrates as shown on their administrative
22 reports, but they shall include appeals from decisions of
23 judicial magistrates, district associate judges, and district
24 judges sitting as judicial magistrates. The figures on filings
25 shall be the average for the latest available previous three-
26 year period and when current census figures on population
27 are not available, figures shall be taken from the state
28 department of health computations.

29 Sec. 2. Section six hundred two point eighteen (602.18),
30 subsection eight (8), Code 1975, is amended to read as follows:

31 8. During ~~January~~ February of each year, and at such other
32 times as may be appropriate, the supreme court administrator
33 shall make the determinations required under this section,
34 and shall notify the nominating commissions involved and the
35 governor of any appointments that may be required as a result

1 thereof.

2 Sec. 3. Section six hundred two point fifty (602.50),
3 subsection six (6), Code 1975, is amended to read as follows:

4 6. OATH AND INSTRUCTION. Before assuming office, a
5 judicial magistrate shall subscribe and file in the office
6 of the clerk of the district court of the county of his
7 residence his oath of office to uphold and support the
8 Constitutions of the United States of America and state of
9 Iowa, the laws enacted pursuant thereto, and the law and
10 ordinances of the political subdivisions of the state of Iowa.
11 Annually, the supreme court administrator shall cause a school
12 of instruction to be conducted for judicial magistrates, which
13 ~~shall include a comprehensive examination over the material~~
14 ~~presented,~~ and which each judicial magistrate appointed as
15 provided in this chapter prior to the time he takes office
16 shall attend unless excused by the chief justice for good
17 cause. A judicial magistrate appointed under this section
18 to fill a vacancy shall attend the first school of instruction
19 held following his appointment unless excused by the chief
20 justice for good cause.

21 Sec. 4. Section six hundred two point fifty-seven (602.57),
22 unnumbered paragraphs one (1) and three (3), Code 1975, are
23 amended to read as follows:

24 Except as provided in section 602.58, there shall be a
25 total of one hundred ninety-one Iowa judicial magistrates
26 to be appointed pursuant to section 602.50. During ~~January~~
27 February of ~~1975~~ 1977 and every two years thereafter, the
28 supreme court administrator shall apportion the number of
29 judicial magistrates to be so appointed among the counties
30 in accordance with the following criteria:

31 During ~~February~~ March of ~~1975~~ 1977 and during ~~February~~
32 March of every two years thereafter, the supreme court
33 administrator shall notify the clerk of the district court
34 of each county and the chief judge of the appropriate judicial
35 district, of the number of magistrates to which the county

1 is entitled.

2 Sec. 5. Section six hundred two point fifty-seven (602.57),
3 subsection five (5), Code 1975, is amended to read as follows:

4 5. The number and types of juvenile proceedings handled
5 by district associate judges and full-time magistrates.

6 EXPLANATION

7 This bill modifies certain duties of the court administrator
8 as follows:

9 Sec. 1. excludes from combined filing figures, and thus
10 from the calculation of the number of judgeships, those civil
11 actions for money judgment which are assigned to associate
12 judges or magistrates.

13 Sec. 2. enables the administrator to report judgeship
14 entitlements in February rather than January, thus giving
15 him an additional 28 days to receive, compile and report the
16 required statistical information.

17 Sec. 3. deletes the requirement that the administrator
18 give to newly appointed magistrates a comprehensive examination
19 at the conclusion of the prescribed course of instruction.

20 Sec. 4. delays the deadlines for the apportioning of part-
21 time magistrates and for the sending of notifications thereof
22 for a period of one month.

23 Sec. 5. amends the criteria used by the administrator in
24 apportioning magistrates to reflect the amendment which
25 permitted full-time magistrates to be assigned to juvenile
26 proceedings.

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LSB 403
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SENATE FILE 147

AN ACT

AMENDING THE DUTIES OF THE COURT ADMINISTRATOR.

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 to read as follows:

2. The number of judgeships to which each of the judicial districts shall be entitled shall be determined from time to time according to the following formula, giving equal weight to cases filed and population: In districts containing a city of fifty thousand or more population, there shall be one judgeship per five hundred fifty combined civil and criminal filings and forty thousand population, or major fraction of either; in all other districts there shall be one judgeship per four hundred fifty combined civil and criminal filings and forty thousand population, or major fraction of either; provided, the seat of government shall be entitled to one additional judgeship. 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, and 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.

Sec. 2. Section six hundred two point eighteen (602.18), subsection eight (8), Code 1975, is amended to read as follows:

8. During January February of each year, and at such other times as may be appropriate, the supreme court administrator shall make the determinations required under this section, and shall notify the nominating commissions involved and the governor of any appointments that may be required as a result thereof.

Sec. 3. Section six hundred two point fifty (602.50), subsection six (6), Code 1975, is amended to read as follows:

6. OATH AND INSTRUCTION. Before assuming office, a judicial magistrate shall subscribe and file in the office of the clerk of the district court of the county of his residence his oath of office to uphold and support the Constitutions of the United States of America and state of Iowa, the laws enacted pursuant thereto, and the law and ordinances of the political subdivisions of the state of Iowa. Annually, the supreme court administrator shall cause a school of instruction to be conducted for judicial magistrates, ~~which shall include a comprehensive examination over the material presented,~~ and ~~which~~ each judicial magistrate appointed as provided in this chapter prior to the time he takes office shall attend unless excused by the chief justice for good cause. A judicial magistrate appointed under this section to fill a vacancy shall attend the first school of instruction held following his appointment unless excused by the chief justice for good cause.

Sec. 4. Section six hundred two point fifty-seven (602.57), unnumbered paragraphs one (1) and three (3), Code 1975, are amended to read as follows:

Except as provided in section 602.58, there shall be a total of one hundred ninety-one Iowa judicial magistrates to be appointed pursuant to section 602.50. During January February of 1975 1977 and every two years thereafter, the supreme court administrator shall apportion the number of

judicial magistrates to be so appointed among the counties in accordance with the following criteria:

During February March of 1975 1977 and during February March of every two years thereafter, the supreme court administrator shall notify the clerk of the district court of each county and the chief judge of the appropriate judicial district, of the number of magistrates to which the county is entitled.

Sec. 5. Section six hundred two point fifty-seven (602.57), subsection five (5), Code 1975, is amended to read as follows:

5. The number and types of juvenile proceedings handled by district associate judges and full-time magistrates.

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 147, Sixty-sixth General Assembly.

CLARK R. RASMUSSEN
Secretary of the Senate

Approved June 3, 1975

ROBERT D. RAY
Governor