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SENATE FILE

495

BY COMMITTEE ON JUDICIARY

Approved 3/18/83 (p-848)

Passed Senate, Date 4-6-83 (p. 1126) Passed House, Date 4-21-83 (p. 1513)

Vote: Ayes 36 Nays 11 Vote: Ayes 66 Nays 31

Approved June 9, 1983

A BILL FOR

1 An Act relating to the organization, administration, super-
2 vision and funding of the courts, including a recodi-
3 fication of court statutes, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 495

1 DIVISION I
2 THE COURTS
3 ARTICLE 1
4 JUDICIAL DEPARTMENT
5 PART 1

6 DEFINITIONS AND COMPOSITION

7 Sec. 1101. NEW SECTION. 602.1101 DEFINITIONS. As used
8 in this chapter, unless the context otherwise requires:

9 1. "Book", "record", or "register" means any mode of
10 permanent recording, including but not limited to, card files,
11 microfilm, microfiche, and electronic records.

12 2. "Chief judge" means the district judge selected to
13 serve as the chief judge of the judicial district pursuant
14 to section 602.1210.

15 3. "Chief justice" means the chief justice of the supreme
16 court selected pursuant to section 602.5103.

17 4. "Chief juvenile court officer" means a person appointed
18 under section 602.1215.

19 5. "Court employee" or "employee of the judicial
20 department" means an officer or employee of the judicial
21 department except a judicial officer.

22 6. "Department" means the judicial department as defined
23 in section 602.1102.

24 7. "District court administrator" means a person appointed
25 pursuant to section 602.1213.

26 8. "Judicial officer" means a supreme court justice, a
27 judge of the court of appeals, a district judge, a district
28 associate judge, or a magistrate. The term also includes
29 a person who is temporarily serving as a justice, judge, or
30 magistrate as permitted by section 602.1612 or 602.2206.

31 9. "Magistrate" means a person appointed under article
32 7, part 4 to exercise judicial functions.

33 10. "Senior judge" means a person who qualifies as a
34 senior judge under article 2, part 2.

35 11. "State court administrator" means the person appointed

1 by the supreme court pursuant to section 602.1208.

2 Sec. 1102. NEW SECTION. 602.1102 JUDICIAL DEPARTMENT.

3 The judicial department consists of all of the following:

4 1. The supreme court.

5 2. The court of appeals.

6 3. The district court.

7 4. The clerks of all of the courts of this state.

8 5. Juvenile court officers.

9 6. Court reporters.

10 7. All other court employees.

11 PART 2

12 ADMINISTRATION

13 Sec. 1201. NEW SECTION. 602.1201 SUPERVISION AND
14 ADMINISTRATION. The supreme court has supervisory and
15 administrative control over the department and over all
16 judicial officers and court employees.

17 Sec. 1202. NEW SECTION. 602.1202 JUDICIAL COUNCIL.
18 A judicial council is established, consisting of the chief
19 judges of the judicial districts, the chief judge of the court
20 of appeals, and the chief justice who shall be the chairperson.
21 The council shall convene not less than twice each year at
22 times and places as ordered by the chief justice. The council
23 shall advise the supreme court with respect to the supervision
24 and administration of the department.

25 Sec. 1203. NEW SECTION. 602.1203 PERSONNEL CONFERENCES.
26 The chief justice may order conferences of judicial officers
27 or court employees on matters relating to the administration
28 of justice or the affairs of the department.

29 Sec. 1204. NEW SECTION. 602.1204 PROCEDURES FOR
30 DEPARTMENT.

31 1. The supreme court shall prescribe procedures for the
32 orderly and efficient supervision and administration of the
33 department. These procedures shall be executed by the chief
34 justice.

35 2. The state court administrator may issue directives

1 relating to the management of the department. The subject
2 matters of these directives shall include, but need not be
3 limited to, fiscal procedures, the judicial retirement system,
4 and the collection and reporting of statistical and other
5 data. The directives shall provide for an affirmative ac-
6 tion plan which shall be based upon guidelines provided by
7 the Iowa state civil rights commission. In addition, when
8 establishing salaries and benefits the state court
9 administrator shall not discriminate in the employment or
10 pay between employees on the basis of gender by paying wages
11 to employees at a rate less than the rate at which wages are
12 paid to employees of the opposite gender for work of comparable
13 worth. As used in this section "comparable worth" means the
14 value of work as measured by the composite of the skill,
15 effort, responsibility, and working conditions normally
16 required in the performance of work.

17 3. The supreme court shall compile and publish all
18 procedures and directives relating to the supervision and
19 administration of the internal affairs of the department,
20 and shall distribute a copy of the compilation and all
21 amendments to each operating component of the department.
22 Copies also shall be distributed to agencies referred to in
23 section 18.97 upon request.

24 Sec. 1205. NEW SECTION. 602.1205 PROCEDURES FOR COURTS.

25 1. The supreme court shall prescribe procedures for the
26 orderly and efficient administration of the judicial business
27 of the courts. These procedures shall be executed by the
28 chief justice.

29 2. Procedures for the district court shall provide for
30 a court session at least once each week in each county to
31 be fixed in advance and announced in the form of a printed
32 schedule. However, court sessions may be at intervals other
33 than once each week if in the opinion of the chief judge more
34 efficient operations in the district will result. The
35 procedures shall also provide for additional sessions for

1 the trial of cases in each county at a frequency which will
2 promptly dispose of the cases that are ready for trial.

3 Sec. 1206. NEW SECTION. 602.1206 RULES FOR JUDGES AND
4 ATTORNEYS.

5 1. The supreme court shall prescribe rules as necessary
6 to supervise the conduct of attorneys and judicial officers.
7 These rules shall be executed by the chief justice.

8 2. Supreme court rules shall be published as provided
9 in section 14.12, subsection 7.

10 Sec. 1207. NEW SECTION. 602.1207 REPORT OF THE CONDITION
11 OF THE JUDICIAL DEPARTMENT. The chief justice shall
12 communicate the condition of the department by message to
13 each general assembly, and may recommend matters the chief
14 justice deems appropriate.

15 Sec. 1208. NEW SECTION. 602.1208 STATE COURT ADMINISTRA-
16 TOR.

17 1. The supreme court, by majority vote, shall appoint
18 a state court administrator and may remove the administrator
19 for cause.

20 2. The state court administrator is the principal
21 administrative officer of the judicial department, subject
22 to the immediate direction and supervision of the chief
23 justice.

24 3. The state court administrator shall employ staff as
25 necessary to perform the duties of the administrator, subject
26 to the approval of the supreme court and budget limitations.
27 The administrator shall implement the comparable worth di-
28 rectives issued under section 602.1204, subsection 2 in all
29 court employment decisions.

30 4. All judicial officers and court employees shall comply
31 with procedures and requests of the state court administrator
32 with respect to information and statistical data bearing on
33 the state of the dockets of the courts, the progress of court
34 business, and other matters reflecting judicial business and
35 the expenditure of moneys for the maintenance and operation

1 of the judicial system.

2 Sec. 1209. NEW SECTION. 602.1209 GENERAL DUTIES OF THE
3 STATE COURT ADMINISTRATOR. The state court administrator
4 shall:

5 1. Manage the judicial department.

6 2. Administer funds appropriated to the department.

7 3. Authorize the filling of vacant court-employee
8 positions, review the qualifications of each person to be
9 employed within the department, and assure that affirmative
10 action goals are being met by the department. The state court
11 administrator shall not approve the employment of a person
12 when either the proposed terms and conditions of employment
13 or the qualifications of the individual do not satisfy
14 personnel policies of the department. The administrator shall
15 implement the comparable worth directives issued under section
16 602.1204, subsection 2 in all court employment decisions.

17 4. Supervise the employees of the supreme court and court
18 of appeals, and the clerk of the supreme court.

19 5. Administer the judicial retirement system as provided
20 in article 2.

21 6. Collect and compile information and statistical data,
22 and submit reports relating to judicial business and other
23 matters relating to the department.

24 7. Formulate and submit recommendations for improvement
25 of the judicial system, with reference to the structure of
26 the department and its organization and methods of operation,
27 the selection, compensation, number, and tenure of judicial
28 officers and court employees, and other matters as directed
29 by the chief justice or the supreme court.

30 8. Call conferences of district court administrators as
31 necessary in the administration of the department.

32 9. Provide a secretary and clerical services for the board
33 of examiners of shorthand reporters under article 4.

34 10. Act as executive secretary of the commission on
35 judicial qualifications under article 3.

1 11. Act as custodian of the bonds and oaths of office
2 of judicial officers and court employees.

3 12. Issue vouchers for the payment of per diem and expenses
4 from funds appropriated for purposes of articles 3 and 4 and
5 chapter 610.

6 13. Collect and account for fees paid to the board of
7 examiners of shorthand reporters under article 4.

8 14. Collect and account for fees paid to the board of
9 bar examiners under chapter 610.

10 15. Perform other duties as assigned by the supreme court,
11 or the chief justice, or by law.

12 Sec. 1210. NEW SECTION. 602.1210 SELECTION OF CHIEF
13 JUDGES. Not later than December 15 in each odd-numbered year
14 the chief justice shall appoint chief judges of the judicial
15 districts, subject to the approval of the supreme court.
16 The chief judge of a judicial district shall be appointed
17 from those district judges who are serving within the district.
18 A chief judge shall serve for a two-year term and is eligible
19 for reappointment. The supreme court, by majority vote, may
20 remove a person from the position of chief judge. Vacancies
21 in the office of chief judge shall be filled in the same
22 manner. An order appointing a chief judge shall be filed
23 with the clerk of the supreme court, who shall mail a copy
24 to the clerk of the district court in each county in the
25 judicial district.

26 Sec. 1211. NEW SECTION. 602.1211 DUTIES OF CHIEF JUDGES.

27 1. In addition to judicial duties, a chief judge of a
28 judicial district shall supervise all judicial officers and
29 court employees serving within the district. The chief judge
30 shall by order fix the times and places of holding court,
31 and shall designate the respective presiding judges, supervise
32 the performance of all administrative and judicial business
33 of the district, allocate the workloads of district associate
34 judges and magistrates, and conduct judicial conferences to
35 consider, study, and plan for improvement of the administration

1 of justice.

2 2. A chief judge shall not attempt to direct or influence
3 a judicial officer in a judicial ruling or decision.

4 3. A chief judge may appoint from among the other district
5 judges of the district one or more assistants to serve
6 throughout the judicial district. A chief judge may remove
7 a person from the position of assistant. An assistant shall
8 have administrative duties as specified in court rules or
9 in the order of appointment. An appointment or removal shall
10 be made by judicial order and shall be filed with the clerk
11 of the district court in each county in the judicial district.

12 Sec. 1212. NEW SECTION. 602.1212 DISTRICT JUDICIAL CON-
13 FERENCES.

14 1. The district judges within a judicial district may
15 convene as an administrative body as necessary to:

16 a. Prescribe local court procedures, subject to the
17 approval of the supreme court.

18 b. Advise the chief judge respecting supervision and
19 administration of the judicial district.

20 c. Exercise other duties, as established by law or by
21 the supreme court.

22 2. A district judicial conference shall act by majority
23 vote of its members.

24 Sec. 1213. NEW SECTION. 602.1213 DISTRICT COURT
25 ADMINISTRATOR.

26 1. The chief judge of a judicial district shall appoint
27 a district court administrator and may remove the administrator
28 for cause.

29 2. The district court administrator shall assist the chief
30 judge in the supervision and administration of the judicial
31 district.

32 3. The district court administrator shall assist the state
33 court administrator in the implementation of policies of the
34 department and in the performance of the duties of the state
35 court administrator.

1 4. The district court administrator shall employ and
2 supervise all employees of the district court except court
3 reporters, clerks of the district court, employees of the
4 clerks of the district court, juvenile probation officers,
5 and employees of juvenile probation officers.

6 5. The district court administrator shall comply with
7 policies of the department and the judicial district.

8 6. The supreme court shall establish the qualifications
9 for appointment as a district court administrator.

10 Sec. 1214. NEW SECTION. 602.1214 CLERK OF THE DISTRICT
11 COURT.

12 1. The district judges of each judicial election district
13 shall by majority vote appoint persons to serve as clerks
14 of the district court, one for each county within the judicial
15 election district. A person does not qualify for appointment
16 to the office of clerk of the district court unless the person
17 is at the time of application a resident of the county in
18 which the vacancy exists. A clerk of the district court may
19 be removed from office for cause by a majority vote of the
20 district judges of the judicial election district. Before
21 removal, the clerk of the district court shall be notified
22 of the cause for removal.

23 2. The clerk of the district court has the duties specified
24 in article 9, and other duties as prescribed by law or by
25 the supreme court.

26 3. The clerk of the district court shall assist the state
27 court administrator and the district court administrator in
28 carrying out the rules, directives, and procedures of the
29 department and the judicial district.

30 4. The clerk of the district court shall comply with
31 rules, directives, and procedures of the department and the
32 judicial district.

33 Sec. 1215. NEW SECTION. 602.1215 CHIEF JUVENILE COURT
34 OFFICER.

35 1. The district judges within a judicial district, by

1 majority vote, shall appoint a chief juvenile court officer
2 and may remove the officer for cause.

3 2. The chief juvenile court officer is subject to the
4 immediate supervision and direction of the chief judge of
5 the judicial district.

6 3. The chief juvenile court officer, in addition to per-
7 forming the duties of a juvenile court officer, shall supervise
8 juvenile court officers and administer juvenile court services
9 within the judicial district in accordance with law and with
10 the rules, directives, and procedures of the department and
11 the judicial district.

12 4. The chief juvenile court officer shall assist the state
13 court administrator and the district court administrator in
14 implementing rules, directives, and procedures of the
15 department and the judicial district.

16 5. A chief juvenile court officer shall have other duties
17 as prescribed by the supreme court or by the chief judge of
18 the judicial district.

19 Sec. 1216. NEW SECTION. 602.1216 REMOVAL FOR CAUSE.
20 Inefficiency, insubordination, incompetence, failure to perform
21 assigned duties, inadequacy in performance of assigned duties,
22 narcotics addiction, dishonesty, unrehabilitated alcoholism,
23 negligence, conduct which adversely affects the performance
24 of the individual or of the department, conduct unbecoming
25 a public employee, misconduct, or any other just and good
26 cause constitutes cause for removal.

27 PART 3

28 BUDGETING AND FUNDING

29 Sec. 1301. NEW SECTION. 602.1301 FISCAL PROCEDURES.

30 1. The supreme court shall prepare an annual operating
31 budget for the department, and shall submit a budget request
32 to the general assembly for the fiscal period for which the
33 general assembly is appropriating funds.

34 2. The chief justice shall include the department budget
35 recommendations as part of the message on the condition of

1 the department that is submitted under section 602.1207.

2 3. The state court administrator shall prescribe the
3 procedures to be used by the operating components of the
4 department with respect to the following:

5 a. The preparation, submission, review, and revision of
6 budget requests.

7 b. The allocation and disbursement of funds appropriated
8 to the department.

9 c. The purchase of forms, supplies, equipment, and other
10 property.

11 d. Other matters relating to fiscal administration.

12 4. The state court administrator shall prescribe practices
13 and procedures for the accounting and internal auditing of
14 funds of the department, including uniform practices and
15 procedures to be used by judicial officers and court employees
16 with respect to all funds, regardless of source.

17 Sec. 1302. NEW SECTION. 602.1302 STATE FUNDING.

18 1. Except as otherwise provided by section 602.1303 or
19 other applicable law, the expenses of operating and maintaining
20 the department shall be paid out of the general fund of the
21 state from funds appropriated by the general assembly. State
22 funding shall be phased in as provided in section 10301.

23 2. The state shall provide suitable office space for a
24 public defender if established for a county.

25 3. The supreme court may accept federal funds to be used
26 in the operation of the department, but shall not expend any
27 of these funds except pursuant to appropriation of the funds
28 by the general assembly.

29 Sec. 1303. NEW SECTION. 602.1303 LOCAL FUNDING.

30 1. A county or city shall provide the district court for
31 the county with physical facilities, including heat, water,
32 electricity, maintenance, and custodial services, as follows:

33 a. A county shall provide suitable court rooms, offices,
34 and other physical facilities for the district court, and
35 for judicial officers of the district court, the clerk of

1 the district court, juvenile court officers, and other court
2 employees.

3 b. If court is held in a city other than the county seat,
4 the city shall provide suitable courtrooms and other physical
5 facilities as requested by the chief judge of the judicial
6 district.

7 2. A county shall pay the expenses of the members of the
8 county magistrate appointing commission as provided in section
9 602.7501.

10 3. A county shall pay the compensation and expenses of
11 the jury commission and assistants under chapter 608.

12 4. A county shall provide the district court with bailiff
13 and other law enforcement services upon the request of a
14 judicial officer of the district court.

15 5. A county shall pay the costs incurred in connection
16 with the administration of juvenile justice under section
17 232.141.

18 6. A county shall pay the costs and expenses incurred
19 in connection with grand juries.

20 7. A county or city shall pay the costs of its witnesses,
21 depositions, and transcripts and the court fees and costs
22 provided by law in criminal actions prosecuted by that county
23 or city.

24 8. A county shall pay the fees and expenses allowed under
25 sections 815.2 and 815.3, and shall pay the fees and expenses
26 allowed under sections 815.5 and 815.6 with respect to
27 witnesses for the prosecution.

28 Sec. 1304. NEW SECTION. 602.1304 REVENUES. Except as
29 provided in article 9, all fees and other revenues collected
30 by judicial officers and court employees shall be paid into
31 the general fund of the state.

32 Sec. 1305. NEW SECTION. 602.1305 DISTRIBUTION OF REVENUES
33 OF THE DISTRICT COURT. All fees, costs, forfeited bail, and
34 other court revenues collected by the district court shall
35 be distributed as provided in article 9.

1 PART 4
2 PERSONNEL

3 Sec. 1401. NEW SECTION. 602.1401 PERSONNEL SYSTEM.

4 1. The supreme court shall establish, and may amend, a
5 personnel system for court employees. The personnel system
6 shall include a designation by position title, classification,
7 and function of each position or class of positions within
8 the department. Reasonable efforts shall be made to
9 accommodate the individual staffing and management practices
10 of the respective clerks of the district court. The supreme
11 court, in establishing the personnel system, shall implement
12 the comparable worth directives issued by the state court
13 administrator under section 602.1204, subsection 2.

14 2. The supreme court shall compile and publish all docu-
15 ments that establish the personnel system, and shall distribute
16 a copy of the compilation and all amendments to each operating
17 component of the department.

18 3. The supreme court is the public employer of court
19 employees for purposes of chapter 20, relating to public
20 employment relations.

21 4. The supreme court may establish reasonable classes
22 of employees as necessary to accomplish the purposes of the
23 personnel system.

24 Sec. 1402. NEW SECTION. 602.1402 PERSONNEL CONTROL.

25 The employment of court employees within an operating component
26 of the judicial department is subject to prior authorization
27 by the supreme court, and to approval by the state court
28 administrator under section 602.1209.

29 PART 5
30 COMPENSATION OF JUDICIAL OFFICERS AND COURT EMPLOYEES

31 Sec. 1501. NEW SECTION. 602.1501 JUDICIAL SALARIES.

32 1. The chief justice and each justice of the supreme court
33 shall receive the salary set by the general assembly.

34 2. The chief judge and each judge of the court of appeals
35 shall receive the salary set by the general assembly.

1 3. The chief judge of each judicial district and each
2 district judge shall receive the salary set by the general
3 assembly.

4 4. District associate judges shall receive the salary
5 set by the general assembly. However, an alternate district
6 associate judge whose appointment is authorized under section
7 602.7303 shall receive a salary for each day of actual duty
8 equal to a district associate judge's daily salary.

9 5. Magistrates shall receive the salary set by the general
10 assembly, subject to section 602.7402.

11 Sec. 1502. NEW SECTION. 602.1502 STATE COURT
12 ADMINISTRATION SALARIES.

13 1. The supreme court shall set the compensation of the
14 state court administrator, deputy administrator, and research
15 director within the funds appropriated by the general assembly.

16 2. The state court administrator, with the approval of
17 the supreme court, shall set the salaries of assistants and
18 employees of the office of the state court administrator
19 within the funds appropriated by the general assembly.

20 Sec. 1503. NEW SECTION. 602.1503 APPELLATE COURT EMPLOYEE
21 SALARIES.

22 1. The supreme court shall set the salary of the clerk
23 of the supreme court within the funds appropriated by the
24 general assembly.

25 2. The clerk of the supreme court, subject to the approval
26 of the supreme court, shall set the salaries of deputies and
27 employees in the offices of the clerk of the supreme court
28 and the clerk of the court of appeals.

29 3. The state court administrator, subject to the approval
30 of the supreme court, shall set the salaries of law clerks,
31 secretaries, and other employees of the supreme court or the
32 court of appeals.

33 Sec. 1504. NEW SECTION. 602.1504 DISTRICT COURT
34 ADMINISTRATION SALARIES.

35 1. The chief judge of a judicial district shall set the

1 salary of the district court administrator within the fund
2 appropriated by the general assembly.

3 2. The salaries of law clerks, secretaries, and other
4 employees under the supervision of the district court
5 administrator shall be set by the district court administrator,
6 subject to the approval of the chief judge of the judicial
7 district.

8 Sec. 1505. NEW SECTION. 602.1505 DISTRICT COURT CLERK
9 OFFICES.

10 1. The chief judge of each judicial district shall set
11 the salaries of the clerks of the district court within the
12 judicial district.

13 2. The annual salary of each of the first and second
14 deputies to a clerk of the district court shall not exceed
15 eighty percent of the annual salary of the clerk of the
16 district court. In offices where more than two deputies are
17 required, the salary of each additional deputy shall not
18 exceed seventy-five percent of the annual salary of the clerk.

19 3. A clerk of the district court shall set the salaries
20 of the deputy clerks and employees of that office, subject
21 to subsection 2 and to the approval of the chief judge of
22 the judicial district.

23 Sec. 1506. NEW SECTION. 602.1506 JUVENILE COURT OFFICERS
24 AND STAFF.

25 1. The chief judge of the judicial district shall set
26 the salaries for the chief juvenile court officer and other
27 juvenile court officers employed in the district.

28 2. The chief juvenile court officer shall set the salaries
29 of secretarial, clerical, and other staff employed by the
30 juvenile court in the judicial district, subject to the
31 approval of the chief judge of the judicial district.

32 Sec. 1507. NEW SECTION. 602.1507 COURT REPORTER SALARIES.

33 1. The supreme court shall set the salary of each full-
34 time court reporter of the district court based on the
35 reporter's experience within the funds appropriated by the

1 general assembly. A salary increase under this subsection
2 is effective on the employment anniversary of the court
3 reporter.

4 2. Each district judge and district associate judge, upon
5 appointing a full-time court reporter, shall certify the name
6 and address of the reporter and the date upon which the
7 reporter's term of service begins to the state court
8 administrator.

9 3. Court reporters who are employed on an emergency basis
10 in the district court shall be paid not more than their usual
11 and customary fees, while employed by the court. Payments
12 shall be made at least once each month.

13 4. Court reporters shall be paid compensation for
14 transcribing their notes as provided in section 602.4202,
15 but shall not work on outside depositions during the hours
16 for which they are compensated as a court employee.

17 Sec. 1508. NEW SECTION. 602.1508 COMPENSATION OF
18 REFEREES. Referees and other persons referred to in section
19 602.7602 shall receive a salary or other compensation as set
20 by the supreme court.

21 Sec. 1509. NEW SECTION. 602.1509 EXPENSES.

22 1. When a judicial officer, court employee, or other
23 person providing professional services to the courts is
24 required to travel in the discharge of official duties, the
25 person shall be paid actual and necessary expenses incurred
26 in the performance of duties, not to exceed a maximum amount
27 established by the supreme court. The supreme court shall
28 prescribe procedures to establish the maximum amount, terms,
29 and conditions for reimbursement of the expenses.

30 2. The supreme court may authorize juvenile court officers
31 to receive a monthly allowance for use of an automobile in
32 the discharge of official duties in lieu of receiving an
33 expense reimbursement based on mileage.

34 Sec. 1510. NEW SECTION. 602.1510 BOND EXPENSE. The
35 cost of a bond that is required of a judicial officer or court

1 employee in the discharge of duties shall be paid by the
2 department.

3 Sec. 1511. NEW SECTION. 602.1511 BOARD OF EXAMINERS
4 FOR SHORTHAND REPORTERS. Members of the board of examiners
5 for certified shorthand reporters appointed under article
6 4 shall receive actual and necessary expenses pursuant to
7 section 602.1509 and per diem compensation for each day
8 actually engaged in the discharge of duties.

9 Sec. 1512. NEW SECTION. 602.1512 COMMISSION ON JUDICIAL
10 QUALIFICATIONS. The members of the commission on judicial
11 qualifications established under section 602.3102, other than
12 the judicial member, shall receive per diem compensation for
13 each day that they are actually engaged in the performance
14 of duties. All of the members shall be reimbursed for actual
15 and necessary expenses pursuant to section 602.1509.

16 Sec. 1513. NEW SECTION. PER DIEM COMPENSATION. The
17 supreme court shall set the per diem compensation under
18 sections 602.1511 and 602.1512 at forty dollars per day.

19 PART 6

20 GENERAL PROVISIONS

21 Sec. 1601. NEW SECTION. 602.1601 JUDICIAL PROCEEDINGS
22 PUBLIC. All judicial proceedings shall be public, unless
23 otherwise specially provided by statute or agreed to by the
24 parties.

25 Sec. 1602. NEW SECTION. 602.1602 SUNDAY--PERMISSIBLE
26 ACTS. A court shall not be opened on Sunday and judicial
27 business shall not be transacted on Sunday, except to:

28 1. Give instructions to a jury then deliberating on its
29 verdict.

30 2. Receive a verdict or discharge a jury.

31 3. Exercise the powers of a magistrate in a criminal
32 proceeding.

33 4. Perform other acts as provided by law.

34 Sec. 1603. NEW SECTION. 602.1603 JUDGE TO BE ATTORNEY.
35 A person is not eligible for, and shall not hold the office

1 of supreme court justice, court of appeals judge, district
2 judge, or district associate judge unless admitted to the
3 practice of law in this state.

4 Sec. 1604. NEW SECTION. 602.1604 JUDGES SHALL NOT
5 PRACTICE LAW. While holding office, a supreme court justice,
6 court of appeals judge, district judge, or district associate
7 judge shall not practice as an attorney or counselor or give
8 advice in relation to any action pending or about to be brought
9 in any of the courts of the state. A person whose appointment
10 as an alternate district associate judge is authorized under
11 section 602.7303 may practice law except when actually serving
12 as a district associate judge.

13 Sec. 1605. NEW SECTION. 602.1605 SPECIAL CONDITIONS
14 FOR MAGISTRATES.

15 1. A magistrate shall not accept any compensation, fee,
16 or reward from or on behalf of anyone for services rendered
17 in the conduct of official business except the compensation
18 provided by law.

19 2. If a magistrate who practices law appears as counsel
20 for a client in a matter that is within the jurisdiction of
21 a magistrate, that matter shall be heard only by a district
22 judge or a district associate judge. A disqualification under
23 this section shall be had upon motion of the magistrate or
24 of any party, either orally or in writing, and the clerk of
25 the district court shall reassign the matter to a proper
26 judicial officer.

27 Sec. 1606. NEW SECTION. 602.1606 JUDICIAL OFFICER
28 DISQUALIFIED. A judicial officer is disqualified from acting
29 in a proceeding, except upon the consent of all of the parties,
30 if any of the following circumstances exists:

31 1. The judicial officer has a personal bias or prejudice
32 concerning a party, or personal knowledge of disputed
33 evidentiary facts concerning the proceeding.

34 2. The judicial officer served as a lawyer in the matter
35 in controversy, or a lawyer with whom the judicial officer

1 previously practiced law served during that association as
2 a lawyer concerning the matter, or the judicial officer or
3 such lawyer has been a material witness concerning the matter.

4 3. The judicial officer knows that the officer,
5 individually or as a fiduciary, or the officer's spouse or
6 child has a financial interest in the subject matter in
7 controversy or in a party to the proceeding, or has any other
8 interest that could be substantially affected by the outcome
9 of the proceeding.

10 4. The judicial officer or the officer's spouse, or a
11 person related to either of them by consanguinity or affinity
12 within the third degree or the spouse of such a person, is
13 a party to the proceeding, or an officer, director, or trustee
14 of a party, or is acting as a lawyer in the proceeding, or
15 is known by the judicial officer to have an interest that
16 could be substantially affected by the outcome of the pro-
17 ceeding, or is, to the judicial officer's knowledge, likely
18 to be a material witness in the proceeding.

19 A judicial officer shall disclose to all parties in a
20 proceeding any existing circumstances in subsections 1 through
21 4 before the parties consent to the judicial officer's
22 presiding in the proceeding.

23 Sec. 1607. NEW SECTION. 602.1607 COURT EMPLOYEES SHALL
24 NOT PRACTICE LAW. A full-time court employee shall not
25 practice as an attorney or counselor of law.

26 Sec. 1608. NEW SECTION. 602.1608 SALARIES EXCLUSIVE.
27 Court employees shall not accept any compensation, fee, or
28 reward for services rendered in connection with duties of
29 court employment except the compensation provided by law.

30 Sec. 1609. NEW SECTION. 602.1609 COMPLIANCE WITH GIFT
31 LAW. Judicial officers and court employees shall comply with
32 rules adopted by the supreme court under section 68B.11 with
33 respect to the reporting of gifts received. Violations are
34 subject to the criminal penalties provided in that section.

35 Sec. 1610. NEW SECTION. 602.1610 MANDATORY RETIREMENT.

1 1. Judicial officers shall cease to hold office upon
2 reaching the mandatory retirement age.

3 a. The mandatory retirement age is seventy-five years
4 for all justices of the supreme court and district judges
5 holding office on July 1, 1965.

6 b. The mandatory retirement age is seventy-two years for
7 all justices of the supreme court, judges of the court of
8 appeals, and district judges appointed to office after July
9 1, 1965.

10 c. The mandatory retirement age is seventy-two years for
11 all district associate judges and judicial magistrates.

12 2. The mandatory retirement age for employees of the
13 judicial department is as provided in section 97B.46.

14 Sec. 1611. NEW SECTION. 602.1611 JUDICIAL RETIREMENT
15 PROGRAMS.

16 1. Justices of the supreme court, judges of the court
17 of appeals and district judges are members of either the
18 judicial retirement system or the Iowa public employees'
19 retirement system, as determined under section 97B.69 and
20 article 2, part 1.

21 2. District associate judges who were municipal court
22 judges prior to July 1, 1973, and who are members of the
23 judicial retirement system under article 2 shall remain members
24 of the system. Other district associate judges are members
25 of the Iowa public employees' retirement system, except that
26 alternate district associate judges whose appointment is
27 authorized under section 602.7303 are not members of either
28 retirement system.

29 3. Magistrates may elect to be members of the Iowa public
30 employees' retirement system upon filing in writing with the
31 Iowa department of job service as provided in section 97B.41,
32 subsection 3, paragraph b, subparagraph (6).

33 Sec. 1612. NEW SECTION. 602.1612 TEMPORARY SERVICE BY
34 RETIRED JUDGES.

35 1. Justices of the supreme court, judges of the court

1 of appeals, and district judges who are retired by reason
2 of age or who are drawing benefits under section 602.2106,
3 and senior judges who have retired under section 602.2207
4 or who have relinquished senior judgeship under section
5 602.2208, subsection 1, may with their consent be assigned
6 by the supreme court to temporary judicial duties on a court
7 in this state. A retired officer shall not be assigned to
8 temporary judicial duties on any court superior to the highest
9 court to which that officer had been appointed prior to
10 retirement, and shall not be assigned for temporary duties
11 with the supreme court or the court of appeals except in the
12 case of a temporary absence of a member of one of those courts.

13 2. A retired justice or judge shall not engage in the
14 practice of law unless the justice or judge files an election
15 to practice law with the clerk of the supreme court. Upon
16 electing to practice law, the person is ineligible for
17 assignment to temporary judicial duties at any time.

18 3. While serving under temporary assignment, a retired
19 justice or judge shall be paid the compensation and expense
20 reimbursement provided by law for justices or judges on the
21 court to which assigned, but shall not receive annuity payments
22 under the judicial retirement system.

23 4. A retired justice or judge may be authorized by the
24 order of assignment to appoint a temporary court reporter,
25 who shall receive the compensation and expense reimbursement
26 provided by law for a regular court reporter in the court
27 to which the justice or judge is assigned.

28 5. An order of assignment shall be filed in the office
29 of the clerk of the court on which the justice or judge is
30 to serve.

31 Sec. 1613. NEW SECTION. 602.1613 COURT EMPLOYEE
32 RETIREMENT. Court employees are members of the Iowa public
33 employees' retirement system under chapter 97B, except as
34 otherwise provided in that chapter.

35

ARTICLE 2

JUDICIAL RETIREMENT

PART 1

JUDICIAL RETIREMENT SYSTEM

Sec. 2101. NEW SECTION. 602.2101 DEFINITIONS. As used in this article, unless the context otherwise requires:

1. "System" means the judicial retirement system.

2. "Judge" means a supreme court justice, court of appeals judge, or district judge, or a district associate judge who was a municipal court judge prior to July 1, 1973.

3. "Fund" means the judicial retirement fund established by section 602.2104.

4. "Survivor" means the surviving spouse of a judge, if married to the judge for at least five years next preceding the judge's death, but does not include a surviving spouse who remarries.

Sec. 2102. NEW SECTION. 602.2102 SYSTEM ESTABLISHED--ADMINISTRATION. A judicial retirement system is established. The state court administrator shall administer the system, and may prescribe rules for the system that are not inconsistent with this article.

Sec. 2103. NEW SECTION. 602.2103 NOTICE BY JUDGE IN WRITING. This article does not apply to a judge who otherwise qualifies for membership in the system until the judge gives notice in writing to the state comptroller and treasurer of state of the judge's election to become a member of the system. Notice shall be given within one year after the date on which the judge takes the oath of office as judge.

Sec. 2104. NEW SECTION. 602.2104 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY STATE.

1. A judicial retirement fund is established in the state treasury.

2. Each judge shall, on or before retirement, pay to the state court administrator for deposit in the fund a sum equal to four percent of the judge's basic salary for services as a judge for the aggregate period of service prior to the date

1 of giving notice under section 602.2103 on the municipal,
2 superior, district, or supreme courts, or the court of appeals.
3 However, the maximum amount that a judge is required to
4 contribute for past service is three thousand five hundred
5 dollars for a municipal or superior court or district associate
6 judge, four thousand dollars for a district judge, four
7 thousand five hundred dollars for a court of appeals judge,
8 and five thousand dollars for a supreme court justice. On
9 and after the date notice is given, four percent of the basic
10 salary of the judge shall be withheld from the salary of the
11 judge and deposited in the fund.

12 3. The fund is appropriated for the payment of the
13 annuities, refunds, and allowances provided in this article.

14 4. A judge electing to become a member of the system is
15 deemed to consent to the deduction from basic salary that
16 is provided in this section, and payment of the basic salary
17 less the deduction discharges all claims and demands with
18 respect to regular services rendered during the period covered
19 by the payment, except the right to the benefits to which
20 the judge is entitled under this article.

21 5. The state shall contribute sums to finance the system
22 as necessary over the amounts contributed by judges.

23 Sec. 2105. NEW SECTION. 602.2105 QUALIFICATION
24 CONDITIONS. A person is not entitled to receive an annuity
25 under this article unless the person has contributed to the
26 fund as provided in this article for the person's entire
27 period of service as a judge, or unless the person is entitled
28 to a survivor's annuity under section 602.2115.

29 Sec. 2106. NEW SECTION. 602.2106 RETIREMENT. A person
30 who becomes separated from service as a judge, and who has
31 completed an aggregate of at least six years of service as
32 a judge and has attained the age of sixty-five years, and
33 who has otherwise qualified as provided in this article, is
34 entitled to an annuity as provided in this article. However,
35 a person who has not attained the age of sixty-five years

1 is entitled to an annuity as provided in this article if,
2 upon separation, the person has completed twenty-five years
3 of consecutive service as a judge, with an aggregate of at
4 least six years of service prior to July 1, 1983.

5 Sec. 2107. NEW SECTION. 602.2107 AMOUNT OF ANNUITY.

6 The annuity of a judge under the system is an amount equal
7 to three percent of the average annual basic salary of the
8 judge for the last three years of service as a judge,
9 multiplied by the aggregate number of years of service as
10 a judge, but an annuity shall not exceed an amount equal to
11 fifty percent of the salary that the judge is receiving at
12 the time the judge becomes separated from service.

13 Sec. 2108. NEW SECTION. 602.2108 INDIVIDUAL ACCOUNTS-

14 -REFUNDING. The amounts withheld from the salary of a judge
15 under this article for the credit of the fund, and all amounts
16 paid into the fund by the judge, shall be credited to the
17 individual account of the judge. If the judge becomes
18 separated from service as a judge before completing an
19 aggregate of six years of service as a judge, the total amount
20 of the judge's contributions to the fund shall be returned
21 in one sum to the judge or to the judge's legal
22 representatives. If a judge who has completed an aggregate
23 of six years or more of service as a judge dies before
24 retirement and without a survivor, the total amount of the
25 judge's contributions to the fund shall be paid in one sum
26 to the judge's legal representatives. If a judge who is
27 receiving an annuity under this article dies without a survivor
28 and without having received in annuities an amount equal to
29 the total amount held to the judge's credit at the time of
30 separation from service, the amount remaining to the judge's
31 credit at the time of death shall be paid in one sum to the
32 judge's legal representatives.

33 Sec. 2109. NEW SECTION. 602.2109 PAYMENT OF ANNUITIES.

34 Annuities are due and payable in monthly installments, and
35 shall continue during the life of the annuitant. An annuity

1 shall be paid on the last business day of the month following
2 the month or other period for which the annuity has accrued.
3 Payment of all annuities, refunds, and allowances from the
4 fund shall be made by checks or warrants issued by the state
5 comptroller. Applications for annuities shall be in the form
6 prescribed by the state comptroller.

7 Sec. 2110. NEW SECTION. 602.2110 OTHER PUBLIC EMPLOYMENT
8 PROHIBITED. An annuity shall not be paid to any person,
9 except a survivor, while the person is serving as a state
10 officer or employee.

11 This section does not prohibit the payment of an annuity
12 to a senior judge while serving as provided in section
13 602.2206.

14 Sec. 2111. NEW SECTION. 602.2111 INVESTMENT OF FUND.
15 The portion of the fund that is not needed for disbursements
16 shall be invested by the treasurer of state in bonds or other
17 evidences of indebtedness issued, assumed, or guaranteed by
18 the United States or by an agency or instrumentality of the
19 United States, or in investments authorized for the Iowa
20 public employees' retirement system in section 97B.7,
21 subsection 2, paragraph b. Earnings shall be credited to
22 the fund.

23 Sec. 2112. NEW SECTION. 602.2112 VOLUNTARY RETIREMENT
24 FOR DISABILITY. A judge who is a member of the system, and
25 who has served as a judge for a period of at least six years
26 in the aggregate, and who, in the judge's own belief, has
27 become permanently incapacitated, physically or mentally,
28 to perform the duties of office, may personally or by next
29 friend or guardian, file with the state court administrator
30 a written application for retirement. The application shall
31 be filed in duplicate and shall be accompanied by an affidavit
32 disclosing the duration and particulars of the judge's service
33 and the nature of the incapacity. The state court
34 administrator shall transmit one copy of the application and
35 affidavit to the chief justice, who shall request in writing

1 that the attorney general cause an investigation of the claimed
2 incapacity and report back the results in writing. If the
3 chief justice finds from the report of the attorney general
4 that the applicant is permanently incapacitated, physically
5 or mentally, to perform the duties of office, the chief justice
6 shall by endorsement on the report declare the applicant
7 retired and the office vacant. The chief justice shall file
8 the report in the office of the state court administrator,
9 and shall file a copy in the office of the secretary of state.
10 From the date of filing, the applicant shall be deemed retired
11 from office and entitled to the benefits of this article to
12 the same extent as if the applicant had retired under section
13 602.2106.

14 Sec. 2113. NEW SECTION. 602.2113 RETIREMENT BENEFITS
15 FOR DISABILITY. An adjudication of permanent physical or
16 mental disability by the supreme court under section 602.3106,
17 subsection 3, paragraph a entitles the judge to the same
18 retirement benefits as those that are provided for voluntary
19 retirement for the same cause.

20 Sec. 2114. NEW SECTION. 602.2114 FORFEITURE OF BENEFITS-
21 -REFUND. If a judge who is a member of the system is removed
22 for cause other than permanent disability, the judge and any
23 survivor shall forfeit the right to retirement benefits under
24 the system, but the total amount of the judge's contributions
25 to the fund shall be returned in one sum to the judge or to
26 a legal representative of the judge.

27 Sec. 2115. NEW SECTION. 602.2115 ANNUITY FOR SURVIVOR
28 OF ANNUITANT.

29 1. The survivor of a judge who was qualified to receive
30 an annuity under the system at the time of death is entitled
31 to receive an annuity of one-half the amount of the annuity
32 the judge was receiving or would have been entitled to receive
33 at the time of death, or if the judge died before age sixty-
34 five, then one-half of the amount the judge would have been
35 entitled to receive at age sixty-five based on years of

1 service. A survivor's annuity shall begin on the judge's
2 death, or on the date the judge would have been sixty-five
3 if the judge died earlier than age sixty-five, or upon the
4 survivor's reaching age sixty, whichever is later.

5 2. If a judge dies leaving a survivor, but without
6 receiving in annuities an amount equal to the judge's credit,
7 the balance shall be credited to the account of the survivor,
8 and if the survivor dies without remarrying and without
9 receiving in annuities an amount equal to that balance, the
10 amount then remaining shall be paid to the survivor's legal
11 representative.

12 Sec. 2116. NEW SECTION. 602.2116 ACTUARIAL VALUATION.

13 1. The state court administrator shall cause an actuarial
14 valuation to be made of the assets and liabilities of the
15 system at least once every four years commencing with the
16 fiscal year beginning July 1, 1981. The state court
17 administrator, upon the recommendation of the actuary, shall
18 adopt mortality tables and other necessary factors for use
19 in the actuarial calculations required for the valuation.
20 Following the actuarial valuation, the state court
21 administrator shall determine the condition of the system
22 and shall report findings and recommendations to the general
23 assembly.

24 2. The cost of the actuarial valuation shall be paid from
25 the fund.

26 PART 2

27 IOWA SENIOR JUDGE ACT

28 Sec. 2201. NEW SECTION. 602.2201 SHORT TITLE. This
29 part may be cited and referred to as the "Iowa Senior Judge
30 Act".

31 Sec. 2202. NEW SECTION. 602.2202 DEFINITIONS. As used
32 in this part unless the context otherwise requires:

33 1. "Senior judge" means a judge who has become a senior
34 judge under section 602.2203 and who has not been retired
35 or removed from the roster of senior judges under section

1 602.2207 or 602.2208.

2 2. "Retired senior judge" means a senior judge who has
3 been retired from a senior judgeship as provided in section
4 602.2207.

5 3. "Roster of senior judges" means the roster maintained
6 by the clerk of the supreme court under section 602.2203,
7 subsection 3.

8 4. "Twelve-month period" means each successive one-year
9 period during the time a judge is a senior judge, commencing
10 on the date the judge becomes a senior judge.

11 Sec. 2203. NEW SECTION. 602.2203 SENIOR JUDGESHIP
12 REQUIREMENTS.

13 1. A judge who meets the requirements under subsection
14 2 may become a senior judge by filing with the clerk of the
15 supreme court a written election in the form specified by
16 the state court administrator. The election shall be filed
17 no later than the date of retirement.

18 2. A judge qualifies for a senior judgeship if the judge
19 meets all of the following requirements:

20 a. Retires from office, whether or not at mandatory
21 retirement age.

22 b. Meets the minimum requirements for entitlement to an
23 annuity as specified in section 602.2106.

24 c. Agrees in writing on a form prescribed by the state
25 court administrator to be available while a senior judge to
26 perform judicial duties as assigned by the supreme court for
27 an aggregate period of thirteen weeks out of each twelve-month
28 period.

29 d. Submits evidence to the satisfaction of the supreme
30 court that as of the date of retirement the judge does not
31 suffer from a permanent physical or mental disability which
32 would substantially interfere with the performance of duties
33 agreed to under paragraph c.

34 3. The clerk of the supreme court shall maintain a book
35 entitled "Roster of Senior Judges", and shall enter in the

1 book the name of each judge who files a timely election under
2 subsection 1 and qualifies under subsection 2. A person is
3 a senior judge upon entry of the person's name in the roster
4 of senior judges and until the person becomes a retired senior
5 judge as provided in section 602.2207, or until the person's
6 name is stricken from the roster of senior judges as provided
7 in section 602.2208, or until the person dies.

8 4. The supreme court shall cause a senior judge to actually
9 perform judicial duties during each twelve-month period.

10 Sec. 2204. NEW SECTION. 602.2204 ANNUITY OF SENIOR JUDGE
11 AND RETIRED SENIOR JUDGE. A senior judge or a retired senior
12 judge shall not be paid a salary. A senior judge or retired
13 senior judge shall be paid an annuity under the system in
14 the manner provided in section 602.2109, but computed under
15 this section in lieu of section 602.2107, as follows: The
16 annuity paid to a senior judge or retired senior judge shall
17 be an amount equal to three percent of the current base salary,
18 as of the time each payment is made, of the office in which
19 the senior judge last served as a judge before retirement
20 as a judge or senior judge, multiplied by the judge's aggregate
21 years of service prior to retirement as a judge of one or
22 more of the courts included under this article, but the annuity
23 of the senior judge or retired senior judge shall not exceed
24 fifty percent of that current base salary.

25 Sec. 2205. NEW SECTION. 602.2205 PRACTICE OF LAW
26 PROHIBITED. A senior judge shall not practice law.

27 Sec. 2206. NEW SECTION. 602.2206 TEMPORARY SERVICE BY
28 SENIOR JUDGE. During the tenure of a senior judge, the supreme
29 court may assign the senior judge to perform, if able,
30 temporary judicial duties on courts of this state without
31 salary for an aggregate of thirteen weeks out of each twelve-
32 month period, and for additional weeks with the senior judge's
33 consent. A senior judge shall not be assigned to judicial
34 duties on a court superior to the highest court to which
35 appointed prior to retirement, and shall not be assigned to

1 the court of appeals or to the supreme court except to serve
2 in the temporary absence of a member of the court. While
3 serving on temporary assignment, a senior judge has all of
4 the authority of the office to which assigned, shall continue
5 to be paid an annuity as senior judge, and shall be reimbursed
6 for actual expenses as provided in section 602.1509. A senior
7 judge may, if permitted by the temporary assignment order,
8 appoint a temporary court reporter who shall be paid the
9 remuneration and reimbursement for expenses provided by law
10 for a reporter in the court to which the senior judge is
11 assigned. If a senior judge is temporarily assigned to the
12 court of appeals or to the supreme court, the senior judge
13 shall be given the assistance of a law clerk and a secretary
14 designated by the state court administrator from the state
15 court administrator's staff. Each order of temporary
16 assignment shall be filed with the clerk of the court on which
17 the senior judge is to serve.

18 A senior judge also shall be available to serve in the
19 capacity of administrative hearing officer under chapter 17A,
20 and the supreme court may assign a senior judge for temporary
21 duties as a hearing officer upon the request of an agency.
22 A senior judge shall not be required to serve a period of
23 time as a hearing officer which, when added to the period
24 of time being served by the person as a judge, if any, would
25 exceed the maximum period of time the person agreed to serve
26 pursuant to section 602.2203, subsection 2.

27 Sec. 2207. NEW SECTION. 602.2207 RETIREMENT OF SENIOR
28 JUDGE.

29 1. A senior judge shall cease to be a senior judge upon
30 completion of the twelve-month period during which the senior
31 judge attains seventy-eight years of age. The clerk of the
32 supreme court shall make a notation of the retirement of a
33 senior judge in the roster of senior judges, at which time
34 the senior judge becomes a retired senior judge.

35 2. A senior judge is subject to retirement under article

1 3, part 1 for the causes specified in section 602.3106,
2 subsection 3, paragraph a. A senior judge may request and
3 be granted retirement in the manner provided in section
4 602.2112. When a senior judge is retired as provided in this
5 subsection the clerk of the supreme court shall make a notation
6 of the retirement of the senior judge in the roster of senior
7 judges, at which time the senior judge shall become a retired
8 senior judge.

9 Sec. 2208. NEW SECTION. 602.2208 RELINQUISHMENT OF
10 SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

11 1. A senior judge, at any time prior to the end of the
12 twelve-month period during which the senior judge attains
13 seventy-eight years of age, may submit to the clerk of the
14 supreme court a written request to be stricken from the roster
15 of senior judges. Upon the receipt of the request the clerk
16 shall strike the name of the person from the roster of senior
17 judges, at which time the person shall cease to be a senior
18 judge. A person who relinquishes a senior judgeship as
19 provided in this subsection may be assigned to temporary
20 judicial duties as provided in section 602.1612.

21 2. A senior judge is subject to removal under provisions
22 of article 3, part 1 for any of the causes specified in section
23 602.3106, subsection 3, paragraph b. When a person is removed
24 from a senior judgeship as provided in this subsection, the
25 clerk of the supreme court shall strike the name of the person
26 from the roster of senior judges, at which time the person
27 shall cease to be a senior judge.

28 3. A person who relinquishes a senior judgeship in the
29 manner provided in subsection 1 or who is removed as provided
30 in subsection 2 shall be paid a retirement annuity in an
31 amount determined according to section 602.2107 in lieu of
32 section 602.2204, commencing on the effective date of the
33 relinquishment or removal, and for this purpose the service
34 and annuity of the person as a senior judge is disregarded.

35 Sec. 2209. NEW SECTION. 602.2209 SURVIVOR'S ANNUITY.

1 1. A person who is a survivor of a senior judge or a
2 retired senior judge and who is qualified under section
3 602.2115 to receive an annuity shall be paid an annuity, in
4 lieu of that specified in section 602.2115, which is equal
5 to one-half the amount of the annuity the senior judge or
6 retired senior judge was receiving at the time of the judge's
7 death.

8 2. A survivor of a person whose name is stricken from
9 the roster of senior judges shall, if the survivor is qualified
10 under section 602.2115 to receive an annuity, be paid an
11 annuity equal to one-half of the amount the person was
12 receiving at the time of the person's death.

13 ARTICLE 3

14 DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

15 PART 1

16 SUPREME COURT ACTION

17 Sec. 3101. NEW SECTION. 602.3101- AUTHORITY. The supreme
18 court may retire, discipline, or remove a judicial officer
19 from office for cause as provided in this part.

20 Sec. 3102. NEW SECTION. 602.3102 COMMISSION ON JUDICIAL
21 QUALIFICATIONS.

22 1. A seven-member "Commission on Judicial Qualifications"
23 is established. The commission consists of one district judge
24 and two members who are practicing attorneys in Iowa and who
25 do not belong to the same political party, to be appointed
26 by the chief justice; and four electors of the state who are
27 not attorneys, no more than two of whom belong to the same
28 political party, to be appointed by the governor, subject
29 to confirmation by the senate. The commission members shall
30 serve for six-year terms, are ineligible for a second term,
31 and except for the judicial member shall not hold any other
32 office of and shall not be employed by the United States or
33 the state of Iowa or its political subdivisions. Members
34 appointed by the chief justice shall serve terms beginning
35 January 1 and members appointed by the governor shall serve

1 staggered terms beginning and ending as provided by section.
2 69.19. Vacancies shall be filled by appointment by the chief
3 justice or governor as provided in this subsection, for the
4 unexpired portion of the term.

5 2. If the judicial member is the subject of a charge
6 before the commission, the chief justice shall appoint a
7 district judge of another judicial district to act as the
8 judicial member of the commission until the person charged
9 is exonerated, or for the unexpired portion of the term if
10 the person charged is not exonerated. If the judicial member
11 is a resident judge of the same judicial district as the
12 judicial officer who is the subject of a charge before the
13 commission, the chief justice shall appoint a district judge
14 of another judicial district to act as the judicial member
15 during that proceeding.

16 3. The commission shall elect its own chairperson, and
17 the state court administrator or a designee of the state court
18 administrator is the executive secretary of the commission.

19 Sec. 3103. NEW SECTION. 602.3103 OPERATION OF COMMISSION.
20 A quorum of the commission is four members. Only those
21 commission members that are present at commission meetings
22 or hearings may vote. An application by the commission to
23 the supreme court to retire, discipline, or remove a judicial
24 officer, or an action by the commission which affects the
25 final disposition of a complaint, requires the affirmative
26 vote of at least four commission members.. Notwithstanding
27 chapter 28A and chapter 68A, all records, papers, proceedings,
28 meetings, and hearings of the commission are confidential,
29 but if the commission applies to the supreme court to retire,
30 discipline, or remove a judicial officer, the application
31 and all of the records and papers in that proceeding are
32 public documents.

33 Sec. 3104. NEW SECTION. 602.3104 PROCEDURE BEFORE
34 COMMISSION.

35 1. Charges before the commission shall be in writing but

1 may be simple and informal. The commission shall investigate
2 each charge as indicated by its gravity. If the charge is
3 groundless, it shall be dismissed by the commission. If the
4 charge appears to be substantiated but does not warrant
5 application to the supreme court, the commission may dispose
6 of it informally by conference with or communication to the
7 judicial officer involved. If the charge appears to be
8 substantiated and if proved would warrant application to the
9 supreme court, notice shall be given to the judicial officer
10 and a hearing shall be held before the commission. The
11 commission may employ investigative personnel, in addition
12 to the executive secretary, as it deems necessary.

13 2. In case of a hearing before the commission, written
14 notice of the charge and of the time and place of hearing
15 shall be mailed to the judicial officer at the officer's
16 residence at least twenty days prior to the time set for
17 hearing. Hearing shall be held in the county where the
18 judicial officer resides unless the commission and the judicial
19 officer agree to a different location. The judicial officer
20 shall continue to perform judicial duties during the pendency
21 of the charge, unless otherwise ordered by the commission.
22 The commission has subpoena power on behalf of the state and
23 the judicial officer, and disobedience of the commission's
24 subpoena is punishable as contempt in the district court for
25 the county in which the hearing is held. The attorney general
26 shall prosecute the charge before the commission on behalf
27 of the state. The judicial officer may defend and has the
28 right to participate in person and by counsel, to cross-
29 examine, to be confronted by the witnesses, and to present
30 evidence in accordance with the rules of civil procedure.
31 A complete record shall be made of the evidence by a court
32 reporter. In accordance with its findings on the evidence,
33 the commission shall dismiss the charge or make application
34 to the supreme court to retire, discipline, or remove the
35 judicial officer.

1 Sec. 3105. NEW SECTION. 602.3105 RULES. The commission
2 may prescribe rules for its operation and procedure.

3 Sec. 3106. NEW SECTION. 602.3106 PROCEDURE BEFORE SUPREME
4 COURT.

5 1. If the commission submits an application to the supreme
6 court to retire, discipline, or remove a judicial officer,
7 the commission shall promptly file in the supreme court a
8 transcript of the hearing before the commission. The statutes
9 and rules relative to proceedings in appeals of equity suits
10 apply.

11 2. The attorney general shall prosecute the proceedings
12 in the supreme court on behalf of the state, and the judicial
13 officer may defend in person and by counsel.

14 3. Upon application by the commission, the supreme court
15 may do either of the following:

16 a. Retire the judicial officer for permanent physical
17 or mental disability which substantially interferes with the
18 performance of judicial duties.

19 b. Discipline or remove the judicial officer for persistent
20 failure to perform duties, habitual intemperance, willful
21 misconduct in office, conduct which brings judicial office
22 into disrepute, or substantial violation of the canons of
23 judicial ethics. Discipline may include suspension without
24 pay for a definite period of time not to exceed twelve months.

25 4. If the supreme court finds that the application should
26 be granted in whole or in part, it shall render the decree
27 that it deems appropriate.

28 Sec. 3107. NEW SECTION. 602.3107 CIVIL IMMUNITY. The
29 making of charges before the commission, the giving of evidence
30 or information before the commission or to an investigator
31 employed by the commission, and the presentation of
32 transcripts, extensions of evidence, briefs, and arguments
33 in the supreme court are privileged in actions for defamation.

34

PART 2

35

OTHER PROCEEDINGS

1 Sec. 3201. NEW SECTION. 602.3201 IMPEACHMENT. Judicial
2 officers may be removed from office by impeachment pursuant
3 to chapter 68.

4 ARTICLE 4
5 CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS
6 PART 1

7 CERTIFICATION

8 Sec. 4101. NEW SECTION. 602.4101 BOARD OF EXAMINERS.

9 1. A five-member board of examiners of shorthand reporters
10 is established, consisting of three certified shorthand
11 reporters and two persons who are not certified shorthand
12 reporters and who shall represent the general public. Members
13 shall be appointed by the supreme court. A certified member
14 shall be actively engaged in the practice of certified
15 shorthand reporting and shall have been so engaged for five
16 years preceding appointment, the last two of which shall have
17 been in Iowa. Professional associations or societies composed
18 of certified shorthand reporters may recommend the names of
19 potential board members to the supreme court, but the supreme
20 court is not bound by the recommendations. A board member
21 shall not be required to be a member of a professional
22 association or society composed of certified shorthand
23 reporters.

24 2. The state court administrator or a designee of the
25 state court administrator shall act as secretary to the board.

26 Sec. 4102. NEW SECTION. 602.4102 TERMS OF OFFICE.

27 Appointments shall be for three-year terms and each term shall
28 commence on July 1 of the year in which the appointment is
29 made. Vacancies shall be filled for the unexpired term by
30 appointment by the supreme court. Members shall serve a
31 maximum of three terms or nine years, whichever is less.

32 Sec. 4103. NEW SECTION. 602.4103 PUBLIC MEMBERS. The
33 public members of the board may participate in administrative,
34 clerical, or ministerial functions incident to giving the
35 examination, but shall not determine the content of the

1 examination or determine the correctness of the answers.

2 Sec. 4104. NEW SECTION. 602.4104 MEETINGS. The board
3 of examiners shall fix stated times for the examination of
4 the candidates and shall hold at least one meeting each year
5 at the seat of government. A majority of the members of the
6 board constitutes a quorum.

7 Sec. 4105. NEW SECTION. 602.4105 APPLICATIONS.

8 Applications for certification shall be on forms prescribed
9 and furnished by the board and the board shall not require
10 that the application contain a recent photograph of the
11 applicant. An applicant is not ineligible for certification
12 because of age, citizenship, sex, race, religion, marital
13 status, or national origin although the application may require
14 citizenship information. The board may consider the past
15 felony record of an applicant only if the felony conviction
16 relates directly to the practice of certified shorthand
17 reporting. Character references may be required, but shall
18 not be obtained from certified shorthand reporters.

19 Sec. 4106. NEW SECTION. 602.4106 FEES.

20 1. The supreme court shall set the fees for examination
21 and for certification. The fee for examination shall be based
22 on the annual cost of administering the examinations. The
23 fee for certification shall be based upon the administrative
24 costs of sustaining the board, which shall include but shall
25 not be limited to the cost for per diem, expenses, and travel
26 for board members, and office facilities, supplies, and
27 equipment.

28 2. The state court administrator shall collect and account
29 for all fees payable to the board.

30 Sec. 4107. NEW SECTION. 602.4107 EXAMINATIONS. The
31 board may administer as many examinations per year as
32 necessary, but shall administer at least one examination per
33 year. The scope of the examinations and the methods of
34 procedure shall be prescribed by the board. A written
35 examination may be conducted by representatives of the board.

1 Examinations in theory shall be in writing and the identity
2 of the person taking the examination shall be concealed until
3 after the examination papers have been graded. For
4 examinations in practice, the identity of the person taking
5 the examination also shall be concealed as far as possible.
6 Applicants who fail the examination once may take the
7 examination at the next scheduled time. Thereafter, the
8 applicant may be allowed to take the examination at the
9 discretion of the board. An applicant who has failed the
10 examination may request in writing information from the board
11 concerning the examination grade and subject areas or questions
12 which the applicant failed to answer correctly, and the board
13 shall provide the information. However, if the board
14 administers a uniform, standardized examination, the board
15 is only required to provide the examination grade and other
16 information concerning the applicant's examination results
17 that is available to the board.

18 PART 2

19 REGULATION

20 Sec. 4201. NEW SECTION. 602.4201 UNLAWFUL USE OF TITLE.
21 A person who is certified by the board is a certified shorthand
22 reporter. A person who is not certified by the board shall
23 not assume the title of certified shorthand reporter, or use
24 the abbreviation C.S.R., or any words, letters, or figures
25 to indicate that the person is a certified shorthand reporter.

26 Sec. 4202. NEW SECTION. 602.4202 TRANSCRIPT FEE.
27 Certified shorthand reporters are entitled to receive
28 compensation for transcribing their official notes as set
29 by rule of the supreme court, to be paid for in all cases
30 by the party ordering the transcription.

31 Sec. 4203. NEW SECTION. 602.4203 REVOCATION OR
32 SUSPENSION. A certification may be revoked or suspended if
33 the person is guilty of any of the following acts or offenses:

- 34 1. Fraud in procuring a license.
35 2. Professional incompetency.

1 3. Knowingly making misleading, deceptive, untrue, or
2 fraudulent representations in the practice of shorthand
3 reporting, or engaging in unethical conduct or in a practice
4 that is harmful or detrimental to the public. Proof of actual
5 injury need not be established.

6 4. Habitual intoxication or addiction to the use of drugs.

7 5. Conviction of a felony related to the practice of
8 shorthand reporting or conviction of a felony that would
9 affect the ability to practice shorthand reporting. A copy
10 of the record of conviction or plea of guilty is conclusive
11 evidence.

12 6. Fraud in representations relating to skill or ability.

13 7. Use of untruthful or improbable statements in
14 advertisements.

15 8. Willful or repeated violations of one or more of the
16 provisions of this article.

17 PART 3

18 PENAL PROVISIONS

19 Sec. 4301. NEW SECTION. 602.4301 MISUSE OF CONFIDENTIAL
20 INFORMATION--PENALTY.

21 1. A member of the board shall not disclose information
22 relating to the following:

23 a. Criminal history or prior misconduct of the applicant.

24 b. The contents of the examination.

25 c. Examination results other than final scores except
26 for information about the results of an examination which
27 is given to the person who took the examination.

28 2. A member of the board who willfully communicates or
29 seeks to communicate information referred to in subsection
30 1, or a person who willfully requests, obtains, or seeks to
31 obtain information referred to in subsection 1, is guilty
32 of a simple misdemeanor.

33 Sec. 4302. NEW SECTION. 602.4302 VIOLATIONS PUNISHED.

34 A person who violates any provision of this article is guilty
35 of a simple misdemeanor.

1 ARTICLE 5
2 SUPREME COURT
3 PART 1
4 GENERAL PROVISIONS

5 Sec. 5101. NEW SECTION. 602.5101 JUSTICES--QUORUM.

6 1. The supreme court consists of nine justices. A majority
7 of the justices sitting constitutes a quorum, but less than
8 three justices is not a quorum.

9 2. Justices of the supreme court shall be nominated and
10 appointed and shall stand for retention in office as provided
11 in chapter 46. Justices of the supreme court shall qualify
12 for office as provided in chapter 63.

13 Sec. 5102. NEW SECTION. 602.5102 JURISDICTION.

14 1. The supreme court has appellate jurisdiction only in
15 cases in chancery, and constitutes a court for the correction
16 of errors at law. The jurisdiction of the supreme court is
17 coextensive with the state.

18 2. A civil or criminal action or special proceeding filed
19 with the supreme court for appeal or review, may be transferred
20 by the supreme court to the court of appeals by issuing an
21 order of transfer. The jurisdiction of the supreme court
22 in the matter ceases upon the filing of that order by the
23 clerk of the supreme court. A matter which has been
24 transferred to the court of appeals pursuant to order of the
25 supreme court is not thereafter subject to the jurisdiction
26 of the supreme court, except as provided in subsection 4.

27 3. The supreme court shall prescribe rules for the transfer
28 of matters to the court of appeals. These rules may provide
29 for the selective transfer of individual cases and may provide
30 for the transfer of cases according to subject matter or other
31 general criteria. Rules relating to the transfer of cases
32 are subject to section 602.5202. A rule shall not provide
33 for the transfer of a matter other than by an order of transfer
34 under subsection 2.

35 4. A party to an appeal decided by the court of appeals

1 may, as a matter of right, file an application with the supreme
2 court for further review. An application for further review
3 shall not be granted by the supreme court unless the
4 application was filed within twenty days following the filing
5 of the decision of the court of appeals. The court of appeals
6 may extend the time for filing of an application if the court
7 of appeals determines that a failure to timely file an
8 application was due to the failure of the clerk of the court
9 of appeals to notify the prospective applicant of the filing
10 of the decision. If an application for further review is
11 not acted upon by the supreme court within thirty days after
12 the application was filed, the application is deemed denied,
13 the supreme court loses jurisdiction, and the decision of
14 the court of appeals is conclusive.

15 5. The supreme court shall prescribe rules of appellate
16 procedure which shall govern further review by the supreme
17 court of decisions of the court of appeals. These rules shall
18 contain, but need not be limited to, a specification of the
19 grounds upon which further review may, in the discretion of
20 the supreme court, be granted. These rules are subject to
21 section 602.5202.

22 Sec. 5103. NEW SECTION. 602.5103 CHIEF JUSTICE. The
23 justices of the supreme court shall select one justice as
24 chief justice, to serve during that justice's term of office.
25 The chief justice is eligible for reselection. The chief
26 justice shall appoint one of the other justices to act during
27 the absence or inability of the chief justice to act, and
28 when so acting the appointee has all the rights, duties, and
29 powers of the chief justice.

30 Sec. 5104. NEW SECTION. 602.5104 DIVISIONS--FULL COURT.

31 1. The supreme court may be divided into divisions of
32 three or more justices in the manner it prescribes by rule.
33 The divisions may hold open court separately and cases may
34 be submitted to each division separately, in accordance with
35 these rules.

1 2. The supreme court shall prescribe rules for the
2 submission of a case or petition for rehearing whenever
3 differences arise between members of divisions or whenever
4 the chief justice orders or directs the submission of the
5 question or petition for rehearing by the whole court.

6 3. The supreme court shall prescribe rules to provide
7 for the submission of cases to the entire bench or to the
8 separate divisions. These rules are subject to section
9 602.5202.

10 Sec. 5105. NEW SECTION. 603.5105 TIME AND PLACE COURT
11 MEETS. The supreme court shall hold court at the seat of
12 state government and elsewhere as the court orders, and at
13 the times the court orders.

14 Sec. 5106. NEW SECTION. 602.5106 OPINIONS--REPORTS.

15 1. The decisions of the court on all questions passed
16 upon by it, including motions and points of practice, shall
17 be specifically stated, and shall be accompanied with an
18 opinion upon those which are deemed of sufficient importance,
19 together with any dissents, which dissents may be stated with
20 or without an opinion. All decisions and opinions shall be
21 in writing and filed with the clerk, except that rulings upon
22 motions may be entered upon the announcement book.

23 2. The records and reports for each case shall show whether
24 a decision was made by a full bench, and whether any, and
25 if so which, of the judges dissented from the decision.

26 3. The supreme court may publish reports of its official
27 opinions, or it may direct that publication of the opinions
28 by a private publisher shall be considered the official
29 reports.

30 4. If the decision, in the judgment of the court, is not
31 of sufficient general importance to be published, it shall
32 be so designated, in which case it shall not be included in
33 the reports, and no case shall be reported except by order
34 of the full bench.

35 Sec. 5107. NEW SECTION. 602.5107 DIVIDED COURT. When

1 the supreme court is equally divided in opinion, the judgment
2 of the court below shall stand affirmed, but the decision
3 of the supreme court is of no further force or authority.
4 Opinions may be filed in these cases.

5 Sec. 5108. NEW SECTION. 602.5108 ATTENDANCE OF SHERIFF
6 OF POLK COUNTY. The court may require the attendance and
7 services of the sheriff of Polk county at any time.

8

PART 2

9

RULES OF PROCEDURE

10 Sec. 5201. NEW SECTION. 602.5201 RULES GOVERNING ACTIONS
11 AND PROCEEDINGS.

12 1. The supreme court may prescribe all rules of pleading,
13 practice, evidence, and procedure, and the forms of process,
14 writs, and notices, for all proceedings in all courts of this
15 state, for the purposes of simplifying the proceedings and
16 promoting the speedy determination of litigation upon its
17 merits. Rules are subject to section 602.5202.

18 2. Rules of appellate procedure relating to appeals to
19 and review by the supreme court, discretionary review by the
20 courts of small claims actions, review by the supreme court
21 by writ of certiorari to inferior courts, appeal to or review
22 by the court of appeals of a matter transferred to that court
23 by the supreme court, and further review by the supreme court
24 of decisions of the court of appeals, shall be known as "Rules
25 of Appellate Procedure", and shall be published as provided
26 in section 14.12, subsection 7.

27 Sec. 5202. NEW SECTION. 602.5202 RULE-MAKING PROCEDURE.

28 1. The procedures in this section apply to rules prescribed
29 by the supreme court under section 602.5201, and to any other
30 rule-making authority which is specifically conditioned upon
31 or made subject to this section.

32 2. Rules and forms prescribed by the supreme court shall
33 be reported by the court to the general assembly within twenty
34 days after the commencement of a regular session. The rules
35 and forms shall take effect July 1 following the date of

1 submission, as modified by any changes that are enacted during
2 the session, and conflicting law shall be of no further force
3 or effect.

4 3. At adjournment of a session where rules and forms have
5 been reported, an enrolled copy thereof, together with any
6 changes, shall be made in substantially the same manner as
7 acts of the general assembly are enrolled. The enrolled copy
8 shall be certified as to the action, if any, taken by the
9 general assembly, and shall be filed with the secretary of
10 state and bound with the acts of the general assembly.

11

PART 3

12

ADMINISTRATION

13 Sec. 5301. NEW SECTION. 602.5301 CLERK OF SUPREME COURT.

14 1. The supreme court shall appoint and may remove a clerk
15 of the supreme court.

16 2. The clerk of the supreme court shall have an office
17 at the seat of government, shall keep a complete record of
18 the proceedings of the court, and shall not allow an opinion
19 filed in the office to be removed. Opinions shall be open
20 to examination and, upon request, may be copied and certified.
21 The clerk promptly shall announce by mail to one of the
22 attorneys on each side any ruling made or decision rendered,
23 shall record every opinion rendered as soon as filed, shall
24 mail a copy of each opinion rendered to each attorney of
25 record and to each party not represented by counsel, and shall
26 perform all other duties pertaining to the office of clerk.

27 3. The clerk of the supreme court shall collect and ac-
28 count to the state court administrator for all fees received
29 by the supreme court.

30 4. The clerk of the supreme court shall give bond as pro-
31 vided in chapter 64.

32 Sec. 5302. NEW SECTION. 602.5302 DEPUTY CLERK--STAFF.

33 1. The clerk of the supreme court may appoint a deputy
34 clerk of the supreme court. In the absence or disability
35 of the clerk, the deputy shall perform the duties of the

1 clerk.

2 2. The clerk of the supreme court may employ necessary
3 staff, as authorized by the supreme court.

4 Sec. 5303. NEW SECTION. 602.5303 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 2. Rules prescribed under this section are subject to
8 section 602.5202.

9 3. If any of the fees are not paid in advance, execution
10 may issue for them, except for fees payable by the county
11 or the state.

12 Sec. 5304. NEW SECTION. 602.5304 SUPREME COURT STAFF.

13 1. The supreme court may appoint not more than nine
14 attorneys or graduates of a reputable law school, to act as
15 legal assistants to the justices of the supreme court.

16 2. The supreme court may employ other professional and
17 clerical staff as necessary to accomplish the judicial duties
18 of the court.

19 ARTICLE 6

20 COURT OF APPEALS

21 PART 1

22 GENERAL PROVISIONS

23 Sec. 6101. NEW SECTION. 602.6101 COURT OF APPEALS.

24 The Iowa court of appeals is established as an intermediate
25 court of appeals. The court of appeals is a court of record.

26 Sec. 6102. NEW SECTION. 602.6102 JUDGES--QUORUM.

27 1. The court of appeals consists of five judges, any three
28 of whom constitute a quorum.

29 2. Judges of the court of appeals shall be nominated and
30 appointed and shall stand for retention in office as provided
31 in chapter 46. Judges of the court of appeals shall qualify
32 for office as provided in chapter 63.

33 3. A person appointed as a judge of the court of appeals
34 must satisfy all requirements for a justice of the supreme
35 court.

1 Sec. 6103. NEW SECTION. 602.6103 JURISDICTION.

2 1. The jurisdiction of the court of appeals is coextensive
3 with the state. The court of appeals has appellate
4 jurisdiction only in cases in chancery, and constitutes a
5 court for the correction of errors at law.

6 2. The court of appeals has subject matter jurisdiction
7 to review the following matters:

8 a. Civil actions and special civil proceedings, whether
9 at law or in equity.

10 b. Criminal actions.

11 c. Postconviction remedy proceedings.

12 d. A judgment of a district judge in a small claims action.

13 3. The jurisdiction of the court of appeals with respect
14 to actions and parties is limited to those matters for which
15 an appeal or review proceeding properly has been brought
16 before the supreme court, and for which the supreme court
17 pursuant to section 602.5102 has entered an order transferring
18 the matter to the court of appeals.

19 4. The court of appeals and judges of the court may issue
20 writs and other process necessary for the exercise and
21 enforcement of the court's jurisdiction, but a writ, order,
22 or other process issued in a matter that is not before the
23 court pursuant to an order of transfer issued by the supreme
24 court is void.

25 Sec. 6104. NEW SECTION. 602.6104 SESSIONS--LOCATION.

26 The court of appeals shall meet at the seat of state government
27 at the times specified by order of the supreme court. Court
28 sessions shall be held in the courtroom of the supreme court
29 at the statehouse.

30 Sec. 6105. NEW SECTION. 602.6105 CHIEF JUDGE.

31 1. At the first meeting in each odd-numbered year the
32 judges of the court of appeals by majority vote shall designate
33 one judge as chief judge, to serve for a two-year term. A
34 vacancy in the office of chief judge shall be filled for the
35 remainder of the unexpired term by majority vote of the judges

1 of the court of appeals, after any vacancy on the court has
2 been filled.

3 2. The chief judge shall supervise the affairs of the
4 court and shall preside at a session of the court at which
5 the chief judge is in attendance.

6 3. If the chief judge desires to be relieved of the duties
7 of chief judge while retaining the status of judge of the
8 court of appeals, the chief judge shall notify the chief
9 justice and the other judges of the court of appeals. The
10 office of chief judge shall be deemed vacant, and shall be
11 filled as provided in this section.

12 4. In the absence of the chief judge, the duties of the
13 chief judge shall be exercised by the judge next in precedence.
14 Judges of the court of appeals other than the chief judge
15 have precedence according to the length of time served on
16 that court. Of several judges having equal periods of time
17 served, the eldest has precedence.

18 Sec. 6106. NEW SECTION. 602.6106 DECISIONS OF THE COURT-
19 -FINALITY.

20 1. The court of appeals may affirm, modify, vacate, set
21 aside, or reverse any judgment, order, or decree of the
22 district court or other tribunal which is under the
23 jurisdiction of the court, and may remand the cause and direct
24 the entry of an appropriate judgment, order, or decree, or
25 require further proceedings to be had as is just. If the
26 judges are equally divided on the ultimate decision, the
27 judgment, order, or decree shall be affirmed.

28 2. A decision of the court of appeals is final and shall
29 not be reviewed by any other court except upon the granting
30 by the supreme court of an application for further review
31 as provided in section 602.5102. Upon the filing of the
32 application, the judgment and mandate of the court of appeals
33 is stayed pending action of the supreme court or until the
34 expiration of the time specified in section 602.5102,
35 subsection 4.

1 Sec. 6107. NEW SECTION. 602.6107 RULES. The court of
2 appeals, subject to the approval of the supreme court, may
3 prescribe rules for the conduct of business of the court of
4 appeals. Rules prescribed shall not abridge, enlarge, or
5 modify a substantive right.

6 Sec. 6108. NEW SECTION. 602.6108 WHEN DECISIONS
7 EFFECTIVE. A decision of the court of appeals shall be in
8 writing, and shall be effective, except as provided in section
9 602.6106, subsection 2, when the decision of the court is
10 filed with the clerk of the supreme court.

11 Sec. 6109. NEW SECTION. 602.6109 PROCESS--STYLE--SEAL.

12 1. Process of the court of appeals shall be styled: "In
13 the Court of Appeals of Iowa".

14 2. The supreme court may adopt a seal for the court of
15 appeals. Upon adoption, the clerk of the supreme court shall
16 file a facsimile and description of the design in the office
17 of the secretary of state. Judicial notice shall be taken
18 of the official seal of the court of appeals.

19 Sec. 6110. NEW SECTION. 602.6110 RECORDS. The records
20 of the court of appeals shall be kept by the clerk of the
21 supreme court, and at the same place as, but segregated from
22 the records of the supreme court. Records of the court of
23 appeals shall be maintained in the same manner as records
24 of the supreme court under article 5.

25 Sec. 6111. NEW SECTION. 602.6111 PUBLICATION OF OPINIONS.
26 The state court administrator shall cause the publication
27 of opinions of the judges of the court of appeals in accordance
28 with rules prescribed by the supreme court. Section 602.5106
29 applies to decisions of the court of appeals. The state court
30 administrator shall cause the publication of abstracts of
31 all decisions for which written opinions are not published.

32 Sec. 6112. NEW SECTION. 602.6112 FEES--COSTS. Costs
33 to be collected and awarded in the court of appeals shall
34 be as prescribed from time to time by the supreme court.
35 Fees and costs may be awarded to a party to the appeal in

1 the discretion of the court of appeals. A fee shall not be
2 charged for the docketing of a matter in the court of appeals
3 upon transfer from the supreme court.

4

PART 2

5

ADMINISTRATION

6 Sec. 6201. NEW SECTION. 602.6201 CLERK OF COURT.

7 1. The clerk of the supreme court or a deputy of that
8 clerk shall act as clerk of the court of appeals. The clerk
9 of the court of appeals shall keep a complete record of the
10 proceedings of that court, shall collect the fees and costs
11 prescribed by the supreme court, and shall account for all
12 receipts and disbursements of the court of appeals.

13 2. The clerk of the supreme court, subject to the approval
14 of the supreme court, may employ additional staff for the
15 performance of duties relating to the court of appeals.

16 Sec. 6202. NEW SECTION. 602.6202 SECRETARY TO JUDGE.

17 Each judge of the court of appeals may employ one personal
18 secretary.

19 Sec. 6203. NEW SECTION. 602.6203 LAW CLERKS. The court
20 of appeals may employ not more than five attorneys or graduates
21 of a reputable law school to act as legal assistants to the
22 court.

23 Sec. 6204. NEW SECTION. 602.6204 PHYSICAL FACILITIES.
24 The state court administrator shall obtain suitable facilities
25 for the court of appeals at the seat of state government.
26 To the extent practicable, the court administrator shall
27 utilize existing supreme court facilities.

28 Sec. 6205. NEW SECTION. 602.6205 LIMITATION ON EXPENSES.

29 1. Each judge of the court of appeals shall be provided
30 personal office space and equipment, and facilities for a
31 secretary and law clerk at the seat of state government only.
32 Each judge may choose whether to reside at the seat of
33 government or elsewhere. The court administrator may approve
34 actual and necessary travel expenses, incurred by a judge
35 of the court of appeals who resides or maintains a residence

1 in this state outside of Polk county, for attendance at oral
2 arguments and judicial conferences, not to exceed a maximum
3 amount established by the supreme court. The supreme court
4 shall prescribe procedures to establish the maximum amount,
5 terms, and conditions for reimbursement of the expenses.

6 2. State funds shall not be used for securing or
7 maintaining facilities for court of appeals judges or employees
8 at any place other than the seat of state government.

9 ARTICLE 7

10 DISTRICT COURT

11 PART 1

12 GENERAL PROVISIONS

13 Sec. 7101. NEW SECTION. 602.7101 UNIFIED TRIAL COURT.
14 A unified trial court is established. This court is the "Iowa
15 District Court". The district court has exclusive, general,
16 and original jurisdiction of all actions, proceedings, and
17 remedies, civil, criminal, probate, and juvenile, except in
18 cases where exclusive or concurrent jurisdiction is conferred
19 upon some other court, tribunal, or administrative body.
20 The district court has all the power usually possessed and
21 exercised by trial courts of general jurisdiction, and is
22 a court of record.

23 Sec. 7102. NEW SECTION. 602.7102 APPEALS AND WRITS OF
24 ERROR. The district court has jurisdiction in appeals and
25 writs of error taken in civil and criminal actions and special
26 proceedings authorized to be taken from tribunals, boards,
27 or officers under the laws of this state, and has general
28 supervision thereof, in all matters, to prevent and correct
29 abuses where no other remedy is provided.

30 Sec. 7103. NEW SECTION. 602.7103 COURT IN CONTINUOUS
31 SESSION. The district court of each judicial district shall
32 be in continuous session in all of the several counties
33 comprising the district.

34 Sec. 7104. NEW SECTION. 602.7104 JUDICIAL OFFICERS.

35 1. The jurisdiction of the Iowa district court shall be

1 exercised by district judges, district associate judges, and
2 magistrates.

3 2. Judicial officers of the district court shall not sit
4 together in the trial of causes nor upon the hearings of
5 motions for new trials. They may hold court in the same
6 county at the same time.

7 Sec. 7105. NEW SECTION. 602.7105 PLACES OF HOLDING
8 COURT--MAGISTRATE SCHEDULES.

9 1. Courts shall be held at the places in each county
10 designated by the chief judge of the judicial district, except
11 that the determination of actions, special proceedings, and
12 other matters not requiring a jury may be done at some other
13 place in the district with the consent of the parties.

14 2. In any county having two county seats, court shall
15 be held at each, and, in the county of Pottawattamie, court
16 shall be held at Avoca, as well as at the county seat.

17 3. The chief judge of a judicial district shall designate
18 times and places for magistrates to hold court to ensure
19 accessibility of magistrates at all times throughout the
20 district. The schedule of times and places of availability
21 of magistrates and any schedule changes shall be disseminated
22 by the chief judge to the peace officers within the district.

23 Sec. 7106. NEW SECTION. 602.7106 SESSIONS NOT AT COUNTY
24 SEATS--EFFECT--DUTY OF CLERK. When court is held at a place
25 that is not the county seat, all of the provisions of the
26 Code relating to district courts are applicable, except as
27 follows: All proceedings in the court have, within the
28 territory over which the court has jurisdiction, the same
29 force and effect as though ordered in the court at the county
30 seat, but transcripts of judgments and decrees, levies of
31 writs of attachment upon real estate, mechanics' liens, lis
32 pendens, sales of real estate, redemption, satisfaction of
33 judgments and mechanics' liens, and dismissals or decrees
34 in lis pendens, together with all other matters affecting
35 titles to real estate, shall be certified by the deputy clerk

1 to the clerk of district court at the county seat who shall
2 immediately enter them upon the records at the county seat.

3 Sec. 7107. NEW SECTION. 602.7107 JUDICIAL DISTRICTS.

4 For all judicial purposes except as provided in section
5 602.7109, the state is divided into eight judicial districts
6 as follows:

7 1. The first district consists of the counties of Dubuque,
8 Delaware, Clayton, Allamakee, Winneshiek, Chickasaw, Fayette,
9 Buchanan, Black Hawk, Howard, and Grundy.

10 2. The second district consists of the counties of
11 Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock,
12 Cerro Gordo, Franklin, Wright, Humboldt, Pocahontas, Sac,
13 Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall,
14 Story, and Boone.

15 3. The third district consists of the counties of Kossuth,
16 Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto,
17 Cherokee, Buena Vista, Plymouth, Sioux, Woodbury, Ida, Monona,
18 and Crawford.

19 4. The fourth district consists of the counties of
20 Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills,
21 Montgomery, Fremont, and Page.

22 5. The fifth district consists of the counties of Guthrie,
23 Dallas, Polk, Jasper, Madison, Warren, Marion, Adair, Adams,
24 Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

25 6. The sixth district consists of the counties of Tama,
26 Benton, Linn, Jones, Iowa, and Johnson.

27 7. The seventh district consists of the counties of
28 Jackson, Clinton, Cedar, Scott, and Muscatine.

29 8. The eighth district consists of the counties of
30 Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello,
31 Jefferson, Appanoose, Davis, Van Buren, Louisa, Henry, Des
32 Moines, and Lee.

33 Sec. 7108. NEW SECTION. 602.7108 REASSIGNMENT OF
34 PERSONNEL. The chief justice of the supreme court shall
35 assign judicial officers and court employees from one judicial

1 district to another, on a continuing basis if need be, in
2 order to handle the judicial business in all districts promptly
3 and efficiently at all times.

4 Sec. 7109. NEW SECTION. 602.7109 JUDICIAL ELECTION
5 DISTRICTS.

6 1. Judicial election districts are established for purposes
7 of nomination, appointment, and retention of district judges
8 and for other purposes specifically provided by law.

9 2. The judicial election districts are as follows:

10 a. Election district 1A consists of the counties of
11 Dubuque, Delaware, Clayton, Allamakee and Winneshiek.

12 b. Election district 1B consists of the counties of
13 Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

14 c. Election district 2A consists of the counties of
15 Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock,
16 Cerro Gordo, and Franklin.

17 d. Election district 2B consists of the counties of Wright,
18 Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll,
19 Greene, Hardin, Marshall, Story, and Boone.

20 e. Election district 3A consists of the counties of
21 Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo
22 Alto, Cherokee, and Buena Vista.

23 f. Election district 3B consists of the counties of
24 Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

25 g. Election district 4 consists of the fourth judicial
26 district, as established by section 602.7107.

27 h. Election district 5A consists of the counties of
28 Guthrie, Dallas, Jasper, Madison, Warren, and Marion.

29 i. Election district 5B consists of the counties of Adair,
30 Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and
31 Wayne.

32 j. Election district 5C consists of Polk county.

33 k. Election district 6 consists of the sixth judicial
34 district, as established by section 602.7107.

35 l. Election district 7 consists of the seventh judicial

1 district, as established by section 602.7107.

2 m. Election district 8A consists of the counties of
3 Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello,
4 Jefferson, Appanoose, Davis, and Van Buren.

5 n. Election district 8B consists of the counties of Louisa,
6 Henry, Des Moines, and Lee.

7 PART 2

8 DISTRICT JUDGES

9 Sec. 7201. NEW SECTION. 602.7201 OFFICE OF DISTRICT
10 JUDGE--APPORTIONMENT.

11 1. District judges shall be nominated and appointed and
12 shall stand for retention in office as provided in chapter
13 46. District judges shall qualify for office as provided
14 in chapter 63.

15 2. A district judge must be a resident of the judicial
16 election district in which appointed and retained. Subject
17 to the provision for reassignment of judges under section
18 602.7108, a district judge shall serve in the district of
19 the judge's residence while in office, regardless of the
20 number of judgeships to which the district is entitled under
21 subsection 3.

22 3. The number of judgeships to which each of the judicial
23 election districts is entitled is determined according to
24 the following formula:

25 a. In an election district where the largest county
26 contains two hundred thousand or more population, there is
27 one judgeship per seven hundred twenty-five combined civil
28 and criminal filings or major fraction thereof. However,
29 the seat of government is entitled to one additional judgeship.

30 b. In an election district where the largest county
31 contains eighty-five thousand or more population, but less
32 than two hundred thousand, there is one judgeship per six
33 hundred twenty-five combined civil and criminal filings or
34 major fraction thereof.

35 c. In an election district where the largest county

1 contains forty-five thousand or more population, but less
2 than eighty-five thousand, there is one judgeship per five
3 hundred twenty-five combined civil and criminal filings or
4 major fraction thereof.

5 d. In an election district where the largest county
6 contains less than forty-five thousand population, there is
7 one judgeship per four hundred seventy-five combined civil
8 and criminal filings or major fraction thereof.

9 e. Notwithstanding paragraph a, b, c, or d, each election
10 district is entitled to not less than one judgeship for each
11 forty thousand population or major fraction thereof contained
12 in the election district.

13 f. In addition to the number of judgeships provided by
14 paragraph a, b, c, d, or e, the election district in which
15 the Iowa state penitentiary is located is entitled to one
16 additional judgeship.

17 g. The filings included in the determinations to be made
18 under this subsection shall not include small claims or
19 nonindictable misdemeanors, and shall not include either civil
20 actions for money judgment where the amount in controversy
21 does not exceed three thousand dollars or indictable
22 misdemeanors, which were assigned to district associate judges
23 and judicial magistrates as shown on their administrative
24 reports, but shall include appeals from decisions of judicial
25 magistrates, district associate judges, and district judges
26 sitting as judicial magistrates. The figures on filings shall
27 be the average for the latest available previous three-year
28 period and when current census figures on population are not
29 available, figures shall be taken from the state department
30 of health computations.

31 4. For purposes of this section, a vacancy means the
32 death, resignation, retirement, or removal of a district
33 judge, or the failure of a district judge to be retained in
34 office at the judicial election, or an increase in judgeships
35 under this section.

1 5. In those judicial election districts having more
2 district judges than the number of judgeships specified by
3 the formula in subsection 3, vacancies shall not be filled.

4 6. In those judicial election districts having fewer or
5 the same number of district judges as the number of judgeships
6 specified by the formula in subsection 3, vacancies in the
7 number of district judges shall be filled as they occur.

8 7. In those judicial districts that contain more than
9 one judicial election district, a vacancy in a judicial
10 election district shall not be filled if the total number
11 of district judges in all judicial election districts within
12 the judicial district equals or exceeds the aggregate number
13 of judgeships to which all of the judicial election districts
14 of the judicial district are authorized.

15 8. Vacancies shall not be filled in a judicial election
16 district which becomes entitled to fewer judgeships under
17 subsection 3, but an incumbent district judge shall not be
18 removed from office because of a reduction in the number of
19 authorized judgeships.

20 9. During February of each year, and at other times as
21 appropriate, the state court administrator shall make the
22 determinations required under this section, and shall notify
23 the appropriate nominating commissions and the governor of
24 appointments that are required.

25 10. Notwithstanding the formula for determining the number
26 of judgeships in this section, the number of district judges
27 shall not exceed ninety-six during the period commencing July
28 1, 1983 and ending as the general assembly shall specify.

29 Sec. 7202. NEW SECTION. 602.7202 JURISDICTION. District
30 judges have the full jurisdiction of the district court,
31 including the respective jurisdictions of district associate
32 judges and magistrates. While exercising the jurisdiction
33 of magistrates, district judges shall employ magistrates'
34 practice and procedure.

35 Sec. 7203. NEW SECTION. 602.7203 PREPARATION AND SIGNING

1 OF RECORD--ALTERATIONS.

2 1. The clerk of district court shall from time to time
3 make a record of all proceedings of the district court, which,
4 when correct, shall be signed by the judge.

5 2. Delay in the preparation and signing of the record
6 of court proceedings shall not prevent the issuance of an
7 execution and other proceedings may be had in the same manner
8 as though the record had been signed.

9 3. A record shall not be amended or impaired by the clerk
10 of the district court, or by any other officer of the court,
11 or by any other person, except pursuant to the order of the
12 district court or some other court of competent authority.

13 4. Entries made and signed, unless amended or expunged
14 as provided in subsection 3, may be altered only to correct
15 an evident mistake.

16 PART 3

17 DISTRICT ASSOCIATE JUDGES

18 Sec. 7301. NEW SECTION. 602.7301 NUMBER AND APPORTIONMENT
19 OF DISTRICT ASSOCIATE JUDGES. There shall be one district
20 associate judge in counties having a population, according
21 to the most recent federal decennial census, of more than
22 thirty-five thousand and less than eighty thousand; two in
23 counties having a population of more than eighty thousand
24 and less than one hundred twenty-five thousand; three in
25 counties having a population of more than one hundred twenty-
26 five thousand and less than two hundred thousand; and four
27 in counties having a population of two hundred thousand or
28 above. A district associate judge appointed pursuant to
29 section 602.7302 or 602.7303 shall not be counted for purposes
30 of this subsection.

31 Sec. 7302. NEW SECTION. 602.7302 APPOINTMENT OF DISTRICT
32 ASSOCIATE JUDGE IN LIEU OF MAGISTRATES.

33 1. In a county having an apportionment of three or more
34 magistrates, the chief judge of the judicial district, subject
35 to the limitations of this section, may designate by order

1 that a district associate judge be appointed pursuant to this
2 section in lieu of magistrates appointed under section
3 602.7403. The order of substitution may be made only upon
4 the affirmative vote of a majority of the district judges
5 in that judicial election district and only upon a finding
6 by a majority of those district judges that the substitution
7 would provide more speedy and efficient performance of judicial
8 business within that judicial election district. An order
9 of substitution shall not take effect unless a copy of the
10 order is received by the chairperson of the county magistrate
11 appointing commission no later than the thirty-first day of
12 March of the year in which the substitution is to take effect.
13 A copy of the order also shall be sent to the state court
14 administrator.

15 2. For a county in which a substitution order is in effect,
16 the number of magistrates actually appointed pursuant to
17 section 602.7403 shall be reduced by three for each district
18 associate judge substituted under this section. Upon a
19 subsequent reduction in the apportionment of magistrates to
20 the county, the magistrate appointing commission shall further
21 reduce the number of magistrates appointed.

22 3. a. Except as provided in subsections 1 and 2, a
23 substitution shall not increase or decrease the number of
24 magistrates authorized by this article.

25 b. A substitution pursuant to this section shall not be
26 made if the effect would be to remove a magistrate from office
27 prior to the expiration of the magistrate's term.

28 c. A substitution shall not be made where the apportionment
29 of magistrates to a county is insufficient to permit the full
30 reduction in appointments of magistrates as required by
31 subsection 2.

32 4. If an apportionment by the state court administrator
33 pursuant to section 602.7401 reduces the number of magistrates
34 in the county to less than three, or if a majority of the
35 district judges in the judicial election district determines

1 that a substitution is no longer desirable, then the
2 substituted office shall be terminated. However, a reversion
3 pursuant to this subsection, irrespective of cause, shall
4 not take effect until the substitute district associate judge
5 fails to be retained in office at a judicial election or
6 otherwise leaves office, whether voluntarily or involuntarily.
7 Upon the termination of office of that district associate
8 judge, appointments shall be made pursuant to section 602.7403
9 as necessary to reestablish terms of office as provided in
10 section 602.7403, subsection 4.

11 Sec. 7303. NEW SECTION. 602.7303 ALTERNATE DISTRICT
12 ASSOCIATE JUDGE.

13 1. In a county having only one district associate judge,
14 the county magistrate appointing commission, by majority vote,
15 may authorize that an alternate district associate judge be
16 appointed.

17 2. A person whose appointment is authorized under this
18 section shall be designated as an alternate and is subject
19 to this section.

20 3. An alternate district associate judge shall serve
21 initial and regular terms and shall stand for retention in
22 office in the same manner as regular district associate judges.
23 However, a vacancy in the office of alternate district
24 associate judge shall not be filled unless the conditions
25 of subsection 1 are satisfied after the vacancy occurs.

26 4. The chief judge of the judicial district may order
27 that the alternate temporarily sit in place of the regular
28 district associate judge while the latter is unable to act.
29 The words "unable to act" mean a temporary absence from court
30 duties, including a reasonable vacation period.

31 5. The appointment of an alternate district associate
32 judge does not affect the rights, duties, or remuneration
33 of the regularly appointed district associate judge, and the
34 appointment of an alternate does not affect the number or
35 apportionment of district associate judges authorized by this

1 part.

2 Sec. 7304. NEW SECTION. 602.7304 APPOINTMENT OF DISTRICT
3 ASSOCIATE JUDGES.

4 1. The district associate judges authorized by sections
5 602.7301, 602.7302, and 602.7303 shall be appointed by the
6 district judges of the judicial election district from persons
7 nominated by the county magistrate appointing commission.

8 2. In November of any year in which an impending vacancy
9 is created because a district associate judge is not retained
10 in office pursuant to a judicial election, the county
11 magistrate appointing commission shall publicize notice of
12 the vacancy in at least two publications in the official
13 county newspaper. The commission shall accept applications
14 for consideration for nomination as district associate judge
15 for a minimum of fifteen days prior to certifying nominations.
16 The commission shall consider the applications and shall,
17 by majority vote, certify to the chief judge of the judicial
18 district not later than December 15 of that year the names
19 of three applicants who are nominated by the commission for
20 the vacancy. If there are three or fewer applicants the
21 commission shall certify all applicants who meet the statutory
22 qualifications. Nominees shall be chosen solely on the basis
23 of the qualifications of the applicants, and political
24 affiliation shall not be considered.

25 3. Within thirty days after a county magistrate appointing
26 commission receives notification of an actual or impending
27 vacancy in the office of district associate judge, other than
28 a vacancy referred to in subsection 2, the commission shall
29 certify to the chief judge of the judicial district the names
30 of three applicants who are nominated by the commission for
31 the vacancy. The commission shall publicize notice of the
32 vacancy in at least two publications in the official county
33 newspaper. The commission shall accept applications for
34 consideration for nomination as district associate judge for
35 a minimum of fifteen days prior to certifying nominations.

1 The commission shall consider the applications and shall,
2 by majority vote, certify to the chief judge of the judicial
3 district the names of three applicants who are nominated by
4 the commission for the vacancy. If there are three or fewer
5 applicants the commission shall certify all applicants who
6 meet the statutory qualifications. Nominees shall be chosen
7 solely on the basis of the qualifications of the applicants,
8 and political affiliation shall not be considered. As used
9 in this subsection, a vacancy is created by the death,
10 retirement, resignation, or removal of a district associate
11 judge, or by an increase in the number of positions authorized.

12 4. Within fifteen days after the chief judge of a judicial
13 district has received the list of nominees to fill a vacancy
14 in the office of district associate judge, the district judges
15 in the judicial election district shall, by majority vote,
16 appoint one of those nominees to fill the vacancy.

17 5. The supreme court may prescribe rules of procedure
18 to be used by county magistrate appointing commissions when
19 exercising the duties specified in this section.

20 Sec. 7305. NEW SECTION. 602.7305 TERM, RETENTION,
21 QUALIFICATIONS.

22 1. District associate judges shall serve initial terms
23 and shall stand for retention in office within the judicial
24 election districts of their residences at the judicial election
25 in 1982 and every four years thereafter, under sections 46.17
26 to 46.24.

27 2. A person does not qualify for appointment to the office
28 of district associate judge unless the person is at the time
29 of application a resident of the county in which the vacancy
30 exists, and unless the person is licensed to practice law
31 in Iowa, and unless the person will be able, measured by the
32 person's age at the time of appointment, to complete the
33 initial term of office plus a four-year term of office prior
34 to reaching age seventy-two.

35 3. A district associate judge must be a resident of the

1 county in which the office is held during the entire term
2 of office. A district associate judge shall serve within
3 the judicial district in which appointed, as directed by the
4 chief judge, and is subject to reassignment under section
5 602.7108.

6 4. District associate judges shall qualify for office
7 as provided in chapter 63 for district judges.

8 Sec. 7306. NEW SECTION. 602.7306 JURISDICTION, PROCEDURE,
9 APPEALS.

10 1. District associate judges have the jurisdiction provided
11 in section 602.7405 for magistrates, and when exercising that
12 jurisdiction shall employ magistrates' practice and procedure.

13 2. District associate judges also have jurisdiction in
14 civil actions for money judgment where the amount in
15 controversy does not exceed three thousand dollars,
16 jurisdiction of indictable misdemeanors, and the jurisdiction
17 provided in section 602.8101 when designated as a judge of
18 the juvenile court. While presiding in these subject matters
19 a district associate judge shall employ district judges'
20 practice and procedure.

21 3. When a district judge is unable to serve as a result
22 of temporary incapacity, a district associate judge may, by
23 order of the chief judge of the judicial district enrolled
24 in the records of the clerk of the district court, temporarily
25 exercise any judicial authority within the jurisdiction of
26 a district judge during the time of incapacity with respect
27 to the matters or classes of matters specified in that order.

28 4. Appeals from judgments or orders of district associate
29 judges while exercising the jurisdiction of magistrates shall
30 be governed by the laws relating to appeals from judgments
31 and orders of magistrates. Appeals from judgments or orders
32 of district associate judges while exercising any other
33 jurisdiction shall be governed by the laws relating to appeals
34 from judgments or orders of district judges.

35

PART 4

1 MAGISTRATES

2 Sec. 7401. NEW SECTION. 602.7401 NUMBER AND
3 APPORTIONMENT.

4 1. One hundred ninety-one magistrates shall be apportioned
5 among the counties as provided in this section. Magistrates
6 appointed pursuant to section 602.7402 shall not be counted
7 for purposes of this section.

8 2. During February of each odd-numbered year, the state
9 court administrator shall apportion magistrate offices among
10 the counties in accordance with the following criteria:

11 a. The number and type of proceedings contained in the
12 administrative reports required by section 602.7606.

13 b. The existence of either permanent, temporary, or
14 seasonal populations not included in the current census
15 figures.

16 c. The geographical area to be served.

17 d. Any inordinate number of cases over which magistrates
18 have jurisdiction that were pending at the end of the preceding
19 year.

20 e. The number and types of juvenile proceedings handled
21 by district associate judges.

22 3. Notwithstanding subsection 2, each county shall be
23 allotted at least one resident magistrate.

24 4. During March of each odd-numbered year, the state court
25 administrator shall give notice to the clerks of the district
26 court and to the chief judges of the judicial districts of
27 the number of magistrates to which each county is entitled.

28 Sec. 7402. NEW SECTION. 602.7402 ADDITIONAL MAGISTRATE
29 ALLOWED. In those counties which are allotted one magistrate
30 under section 602.7401 or which are restricted to one
31 magistrate by section 602.7302, the county magistrate
32 appointing commission may, by majority vote, decide to appoint
33 one additional magistrate. If a county appoints an additional
34 magistrate under this section, each of the two magistrates
35 shall receive one-half of the regular salary of a magistrate.

1 Sec. 7403. NEW SECTION. 602.7403 APPOINTMENT AND
2 QUALIFICATION OF MAGISTRATES.

3 1. In April of each year in which magistrates' terms
4 expire, the county magistrate appointing commission shall
5 appoint, except as otherwise provided in section 602.7302,
6 the number of magistrates apportioned to the county by the
7 state court administrator under section 602.7401, and may
8 appoint an additional magistrate when allowed by section
9 602.7402. The commission shall not appoint more magistrates
10 than are authorized for the county by this article.

11 2. The magistrate appointing commission for each county
12 shall prescribe the contents of an application for an
13 appointment pursuant to this section. The commission shall
14 publicize notice of any vacancy to be filled in at least two
15 publications in the official county newspaper. The commission
16 shall accept applications for a minimum of fifteen days prior
17 to making an appointment, and shall make available during
18 that period of time any printed application forms the
19 commission prescribes.

20 3. Within thirty days following receipt of notification
21 of a vacancy in the office of magistrate, the commission shall
22 appoint a person to the office to serve the remainder of the
23 unexpired term. For purposes of this section, vacancy means
24 a death, resignation, retirement, or removal of a magistrate,
25 or an increase in the number of positions authorized.

26 4. The term of office of a magistrate is two years,
27 commencing July 1 of each odd-numbered year.

28 5. The commission shall promptly certify the names and
29 addresses of appointees to the clerk of the district court
30 and to the chief judge of the judicial district. The clerk
31 of the district court shall certify to the state court
32 administrator the names and addresses of these appointees.

33 6. Before assuming office, a magistrate shall subscribe
34 and file in the office of the state court administrator the
35 oath of office specified in section 63.6.

1 7. Annually, the state court administrator shall cause
2 a school of instruction to be conducted for magistrates, and
3 each magistrate shall attend prior to the time of taking
4 office unless excused by the chief justice for good cause.
5 A magistrate appointed to fill a vacancy shall attend the
6 first school of instruction that is held following the
7 appointment, unless excused by the chief justice for good
8 cause.

9 Sec. 7404. NEW SECTION. 602.7404 QUALIFICATIONS.

10 1. A magistrate shall be an elector of the county of
11 appointment during the magistrate's term of office. A
12 magistrate shall serve within the judicial district in which
13 appointed, as directed by the chief judge, provided that the
14 chief judge may assign a magistrate to hold court outside
15 of the county of the magistrate's residence only if it is
16 necessary for the orderly administration of justice. A
17 magistrate is subject to reassignment under section 602.7108.

18 2. A person is not qualified for appointment as a
19 magistrate unless the person can complete the entire term
20 of office prior to reaching age seventy-two.

21 3. A person is not required to be admitted to the practice
22 of law in this state as a condition of being appointed to
23 the office of magistrate, but the magistrate appointing
24 commission shall first consider applicants who are admitted
25 to practice law in this state when selecting persons for the
26 office of magistrate.

27 Sec. 7405. NEW SECTION. 602.7405 JURISDICTION--PROCEDURE.

28 1. Magistrates have jurisdiction of simple misdemeanors,
29 including traffic and ordinance violations, and preliminary
30 hearings, search warrant proceedings, and small claims. They
31 also have jurisdiction to exercise the powers specified in
32 sections 644.2 and 644.12, and to hear complaints or
33 preliminary informations, issue warrants, order arrests, make
34 commitments, and take bail.

35 2. The criminal procedure before magistrates is as provided

1 in chapters 804, 806, 808, 811, 820 and 821 and rules of
2 criminal procedure 1, 2 and 32 to 56. The civil procedure
3 before magistrates shall be as provided in chapters 631 and
4 648.

5

PART 5

6

MAGISTRATE APPOINTING COMMISSIONS

7

Sec. 7501. NEW SECTION. 602.7501 COMPOSITION OF COUNTY
8 MAGISTRATE APPOINTING COMMISSIONS.

9 1. A magistrate appointing commission is established in
10 each county. The commission shall be composed of the following
11 members:

12 a. A district judge designated by the chief judge of the
13 judicial district to serve until a successor is designated.

14 b. Three members appointed by the board of supervisors,
15 or the lesser number provided in section 602.7503, subsection
16 1.

17 c. Two attorneys elected by the attorneys in the county,
18 or the lesser number provided in section 602.7504, subsection
19 1.

20 2. The clerk of the district court shall maintain a
21 permanent record of the name, address, and term of office
22 of each commissioner.

23 3. A member of a magistrate appointing commission shall
24 be reimbursed for actual and necessary expenses reasonably
25 incurred in the performance of official duties. Reimbursements
26 are payable out of the court expense fund of the county in
27 which the member serves, upon certification of the expenses
28 to the county auditor by the clerk of the district court.
29 The district judges of each judicial district may prescribe
30 rules for the administration of this subsection.

31 Sec. 7502. NEW SECTION. 602.7502 MEMBER OF COMMISSION
32 NOT TO BE APPOINTED TO OFFICE. A member of a county magistrate
33 appointing commission shall not be appointed to the office
34 of magistrate, and shall not be nominated for or appointed
35 to the office of district associate judge.

1 Sec. 7503. NEW SECTION. 602.7503 COMMISSIONERS APPOINTED
2 BY A COUNTY.

3 1. The board of supervisors of each county shall appoint
4 three electors to the magistrate appointing commission for
5 the county for six-year terms beginning January 1, 1979 and
6 each sixth year thereafter. However, if there is only one
7 attorney elected pursuant to section 602.7504, the county
8 board of supervisors shall only appoint two commissioners,
9 and if no attorney is elected, the board of supervisors shall
10 only appoint one commissioner.

11 2. The board of supervisors shall not appoint an attorney
12 or an active law enforcement officer to serve as a
13 commissioner.

14 3. The county auditor shall certify to the clerk of the
15 district court the name, address, and expiration date of term
16 for all appointees of the board of supervisors.

17 Sec. 7504. NEW SECTION. 602.7504 COMMISSIONERS ELECTED
18 BY ATTORNEYS.

19 1. The resident attorneys of each county shall elect two
20 resident attorneys of the county to the magistrate appointing
21 commission for six-year terms beginning on January 1, 1979,
22 and each sixth year thereafter. An election shall be held
23 in December preceding the commencement of new terms. The
24 attorneys in a county may elect only one commissioner if there
25 is only one who is qualified and willing to serve and if there
26 are no resident attorneys in a county or none is willing to
27 serve as a commissioner, none shall be elected.

28 2. A county attorney shall not be elected to the
29 commission.

30 3. An attorney is eligible to vote in elections of
31 magistrate appointing commissioners within a county if
32 registered as a member of the bar in accordance with sections
33 46.7 and 46.8, and if a resident of the county.

34 4. When an election of magistrate appointing commissioners
35 is to be held, the clerk of the district court for each county

1 shall cause to be mailed to each eligible attorney a ballot
2 that is in substantially the following form:

3 BALLOT

4

5 County Magistrate Appointing Commission

6

7 To be cast by the resident members of the bar of
8 county.

9 Vote for (state number) for county judicial
10 magistrate appointing commissioner(s) for term commencing

11

12

13

14 To be counted, this ballot must be completed and mailed or
15 delivered to clerk of the district court, ..., no
16 later than December 31, 19..... (or the appropriate date in
17 case of an election to fill a vacancy).

18 Sec. 7505. NEW SECTION. 602.7505 VACANCY. A vacancy
19 in the office of magistrate appointing commissioner shall
20 be filled for the unexpired term in the same manner as the
21 original appointment was made.

22 PART 6

23 DISTRICT COURT ADMINISTRATION

24 Sec. 7601. NEW SECTION. 602.7601 COURT ATTENDANTS.

25 1. The district court administrator of each judicial
26 district shall employ and supervise court attendants as
27 authorized by the chief judge.

28 2. A court attendant shall assist judicial officers during
29 proceedings in court and shall perform other duties as
30 prescribed by the supreme court or by the chief judge of the
31 judicial district.

32 Sec. 7602. NEW SECTION. 602.7602 REFEREES AND SPECIAL
33 MASTERS. A person who is appointed as a referee or special
34 master, or who otherwise is appointed by a court pursuant
35 to law or court rule to exercise a judicial function, is

1 subject to the supervision of the judicial officer making
2 the appointment.

3 Sec. 7603. NEW SECTION. 602.7603 COURT REPORTERS.

4 1. Each district judge shall appoint a court reporter
5 who shall, upon the request of a party in a civil or criminal
6 case, report the evidence and proceedings in the case, and
7 perform all duties as provided by law.

8 2. Each district associate judge may appoint a court
9 reporter, subject to the approval of the chief judge of the
10 judicial district.

11 3. If a district judge determines that it is necessary
12 to employ an additional court reporter because of an
13 extraordinary volume of work, or because of the temporary
14 illness or incapacity of a regular court reporter, the district
15 judge may appoint a temporary court reporter who shall serve
16 as required by the district judge.

17 4. If a regularly appointed court reporter becomes disabled
18 from performing duties, the judge may appoint a competent
19 substitute to act during the disability of the regular reporter
20 or until a successor is appointed, but a substitute shall
21 not act for a period longer than one year unless the substitute
22 is or becomes a certified shorthand reporter within that one
23 year, and a substitute shall not be reappointed at the end
24 of the one-year period unless the substitute is or becomes
25 a certified shorthand reporter within that one year.

26 5. Except as provided in subsection 4, a person shall
27 not be appointed to the position of court reporter of the
28 district court unless the person has been certified as a
29 shorthand reporter by the board of examiners under article
30 4.

31 6. Each court reporter shall take an oath faithfully to
32 perform the duties of office, which shall be filed in the
33 office of the clerk of district court.

34 7. A court reporter may be removed for cause with due
35 process by the judicial officer making the appointment.

1 Sec. 7604. NEW SECTION. 602.7604 DOCKETS.

2 1. The clerk of the district court shall furnish a
3 magistrate, district associate judge, or district judge acting
4 as a magistrate, with a docket in which the officer shall
5 enter all proceedings except small claims. The docket shall
6 be indexed and shall contain for each case the title and
7 nature of the action, the place of hearing, appearances, and
8 notations of the documents filed with the judicial officer,
9 the proceedings in the case and orders made, the verdict and
10 judgment including costs, any satisfaction of the judgment,
11 whether the judgment was certified to the clerk of the district
12 court, whether an appeal was taken, and the amount of any
13 appeal bond.

14 2. The chief judge of a judicial district may order that
15 criminal proceedings which are within the jurisdictions of
16 magistrates and district associate judges be combined into
17 centralized dockets for the county if the chief judge
18 determines that administration could be improved by this
19 procedure. When so ordered, a centralized docket shall be
20 maintained in lieu of individual dockets, and the clerk of
21 the district court shall compile a centralized docket in the
22 manner prescribed for an individual docket. The chief judge
23 may assign actions and proceedings on centralized dockets
24 to judicial officers having jurisdiction as the chief judge
25 deems necessary.

26 Sec. 7605. NEW SECTION. 602.7605 FUNDS, REPORTS. Each
27 magistrate, and each district associate judge and district
28 judge acting as a magistrate, shall file once each month with
29 the clerk of the district court an itemized statement of all
30 cases disposed of and all funds received and disbursed per
31 case, and at least monthly shall remit all funds received
32 to the clerk. The clerk shall provide adequate clerical
33 assistance to judicial officers to carry out this section.

34 Sec. 7606. NEW SECTION. 602.7606 ADMINISTRATIVE REPORTS.
35 Each magistrate, and each district associate judge and district

1 judge acting as a magistrate, shall report all judicial
2 business handled to the clerk of the district court and to
3 the chief judge of the judicial district. Reports shall be
4 in the form and filed at the times prescribed by the state
5 court administrator. The administrator may require the clerk
6 to forward copies of individual reports or require a
7 consolidated report for the county.

8 Sec. 7607. NEW SECTION. 602.7607 CONTROL OF RECORDS-
9 -VACANCIES. Whenever a magistrate, or a district associate
10 judge or district judge acting as a magistrate, leaves office,
11 all funds, dockets, and records relating to the vacated office
12 shall be delivered by the judicial officer to the clerk who
13 issued the docket.

14 PART 7

15 SPECIAL PROVISIONS

16 Sec. 7701. NEW SECTION. 602.7701 CIRCUIT COURT RECORDS.

17 1. The district court shall succeed to and have
18 jurisdiction over the records of the circuit court, and may
19 enforce all judgments, decrees, and orders of the circuit
20 court in the same manner and to the same extent as it exercises
21 jurisdiction over its own records, and, for the purposes of
22 the issuance of process and any other acts necessary to the
23 enforcement of the orders, judgments, and decrees of the
24 circuit court, the records of the circuit court shall be
25 deemed records of the district court.

26 2. Transcripts and process from the judgments, decrees,
27 and records of the circuit court shall be issued by the clerk
28 of the district court, and under the seal of the clerk's
29 office.

30 Sec. 7702. NEW SECTION. 602.7702 COUNTIES BORDERING
31 ON MISSOURI RIVER. The jurisdiction of the courts of the
32 state in all civil and criminal actions and proceedings, shall
33 extend in counties bordering on the Missouri river to the
34 center of the main channel of the Missouri river, where it
35 now is or may hereafter be, and to all lands and territory

1 lying along the river which have been adjudged by the United
2 States supreme court or the supreme court of this state to
3 be within the state of Iowa, and to the other lands and
4 territory along the river over which the courts of this state
5 have exercised jurisdiction.

6 ARTICLE 8
7 JUVENILE COURT
8 PART 1
9 THE COURT

10 Sec. 8101. NEW SECTION. 602.8101 JUVENILE COURT.

11 1. A juvenile court is established in each county. The
12 juvenile court is within the district court and has the
13 jurisdiction provided in chapter 232.

14 2. The jurisdiction of the juvenile court may be exercised
15 by any district judge, and by any district associate judge
16 who is designated by the chief judge as a judge of the juvenile
17 court.

18 3. The chief judge shall designate one or more of the
19 district judges and district associate judges to act as judges
20 of the juvenile court for a county. The chief judge may
21 designate a juvenile court judge to preside in more than one
22 county.

23 4. The designation of a judicial officer as a juvenile
24 court judge does not deprive the officer of other judicial
25 functions. Any district judge may act as a juvenile court
26 judge during the absence or inability to act, or upon the
27 request, of the designated juvenile court judge.

28 5. The juvenile court is always open for the transaction
29 of business, but the hearing of a matter that requires notice
30 shall be had at a time and place fixed by the juvenile court
31 judge.

32 Sec. 8102. NEW SECTION. 602.8102 COURT RECORDS.

33 1. The juvenile court is a court of record, and its
34 proceedings, orders, findings, and decisions shall be entered
35 in books that are kept for that purpose and that are identified

1 as juvenile court records.

2 2. The clerk of the district court is the clerk of the
3 juvenile court for the county.

4 3. The clerk shall, if practicable, notify a convenient
5 juvenile court officer in advance when a child is to be brought
6 before the court.

7 Sec. 8103. NEW SECTION. 602.8103 REFEREE--PROCEDURE.

8 1. The judge of the juvenile court may appoint and may
9 remove for cause with due process a juvenile court referee.
10 The referee shall be an attorney admitted to practice law
11 in this state, and shall be qualified for duties by training
12 and experience.

13 2. The juvenile court judge may order that any case or
14 class of cases arising under chapter 232 or chapter 600A be
15 heard in the first instance by the referee in the manner
16 provided for the hearing of cases by the court.

17 3. Upon the conclusion of a hearing held by a referee,
18 the referee shall transmit findings of fact to the juvenile
19 court judge. Notice of the findings of fact of the referee,
20 together with a statement concerning the right to a rehearing,
21 shall be given to the parties to the proceeding, including
22 the parents, guardian, or custodian of a minor, and to any
23 other interested person as the court directs. This notice
24 may be given orally at the hearing, or by certified mail or
25 other service as directed by the court.

26 4. The parties to a proceeding heard by a referee are
27 entitled to a rehearing by the judge of the juvenile court
28 if requested within seven days after receiving notice of the
29 findings of fact of the referee. In the interest of justice,
30 the court may allow a rehearing at any time. If a rehearing
31 is not requested, the court may enter an appropriate order
32 based upon the referee's findings of fact.

33 Sec. 8104. NEW SECTION. 602.8104 PHYSICIANS AND NURSES.

34 1. In a county having a population of one hundred twenty-
35 five thousand or more, the judges of the juvenile court may

1 appoint a physician and a nurse, prescribe their duties, and
2 remove them.

3 2. Appointees shall receive salaries and shall be reim-
4 bursed for expenses incurred in the performance of duties,
5 as prescribed by the supreme court.

6

PART 2

7

PROBATION AND COURT SERVICES

8 Sec. 8201. NEW SECTION. 602.8201 ADMINISTRATION AND
9 SUPERVISION.

10 1. Probation and other juvenile court services within
11 a judicial district shall be administered and supervised by
12 the chief juvenile court officer.

13 2. The juvenile court officers and other personnel employed
14 in juvenile court service offices are subject to the
15 supervision of the chief juvenile court officer.

16 3. The chief juvenile court officer may employ, shall
17 supervise, and may remove for cause with due process
18 secretarial, clerical, and other staff within juvenile court
19 service offices as authorized by the chief judge.

20 Sec. 8202. NEW SECTION. 602.8202 JUVENILE COURT OFFI-
21 CERS.

22 1. Subject to the approval of the chief judge of the
23 judicial district, the chief juvenile court officer shall
24 appoint juvenile court officers to serve the juvenile court.
25 Juvenile court officers may be required to serve in two or
26 more counties within the judicial district.

27 2. Juvenile court officers shall be selected, appointed,
28 and removed in accordance with rules, standards, and qualifica-
29 tions prescribed by the supreme court.

30 3. Juvenile court officers have the duties prescribed
31 in chapter 232, subject to the direction of the judges of
32 the juvenile court. A judge of the juvenile court shall not
33 attempt to direct or influence a juvenile court officer in
34 the performance of the officer's duties.

35 4. A juvenile court officer has the powers of a peace

1 officer while engaged in the discharge of duties.

2 ARTICLE 9

3 CLERK OF DISTRICT COURT

4 Sec. 9101. NEW SECTION. 602.9101 OFFICE OF THE CLERK
5 OF THE DISTRICT COURT.

6 1. The office of clerk of the district court is an
7 appointive office, as provided in section 602.1214.

8 2. A person appointed to the office of clerk shall qualify
9 by taking the oath of office as provided in section 63.10
10 and giving bond as provided in chapter 64.

11 3. The clerk may employ deputies, assistants, and clerks
12 when authorized under section 602.1402 and when authorized
13 by the chief judge of the judicial district. The clerk is
14 responsible for the acts of these employees. Each first
15 deputy shall give bond as provided in chapter 64.

16 Sec. 9102. NEW SECTION. 602.9102 GENERAL DUTIES. The
17 clerk shall:

18 1. Keep the office of the clerk at the county seat.

19 2. Attend sessions of the district court.

20 3. Keep the records, papers, and seal, and record the
21 proceedings of the district court as provided by law under
22 the direction of the chief judge of the judicial district.

23 4. Upon the death of a judge of the district court, give
24 written notice to the state comptroller of the date of death.
25 The clerk shall also give written notice of the death of a
26 justice of the supreme court or a judge of the court of appeals
27 or the district court who resides in the clerk's county to
28 the state commissioner of elections, as provided in section
29 46.12.

30 5. When money in the amount of five hundred dollars or
31 more is paid to the clerk to be paid to another person and
32 the money is not disbursed within thirty days, notify the
33 person who is entitled to the money or for whose account the
34 money is paid or the attorney of record of the person. The
35 notice shall be given by certified mail within forty days

1 of the receipt of the money to the last known address of the
2 person or the person's attorney and a memorandum of the notice
3 shall be made in the proper record. If the notice is not
4 given, the clerk and the clerk's sureties are liable for
5 interest at the rate specified in section 535.2, subsection
6 1 on the money from the date of receipt to the date that the
7 money is paid to the person entitled to it or the person's
8 attorney.

9 6. On each process issued, indicate the date that it is
10 issued, the clerk's name who issued it, and the seal of the
11 court.

12 7. Upon return of an original notice to the clerk's of-
13 fice, enter in the appearance or combination docket informa-
14 tion to show which parties have been served the notice and
15 the manner and time of service.

16 8. When entering a lien or indexing an action affecting
17 real estate in the clerk's office, enter the year, month,
18 day, hour, and minute when the entry is made. The clerk shall
19 mail a copy of a mechanic's lien to the owner of the building,
20 land, or improvement which is charged with the lien as provided
21 in section 572.8.

22 9. Enter in the appearance docket a memorandum of the
23 date of filing of all petitions, demurrers, answers, motions,
24 or papers of any other description in the cause. A pleading
25 of any description is not considered filed in the cause or
26 taken from the clerk's office until the memorandum is made.
27 The memorandum shall be made before the end of the next working
28 day. Thereafter, when a demurrer or motion is sustained or
29 overruled, a pleading is made or amended, or the trial of
30 the cause, rendition of the verdict, entry of judgment,
31 issuance of execution, or any other act is done in the progress
32 of the cause, a similar memorandum shall be made of the action,
33 including the date of action and the number of the book and
34 page of the record where the entry is made. The appearance
35 docket is an index of each suit from its commencement to its

1 conclusion.

2 10. When title to real estate is finally established in
3 a person by a judgment or decree of the district court or
4 by decision of an appellate court or when the title to real
5 estate is changed by judgment, decree, will, proceeding, or
6 order in probate, certify the final decree, judgment, or
7 decision under seal of the court to the auditor of the county
8 in which the real estate is located.

9 11. Keep for public inspection a certified copy of each
10 act of the general assembly and furnish a copy of the act
11 upon payment of a fee as provided in section 3.15.

12 12. At the order of a justice of the supreme court, docket
13 without fee any civil or criminal case transferred from a
14 military district under martial law as provided in section
15 29A.45.

16 13. Carry out duties as a member of a nominations appeal
17 commission as provided in section 44.7.

18 14. Maintain a bar registration book, biennially give
19 notice and accept registration of attorneys to be eligible
20 to vote in elections of judicial nominating commissioners,
21 and certify the names registered to the clerk of the supreme
22 court as provided in section 46.8.

23 15. Notify the county commissioner of registration of
24 persons who become ineligible to register to vote because
25 of criminal convictions, mental retardation, or legal declara-
26 tions of incompetency and of persons whose citizenship rights
27 have been restored as provided in section 48.30.

28 16. When the auditor is a party to an election contest,
29 carry out duties on behalf of the auditor and issue subpoenas
30 as provided in sections 62.7 and 62.11.

31 17. Approve the bonds of the members of the board of
32 supervisors as provided in section 64.19.

33 18. File the bonds and oaths of the members of the board
34 of supervisors as provided in section 64.23.

35 19. Keep a book of the record of official bonds and record

1 the official bonds of magistrates as provided in section
2 64.24.

3 20. Carry out duties relating to proceedings for the re-
4 moval of a public officer as provided in sections 66.4 and
5 66.17.

6 21. Approve the surety bonds of persons accepting appoint-
7 ment as notaries public in the county as provided in section
8 77.4, subsection 2.

9 22. Carry out duties as a trustee for incompetent
10 dependents entitled to benefits under chapters 85 and 85A
11 and report annually to the district court concerning money
12 and property received or expended as a trustee as provided
13 under sections 85.49 and 85.50. .

14 23. Carry out duties relating to enforcing orders of the
15 occupational safety and health review commission as provided
16 in section 88.9, subsection 2.

17 24. Certify the imposition of a mulct tax against prop-
18 erty creating a public nuisance to the auditor as provided
19 in section 99.28.

20 25. Carry out duties relating to the judicial review of
21 orders of the occupational safety and health review commission
22 as provided in section 104.10, subsection 2.

23 26. With sufficient surety, approve an appeal bond for
24 judicial review of an order or action of the state conserva-
25 tion commission relating to dams and spillways as provided
26 in section 112.8.

27 27. Docket an appeal from the fence viewer's decision
28 or order as provided in section 113.23.

29 28. Certify to the recorder the fact that a judgment has
30 been rendered upon an appeal of a fence viewer's order as
31 provided in section 113.24.

32 29. Hold as a public record a list of the names and
33 addresses of persons licensed as real estate salespersons
34 and brokers and the name of persons whose licenses were
35 suspended or revoked during the year reported as provided

1 in section 117.42.

2 30. Approve bond sureties and enter in the lien index
3 the undertakings of bonds for abatement relating to the illegal
4 manufacture, sale, or consumption of alcoholic liquors as
5 provided in sections 123.76, 123.79, and 123.80.

6 31. Carry out duties relating to a judgment of forfeiture
7 ordering the sale or other disposition of a conveyance used
8 in the illegal transportation of liquor or distribution of
9 a controlled substance as provided in chapter 127.

10 32. Carry out duties as county registrar of vital statis-
11 tics as provided in chapter 144.

12 33. Furnish to the state department of health a certified
13 copy of a judgment suspending or revoking a professional li-
14 cense as provided in section 147.66.

15 34. Receive and file a bond given by the owner of a dis-
16 trained animal to secure its release pending resolution of
17 a suit for damages as provided in sections 188.22 and 188.23.

18 35. Send notice of the conviction, judgment, and sentence
19 of a person violating the uniform controlled substances laws
20 to the state board or officer who issued a license or
21 registered the person to practice a profession or to conduct
22 business as provided in section 204.412.

23 36. Carry out duties relating to the commitment of a
24 mentally retarded person as provided in sections 222.37 through
25 222.40.

26 37. Keep a separate docket of proceedings of cases relating
27 to the mentally retarded as provided in section 222.57.

28 38. Order the commitment of a voluntary public patient
29 to the state psychiatric hospital under the circumstances
30 provided in section 225.16.

31 39. Refer persons applying for voluntary admission to
32 a community mental health center for a preliminary diagnostic
33 evaluation as provided in section 225C.16, subsection 2.

34 40. Make a copy of the warrant and return of service sub-
35 mitted by the sheriff relating to the return of a mental pa-

1 tient from a state hospital to stand trial and mail the war-
2 rant and return to the superintendent of the hospital as pro-
3 vided in section 226.28.

4 41. Carry out duties relating to the involuntary commitment
5 of mentally impaired persons as provided in chapter 229.

6 42. Serve as clerk of the juvenile court and carry out
7 duties as provided in chapter 232 and article 8.

8 43. Submit to the director of the division of child and
9 family services of the department of social services a dupli-
10 cate of the findings of the district court related to adop-
11 tions as provided in section 235.3, subsection 7.

12 44. Certify to the warden of the penitentiary or men's
13 reformatory the number of days that have been credited toward
14 completion of an inmate's sentence as provided in section
15 246.38.

16 45. Report to the board of parole and the director of
17 the division of corrections of the department of social
18 services the criminal statistics as provided in sections
19 247.29 through 247.31.

20 46. Carry out duties relating to the pardons, commutations,
21 remission of fines and forfeitures, and restoration of citizen-
22 ship as provided in sections 248.9 and 248.17.

23 47. Forward support payments received under section 252A.6
24 to the department of social services and furnish copies of
25 orders and decrees awarding support to parties receiving wel-
26 fare assistance as provided in section 252A.13.

27 48. Carry out duties relating to the provision of medi-
28 cal care and treatment for indigent persons as provided in
29 chapter 255.

30 49. Enter a judgment based on the transcript of an appeal
31 to the state board of public instruction against the party
32 liable for payment of costs as provided in section 290.4.

33 50. Certify the final order of the district court upon
34 appeal of an assessment within a secondary road assessment
35 district to the auditor as provided in section 311.24.

- 1 51. Forward to the department of transportation a copy
2 of the record of each conviction or forfeiture of bail of
3 a person charged with the violation of the laws regulating
4 the operation of vehicles on public roads as provided in
5 sections 321.281 and 321.491.
- 6 52. Send to the department of transportation licenses
7 and permits surrendered by a person convicted of being a
8 habitual offender of traffic and motor vehicle laws as pro-
9 vided in section 321.559.
- 10 53. If a person fails to satisfy a judgment relating to
11 motor vehicle financial responsibility within sixty days,
12 forward to the director of the department of transportation
13 a certified copy of the judgment as provided in section
14 321A.12.
- 15 54. Approve a bond of a surety company or a bond with
16 at least two individual sureties owning real estate in this
17 state as proof of financial responsibility as provided in
18 section 321A.24.
- 19 55. Carry out duties under the Iowa motor vehicle dealers
20 licensing Act as provided in sections 322.10 and 322.24.
- 21 56. Carry out duties relating to the enforcement of motor
22 fuel tax laws as provided in sections 324.66 and 324.67.
- 23 57. Carry out duties relating to the platting of land
24 as provided in sections 409.9, 409.11, and 409.22.
- 25 58. Upon order of the director of revenue, issue a com-
26 mission for the taking of depositions as provided in section
27 421.17, subsection 8.
- 28 59. Mail to the director of revenue a copy of a court
29 order relieving an executor or administrator from making an
30 income tax report on an estate as provided in section 422.23.
- 31 60. With acceptable sureties, approve the bond of a peti-
32 tioner for a tax appeal as provided in section 422.29, sub-
33 section 2.
- 34 61. Certify the final decision of the district court in
35 an appeal of the tax assessments as provided in section 441.39.

1 Costs of the appeal to be assessed against the board of review
2 or a taxing body shall be certified to the treasurer as pro-
3 vided in section 441.40.

4 62. Certify a final order of the district court relating
5 to the apportionment of tax receipts to the auditor as provided
6 in section 449.7.

7 63. Carry out duties relating to the inheritance tax as
8 provided in chapter 450.

9 64. Deposit funds held by the clerk in an approved de-
10 pository as provided in 453.1.

11 65. Carry out duties relating to appeals and certification
12 of costs relating to levee and drainage districts as provided
13 in sections 455.96 through 455.105.

14 66. Carry out duties relating to the condemnation of land
15 as provided in chapter 472.

16 67. Forward civil penalties collected for violations re-
17 lating to the siting of electric power generators to the
18 treasurer of state as provided in section 476A.14, subsection
19 1.

20 68. Certify a copy of a decree of dissolution of a business
21 corporation to the secretary of state and the recorder of
22 the county in which the corporation is located as provided
23 in section 496A.100.

24 69. With acceptable sureties, approve the bond of a peti-
25 tioner filing an appeal for review of an order of the commis-
26 sioner of insurance as provided in section 502.606 or 507A.7.

27 70. Certify a copy of a decree of dissolution of a
28 nonprofit corporation to the secretary of state and the
29 recorder in the county in which the corporation is located
30 as provided in section 504A.62.

31 71. Carry out duties relating to the enforcement of de-
32 crees and orders of reciprocal states under the Iowa
33 unauthorized insurers Act as provided in section 507A.11.

34 72. Certify copies of a decree of involuntary dissolution
35 of a state bank to the secretary of state and the recorder

1 of the county in which the bank is located as provided in
2 section 524.1311, subsection 4.

3 73. Certify copies of a decree dissolving a credit union
4 as provided in section 533.21, subsection 4.

5 74. Refuse to accept the filing of papers to institute
6 legal action under the Iowa consumer credit code if proper
7 venue is not adhered to as provided in section 537.5113.

8 75. Receive payment of money due to a person who is absent
9 from the state if the address or location of the person is
10 unknown as provided in section 538.5.

11 76. Carry out duties relating to the appointment of the
12 Iowa state commerce commission as receiver for agricultural
13 commodities on behalf of a warehouse operator whose license
14 is suspended or revoked as provided in section 543.3.

15 77. Certify the signature of the recorder on the transcript
16 of any instrument affecting real estate as provided in sec-
17 tion 558.12.

18 78. Certify an acknowledgement of a written instrument
19 relating to real estate as provided in section 558.20.

20 79. Collect on behalf of, and pay to the auditor the fee
21 for the transfer of real estate as provided in section 558.66.

22 80. With acceptable sureties, endorse a bond sufficient
23 to settle a dispute between adjoining owners of a common wall
24 as provided in section 563.11.

25 81. Carry out duties relating to cemeteries as provided
26 in sections 566.4, 566.7, and 566.8.

27 82. Carry out duties relating to liens as provided in
28 chapters 570, 571, 572, 574, 580, 581, 582, and 584.

29 83. Accept applications for and issue marriage licenses
30 as provided in chapter 595.

31 84. Carry out duties relating to the dissolution of a
32 marriage as provided in chapter 598.

33 85. Carry out duties relating to the custody of children
34 as provided in chapter 598A.

35 86. Carry out duties relating to adoptions as provided

1 in chapter 600.

2 87. Enter upon the clerk's records actions taken by the
3 court at a location which is not the county seat as provided
4 in section 602.7106.

5 88. Maintain a record of the name, address, and term of
6 office of each member of the county magistrate appointing
7 commission as provided in section 602.7501.

8 89. Certify to the state court administrator the names
9 and addresses of the magistrates appointed by the county
10 magistrate appointing commission as provided in section
11 602.7403.

12 90. Furnish an individual or centralized docket for the
13 magistrates of the county as provided in section 602.7604.

14 91. Serve as an ex officio jury commissioner and notify
15 appointive commissioners of their appointment as provided
16 in sections 608.1 and 608.5.

17 92. Carry out duties relating to the selection of jurors
18 as provided in chapter 609.

19 93. Carry out duties relating to the revocation or sus-
20 pension of an attorney's authority to practice law as provided
21 in chapter 610.

22 94. File and index petitions affecting real estate as
23 provided in sections 617.10 through 617.15.

24 95. Designate the newspapers in which the notices per-
25 taining to the clerk's office shall be published as provided
26 in section 618.7.

27 96. With acceptable surety, approve a bond of the plain-
28 tiff in an action for the payment of costs which may be ad-
29 judged against the plaintiff as provided in section 621.1.

30 97. Issue subpoenas for witnesses as provided in section
31 622.63.

32 98. Carry out duties relating to trials and judgments
33 as provided in sections 624.8 through 624.21 and 624.37.

34 99. Collect jury fees and court reporter fees as required
35 by chapter 625.

- 1 100. When the judgment is for recovery of money, compute
2 the interest from the date of verdict to the date of payment
3 of the judgment as provided in section 625.21.
- 4 101. Carry out duties relating to executions as provided
5 in chapter 626.
- 6 102. Carry out duties relating to the redemption of prop-
7 erty as provided in sections 628.13, 628.18, and 628.20.
- 8 103. Record statements of expenditures made by the holder
9 of a sheriff's sale certificate in the encumbrance book and
10 lien index as provided in section 629.3.
- 11 104. Carry out duties relating to small claim actions
12 as provided in chapter 631.
- 13 105. Carry out duties of the clerk of the probate court
14 as provided in chapter 633.
- 15 106. Carry out duties relating to the administration of
16 small estates as provided in sections 635.1, 635.7, 635.9,
17 and 635.11.
- 18 107. Carry out duties relating to the attachment of prop-
19 erty as provided in chapter 639.
- 20 108. Carry out duties relating to garnishment as provided
21 in chapter 642.
- 22 109. With acceptable surety, approve bonds of the plain-
23 tiff desiring immediate delivery of the property in an action
24 of replevin as provided in sections 643.7 and 643.12.
- 25 110. Carry out duties relating to the disposition of lost
26 property as provided in chapter 644.
- 27 111. Carry out duties relating to the recovery of real
28 property as provided in section 646.23.
- 29 112. Endorse the court's approval of a restored record
30 as provided in section 647.3.
- 31 113. When a judgment of foreclosure is entered, file with
32 the recorder an instrument acknowledging the foreclosure and
33 the date of decree and upon payment of the judgment, file
34 an instrument with the recorder acknowledging the satisfac-
35 tion as provided in sections 655.4 and 655.5.

- 1 114. Carry out duties relating to the issuance of a writ
2 of habeas corpus as provided in sections 663.9, 663.43, and
3 663.44.
- 4 115. Accept and docket an application for post-conviction
5 review of a conviction as provided in section 663A.3.
- 6 116. Report all fines, forfeited recognizances, penalties,
7 and forfeitures as provided in section 602.9106, subsection
8 3 and section 666.6.
- 9 117. Issue a warrant for the seizure of a boat or raft
10 as provided in section 667.2.
- 11 118. Carry out duties relating to the changing of a per-
12 son's name as provided in chapter 674.
- 13 119. Notify the state registrar of vital statistics of
14 a judgment determining the paternity of an illegitimate child
15 as provided in section 675.36.
- 16 120. Enter a judgment made by confession and issue an
17 execution of the judgment as provided in section 676.4.
- 18 121. With acceptable surety, approve the bond of a re-
19 ceiver as provided in section 680.3.
- 20 122. Carry out duties relating to the assignment of prop-
21 erty for the benefit of creditors as provided in chapter 681.
- 22 123. Carry out duties relating to the certification of
23 surety companies and the investment of trust funds as pro-
24 vided in chapter 682.
- 25 124. Maintain a separate docket for petitions requesting
26 that the record and evidence in a judicial review proceeding
27 be closed as provided in section 692.5.
- 28 125. Furnish a disposition of each criminal complaint
29 or information filed in the district court to the department
30 of public safety as provided in section 692.15.
- 31 126. Carry out duties relating to the issuance of warrants
32 to persons who fail to appear to answer citations as provided
33 in section 805.5.
- 34 127. Provide for a traffic and scheduled violations office
35 for the district court and service the locked collection boxes

- 1 at weigh stations as provided in section 805.7.
- 2 128. Issue a summons to corporations to answer an indict-
3 ment as provided in section 807.5.
- 4 129. Carry out duties relating to the disposition of
5 seized property as provided in sections 809.2 and 809.3.
- 6 130. Docket undertakings of bail as liens on real estate
7 and enter them upon the lien index as provided in section
8 811.4.
- 9 131. Hold the amount of forfeiture and judgment of bail
10 in the clerk's office for sixty days as provided in section
11 811.6.
- 12 132. Carry out duties relating to appeals from the dis-
13 trict court as provided in chapter 814.
- 14 133. Certify costs and fees payable by the state as
15 provided in section 815.1.
- 16 134. Notify the director of the division of adult correc-
17 tions of the department of social services of the commitment
18 of a convicted person as provided in section 901.7.
- 19 135. Carry out duties relating to deferred judgments,
20 probations, and restitution as provided in sections 907.4
21 and 907.8, and chapter 910.
- 22 136. Carry out duties relating to the impaneling and pro-
23 ceedings of the grand jury as provided in R.Cr.P. 3, Ia. Ct.
24 Rules, 2nd ed.
- 25 137. Issue subpoenas upon application of the prosecuting
26 attorney and approval of the court as provided in R.Cr.P.
27 5, Ia. Ct. Rules, 2nd ed.
- 28 138. Issue summons or warrants to defendants as provided
29 in R.Cr.P. 7, Ia. Ct. Rules, 2nd ed.
- 30 139. Carry out duties relating to the change of venue
31 as provided in R.Cr.P. 10, Ia. Ct. Rules, 2nd ed.
- 32 140. Issue blank subpoenas for witnesses at the request
33 of the defendant as provided in R.Cr.P. 14, Ia. Ct. Rules,
34 2nd ed.
- 35 141. Carry out duties relating to the entry of judgment

1 as provided in R.Cr.P. 22, Ia. Ct. Rules, 2nd ed.

2 142. Carry out duties relating to the execution of a judg-
3 ment as provided in R.Cr.P. 24, Ia. Ct. Rules, 2nd ed.

4 143. Carry out duties relating to the trial of simple
5 misdemeanors as provided in R.Cr.P. 32 through 56, Ia. Ct.
6 Rules, 2nd ed.

7 144. Serve notice of an order of judgment entered as
8 provided in R.C.P. 82, Ia. Ct. Rules, 2nd ed.

9 145. If a party is ordered or permitted to plead further
10 by the court, serve notice to attorneys of record as pro-
11 vided in R.C.P. 86, Ia. Ct. Rules, 2nd ed.

12 146. Maintain a motion calendar as provided in R.C.P.
13 117, Ia. Ct. Rules, 2nd ed.

14 147. Provide notice of a judgment, order, or decree as
15 provided in R.C.P. 120, Ia. Ct. Rules, 2nd ed.

16 148. Issue subpoenas as provided in R.C.P. 155, Ia. Ct.
17 Rules, 2nd ed.

18 149. Tax the costs of taking a deposition as provided
19 in R.C.P. 157, Ia. Ct. Rules, 2nd ed.

20 150. With acceptable sureties, approve a bond filed for
21 change of venue under R.C.P. 167, Ia. Ct. Rules, 2nd ed.

22 151. Transfer the papers relating to a case transferred
23 to another court as provided in R.C.P. 173, Ia. Ct. Rules,
24 2nd ed.

25 152. Maintain a ready calendar list as provided in R.C.P.
26 181.1, Ia. Ct. Rules, 2nd ed.

27 153. Assess costs related to a continuance motion as pro-
28 vided in R.C.P. 182, Ia. Ct. Rules, 2nd ed.

29 154. Carry out duties relating to the impaneling of jurors
30 as provided in R.C.P. 187 through 190, Ia. Ct. Rules, 2nd
31 ed.

32 155. Furnish a referee, auditor, or examiner with a copy
33 of the order of appointment as provided in R.C.P. 207, Ia.
34 Ct. Rules, 2nd ed.

35 156. Mail a copy of the referee's, auditor's, or examiner's

1 report to the attorneys of record as provided in R.C.P. 214,
2 Ia. Ct. Rules, 2nd ed.

3 157. Carry out duties relating to the entry of judgments
4 as provided in R.C.P. 223, 226, 227.1, 228, and 229, Ia. Ct.
5 Rules, 2nd ed.

6 158. Carry out duties relating to defaults and judgments
7 on defaults as provided in R.C.P. 231, 232, and 233, Ia. Ct.
8 Rules, 2nd ed.

9 159. Notify the attorney of record if exhibits used in
10 a case are to be destroyed as provided in R.C.P. 253.1, Ia.
11 Ct. Rules, 2nd ed.

12 160. Docket the request for a hearing on a sale of property
13 as provided in R.C.P. 290, Ia. Ct. Rules, 2nd ed.

14 161. With acceptable surety, approve the bond of a citizen
15 commencing an action of quo warranto as provided in R.C.P.
16 300, Ia. Ct. Rules, 2nd ed.

17 162. Carry out duties relating to the issuance of a writ
18 of certiorari as provided in R.C.P. 306 through 319, Ia. Ct.
19 Rules, 2nd ed.

20 163. Carry out duties relating to the issuance of an in-
21 junction as provided in R.C.P. 320 through 330, Ia. Ct. Rules,
22 2nd ed.

23 164. Carry out other duties as provided by law.

24 Sec. 9103. NEW SECTION. 602.9103 GENERAL POWERS. The
25 clerk may:

26 1. Administer oaths and take affirmations as provided
27 in section 78.1.

28 2. Reproduce original records of the court by any reason-
29 ably permanent legible means including, but not limited to,
30 reproduction by photographing, photostating, microfilming,
31 and computer cards. The reproduction shall include proper
32 indexing. The reproduced record has the same authenticity
33 as the original record.

34 3. After the original record is reproduced and after ap-
35 proval of a majority of the judges of the district court by

1 court order, destroy the original records including, but not
2 limited to, dockets, journals, scrapbooks, files, and marriage
3 license applications. The order shall state the specific
4 records which are to be destroyed. An original court file
5 shall not be destroyed until after ten years from the date
6 a decree or judgment entry is signed and entered of record
7 and after the contents have been reproduced, but if the matter
8 is dismissed with prejudice before judgment or decree, the
9 original file may be destroyed one year from the date of the
10 dismissal and after its reproduction is authorized and
11 completed as provided in this subsection. As used in this
12 subsection and subsection 4, "destroy" includes the
13 transmission of the original records which are of general
14 historical interest to any recognized historical society or
15 association.

16 4. Destroy the following original records without prior
17 court order or reproduction except as otherwise provided in
18 this subsection:

19 a. Records including, but not limited to, dockets,
20 journals, scrapbooks, and files including court reporters'
21 notes, forty years after final disposition of the case.
22 However, judgments, decrees, stipulations, records in criminal
23 proceedings, probate records, and orders of court shall not
24 be destroyed unless they have been reproduced as provided
25 in subsection 2.

26 b. Administrative records, after five years, including,
27 but not limited to, warrants, subpoenas, clerks' certificates,
28 statements, praecipes, and depositions.

29 c. Records, dockets, and court files of civil and criminal
30 actions heard in the municipal court which were transferred
31 to the clerk, other than juvenile and adoption proceedings,
32 after a period of twenty years from the date of filing of
33 the actions.

34 d. Original court files on dissolutions of marriage, one
35 year after dismissal by the parties or under R.C.P. 215, 1a.

1 Ct. Rules, 2nd ed.

2 e. Small claims files, one year after dismissal with or
3 without prejudice.

4 f. Uniform traffic citations in the magistrate court or
5 traffic and scheduled violations office, one year after final
6 disposition.

7 5. Invest money which is paid to the clerk to be paid
8 to any other person in a savings account of a supervised
9 financial organization as defined in section 537.1301,
10 subsection 41, except a credit union operating pursuant to
11 chapter 533. The provisions of chapter 453 relating to the
12 deposit and investment of public funds apply to the deposit
13 and investment of the money except that a supervised financial
14 organization other than a credit union may be designated as
15 a depository and the money shall be available upon demand.
16 The interest earnings shall be paid into the general fund
17 of the state, except as otherwise provided by law.

18 Sec. 9104. NEW SECTION. 602.9104 RECORDS AND BOOKS.

19 1. The records of the court consist of the original papers
20 filed in all proceedings.

21 2. The following books shall be kept by the clerk:

22 a. A record book which contains the entries of the pro-
23 ceedings of the court and which has an index referring to
24 each proceeding in each cause under the names of the parties,
25 both plaintiff and defendant, and under the name of each
26 person named in either party.

27 b. A judgment docket which contains an abstract of the
28 judgments having separate columns for the names of the parties,
29 the date of the judgment, the damages recovered, costs, the
30 date of the issuance and return of executions, the entry of
31 satisfaction, and other memoranda. The docket shall have
32 an index containing the information specified in paragraph
33 a.

34 c. A fee book in which is listed in detail the costs and
35 fees in each action or proceeding under the title of the ac-

1 tion or proceeding. The fee book shall also have an index
2 containing the information specified in paragraph a.

3 d. A sale book in which the following matters relating
4 to a judgment under which real property is sold, are entered
5 after the return of execution:

6 (1) The title of the action.

7 (2) The date of judgment.

8 (3) The amount of damages recovered.

9 (4) The total amount of costs.

10 (5) The officer's return in full.

11 The sale book shall have an index containing the information
12 specified in paragraph a.

13 e. An encumbrance book in which the sheriff shall enter
14 a statement of the levy of each attachment on real estate.

15 f. An appearance docket in which the titles of all actions
16 or special proceedings shall be entered. The actions or pro-
17 ceedings shall be numbered consecutively in the order in which
18 they commence and shall include the full names of the parties,
19 plaintiffs and defendants, as contained in the petition or
20 as subsequently made parties by a pleading, proceeding, or
21 order. The entries provided for in this paragraph and para-
22 graphs b and c may be combined in one book, the combination
23 docket, which shall also have an index containing the informa-
24 tion specified in paragraph a.

25 g. A lien book in which an index of all liens in the court
26 are kept.

27 h. A record of official bonds as provided in section
28 64.24.

29 i. An inheritance tax and lien book as provided in section
30 450.13.

31 j. A cemetery record as provided in section 566.4.

32 k. A hospital lien docket as provided in section 582.4.

33 l. A marriage license book as provided in section 595.6.

34 m. A book of surety company certificates and revocations
35 as provided in section 682.13.

1 n. A book in which the deposits of funds, money, and
2 securities kept by the clerk are recorded as provided in
3 section 682.37.

4 Sec. 9105. NEW SECTION. 602.9105 FEES--COLLECTION AND
5 DISPOSITION.

6 1. The clerk shall collect the following fees:

7 a. For filing a petition, appeal, or writ of error and
8 docketing them, twenty-five dollars. Four dollars of the
9 fee shall be deposited in the court revenue distribution
10 account established under section 602.9108, and twenty-one
11 dollars of the fee shall be paid into the state treasury.
12 Of the amount paid to the state treasury, one dollar shall
13 be deposited in the judicial retirement fund established in
14 section 602.2104 to be used to pay retirement benefits of
15 the judicial retirement system, and the remainder shall be
16 deposited in the general fund of the state. In counties
17 having a population of one hundred thousand or over, an
18 additional five dollars shall be charged and collected, to
19 be known as the journal publication fee and used for the
20 purposes provided for in section 618.13.

21 b. For an attachment, two dollars.

22 c. For a cause tried by jury, five dollars.

23 d. For a cause tried by the court, two dollars and fifty
24 cents.

25 e. For an equity case, three dollars.

26 f. For an injunction or other extraordinary process or
27 order, five dollars.

28 g. For a cause continued on application of a party by
29 affidavit, two dollars.

30 h. For a continuance, one dollar.

31 i. For entering a final judgment or decree, one dollar
32 and fifty cents.

33 j. For taxing costs, one dollar.

34 k. For issuing an execution or other process after judgment
35 or decree, two dollars.

- 1 l. For filing, entering, and endorsing a mechanic's lien,
2 three dollars, and if a suit is brought, the fee is taxable
3 as other costs in the action.
- 4 m. For a certificate and seal, two dollars.
- 5 n. For filing and docketing a transcript of judgment from
6 another county, one dollar.
- 7 o. For entering a rule or order, one dollar.
- 8 p. For issuing a writ or order, not including subpoenas,
9 two dollars.
- 10 q. For issuing a commission to take depositions, two
11 dollars.
- 12 r. For entering a sheriff's sale of real estate, two
13 dollars.
- 14 s. For entering a judgment by confession, two dollars.
- 15 t. For entering a satisfaction of a judgment, one dollar.
- 16 u. For a copy of records or papers filed in the clerk's
17 office, transcripts, and making a complete record, fifty cents
18 for each one hundred words.
- 19 v. For taking and approving a bond and sureties on the
20 bond, two dollars.
- 21 w. For receiving and filing a declaration of intention
22 and issuing a duplicate, two dollars. For making, filing,
23 and docketing the petition of an alien for admission as a
24 citizen of the United States and for the final hearing, four
25 dollars; and for entering the final order and the issuance
26 of the certificate of citizenship, if granted, four dollars.
- 27 x. In addition to the fees required in paragraph w, the
28 petitioner shall, upon the filing of a petition to become
29 a citizen of the United States, deposit with the clerk money
30 sufficient to cover the expense of subpoenaing and paying
31 the legal fees of witnesses for whom the petitioner may request
32 a subpoena, and upon the final discharge of the witnesses
33 they shall receive, if they demand it from the clerk, the
34 customary and usual witness fees from the moneys collected,
35 and the residue, if any, except the amount necessary to pay

1 the cost of serving the subpoenas, shall be returned by the
2 clerk to the petitioner.

3 y. For a certificate and seal to an application to procure
4 a pension, bounty, or back pay for a soldier or other person,
5 no charge.

6 z. For making out a transcript in a criminal case appealed
7 to the supreme court, for each one hundred words, fifty cents.

8 aa. In criminal cases, the same fees for the same services
9 as in civil cases, to be paid by the county or city initiating
10 the action as provided in section 602.9109. When judgment
11 is rendered against the defendant, costs collected from the
12 defendant shall be paid to the county or city initiating the
13 action to the extent necessary for reimbursement for fees
14 paid.

15 bb. For issuing a marriage license, ten dollars. For
16 issuing an application for an order of the district court
17 authorizing the issuance of a license to marry prior to the
18 expiration of three days from the date of filing the
19 application for the license, five dollars.

20 cc. For certifying a change in title of real estate, two
21 dollars.

22 dd. In addition to all other fees, for making a complete
23 record in cases where a complete record is required by law
24 or directed by an order of the court, for every one hundred
25 words, twenty cents.

26 ee. For providing transcripts, certificates, other
27 documents, and services in probate matters, the fees specified
28 in section 633.31.

29 ff. The jury fee and court reporter fee specified in
30 chapter 625.

31 gg. Other fees provided by law.

32 2. The fees collected by the clerk as provided in
33 subsection 1 shall be deposited in the court revenue
34 distribution account established under section 602.9108,
35 except as otherwise provided by that section or by applicable

1 law.

2 3. The clerk shall keep an accurate record of the fees
3 collected in a fee book, and make a quarterly report of the
4 fees collected to the supreme court.

5 4. The clerk shall pay to the treasurer of state on the
6 first Monday which is not a holiday in January and July of
7 each year all fees which have come into the clerk's possession
8 since the date of the preceding payment, which do not belong
9 to the clerk's office, and which are unclaimed. The clerk
10 shall give the treasurer the title of the cause and style
11 of the court in which the suit is pending, the names of the
12 witnesses, jurors, officers, or other persons involved in
13 the action, and the amount of money to which each of the
14 persons is entitled. The treasurer of state shall deposit
15 the funds in the general fund of the state as state revenue,
16 provided that fees so deposited shall be paid to the persons
17 entitled to them upon proper and timely demand. If payment
18 of a fee is demanded, with proper proof, by the person entitled
19 to it within five years from the date that the money is paid
20 to the treasurer, the comptroller shall issue a warrant to
21 pay the claim. If a person entitled to unclaimed fees does
22 not demand payment within the five years, all rights to the
23 fees or interest in the fees are waived and payment shall
24 not be made.

25 Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES--COLLECTION
26 AND DISPOSITION.

27 1. Notwithstanding section 602.9105, the fee for the
28 filing and docketing of a complaint or information for a
29 simple misdemeanor shall be six dollars, provided that a fee
30 for filing and docketing a complaint or information shall
31 not be collected in cases of overtime parking.

32 2. The clerk shall remit ninety percent of all fines and
33 forfeited bail received from a magistrate or district associate
34 judge to the city that was the plaintiff in any action, and
35 shall provide that city with a statement showing the total

1 number of cases, the total of all fines and forfeited bail
2 collected, and the total of all cases dismissed. The clerk
3 shall deposit the remaining ten percent in the court revenue
4 distribution account established under section 602.9108.

5 3. The clerk shall remit all other fines and forfeited
6 bail received from a magistrate to the treasurer of state
7 for distribution under section 602.9107.

8 4. All fees and costs for the filing of a complaint or
9 information or upon forfeiture of bail received from a
10 magistrate shall be distributed by the clerk as follows:

11 a. One-half shall be remitted monthly by the clerk to
12 the treasurer of state to be credited to the general fund
13 of the state.

14 b. One-third shall be deposited in the court revenue
15 distribution account established under section 602.9108.

16 c. One-sixth shall be remitted monthly by the clerk to
17 the treasurer of state to be credited to the judicial
18 retirement fund established under section 602.2104.

19 Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES-
20 -APPROPRIATION.

21 1. The treasurer of state shall certify to the state comp-
22 troller the amounts received from a clerk of the district
23 court under section 602.9106, subsection 3.

24 2. The state comptroller shall distribute amounts certified
25 under subsection 1 to the school district in which the fines
26 and forfeited bail were received, provided that commencing
27 in the fiscal year beginning in July, 1985, the maximum amount
28 a school district is entitled to receive during a fiscal year
29 is the amount paid to the school district under this section
30 during the fiscal year beginning July 1, 1984.

31 3. Any amount collected under section 602.9106, subsection
32 3 that is in excess of the amount to which a school district
33 is entitled under subsection 2 shall be deposited in the
34 general fund of the state.

35 4. There is appropriated to the state comptroller as much

1 of the revenues received under section 602.9106, subsection
2 3 as is necessary for the distributions required under
3 subsection 2.

4 Sec. 9108. NEW SECTION. 602.9108 COURT REVENUE
5 DISTRIBUTION ACCOUNT.

6 1. The clerk of the district court shall establish and
7 maintain a court revenue distribution account. The clerk
8 shall deposit in this account all fees and other receipts
9 that are specifically required by law to be deposited in the
10 court revenue distribution account. The account shall not
11 be used for any other purpose.

12 2. Revenue deposited in the court revenue distribution
13 account shall be distributed as follows:

14 a. Of the revenue received by the clerk during the fiscal
15 year commencing July 1, 1983 and ending June 30, 1984, the
16 clerk shall remit eighty percent to the county treasurer and
17 twenty percent to the treasurer of state.

18 b. Of the revenue received by the clerk during the fiscal
19 year commencing July 1, 1984 and ending June 30, 1985, the
20 clerk shall remit sixty percent to the county treasurer and
21 forty percent to the treasurer of state.

22 c. Of the revenue received by the clerk during the fiscal
23 year commencing July 1, 1985 and ending June 30, 1986, the
24 clerk shall remit forty percent to the county treasurer and
25 sixty percent to the treasurer of state.

26 d. Of the revenue received by the clerk during the fiscal
27 year commencing July 1, 1986 and ending June 30, 1987, the
28 clerk shall remit twenty percent to the county treasurer and
29 eighty percent to the treasurer of state.

30 e. The clerk shall remit all revenue received on or after
31 July 1, 1987, to the treasurer of state.

32 3. The clerk of the district court shall account for and
33 distribute revenue deposited in the court revenue distribution
34 account on a monthly basis. Not later than the fifteenth
35 day of each calendar month, the clerk shall distribute all

1 revenues received during the preceding calendar month according
2 to the applicable formula as stated in subsection 2. Each
3 distribution shall be accompanied by a statement disclosing
4 the total amount of revenue received during the accounting
5 period, any adjustments of gross revenue figures that are
6 necessary to reflect changes in the balance of the court
7 revenue distribution account, including but not limited to
8 reductions resulting from the dishonor of checks previously
9 accepted by the clerk, and the amount distributed to each
10 recipient under subsection 2.

11 4. Revenue distributed to the treasurer of state under
12 this section shall be deposited in the general fund of the
13 state. Revenue distributed to a county under this section
14 shall be deposited in the county general fund.

15 Sec. 9109. NEW SECTION. 602.9109 SETTLEMENT OF ACCOUNTS
16 OF CITIES AND COUNTIES.

17 1. A city or a county shall pay court costs and other
18 fees payable to the clerk of the district court for services
19 rendered upon receipt of a statement from the clerk disclos-
20 ing the amount due.

21 2. No later than the fifteenth day of each calendar month
22 the clerk of the district court shall deliver to the county
23 auditor a statement disclosing all of the following:

24 a. The specific amounts of statutory fees and costs that
25 are payable by the county to the clerk for services rendered
26 by the clerk or other state officers or employees during the
27 preceding month in connection with each civil or criminal
28 action, and the total of all of these fees and costs.

29 b. Any amounts collected by the clerk of the district
30 court during the preceding month as costs in an action when
31 these amounts are payable by law to the county as reimbursement
32 for costs incurred by the county in connection with a civil
33 or criminal action, and the total of all of these amounts.

34 3. If the amount owed by the county under subsection 2,
35 paragraph a for a calendar month is greater than the amount

1 due to the county under subsection 2, paragraph b for that
2 month, the county shall remit the difference to the clerk
3 of the district court no later than the last day of the month
4 in which the statement under subsection 2 is received.

5 4. If the amount due to the county under subsection 2,
6 paragraph b for a calendar month is greater than the amount
7 owed by the county under subsection 2, paragraph a for that
8 month, the clerk of the district court shall remit the
9 difference to the county treasurer no later than the last
10 day of the month in which the statement under subsection 2
11 is delivered.

12 5. The clerk of the district court shall submit a state-
13 ment to the city clerk of a city for statutory fees and costs
14 that are payable by the city for services rendered by the
15 clerk of the district court or other state officers or
16 employees in connection with civil or criminal actions. The
17 city shall pay amounts due within thirty days after the date
18 the statement is mailed.

19 6. The clerk of the district court shall remit to a city
20 within thirty days after receipt any amounts collected by
21 the clerk as costs in an action when these amounts are payable
22 by law to the city as reimbursement for costs incurred by
23 the city in connection with a civil or criminal action.

24 7. Amounts not paid as required under subsection 3, 4,
25 5, or 6 shall bear interest for each day of delinquency at
26 the rate in effect as of the day of delinquency for time
27 deposits of public funds for eighty-nine days, as established
28 under section 453.6.

29 DIVISION II

30 COORDINATING AMENDMENTS

31 Sec. 10001. Section 4.1, Code 1983, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. COURT EMPLOYEE. "Court employee" and
34 "employee of the judicial department" include every officer
35 or employee of the judicial department except a judicial

1 officer.

2 NEW SUBSECTION. JUDICIAL OFFICER. "Judicial officer"
3 means a supreme court justice, a judge of the court of appeals,
4 a district judge, a district associate judge, or a magistrate.
5 The term also includes a person who is temporarily serving
6 as a justice, judge, or magistrate as permitted by section
7 602.1612 or 602.2206.

8 NEW SUBSECTION. "Magistrate" means a judicial officer
9 appointed under division I, article 7, part 4 of chapter 602.
10 Sec. 10002. Section 12.9, Code 1983, is amended to read
11 as follows:

12 12.9 ANNUAL REPORT OF FILING FEES. The treasurer of state
13 shall annually report to the governor and the general assembly
14 the total amount of fees and costs received by the treasurer
15 of state under ~~section 602.55, subsection 1, and section~~
16 ~~331.705, subsection 1, paragraphs "a" to "ad"~~ sections
17 602.9105, 602.9106, 602.9107, and 602.9108 for the fiscal
18 year ending June 30. The report shall be submitted within
19 ninety days following the completion of the fiscal year.

20 Sec. 10003. Section 14.10, subsection 4, Code 1983, is
21 amended to read as follows:

22 4. A list of elective state officers and deputies, supreme
23 court justices, ~~and appellate court~~ judges of the court of
24 appeals, and members of the general assembly shall be published
25 annually with the session laws.

26 Sec. 10004. Section 17A.2, subsection 1, Code 1983, is
27 amended to read as follows:

28 1. "Agency" means each board, commission, department,
29 officer or other administrative office or unit of the state.
30 "Agency" does not mean the general assembly, the ~~courts~~
31 judicial department or any of its components, the governor
32 or a political subdivision of the state or its offices and
33 units. Unless provided otherwise by statute, no less than
34 two-thirds of the members eligible to vote of a multimember
35 agency ~~shall~~ constitute a quorum authorized to act in the

1 name of the agency.

2 Sec. 10005. Section 17A.13, subsection 1, Code 1983, is
3 amended to read as follows:

4 1. Agencies have all subpoena powers conferred upon them
5 by their enabling acts or other statutes. In addition, prior
6 to the commencement of a contested case by the notice referred
7 to in section 17A.12, subsection 1, an agency having power
8 to decide contested cases ~~has authority to~~ may subpoena books,
9 papers, records and any other real evidence necessary for
10 the agency to determine whether it should institute a contested
11 case proceeding. After the commencement of a contested case,
12 each agency having power to decide contested cases ~~has~~
13 ~~authority to~~ may administer oaths and ~~to~~ issue subpoenas in
14 those cases. Discovery procedures applicable to civil actions
15 are available to all parties in contested cases before an
16 agency. Evidence obtained in discovery may be used in the
17 hearing before the agency if that evidence would otherwise
18 be admissible in the agency hearing. Agency subpoenas shall
19 be issued to a party on request ~~and shall not be subject to~~
20 ~~the distance limitation of section 622-68~~. On contest, the
21 court shall sustain the subpoena or similar process or demand
22 to the extent that it is found to be in accordance with the
23 law applicable to the issuance of subpoenas or discovery in
24 civil actions. In proceedings for enforcement, the court
25 shall issue an order requiring the appearance of the witness
26 or the production of the evidence or data within a reasonable
27 time under penalty of punishment for contempt in cases of
28 willful failure to comply.

29 Sec. 10006. Section 17A.20, Code 1983, is amended to read
30 as follows:

31 17A.20 APPEALS. An aggrieved or adversely affected party
32 to the judicial review proceeding may obtain a review of any
33 final judgment of the district court under this chapter by
34 appeal ~~to the supreme court~~. The appeal shall be taken as
35 in other civil cases, although the appeal may be taken re-

1 gardless of the amount involved.

2 Sec. 10007. Section 18.97, subsection 15, paragraph e,
3 Code 1983, is amended to read as follows:

4 e. ~~Court~~ State court administrator.

5 Sec. 10008. Section 18.97, subsection 15, Code 1983, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. Each district court administrator.

8 Sec. 10009. Section 18.117, unnumbered paragraph 2, Code
9 1983, is amended to read as follows:

10 This section ~~shall~~ does not apply to officials and employees
11 of the state whose mileage is paid by other than state agencies
12 and ~~except for the provisions relating to mileage~~
13 ~~reimbursement,~~ this section ~~shall~~ does not apply to elected
14 officers of the state, ~~judges of the district court,~~ ~~judges~~
15 ~~of the court of appeals or judges of the supreme court~~ judicial
16 officers, or court employees.

17 Sec. 10010. Section 19A.3, subsection 12, Code 1983, is
18 amended to read as follows:

19 12. All judges judicial officers and ~~all employees of~~
20 ~~the courts~~ court employees.

21 Sec. 10011. Section 20.4, subsection 7, Code 1983, is
22 amended to read as follows:

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

28 Sec. 10012. Section 25A.6, Code 1983, is amended to read
29 as follows:

30 25A.6 APPLICABLE RULES. In suits under this chapter,
31 the forms of process, writs, pleadings, and actions, and the
32 practice and procedure, shall be in accordance with the rules
33 of civil procedure ~~promulgated and adopted by the supreme~~
34 ~~court of the state.~~ The same provisions for counterclaims,
35 setoff, interest upon judgments, and payment of judgments,

1 ~~shall-be~~ are applicable as in other suits brought in the
2 district ~~courts-of-the-state~~ court. However, no writ of
3 execution shall issue against the state or any state agency
4 by reason of ~~any~~ a judgment under this chapter.

5 Sec. 10013. Section 39.17, unnumbered paragraph 1, Code
6 1983, is amended to read as follows:

7 39.17 COUNTY OFFICERS. There shall be elected in each
8 county at the general election to be held in the year 1976
9 and every four years thereafter, ~~a-clerk-of-the-district~~
10 ~~court,~~ an auditor and a sheriff ~~who-shall,~~ each to hold office
11 for a term of four years.

12 Sec. 10014. Section 44.7, Code 1983, is amended to read
13 as follows:

14 44.7 HEARING BEFORE COMMISSIONER. Objections filed with
15 the commissioner shall be considered by the county auditor,
16 ~~clerk-of-the-district-court~~ county treasurer, and county
17 attorney, and a majority decision shall be final; but if the
18 objection is to the certificate of nomination of one or more
19 of the above named county officers, ~~said~~ the officer or
20 officers ~~so~~ objected to shall not pass upon ~~such~~ the objection,
21 but their places shall be filled, respectively, by the ~~county~~
22 ~~treasurer~~ chairperson of the board of supervisors, the sheriff,
23 and the county recorder.

24 Sec. 10015. Section 46.16, subsection 1, unnumbered para-
25 graph 1, Code 1983, is amended to read as follows:

26 Subject to ~~the-provisions-of~~ sections 605-24-and-605-25
27 602.1610 and 602.1612 and to removal for cause:

28 Sec. 10016. Section 64.6, Code 1983, is amended by adding
29 the following new subsection:

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

32 Sec. 10017. Section 64.8, Code 1983, is amended to read
33 as follows:

34 64.8 BONDS OF COUNTY OFFICERS. The bonds of members of
35 the boards of supervisors, ~~clerks-of-the-district-courts,~~

1 county attorneys, recorders, auditors, sheriffs and assessors
2 shall each be in a penal sum of not less than ten thousand
3 dollars each per annum.

4 Sec. 10018. Section 64.11, Code 1983, is amended to read
5 as follows:

6 64.11 EXPENSE OF BONDS PAID BY COUNTY. If ~~any~~ a county
7 treasurer, ~~clerk-of-the-district-court~~, county attorney,
8 recorder, auditor, sheriff, medical examiner, ~~members-of~~
9 member of the soldiers relief commission, ~~members~~ member of
10 the board of supervisors, engineer, steward or matron ~~shall~~
11 ~~elect~~ elects to furnish a bond with any association or
12 incorporation as surety as provided in this chapter, the
13 reasonable cost of ~~such~~ the bond shall be paid by the county
14 where the bond is filed.

15 Sec. 10019. Section 64.19, Code 1983, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. By the state court administrator in case
18 of district court clerks and first deputy clerks.

19 Sec. 10020. Section 64.23, subsection 1, Code 1983, is
20 amended to read as follows:

21 1. For all state officers, elective or appointive, except
22 those of the secretary of state and judicial ~~magistrate~~
23 magistrates, with the secretary of state. Bonds and official
24 oaths of judicial magistrates and court personnel shall be
25 filed in the office of the ~~district-court-clerk~~ state court
26 administrator.

27 Sec. 10021. Section 66.19, Code 1983, is amended to read
28 as follows:

29 66.19 TEMPORARY OFFICER. Upon ~~such~~ a suspension, the
30 board or person authorized to fill a vacancy in the office
31 shall temporarily fill the office by appointment. In case
32 of a suspension of a ~~clerk-or~~ sheriff, the district court
33 may ~~supply-such-place-by-appointment~~ designate an acting
34 sheriff until a temporary ~~appointment-shall-be-made~~ sheriff
35 is appointed. ~~Such-orders~~ Orders of suspension and temporary

1 appointment of county and township officers shall be certified
 2 to the county auditor, ~~and be by him entered~~ for entry in
 3 the election book; those of city officers, certified to the
 4 clerk and entered upon the records; in case of other officers,
 5 to the person or body making the original appointment.

6 Sec. 10022. Section 68.1, Code 1983, is amended to read
 7 as follows:

8 68.1 IMPEACHMENT DEFINED. An impeachment is a written
 9 accusation against the governor, or a ~~judge of the supreme~~
 10 ~~or district court~~ judicial officer, or other state officer,
 11 by the house of representatives before the senate, of a
 12 misdemeanor or malfeasance in office.

13 Sec. 10023. Section 69.3, Code 1983, is amended to read
 14 as follows:

15 69.3 POSSESSION OF OFFICE. When a vacancy occurs in a
 16 public office, possession shall be taken of the office room,
 17 the books, papers, and all things pertaining ~~thereto~~ to the
 18 office, to be held until the qualification of a successor,
 19 as follows: Of the office of the county auditor, by the ~~clerk~~
 20 ~~of the district court~~ county treasurer; of the ~~clerk of~~ county
 21 treasurer, by the county auditor; of any of the state officers,
 22 by the governor, or, in ~~his~~ the absence or inability of the
 23 governor at the time of the occurrence, as follows: Of the
 24 secretary of state, by the treasurer of state; of the auditor
 25 of state, by the secretary of state; of the treasurer of
 26 state, by the secretary of state and auditor of state, who
 27 shall make an inventory of the money and warrants ~~therein~~
 28 in the office, sign ~~the same~~ them, and transmit ~~it~~ the
 29 inventory to the governor; and the secretary of state shall
 30 take the keys of the safe and desks, after depositing the
 31 books, papers, money and warrants ~~therein~~ in them, and the
 32 auditor of state shall take the key ~~of~~ to the office room.

33 Sec. 10024. Section 69.8, subsection 3, Code 1983, is
 34 amended by striking the subsection.

35 Sec. 10025. Section 69.8, subsection 5, Code 1983, is

1 amended to read as follows:

2 5. BOARD OF SUPERVISORS. In the membership of the board
3 of supervisors, by the ~~clerk-of-the-district-court~~ treasurer,
4 auditor, and recorder.

5 Sec. 10026. Section 69.8, subsection 6, Code 1983, is
6 amended by striking the subsection.

7 Sec. 10027. Section 79.12, Code 1983, is amended to read
8 as follows:

9 79.12 WARRANTS PROHIBITED. No A warrant ~~shall-be-issued~~
10 requiring any a peace officer to go beyond the boundaries
11 of the state at public expense shall not be issued except
12 with the approval of a ~~judge-of-the~~ district court judge.

13 Sec. 10028. Section 85.49, unnumbered paragraph 1, Code
14 1983, is amended to read as follows:

15 When a minor or mentally incompetent dependent is entitled
16 to weekly benefits under this chapter, chapter 85A or chapter
17 85B, payment shall be made to the clerk of the district court
18 for the county in which the injury occurred, who shall act
19 as trustee, and the money coming into the clerk's hands shall
20 be expended for the use and benefit of the person entitled
21 ~~thereto~~ to it under the direction and orders of a district
22 ~~judge of-the-district-court,-in-which-such-county-is-located.~~
23 The clerk of the district court, as ~~such~~ trustee, shall qualify
24 and give bond in ~~such~~ an amount as the district judge may
25 ~~direct~~ directs, which may be increased or diminished from
26 time to time ~~as-the-court-may-deem-best.~~ ~~The-cost-of-such~~
27 ~~bond-shall-be-paid-by-the-county-as-the-court-may-direct-by~~
28 ~~written-order-directed-to-the-auditor-of-the-county-who-shall~~
29 ~~issue-a-warrant-therefor-upon-the-treasurer-of-the-county.~~
30 If the domicile or residence of ~~such~~ the minor or mentally
31 incompetent dependent ~~be~~ is within the state but in a county
32 other than that in which the injury to the employee occurred
33 the industrial commissioner may order and direct that weekly
34 benefits ~~to-such-minors-or-incompetents~~ be paid to the clerk
35 of the district court of the county ~~wherein-they-shall-be~~

1 ~~domiciled-or-reside~~ of domicile or residence.

2 Sec. 10029. Section 85.50, unnumbered paragraph 2, Code
3 1983, is amended to read as follows:

4 Every A clerk of the district court ~~of every county upon~~
5 ~~his completion of his term of office shall,~~ or upon his
6 ~~resignation, removal~~ resigning or being removed from office
7 or otherwise becoming disqualified as such clerk, ~~shall~~ make
8 an accounting and final report to be approved by ~~a judge of~~
9 ~~the district court for said county~~ the chief judge of the
10 judicial district and all funds and other property shall be
11 delivered to the successor in the office of such clerk of
12 the district court.

13 Sec. 10030. Section 91.10, Code 1983, is amended to read
14 as follows:

15 91.10 POWER TO SECURE EVIDENCE. The labor commissioner
16 and ~~his~~ the commissioner's deputy ~~shall have the power to~~
17 may issue subpoenas, administer oaths, and take testimony
18 in all matters relating to the duties required of them. ~~No~~
19 ~~witness shall be compelled by such subpoena to attend at a~~
20 ~~greater distance than that provided for in section 622.68.~~
21 Witnesses subpoenaed and testifying before the commissioner
22 or ~~his~~ the commissioner's deputy shall be paid the same fees
23 as witnesses under section 622.69, ~~such~~ payment to be made
24 out of the funds appropriated to the bureau of labor.

25 Sec. 10031. Section 97B.41, subsection 3, paragraph b,
26 subparagraph (6), Code 1983, is amended to read as follows:

27 (6) ~~Part-time judicial magistrates appointed pursuant~~
28 ~~to either section 602.50 or section 602.58 unless such~~
29 ~~magistrates~~ Magistrates other than those who elect by filing
30 an application with the department to be covered under the
31 ~~provisions of~~ this chapter.

32 Sec. 10032. Section 125.76, Code 1983, is amended to read
33 as follows:

34 125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The
35 applicant, if not the county attorney, may apply for the

1 appointment of counsel if financially unable to employ an
2 attorney to assist the applicant in presenting evidence in
3 support of the application for commitment. If the applicant
4 applies for the appointment of counsel, the application shall
5 include the submission of a financial statement as defined
6 ~~in~~ required under section 336B-1 815.9.

7 Sec. 10033. Section 125.94, Code 1983, is amended to read
8 as follows:

9 125.94 SUPREME COURT RULES. The supreme court may
10 prescribe rules of pleading, practice, and procedure and the
11 forms of process, writs, and notices under section 602.5201,
12 for all commitment proceedings in a court of this state under
13 this chapter. ~~Any~~ The rules ~~so-prescribed~~ shall be drawn
14 for the purpose of simplifying and expediting the proceedings,
15 so far as is consistent with the rights of the parties
16 involved. The rules shall not abridge, enlarge, or modify
17 the substantive rights of a party to a commitment proceeding
18 under this chapter.

19 Sec. 10034. Section 127.17, Code 1983, is amended to read
20 as follows:

21 127.17 COSTS. When ~~any-such~~ a conveyance is requisitioned
22 by the state department of justice, ~~said~~ the department shall
23 ~~pay to-the-clerk-of-the-district-court;~~ the court costs and
24 the expense incurred by the county or the sheriff in keeping
25 ~~said~~ the conveyance.

26 Sec. 10035. Section 144.36, subsection 1, Code 1983, is
27 amended to read as follows:

28 1. A certificate recording each marriage performed in
29 this state shall be filed with the state registrar. The clerk
30 of the district court shall prepare the certificate on the
31 form furnished by the state registrar upon the basis of
32 information obtained from the parties to be married, who shall
33 attest to the information by their signatures. The clerk
34 of the district court in each county shall keep a record book
35 for marriages. The form of marriage record books shall be

1 uniform throughout the state and shall be prescribed by the
2 state department. ~~Marriage-record-books-shall-be-provided~~
3 ~~at-county-expense-~~ A properly indexed permanent record of
4 marriage certificates upon microfilm, electronic computer,
5 or data processing equipment may be kept ~~instead~~ in lieu of
6 marriage record books.

7 Sec. 10036. Section 144.37, unnumbered paragraph 2, Code
8 1983, is amended to read as follows:

9 The clerk of the district court in each county shall keep
10 a record book for ~~diverees~~ dissolutions. The form of ~~diveree~~
11 dissolution record books shall be uniform throughout the state
12 and shall be prescribed by the state department. ~~Diveree~~
13 ~~record-books-shall-be-provided-at-county-expense-~~ A properly
14 indexed record of ~~diverees~~ dissolution upon microfilm,
15 electronic computer, or data processing equipment may be kept
16 ~~instead~~ in lieu of ~~diveree~~ dissolution record books.

17 Sec. 10037. Section 144.46, Code 1983, is amended to read
18 as follows:

19 144.46 FEE FOR COPY OF RECORD. The department by rule
20 shall establish fees based on the average administrative cost
21 which shall be collected by the state registrar or the clerk
22 of the district court for each certified copy or short form
23 certification of certificates or records, or for a search
24 of the files or records when no copy is made, or when no
25 record is found on file. Fees collected by the state registrar
26 under this section shall be deposited in the general fund
27 of the state ~~if-the-service-is-performed-by-the-department~~
28 ~~or-in-the-general-fund-of-the-county-if-the-service-is~~
29 ~~performed-by-the-county-or-local-registrar.~~ Fees collected
30 by the clerk of the district court shall be deposited in the
31 court revenue distribution account established under section
32 602.9108. A fee shall not be collected from a political
33 subdivision or agency of this state.

34 Sec. 10038. Section 204.502, subsection 1, paragraph b,
35 unnumbered paragraph 1, Code 1983, is amended to read as

1 follows:

2 A warrant shall issue only upon sworn testimony of an
3 officer or employee of the board duly designated and having
4 knowledge of the facts alleged, before the ~~district or~~
5 ~~municipal-court-judge~~ judicial officer, establishing the
6 grounds for issuing the warrant. If the ~~judge~~ judicial officer
7 is satisfied that grounds for the application exist or that
8 there is probable cause to believe they exist, ~~he~~ the officer
9 shall issue a warrant identifying the area, premises, building,
10 or conveyance to be inspected, the purpose of the inspection,
11 and, if appropriate, the type of property to be inspected,
12 if any.

13 Sec. 10039. Section 204.502, subsection 1, paragraph d,
14 Code 1983, is amended to read as follows:

15 d. The ~~judge~~ judicial officer who has issued a warrant
16 under this section shall require that there be attached to
17 the warrant a copy of the return, and of all papers filed
18 in connection with the return, and shall file them with the
19 clerk of the district ~~or-municipal~~ court for the ~~district~~
20 county in which the inspection was made.

21 Sec. 10040. Section 229.40, Code 1983, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 229.40 RULES FOR PROCEEDINGS. Proceedings under this
25 chapter are subject to rules prescribed by the supreme court
26 under section 602.5201.

27 Sec. 10041. Section 232.2, subsections 8 and 29, Code 1983,
28 are amended to read as follows:

29 8. "Court" means the juvenile court established ~~in-chapter~~
30 ~~231~~ under section 602.8101.

31 29. "Juvenile ~~probation~~ court officer" ~~or-"probation~~
32 ~~officer"~~ means a person appointed as a juvenile ~~probation~~
33 court officer under section-231-8 division I, article 8 of
34 chapter 602 and a chief juvenile court officer appointed under
35 section 602.1215.

1 Sec. 10042. Sections 232.2, subsections 24, 31, and 40,
2 232.19, subsection 1, paragraph d, 232.29, subsection 1,
3 paragraph e, 232.46, subsections 1 and 3, 232.48, subsection
4 1, 232.51, 232.82, subsection 2, 232.87, subsections 2 and
5 3, 232.96, subsection 6, 232.97, subsection 1, 232.111,
6 subsections 1 and 2, and 232.125, subsection 2, Code 1983,
7 are amended by striking the terms "juvenile probation officer"
8 and "probation officer" wherever either or both of those terms
9 appear and inserting in lieu of each of those terms the words
10 "juvenile court officer".

11 Sec. 10043. Sections 232.147, subsection 3, paragraph
12 a, and 232.149, subsection 3, paragraph b, Code 1983, are
13 amended by striking the term "juvenile probation officers"
14 wherever the term appears and inserting in lieu thereof the
15 words "juvenile court officers".

16 Sec. 10044. Section 232.152, Code 1983, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 232.152 RULES OF JUVENILE PROCEDURE. Proceedings under
20 this chapter are subject to rules prescribed by the supreme
21 court under section 602.5201.

22 Sec. 10045. Section 247.29, Code 1983, is amended to read
23 as follows:

24 247.29 CRIMINAL STATISTICS. The clerk of the district
25 court shall, on or before July 15 of each year, report to
26 the supreme court, the board of parole, and the director of
27 the division of corrections of the department of social
28 services all of the following information for the preceding
29 fiscal year:

30 1. The number of convictions of all criminal offenses
31 ~~in that court, in his county, for the year ending June 30~~
32 ~~preceeding~~, the character of each offense, the sentence imposed,
33 the occupation of the offender, and whether such or not the
34 offender can read or write.

35 2. ~~Number~~ The number of acquittals in criminal cases.

1 3. ~~Number~~ The number of dismissals by the court without
2 trial, and the nature of the charges so dismissed in criminal
3 cases.

4 4. The expenses ~~of-the-county~~ for criminal prosecutions
5 ~~during-said-year~~.

6 Sec. 10046. Section 247.30, Code 1983, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 247.30 ITEMIZATION OF STATISTICS. The information required
10 by section 247.29, subsection 4, shall be itemized as follows:

11 1. Fees and mileage paid to jurors.

12 2. The cost of meals and lodging for jurors.

13 3. The amount expended by the county in each of the follow-
14 ing categories, as reported to the clerk by the county auditor,
15 and whether or not recovered from defendants:

16 a. The cost for the services of bailiffs while attending
17 the grand jury or trials of actions.

18 b. Fees and mileage paid to members of the grand jury,
19 the clerk of the grand jury, and witnesses before the grand
20 jury.

21 c. Fees and mileage paid to witnesses in the trial of
22 actions.

23 d. Fees paid for court reporting and for transcriptions
24 of the notes of court reporters.

25 e. The costs of depositions.

26 f. The expense of providing a jail, not including board
27 of prisoners.

28 g. The expense of the board of prisoners in a county jail.

29 h. The expense of transporting prisoners to state cor-
30 rectional institutions.

31 i. The compensation and expenses incurred by the office
32 of the county attorney in connection with criminal
33 prosecutions.

34 Sec. 10047. Section 247.31, Code 1983, is amended to read
35 as follows:

1 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
 2 auditor shall report to the clerk of the district court, on
 3 or before July 5 of each year, the expenses of the county
 4 in connection with criminal prosecutions during the preceding
 5 fiscal year ending-June-30-preceding,-including-but
 6 distinguishing-the-compensation-of-the-county-attorney. Such
 7 The report shall include all the items of criminal expenses
 8 which-appear-in-the-records-of-his-office-and which are
 9 required to be reported by the clerk of the district court
 10 to-the-board-of-parole-and-the-director-of-the-division-of
 11 corrections-of-the-department-of-social-services under section
 12 247.30 and which appear in the records of the county auditor.
 13 The clerk of the district court shall furnish ~~to~~ the auditor
 14 with the blanks to be used in making ~~such~~ this report.

15 Sec. 10048. Section 252.18, subsection 1, Code 1983, is
 16 amended to read as follows:

17 1. ~~Any~~ A person who is a county charge or is likely to
 18 become ~~such~~ so, coming from another state and not having
 19 acquired a settlement in ~~any~~ a county of this state or any
 20 such person having acquired a settlement in ~~any~~ a county of
 21 this state who ~~removes~~ moves to another county, may be removed
 22 from this state or from the county into which ~~such~~ the person
 23 has moved, ~~as-the-case-may-be,~~ at the expense of the county
 24 ~~wherein-said~~ where the person is found, upon the petition
 25 of ~~said~~ the county to the district ~~ex-superior~~ court of in
 26 that county.

27 Sec. 10049. Section 258A.1, subsection 1, paragraph b,
 28 Code 1983, is amended to read as follows:

29 b. The board of examiners of shorthand reporters, created
 30 pursuant to ~~chapter-115~~ division I, article 4, of chapter
 31 602.

32 Sec. 10050. Section 258A.3, subsection 2, paragraph a,
 33 Code 1983, is amended to read as follows:

34 a. Revoke a license, or suspend a license either until
 35 further order of the board or for a specified period, upon

1 the grounds specified in sections 114.21, ~~115.8~~ 116.21,
2 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34,
3 154A.24, 169.13, 455B.59 and chapters 135E, 151, 507B and
4 522 and section 602.4203 or upon any other grounds specifically
5 provided for in this chapter for revocation of the license
6 of a licensee subject to the jurisdiction of that board, or
7 upon failure of the licensee to comply with a decision of
8 the board imposing licensee discipline;

9 Sec. 10051. Section 258A.4, subsection 1, paragraph f,
10 Code 1983, is amended to read as follows:

11 f. Define by rule acts or omissions which are grounds
12 for revocation or suspension of a license under ~~the provisions~~
13 ~~of~~ sections 114.21, ~~115.8~~, 116.21, 117.29, 118.13, 118A.15,
14 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.49 and
15 chapters 135E, 151, 507B and 522 and section 602.4203, and
16 to define by rule acts or omissions which constitute
17 negligence, careless acts or omissions within the meaning
18 of section 258A.3, subsection 2, paragraph "b", which licensees
19 are required to report to the board pursuant to section 258A.9,
20 subsection 2;

21 Sec. 10052. Section 306B.5, subsection 2, Code 1983, is
22 amended to read as follows:

23 2. The cost of removal, including any fees, and costs
24 ~~or~~ and expenses ~~as may~~ which arise out of any an action brought
25 by the department to insure peaceful entry and removal, may
26 be assessed against the owner of the advertising device.
27 ~~Should~~ If the owner of the advertising device ~~fail~~ fails to
28 pay ~~such~~ the fees, costs, or expenses within thirty days after
29 assessment, the department may ~~institute proceedings in the~~
30 ~~district court or small claims division as applicable,~~ commence
31 an action to collect ~~said~~ the fees, costs, or expenses, which
32 when collected, shall be paid into the "highway beautification
33 fund."

34 Sec. 10053. Section 306C.19, subsection 2, Code 1983,
35 is amended to read as follows:

1 2. The cost of removal, including any fees, and costs
2 ~~or~~ and expenses ~~as may~~ which arise out of any an action brought
3 by the department to insure peaceful entry and removal, may
4 be assessed against the owner of the advertising device.
5 ~~Should~~ If the owner of the advertising device ~~fail~~ fails to
6 pay ~~such~~ the fees, costs, or expenses, within thirty days
7 after assessment, the department may ~~institute proceedings~~
8 ~~in the district court or small claims division as applicable,~~
9 commence an action to collect ~~said~~ the fees, costs, or
10 expenses, which when collected, shall be paid into the "highway
11 beautification fund".

12 Sec. 10054. Section 331.303, subsection 10, Code 1983,
13 is amended by striking the subsection.

14 Sec. 10055. Section 331.321, subsection 1, paragraph
15 z, Code 1983, is amended to read as follows:

16 z. Members of the county judicial magistrate appointing
17 commission in accordance with section ~~602-43~~ 602.7503.

18 Sec. 10056. Section 331.322, subsection 5, Code 1983,
19 is amended to read as follows:

20 5. Furnish offices within the county for the sheriff,
21 and at the county seat for the ~~clerk~~, recorder, treasurer,
22 auditor, county attorney, county surveyor or engineer, county
23 assessor, and city assessor. If the office of public defender
24 is established, the board shall furnish the public defender's
25 office as provided in section 331.776. The board shall furnish
26 the officers with fuel, lights, and office supplies. However,
27 the board is not required to furnish the county attorney or
28 public defender with law books. The board shall not furnish
29 an office also occupied by a practicing attorney to any an
30 officer other than the county attorney or public defender.

31 Sec. 10057. Section 331.323, subsection 1, paragraph f,
32 Code 1983, is amended by striking the paragraph.

33 Sec. 10058. Section 331.323, subsection 2, paragraph h,
34 Code 1983, is amended to read as follows:

35 h. Establish the number of deputies, assistants, and

1 clerks for the offices of auditor, treasurer, recorder,
2 sheriff, and county attorney, ~~and clerk.~~

3 Sec. 10059. Section 331.324, subsection 4, Code 1983,
4 is amended by striking the subsection.

5 Sec. 10060. Section 331.324, subsection 6, Code 1983,
6 is amended to read as follows:

7 6. If a board provides group insurance for county em-
8 ployees, it shall also provide the insurance ~~also~~ to the fol-
9 ~~lowing persons, subject to the conditions indicated:~~

10 a.---A a full-time county extension office assistant em-
11 ployed in the county, if the county is reimbursed for the
12 premium by the county extension district.

13 b.---A ~~full-time-certified-court-reporter, on the same~~
14 ~~percentage-basis-that-the-county-is-responsible-for-the~~
15 ~~reporter's-compensation-under-section-605-9.---However, group~~
16 ~~insurance-may-be-obtained-through-only-one-of-the-counties~~
17 ~~in-the-judicial-district, at the reporter's option, with a~~
18 ~~percentage-contribution-from-the-other-counties-for-the~~
19 ~~employer's-share-of-the-premium, on the percentage-basis~~
20 ~~provided-under-section-605-9.~~

21 Sec. 10061. Section 331.361, subsection 5, paragraph h,
22 Code 1983, is amended to read as follows:

23 h. Provide facilities for the ~~holding-of~~ district court
24 ~~at-the-county-seat~~ in accordance with ~~sections-602-6-and~~
25 ~~602-61~~ section 602.1303.

26 Sec. 10062. Section 331.422, subsection 24, Code 1983,
27 is amended to read as follows:

28 24. For the court expense fund, if the amount levied for
29 ordinary county revenue is insufficient to pay all expenses
30 incident to the ~~maintenance-and-operation~~ support of the
31 ~~courts~~ judicial system, an amount sufficient to pay the
32 expenses.

33 Sec. 10063. Section 331.424, subsection 1, paragraph m,
34 Code 1983, is amended by striking the paragraph.

35 Sec. 10064. Section 331.426, subsection 9, Code 1983,

1 is amended to read as follows:

2 9. A court expense fund, which shall not be used for a
3 purpose other than expenses incident to the ~~maintenance-and~~
4 ~~operation-of-the-courts~~ support of the judicial system, in-
5 cluding but not limited to ~~salary-and-expenses-of-the-clerk,~~
6 ~~deputy-clerks,-and-other-employees-of-the-clerk's-office,~~
7 ~~establishment-and-operation-of-a-public-defender's-office~~
8 the costs of facilities, services, and other obligations
9 of the county under section 602.1303, costs otherwise payable
10 from the general fund under section 331.424, subsection 3,
11 paragraph q, the county's expense for confinement of prisoners
12 under chapter 356A, temporary assistance to the county
13 attorney, and claims filed under section 622.93.

14 Sec. 10065. Section 331.502, subsection 8, Code 1983,
15 is amended to read as follows:

16 8. Take temporary possession of the office and all official
17 books and papers in the office of treasurer ~~or clerk~~ when
18 a vacancy occurs ~~in-either-office~~ and hold the office, books,
19 and records until a successor qualifies as provided in section
20 69.3. The auditor shall also serve temporarily as the recorder
21 if a vacancy occurs in that office and, if there is no chief
22 deputy assessor, act temporarily as the assessor as provided
23 in section 441.8.

24 Sec. 10066. Section 331.502, subsection 10, Code 1983,
25 is amended by striking the subsection.

26 Sec. 10067. Section 331.502, subsection 42, Code 1983,
27 is amended to read as follows:

28 42. Certify to the clerk of the district court the names,
29 addresses, and expiration date of the ~~term~~ terms of office
30 of persons appointed to the county judicial magistrate
31 appointing commission as provided in section ~~602-437-subsection~~
32 3 602.7503.

33 Sec. 10068. Section 331.502, subsections 43 and 44, Code
34 1983, are amended by striking the subsections.

35 Sec. 10069. Section 331.506, subsection 2, Code 1983,

1 is amended by striking the subsection and inserting in lieu
2 thereof the following:

3 2. The auditor may issue warrants to pay the following
4 claims against the county without prior approval of the board:

5 a. Witness fees and mileage for attendance before a grand
6 jury, as certified by the county attorney and the foreman
7 of the jury.

8 b. Witness fees and mileage in trials of criminal actions,
9 as certified by the county attorney.

10 c. Fees and costs payable to the clerk of the district
11 court or other state officers or employees in connection with
12 criminal and civil actions when due, as shown in the statement
13 submitted by the clerk of court under section 602.9109.

14 d. Expenses of the grand jury, upon order of a district
15 judge.

16 Sec. 10070. Section 331.509, subsection 1, paragraph c,
17 Code 1983, is amended by striking the paragraph and inserting
18 in lieu thereof the following:

19 c. The amount paid witnesses and bailiffs, respectively,
20 in the district court, the amount of fees paid for the services
21 of court reporters, the amount paid as fees and costs to the
22 clerk of the district court, and related expenditures.

23 Sec. 10071. Section 331.509, subsection 1, paragraph p,
24 Code 1983, is amended to read as follows:

25 p. The reports made during the preceding year by the
26 treasurer, auditor, recorder, sheriff, ~~clerk~~, and the commis-
27 sion of the Iowa department of veterans affairs as required
28 by law.

29 Sec. 10072. Section 331.552, subsection 31, Code 1983,
30 is amended by striking the subsection.

31 Sec. 10073. Section 331.653, subsection 4, Code 1983,
32 is amended to read as follows:

33 4. Provide bailiff and other law enforcement service to
34 the district ~~court~~ judges, district associate judges, and
35 judicial magistrates of the county ~~and while the judges and~~

1 magistrates-are-in-session,--provide-them-with-the-assistance
 2 of-bailiffs upon request. The-sheriff-shall-appoint-the
 3 number-of-bailiffs-as-the-judges-and-magistrates-of-the-county
 4 direct,--The-bailiffs-are-deputy-sheriffs-to-the-extent-that
 5 the-sheriff-delegates-law-enforcement-powers-to-carry-out
 6 their-duties-and-for-whose-acts-the-sheriff-is-responsible,
 7 but-the-bailiffs-need-not-be-subject-to-civil-service-under
 8 chapter-341A-or-mandated-law-enforcement-training-

9 Sec. 10074. Section 331.653, subsections 7 and 71, Code
 10 1983, are amended by striking the subsections.

11 Sec. 10075. Section 331.776, subsection 4, Code 1983,
 12 is amended to read as follows:

13 4. The board shall determine the compensation of the
 14 public defender, subject to limitations established by the
 15 general assembly or the supreme court.

16 Sec. 10076. Section 331.776, subsection 5, Code 1983,
 17 is amended by striking the subsection and inserting in lieu
 18 thereof the following:

19 5. a. The board shall provide suitable office space for
 20 the office of the public defender. However, the board may
 21 provide the public defender office with a facility expense
 22 allowance in lieu of furnishing office space. If the public
 23 defender office serves more than one county, the expense of
 24 providing office space or the amount allowed for facility
 25 expense shall be apportioned between the counties served on
 26 a reasonable basis.

27 b. The board shall provide suitable furniture, equipment,
 28 and supplies for the office of the public defender out of
 29 funds appropriated to the supreme court and allocated by the
 30 supreme court to the county for this purpose. If a public
 31 defender office serves more than one county, the supreme court
 32 shall select one of the counties to perform the duties required
 33 by this paragraph. The board shall account to the supreme
 34 court for allocations and expenditures under this paragraph.

35 c. The board shall approve the appointment and compensation

1 of deputy public defenders and other employees of the public
2 defender office, subject to limitations established by the
3 general assembly or the supreme court. The compensation and
4 expenses of the public defender, deputy public defenders,
5 and employees of the public defender office shall be paid
6 from funds appropriated to the supreme court and allocated
7 by the supreme court to the county for this purpose. The
8 board shall account to the supreme court for allocations and
9 expenditures under this paragraph.

10 Sec. 10077. Section 331.776, subsection 8, Code 1983,
11 is amended to read as follows:

12 8. ~~The compensation-and-expenses-of~~ costs incurred by
13 a county in providing office space for the office of public
14 defender may be paid from the court expense fund.

15 Sec. 10078. Section 331.777, subsection 2, Code 1983,
16 is amended to read as follows:

17 2. Shall make the determination of indigence ~~within~~
18 ~~criteria-established-by-the-board-before~~ as required under
19 section 815.9 prior to the initial arraignment or other initial
20 court appearance. At or after initial arraignment or other
21 initial court appearance, the a determination of indigence
22 shall be made by the court. The public-defender-shall-require
23 an-indigent-person-requesting-legal-assistance-to-complete
24 a-detailed financial statement which required under section
25 815.9 shall be filed in the indigent person's court file and
26 retained as a permanent part of the file.

27 Sec. 10079. Section 331.901, subsection 6, paragraph b,
28 Code 1983, is amended to read as follows:

29 b. Expenses incurred in the ~~operation~~ support of the
30 ~~courts~~ judicial system.

31 Sec. 10080. Section 331.902, subsection 1, Code 1983,
32 is amended to read as follows:

33 1. Unless otherwise specifically provided by statute,
34 the fees and other charges collected by the auditor, treasurer,
35 recorder, and sheriff, ~~clerk~~ or and their ~~respective~~ deputies

1 or employees, belong to the county.

2 Sec. 10081. Section 331.903, subsection 1, Code 1983,
3 is amended to read as follows:

4 1. The auditor, treasurer, recorder, sheriff, and county
5 attorney, ~~and clerk~~ may each appoint, with approval of the
6 board, one or more deputies, assistants, or clerks who do
7 not hold another county office and for whose acts the principal
8 officer ~~shall be~~ is responsible. The number of deputies,
9 assistants, and clerks for each office shall be determined
10 by the board and the number and approval of each appointment
11 shall be adopted by a resolution recorded in the minutes of
12 the board.

13 Sec. 10082. Section 331.904, subsections 1 and 6, Code
14 1983, are amended to read as follows:

15 1. The annual salary of the first and second deputy offi-
16 cer of the office of auditor, treasurer, and recorder, and
17 ~~clerk~~ ~~and~~ the deputy in charge of the motor vehicle registra-
18 tion and title division shall each be an amount not to exceed
19 eighty percent of the annual salary of the deputy's principal
20 officer as determined by the principal officer. In offices
21 where more than two deputies are required, each additional
22 deputy shall be paid an amount not to exceed seventy-five
23 percent of the principal officer's salary. The amount of
24 the annual salary of each deputy shall be certified by the
25 principal officer to the board and, if a deputy's salary does
26 not exceed the limitations specified in this subsection, the
27 board shall certify the salary to the auditor. The board
28 shall not certify a deputy's salary which exceeds the
29 limitations of this subsection.

30 6. The salaries and expenses of the deputy officers, as-
31 sistants, clerks, and other employees of the county shall
32 be paid from the general fund of the county unless otherwise
33 provided by law. ~~The deputy clerks of the district court,~~
34 ~~other employees of the clerk's office, and the bailiffs may~~
35 ~~be paid from the court expense fund.~~

1 Sec. 10083. Section 331.907, subsections 1 and 5, Code
2 1983, are amended to read as follows:

3 1. The annual compensation of the auditor, treasurer,
4 recorder, ~~clerk~~, sheriff, county attorney, and supervisors
5 shall be determined as provided in this section. The county
6 compensation board annually shall review the compensation
7 paid to comparable officers in other counties of this state,
8 other states, private enterprise, and the federal government.
9 The county compensation board shall prepare a recommended
10 compensation schedule for the elective county officers. Fol-
11 lowing completion of the compensation schedule, the county
12 compensation board shall publish the compensation schedule
13 in a newspaper having general circulation throughout the
14 county. The publication shall also include a public notice
15 of the date and location of a hearing to be held by the county
16 compensation board not less than one week nor more than three
17 weeks from the date of notice. Upon completion of the public
18 hearing, the county compensation board shall prepare a final
19 compensation schedule recommendation.

20 5. The salaries and expenses of elected county officers
21 shall be paid from the general fund of the county unless
22 otherwise provided by law. ~~The salary and expenses of the~~
23 ~~clerk of the district court may be paid from the court expense~~
24 ~~fund.~~

25 Sec. 10084. Section 356A.2, Code 1983, is amended to read
26 as follows:

27 356A.2 CONTRACT. If the board of supervisors ~~contract~~
28 contracts with a public or private nonprofit agency or
29 corporation for the establishment and maintenance of such
30 a facility, the contract shall state the charge per person
31 per day to be paid by the county; that each ~~such~~ facility
32 shall insure the performance of the duties of the keeper as
33 defined in section 356.5; the activities and service to be
34 provided those detained or confined; the extent of security
35 to be provided in the best interests of the community; the

1 maximum number of persons that can be detained or committed
2 at any one time; the number of employees to be provided by
3 the contracting private nonprofit agency or corporation for
4 the maintenance, supervision, control, and security of persons
5 detained or confined ~~therein~~ in the facility; and any other
6 matters deemed necessary by the supervisors. ~~All such~~
7 ~~contracts~~ A contract shall be for a period not to exceed two
8 years. The board of supervisors shall deliver a copy of the
9 contract to each ~~municipal-court-judge-in-the-county-and-to~~
10 ~~each-district-court-judge~~ judicial officer of the district
11 which includes that county.

12 Sec. 10085. Section 356A.6, Code 1983, is amended to read
13 as follows:

14 356A.6 TRANSFER. A judge judicial officer of the ~~municipal~~
15 ~~or~~ district court may originally commit a person to the county
16 jail to serve any part of the sentence pronounced, and
17 thereafter the person may be transferred to a facility
18 established and maintained pursuant to section 356A.1 or
19 356A.2.

20 Sec. 10086. Section 400.6, subsection 1, unnumbered
21 paragraph 1, Code 1983, is amended to read as follows:

22 ~~The-provisions-of-this-chapter-shall-apply~~ This chapter
23 applies to all appointive officers and employees, ~~-including~~
24 ~~former-deputy-clerks-of-the-municipal-court-who-became-deputies~~
25 ~~of-the-district-court-clerks,~~ in cities under any form of
26 government having a population of more than fifteen thousand
27 except:

28 Sec. 10087. Section 453.1, Code 1983, is amended to read
29 as follows:

30 453.1 DEPOSITS IN GENERAL. All funds held in the hands
31 of the following officers or institutions shall be deposited
32 in banks first approved by the appropriate governing body
33 as indicated: For the treasurer of state, by the executive
34 council; for judicial officers and court employees, by the
35 supreme court; for the county treasurer, recorder, auditor,

1 sheriff, ~~clerk-of-the-district-court,-and-judicial-magistrate~~,
 2 by the board of supervisors; for the city treasurer, by the
 3 city council; for the county public hospital or merged area
 4 hospital, by the board of hospital trustees; for a memorial
 5 hospital, by the memorial hospital commission; for a school
 6 corporation, by the board of school directors; and for an
 7 electric power agency as defined in section 28F.2, by the
 8 governing body of the electric power agency. However, the
 9 treasurer of state and the treasurer of each political
 10 subdivision shall invest all funds not needed for current
 11 operating expenses in time certificates of deposit in banks
 12 listed as approved depositories pursuant to this chapter or
 13 in investments permitted by section 452.10. The list of
 14 public depositories and the amounts severally deposited in
 15 the depositories shall be a matter of public record. The
 16 ~~term-"bank"~~ "Bank" means a bank or a private bank, as defined
 17 in section 524.103.

18 Sec. 10088. Section 598.16, Code 1983, is amended by
 19 adding the following new unnumbered paragraph:

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

23 Sec. 10089. Section 600A.2, subsection 15, Code 1983,
 24 is amended to read as follows:

25 15. "Juvenile court" means a the juvenile court as
 26 established ~~under-section-231-1~~ by section 602.8101.

27 Sec. 10090. Section 622.67, Code 1983, is amended to read
 28 as follows:

29 622.67 DEPOSIT--EFFECT. The court ~~or-judge~~, for good
 30 cause shown, ~~may~~, upon deposit with the clerk of the court
 31 of sufficient money to pay the ~~legal-fees~~ fee and mileage
 32 of a witness, may order the clerk to issue a subpoena ~~to-issue~~
 33 requiring the attendance of ~~such~~ the witness from a greater
 34 distance within the state. ~~Such~~ The subpoena shall show that
 35 it is issued under ~~the-provisions-hereof~~ this section. If

1 the party requesting the subpoena is a county or the state,
2 the court may order the issuance of the subpoena without the
3 deposit of the fee and mileage.

4 Sec. 10091. Section 625.8, Code 1983, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 625.8 JURY AND REPORTER FEES.

8 1. The clerk of the district court shall tax as a court
9 cost a jury fee of ten dollars in every action tried to a
10 jury.

11 2. The clerk of the district court shall tax as a court
12 cost a fee of fifteen dollars per day for the services of
13 a court reporter.

14 3. Revenue from the fees required by this section shall
15 be deposited in the court revenue distribution account es-
16 tablished under section 602.9108.

17 Sec. 10092. Section 628.4, Code 1983, is amended to read
18 as follows:

19 628.4 REDEMPTION PROHIBITED. ~~No~~ A party who has taken
20 an appeal from the ~~superior or~~ district court, or stayed
21 execution on the judgment, ~~shall be~~ is not entitled to redeem.

22 Sec. 10093. Section 631.2, subsection 2, Code 1983, is
23 amended to read as follows:

24 2. The clerk of the district court shall maintain a
25 separate docket for small claims which shall be known as the
26 small claims docket, and which shall contain all matters
27 relating to those small claims which are required by section
28 ~~606-7~~ 602.9104, subsection 2, paragraph f, to be contained
29 in a combination docket.

30 Sec. 10094. Section 631.3, subsection 4, Code 1983, is
31 amended to read as follows:

32 4. Upon the request of ~~any~~ a party to the action, the
33 clerk or a judicial officer shall issue subpoenas for the
34 attendance of witnesses at a hearing. ~~The provisions of~~
35 ~~sections~~ Sections 622.63 to 622.67, 622.69, 622.76 and 622.77

1 shall apply to subpoenas issued pursuant to this chapter.

2 Sec. 10095. Section 631.6, subsection 4, unnumbered para-
3 graph 2, Code 1983, is amended to read as follows:

4 All fees and costs collected in small claims actions shall
5 be ~~remitted to the county treasurer as provided in section~~
6 ~~606.16.~~ The deposited in the court revenue distribution
7 account established under section 602.9108, except that the
8 fee specified in subsection 4 shall be remitted to the
9 secretary of state.

10 Sec. 10096. Section 633.13, Code 1983, is amended by
11 adding the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. A district judge has statewide
13 jurisdiction to enter orders in probate matters not requiring
14 notice and hearing, although the judge is not a judge of or
15 present in the district in which the probate matter is pending.
16 The orders shall be made in conformity with the rules of the
17 district in which the probate matter is pending.

18 Sec. 10097. Section 633.17, Code 1983, is amended to read
19 as follows:

20 633.17 JUDGE DISQUALIFIED--PROCEDURE. ~~Where the judge~~
21 ~~is a party, or is connected by blood or affinity with a person~~
22 ~~interested nearer than the fourth degree, or is personally~~
23 ~~interested~~ When a judge is disqualified from acting in any
24 a probate matter, the same matter shall be heard before another
25 judge of the same district, or shall be transferred to the
26 court of another district, or a judge of another district
27 shall be procured to hold court for the hearing of ~~such~~ the
28 matter.

29 Sec. 10098. Section 633.18, Code 1983, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 633.18 RULES IN PROBATE.

33 1. Actions and proceedings under this chapter are subject
34 to rules prescribed by the supreme court under section
35 602.5201.

1 2. The district judges of a judicial district acting under
2 section 602.1212 may prescribe rules for probate actions and
3 proceedings within the district, but these rules must be
4 consistent with this chapter, and ~~shall-be~~ are subject to
5 the approval of the supreme court.

6 Sec. 10099. Section 633.20, Code 1983, is amended to read
7 as follows:

8 633.20 REFEREE--EXAMINATION OF ACCOUNTS--FEEB CLERK.

9 1. For The court may appoint a referee in probate for
10 the auditing of the accounts of fiduciaries and for the
11 performance of ~~such~~ other ministerial duties as the court
12 ~~may-direct,-the-court-may-appoint-a-referee-in-probate-when-ever~~
13 ~~in-the-opinion-of-the-court-it-seems-fit-and-proper-to-do~~
14 ~~so prescribes.~~ The-referee-may-be-the-clerk. No A person
15 shall not be appointed as referee in any a matter where he
16 the person is acting as a fiduciary or as the attorney. All
17 ~~fees-received-by-any-county-officer-serving-in-the-capacity~~
18 ~~of-referee-in-probate-shall-become-a-part-of-the-fees-of-his~~
19 ~~office-and-shall-be-accounted-for-as-such.~~

20 2. The court may appoint the clerk as referee in probate.
21 In such cases, the fees received by the clerk for serving
22 in the capacity of referee are fees of the office of the clerk
23 of court and shall be deposited in the court revenue
24 distribution account established under section 602.9108.

25 Sec. 10100. Section 633.21, Code 1983, is amended to read
26 as follows:

27 633.21 APPRAISERS' FEES AND REFEREES' FEES FIXED BY RULE.

28 The district ~~court-sitting-en-banc~~ judges of each judicial
29 district shall by rule fix the fees of probate referees-
30 ~~it-shall,~~ and also ~~by-rule~~ provide, insofar as practicable,
31 a uniform schedule of compensation for inheritance tax
32 appraisers, other appraisers, brokers, and agents employed
33 at estate expense.

34 Sec. 10101. Section 633.31, subsection 2, unnumbered
35 paragraph 1, Code 1983, is amended to read as follows:

1 The clerk shall charge and collect the following fees,
2 in connection with probate matters, ~~all of which shall be~~
3 ~~paid into the county treasury for the use of the county~~
4 deposited in the court revenue distribution account established
5 under section 602.9108:

6 Sec. 10102. Section 666.6, Code 1983, is amended to read
7 as follows:

8 666.6 REPORT OF FORFEITED BONDS. The clerk of the district
9 court shall make an annual report in writing to the ~~board~~
10 ~~of supervisors at supreme court on the first regular meeting~~
11 ~~of the board Monday~~ in January of all forfeited recognizances
12 in the clerk's office; of all fines, penalties, and forfeitures
13 imposed in the district court, which by law go into the ~~county~~
14 state treasury for the benefit of the school fund distribution
15 under section 602.9107; in what cause or proceeding, when
16 and for what purpose, against whom and for what amount,
17 rendered; whether the fines, penalties, forfeitures, and
18 recognizances have been paid, remitted, canceled, or otherwise
19 satisfied; if so, when, how, and in what manner, and if not
20 paid, remitted, canceled, or otherwise satisfied, what steps
21 have been taken to enforce the collection of the fines,
22 penalties, forfeitures, and recognizances.

23 ~~Such~~ The report ~~must~~ shall be full, true, and complete
24 with reference to the matters ~~therein~~ contained, ~~and of in~~
25 the report and all things required by this section to be
26 reported, and the report shall be under oath, ~~and any officer.~~
27 A clerk failing to make such the report shall be as required
28 by this section is guilty of a simple misdemeanor.

29 Sec. 10103. Section 684A.6, Code 1983, is amended to read
30 as follows:

31 684A.6 PROCEDURE. The supreme court may prescribe ~~its~~
32 ~~own~~ rules of procedure concerning the answering and
33 certification of questions of law under this chapter, subject
34 to section ~~684.19~~ 602.5202.

35 Sec. 10104. Section 801.4, subsection 7, paragraph e,

1 Code 1983, is amended to read as follows:

2 e. Probation officers acting pursuant to section ~~231-10~~
3 602.8202, subsection 4.

4 Sec. 10105. Section 801.4, subsection 10, Code 1983, is
5 amended by striking the subsection inserting in lieu thereof
6 the following:

7 10. "Indigent person" means a person who is indigent as
8 determined in accordance with section 815.9.

9 Sec. 10106. Section 805.9, subsection 6, Code 1983, is
10 amended to read as follows:

11 6. The ~~five~~ six dollars in costs imposed by this section
12 are the total costs collectible from ~~any~~ a defendant upon
13 either an admission of a violation without hearing, or upon
14 a hearing pursuant to subsection 4. Fees shall not be imposed
15 upon or collected from ~~any~~ a defendant for the purposes
16 specified in section ~~331-705~~ 602.9105, subsection 1, paragraph
17 "i", "j", or "t".

18 Sec. 10107. Section 805.11, Code 1983, is amended to read
19 as follows:

20 805.11 OTHER PENALTIES. If the defendant is convicted
21 of a scheduled violation, the penalty ~~shall be~~ is the scheduled
22 fine, without suspension of the fine prescribed in section
23 805.8 together with costs assessed and distributed as
24 prescribed by section ~~602-63~~ 602.9106, unless it appears from
25 the evidence that the violation was of the type set forth
26 in section 805.10, subsection 1 or 3, in which event the
27 scheduled fine ~~shall~~ does not apply and the penalty shall
28 be increased within the limits provided by law for the offense.

29 Upon the conviction of a defendant of a violation specified
30 in section 805.8 or 805.10, fees shall not be imposed or
31 collected for the purposes specified in section ~~331-705~~
32 602.9105, subsection 1, paragraph "i", "j", or "t".

33 Sec. 10108. Section 805.12, Code 1983, is amended to read
34 as follows:

35 805.12 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines,

1 forfeiture of bail, fees, and costs collected for all traffic
2 violations, whether or not scheduled, and for all other
3 scheduled violations shall be ~~remitted~~ distributed in
4 accordance with section ~~602-55~~ 602.9106.

5 Sec. 10109. Section 813.4, Code 1983, is amended to read
6 as follows:

7 813.4 ADDITIONS TO AND AMENDMENT OF RULES. The rules
8 of criminal procedure may be amended, provisions deleted,
9 and new rules added, ~~in the manner prescribed for civil rules~~
10 ~~under chapter 684~~ by the supreme court, subject to section
11 602.5202.

12 Sec. 10110. Section 814.9, Code 1983, is amended to read
13 as follows:

14 814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a
15 defendant in a criminal cause has perfected an appeal from
16 a judgment ~~against him or her and shall satisfy the judge~~
17 ~~of the district court that he or she is indigent, such judge~~
18 and is determined by the court to be indigent, the court may
19 order the transcript made at ~~the expense of the county where~~
20 ~~the defendant was tried~~ public expense. When an attorney
21 of record is representing ~~such~~ an indigent, ~~said~~ the attorney
22 shall ~~make application~~ apply to the district court for the
23 transcript.

24 Sec. 10111. Section 814.10, Code 1983, is amended to read
25 as follows:

26 814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER
27 CASES. If a defendant in a criminal cause has been granted
28 discretionary review from an action of the district court
29 and the appellate court deems a transcript or portions thereof
30 are necessary to proper review of the question or questions
31 raised, the district court shall order the transcript made
32 at ~~the expense of the county where the defendant was tried,~~
33 public expense if a determination is made that the defendant
34 is indigent.

35 Sec. 10112. NEW SECTION. 815.9 INDIGENCY DETERMINED-

1 -PENALTY.

2 1. For purposes of this chapter, section 68.8, section
3 222.22, chapter 232, chapter 814, and the rules of criminal
4 procedure, a person is indigent if the person is determined
5 to be unable to employ legal counsel without prejudicing the
6 person's financial ability to provide economic necessities
7 for the person or the person's dependent family.

8 2. A determination of indigence shall not be made except
9 upon the basis of information contained in a detailed financial
10 statement submitted by the person, or in an appropriate case
11 by the person's parent, guardian, or custodian. The financial
12 statement shall be in the form prescribed by the supreme
13 court, and shall contain a full disclosure of all assets,
14 liabilities, current income, dependents, and other information
15 prescribed by the supreme court. The supreme court shall
16 adopt rules under section 602.5202 prescribing the form and
17 content of the financial statement, and the standards by which
18 indigency shall be determined under subsection 1. If a person
19 is granted legal assistance as an indigent, the financial
20 statement shall be filed and permanently retained in the
21 person's court file.

22 3. A person who knowingly submits a false financial
23 statement for the purpose of obtaining legal assistance at
24 public expense commits a fraudulent practice. As used in
25 this subsection, "legal assistance" includes legal counsel,
26 transcripts, witness fees and expenses, and any other goods
27 or services required by law to be provided to an indigent
28 person at public expense.

29 Sec. 10113. NEW SECTION. 815.10 APPOINTMENT OF COUNSEL
30 BY COURT.

31 1. The court, for cause and upon its own motion or upon
32 application by an indigent person or a public defender, may
33 appoint a public defender or any attorney who is admitted
34 to the practice of law in this state to represent an indigent
35 person at any state of the proceedings or on appeal of any

1 action in which the indigent person is entitled to legal
2 assistance at public expense. An appointment shall not be
3 made unless the person is determined to be indigent under
4 section 815.9.

5 2. If a court finds that a person desires legal assistance
6 and is not indigent, but refuses to employ an attorney, the
7 court shall appoint a public defender or another attorney
8 to represent the person at public expense. If an attorney
9 other than a public defender is appointed, the fee paid to
10 the attorney shall be taxed as a court cost against the person.

11 3. An attorney other than a public defender who is
12 appointed by the court under subsection 1 or 2 shall apply
13 to the district court for compensation and for reimbursement
14 of costs incurred. The amount of compensation due shall be
15 determined in accordance with section 815.7.

16 Sec. 10114. NEW SECTION. 815.11 APPROPRIATIONS FOR
17 INDIGENT DEFENSE. Costs incurred under sections 814.9, 814.10,
18 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, 815.12, or the
19 rules of criminal procedure on behalf of an indigent shall
20 be paid from funds appropriated by the general assembly to
21 the supreme court for those purposes.

22 Sec. 10115. NEW SECTION. 815.12 TRIAL JURY EXPENSES.
23 The clerk of the district court shall pay fees and mileage
24 due petit jurors, and the costs of food, lodging, and
25 transportation when provided for petit jurors.

26 Sec. 10116. NEW SECTION. 815.13 PAYMENT OF PROSECUTION
27 COSTS. The county or city that prosecutes a criminal action
28 shall pay the required fees and mileage to witnesses called
29 on behalf of the prosecution, the costs of depositions taken
30 on behalf of the prosecution, the costs of transcripts
31 requested by the prosecution, the fees that are payable to
32 the clerk of the district court for services rendered, and
33 court costs taxed in connection with the trial of the action
34 or appeals from the judgment. These fees and costs are
35 recoverable by the county or city from the defendant unless

1 the defendant is found not guilty or the action is dismissed.
2 Expenditures of a county under this section may be paid out
3 of the court expense fund in lieu of the county general fund.

4 Sec. 10117. Rule of civil procedure 202, Iowa court rules,
5 second edition, is amended to read as follows:

6 202. FOOD AND LODGING. The court may order ~~the-sheriff~~
7 ~~to-provide-suitable~~ that food and lodging ~~at-the-expense-of~~
8 ~~the-county~~ be provided at state expense for a jury being kept
9 together to try or deliberate on a cause.

10 Sec. 10118. Rule of criminal procedure 2, subsection 3,
11 Iowa court rules, second edition, is amended by striking the
12 subsection and inserting in lieu thereof the following:

13 3. COUNSEL FOR INDIGENT. The magistrate may appoint
14 counsel to represent the defendant at public expense if the
15 magistrate determines the defendant to be indigent in
16 accordance with section 815.9, The Code.

17 Sec. 10119. Rule of criminal procedure 2, subsection 4,
18 paragraph g, subparagraph (2), Iowa court rules, second
19 edition, is amended to read as follows:

20 (2) On application of a defendant addressed to a district
21 judge, showing that the record of preliminary hearing, in
22 whole or in part, should be made available to the defendant's
23 counsel, an order may issue that the clerk make available
24 a copy of the record, or of a portion thereof, to defense
25 counsel. ~~Such~~ The order shall ~~provide-for~~ require prepayment
26 of ~~the~~ costs of ~~such~~ the record by the defendant ~~unless-the~~
27 ~~defendant-makes-a-sufficient-affidavit-that-he-or-she-is~~
28 ~~unable-to-pay-or-to-give-security-therefor,-in-which-case~~
29 ~~the-expense-shall-be-paid-by-the-county.~~ However, if the
30 defendant is indigent the record shall be made at public
31 expense. The prosecution may move also that a copy of the
32 record, in whole or in part, be made available to it, for
33 good cause shown, and an order may be entered granting such
34 motion in whole or in part, on appropriate terms, except that
35 the government need not prepay costs nor furnish security

1 therefor.

2 Sec. 10120. Rule of criminal procedure 19, subsection
3 4, Iowa court rules, second edition, is amended to read as
4 follows:

5 4. WITNESSES FOR INDIGENTS. Counsel for a defendant who
6 because of indigency is financially unable to obtain expert
7 or other witnesses necessary to an adequate defense of the
8 case may request ~~compensation~~ in a written application that
9 the necessary witnesses be secured at public expense. Upon
10 finding, after appropriate inquiry, that the services are
11 necessary and that the defendant is financially unable to
12 provide compensation, the court shall authorize counsel to
13 obtain ~~such~~ the witnesses on behalf of the defendant. The
14 court shall determine reasonable compensation ~~for the services~~
15 and direct payment ~~to the person who rendered them~~ pursuant
16 to chapter 815, The Code.

17 Sec. 10121. Rule of criminal procedure 26, subsection
18 1, Iowa court rules, second edition, is amended to read as
19 follows:

20 1. REPRESENTATION. Every defendant who is an indigent
21 person as defined in section ~~331-775, -subseetion-4~~ 815.9,
22 The Code ~~{1981-Code-Sup-}~~, is entitled to have counsel
23 appointed to represent ~~him or her~~ the defendant at every stage
24 of the proceedings from the defendant's initial appearance
25 before the magistrate or the court through appeal, including
26 probation and parole revocation hearings, unless the defendant
27 waives such appointment.

28 Sec. 10122. Rule of criminal procedure 26.1, subsections
29 1 and 5, Iowa court rules, second edition, are amended to
30 read as follows:

31 1. An indigent defendant, as defined in section 336A-4
32 815.9, The Code ~~{331-775(4)-and-331-777(2)}~~, convicted of an
33 indictable offense or a simple misdemeanor where defendant
34 faces the possibility of imprisonment, is entitled to
35 appointment of counsel on appeal or application for

1 discretionary review to the supreme court. Application for
2 appointment of appellate counsel shall be made to the trial
3 court, which shall retain authority to act on ~~such the~~
4 application after notice of appeal or application for
5 discretionary review has been filed. The supreme court, or
6 a justice thereof, ~~shall have authority to~~ may appoint counsel
7 ~~in the event~~ if the trial court fails or refuses to appoint
8 and it becomes necessary to further provide for counsel.

9 5. If defendant has proceeded as an indigent in the trial
10 court and a financial statement ~~required by section 336B-2,~~
11 ~~The Code (331-778(2))~~, already has been filed pursuant to
12 section 336B-4 815.9, The Code ~~(331-777(2) and 331-778(2))~~,
13 ~~such the~~ defendant, upon making application for appointment
14 of appellate counsel, shall be presumed to be an indigent,
15 and an additional financial statement shall not be required
16 to be submitted to the court, unless evidence is offered that
17 defendant is not an indigent. In all other cases defendant
18 shall be required to submit a financial statement to the trial
19 court. Defendant and appointed appellate counsel ~~shall be~~
20 are under a continuing obligation to inform the trial court
21 of any change in circumstances that would make defendant
22 ineligible to qualify as an indigent.

23 Sec. 10123. Rule of criminal procedure 47, Iowa court
24 rules, second edition, is amended to read as follows:

25 Rule 47. BAILIFF OBTAINED. If trial by jury is demanded
26 and a court attendant employed under section 602.7601 is not
27 available to assist the magistrate, the magistrate shall
28 notify the sheriff who shall furnish a bailiff at that time
29 and place to act as officer of the court.

30 Sec. 10124. Rule of criminal procedure 49, Iowa court
31 rules, second edition, is amended by adding the following
32 new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. If the judgment and costs are
34 not fully and immediately satisfied, the magistrate shall
35 indicate on the judgment the portion unsatisfied and shall

1 promptly certify a copy of the judgment to the clerk of the
2 district court. The clerk shall index and file the judgment,
3 whereupon it is a judgment of the district court.

4 Sec. 10125. Rule of appellate procedure 453, Iowa court
5 rules, second edition, is amended to read as follows:

6 Rule 453. DOCKETING. Upon receipt of a certified ques-
7 tion the clerk of the supreme court shall prepare a docket
8 page and assign a number to the matter. Within ten days after
9 the filing of the certification order the movant or party
10 who is to file ~~his~~ a brief first shall pay to the clerk of
11 the supreme court the docket fee in the amount prescribed
12 pursuant to section 685-3 602.5303, The Code, for docketing
13 an appeal from a final judgment or decree. Upon receipt of
14 the docket fee, the clerk of the supreme court shall enter
15 the matter upon the docket and give notice to the certifying
16 court and all parties or their attorneys of the date on which
17 the matter is entered on the docket.

18 Sec. 10126. Rule of probate procedure 5(c), Iowa court
19 rules, second edition, is amended to read as follows:

20 (c) The court administrator of the judicial department
21 shall utilize the reports in the discharge of the duties
22 prescribed in section 685-8 602.1209, The Code, and, in addi-
23 tion, shall prepare a list of the attorneys for fiduciaries
24 who have received and ignored a notice of delinquency. The
25 court administrator shall transmit the list of attorneys,
26 together with other relevant information, to the committee
27 on professional ethics and conduct of the Iowa State Bar
28 Association and to the client security and attorney
29 disciplinary commission.

30 DIVISION III

31 EFFECTIVE DATE--CODIFICATION--REPEALER

32 Sec. 10201. EFFECTIVE DATE. Except as otherwise pro-
33 vided in division IV, this Act takes effect July 1, 1983.

34 Sec. 10202. CODIFICATION.

35 1. Division I is created as a new chapter 602 of the Code.

1 The Code editor shall rename title XXX of the Code to
2 correspond to the subject matters contained in new chapter
3 602.

4 2. The Code editor shall recodify chapter 610 as a new
5 and separate article at the end of new chapter 602.

6 Sec. 10203. REPEALER. Except as otherwise provided in
7 division IV:

8 1. Chapters 115, 231, 602, 605, 605A, 684, and 685, Code
9 1983, are repealed.

10 2. Sections 66.25, 331.701 through 331.705, 331.775,
11 331.778, 607.6, 622.68, and 622.73, Code 1983, are repealed.

12 DIVISION IV

13 TRANSITION PROVISIONS

14 Sec. 10301. IMPLEMENTATION BY COURT COMPONENT. The state
15 shall assume responsibility for components of the court system
16 according to the following schedule:

17 1. On October 1, 1983 the state shall assume the
18 responsibility for and the costs of jury and witness fees
19 and mileage as provided in sections 607.5, 622.69, and 622.72,
20 except as provided in section 331.506, subsection 2.

21 2. Court reporters shall become court employees on July
22 1, 1984. The state shall assume the responsibility for and
23 the costs of court reporters on July 1, 1984.

24 3. Juvenile probation officers shall become court employees
25 on July 1, 1985. The state shall assume the responsibility
26 for and the costs of juvenile probation officers on July 1,
27 1985.

28 4. Clerks of the district court shall become court
29 employees on July 1, 1986. The state shall assume the
30 responsibility for and the costs of the offices of the clerks
31 of the district court on July 1, 1986. Persons who are holding
32 office as clerks of the district court on July 1, 1986 are
33 entitled to continue to serve in that capacity until the
34 expiration of their respective terms of office. A vacancy
35 in the office of clerk of the district court occurring on

1 or after July 1, 1986 shall be filled as provided in section
2 602.1214.

3 5. The state shall assume the responsibility for and the
4 costs of indigent defense on July 1, 1987.

5 For the period beginning July 1, 1983, and ending June
6 30, 1987, the provisions of division I take effect only to
7 the extent that the provisions do not conflict with the
8 scheduled state assumption of responsibility for the components
9 of the court system, and the amendments and repeals of
10 divisions II and III take effect only to the extent necessary
11 to implement that scheduled state assumption of responsibility.
12 If an amendment or repeal to a Code section in division II
13 or III is not effective during the period beginning July 1,
14 1983, and ending June 30, 1987, the Code section remains in
15 effect for that period. On July 1, 1987, this Act takes
16 effect in its entirety.

17 However, if the state does not fully assume the costs for
18 a fiscal year of a component of the court system in accordance
19 with the scheduled assumption of responsibility, the state
20 shall not assume responsibility for that component, and the
21 schedule of state assumption of responsibility shall be
22 delayed. The delayed schedule of state assumption of
23 responsibility shall again be followed for the fiscal year
24 in which the state fully assumes the costs of that component.
25 For the fiscal year for which the state's assumption of the
26 responsibility for a court component is delayed, the clerk
27 of the district court shall not reduce the percentage
28 remittance to the counties from the court revenue distribution
29 account under section 602.9108. The clerk shall resume the
30 delayed schedule of reductions in county remittances for the
31 fiscal year in which the state fully assumes the costs of
32 that court component. If the schedules of state assumption
33 of responsibility and reductions in county remittances are
34 delayed, the transition period beginning July 1, 1983, and
35 ending June 30, 1987 is correspondingly lengthened, and this

1 Act takes effect in its entirety only at the end of the
2 lengthened transition period.

3 The supreme court shall prescribe temporary rules, prior
4 to the dates on which the state assumes responsibility for
5 the components of the court system, as necessary to implement
6 the administrative and supervisory provisions of this Act,
7 and as necessary to determine the applicability of specific
8 provisions of this Act in accordance with the scheduled state
9 assumption of responsibility for the components of the court
10 system.

11 Sec. 10302. ACCRUED EMPLOYEE RIGHTS.

12 1. Persons who were paid salaries by the counties
13 immediately prior to becoming state employees as a result
14 of this Act shall not forfeit accrued vacation, accrued sick
15 leave, or longevity, except as provided in this section.

16 2. As a part of its rule-making authority under section
17 10301, the supreme court, after consulting with the state
18 comptroller, shall prescribe rules to provide for the
19 following:

20 a. Each person referred to in subsection 1 shall have
21 to the person's credit as a state employee commencing on the
22 date of becoming a state employee the number of accrued
23 vacation days that was credited to the person as a county
24 employee as of the end of the day prior to becoming a state
25 employee.

26 b. Each person referred to in subsection 1 shall have
27 to the person's credit as a state employee commencing on the
28 date of becoming a state employee the number of accrued days
29 of sick leave that was credited to the person as a county
30 employee as of the end of the day prior to becoming a state
31 employee. However, the number of days of sick leave credited
32 to a person under this subsection shall not exceed the maximum
33 number of days that state employees generally are entitled
34 to accrue according to laws and rules in effect as of the
35 date the person becomes a state employee.

1 c. Commencing on the date of becoming a state employee,
2 each person referred to in subsection 1 is entitled to claim
3 the person's most recent continuous period of service in full-
4 time county employment as full-time state employment for
5 purposes of determining the number of days of vacation which
6 the person is entitled to earn each year. The actual vacation
7 benefit shall be determined according to laws and rules in
8 effect for state employees of comparable longevity,
9 irrespective of any greater or lesser benefit as a county
10 employee.

11 d. Notwithstanding paragraphs b and c, for the period
12 beginning July 1, 1984, and ending June 30, 1985, court
13 reporters who become state employees as a result of this Act
14 are not subject to the sick leave and vacation accrual
15 limitations generally applied to state employees.

16 Sec. 10303. LIFE AND HEALTH INSURANCE. Persons who were
17 covered by county employee life insurance and accident and
18 health insurance plans prior to becoming state employees as
19 a result of this Act shall be permitted to apply prior to
20 becoming state employees for life insurance and health and
21 accident insurance plans that are available to state employees
22 so that those persons do not suffer a lapse of insurance
23 coverage as a result of this Act. The supreme court, after
24 consulting with the state comptroller, shall prescribe rules
25 and distribute application forms and take other actions as
26 necessary to enable those persons to elect to have insurance
27 coverage that is in effect on the date of becoming state
28 employees. The actual insurance coverage available to a per-
29 son shall be determined by the plans that are available to
30 state employees, irrespective of any greater or lesser bene-
31 fits as a county employee.

32 Sec. 10304. HIRING MORATORIUM.

33 1. Commencing one year prior to each category of employees
34 becoming state employees as a result of this Act, new employees
35 shall not be hired and vacancies shall not be filled, except

1 as provided in subsection 2, with respect to any of the
2 following agencies or positions:

- 3 a. Offices of the clerks of the district court.
- 4 b. District court administrators.
- 5 c. Juvenile probation offices.
- 6 d. Court reporters.
- 7 e. Any other position of employment that is supervised
8 by a district court judicial officer or by a person referred
9 to or employed in an office referred to in paragraph a, b,
10 c, or d.

11 2. A new employee position or vacancy that is subject
12 to subsection 1 may be filled upon approval by the chief judge
13 of the judicial district. The employer seeking to fill the
14 new position or vacancy shall submit a request to the chief
15 judge in the form prescribed by the supreme court, and shall
16 be governed by the decision of the chief judge. The chief
17 judge shall obtain the advice of the district judges of the
18 judicial district respecting decisions to be made under this
19 subsection.

20 Sec. 10305. EMPLOYEE RECLASSIFICATION MORATORIUM.

21 Commencing one year prior to county employees becoming state
22 employees as a result of this Act, the county employees shall
23 not be promoted or demoted, and shall not be subject to a
24 reduction in salary or a reduction in other employee benefits,
25 except after approval by the chief judge of the judicial
26 district. An employer wishing to take any of these actions
27 shall apply to the chief judge in a writing that discloses
28 the proposed action, the reasons for the action, and the
29 statutory or other authority for the action. The chief judge
30 shall not approve any proposed action that is in violation
31 of an employee's rights or that is extraordinary when compared
32 with customary practices and procedures of the employer.
33 The chief judge shall obtain the advice of the district judges
34 of the judicial district respecting decisions to be made under
35 this section.

1 Sec. 10306. TRANSFER OF TITLE OF COURT PROPERTY.

2 1. Commencing on the date when each category of employees
3 becomes state employees as a result of this Act, public
4 property referred to in subsection 2 that on the day prior
5 to that date is in the custody of a person or agency referred
6 to in subsection 3 shall become property of the judicial
7 department for use in its course of business, and title is
8 transferred for all intents and purposes.

9 2. This section applies to the following property:

10 a. Books, accounts and records that pertain to the
11 operation of the district court.

12 b. Forms, materials, and supplies that are consumed in
13 the usual course of business.

14 c. Tables, chairs, desks, lamps, curtains, window blinds,
15 rugs and carpeting, flags and flag standards, pictures and
16 other wall decorations, and other similar furnishings.

17 d. Typewriters, adding machines, desk calculators, cash
18 registers and similar business machines, reproduction machines
19 and equipment, microfiche projectors, tape recorders and
20 associated equipment, microphones, amplifiers and speakers,
21 film projectors and screens, overhead projectors, and similar
22 personal property.

23 e. Filing cabinets, shelving, storage cabinets, and other
24 property used for storage.

25 f. Books of statutes, books of ordinances, books of
26 judicial decisions, and reference books, except those that
27 are customarily held in a law library for use by the public.

28 g. All other personal property that is in use in the
29 operation of the district court.

30 3. This section applies to the following persons and
31 agencies:

32 a. Clerks of the district court.

33 b. Judicial officers.

34 c. District court administrators.

35 d. Juvenile probation officers.

1 e. Court reporters.

2 f. Persons who are employed by a person referred to in
3 paragraphs a through e.

4 4. Commencing on the date when each category of employees
5 becomes state employees as a result of this Act, the state
6 assumes outstanding indebtedness that exists with respect
7 to any item of property that becomes state property pursuant
8 to subsections 1 through 3.

9 5. Subsections 1 through 4 and 6 do not apply to electronic
10 data storage equipment, commonly referred to as computers,
11 or to computer terminals or any machinery, equipment, or
12 supplies used in the operation of computers. Those counties
13 that were providing computer services to the district court
14 shall continue to provide these services until the general
15 assembly provides otherwise. The state shall reimburse these
16 counties for the cost of providing these services. Each
17 county providing computer services to the district court shall
18 submit a bill for these services to the supreme court at the
19 end of each calendar quarter. Reimbursement shall be payable
20 from funds appropriated to the supreme court for operating
21 expenses of the district court, and shall be paid within
22 thirty days after receipt by the supreme court of the quarterly
23 billing.

24 6. Personal property of a type that is subject to transfer
25 under subsections 1 through 3 shall be subject to the control
26 of the chief judge of the judicial district commencing on
27 the date when each category of employees becomes state
28 employees as a result of this Act. On and after that date
29 the chief judge of the judicial district may issue necessary
30 orders to preserve the use of the property by the district
31 court. Commencing on that date, the chief judge, subject
32 to the direction of the supreme court, shall establish and
33 maintain an inventory of property used by the district court.

34 Sec. 10307. COLLECTIVE BARGAINING. A person who becomes
35 a state employee as a result of this Act is a public employee,

1 as defined in section 20.3, subsection 3, for purposes of
2 chapter 20. The person may bargain collectively on and after
3 July 1, 1983 as provided by law for a court employee. However,
4 if the person is subject to a collective bargaining agreement
5 negotiated prior to July 1, 1983, the person is entitled to
6 the rights and benefits obtained by the person pursuant to
7 that contract after July 1, 1983, until that contract expires.
8 If the person is subject to a collective bargaining agreement
9 negotiated on or after July 1, 1983, the person is not entitled
10 to any rights or benefits obtained by the person pursuant
11 to that contract after becoming a state employee.

12 Sec. 10308. JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.
13 As soon as practicable after July 1, 1983, the supreme court
14 administrator shall recompute the number of judgeships to
15 which judicial election districts 5A and 5C are entitled.
16 Commencing on July 1, 1983, vacancies within judicial elec-
17 tion districts 5A and 5C shall be determined and filled under
18 section 602.7201, subsections 4 through 8. For purposes of
19 the recomputations, the supreme court administrator shall
20 determine the average case filings for the latest available
21 three-year period by reallocating the actual case filings
22 during the three-year period to judicial election districts
23 5A and 5C as if they existed throughout the three-year period.

24 Sec. 10309. JUDICIAL NOMINATING COMMISSIONS FOR ELECTION
25 DISTRICTS 5A AND 5C. The membership of district judicial
26 nominating commissions for judicial election districts 5A
27 and 5C shall be as provided in chapter 46, subject to the
28 following transition provisions:

29 1. Those judicial nominating commissioners of judicial
30 election district 5A who are residents of Polk county shall
31 be disqualified from serving in election district 5A on July
32 1, 1983, and their offices shall be deemed vacant. The
33 vacancies thus created shall be filled as provided in section
34 46.5 for the remainder of the unexpired terms.

35 2. After July 1, 1983 the governor shall appoint five

1 eligible electors of judicial election district 5C to the
2 district judicial nominating commission for terms commenc-
3 ing immediately upon appointment. Two of the appointees shall
4 serve terms ending January 31, 1986, two of the appointees
5 shall serve terms ending January 31, 1988, and the remaining
6 appointee shall serve a term ending January 31, 1990, as
7 determined by the governor. At the end of these terms and
8 each six years thereafter the governor shall appoint
9 commissioners pursuant to section 46.3.

10 3. After July 1, 1983 elective judicial nominating
11 commissioners for judicial election district 5C shall be
12 elected as provided in chapter 46 to terms of office com-
13 mencing immediately upon election. One of those elected shall
14 serve terms ending January 31, 1986, two shall serve terms
15 ending January 31 1988, and two shall serve terms ending
16 January 31, 1990, as determined by the drawing of lots by
17 the persons elected. At the end of these terms and every
18 six years thereafter elective commissioners shall be elected
19 pursuant to chapter 46.

20 Sec. 10310. BAILIFFS EMPLOYED AS COURT ATTENDANTS. Persons
21 who were employed as bailiffs and who were performing services
22 to the court, other than law enforcement services, immediately
23 prior to the effective date of this Act, shall be employed
24 by the district court administrators as court attendants under
25 section 602.7201 on the effective date of this Act.

26 EXPLANATION

27 This bill reorganizes Iowa's judicial system by placing
28 the district court, its employees, court reporters, and
29 juvenile probation officers under the supervision of the
30 supreme court. The bill also recodifies statutes relating
31 to the entire court system.

32 Supreme court supervision and state funding of the various
33 components of the court system is implemented incrementally
34 according to the following schedule: October 1, 1983, jury
35 and witness fees; July 1, 1984, court reporters; July 1, 1985,

1 juvenile probation officers; July 1, 1986, clerks of the dis-
2 trict court; and July 1, 1987, indigent defense. The state
3 does not assume the costs of providing courtrooms and other
4 physical facilities for the district court, the costs of the
5 magistrate appointing commissions or jury commissions, or
6 the costs for the local prosecution of criminal actions under
7 state law. The public property used by persons who become
8 state employees under the bill becomes state property, except
9 for computer property.

10 During the same period of time, county revenue from court
11 operations is transferred in annual 20 percent increments
12 to the state. Fine money paid to the counties for the bene-
13 fit of the school districts is redirected to the state general
14 fund and the schools' revenue from the fines is frozen at
15 the same amount as the schools received in fiscal year 1984-
16 1985. Any subsequent growth in school district fine revenue
17 is to remain with the state.

18 Clerks of the district court will still be elected in 1984
19 for full four-year terms, but will be appointed by the district
20 judges in the judicial election district in 1988 to serve
21 the court in 1989 and the following years. An applicant for
22 the position of clerk must be a resident of the county at
23 the time of application.

24 The bill generally becomes effective July 1, 1983 and
25 creates a new chapter 602 of the Code. References within
26 the bill are to new chapter 602 and other sections of the
27 Code as amended by the bill. The conforming amendments and
28 the repealers are effective July 1, 1983, except that the
29 transition provisions make some sections of the bill effective
30 on other dates to coincide with the implementation of the
31 court reorganization by component. The bill also provides
32 special transition requirements relating to employee vacation,
33 sick leave, and longevity rights; a one-year hiring and re-
34 classification moratorium; and collective bargaining.

35

LSB 343S 70

SENATE 5
APRIL 18, 1983

SENATE FILE 495
FISCAL NOTE

REQUESTED BY SENATOR MANN

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 495 pursuant to Joint Rule 17.

Senate File 495, as amended by S-3435, is an Act relating to organization, administration, supervision, and funding of the courts, and including recodification of court statutes and providing penalties and an appropriation.

This bill reorganizes the courts and related agencies into a state judicial department that is supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, probation officers and district court administrators would become state employees. Over a five-year period, starting July of 1984, the financial obligation of the counties will transfer to the state, except expenses for the physical facilities, magistrate appointing commission, jury commission, and prosecutions of criminal actions under state law. During the same five-year period of time, county revenue from court operations would be shifted to the state. Fine money paid to the county treasury for the benefit of the school districts will be deposited in the state general fund but the schools would continue to receive the same amount as they received in fiscal year 1984-85. Any subsequent growth in school district fine revenue will remain with the state. This bill generally takes effect July of 1984.

The Legislative Council in 1979 contracted with Resources Planning Corporation of Washington, D. C. to prepare the "Iowa Court Financial and Personnel Information Profile." The study determined that during the fiscal year 1976-77 through 1978-79 the various expenditures of counties and state to maintain the court system increased an average 11.5% a year and the various receipts increased an average 12.5% a year. Using those assumptions, the following would be the fiscal effect of the bill:

Estimated Expenditures
(Dollars in Millions)

	(1) FY 84	(2) FY 85	(3) FY 86	(4) FY 87	(5) FY 88	FY 89	FY 90
(4) Clerk of Court	\$17.3	19.3	21.6	24.0	26.8	29.8	33.2
(3) Juv. Probation	7.2	8.0	8.9	10.0	11.1	12.4	13.8
(2) Court Reporters	5.1	5.7	6.3	7.0	7.8	8.7	9.8
(1) Jury-Witness	1.9	2.8	3.0	3.4	3.8	4.3	4.8
(5) Indigent Defense	6.8	7.5	8.4	9.4	10.5	11.7	13.0
(2) Court Attendants	1.6	1.8	2.0	2.3	2.5	2.8	3.1
(1) Other Costs	0.2	0.2	0.3	0.3	0.3	0.4	0.4
	<u>\$40.1</u>	<u>45.3</u>	<u>50.5</u>	<u>56.4</u>	<u>62.8</u>	<u>70.1</u>	<u>78.1</u>
State's Share	2.1	10.5	20.5	47.0	62.8	70.1	78.1
State's % Share	5.2	23.2	40.6	83.3	100.0	100.0	100.0
Counties' Share	38.0	34.8	30.0	9.4	0.0	0.0	0.0

SF 495 - FISCAL NOTE - PAGE 2

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Total Revenue	\$30.4	34.2	38.5	43.3	48.7	54.7	61.6
State's Share	\$ 2.4	5.4	11.7	19.2	28.0	34.0	40.9
Counties' Share	9.6	8.1	6.1	3.4	0.0	0.0	0.0
Counties' % Share	80.0	60.0	40.0	20.0	0.0	0.0	0.0
Schools' Share	18.4	20.7	20.7	20.7	20.7	20.7	20.7
	<u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.7</u>	<u>61.6</u>

Estimated State Revenue
(Dollars in Millions)

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
State Expenditures	\$ 2.1	10.5	20.5	47.0	62.9	70.1	78.1
State Revenues	2.4	5.4	11.7	19.2	28.0	34.0	40.9
Unfunded Costs	0.0	5.1	8.8	27.8	34.9	36.1	37.2

The above amounts use 11.5% increased cost per year and 12.5% increase in receipts per year. These amounts are used because that was the historical increase. Even though the actual percentages will be different, it shows the relationship between the counties and the state's portion during the phase in.

Implementation of the reorganization will be by function rather than in 20% increments. The steps are signified by the numbers in parentheses.

The bill provides that the counties who provide computer services shall continue to do so unless otherwise directed by the General Assembly and the supreme court shall reimburse the counties for the services. This amount cannot be determined from present records maintained by the court administrator.

(0343C, 83-342, KMM)

Source: Legislative Service Bureau
Court Administrator

RECEIVED BY THE SECRETARY OF THE SENATE, APRIL 12, 1983
FILED: BY LEGISLATIVE FISCAL BUREAU
APRIL 14, 1983 DENNIS C. PROUTY, DIRECTOR

SENATE FILE 495
FISCAL NOTE

REQUESTED BY SENATOR MANN

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 495 pursuant to Joint Rule 17.

Senate File 495 is an Act relating to organization, administration, supervision, and funding of the courts, and including recodification of court statutes and providing penalties and an appropriation.

This bill reorganizes the courts and related agencies into a state judicial department that is supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, probation officers and district court administrators would become state employees. Over a five-year period, starting July of 1984, the financial obligation of the counties will transfer to the state, except expenses for the physical facilities, magistrate appointing commission, jury commission, and prosecutions of criminal actions under state law. During the same five-year period of time, county revenue from court operations would be shifted to the state. Fine money paid to the county treasury for the benefit of the school districts will be deposited in the state general fund but the schools would continue to receive the same amount as they received in fiscal year 1984-85. Any subsequent growth in school district fine revenue will remain with the state. This bill generally takes effect July of 1984.

The Legislative Council in 1979 contracted with Resources Planning Corporation of Washington, D. C. to prepare the "Iowa Court Financial and Personnel Information Profile." The study determined that during the fiscal year 1976-77 through 1978-79 the various expenditures of counties and state to maintain the court system increased an average 11.5% a year and the various receipts increased an average 12.5% a year. Using those assumptions, the following would be the fiscal effect of the bill:

Estimated Expenditures (Dollars in Millions)							
	(1) FY 84	(2) FY 85	(3) FY 86	(4) FY 87	(5) FY 88	FY 89	FY 90
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(1) Court Attendants	1.6	1.8	2.0	2.3	2.5	2.8	3.1
(1) Other Costs	0.2	0.2	0.3	0.3	0.3	0.4	0.4
	<u>\$40.1</u>	<u>45.3</u>	<u>50.5</u>	<u>56.4</u>	<u>62.8</u>	<u>70.1</u>	<u>78.1</u>
State's Share	3.7	10.5	20.5	47.0	62.8	70.1	78.1
State's % Share	9.2	23.2	40.6	83.3	100.0	100.0	100.0
Counties' Share	36.4	34.8	30.0	9.4	0.0	0.0	0.0

Estimated Revenue
(Dollars in Millions)

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Total Revenue	\$30.4	34.2	38.5	43.3	48.7	54.7	61.6
State's Share	\$ 2.4	5.4	11.7	19.2	28.0	34.0	40.9
Counties' Share	9.6	8.1	6.1	3.4	0.0	0.0	0.0
Counties' % Share	80.0	60.0	40.0	20.0	0.0	0.0	0.0
Schools' Share	18.4	20.7	20.7	20.7	20.7	20.7	20.7
	<u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.7</u>	<u>61.6</u>

Estimated State Revenue
(Dollars in Millions)

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
State Expenditures	\$ 3.7	10.5	20.5	47.0	62.9	70.1	78.1
State Revenues	2.4	5.4	11.7	19.2	28.0	34.0	40.9
Unfunded Costs	<u>1.3</u>	<u>5.1</u>	<u>8.8</u>	<u>27.8</u>	<u>34.9</u>	<u>36.1</u>	<u>37.2</u>

The above amounts use 11.5% increased cost per year and 12.5% increase in receipts per year. These amounts are used because that was the historical increase. Even though the actual percentages will be different, it shows the relationship between the counties and the state's portion during the phase in.

Implementation of the reorganization will be by function rather than in 20% increments. The steps are signified by the numbers in parentheses.

The bill provides that the counties who provide computer services shall continue to do so unless otherwise directed by the General Assembly and the supreme court shall reimburse the counties for the services. This amount cannot be determined from present records maintained by the court administrator.

(0343C, 83-342, KMM)

Source: Legislative Service Bureau
Court Administrator

FILED:
MARCH 30, 1983

BY LEGISLATIVE FISCAL BUREAU
DENNIS C. PROUTY, DIRECTOR

Sen. Judiciary 4/7/83

Senate File 495

- Judiciary and Law Enforcement: Jay, Chair; Doderer, McKean, Maulsby and Parker.

Unanimous for 3591 & D. Pair 4/7/83

SENATE FILE

495

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE APRIL 6, 1983)

Re Passed Senate, Date 4-29-83 (p. 1460) Passed House, Date 4-21-83 (p. 1513)

Vote: Ayes 38 Nays 7 Vote: Ayes 66 Nays 31

Approved June 9, 1983

A BILL FOR

1 An Act relating to the organization, administration, super-
2 vision and funding of the courts, including a recodi-
3 fication of court statutes, and providing penalties.

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

5

Conference Committee Appointed
6 *Representatives Jay (Chair), Swartz, Parker, McKean, Maulsby 5/4/83 (p. 1789)*
7 *Senators Mann (Chair), Doyle, Horn, Rutledge & Drake 5/4 (p. 1525)*

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_____ Equals new language
by the Senate

* Equals language stricken
by the Senate

Repassed per Conference Committee Report
Senate 5-6-83 (p. 1572) House 5-6-83 (p. 1882)
38-6 63-30

1

DIVISION I

2

THE COURTS

3

ARTICLE 1

4

JUDICIAL DEPARTMENT

5

PART 1

6

DEFINITIONS AND COMPOSITION

7

Sec. 1101. NEW SECTION. 602.1101 DEFINITIONS. As used

8

in this chapter, unless the context otherwise requires:

9

1. "Book", "record", or "register" means any mode of
10 permanent recording, including but not limited to, card files,
11 microfilm, microfiche, and electronic records.

12

2. "Chief judge" means the district judge selected to
13 serve as the chief judge of the judicial district pursuant
14 to section 602.1210.

15

3. "Chief justice" means the chief justice of the supreme
16 court selected pursuant to section 602.5103.

17

4. "Chief juvenile court officer" means a person appointed
18 under section 602.1215.

19

5. "Court employee" or "employee of the judicial
20 department" means an officer or employee of the judicial
21 department except a judicial officer.

22

6. "Department" means the judicial department as defined
23 in section 602.1102.

24

7. "District court administrator" means a person appointed
25 pursuant to section 602.1213.

26

8. "Judicial officer" means a supreme court justice, a
27 judge of the court of appeals, a district judge, a district
28 associate judge, or a magistrate. The term also includes
29 a person who is temporarily serving as a justice, judge, or
30 magistrate as permitted by section 602.1612 or 602.2206.

31

9. "Magistrate" means a person appointed under article
32 7, part 4 to exercise judicial functions.

33

10. "Senior judge" means a person who qualifies as a
34 senior judge under article 2, part 2.

35

11. "State court administrator" means the person appointed

1 by the supreme court pursuant to section 602.1208.

2 Sec. 1102. NEW SECTION. 602.1102 JUDICIAL DEPARTMENT.

3 The judicial department consists of all of the following:

4 1. The supreme court.

5 2. The court of appeals.

6 3. The district court.

7 4. The clerks of all of the courts of this state.

8 5. Juvenile court officers.

9 6. Court reporters.

10 7. All other court employees.

11 PART 2

12 ADMINISTRATION

13 Sec. 1201. NEW SECTION. 602.1201 SUPERVISION AND
14 ADMINISTRATION. The supreme court has supervisory and
15 administrative control over the department and over all
16 judicial officers and court employees.

17 Sec. 1202. NEW SECTION. 602.1202 JUDICIAL COUNCIL.

18 A judicial council is established, consisting of the chief
19 judges of the judicial districts, the chief judge of the court
20 of appeals, and the chief justice who shall be the chairperson.
21 The council shall convene not less than twice each year at
22 times and places as ordered by the chief justice. The council
23 shall advise the supreme court with respect to the supervision
24 and administration of the department.

25 Sec. 1203. NEW SECTION. 602.1203 PERSONNEL CONFERENCES.

26 The chief justice may order conferences of judicial officers
27 or court employees on matters relating to the administration
28 of justice or the affairs of the department.

29 Sec. 1204. NEW SECTION. 602.1204 PROCEDURES FOR
30 DEPARTMENT.

31 1. The supreme court shall prescribe procedures for the
32 orderly and efficient supervision and administration of the
33 department. These procedures shall be executed by the chief
34 justice.

35 2. The state court administrator may issue directives

1 relating to the management of the department. The subject
2 matters of these directives shall include, but need not be
3 limited to, fiscal procedures, the judicial retirement system,
4 and the collection and reporting of statistical and other
5 data. The directives shall provide for an affirmative ac-
6 tion plan which shall be based upon guidelines provided by
7 the Iowa state civil rights commission. In addition, when
8 establishing salaries and benefits the state court
9 administrator shall not discriminate in the employment or
10 pay between employees on the basis of gender by paying wages
11 to employees at a rate less than the rate at which wages are
12 paid to employees of the opposite gender for work of comparable
13 worth. As used in this section "comparable worth" means the
14 value of work as measured by the composite of the skill,
15 effort, responsibility, and working conditions normally
16 required in the performance of work.

17 3. The supreme court shall compile and publish all
18 procedures and directives relating to the supervision and
19 administration of the internal affairs of the department,
20 and shall distribute a copy of the compilation and all
21 amendments to each operating component of the department.
22 Copies also shall be distributed to agencies referred to in
23 section 18.97 upon request.

24 Sec. 1205. NEW SECTION. 602.1205 PROCEDURES FOR COURTS.

25 1. The supreme court shall prescribe procedures for the
26 orderly and efficient administration of the judicial business
27 of the courts. These procedures shall be executed by the
28 chief justice.

29 2. Procedures for the district court shall provide for
30 a court session at least once each week in each county to
31 be fixed in advance and announced in the form of a printed
32 schedule. However, court sessions may be at intervals other
33 than once each week if in the opinion of the chief judge more
34 efficient operations in the district will result. The
35 procedures shall also provide for additional sessions for

1 the trial of cases in each county at a frequency which will
2 promptly dispose of the cases that are ready for trial.

3 Sec. 1206. NEW SECTION. 602.1206 RULES FOR JUDGES AND
4 ATTORNEYS.

5 1. The supreme court shall prescribe rules as necessary
6 to supervise the conduct of attorneys and judicial officers.
7 These rules shall be executed by the chief justice.

8 2. Supreme court rules shall be published as provided
9 in section 14.12, subsection 7.

10 Sec. 1207. NEW SECTION. 602.1207 REPORT OF THE CONDITION
11 OF THE JUDICIAL DEPARTMENT. The chief justice shall
12 communicate the condition of the department by message to
13 each general assembly, and may recommend matters the chief
14 justice deems appropriate.

15 Sec. 1208. NEW SECTION. 602.1208 STATE COURT ADMINISTRA-
16 TOR.

17 1. The supreme court, by majority vote, shall appoint
18 a state court administrator and may remove the administrator
19 for cause.

20 2. The state court administrator is the principal
21 administrative officer of the judicial department, subject
22 to the immediate direction and supervision of the chief
23 justice.

24 3. The state court administrator shall employ staff as
25 necessary to perform the duties of the administrator, subject
26 to the approval of the supreme court and budget limitations.
27 The administrator shall implement the comparable worth di-
28 rectives issued under section 602.1204, subsection 2 in all
29 court employment decisions.

30 4. All judicial officers and court employees shall comply
31 with procedures and requests of the state court administrator
32 with respect to information and statistical data bearing on
33 the state of the dockets of the courts, the progress of court
34 business, and other matters reflecting judicial business and
35 the expenditure of moneys for the maintenance and operation

1 of the judicial system.

2 Sec. 1209. NEW SECTION. 602.1209 GENERAL DUTIES OF THE
3 STATE COURT ADMINISTRATOR. The state court administrator
4 shall:

5 1. Manage the judicial department.

6 2. Administer funds appropriated to the department.

7 3. Authorize the filling of vacant court-employee
8 positions, review the qualifications of each person to be
9 employed within the department, and assure that affirmative
10 action goals are being met by the department. The state court
11 administrator shall not approve the employment of a person
12 when either the proposed terms and conditions of employment
13 or the qualifications of the individual do not satisfy
14 personnel policies of the department. The administrator shall
15 implement the comparable worth directives issued under section
16 602.1204, subsection 2 in all court employment decisions.

17 4. Supervise the employees of the supreme court and court
18 of appeals, and the clerk of the supreme court.

19 5. Administer the judicial retirement system as provided
20 in article 2.

21 6. Collect and compile information and statistical data,
22 and submit reports relating to judicial business and other
23 matters relating to the department.

24 7. Formulate and submit recommendations for improvement
25 of the judicial system, with reference to the structure of
26 the department and its organization and methods of operation,
27 the selection, compensation, number, and tenure of judicial
28 officers and court employees, and other matters as directed
29 by the chief justice or the supreme court.

30 8. Call conferences of district court administrators as
31 necessary in the administration of the department.

32 9. Provide a secretary and clerical services for the board
33 of examiners of shorthand reporters under article 4.

34 10. Act as executive secretary of the commission on
35 judicial qualifications under article 3.

1 11. Act as custodian of the bonds and oaths of office
2 of judicial officers and court employees.

3 12. Issue vouchers for the payment of per diem and expenses
4 from funds appropriated for purposes of articles 3 and 4 and
5 chapter 610.

6 13. Collect and account for fees paid to the board of
7 examiners of shorthand reporters under article 4.

8 14. Collect and account for fees paid to the board of
9 bar examiners under chapter 610.

10 15. Perform other duties as assigned by the supreme court,
11 or the chief justice, or by law.

3458 12 Sec. 1210. NEW SECTION. 602.1210 SELECTION OF CHIEF

13 JUDGES. Not later than December 15 in each odd-numbered year
14 the chief justice shall appoint chief judges of the judicial
15 districts, subject to the approval of the supreme court.

16 The chief judge of a judicial district shall be appointed
17 from those district judges who are serving within the district.

18 A chief judge shall serve for a two-year term and is eligible
19 for reappointment. The supreme court, by majority vote, may

20 remove a person from the position of chief judge. Vacancies
21 in the office of chief judge shall be filled in the same

22 manner. An order appointing a chief judge shall be filed
23 with the clerk of the supreme court, who shall mail a copy
24 to the clerk of the district court in each county in the
25 judicial district.

26 Sec. 1211. NEW SECTION. 602.1211 DUTIES OF CHIEF JUDGES.

27 1. In addition to judicial duties, a chief judge of a
28 judicial district shall supervise all judicial officers and
29 court employees serving within the district. The chief judge
30 shall by order fix the times and places of holding court,
31 and shall designate the respective presiding judges, supervise
32 the performance of all administrative and judicial business
33 of the district, allocate the workloads of district associate
34 judges and magistrates, and conduct judicial conferences to
35 consider, study, and plan for improvement of the administration

1 of justice.

2 2. A chief judge shall not attempt to direct or influence
3 a judicial officer in a judicial ruling or decision.

4 3. A chief judge may appoint from among the other district
5 judges of the district one or more assistants to serve
6 throughout the judicial district. A chief judge may remove
7 a person from the position of assistant. An assistant shall
8 have administrative duties as specified in court rules or
9 in the order of appointment. An appointment or removal shall
10 be made by judicial order and shall be filed with the clerk
11 of the district court in each county in the judicial district.

12 Sec. 1212. NEW SECTION. 602.1212 DISTRICT JUDICIAL CON-
13 FERENCES.

14 1. The district judges within a judicial district may
15 convene as an administrative body as necessary to:

16 a. Prescribe local court procedures, subject to the
17 approval of the supreme court.

18 b. Advise the chief judge respecting supervision and
19 administration of the judicial district.

20 c. Exercise other duties, as established by law or by
21 the supreme court.

22 2. A district judicial conference shall act by majority
23 vote of its members.

24 Sec. 1213. NEW SECTION. 602.1213 DISTRICT COURT
25 ADMINISTRATOR.

26 1. The chief judge of a judicial district shall appoint
27 a district court administrator and may remove the administrator
28 for cause.

29 2. The district court administrator shall assist the chief
30 judge in the supervision and administration of the judicial
31 district.

32 3. The district court administrator shall assist the state
33 court administrator in the implementation of policies of the
34 department and in the performance of the duties of the state
35 court administrator.

1 4. The district court administrator shall employ and
2 supervise all employees of the district court except court
3 reporters, clerks of the district court, employees of the
4 clerks of the district court, juvenile probation officers,
5 and employees of juvenile probation officers.

6 5. The district court administrator shall comply with
7 policies of the department and the judicial district.

8 6. The supreme court shall establish the qualifications
9 for appointment as a district court administrator.

10 Sec. 1214. NEW SECTION. 602.1214 CLERK OF THE DISTRICT
11 COURT.

12 1. The district judges of each judicial election district
13 shall by majority vote appoint persons to serve as clerks
14 of the district court, one for each county within the judicial
15 election district. A person does not qualify for appointment
16 to the office of clerk of the district court unless the person
17 is at the time of application a resident of the county in
18 which the vacancy exists. A clerk of the district court may
19 be removed from office for cause by a majority vote of the
20 district judges of the judicial election district. Before
21 removal, the clerk of the district court shall be notified
22 of the cause for removal.

23 2. The clerk of the district court has the duties specified
24 in article 9, and other duties as prescribed by law or by
25 the supreme court.

26 3. The clerk of the district court shall assist the state
27 court administrator and the district court administrator in
28 carrying out the rules, directives, and procedures of the
29 department and the judicial district.

30 4. The clerk of the district court shall comply with
31 rules, directives, and procedures of the department and the
32 judicial district.

33 Sec. 1215. NEW SECTION. 602.1215 CHIEF JUVENILE COURT
34 OFFICER.

35 1. The district judges within a judicial district, by

1 majority vote, shall appoint a chief juvenile court officer
2 and may remove the officer for cause.

3 2. The chief juvenile court officer is subject to the
4 immediate supervision and direction of the chief judge of
5 the judicial district.

6 3. The chief juvenile court officer, in addition to per-
7 forming the duties of a juvenile court officer, shall supervise
8 juvenile court officers and administer juvenile court services
9 within the judicial district in accordance with law and with
10 the rules, directives, and procedures of the department and
11 the judicial district.

12 4. The chief juvenile court officer shall assist the state
13 court administrator and the district court administrator in
14 implementing rules, directives, and procedures of the
15 department and the judicial district.

16 5. A chief juvenile court officer shall have other duties
17 as prescribed by the supreme court or by the chief judge of
18 the judicial district.

19 Sec. 1216. NEW SECTION. 602.1216 REMOVAL FOR CAUSE.
20 Inefficiency, insubordination, incompetence, failure to perform
21 assigned duties, inadequacy in performance of assigned duties,
22 narcotics addiction, dishonesty, unrehabilitated alcoholism,
23 negligence, conduct which adversely affects the performance
24 of the individual or of the department, conduct unbecoming
25 a public employee, misconduct, or any other just and good
26 cause constitutes cause for removal.

27 PART 3

28 BUDGETING AND FUNDING

29 Sec. 1301. NEW SECTION. 602.1301 FISCAL PROCEDURES.

30 1. The supreme court shall prepare an annual operating
31 budget for the department, and shall submit a budget request
32 to the general assembly for the fiscal period for which the
33 general assembly is appropriating funds.

34 2. The chief justice shall include the department budget
35 recommendations as part of the message on the condition of

1 the department that is submitted under section 602.1207.

2 3. The state court administrator shall prescribe the
3 procedures to be used by the operating components of the
4 department with respect to the following:

5 a. The preparation, submission, review, and revision of
6 budget requests.

7 b. The allocation and disbursement of funds appropriated
8 to the department.

9 c. The purchase of forms, supplies, equipment, and other
10 property.

11 d. Other matters relating to fiscal administration.

12 4. The state court administrator shall prescribe practices
13 and procedures for the accounting and internal auditing of
14 funds of the department, including uniform practices and
15 procedures to be used by judicial officers and court employees
16 with respect to all funds, regardless of source.

17 Sec. 1302. NEW SECTION. 602.1302 STATE FUNDING.

18 1. Except as otherwise provided by section 602.1303 or
19 other applicable law, the expenses of operating and maintaining
20 the department shall be paid out of the general fund of the
21 state from funds appropriated by the general assembly. State
22 funding shall be phased in as provided in section 10301.

23 2. The state shall provide suitable office space for a
24 public defender if established for a county.

25 3. The supreme court may accept federal funds to be used
26 in the operation of the department, but shall not expend any
27 of these funds except pursuant to appropriation of the funds
28 by the general assembly.

29 Sec. 1303. NEW SECTION. 602.1303 LOCAL FUNDING.

30 1. A county or city shall provide the district court for
31 the county with physical facilities, including heat, water,
32 electricity, maintenance, and custodial services, as follows:

33 a. A county shall provide suitable court rooms, offices,
34 and other physical facilities for the district court, and
35 for judicial officers of the district court, the clerk of

1 the district court, juvenile court officers, and other court
2 employees.

3 b. If court is held in a city other than the county seat,
4 the city shall provide suitable courtrooms and other physical
5 facilities as requested by the chief judge of the judicial
6 district.

7 2. A county shall pay the expenses of the members of the
8 county magistrate appointing commission as provided in section
9 602.7501.

10 3. A county shall pay the compensation and expenses of
11 the jury commission and assistants under chapter 608.

12 4. A county shall provide the district court with bailiff
13 and other law enforcement services upon the request of a
14 judicial officer of the district court.

15 5. A county shall pay the costs incurred in connection
16 with the administration of juvenile justice under section
17 232.141.

18 6. A county shall pay the costs and expenses incurred
19 in connection with grand juries.

20 7. A county or city shall pay the costs of its witnesses,
21 depositions, and transcripts and the court fees and costs
22 provided by law in criminal actions prosecuted by that county
23 or city.

24 8. A county shall pay the fees and expenses allowed under
25 sections 815.2 and 815.3, and shall pay the fees and expenses
26 allowed under sections 815.5 and 815.6 with respect to
27 witnesses for the prosecution.

28 Sec. 1304. NEW SECTION. 602.1304 REVENUES. Except as
29 provided in article 9, all fees and other revenues collected
30 by judicial officers and court employees shall be paid into
31 the general fund of the state.

32 Sec. 1305. NEW SECTION. 602.1305 DISTRIBUTION OF REVENUES
33 OF THE DISTRICT COURT. All fees, costs, forfeited bail, and
34 other court revenues collected by the district court shall
35 be distributed as provided in article 9.

PART 4

PERSONNEL

Sec. 1401. NEW SECTION. 602.1401 PERSONNEL SYSTEM.

1. The supreme court shall establish, and may amend, a personnel system for court employees. The personnel system shall include a designation by position title, classification, and function of each position or class of positions within

the department. Reasonable efforts shall be made to

accommodate the individual staffing and management practices of the respective clerks of the district court. The supreme court, in establishing the personnel system, shall implement the comparable worth directives issued by the state court administrator under section 602.1204, subsection 2.

2. The supreme court shall compile and publish all documents that establish the personnel system, and shall distribute a copy of the compilation and all amendments to each operating component of the department.

3. The supreme court is the public employer of court employees for purposes of chapter 20, relating to public employment relations.

4. The supreme court may establish reasonable classes of employees as necessary to accomplish the purposes of the personnel system.

Sec. 1402. NEW SECTION. 602.1402 PERSONNEL CONTROL.

The employment of court employees within an operating component of the judicial department is subject to prior authorization by the supreme court, and to approval by the state court administrator under section 602.1209.

PART 5

COMPENSATION OF JUDICIAL OFFICERS AND COURT EMPLOYEES

Sec. 1501. NEW SECTION. 602.1501 JUDICIAL SALARIES.

1. The chief justice and each justice of the supreme court shall receive the salary set by the general assembly.

2. The chief judge and each judge of the court of appeals shall receive the salary set by the general assembly.

1 3. The chief judge of each judicial district and each
2 district judge shall receive the salary set by the general
3 assembly.

4 4. District associate judges shall receive the salary
5 set by the general assembly. However, an alternate district
6 associate judge whose appointment is authorized under section
7 602.7303 shall receive a salary for each day of actual duty
8 equal to a district associate judge's daily salary.

9 5. Magistrates shall receive the salary set by the general
10 assembly, subject to section 602.7402.

11 Sec. 1502. NEW SECTION. 602.1502 STATE COURT
12 ADMINISTRATION SALARIES.

13 1. The supreme court shall set the compensation of the
14 state court administrator, deputy administrator, and research
15 director within the funds appropriated by the general assembly.

16 2. The state court administrator, with the approval of
17 the supreme court, shall set the salaries of assistants and
18 employees of the office of the state court administrator
19 within the funds appropriated by the general assembly.

20 Sec. 1503. NEW SECTION. 602.1503 APPELLATE COURT EMPLOYEE
21 SALARIES.

22 1. The supreme court shall set the salary of the clerk
23 of the supreme court within the funds appropriated by the
24 general assembly.

25 2. The clerk of the supreme court, subject to the approval
26 of the supreme court, shall set the salaries of deputies and
27 employees in the offices of the clerk of the supreme court
28 and the clerk of the court of appeals.

29 3. The state court administrator, subject to the approval
30 of the supreme court, shall set the salaries of law clerks,
31 secretaries, and other employees of the supreme court or the
32 court of appeals.

33 Sec. 1504. NEW SECTION. 602.1504 DISTRICT COURT
34 ADMINISTRATION SALARIES.

35 1. The chief judge of a judicial district shall set the

1 salary of the district court administrator within the funds
2 appropriated by the general assembly.

3 2. The salaries of law clerks, secretaries, and other
4 employees under the supervision of the district court
5 administrator shall be set by the district court administrator,
6 subject to the approval of the chief judge of the judicial
7 district.

8 Sec. 1505. NEW SECTION. 602.1505 DISTRICT COURT CLERK
9 OFFICES.

10 1. The chief judge of each judicial district shall set
11 the salaries of the clerks of the district court within the
12 judicial district. However, a clerk of the district court
13 shall not receive a salary in excess of the average salary
14 received by the county auditor, the county treasurer, and
15 the county recorder in the county in which the clerk serves.

16 2. The annual salary of each of the first and second
17 deputies to a clerk of the district court shall not exceed
18 eighty percent of the annual salary of the clerk of the
19 district court. In offices where more than two deputies are
20 required, the salary of each additional deputy shall not
21 exceed seventy-five percent of the annual salary of the clerk.

22 3. A clerk of the district court shall set the salaries
23 of the deputy clerks and employees of that office, subject
24 to subsection 2 and to the approval of the chief judge of
25 the judicial district.

26 Sec. 1506. NEW SECTION. 602.1506 JUVENILE COURT OFFICERS
27 AND STAFF.

28 1. The chief judge of the judicial district shall set
29 the salaries for the chief juvenile court officer and other
30 juvenile court officers employed in the district.

31 2. The chief juvenile court officer shall set the salaries
32 of secretarial, clerical, and other staff employed by the
33
34
35

1 juvenile court in the judicial district, subject to the
2 approval of the chief judge of the judicial district.

3 Sec. 1507. NEW SECTION. 602.1507 COURT REPORTER SALARIES.

4 1. The supreme court shall set the salary of each full-
5 time court reporter of the district court based on the
6 reporter's experience within the funds appropriated by the
7 general assembly. A salary increase under this subsection
8 is effective on the employment anniversary of the court
9 reporter.

10 2. Each district judge and district associate judge, upon
11 appointing a full-time court reporter, shall certify the name
12 and address of the reporter and the date upon which the
13 reporter's term of service begins to the state court
14 administrator.

15 3. Court reporters who are employed on an emergency basis
16 in the district court shall be paid not more than their usual
17 and customary fees, while employed by the court. Payments
18 shall be made at least once each month.

19 4. Court reporters shall be paid compensation for
20 transcribing their notes as provided in section 602.4202,
21 but shall not work on outside depositions during the hours
22 for which they are compensated as a court employee.

23 Sec. 1508. NEW SECTION. 602.1508 COMPENSATION OF
24 REFEREES. Referees and other persons referred to in section
25 602.7602 shall receive a salary or other compensation as set
26 by the supreme court.

27 Sec. 1509. NEW SECTION. 602.1509 EXPENSES.

28 1. When a judicial officer, court employee, or other
29 person providing professional services to the courts is
30 required to travel in the discharge of official duties, the
31 person shall be paid actual and necessary expenses incurred
32 in the performance of duties, not to exceed a maximum amount
33 established by the supreme court. The supreme court shall
34 prescribe procedures to establish the maximum amount, terms,
35 and conditions for reimbursement of the expenses.

2. The supreme court may authorize juvenile court officers to receive a monthly allowance for use of an automobile in the discharge of official duties in lieu of receiving an expense reimbursement based on mileage.

5 Sec. 1510. NEW SECTION. 602.1510 BOND EXPENSE. The
6 cost of a bond that is required of a judicial officer or court
7 employee in the discharge of duties shall be paid by the
8 department.

9 Sec. 1511. NEW SECTION. 602.1511 BOARD OF EXAMINERS
10 FOR SHORTHAND REPORTERS. Members of the board of examiners
11 for certified shorthand reporters appointed under article
12 4 shall receive actual and necessary expenses pursuant to
13 section 602.1509 and per diem compensation for each day
14 actually engaged in the discharge of duties.

15 Sec. 1512. NEW SECTION. 602.1512 COMMISSION ON JUDICIAL
16 QUALIFICATIONS. The members of the commission on judicial
17 qualifications established under section 602.3102, other than
18 the judicial member, shall receive per diem compensation for
19 each day that they are actually engaged in the performance
20 of duties. All of the members shall be reimbursed for actual
21 and necessary expenses pursuant to section 602.1509. .

22 Sec. 1513. NEW SECTION. PER DIEM COMPENSATION. The
23 supreme court shall set the per diem compensation under
24 sections 602.1511 and 602.1512 at forty dollars per day.

PART 6

GENERAL PROVISIONS

27 Sec. 1601. NEW SECTION. 602.1601 JUDICIAL PROCEEDINGS
28 PUBLIC. All judicial proceedings shall be public, unless
29 otherwise specially provided by statute or agreed to by the
30 parties.

31 Sec. 1602. NEW SECTION. 602.1602 SUNDAY--PERMISSIBLE
32 ACTS. A court shall not be opened on Sunday and judicial
33 business shall not be transacted on Sunday, except to:

34 1. Give instructions to a jury then deliberating on its
35 verdict.

1 2. Receive a verdict or discharge a jury.

2 3. Exercise the powers of a magistrate in a criminal
3 proceeding.

4 4. Perform other acts as provided by law.

5 Sec. 1603. NEW SECTION. 602.1603 JUDGE TO BE ATTORNEY.

6 A person is not eligible for, and shall not hold the office
7 of supreme court justice, court of appeals judge, district
8 judge, or district associate judge unless admitted to the
9 practice of law in this state.

10 Sec. 1604. NEW SECTION. 602.1604 JUDGES SHALL NOT

11 PRACTICE LAW. While holding office, a supreme court justice,
12 court of appeals judge, district judge, or district associate
13 judge shall not practice as an attorney or counselor or give
14 advice in relation to any action pending or about to be brought
15 in any of the courts of the state. A person whose appointment
16 as an alternate district associate judge is authorized under
17 section 602.7303 may practice law except when actually serving
18 as a district associate judge.

19 Sec. 1605. NEW SECTION. 602.1605 SPECIAL CONDITIONS
20 FOR MAGISTRATES.

21 1. A magistrate shall not accept any compensation, fee,
22 or reward from or on behalf of anyone for services rendered
23 in the conduct of official business except the compensation
24 provided by law.

25 2. If a magistrate who practices law appears as counsel
26 for a client in a matter that is within the jurisdiction of
27 a magistrate, that matter shall be heard only by a district
28 judge or a district associate judge. A disqualification under
29 this section shall be had upon motion of the magistrate or
30 of any party, either orally or in writing, and the clerk of
31 the district court shall reassign the matter to a proper
32 judicial officer.

33 Sec. 1606. NEW SECTION. 602.1606 JUDICIAL OFFICER

34 DISQUALIFIED. A judicial officer is disqualified from acting
35 in a proceeding, except upon the consent of all of the parties,

1 if any of the following circumstances exists:

2 1. The judicial officer has a personal bias or prejudice
3 concerning a party, or personal knowledge of disputed
4 evidentiary facts concerning the proceeding.

5 2. The judicial officer served as a lawyer in the matter
6 in controversy, or a lawyer with whom the judicial officer
7 previously practiced law served during that association as
8 a lawyer concerning the matter, or the judicial officer or
9 such lawyer has been a material witness concerning the matter.

10 3. The judicial officer knows that the officer,
11 individually or as a fiduciary, or the officer's spouse or
12 child has a financial interest in the subject matter in
13 controversy or in a party to the proceeding, or has any other
14 interest that could be substantially affected by the outcome
15 of the proceeding.

16 4. The judicial officer or the officer's spouse, or a
17 person related to either of them by consanguinity or affinity
18 within the third degree or the spouse of such a person, is
19 a party to the proceeding, or an officer, director, or trustee
20 of a party, or is acting as a lawyer in the proceeding, or
21 is known by the judicial officer to have an interest that
22 could be substantially affected by the outcome of the pro-
23 ceeding, or is, to the judicial officer's knowledge, likely
24 to be a material witness in the proceeding.

25 A judicial officer shall disclose to all parties in a
26 proceeding any existing circumstances in subsections 1 through
27 4 before the parties consent to the judicial officer's
28 presiding in the proceeding.

29 Sec. 1607. NEW SECTION. 602.1607 COURT EMPLOYEES SHALL
30 NOT PRACTICE LAW. A full-time court employee shall not
31 practice as an attorney or counselor of law.

32 Sec. 1608. NEW SECTION. 602.1608 SALARIES EXCLUSIVE.
33 Court employees shall not accept any compensation, fee, or
34 reward for services rendered in connection with duties of
35 court employment except the compensation provided by law.

1 Sec. 1609. NEW SECTION. 602.1609 COMPLIANCE WITH GIFT
2 LAW. Judicial officers and court employees shall comply with
3 rules adopted by the supreme court under section 68B.11 with
4 respect to the reporting of gifts received. Violations are
5 subject to the criminal penalties provided in that section.

6 Sec. 1610. NEW SECTION. 602.1610 MANDATORY RETIREMENT.

7 1. Judicial officers shall cease to hold office upon
8 reaching the mandatory retirement age.

9 a. The mandatory retirement age is seventy-five years
10 for all justices of the supreme court and district judges
11 holding office on July 1, 1965.

12 b. The mandatory retirement age is seventy-two years for
13 all justices of the supreme court, judges of the court of
14 appeals, and district judges appointed to office after July
15 1, 1965.

16 c. The mandatory retirement age is seventy-two years for
17 all district associate judges and judicial magistrates.

18 2. The mandatory retirement age for employees of the
19 judicial department is as provided in section 97B.46.

20 Sec. 1611. NEW SECTION. 602.1611 JUDICIAL RETIREMENT
21 PROGRAMS.

22 1. Justices of the supreme court, judges of the court
23 of appeals and district judges are members of either the
24 judicial retirement system or the Iowa public employees'
25 retirement system, as determined under section 97B.69 and
26 article 2, part 1.

27 2. District associate judges who were municipal court
28 judges prior to July 1, 1973, and who are members of the
29 judicial retirement system under article 2 shall remain members
30 of the system. Other district associate judges are members
31 of the Iowa public employees' retirement system, except that
32 alternate district associate judges whose appointment is
33 authorized under section 602.7303 are not members of either
34 retirement system.

35 3. Magistrates may elect to be members of the Iowa public

1 employees' retirement system upon filing in writing with the
2 Iowa department of job service as provided in section 97B.41,
3 subsection 3, paragraph b, subparagraph (6).

4 Sec. 1612. NEW SECTION. 602.1612 TEMPORARY SERVICE BY
5 RETIRED JUDGES.

6 1. Justices of the supreme court, judges of the court
7 of appeals, district judges, and district associate judges
8 who are retired by reason of age or who are drawing benefits
9 under section 602.2106, and senior judges who have retired
10 under section 602.2207 or who have relinquished senior
11 judgeship under section 602.2208, subsection 1, may with their
12 consent be assigned by the supreme court or by the chief judge
13 in the case of district associate judges to temporary judicial
14 duties on a court in this state. A retired justice or judge
15 shall not be assigned to temporary judicial duties on any
16 court superior to the highest court to which that justice
17 or judge had been appointed prior to retirement, and shall
18 not be assigned for temporary duties with the supreme court
19 or the court of appeals except in the case of a temporary
20 absence of a member of one of those courts.

21 2. A retired justice or judge shall not engage in the
22 practice of law unless the justice or judge files an election
23 to practice law with the clerk of the supreme court. Upon
24 electing to practice law, the justice or judge is ineligible
25 for assignment to temporary judicial duties at any time.

26 3. While serving under temporary assignment, a retired
27 justice or judge shall be paid the compensation and expense
28 reimbursement provided by law for justices or judges on the
29 court to which assigned, but shall not receive annuity payments
30 under the judicial retirement system and a district associate
31 judge covered under chapter 97B shall receive monthly benefits
32 under that chapter only if the district associate judge has
33 attained the age of seventy years.

34 4. A retired justice or judge may be authorized by the
35 order of assignment to appoint a temporary court reporter,

1 who shall receive the compensation and expense reimbursement
2 provided by law for a regular court reporter in the court
3 to which the justice or judge is assigned.

4 5. An order of assignment shall be filed in the office
5 of the clerk of the court on which the justice or judge is
6 to serve.

7 Sec. 1613. NEW SECTION. 602.1613 COURT EMPLOYEE
8 RETIREMENT. Court employees are members of the Iowa public
9 employees' retirement system under chapter 97B, except as
10 otherwise provided in that chapter.

11 ARTICLE 2

12 JUDICIAL RETIREMENT

13 PART 1

14 JUDICIAL RETIREMENT SYSTEM

15 Sec. 2101. NEW SECTION. 602.2101 DEFINITIONS. As used
16 in this article, unless the context otherwise requires:

17 1. "System" means the judicial retirement system.

18 2. "Judge" means a supreme court justice, court of appeals
19 judge, or district judge, or a district associate judge who
20 was a municipal court judge prior to July 1, 1973.

21 3. "Fund" means the judicial retirement fund established
22 by section 602.2104.

23 4. "Survivor" means the surviving spouse of a judge, if
24 married to the judge for at least five years next preceding
25 the judge's death, but does not include a surviving spouse
26 who remarries.

27 Sec. 2102. NEW SECTION. 602.2102 SYSTEM ESTABLISHED-
28 -ADMINISTRATION. A judicial retirement system is established.
29 The state court administrator shall administer the system,
30 and may prescribe rules for the system that are not
31 inconsistent with this article.

32 Sec. 2103. NEW SECTION. 602.2103 NOTICE BY JUDGE IN
33 WRITING. This article does not apply to a judge who otherwise
34 qualifies for membership in the system until the judge gives
35 notice in writing to the state comptroller and treasurer of

1 state of the judge's election to become a member of the system.
2 Notice shall be given within one year after the date on which
3 the judge takes the oath of office as judge.

4 Sec. 2104. NEW SECTION. 602.2104 DEPOSIT BY JUDGE--
5 DEDUCTIONS--CONTRIBUTIONS BY STATE.

6 1. A judicial retirement fund is established in the state
7 treasury.

8 2. Each judge shall, on or before retirement, pay to the
9 state court administrator for deposit in the fund a sum equal
10 to four percent of the judge's basic salary for services as
11 a judge for the aggregate period of service prior to the date
12 of giving notice under section 602.2103 on the municipal,
13 superior, district, or supreme courts, or the court of appeals.
14 However, the maximum amount that a judge is required to
15 contribute for past service is three thousand five hundred
16 dollars for a municipal or superior court or district associate
17 judge, four thousand dollars for a district judge, four
18 thousand five hundred dollars for a court of appeals judge,
19 and five thousand dollars for a supreme court justice. On
20 and after the date notice is given, four percent of the basic
21 salary of the judge shall be withheld from the salary of the
22 judge and deposited in the fund.

23 3. The fund is appropriated for the payment of the
24 annuities, refunds, and allowances provided in this article.

25 4. A judge electing to become a member of the system is
26 deemed to consent to the deduction from basic salary that
27 is provided in this section, and payment of the basic salary
28 less the deduction discharges all claims and demands with
29 respect to regular services rendered during the period covered
30 by the payment, except the right to the benefits to which
31 the judge is entitled under this article.

32 5. The state shall contribute sums to finance the system
33 as necessary over the amounts contributed by judges.

34 Sec. 2105. NEW SECTION. 602.2105 QUALIFICATION
35 CONDITIONS. A person is not entitled to receive an annuity

1 under this article unless the person has contributed to the
2 fund as provided in this article for the person's entire
3 period of service as a judge, or unless the person is entitled
4 to a survivor's annuity under section 602.2115.

5 Sec. 2106. NEW SECTION. 602.2106 RETIREMENT. A person
6 who becomes separated from service as a judge, and who has
7 completed an aggregate of at least six years of service as
8 a judge, and who has attained the age of sixty-five years
9 or has completed twenty-five years of consecutive service
10 as a judge, and who has otherwise qualified as provided in
11 this article, is entitled to an annuity as provided in this
12 article.

13 Sec. 2107. NEW SECTION. 602.2107 AMOUNT OF ANNUITY.
14 The annuity of a judge under the system is an amount equal
15 to three percent of the average annual basic salary of the
16 judge for the last three years of service as a judge,
17 multiplied by the aggregate number of years of service as
18 a judge, but an annuity shall not exceed an amount equal to
19 fifty percent of the salary that the judge is receiving at
20 the time the judge becomes separated from service.

21 Sec. 2108. NEW SECTION. 602.2108 INDIVIDUAL ACCOUNTS-
22 -REFUNDING. The amounts withheld from the salary of a judge
23 under this article for the credit of the fund, and all amounts
24 paid into the fund by the judge, shall be credited to the
25 individual account of the judge. If the judge becomes
26 separated from service as a judge before completing an
27 aggregate of six years of service as a judge, the total amount
28 of the judge's contributions to the fund shall be returned
29 in one sum to the judge or to the judge's legal
30 representatives. If a judge who has completed an aggregate
31 of six years or more of service as a judge dies before
32 retirement and without a survivor, the total amount of the
33 judge's contributions to the fund shall be paid in one sum
34 to the judge's legal representatives. If a judge who is
35 receiving an annuity under this article dies without a survivor

1 and without having received in annuities an amount equal to
2 the total amount held to the judge's credit at the time of
3 separation from service, the amount remaining to the judge's
4 credit at the time of death shall be paid in one sum to the
5 judge's legal representatives.

6 Sec. 2109. NEW SECTION. 602.2109 PAYMENT OF ANNUITIES.
7 Annuities are due and payable in monthly installments, and
8 shall continue during the life of the annuitant. An annuity
9 shall be paid on the last business day of the month following
10 the month or other period for which the annuity has accrued.
11 Payment of all annuities, refunds, and allowances from the
12 fund shall be made by checks or warrants issued by the state
13 comptroller. Applications for annuities shall be in the form
14 prescribed by the state comptroller.

15 Sec. 2110. NEW SECTION. 602.2110 OTHER PUBLIC EMPLOYMENT
16 PROHIBITED. An annuity shall not be paid to any person,
17 except a survivor, while the person is serving as a state
18 officer or employee.

19 This section does not prohibit the payment of an annuity
20 to a senior judge while serving as provided in section
21 602.2206.

22 Sec. 2111. NEW SECTION. 602.2111 INVESTMENT OF FUND.
23 The portion of the fund that is not needed for disbursements
24 shall be invested by the treasurer of state in bonds or other
25 evidences of indebtedness issued, assumed, or guaranteed by
26 the United States or by an agency or instrumentality of the
27 United States, or in investments authorized for the Iowa
28 public employees' retirement system in section 97B.7,
29 subsection 2, paragraph b. Earnings shall be credited to
30 the fund.

31 Sec. 2112. NEW SECTION. 602.2112 VOLUNTARY RETIREMENT
32 FOR DISABILITY. A judge who is a member of the system, and
33 who has served as a judge for a period of at least six years
34 in the aggregate, and who, in the judge's own belief, has
35 become permanently incapacitated, physically or mentally,

1 to perform the duties of office, may personally or by next
2 friend or guardian, file with the state court administrator
3 a written application for retirement. The application shall
4 be filed in duplicate and shall be accompanied by an affidavit
5 disclosing the duration and particulars of the judge's service
6 and the nature of the incapacity. The state court
7 administrator shall transmit one copy of the application and
8 affidavit to the chief justice, who shall request in writing
9 that the attorney general cause an investigation of the claimed
3.2210 incapacity and report back the results in writing. If the
11 chief justice finds from the report of the attorney general
12 that the applicant is permanently incapacitated, physically
13 or mentally, to perform the duties of office, the chief justice
14 shall by endorsement on the report declare the applicant
15 retired and the office vacant. The chief justice shall file
16 the report in the office of the state court administrator,
17 and shall file a copy in the office of the secretary of state.
18 From the date of filing, the applicant shall be deemed retired
19 from office and entitled to the benefits of this article to
20 the same extent as if the applicant had retired under section
21 602.2106.

22 Sec. 2113. NEW SECTION. 602.2113 RETIREMENT BENEFITS
23 FOR DISABILITY. An adjudication of permanent physical or
24 mental disability by the supreme court under section 602.3106,
25 subsection 3, paragraph a, entitles the judge to the same
26 retirement benefits as those that are provided for voluntary
27 retirement for the same cause.

28 Sec. 2114. NEW SECTION. 602.2114 FORFEITURE OF BENEFITS-
29 -REFUND. If a judge who is a member of the system is removed
30 for cause other than permanent disability, the judge and any
31 survivor shall forfeit the right to retirement benefits under
32 the system, but the total amount of the judge's contributions
33 to the fund shall be returned in one sum to the judge or to
34 a legal representative of the judge.

35 Sec. 2115. NEW SECTION. 602.2115 ANNUITY FOR SURVIVOR

1 OF ANNUITANT.

2 1. The survivor of a judge who was qualified to receive
3 an annuity under the system at the time of death is entitled
4 to receive an annuity of one-half the amount of the annuity
5 the judge was receiving or would have been entitled to receive
6 at the time of death, or if the judge died before age sixty-
7 five, then one-half of the amount the judge would have been
8 entitled to receive at age sixty-five based on years of
9 service. A survivor's annuity shall begin on the judge's
10 death, or on the date the judge would have been sixty-five
11 if the judge died earlier than age sixty-five, or upon the
12 survivor's reaching age sixty, whichever is later.

13 2. If a judge dies leaving a survivor, but without
14 receiving in annuities an amount equal to the judge's credit,
15 the balance shall be credited to the account of the survivor,
16 and if the survivor dies without remarrying and without
17 receiving in annuities an amount equal to that balance, the
18 amount then remaining shall be paid to the survivor's legal
19 representative.

20 Sec. 2116. NEW SECTION. 602.2116 ACTUARIAL VALUATION.

21 1. The state court administrator shall cause an actuarial
22 valuation to be made of the assets and liabilities of the
23 system at least once every four years commencing with the
24 fiscal year beginning July 1, 1981. The state court
25 administrator, upon the recommendation of the actuary, shall
26 adopt mortality tables and other necessary factors for use
27 in the actuarial calculations required for the valuation.
28 Following the actuarial valuation, the state court
29 administrator shall determine the condition of the system
30 and shall report findings and recommendations to the general
31 assembly.

32 2. The cost of the actuarial valuation shall be paid from
33 the fund.

34 PART 2

35 IOWA SENIOR JUDGE ACT

1 Sec. 2201. NEW SECTION. 602.2201 SHORT TITLE. This
2 part may be cited and referred to as the "Iowa Senior Judge
3 Act".

4 Sec. 2202. NEW SECTION. 602.2202 DEFINITIONS. As used
5 in this part unless the context otherwise requires:

6 1. "Senior judge" means a judge who has become a senior
7 judge under section 602.2203 and who has not been retired
8 or removed from the roster of senior judges under section
9 602.2207 or 602.2208.

10 2. "Retired senior judge" means a senior judge who has
11 been retired from a senior judgeship as provided in section
12 602.2207.

13 3. "Roster of senior judges" means the roster maintained
14 by the clerk of the supreme court under section 602.2203,
15 subsection 3.

16 4. "Twelve-month period" means each successive one-year
17 period during the time a judge is a senior judge, commencing
18 on the date the judge becomes a senior judge.

19 Sec. 2203. NEW SECTION. 602.2203 SENIOR JUDGESHIP
20 REQUIREMENTS.

21 1. A judge who meets the requirements under subsection
22 2 may become a senior judge by filing with the clerk of the
23 supreme court a written election in the form specified by
24 the state court administrator. The election shall be filed
25 no later than the date of retirement.

26 2. A judge qualifies for a senior judgeship if the judge
27 meets all of the following requirements:

28 a. Retires from office, whether or not at mandatory
29 retirement age.

30 b. Meets the minimum requirements for entitlement to an
31 annuity as specified in section 602.2106.

32 c. Agrees in writing on a form prescribed by the state
33 court administrator to be available while a senior judge to
34 perform judicial duties as assigned by the supreme court for
35 an aggregate period of thirteen weeks out of each twelve-month

1 period.

2 d. Submits evidence to the satisfaction of the supreme
3 court that as of the date of retirement the judge does not
4 suffer from a permanent physical or mental disability which
5 would substantially interfere with the performance of duties
6 agreed to under paragraph c.

7 3. The clerk of the supreme court shall maintain a book
8 entitled "Roster of Senior Judges", and shall enter in the
9 book the name of each judge who files a timely election under
10 subsection 1 and qualifies under subsection 2. A person is
11 a senior judge upon entry of the person's name in the roster
12 of senior judges and until the person becomes a retired senior
13 judge as provided in section 602.2207, or until the person's
14 name is stricken from the roster of senior judges as provided
15 in section 602.2208, or until the person dies.

16 4. The supreme court shall cause a senior judge to actually
17 perform judicial duties during each twelve-month period.

18 Sec. 2204. NEW SECTION. 602.2204 ANNUITY OF SENIOR JUDGE
19 AND RETIRED SENIOR JUDGE. A senior judge or a retired senior
20 judge shall not be paid a salary. A senior judge or retired
21 senior judge shall be paid an annuity under the system in
22 the manner provided in section 602.2109, but computed under
23 this section in lieu of section 602.2107, as follows: The
24 annuity paid to a senior judge or retired senior judge shall
25 be an amount equal to three percent of the current base salary,
26 as of the time each payment is made, of the office in which
27 the senior judge last served as a judge before retirement
28 as a judge or senior judge, multiplied by the judge's aggregate
29 years of service prior to retirement as a judge of one or
30 more of the courts included under this article, but the annuity
31 of the senior judge or retired senior judge shall not exceed
32 fifty percent of that current base salary.

33 Sec. 2205. NEW SECTION. 602.2205 PRACTICE OF LAW
34 PROHIBITED. A senior judge shall not practice law.

35 Sec. 2206. NEW SECTION. 602.2206 TEMPORARY SERVICE BY

1 SENIOR JUDGE. During the tenure of a senior judge, the supreme
2 court may assign the senior judge to perform, if able,
3 temporary judicial duties on courts of this state without
4 salary for an aggregate of thirteen weeks out of each twelve-
5 month period, and for additional weeks with the senior judge's
6 consent. A senior judge shall not be assigned to judicial
7 duties on a court superior to the highest court to which
8 appointed prior to retirement, and shall not be assigned to
9 the court of appeals or to the supreme court except to serve
10 in the temporary absence of a member of the court. While
11 serving on temporary assignment, a senior judge has all of
12 the authority of the office to which assigned, shall continue
13 to be paid an annuity as senior judge, and shall be reimbursed
14 for actual expenses as provided in section 602.1509. A senior
15 judge may, if permitted by the temporary assignment order,
16 appoint a temporary court reporter who shall be paid the
17 remuneration and reimbursement for expenses provided by law
18 for a reporter in the court to which the senior judge is
19 assigned. If a senior judge is temporarily assigned to the
20 court of appeals or to the supreme court, the senior judge
21 shall be given the assistance of a law clerk and a secretary
22 designated by the state court administrator from the state
23 court administrator's staff. Each order of temporary
24 assignment shall be filed with the clerk of the court on which
25 the senior judge is to serve.

26 A senior judge also shall be available to serve in the
27 capacity of administrative hearing officer under chapter 17A,
28 and the supreme court may assign a senior judge for temporary
29 duties as a hearing officer upon the request of an agency.
30 A senior judge shall not be required to serve a period of
31 time as a hearing officer which, when added to the period
32 of time being served by the person as a judge, if any, would
33 exceed the maximum period of time the person agreed to serve
34 pursuant to section 602.2203, subsection 2.

35 Sec. 2207. NEW SECTION. 602.2207 RETIREMENT OF SENIOR

1 JUDGE.

2 1. A senior judge shall cease to be a senior judge upon
3 completion of the twelve-month period during which the senior
4 judge attains seventy-eight years of age. The clerk of the
5 supreme court shall make a notation of the retirement of a
6 senior judge in the roster of senior judges, at which time
7 the senior judge becomes a retired senior judge.

8 2. A senior judge is subject to retirement under article
9 3, part 1 for the causes specified in section 602.3106,
10 subsection 3, paragraph a. A senior judge may request and
11 be granted retirement in the manner provided in section
12 602.2112. When a senior judge is retired as provided in this
13 subsection the clerk of the supreme court shall make a notation
14 of the retirement of the senior judge in the roster of senior
15 judges, at which time the senior judge shall become a retired
16 senior judge.

17 Sec. 2208. NEW SECTION. 602.2208 RELINQUISHMENT OF
18 SENIOR JUDGESHIP--REMOVAL FOR CAUSE.

19 1. A senior judge, at any time prior to the end of the
20 twelve-month period during which the senior judge attains
21 seventy-eight years of age, may submit to the clerk of the
22 supreme court a written request to be stricken from the roster
23 of senior judges. Upon the receipt of the request the clerk
24 shall strike the name of the person from the roster of senior
25 judges, at which time the person shall cease to be a senior
26 judge. A person who relinquishes a senior judgeship as
27 provided in this subsection may be assigned to temporary
28 judicial duties as provided in section 602.1612.

29 2. A senior judge is subject to removal under provisions
30 of article 3, part 1 for any of the causes specified in section
31 602.3106, subsection 3, paragraph b. When a person is removed
32 from a senior judgeship as provided in this subsection, the
33 clerk of the supreme court shall strike the name of the person
34 from the roster of senior judges, at which time the person
35 shall cease to be a senior judge.

1 3. A person who relinquishes a senior judgeship in the
2 manner provided in subsection 1 or who is removed as provided
3 in subsection 2 shall be paid a retirement annuity in an
4 amount determined according to section 602.2107 in lieu of
5 section 602.2204, commencing on the effective date of the
6 relinquishment or removal, and for this purpose the service
7 and annuity of the person as a senior judge is disregarded.

8 Sec. 2209. NEW SECTION. 602.2209 SURVIVOR'S ANNUITY.

9 1. A person who is a survivor of a senior judge or a
10 retired senior judge and who is qualified under section
11 602.2115 to receive an annuity shall be paid an annuity, in
12 lieu of that specified in section 602.2115, which is equal
13 to one-half the amount of the annuity the senior judge or
14 retired senior judge was receiving at the time of the judge's
15 death.

16 2. A survivor of a person whose name is stricken from
17 the roster of senior judges shall, if the survivor is qualified
18 under section 602.2115 to receive an annuity, be paid an
19 annuity equal to one-half of the amount the person was
20 receiving at the time of the person's death.

ARTICLE 3

DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

PART 1

SUPREME COURT ACTION

25 Sec. 3101. NEW SECTION. 602.3101 AUTHORITY. The supreme
26 court may retire, discipline, or remove a judicial officer
27 from office for cause as provided in this part.

28 Sec. 3102. NEW SECTION. 602.3102 COMMISSION ON JUDICIAL
29 QUALIFICATIONS.

1. A seven-member "Commission on Judicial Qualifications" is established. The commission consists of one district judge and two members who are practicing attorneys in Iowa and who do not belong to the same political party, to be appointed by the chief justice; and four electors of the state who are not attorneys, no more than two of whom belong to the same

1 political party, to be appointed by the governor, subject
2 to confirmation by the senate. The commission members shall
3 serve for six-year terms, are ineligible for a second term,
4 and except for the judicial member shall not hold any other
5 office of and shall not be employed by the United States or
6 the state of Iowa or its political subdivisions. Members
7 appointed by the chief justice shall serve terms beginning
8 January 1 and members appointed by the governor shall serve
9 staggered terms beginning and ending as provided by section
10 69.19. Vacancies shall be filled by appointment by the chief
11 justice or governor as provided in this subsection, for the
12 unexpired portion of the term.

13 2. If the judicial member is the subject of a charge
14 before the commission, the chief justice shall appoint a
15 district judge of another judicial district to act as the
16 judicial member of the commission until the person charged
17 is exonerated, or for the unexpired portion of the term if
18 the person charged is not exonerated. If the judicial member
19 is a resident judge of the same judicial district as the
20 judicial officer who is the subject of a charge before the
21 commission, the chief justice shall appoint a district judge
22 of another judicial district to act as the judicial member
23 during that proceeding.

24 3. The commission shall elect its own chairperson, and
25 the state court administrator or a designee of the state court
26 administrator is the executive secretary of the commission.

27 Sec. 3103. NEW SECTION. 602.3103 OPERATION OF COMMISSION.

28 A quorum of the commission is four members. Only those
29 commission members that are present at commission meetings
30 or hearings may vote. An application by the commission to
31 the supreme court to retire, discipline, or remove a judicial
32 officer, or an action by the commission which affects the
33 final disposition of a complaint, requires the affirmative
34 vote of at least four commission members. Notwithstanding
35 chapter 28A and chapter 68A, all records, papers, proceedings,

1 meetings, and hearings of the commission are confidential,
2 but if the commission applies to the supreme court to retire,
3 discipline, or remove a judicial officer, the application
4 and all of the records and papers in that proceeding are
5 public documents.

6 Sec. 3104. NEW SECTION. 602.3104 PROCEDURE BEFORE
7 COMMISSION.

8 1. Charges before the commission shall be in writing but
9 may be simple and informal. The commission shall investigate
10 each charge as indicated by its gravity. If the charge is
11 groundless, it shall be dismissed by the commission. If the
12 charge appears to be substantiated but does not warrant
13 application to the supreme court, the commission may dispose
14 of it informally by conference with or communication to the
15 judicial officer involved. If the charge appears to be
16 substantiated and if proved would warrant application to the
17 supreme court, notice shall be given to the judicial officer
18 and a hearing shall be held before the commission. The
19 commission may employ investigative personnel, in addition
20 to the executive secretary, as it deems necessary.

21 2. In case of a hearing before the commission, written
22 notice of the charge and of the time and place of hearing
23 shall be mailed to the judicial officer at the officer's
24 residence at least twenty days prior to the time set for
25 hearing. Hearing shall be held in the county where the
26 judicial officer resides unless the commission and the judicial
27 officer agree to a different location. The judicial officer
28 shall continue to perform judicial duties during the pendency
29 of the charge, unless otherwise ordered by the commission.
30 The commission has subpoena power on behalf of the state and
31 the judicial officer, and disobedience of the commission's
32 subpoena is punishable as contempt in the district court for
33 the county in which the hearing is held. The attorney general
34 shall prosecute the charge before the commission on behalf
35 of the state. The judicial officer may defend and has the

1 right to participate in person and by counsel, to cross-
2 examine, to be confronted by the witnesses, and to present
3 evidence in accordance with the rules of civil procedure.
4 A complete record shall be made of the evidence by a court
5 reporter. In accordance with its findings on the evidence,
6 the commission shall dismiss the charge or make application
7 to the supreme court to retire, discipline, or remove the
8 judicial officer.

9 Sec. 3105. NEW SECTION. 602.3105 RULES. The commission
10 may prescribe rules for its operation and procedure.

11 Sec. 3106. NEW SECTION. 602.3106 PROCEDURE BEFORE SUPREME
12 COURT.

13 1. If the commission submits an application to the supreme
14 court to retire, discipline, or remove a judicial officer,
15 the commission shall promptly file in the supreme court a
16 transcript of the hearing before the commission. The statutes
17 and rules relative to proceedings in appeals of equity suits
18 apply.

19 2. The attorney general shall prosecute the proceedings
20 in the supreme court on behalf of the state, and the judicial
21 officer may defend in person and by counsel.

22 3. Upon application by the commission, the supreme court
23 may do either of the following:

24 a. Retire the judicial officer for permanent physical
25 or mental disability which substantially interferes with the
26 performance of judicial duties.

27 b. Discipline or remove the judicial officer for persistent
28 failure to perform duties, habitual intemperance, willful
29 misconduct in office, conduct which brings judicial office
30 into disrepute, or substantial violation of the canons of
31 judicial ethics. Discipline may include suspension without
32 pay for a definite period of time not to exceed twelve months.

33 4. If the supreme court finds that the application should
34 be granted in whole or in part, it shall render the decree
35 that it deems appropriate.

1 Sec. 3107. NEW SECTION. 602.3107 CIVIL IMMUNITY. The
2 making of charges before the commission, the giving of evidence
3 or information before the commission or to an investigator
4 employed by the commission, and the presentation of
5 transcripts, extensions of evidence, briefs, and arguments
6 in the supreme court are privileged in actions for defamation.

7 PART 2

8 OTHER PROCEEDINGS

9 Sec. 3201. NEW SECTION. 602.3201 IMPEACHMENT. Judicial
10 officers may be removed from office by impeachment pursuant
11 to chapter 68.

12 ARTICLE 4

13 CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS

14 PART 1

15 CERTIFICATION

16 Sec. 4101. NEW SECTION. 602.4101 BOARD OF EXAMINERS.

17 1. A five-member board of examiners of shorthand reporters
18 is established, consisting of three certified shorthand
19 reporters and two persons who are not certified shorthand
20 reporters and who shall represent the general public. Members
21 shall be appointed by the supreme court. A certified member
22 shall be actively engaged in the practice of certified
23 shorthand reporting and shall have been so engaged for five
24 years preceding appointment, the last two of which shall have
25 been in Iowa. Professional associations or societies composed
26 of certified shorthand reporters may recommend the names of
27 potential board members to the supreme court, but the supreme
28 court is not bound by the recommendations. A board member
29 shall not be required to be a member of a professional
30 association or society composed of certified shorthand
31 reporters.

32 2. The state court administrator or a designee of the
33 state court administrator shall act as secretary to the board.

34 Sec. 4102. NEW SECTION. 602.4102 TERMS OF OFFICE.

35 Appointments shall be for three-year terms and each term shall

1 commence on July 1 of the year in which the appointment is
2 made. Vacancies shall be filled for the unexpired term by
3 appointment by the supreme court. Members shall serve a
4 maximum of three terms or nine years, whichever is less.

5 Sec. 4103. NEW SECTION. 602.4103 PUBLIC MEMBERS. The
6 public members of the board may participate in administrative,
7 clerical, or ministerial functions incident to giving the
8 examination, but shall not determine the content of the
9 examination or determine the correctness of the answers.

10 Sec. 4104. NEW SECTION. 602.4104 MEETINGS. The board
11 of examiners shall fix stated times for the examination of
12 the candidates and shall hold at least one meeting each year
13 at the seat of government. A majority of the members of the
14 board constitutes a quorum.

15 Sec. 4105. NEW SECTION. 602.4105 APPLICATIONS.

16 Applications for certification shall be on forms prescribed
17 and furnished by the board and the board shall not require

18 that the application contain a photograph of the applicant.

* 19 An applicant is not ineligible for certification because of
20 age, citizenship, sex, race, religion, marital status, or
21 national origin although the application may require

22 citizenship information. The board may consider the past
23 felony record of an applicant only if the felony conviction
24 relates directly to the practice of certified shorthand
25 reporting. Character references may be required, but shall
26 not be obtained from certified shorthand reporters.

27 Sec. 4106. NEW SECTION. 602.4106 FEES.

28 1. The supreme court shall set the fees for examination
29 and for certification. The fee for examination shall be based
30 on the annual cost of administering the examinations. The
31 fee for certification shall be based upon the administrative
32 costs of sustaining the board, which shall include but shall
33 not be limited to the cost for per diem, expenses, and travel
34 for board members, and office facilities, supplies, and
35 equipment.

1 2. The state court administrator shall collect and account
2 for all fees payable to the board.

3 Sec. 4107. NEW SECTION. 602.4107 EXAMINATIONS. The
4 board may administer as many examinations per year as
5 necessary, but shall administer at least one examination per
6 year. The scope of the examinations and the methods of
7 procedure shall be prescribed by the board. A written
8 examination may be conducted by representatives of the board.
9 Examinations in theory shall be in writing and the identity
10 of the person taking the examination shall be concealed until
11 after the examination papers have been graded. For
12 examinations in practice, the identity of the person taking
13 the examination also shall be concealed as far as possible.
14 Applicants who fail the examination once may take the
15 examination at the next scheduled time. Thereafter, the
16 applicant may be allowed to take the examination at the
17 discretion of the board. An applicant who has failed the
18 examination may request in writing information from the board
19 concerning the examination grade and subject areas or questions
20 which the applicant failed to answer correctly, and the board
21 shall provide the information. However, if the board
22 administers a uniform, standardized examination, the board
23 is only required to provide the examination grade and other
24 information concerning the applicant's examination results
25 that is available to the board.

26 PART 2
27 REGULATION

28 Sec. 4201. NEW SECTION. 602.4201 UNLAWFUL USE OF TITLE.
29 A person who is certified by the board is a certified shorthand
30 reporter. A person who is not certified by the board shall
31 not assume the title of certified shorthand reporter, or use
32 the abbreviation C.S.R., or any words, letters, or figures
33 to indicate that the person is a certified shorthand reporter.

34 Sec. 4202. NEW SECTION. 602.4202 TRANSCRIPT FEE.
35 Certified shorthand reporters are entitled to receive

1 compensation for transcribing their official notes as set
2 by rule of the supreme court, to be paid for in all cases
3 by the party ordering the transcription.

4 Sec. 4203. NEW SECTION. 602.4203 REVOCATION OR

5 SUSPENSION. A certification may be revoked or suspended if
6 the person is guilty of any of the following acts or offenses:

7 1. Fraud in procuring a license.

8 2. Professional incompetency.

9 3. Knowingly making misleading, deceptive, untrue, or
10 fraudulent representations in the practice of shorthand
11 reporting, or engaging in unethical conduct or in a practice
12 that is harmful or detrimental to the public. Proof of actual
13 injury need not be established.

14 4. Habitual intoxication or addiction to the use of drugs.

15 5. Conviction of a felony related to the practice of
16 shorthand reporting or conviction of a felony that would
17 affect the ability to practice shorthand reporting. A copy
18 of the record of conviction or plea of guilty is conclusive
19 evidence.

20 6. Fraud in representations relating to skill or ability.

21 7. Use of untruthful or improbable statements in
22 advertisements.

23 * PART 3

24 PENAL PROVISIONS

25 Sec. 4301. NEW SECTION. 602.4301 MISUSE OF CONFIDENTIAL
26 INFORMATION--PENALTY.

27 1. A member of the board shall not disclose information
28 relating to the following:

29 a. Criminal history or prior misconduct of the applicant.

30 b. The contents of the examination.

31 c. Examination results other than final scores except
32 for information about the results of an examination which
33 is given to the person who took the examination.

34 2. A member of the board who willfully communicates or
35 seeks to communicate information referred to in subsection

1 1, or a person who willfully requests, obtains, or seeks to
2 obtain information referred to in subsection 1, is guilty
3 of a simple misdemeanor.

4 Sec. 4302. NEW SECTION. 602.4302 VIOLATIONS PUNISHED.

5 A person who violates any provision of this article is guilty
6 of a simple misdemeanor.

7 ARTICLE 5
8 SUPREME COURT

9 PART 1

10 GENERAL PROVISIONS

11 Sec. 5101. NEW SECTION. 602.5101 JUSTICES-QUORUM.

12 1. The supreme court consists of nine justices. A majority
13 of the justices sitting constitutes a quorum, but less than
14 three justices is not a quorum.

15 2. Justices of the supreme court shall be nominated and
16 appointed and shall stand for retention in office as provided
17 in chapter 46. Justices of the supreme court shall qualify
18 for office as provided in chapter 63.

19 Sec. 5102. NEW SECTION. 602.5102 JURISDICTION.

20 1. The supreme court has appellate jurisdiction only in
21 cases in chancery, and constitutes a court for the correction
22 of errors at law. The jurisdiction of the supreme court is
23 coextensive with the state.

24 2. A civil or criminal action or special proceeding filed
25 with the supreme court for appeal or review, may be transferred
26 by the supreme court to the court of appeals by issuing an
27 order of transfer. The jurisdiction of the supreme court
28 in the matter ceases upon the filing of that order by the
29 clerk of the supreme court. A matter which has been
30 transferred to the court of appeals pursuant to order of the
31 supreme court is not thereafter subject to the jurisdiction
32 of the supreme court, except as provided in subsection 4.

33 3. The supreme court shall prescribe rules for the transfer
34 of matters to the court of appeals. These rules may provide
35 for the selective transfer of individual cases and may provide

1 for the transfer of cases according to subject matter or other
2 general criteria. Rules relating to the transfer of cases
3 are subject to section 602.5202. A rule shall not provide
4 for the transfer of a matter other than by an order of transfer
5 under subsection 2.

6 4. A party to an appeal decided by the court of appeals
7 may, as a matter of right, file an application with the supreme
8 court for further review. An application for further review
9 shall not be granted by the supreme court unless the
10 application was filed within twenty days following the filing
11 of the decision of the court of appeals. The court of appeals
12 may extend the time for filing of an application if the court
13 of appeals determines that a failure to timely file an
14 application was due to the failure of the clerk of the court
15 of appeals to notify the prospective applicant of the filing
16 of the decision. If an application for further review is
17 not acted upon by the supreme court within thirty days after
18 the application was filed, the application is deemed denied,
19 the supreme court loses jurisdiction, and the decision of
20 the court of appeals is conclusive.

21 5. The supreme court shall prescribe rules of appellate
22 procedure which shall govern further review by the supreme
23 court of decisions of the court of appeals. These rules shall
24 contain, but need not be limited to, a specification of the
25 grounds upon which further review may, in the discretion of
26 the supreme court, be granted. These rules are subject to
27 section 602.5202.

28 Sec. 5103. NEW SECTION. 602.5103 CHIEF JUSTICE. The
29 justices of the supreme court shall select one justice as
30 chief justice, to serve during that justice's term of office.
31 The chief justice is eligible for reselection. The chief
32 justice shall appoint one of the other justices to act during
33 the absence or inability of the chief justice to act, and
34 when so acting the appointee has all the rights, duties, and
35 powers of the chief justice.

1 Sec. 5104. NEW SECTION. 602.5104 DIVISIONS--FULL COURT.

2 1. The supreme court may be divided into divisions of
3 three or more justices in the manner it prescribes by rule.
4 The divisions may hold open court separately and cases may
5 be submitted to each division separately, in accordance with
6 these rules.

7 2. The supreme court shall prescribe rules for the
8 submission of a case or petition for rehearing whenever
9 differences arise between members of divisions or whenever
10 the chief justice orders or directs the submission of the
11 question or petition for rehearing by the whole court.

12 3. The supreme court shall prescribe rules to provide
13 for the submission of cases to the entire bench or to the
14 separate divisions. These rules are subject to section
15 602.5202.

16 Sec. 5105. NEW SECTION. 603.5105 TIME AND PLACE COURT
17 MEETS. The supreme court shall hold court at the seat of
18 state government and elsewhere as the court orders, and at
19 the times the court orders.

20 Sec. 5106. NEW SECTION. 602.5106 OPINIONS--REPORTS.

21 1. The decisions of the court on all questions passed
22 upon by it, including motions and points of practice, shall
23 be specifically stated, and shall be accompanied with an
24 opinion upon those which are deemed of sufficient importance,
25 together with any dissents, which dissents may be stated with
26 or without an opinion. All decisions and opinions shall be
27 in writing and filed with the clerk, except that rulings upon
28 motions may be entered upon the announcement book.

29 2. The records and reports for each case shall show whether
30 a decision was made by a full bench, and whether any, and
31 if so which, of the judges dissented from the decision.

32 3. The supreme court may publish reports of its official
33 opinions, or it may direct that publication of the opinions
34 by a private publisher shall be considered the official
35 reports.

1 4. If the decision, in the judgment of the court, is not
2 of sufficient general importance to be published, it shall
3 be so designated, in which case it shall not be included in
4 the reports, and no case shall be reported except by order
5 of the full bench.

6 Sec. 5107. NEW SECTION. 602.5107 DIVIDED COURT. When
7 the supreme court is equally divided in opinion, the judgment
8 of the court below shall stand affirmed, but the decision
9 of the supreme court is of no further force or authority.
10 Opinions may be filed in these cases.

11 Sec. 5108. NEW SECTION. 602.5108 ATTENDANCE OF SHERIFF
12 OF POLK COUNTY. The court may require the attendance and
13 services of the sheriff of Polk county at any time.

14 PART 2

15 RULES OF PROCEDURE

16 Sec. 5201. NEW SECTION. 602.5201 RULES GOVERNING ACTIONS
17 AND PROCEEDINGS.

18 1. The supreme court may prescribe all rules of pleading,
19 practice, evidence, and procedure, and the forms of process,
20 writs, and notices, for all proceedings in all courts of this
21 state, for the purposes of simplifying the proceedings and
22 promoting the speedy determination of litigation upon its
23 merits. Rules are subject to section 602.5202.

24 2. Rules of appellate procedure relating to appeals to
25 and review by the supreme court, discretionary review by the
26 courts of small claims actions, review by the supreme court
27 by writ of certiorari to inferior courts, appeal to or review
28 by the court of appeals of a matter transferred to that court
29 by the supreme court, and further review by the supreme court
30 of decisions of the court of appeals, shall be known as "Rules
31 of Appellate Procedure", and shall be published as provided
32 in section 14.12, subsection 7.

33 Sec. 5202. NEW SECTION. 602.5202 RULE-MAKING PROCEDURE.

34 1. The procedures in this section apply to rules prescribed
35 by the supreme court under section 602.5201, and to any other

1 rule-making authority which is specifically conditioned upon
2 or made subject to this section.

3 2. Rules and forms prescribed by the supreme court shall
4 be reported by the court to the chairperson and ranking member
5 of the senate judiciary committee, the chairperson and ranking
6 member of the house judiciary and law enforcement committee,
7 and the legislative council within twenty days of the issuance
8 of the rules or forms.

9 3. After sixty days, rules and forms reported, as provided
10 in subsection 2, shall take effect as of that date or as of
11 the date provided in the court's report, if later, and shall
12 be enrolled in substantially the same manner as Acts are
13 enrolled and shall be filed with the secretary of state and
14 bound with the Acts of the general assembly, provided that
15 no request for delay has been made pursuant to subsection
16 4.

17 4. Upon the vote of a majority of its members, the
18 legislative council may, within sixty days of receiving a
19 report pursuant to subsection 2, delay the effective date
20 of a rule or form until July 1 following the date of their
21 submission, with such changes, if any, that may have been
22 enacted by the general assembly, and thereafter all laws in
23 conflict are of no force or effect.

24 PART 3

25 ADMINISTRATION

26 Sec. 5301. NEW SECTION. 602.5301 CLERK OF SUPREME COURT.

27 1. The supreme court shall appoint and may remove a clerk
28 of the supreme court.

29 2. The clerk of the supreme court shall have an office
30 at the seat of government, shall keep a complete record of
31 the proceedings of the court, and shall not allow an opinion
32 filed in the office to be removed. Opinions shall be open
33 to examination and, upon request, may be copied and certified.
34 The clerk promptly shall announce by mail to one of the
35 attorneys on each side any ruling made or decision rendered,

1 shall record every opinion rendered as soon as filed, shall
2 mail a copy of each opinion rendered to each attorney of
3 record and to each party not represented by counsel, and shall
4 perform all other duties pertaining to the office of clerk.

5 3. The clerk of the supreme court shall collect and ac-
6 count to the state court administrator for all fees received
7 by the supreme court.

8 4. The clerk of the supreme court shall give bond as pro-
9 vided in chapter 64.

10 Sec. 5302. NEW SECTION. 602.5302 DEPUTY CLERK--STAFF.

11 1. The clerk of the supreme court may appoint a deputy
12 clerk of the supreme court. In the absence or disability
13 of the clerk, the deputy shall perform the duties of the
14 clerk.

15 2. The clerk of the supreme court may employ necessary
16 staff, as authorized by the supreme court.

17 Sec. 5303. NEW SECTION. 602.5303 SUPREME COURT FEES.

18 1. The supreme court shall by rule prescribe fees for
19 the services of the court and clerk of the supreme court.

20 2. Rules prescribed under this section are subject to
21 section 602.5202.

22 3. If any of the fees are not paid in advance, execution
23 may issue for them, except for fees payable by the county
24 or the state.

25 Sec. 5304. NEW SECTION. 602.5304 SUPREME COURT STAFF.

26 1. The supreme court may appoint not more than nine
27 attorneys or graduates of a reputable law school, to act as
28 legal assistants to the justices of the supreme court.

29 2. The supreme court may employ other professional and
30 clerical staff as necessary to accomplish the judicial duties
31 of the court.

32 ARTICLE 6
33 COURT OF APPEALS
34 PART 1
35 GENERAL PROVISIONS

1 Sec. 6101. NEW SECTION. 602.6101 COURT OF APPEALS.

2 The Iowa court of appeals is established as an intermediate
3 court of appeals. The court of appeals is a court of record.

369 4 Sec. 6102. NEW SECTION. 602.6102 JUDGES-QUORUM.

5 1. The court of appeals consists of five judges, any three
6 of whom constitute a quorum.

7 2. Judges of the court of appeals shall be nominated and
8 appointed and shall stand for retention in office as provided
9 in chapter 46. Judges of the court of appeals shall qualify
10 for office as provided in chapter 63.

11 3. A person appointed as a judge of the court of appeals
12 must satisfy all requirements for a justice of the supreme
13 court.

14 Sec. 6103. NEW SECTION. 602.6103 JURISDICTION.

15 1. The jurisdiction of the court of appeals is coextensive
16 with the state. The court of appeals has appellate
17 jurisdiction only in cases in chancery, and constitutes a
18 court for the correction of errors at law.

19 2. The court of appeals has subject matter jurisdiction
20 to review the following matters:

21 a. Civil actions and special civil proceedings, whether
22 at law or in equity.

23 b. Criminal actions.

24 c. Postconviction remedy proceedings.

25 d. A judgment of a district judge in a small claims action.

26 3. The jurisdiction of the court of appeals with respect
27 to actions and parties is limited to those matters for which
28 an appeal or review proceeding properly has been brought
29 before the supreme court, and for which the supreme court
30 pursuant to section 602.5102 has entered an order transferring
31 the matter to the court of appeals.

32 4. The court of appeals and judges of the court may issue
33 writs and other process necessary for the exercise and
34 enforcement of the court's jurisdiction, but a writ, order,
35 or other process issued in a matter that is not before the

1 court pursuant to an order of transfer issued by the supreme
2 court is void.

3 Sec. 6104. NEW SECTION. 602.6104 SESSIONS--LOCATION.

4 The court of appeals shall meet at the seat of state government
5 at the times specified by order of the supreme court. Court
6 sessions shall be held in the courtroom of the supreme court
7 at the statehouse.

8 Sec. 6105. NEW SECTION. 602.6105 CHIEF JUDGE.

9 1. At the first meeting in each odd-numbered year the
10 judges of the court of appeals by majority vote shall designate
11 one judge as chief judge, to serve for a two-year term. A
12 vacancy in the office of chief judge shall be filled for the
13 remainder of the unexpired term by majority vote of the judges
14 of the court of appeals, after any vacancy on the court has
15 been filled.

16 2. The chief judge shall supervise the affairs of the
17 court and shall preside at a session of the court at which
18 the chief judge is in attendance.

19 3. If the chief judge desires to be relieved of the duties
20 of chief judge while retaining the status of judge of the
21 court of appeals, the chief judge shall notify the chief
22 justice and the other judges of the court of appeals. The
23 office of chief judge shall be deemed vacant, and shall be
24 filled as provided in this section.

25 4. In the absence of the chief judge, the duties of the
26 chief judge shall be exercised by the judge next in precedence.
27 Judges of the court of appeals other than the chief judge
28 have precedence according to the length of time served on
29 that court. Of several judges having equal periods of time
30 served, the eldest has precedence.

31 Sec. 6106. NEW SECTION. 602.6106 DECISIONS OF THE COURT-
32 -FINALITY.

33 1. The court of appeals may affirm, modify, vacate, set
34 aside, or reverse any judgment, order, or decree of the
35 district court or other tribunal which is under the

1 jurisdiction of the court, and may remand the cause and direct
2 the entry of an appropriate judgment, order, or decree, or
3 require further proceedings to be had as is just. If the
4 judges are equally divided on the ultimate decision, the
5 judgment, order, or decree shall be affirmed.

6 2. A decision of the court of appeals is final and shall
7 not be reviewed by any other court except upon the granting
8 by the supreme court of an application for further review
9 as provided in section 602.5102. Upon the filing of the
10 application, the judgment and mandate of the court of appeals
11 is stayed pending action of the supreme court or until the
12 expiration of the time specified in section 602.5102,
13 subsection 4.

14 Sec. 6107. NEW SECTION. 602.6107 RULES. The court of
15 appeals, subject to the approval of the supreme court, may
16 prescribe rules for the conduct of business of the court of
17 appeals. Rules prescribed shall not abridge, enlarge, or
18 modify a substantive right.

19 Sec. 6108. NEW SECTION. 602.6108 WHEN DECISIONS
20 EFFECTIVE. A decision of the court of appeals shall be in
21 writing, and shall be effective, except as provided in section
22 602.6106, subsection 2, when the decision of the court is
23 filed with the clerk of the supreme court.

24 Sec. 6109. NEW SECTION. 602.6109 PROCESS--STYLE--SEAL.

25 1. Process of the court of appeals shall be styled: "In
26 the Court of Appeals of Iowa".

27 2. The supreme court may adopt a seal for the court of
28 appeals. Upon adoption, the clerk of the supreme court shall
29 file a facsimile and description of the design in the office
30 of the secretary of state. Judicial notice shall be taken
31 of the official seal of the court of appeals.

32 Sec. 6110. NEW SECTION. 602.6110 RECORDS. The records
33 of the court of appeals shall be kept by the clerk of the
34 supreme court, and at the same place as, but segregated from
35 the records of the supreme court. Records of the court of

1 appeals shall be maintained in the same manner as records
2 of the supreme court under article 5.

3 Sec. 6111. NEW SECTION. 602.6111 PUBLICATION OF OPINIONS.
4 The state court administrator shall cause the publication
5 of opinions of the judges of the court of appeals in accordance
6 with rules prescribed by the supreme court. Section 602.5106
7 applies to decisions of the court of appeals. The state court
8 administrator shall cause the publication of abstracts of
9 all decisions for which written opinions are not published.

10 Sec. 6112. NEW SECTION. 602.6112 FEES--COSTS. Costs
11 to be collected and awarded in the court of appeals shall
12 be as prescribed from time to time by the supreme court.
13 Fees and costs may be awarded to a party to the appeal in
14 the discretion of the court of appeals. A fee shall not be
15 charged for the docketing of a matter in the court of appeals
16 upon transfer from the supreme court.

17 PART 2

18 ADMINISTRATION

19 Sec. 6201. NEW SECTION. 602.6201 CLERK OF COURT.

20 1. The clerk of the supreme court or a deputy of that
21 clerk shall act as clerk of the court of appeals. The clerk
22 of the court of appeals shall keep a complete record of the
23 proceedings of that court, shall collect the fees and costs
24 prescribed by the supreme court, and shall account for all
25 receipts and disbursements of the court of appeals.

3026 26 2. The clerk of the supreme court, subject to the approval
27 of the supreme court, may employ additional staff for the
28 performance of duties relating to the court of appeals.

29 Sec. 6202. NEW SECTION. 602.6202 SECRETARY TO JUDGE.
30 Each judge of the court of appeals may employ one personal
31 secretary.

32 Sec. 6203. NEW SECTION. 602.6203 LAW CLERKS. The court
33 of appeals may employ not more than five attorneys or graduates
34 of a reputable law school to act as legal assistants to the
35 court.

1 Sec. 6204. NEW SECTION. 602.6204 PHYSICAL FACILITIES.

2 The state court administrator shall obtain suitable facilities
3 for the court of appeals at the seat of state government.
4 To the extent practicable, the court administrator shall
5 utilize existing supreme court facilities.

6 Sec. 6205. NEW SECTION. 602.6205 LIMITATION ON EXPENSES.

7 1. Each judge of the court of appeals shall be provided
8 personal office space and equipment, and facilities for a
9 secretary and law clerk at the seat of state government only.
10 Each judge may choose whether to reside at the seat of
11 government or elsewhere. The court administrator may approve
12 actual and necessary travel expenses, incurred by a judge
13 of the court of appeals who resides or maintains a residence
14 in this state outside of Polk county, for attendance at oral
15 arguments and judicial conferences, not to exceed a maximum
16 amount established by the supreme court. The supreme court
17 shall prescribe procedures to establish the maximum amount,
18 terms, and conditions for reimbursement of the expenses.

19 2. State funds shall not be used for securing or
20 maintaining facilities for court of appeals judges or employees
21 at any place other than the seat of state government.

22 ARTICLE 7

23 DISTRICT COURT

24 PART 1

25 GENERAL PROVISIONS

26 Sec. 7101. NEW SECTION. 602.7101 UNIFIED TRIAL COURT.

27 A unified trial court is established. This court is the "Iowa
28 District Court". The district court has exclusive, general,
29 and original jurisdiction of all actions, proceedings, and
30 remedies, civil, criminal, probate, and juvenile, except in
31 cases where exclusive or concurrent jurisdiction is conferred
32 upon some other court, tribunal, or administrative body.
33 The district court has all the power usually possessed and
34 exercised by trial courts of general jurisdiction, and is
35 a court of record.

1 Sec. 7102. NEW SECTION. 602.7102 APPEALS AND WRITS OF
2 ERROR. The district court has jurisdiction in appeals and
3 writs of error taken in civil and criminal actions and special
4 proceedings authorized to be taken from tribunals, boards,
5 or officers under the laws of this state, and has general
6 supervision thereof, in all matters, to prevent and correct
7 abuses where no other remedy is provided.

8 Sec. 7103. NEW SECTION. 602.7103 COURT IN CONTINUOUS
9 SESSION. The district court of each judicial district shall
10 be in continuous session in all of the several counties
11 comprising the district.

12 Sec. 7104. NEW SECTION. 602.7104 JUDICIAL OFFICERS.

13 1. The jurisdiction of the Iowa district court shall be
14 exercised by district judges, district associate judges, and
15 magistrates.

16 2. Judicial officers of the district court shall not sit
17 together in the trial of causes nor upon the hearings of
18 motions for new trials. They may hold court in the same
19 county at the same time.

20 Sec. 7105. NEW SECTION. 602.7105 PLACES OF HOLDING
21 COURT--MAGISTRATE SCHEDULES.

22 1. Courts shall be held at the places in each county
23 designated by the chief judge of the judicial district, except
24 that the determination of actions, special proceedings, and
25 other matters not requiring a jury may be done at some other
26 place in the district with the consent of the parties.

27 2. In any county having two county seats, court shall
28 be held at each, and, in the county of Pottawattamie, court
29 shall be held at Avoca, as well as at the county seat.

30 3. The chief judge of a judicial district shall designate
31 times and places for magistrates to hold court to ensure
32 accessibility of magistrates at all times throughout the
33 district. The schedule of times and places of availability
34 of magistrates and any schedule changes shall be disseminated
35 by the chief judge to the peace officers within the district.

1 Sec. 7106. NEW SECTION. 602.7106 SESSIONS NOT AT COUNTY
2 SEATS--EFFECT--DUTY OF CLERK. When court is held at a place
3 that is not the county seat, all of the provisions of the
4 Code relating to district courts are applicable, except as
5 follows: All proceedings in the court have, within the
6 territory over which the court has jurisdiction, the same
7 force and effect as though ordered in the court at the county
8 seat, but transcripts of judgments and decrees, levies of
9 writs of attachment upon real estate, mechanics' liens, lis
10 pendens, sales of real estate, redemption, satisfaction of
11 judgments and mechanics' liens, and dismissals or decrees
12 in lis pendens, together with all other matters affecting
13 titles to real estate, shall be certified by the deputy clerk
14 to the clerk of district court at the county seat who shall
15 immediately enter them upon the records at the county seat.

16 Sec. 7107. NEW SECTION. 602.7107 JUDICIAL DISTRICTS.
17 For all judicial purposes except as provided in section
18 602.7109, the state is divided into eight judicial districts
19 as follows:

20 1. The first district consists of the counties of Dubuque,
21 Delaware, Clayton, Allamakee, Winneshiek, Chickasaw, Fayette,
22 Buchanan, Black Hawk, Howard, and Grundy.

23 2. The second district consists of the counties of
24 Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock,
25 Cerro Gordo, Franklin, Wright, Humboldt, Pocahontas, Sac,
26 Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall,
27 Story, and Boone.

28 3. The third district consists of the counties of Kossuth,
29 Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto,
30 Cherokee, Buena Vista, Plymouth, Sioux, Woodbury, Ida, Monona,
31 and Crawford.

32 4. The fourth district consists of the counties of
33 Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills,
34 Montgomery, Fremont, and Page.

35 5. The fifth district consists of the counties of Guthrie,

1 Dallas, Polk, Jasper, Madison, Warren, Marion, Adair, Adams,
2 Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

3 6. The sixth district consists of the counties of Tama,
4 Benton, Linn, Jones, Iowa, and Johnson.

5 7. The seventh district consists of the counties of
6 Jackson, Clinton, Cedar, Scott, and Muscatine.

7 8. The eighth district consists of the counties of
8 Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello,
9 Jefferson, Appanoose, Davis, Van Buren, Louisa, Henry, Des
10 Moines, and Lee.

11 Sec. 7108. NEW SECTION. 602.7108 REASSIGNMENT OF
12 PERSONNEL. The chief justice of the supreme court shall
13 assign judicial officers and court employees from one judicial
14 district to another, on a continuing basis if need be, in
15 order to handle the judicial business in all districts promptly
16 and efficiently at all times.

17 Sec. 7109. NEW SECTION. 602.7109 JUDICIAL ELECTION
18 DISTRICTS.

19 1. Judicial election districts are established for purposes
20 of nomination, appointment, and retention of district judges
21 and for other purposes specifically provided by law.

22 2. The judicial election districts are as follows:

23 a. Election district 1A consists of the counties of
24 Dubuque, Delaware, Clayton, Allamakee and Winneshiek.

25 b. Election district 1B consists of the counties of
26 Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

27 c. Election district 2A consists of the counties of
28 Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock,
29 Cerro Gordo, and Franklin.

30 d. Election district 2B consists of the counties of Wright,
31 Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll,
32 Greene, Hardin, Marshall, Story, and Boone.

33 e. Election district 3A consists of the counties of
34 Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo
35 Alto, Cherokee, and Buena Vista.

1 f. Election district 3B consists of the counties of
2 Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

3 g. Election district 4 consists of the fourth judicial
4 district, as established by section 602.7107.

5 h. Election district 5A consists of the counties of
6 Guthrie, Dallas, Jasper, Madison, Warren, and Marion.

7 i. Election district 5B consists of the counties of Adair,
8 Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and
9 Wayne.

10 j. Election district 5C consists of Polk county.

11 k. Election district 6 consists of the sixth judicial
12 district, as established by section 602.7107.

13 l. Election district 7 consists of the seventh judicial
14 district, as established by section 602.7107.

15 m. Election district 8A consists of the counties of
16 Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello,
17 Jefferson, Appanoose, Davis, and Van Buren.

18 n. Election district 8B consists of the counties of Louisa,
19 Henry, Des Moines, and Lee.

20 PART 2

21 DISTRICT JUDGES

22 Sec. 7201. NEW SECTION. 602.7201 OFFICE OF DISTRICT
23 JUDGE--APPORTIONMENT.

24 1. District judges shall be nominated and appointed and
25 shall stand for retention in office as provided in chapter
26 46. District judges shall qualify for office as provided
27 in chapter 63.

28 2. A district judge must be a resident of the judicial
29 election district in which appointed and retained. Subject
30 to the provision for reassignment of judges under section
31 602.7108, a district judge shall serve in the district of
32 the judge's residence while in office, regardless of the
33 number of judgeships to which the district is entitled under
34 subsection 3.

35 3. The number of judgeships to which each of the judicial

1 election districts is entitled is determined according to
2 the following formula:

3 a. In an election district where the largest county
4 contains two hundred thousand or more population, there is
5 one judgeship per seven hundred twenty-five combined civil
6 and criminal filings or major fraction thereof. However,
7 the seat of government is entitled to one additional judgeship.

8 b. In an election district where the largest county
9 contains eighty-five thousand or more population, but less
10 than two hundred thousand, there is one judgeship per six
11 hundred twenty-five combined civil and criminal filings or
12 major fraction thereof.

13 c. In an election district where the largest county
14 contains forty-five thousand or more population, but less
15 than eighty-five thousand, there is one judgeship per five
16 hundred twenty-five combined civil and criminal filings or
17 major fraction thereof.

18 d. In an election district where the largest county
19 contains less than forty-five thousand population, there is
20 one judgeship per four hundred seventy-five combined civil
21 and criminal filings or major fraction thereof.

22 e. Notwithstanding paragraph a, b, c, or d, each election
23 district is entitled to not less than one judgeship for each
24 forty thousand population or major fraction thereof contained
25 in the election district.

* 26 f. The filings included in the determinations to be
27 made under this subsection shall include juvenile court
28 filings after July 1, 1985, shall not include small claims
29 or nonindictable misdemeanors, and shall not include either
30 civil actions for money judgment where the amount in con-
31 troversy does not exceed three thousand dollars or in-
32 dictable misdemeanors, which were assigned to district
33 associate judges and judicial magistrates as shown on
34 their administrative reports, but shall include ap-
35 peals from decisions of judicial magistrates, district

1 associate judges, and district judges sitting as judicial
2 magistrates. The figures on filings shall be the average
3 for the latest available previous three-year period and when
4 current census figures on population are not available, figures
5 shall be taken from the state department of health
6 computations.

7 4. For purposes of this section, a vacancy means the
8 death, resignation, retirement, or removal of a district
9 judge, or the failure of a district judge to be retained in
10 office at the judicial election, or an increase in judgeships
11 under this section.

12 5. In those judicial election districts having more
13 district judges than the number of judgeships specified by
14 the formula in subsection 3, vacancies shall not be filled.

15 6. In those judicial election districts having fewer or
16 the same number of district judges as the number of judgeships
17 specified by the formula in subsection 3, vacancies in the
18 number of district judges shall be filled as they occur.

19 7. In those judicial districts that contain more than
20 one judicial election district, a vacancy in a judicial election
21 district shall not be filled if the total number of district
22 judges in all judicial election districts within the judicial
23 district equals or exceeds the aggregate number of judgeships
24 to which all of the judicial election districts of the judicial
25 district are authorized.

26 8. Vacancies shall not be filled in a judicial election
27 district which becomes entitled to fewer judgeships under
28 subsection 3, but an incumbent district judge shall not be
29 removed from office because of a reduction in the number of
30 authorized judgeships.

31 9. During February of each year, and at other times as
32 appropriate, the state court administrator shall make the
33 determinations required under this section, and shall notify
34 the appropriate nominating commissions and the governor of
35 appointments that are required.

1 10. Notwithstanding the formula for determining the number
2 of judgeships in this section, the number of district judges
3 shall not exceed ninety-nine during the period commencing
4 July 1, 1983 and ending as the general assembly shall specify.

5 Sec. 7202. NEW SECTION. 602.7202 JURISDICTION. District
6 judges have the full jurisdiction of the district court,
7 including the respective jurisdictions of district associate
8 judges and magistrates. While exercising the jurisdiction
9 of magistrates, district judges shall employ magistrates'
10 practice and procedure.

11 Sec. 7203. NEW SECTION. 602.7203 PREPARATION AND SIGNING
12 OF RECORD--ALTERATIONS.

13 1. The clerk of district court shall from time to time
14 make a record of all proceedings of the district court, which,
15 when correct, shall be signed by the judge.

16 2. Delay in the preparation and signing of the record
17 of court proceedings shall not prevent the issuance of an
18 execution and other proceedings may be had in the same manner
19 as though the record had been signed.

20 3. A record shall not be amended or impaired by the clerk
21 of the district court, or by any other officer of the court,
22 or by any other person, except pursuant to the order of the
23 district court or some other court of competent authority.

24 4. Entries made and signed, unless amended or expunged
25 as provided in subsection 3, may be altered only to correct
26 an evident mistake.

27

PART 3

28

DISTRICT ASSOCIATE JUDGES

29 Sec. 7301. NEW SECTION. 602.7301 NUMBER AND APPORTIONMENT
30 OF DISTRICT ASSOCIATE JUDGES. There shall be one district
31 associate judge in counties having a population, according
32 to the most recent federal decennial census, of more than
33 thirty-five thousand and less than eighty thousand; two in
34 counties having a population of more than eighty thousand
35 and less than one hundred twenty-five thousand; three in

1 counties having a population of more than one hundred twenty-
2 five thousand and less than two hundred thousand; and four
3 in counties having a population of two hundred thousand or
4 above. A district associate judge appointed pursuant to
5 section 602.7302 or 602.7303 shall not be counted for purposes
6 of this subsection.

7 Sec. 7302. NEW SECTION. 602.7302 APPOINTMENT OF DISTRICT
8 ASSOCIATE JUDGE IN LIEU OF MAGISTRATES.

9 1. In a county having an apportionment of three or more
10 magistrates, the chief judge of the judicial district, subject
11 to the limitations of this section, may designate by order
12 that a district associate judge be appointed pursuant to this
13 section in lieu of magistrates appointed under section
14 602.7403. The order of substitution may be made only upon
15 the affirmative vote of a majority of the district judges
16 in that judicial election district and only upon a finding
17 by a majority of those district judges that the substitution
18 would provide more speedy and efficient performance of judicial
19 business within that judicial election district. An order
20 of substitution shall not take effect unless a copy of the
21 order is received by the chairperson of the county magistrate
22 appointing commission no later than the thirty-first day of
23 March of the year in which the substitution is to take effect.
24 A copy of the order also shall be sent to the state court
25 administrator.

26 2. For a county in which a substitution order is in effect,
27 the number of magistrates actually appointed pursuant to
28 section 602.7403 shall be reduced by three for each district
29 associate judge substituted under this section. Upon a
30 subsequent reduction in the apportionment of magistrates to
31 the county, the magistrate appointing commission shall further
32 reduce the number of magistrates appointed.

33 3. a. Except as provided in subsections 1 and 2, a
34 substitution shall not increase or decrease the number of
35 magistrates authorized by this article.

1 b. A substitution pursuant to this section shall not be
2 made if the effect would be to remove a magistrate from office
3 prior to the expiration of the magistrate's term.

4 c. A substitution shall not be made where the apportionment
5 of magistrates to a county is insufficient to permit the full
6 reduction in appointments of magistrates as required by
7 subsection 2.

8 4. If an apportionment by the state court administrator
9 pursuant to section 602.7401 reduces the number of magistrates
10 in the county to less than three, or if a majority of the
11 district judges in the judicial election district determines
12 that a substitution is no longer desirable, then the
13 substituted office shall be terminated. However, a reversion
14 pursuant to this subsection, irrespective of cause, shall
15 not take effect until the substitute district associate judge
16 fails to be retained in office at a judicial election or
17 otherwise leaves office, whether voluntarily or involuntarily.
18 Upon the termination of office of that district associate
19 judge, appointments shall be made pursuant to section 602.7403
20 as necessary to reestablish terms of office as provided in
21 section 602.7403, subsection 4.

22 Sec. 7303. NEW SECTION. 602.7303 ALTERNATE DISTRICT
23 ASSOCIATE JUDGE.

24 1. In a county having only one district associate judge,
25 the county magistrate appointing commission, by majority vote,
26 may authorize that an alternate district associate judge be
27 appointed.

28 2. A person whose appointment is authorized under this
29 section shall be designated as an alternate and is subject
30 to this section.

31 3. An alternate district associate judge shall serve
32 initial and regular terms and shall stand for retention in
33 office in the same manner as regular district associate judges.
34 However, a vacancy in the office of alternate district
35 associate judge shall not be filled unless the conditions

1 of subsection 1 are satisfied after the vacancy occurs.

2 4. The chief judge of the judicial district may order
3 that the alternate temporarily sit in place of the regular
4 district associate judge while the latter is unable to act.
5 The words "unable to act" mean a temporary absence from court
6 duties, including a reasonable vacation period.

7 5. The appointment of an alternate district associate
8 judge does not affect the rights, duties, or remuneration
9 of the regularly appointed district associate judge, and the
10 appointment of an alternate does not affect the number or
11 apportionment of district associate judges authorized by this
12 part.

13 Sec. 7304. NEW SECTION. 602.7304 APPOINTMENT OF DISTRICT
14 ASSOCIATE JUDGES.

15 1. The district associate judges authorized by sections
16 602.7301, 602.7302, and 602.7303 shall be appointed by the
17 district judges of the judicial election district from persons
18 nominated by the county magistrate appointing commission.

19 2. In November of any year in which an impending vacancy
20 is created because a district associate judge is not retained
21 in office pursuant to a judicial election, the county
22 magistrate appointing commission shall publicize notice of
23 the vacancy in at least two publications in the official
24 county newspaper. The commission shall accept applications
25 for consideration for nomination as district associate judge
26 for a minimum of fifteen days prior to certifying nominations.
27 The commission shall consider the applications and shall,
28 by majority vote, certify to the chief judge of the judicial
29 district not later than December 15 of that year the names
30 of three applicants who are nominated by the commission for
31 the vacancy. If there are three or fewer applicants the
32 commission shall certify all applicants who meet the statutory
33 qualifications. Nominees shall be chosen solely on the basis
34 of the qualifications of the applicants, and political
35 affiliation shall not be considered.

1 3. Within thirty days after a county magistrate appointing
2 commission receives notification of an actual or impending
3 vacancy in the office of district associate judge, other than
4 a vacancy referred to in subsection 2, the commission shall
5 certify to the chief judge of the judicial district the names
6 of three applicants who are nominated by the commission for
7 the vacancy. The commission shall publicize notice of the
8 vacancy in at least two publications in the official county
9 newspaper. The commission shall accept applications for
10 consideration for nomination as district associate judge for
11 a minimum of fifteen days prior to certifying nominations.
12 The commission shall consider the applications and shall,
13 by majority vote, certify to the chief judge of the judicial
14 district the names of three applicants who are nominated by
15 the commission for the vacancy. If there are three or fewer
16 applicants the commission shall certify all applicants who
17 meet the statutory qualifications. Nominees shall be chosen
18 solely on the basis of the qualifications of the applicants,
19 and political affiliation shall not be considered. As used
20 in this subsection, a vacancy is created by the death,
21 retirement, resignation, or removal of a district associate
22 judge, or by an increase in the number of positions authorized.
23 4. Within fifteen days after the chief judge of a judicial
24 district has received the list of nominees to fill a vacancy
25 in the office of district associate judge, the district judges
26 in the judicial election district shall, by majority vote,
27 appoint one of those nominees to fill the vacancy.

28 5. The supreme court may prescribe rules of procedure
29 to be used by county magistrate appointing commissions when
30 exercising the duties specified in this section.

31 Sec. 7305. NEW SECTION. 602.7305 TERM, RETENTION,
32 QUALIFICATIONS.

33 1. District associate judges shall serve initial terms
34 and shall stand for retention in office within the judicial
35 election districts of their residences at the judicial election

1 in 1982 and every four years thereafter, under sections 46.17
2 to 46.24.

3 2. A person does not qualify for appointment to the office
4 of district associate judge unless the person is at the time
5 of application a resident of the county in which the vacancy
6 exists, and unless the person is licensed to practice law
7 in Iowa, and unless the person will be able, measured by the
8 person's age at the time of appointment, to complete the
9 initial term of office plus a four-year term of office prior
10 to reaching age seventy-two.

11 3. A district associate judge must be a resident of the
12 county in which the office is held during the entire term
13 of office. A district associate judge shall serve within
14 the judicial district in which appointed, as directed by the
15 chief judge, and is subject to reassignment under section
16 602.7108.

17 4. District associate judges shall qualify for office
18 as provided in chapter 63 for district judges.

19 Sec. 7306. NEW SECTION. 602.7306 JURISDICTION, PROCEDURE,
20 APPEALS.

21 1. District associate judges have the jurisdiction provided
22 in section 602.7405 for magistrates, and when exercising that
23 jurisdiction shall employ magistrates' practice and procedure.

24 2. District associate judges also have jurisdiction in
25 civil actions for money judgment where the amount in
26 controversy does not exceed three thousand dollars,
27 jurisdiction of indictable misdemeanors, and the jurisdiction
28 provided in section 602.8101 when designated as a judge of
29 the juvenile court. While presiding in these subject matters
30 a district associate judge shall employ district judges'
31 practice and procedure.

32 3. When a district judge is unable to serve as a result
33 of temporary incapacity, a district associate judge may, by
34 order of the chief judge of the judicial district enrolled
35 in the records of the clerk of the district court, temporarily

1 exercise any judicial authority within the jurisdiction of
2 a district judge during the time of incapacity with respect
3 to the matters or classes of matters specified in that order.
4 4. Appeals from judgments or orders of district associate
5 judges while exercising the jurisdiction of magistrates shall
6 be governed by the laws relating to appeals from judgments
7 and orders of magistrates. Appeals from judgments or orders
8 of district associate judges while exercising any other
9 jurisdiction shall be governed by the laws relating to appeals
10 from judgments or orders of district judges.

11 PART 4

12 MAGISTRATES

13 Sec. 7401. NEW SECTION. 602.7401 NUMBER AND
14 APPORTIONMENT.

15 1. One hundred ninety-one magistrates shall be apportioned
16 among the counties as provided in this section. Magistrates
17 appointed pursuant to section 602.7402 shall not be counted
18 for purposes of this section.

19 2. During February of each odd-numbered year, the state
20 court administrator shall apportion magistrate offices among
21 the counties in accordance with the following criteria:

22 a. The number and type of proceedings contained in the
23 administrative reports required by section 602.7606.

24 b. The existence of either permanent, temporary, or
25 seasonal populations not included in the current census
26 figures.

27 c. The geographical area to be served.

28 d. Any inordinate number of cases over which magistrates
29 have jurisdiction that were pending at the end of the preceding
30 year.

31 e. The number and types of juvenile proceedings handled
32 by district associate judges.

33 3. Notwithstanding subsection 2, each county shall be
34 allotted at least one resident magistrate.

35 4. During March of each odd-numbered year, the state court

1 administrator shall give notice to the clerks of the district
2 court and to the chief judges of the judicial districts of
3 the number of magistrates to which each county is entitled.

4 Sec. 7402. NEW SECTION. 602.7402 ADDITIONAL MAGISTRATE
5 ALLOWED. In those counties which are allotted one magistrate
6 under section 602.7401 or which are restricted to one
7 magistrate by section 602.7302, the county magistrate
8 appointing commission may, by majority vote, decide to appoint
9 one additional magistrate. If a county appoints an additional
10 magistrate under this section, each of the two magistrates
11 shall receive one-half of the regular salary of a magistrate.

12 Sec. 7403. NEW SECTION. 602.7403 APPOINTMENT AND
13 QUALIFICATION OF MAGISTRATES.

14 1. In April of each year in which magistrates' terms
15 expire, the county magistrate appointing commission shall
16 appoint, except as otherwise provided in section 602.7302,
17 the number of magistrates apportioned to the county by the
18 state court administrator under section 602.7401, and may
19 appoint an additional magistrate when allowed by section
20 602.7402. The commission shall not appoint more magistrates
21 than are authorized for the county by this article.

22 2. The magistrate appointing commission for each county
23 shall prescribe the contents of an application for an
24 appointment pursuant to this section. The commission shall
25 publicize notice of any vacancy to be filled in at least two
26 publications in the official county newspaper. The commission
27 shall accept applications for a minimum of fifteen days prior
28 to making an appointment, and shall make available during
29 that period of time any printed application forms the
30 commission prescribes.

31 3. Within thirty days following receipt of notification
32 of a vacancy in the office of magistrate, the commission shall
33 appoint a person to the office to serve the remainder of the
34 unexpired term. For purposes of this section, vacancy means
35 a death, resignation, retirement, or removal of a magistrate,

1 or an increase in the number of positions authorized.

2 4. The term of office of a magistrate is two years,
3 commencing July 1 of each odd-numbered year.

4 5. The commission shall promptly certify the names and
5 addresses of appointees to the clerk of the district court
6 and to the chief judge of the judicial district. The clerk
7 of the district court shall certify to the state court
8 administrator the names and addresses of these appointees.

9 6. Before assuming office, a magistrate shall subscribe
10 and file in the office of the state court administrator the
11 oath of office specified in section 63.6.

12 7. Annually, the state court administrator shall cause
13 a school of instruction to be conducted for magistrates, and
14 each magistrate shall attend prior to the time of taking
15 office unless excused by the chief justice for good cause.
16 A magistrate appointed to fill a vacancy shall attend the
17 first school of instruction that is held following the
18 appointment, unless excused by the chief justice for good
19 cause.

20 Sec. 7404. NEW SECTION. 602.7404 QUALIFICATIONS.

21 1. A magistrate shall be an elector of the county of
22 appointment during the magistrate's term of office. A
23 magistrate shall serve within the judicial district in which
24 appointed, as directed by the chief judge, provided that the
25 chief judge may assign a magistrate to hold court outside
26 of the county of the magistrate's residence only if it is
27 necessary for the orderly administration of justice. A
28 magistrate is subject to reassignment under section 602.7108.

29 2. A person is not qualified for appointment as a
30 magistrate unless the person can complete the entire term
31 of office prior to reaching age seventy-two.

32 3. A person is not required to be admitted to the practice
33 of law in this state as a condition of being appointed to
34 the office of magistrate, but the magistrate appointing
35 commission shall first consider applicants who are admitted

1 to practice law in this state when selecting persons for the
2 office of magistrate.

3 Sec. 7405. NEW SECTION. 602.7405 JURISDICTION--PROCEDURE.

4 1. Magistrates have jurisdiction of simple misdemeanors,
5 including traffic and ordinance violations, and preliminary
6 hearings, search warrant proceedings, and small claims. They
7 also have jurisdiction to exercise the powers specified in
8 sections 644.2 and 644.12, and to hear complaints or
9 preliminary informations, issue warrants, order arrests, make
10 commitments, and take bail. They also have jurisdiction of
11 first offense violations of section 321.281 but only to the
12 extent that they may approve trial informations, conduct
13 arraignments, accept guilty pleas if the defendant is
14 represented by legal counsel, sentence those pleading guilty
15 and make appropriate orders authorized by section 321.283.

16 2. The criminal procedure before magistrates is as provided
17 in chapters 804, 806, 808, 811, 820 and 821 and rules of
18 criminal procedure 1, 2, 5, 7, 8, and 32 to 56. The civil
19 procedure before magistrates shall be as provided in chapters
20 631 and 648.

21 PART 5

22 MAGISTRATE APPOINTING COMMISSIONS

23 Sec. 7501. NEW SECTION. 602.7501 COMPOSITION OF COUNTY
24 MAGISTRATE APPOINTING COMMISSIONS.

25 1. A magistrate appointing commission is established in
26 each county. The commission shall be composed of the following
27 members:

28 a. A district judge designated by the chief judge of the
29 judicial district to serve until a successor is designated.

30 b. Three members appointed by the board of supervisors,
31 or the lesser number provided in section 602.7503, subsection
32 1.

33 c. Two attorneys elected by the attorneys in the county,
34 or the lesser number provided in section 602.7504, subsection
35 1.

1 2. The clerk of the district court shall maintain a
2 permanent record of the name, address, and term of office
3 of each commissioner.

4 3. A member of a magistrate appointing commission shall
5 be reimbursed for actual and necessary expenses reasonably
6 incurred in the performance of official duties. Reimbursements
7 are payable out of the court expense fund of the county in
8 which the member serves, upon certification of the expenses
9 to the county auditor by the clerk of the district court.
10 The district judges of each judicial district may prescribe
11 rules for the administration of this subsection.

12 Sec. 7502. NEW SECTION. 602.7502 MEMBER OF COMMISSION
13 NOT TO BE APPOINTED TO OFFICE. A member of a county magistrate
14 appointing commission shall not be appointed to the office
15 of magistrate, and shall not be nominated for or appointed
16 to the office of district associate judge.

17 Sec. 7503. NEW SECTION. 602.7503 COMMISSIONERS APPOINTED
18 BY A COUNTY.

19 1. The board of supervisors of each county shall appoint
20 three electors to the magistrate appointing commission for
21 the county for six-year terms beginning January 1, 1979 and
22 each sixth year thereafter. However, if there is only one
23 attorney elected pursuant to section 602.7504, the county
24 board of supervisors shall only appoint two commissioners,
25 and if no attorney is elected, the board of supervisors shall
26 only appoint one commissioner.

27 2. The board of supervisors shall not appoint an attorney
28 or an active law enforcement officer to serve as a
29 commissioner.

30 3. The county auditor shall certify to the clerk of the
31 district court the name, address, and expiration date of term
32 for all appointees of the board of supervisors.

33 Sec. 7504. NEW SECTION. 602.7504 COMMISSIONERS ELECTED
34 BY ATTORNEYS.

35 1. The resident attorneys of each county shall elect two

1 resident attorneys of the county to the magistrate appointing
2 commission for six-year terms beginning on January 1, 1979,
3 and each sixth year thereafter. An election shall be held
4 in December preceding the commencement of new terms. The
5 attorneys in a county may elect only one commissioner if there
6 is only one who is qualified and willing to serve and if there
7 are no resident attorneys in a county or none is willing to
8 serve as a commissioner, none shall be elected.

9 2. A county attorney shall not be elected to the
10 commission.

11 3. An attorney is eligible to vote in elections of
12 magistrate appointing commissioners within a county if
13 registered as a member of the bar in accordance with sections
14 46.7 and 46.8, and if a resident of the county.

15 4. When an election of magistrate appointing commissioners
16 is to be held, the clerk of the district court for each county
17 shall cause to be mailed to each eligible attorney a ballot
18 that is in substantially the following form:

19 BALLOT

20
21 County Magistrate Appointing Commission

22
23 To be cast by the resident members of the bar of
24 county.

25 Vote for (state number) for county judicial
26 magistrate appointing commissioner(s) for term commencing
27
28
29

30 To be counted, this ballot must be completed and mailed or
31 delivered to clerk of the district court, ..., no
32 later than December 31, 19..... (or the appropriate date in
33 case of an election to fill a vacancy).

34 Sec. 7505. NEW SECTION. 602.7505 VACANCY. A vacancy
35 in the office of magistrate appointing commissioner shall

1 be filled for the unexpired term in the same manner as the
2 original appointment was made.

3 PART 6

4 DISTRICT COURT ADMINISTRATION

5 332 Sec. 7601. NEW SECTION. 602.7601 COURT ATTENDANTS.

6 1. The district court administrator of each judicial
7 district shall employ and supervise court attendants as
8 authorized by the chief judge.

9 2. A court attendant shall assist judicial officers during
10 proceedings in court and shall perform other duties as
11 prescribed by the supreme court or by the chief judge of the
12 judicial district.

13 Sec. 7602. NEW SECTION. 602.7602 REFEREES AND SPECIAL
14 MASTERS. A person who is appointed as a referee or special
15 master, or who otherwise is appointed by a court pursuant
16 to law or court rule to exercise a judicial function, is
17 subject to the supervision of the judicial officer making
18 the appointment.

19 Sec. 7603. NEW SECTION. 602.7603 COURT REPORTERS.

20 1. Each district judge shall appoint a court reporter
21 who shall, upon the request of a party in a civil or criminal
22 case, report the evidence and proceedings in the case, and
23 perform all duties as provided by law.

24 2. Each district associate judge may appoint a court
25 reporter, subject to the approval of the chief judge of the
26 judicial district.

27 3. If a district judge determines that it is necessary
28 to employ an additional court reporter because of an
29 extraordinary volume of work, or because of the temporary
30 illness or incapacity of a regular court reporter, the district
31 judge may appoint a temporary court reporter who shall serve
32 as required by the district judge.

33 4. If a regularly appointed court reporter becomes disabled
34 3486 from performing duties, the judge may appoint a competent
35 substitute to act during the disability of the regular reporter

1 or until a successor is appointed, but a substitute shall
2 not act for a period longer than one year unless the substitute
3 is or becomes a certified shorthand reporter within that one
4 year, and a substitute shall not be reappointed at the end
5 of the one-year period unless the substitute is or becomes
6 a certified shorthand reporter within that one year.

7 5. Except as provided in subsection 4, a person shall
8 not be appointed to the position of court reporter of the
9 district court unless the person has been certified as a
10 shorthand reporter by the board of examiners under article
11 4.

12 6. Each court reporter shall take an oath faithfully to
13 perform the duties of office, which shall be filed in the
14 office of the clerk of district court.

15 7. A court reporter may be removed for cause with due
16 process by the judicial officer making the appointment.

17 Sec. 7604. NEW SECTION. 602.7604 DOCKETS.

18 1. The clerk of the district court shall furnish a
19 magistrate, district associate judge, or district judge acting
20 as a magistrate, with a docket in which the officer shall
21 enter all proceedings except small claims. The docket shall
22 be indexed and shall contain for each case the title and
23 nature of the action, the place of hearing, appearances, and
24 notations of the documents filed with the judicial officer,
25 the proceedings in the case and orders made, the verdict and
26 judgment including costs, any satisfaction of the judgment,
27 whether the judgment was certified to the clerk of the district
28 court, whether an appeal was taken, and the amount of any
29 appeal bond.

30 2. The chief judge of a judicial district may order that
31 criminal proceedings which are within the jurisdictions of
32 magistrates and district associate judges be combined into
33 centralized dockets for the county if the chief judge
34 determines that administration could be improved by this
35 procedure. When so ordered, a centralized docket shall be

1 maintained in lieu of individual dockets, and the clerk of
2 the district court shall compile a centralized docket in the
3 manner prescribed for an individual docket. The chief judge
4 may assign actions and proceedings on centralized dockets
5 to judicial officers having jurisdiction as the chief judge
6 deems necessary.

7 Sec. 7605. NEW SECTION. 602.7605 FUNDS, REPORTS. Each
8 magistrate, and each district associate judge and district
9 judge acting as a magistrate, shall file once each month with
10 the clerk of the district court an itemized statement of all
11 cases disposed of and all funds received and disbursed per
12 case, and at least monthly shall remit all funds received
13 to the clerk. The clerk shall provide adequate clerical
14 assistance to judicial officers to carry out this section.

15 Sec. 7606. NEW SECTION. 602.7606 ADMINISTRATIVE REPORTS.
16 Each magistrate, and each district associate judge and district
17 judge acting as a magistrate, shall report all judicial
18 business handled to the clerk of the district court and to
19 the chief judge of the judicial district. Reports shall be
20 in the form and filed at the times prescribed by the state
21 court administrator. The administrator may require the clerk
22 to forward copies of individual reports or require a
23 consolidated report for the county.

24 Sec. 7607. NEW SECTION. 602.7607 CONTROL OF RECORDS-
25 -VACANCIES. Whenever a magistrate, or a district associate
26 judge or district judge acting as a magistrate, leaves office,
27 all funds, dockets, and records relating to the vacated office
28 shall be delivered by the judicial officer to the clerk who
29 issued the docket.

30 PART 7

31 SPECIAL PROVISIONS

32 Sec. 7701. NEW SECTION. 602.7701 CIRCUIT COURT RECORDS.

33 1. The district court shall succeed to and have
34 jurisdiction over the records of the circuit court, and may
35 enforce all judgments, decrees, and orders of the circuit

1 court in the same manner and to the same extent as it exercises
2 jurisdiction over its own records, and, for the purposes of
3 the issuance of process and any other acts necessary to the
4 enforcement of the orders, judgments, and decrees of the
5 circuit court, the records of the circuit court shall be
6 deemed records of the district court.

7 2. Transcripts and process from the judgments, decrees,
8 and records of the circuit court shall be issued by the clerk
9 of the district court, and under the seal of the clerk's
10 office.

11 Sec. 7702. NEW SECTION. 602.7702 COUNTIES BORDERING
12 ON MISSOURI RIVER. The jurisdiction of the courts of the
13 state in all civil and criminal actions and proceedings, shall
14 extend in counties bordering on the Missouri river to the
15 center of the main channel of the Missouri river, where it
16 now is or may hereafter be, and to all lands and territory
17 lying along the river which have been adjudged by the United
18 States supreme court or the supreme court of this state to
19 be within the state of Iowa, and to the other lands and
20 territory along the river over which the courts of this state
21 have exercised jurisdiction.

22 ARTICLE 8
23 JUVENILE COURT
24 PART 1
25 THE COURT

26 Sec. 8101. NEW SECTION. 602.8101 JUVENILE COURT.

27 1. A juvenile court is established in each county. The
28 juvenile court is within the district court and has the
29 jurisdiction provided in chapter 232.

30 2. The jurisdiction of the juvenile court may be exercised
31 by any district judge, and by any district associate judge
32 who is designated by the chief judge as a judge of the juvenile
33 court.

34 3. The chief judge shall designate one or more of the
35 district judges and district associate judges to act as judges

1 of the juvenile court for a county. The chief judge may
2 designate a juvenile court judge to preside in more than one
3 county.

4 4. The designation of a judicial officer as a juvenile
5 court judge does not deprive the officer of other judicial
6 functions. Any district judge may act as a juvenile court
7 judge during the absence or inability to act, or upon the
8 request, of the designated juvenile court judge.

9 5. The juvenile court is always open for the transaction
10 of business, but the hearing of a matter that requires notice
11 shall be had at a time and place fixed by the juvenile court
12 judge.

13 Sec. 8102. NEW SECTION. 602.8102 COURT RECORDS.

14 1. The juvenile court is a court of record, and its
15 proceedings, orders, findings, and decisions shall be entered
16 in books that are kept for that purpose and that are identified
17 as juvenile court records.

18 2. The clerk of the district court is the clerk of the
19 juvenile court for the county.

20 3. The clerk shall, if practicable, notify a convenient
21 juvenile court officer in advance when a child is to be brought
22 before the court.

23 Sec. 8103. NEW SECTION. 602.8103 REFEREE--PROCEDURE.

24 1. The judge of the juvenile court may appoint and may
25 remove for cause with due process a juvenile court referee.
26 The referee shall be an attorney admitted to practice law
27 in this state, and shall be qualified for duties by training
28 and experience.

29 2. The referee shall have the same jurisdiction to conduct
30 juvenile court proceedings and to issue orders, findings,
31 and decisions as the judge of the juvenile court, except that
32 the referee shall not issue warrants. However, the appointing
33 judge may limit the referee's exercise of juvenile court
34 jurisdiction.

35 3. The parties to a proceeding heard by the referee are

1 entitled to a review by the judge of the juvenile court of
 2 the referee's order, finding, or decision, if the review is
 3 requested within ten days after the entry of the referee's
 4 order, finding, or decision. A request for review does not
 5 automatically stay the referee's order, finding, or decision.
 6 The review is on the record only, unless the judge, upon
 7 request or upon the judge's own motion, orders otherwise.
 8 In the interests of justice, the judge may allow a rehearing
 9 at any time.

10 Sec. 8104. NEW SECTION. 602.8104 PHYSICIANS AND NURSES.

11 1. In a county having a population of one hundred twenty-
 12 five thousand or more, the judges of the juvenile court may
 13 appoint a physician and a nurse, prescribe their duties, and
 14 remove them.

15 2. Appointees shall receive salaries and shall be reim-
 16 bursed for expenses incurred in the performance of duties,
 17 as prescribed by the supreme court.

18 PART 2

19 PROBATION AND COURT SERVICES

20 Sec. 8201. NEW SECTION. 602.8201 ADMINISTRATION AND
 21 SUPERVISION.

22 1. Probation and other juvenile court services within
 23 a judicial district shall be administered and supervised by
 24 the chief juvenile court officer.

25 2. The juvenile court officers and other personnel employed
 26 in juvenile court service offices are subject to the
 27 supervision of the chief juvenile court officer.

28 3. The chief juvenile court officer may employ, shall
 29 supervise, and may remove for cause with due process
 30 secretarial, clerical, and other staff within juvenile court
 31 service offices as authorized by the chief judge.

32 Sec. 8202. NEW SECTION. 602.8202 JUVENILE COURT OFFI-
 33 CERS.

34 1. Subject to the approval of the chief judge of the
 35 judicial district, the chief juvenile court officer shall

1 appoint juvenile court officers to serve the juvenile court.
2 Juvenile court officers may be required to serve in two or
3 more counties within the judicial district.

4 2. Juvenile court officers shall be selected, appointed,
5 and removed in accordance with rules, standards, and qualifica-
6 tions prescribed by the supreme court.

7 3. Juvenile court officers have the duties prescribed
8 in chapter 232, subject to the direction of the judges of
9 the juvenile court. A judge of the juvenile court shall not
10 attempt to direct or influence a juvenile court officer in
11 the performance of the officer's duties.

12 4. A juvenile court officer has the powers of a peace
13 officer while engaged in the discharge of duties.

14 ARTICLE 9

15 CLERK OF DISTRICT COURT

16 Sec. 9101. NEW SECTION. 602.9101 OFFICE OF THE CLERK
17 OF THE DISTRICT COURT.

18 1. The office of clerk of the district court is an
19 appointive office, as provided in section 602.1214.

20 2. A person appointed to the office of clerk shall qualify
21 by taking the oath of office as provided in section 63.10
22 and giving bond as provided in chapter 64.

23 3. The clerk may employ deputies, assistants, and clerks
24 when authorized under section 602.1402 and when authorized
25 by the chief judge of the judicial district. The clerk is
26 responsible for the acts of these employees. Each first
27 deputy shall give bond as provided in chapter 64.

28 Sec. 9102. NEW SECTION. 602.9102 GENERAL DUTIES. The
29 clerk shall:

30 1. Keep the office of the clerk at the county seat.

31 2. Attend sessions of the district court.

32 3. Keep the records, papers, and seal, and record the
33 proceedings of the district court as provided by law under
34 the direction of the chief judge of the judicial district.

35 4. Upon the death of a judge of the district court, give

1 written notice to the state comptroller of the date of death.
2 The clerk shall also give written notice of the death of a
3 justice of the supreme court or a judge of the court of appeals
4 or the district court who resides in the clerk's county to
5 the state commissioner of elections, as provided in section
6 46.12.

7 5. When money in the amount of five hundred dollars or
8 more is paid to the clerk to be paid to another person and
9 the money is not disbursed within thirty days, notify the
10 person who is entitled to the money or for whose account the
11 money is paid or the attorney of record of the person. The
12 notice shall be given by certified mail within forty days
13 of the receipt of the money to the last known address of the
14 person or the person's attorney and a memorandum of the notice
15 shall be made in the proper record. If the notice is not
16 given, the clerk and the clerk's sureties are liable for
17 interest at the rate specified in section 535.2, subsection
18 1 on the money from the date of receipt to the date that the
19 money is paid to the person entitled to it or the person's
20 attorney.

21 6. On each process issued, indicate the date that it is
22 issued, the clerk's name who issued it, and the seal of the
23 court.

24 7. Upon return of an original notice to the clerk's of-
25 fice, enter in the appearance or combination docket informa-
26 tion to show which parties have been served the notice and
27 the manner and time of service.

28 8. When entering a lien or indexing an action affecting
29 real estate in the clerk's office, enter the year, month,
30 day, hour, and minute when the entry is made. The clerk shall
31 mail a copy of a mechanic's lien to the owner of the building,
32 land, or improvement which is charged with the lien as provided
33 in section 572.8.

34 9. Enter in the appearance docket a memorandum of the
35 date of filing of all petitions, demurrers, answers, motions,

1 or papers of any other description in the cause. A pleading
2 of any description is not considered filed in the cause or
3 taken from the clerk's office until the memorandum is made.
4 The memorandum shall be made before the end of the next working
5 day. Thereafter, when a demurrer or motion is sustained or
6 overruled, a pleading is made or amended, or the trial of
7 the cause, rendition of the verdict, entry of judgment,
8 issuance of execution, or any other act is done in the progress
9 of the cause, a similar memorandum shall be made of the action,
10 including the date of action and the number of the book and
11 page of the record where the entry is made. The appearance
12 docket is an index of each suit from its commencement to its
13 conclusion.

14 10. When title to real estate is finally established in
15 a person by a judgment or decree of the district court or
16 by decision of an appellate court or when the title to real
17 estate is changed by judgment, decree, will, proceeding, or
18 order in probate, certify the final decree, judgment, or
19 decision under seal of the court to the auditor of the county
20 in which the real estate is located.

21 11. Keep for public inspection a certified copy of each
22 act of the general assembly and furnish a copy of the act
23 upon payment of a fee as provided in section 3.15.

24 12. At the order of a justice of the supreme court, docket
25 without fee any civil or criminal case transferred from a
26 military district under martial law as provided in section
27 29A.45.

28 13. Carry out duties as a member of a nominations appeal
29 commission as provided in section 44.7.

30 14. Maintain a bar registration book, biennially give
31 notice and accept registration of attorneys to be eligible
32 to vote in elections of judicial nominating commissioners,
33 and certify the names registered to the clerk of the supreme
34 court as provided in section 46.8.

35 15. Notify the county commissioner of registration of

1 persons who become ineligible to register to vote because
2 of criminal convictions, mental retardation, or legal declara-
3 tions of incompetency and of persons whose citizenship rights
4 have been restored as provided in section 48.30.

5 16. When the auditor is a party to an election contest,
6 carry out duties on behalf of the auditor and issue subpoenas
7 as provided in sections 62.7 and 62.11.

8 17. Approve the bonds of the members of the board of
9 supervisors as provided in section 64.19.

10 18. File the bonds and oaths of the members of the board
11 of supervisors as provided in section 64.23.

12 19. Keep a book of the record of official bonds and record
13 the official bonds of magistrates as provided in section
14 64.24.

15 20. Carry out duties relating to proceedings for the re-
16 moval of a public officer as provided in sections 66.4 and
17 66.17.

18 21. Approve the surety bonds of persons accepting appoint-
19 ment as notaries public in the county as provided in section
20 77.4, subsection 2.

21 22. Carry out duties as a trustee for incompetent
22 dependents entitled to benefits under chapters 85 and 85A
23 and report annually to the district court concerning money
24 and property received or expended as a trustee as provided
25 under sections 85.49 and 85.50.

26 23. Carry out duties relating to enforcing orders of the
27 occupational safety and health review commission as provided
28 in section 88.9, subsection 2.

29 24. Certify the imposition of a mulct tax against prop-
30 erty creating a public nuisance to the auditor as provided
31 in section 99.28.

32 25. Carry out duties relating to the judicial review of
33 orders of the occupational safety and health review commission
34 as provided in section 104.10, subsection 2.

35 26. With sufficient surety, approve an appeal bond for

1 judicial review of an order or action of the state conserva-
2 tion commission relating to dams and spillways as provided
3 in section 112.8.

4 27. Docket an appeal from the fence viewer's decision
5 or order as provided in section 113.23.

6 28. Certify to the recorder the fact that a judgment has
7 been rendered upon an appeal of a fence viewer's order as
8 provided in section 113.24.

9 29. Hold as a public record a list of the names and
10 addresses of persons licensed as real estate salespersons
11 and brokers and the name of persons whose licenses were
12 suspended or revoked during the year reported as provided
13 in section 117.42.

14 30. Approve bond sureties and enter in the lien index
15 the undertakings of bonds for abatement relating to the illegal
16 manufacture, sale, or consumption of alcoholic liquors as
17 provided in sections 123.76, 123.79, and 123.80.

18 31. Carry out duties relating to a judgment of forfeiture
19 ordering the sale or other disposition of a conveyance used
20 in the illegal transportation of liquor or distribution of
21 a controlled substance as provided in chapter 127.

22 32. Carry out duties as county registrar of vital statis-
23 tics as provided in chapter 144.

24 33. Furnish to the state department of health a certified
25 copy of a judgment suspending or revoking a professional li-
26 cense as provided in section 147.66.

27 34. Receive and file a bond given by the owner of a dis-
28 trained animal to secure its release pending resolution of
29 a suit for damages as provided in sections 188.22 and 188.23.

30 35. Send notice of the conviction, judgment, and sentence
31 of a person violating the uniform controlled substances laws
32 to the state board or officer who issued a license or
33 registered the person to practice a profession or to conduct
34 business as provided in section 204.412.

35 36. Carry out duties relating to the commitment of a

1 mentally retarded person as provided in sections 222.37 through
2 222.40.

3 37. Keep a separate docket of proceedings of cases relating
4 to the mentally retarded as provided in section 222.57.

5 38. Order the commitment of a voluntary public patient
6 to the state psychiatric hospital under the circumstances
7 provided in section 225.16.

8 39. Refer persons applying for voluntary admission to
9 a community mental health center for a preliminary diagnostic
10 evaluation as provided in section 225C.16, subsection 2.

11 40. Make a copy of the warrant and return of service sub-
12 mitted by the sheriff relating to the return of a mental pa-
13 tient from a state hospital to stand trial and mail the war-
14 rant and return to the superintendent of the hospital as pro-
15 vided in section 226.28.

16 41. Carry out duties relating to the involuntary commitment
17 of mentally impaired persons as provided in chapter 229.

18 42. Serve as clerk of the juvenile court and carry out
19 duties as provided in chapter 232 and article 8.

20 43. Submit to the director of the division of child and
21 family services of the department of social services a dupli-
22 cate of the findings of the district court related to adop-
23 tions as provided in section 235.3, subsection 7.

24 44. Certify to the warden of the penitentiary or men's
375 25 reformatory the number of days that have been credited toward
26 completion of an inmate's sentence as provided in section
27 246.38.

28 45. Report to the board of parole and the director of
29 the division of corrections of the department of social
30 services the criminal statistics as provided in sections
31 247.29 through 247.31.

32 46. Carry out duties relating to the pardons, commutations,
33 remission of fines and forfeitures, and restoration of citizen-
34 ship as provided in sections 248.9 and 248.17.

35 47. Forward support payments received under section 252A.6

1 to the department of social services and furnish copies of
2 orders and decrees awarding support to parties receiving wel-
3 fare assistance as provided in section 252A.13.

4 48. Carry out duties relating to the provision of medi-
5 cal care and treatment for indigent persons as provided in
6 chapter 255.

7 49. Enter a judgment based on the transcript of an appeal
8 to the state board of public instruction against the party
9 liable for payment of costs as provided in section 290.4.

10 50. Certify the final order of the district court upon
11 appeal of an assessment within a secondary road assessment
12 district to the auditor as provided in section 311.24.

13 51. Forward to the department of transportation a copy
14 of the record of each conviction or forfeiture of bail of
15 a person charged with the violation of the laws regulating
16 the operation of vehicles on public roads as provided in
17 sections 321.281 and 321.491.

18 52. Send to the department of transportation licenses
19 and permits surrendered by a person convicted of being a
20 habitual offender of traffic and motor vehicle laws as pro-
21 vided in section 321.559.

22 53. If a person fails to satisfy a judgment relating to
23 motor vehicle financial responsibility within sixty days,
24 forward to the director of the department of transportation
25 a certified copy of the judgment as provided in section
26 321A.12.

27 54. Approve a bond of a surety company or a bond with
28 at least two individual sureties owning real estate in this
29 state as proof of financial responsibility as provided in
30 section 321A.24.

31 55. Carry out duties under the Iowa motor vehicle dealers
32 licensing Act as provided in sections 322.10 and 322.24.

33 56. Carry out duties relating to the enforcement of motor
34 fuel tax laws as provided in sections 324.66 and 324.67.

35 57. Carry out duties relating to the platting of land

- 1 as provided in sections 409.9, 409.11, and 409.22.
- 2 58. Upon order of the director of revenue, issue a com-
3 mission for the taking of depositions as provided in section
4 421.17, subsection 8.
- 5 59. Mail to the director of revenue a copy of a court
6 order relieving an executor or administrator from making an
7 income tax report on an estate as provided in section 422.23.
- 8 60. With acceptable sureties, approve the bond of a peti-
9 tioner for a tax appeal as provided in section 422.29, sub-
10 section 2.
- 11 61. Certify the final decision of the district court in
12 an appeal of the tax assessments as provided in section 441.39.
13 Costs of the appeal to be assessed against the board of review
14 or a taxing body shall be certified to the treasurer as pro-
15 vided in section 441.40.
- 16 62. Certify a final order of the district court relating
17 to the apportionment of tax receipts to the auditor as provided
18 in section 449.7.
- 19 63. Carry out duties relating to the inheritance tax as
20 provided in chapter 450.
- 21 64. Deposit funds held by the clerk in an approved de-
22 pository as provided in 453.1.
- 23 65. Carry out duties relating to appeals and certification
24 of costs relating to levee and drainage districts as provided
25 in sections 455.96 through 455.105.
- 26 66. Carry out duties relating to the condemnation of land
27 as provided in chapter 472.
- 28 67. Forward civil penalties collected for violations re-
29 lating to the siting of electric power generators to the
30 treasurer of state as provided in section 476A.14, subsection
31 1.
- 32 68. Certify a copy of a decree of dissolution of a business
33 corporation to the secretary of state and the recorder of
34 the county in which the corporation is located as provided
35 in section 496A.100.

- 1 69. With acceptable sureties, approve the bond of a peti-
2 tioner filing an appeal for review of an order of the commis-
3 sioner of insurance as provided in section 502.606 or 507A.7.
- 4 70. Certify a copy of a decree of dissolution of a
5 nonprofit corporation to the secretary of state and the
6 recorder in the county in which the corporation is located
7 as provided in section 504A.62.
- 8 71. Carry out duties relating to the enforcement of de-
9 crees and orders of reciprocal states under the Iowa
10 unauthorized insurers Act as provided in section 507A.11.
- 11 72. Certify copies of a decree of involuntary dissolution
12 of a state bank to the secretary of state and the recorder
13 of the county in which the bank is located as provided in
14 section 524.1311, subsection 4.
- 15 73. Certify copies of a decree dissolving a credit union
16 as provided in section 533.21, subsection 4.
- 17 74. Refuse to accept the filing of papers to institute
18 legal action under the Iowa consumer credit code if proper
19 venue is not adhered to as provided in section 537.5113.
- 20 75. Receive payment of money due to a person who is absent
21 from the state if the address or location of the person is
22 unknown as provided in section 538.5.
- 23 76. Carry out duties relating to the appointment of the
24 Iowa state commerce commission as receiver for agricultural
25 commodities on behalf of a warehouse operator whose license
26 is suspended or revoked as provided in section 543.3.
- 27 77. Certify the signature of the recorder on the transcript
28 of any instrument affecting real estate as provided in sec-
29 tion 558.12.
- 30 78. Certify an acknowledgement of a written instrument
31 relating to real estate as provided in section 558.20.
- 32 79. Collect on behalf of, and pay to the auditor the fee
33 for the transfer of real estate as provided in section 558.66.
- 34 80. With acceptable sureties, endorse a bond sufficient
35 to settle a dispute between adjoining owners of a common wall

- 1 as provided in section 563.11.
- 2 81. Carry out duties relating to cemeteries as provided
- 3 in sections 566.4, 566.7, and 566.8.
- 4 82. Carry out duties relating to liens as provided in
- 5 chapters 570, 571, 572, 574, 580, 581, 582, and 584.
- 6 83. Accept applications for and issue marriage licenses
- 7 as provided in chapter 595.
- 8 84. Carry out duties relating to the dissolution of a
- 9 marriage as provided in chapter 598.
- 10 85. Carry out duties relating to the custody of children
- 11 as provided in chapter 598A.
- 12 86. Carry out duties relating to adoptions as provided
- 13 in chapter 600.
- 14 87. Enter upon the clerk's records actions taken by the
- 15 court at a location which is not the county seat as provided
- 16 in section 602.7106.
- 17 88. Maintain a record of the name, address, and term of
- 18 office of each member of the county magistrate appointing
- 19 commission as provided in section 602.7501.
- 20 89. Certify to the state court administrator the names
- 21 and addresses of the magistrates appointed by the county
- 22 magistrate appointing commission as provided in section
- 23 602.7403.
- 24 90. Furnish an individual or centralized docket for the
- 25 magistrates of the county as provided in section 602.7604.
- 26 91. Serve as an ex officio jury commissioner and notify
- 27 appointive commissioners of their appointment as provided
- 28 in sections 608.1 and 608.5.
- 29 92. Carry out duties relating to the selection of jurors
- 30 as provided in chapter 609.
- 31 93. Carry out duties relating to the revocation or sus-
- 32 pension of an attorney's authority to practice law as provided
- 33 in chapter 610.
- 34 94. File and index petitions affecting real estate as
- 35 provided in sections 617.10 through 617.15.

- 1 95. Designate the newspapers in which the notices per-
2 taining to the clerk's office shall be published as provided
3 in section 618.7.
- 4 96. With acceptable surety, approve a bond of the plain-
5 tiff in an action for the payment of costs which may be ad-
6 judged against the plaintiff as provided in section 621.1.
- 7 97. Issue subpoenas for witnesses as provided in section
8 622.63.
- 9 98. Carry out duties relating to trials and judgments
10 as provided in sections 624.8 through 624.21 and 624.37.
- 11 99. Collect jury fees and court reporter fees as required
12 by chapter 625.
- 13 100. When the judgment is for recovery of money, compute
14 the interest from the date of verdict to the date of payment
15 of the judgment as provided in section 625.21.
- 16 101. Carry out duties relating to executions as provided
17 in chapter 626.
- 18 102. Carry out duties relating to the redemption of prop-
19 erty as provided in sections 628.13, 628.18, and 628.20.
- 20 103. Record statements of expenditures made by the holder
21 of a sheriff's sale certificate in the encumbrance book and
22 lien index as provided in section 629.3.
- 23 104. Carry out duties relating to small claim actions
24 as provided in chapter 631.
- 25 105. Carry out duties of the clerk of the probate court
26 as provided in chapter 633.
- 27 106. Carry out duties relating to the administration of
28 small estates as provided in sections 635.1, 635.7, 635.9,
29 and 635.11.
- 30 107. Carry out duties relating to the attachment of prop-
31 erty as provided in chapter 639.
- 32 108. Carry out duties relating to garnishment as provided
33 in chapter 642.
- 34 109. With acceptable surety, approve bonds of the plain-
35 tiff desiring immediate delivery of the property in an action

- 1 of replevin as provided in sections 643.7 and 643.12.
- 2 110. Carry out duties relating to the disposition of lost
3 property as provided in chapter 644.
- 4 111. Carry out duties relating to the recovery of real
5 property as provided in section 646.23.
- 6 112. Endorse the court's approval of a restored record
7 as provided in section 647.3.
- 8 113. When a judgment of foreclosure is entered, file with
9 the recorder an instrument acknowledging the foreclosure and
10 the date of decree and upon payment of the judgment, file
11 an instrument with the recorder acknowledging the satisfac-
12 tion as provided in sections 655.4 and 655.5.
- 13 114. Carry out duties relating to the issuance of a writ
14 of habeas corpus as provided in sections 663.9, 663.43, and
15 663.44.
- 16 115. Accept and docket an application for post-conviction
17 review of a conviction as provided in section 663A.3.
- 18 116. Report all fines, forfeited recognizances, penalties,
19 and forfeitures as provided in section 602.9106, subsection
20 3 and section 666.6.
- 21 117. Issue a warrant for the seizure of a boat or raft
22 as provided in section 667.2.
- 23 118. Carry out duties relating to the changing of a per-
24 son's name as provided in chapter 674.
- 25 119. Notify the state registrar of vital statistics of
26 a judgment determining the paternity of an illegitimate child
27 as provided in section 675.36.
- 28 120. Enter a judgment made by confession and issue an
29 execution of the judgment as provided in section 676.4.
- 30 121. With acceptable surety, approve the bond of a re-
31 ceiver as provided in section 680.3.
- 32 122. Carry out duties relating to the assignment of prop-
33 erty for the benefit of creditors as provided in chapter 681.
- 34 123. Carry out duties relating to the certification of
35 surety companies and the investment of trust funds as pro-

1 vided in chapter 682.

2 124. Maintain a separate docket for petitions requesting
3 that the record and evidence in a judicial review proceeding
4 be closed as provided in section 692.5.

5 125. Furnish a disposition of each criminal complaint
6 or information filed in the district court to the department
7 of public safety as provided in section 692.15.

8 126. Carry out duties relating to the issuance of warrants
9 to persons who fail to appear to answer citations as provided
10 in section 805.5.

11 127. Provide for a traffic and scheduled violations office
12 for the district court and service the locked collection boxes
13 at weigh stations as provided in section 805.7.

14 128. Issue a summons to corporations to answer an indict-
15 ment as provided in section 807.5.

16 129. Carry out duties relating to the disposition of
17 seized property as provided in sections 809.2 and 809.3.

18 130. Docket undertakings of bail as liens on real estate
19 and enter them upon the lien index as provided in section
20 811.4.

21 131. Hold the amount of forfeiture and judgment of bail
22 in the clerk's office for sixty days as provided in section
23 811.6.

24 132. Carry out duties relating to appeals from the dis-
25 trict court as provided in chapter 814.

26 133. Certify costs and fees payable by the state as
27 provided in section 815.1.

28 134. Notify the director of the division of adult correc-
29 tions of the department of social services of the commitment
30 of a convicted person as provided in section 901.7.

31 135. Carry out duties relating to deferred judgments,
32 probations, and restitution as provided in sections 907.4
33 and 907.8, and chapter 910.

34 136. Carry out duties relating to the impaneling and pro-
35 ceedings of the grand jury as provided in R.Cr.P. 3, Ia. Ct.

- 1 Rules, 2nd ed.
- 2 137. Issue subpoenas upon application of the prosecuting
- 3 attorney and approval of the court as provided in R.Cr.P.
- 4 5, Ia. Ct. Rules, 2nd ed.
- 5 138. Issue summons or warrants to defendants as provided
- 6 in R.Cr.P. 7, Ia. Ct. Rules, 2nd ed.
- 7 139. Carry out duties relating to the change of venue
- 8 as provided in R.Cr.P. 10, Ia. Ct. Rules, 2nd ed.
- 9 140. Issue blank subpoenas for witnesses at the request
- 10 of the defendant as provided in R.Cr.P. 14, Ia. Ct. Rules,
- 11 2nd ed.
- 12 141. Carry out duties relating to the entry of judgment
- 13 as provided in R.Cr.P. 22, Ia. Ct. Rules, 2nd ed.
- 14 142. Carry out duties relating to the execution of a judg-
- 15 ment as provided in R.Cr.P. 24, Ia. Ct. Rules, 2nd ed.
- 16 143. Carry out duties relating to the trial of simple
- 17 misdemeanors as provided in R.Cr.P. 32 through 56, Ia. Ct.
- 18 Rules, 2nd ed.
- 19 144. Serve notice of an order of judgment entered as
- 20 provided in R.C.P. 82, Ia. Ct. Rules, 2nd ed.
- 21 145. If a party is ordered or permitted to plead further
- 22 by the court, serve notice to attorneys of record as pro-
- 23 vided in R.C.P. 86, Ia. Ct. Rules, 2nd ed.
- 24 146. Maintain a motion calendar as provided in R.C.P.
- 25 117, Ia. Ct. Rules, 2nd ed.
- 26 147. Provide notice of a judgment, order, or decree as
- 27 provided in R.C.P. 120, Ia. Ct. Rules, 2nd ed.
- 28 148. Issue subpoenas as provided in R.C.P. 155, Ia. Ct.
- 29 Rules, 2nd ed.
- 30 149. Tax the costs of taking a deposition as provided
- 31 in R.C.P. 157, Ia. Ct. Rules, 2nd ed.
- 32 150. With acceptable sureties, approve a bond filed for
- 33 change of venue under R.C.P. 167, Ia. Ct. Rules, 2nd ed.
- 34 151. Transfer the papers relating to a case transferred
- 35 to another court as provided in R.C.P. 173, Ia. Ct. Rules,

1 2nd ed.

2 152. Maintain a ready calendar list as provided in R.C.P.
3 181.1, Ia. Ct. Rules, 2nd ed.

4 153. Assess costs related to a continuance motion as pro-
5 vided in R.C.P. 182, Ia. Ct. Rules, 2nd ed.

6 154. Carry out duties relating to the impaneling of jurors
7 as provided in R.C.P. 187 through 190, Ia. Ct. Rules, 2nd
8 ed.

9 155. Furnish a referee, auditor, or examiner with a copy
10 of the order of appointment as provided in R.C.P. 207, Ia.
11 Ct. Rules, 2nd ed.

12 156. Mail a copy of the referee's, auditor's, or examiner's
13 report to the attorneys of record as provided in R.C.P. 214,
14 Ia. Ct. Rules, 2nd ed.

15 157. Carry out duties relating to the entry of judgments
16 as provided in R.C.P. 223, 226, 227.1, 228, and 229, Ia. Ct.
17 Rules, 2nd ed.

18 158. Carry out duties relating to defaults and judgments
19 on defaults as provided in R.C.P. 231, 232, and 233, Ia. Ct.
20 Rules, 2nd ed.

21 159. Notify the attorney of record if exhibits used in
22 a case are to be destroyed as provided in R.C.P. 253.1, Ia.
23 Ct. Rules, 2nd ed.

24 160. Docket the request for a hearing on a sale of property
25 as provided in R.C.P. 290, Ia. Ct. Rules, 2nd ed.

26 161. With acceptable surety, approve the bond of a citizen
27 commencing an action of quo warranto as provided in R.C.P.
28 300, Ia. Ct. Rules, 2nd ed.

29 162. Carry out duties relating to the issuance of a writ
30 of certiorari as provided in R.C.P. 306 through 319, Ia. Ct.
31 Rules, 2nd ed.

32 163. Carry out duties relating to the issuance of an in-
33 junction as provided in R.C.P. 320 through 330, Ia. Ct. Rules,
34 2nd ed.

35 164. Carry out other duties as provided by law.

1 Sec. 9103. NEW SECTION. 602.9103 GENERAL POWERS. The
2 clerk may:

3 1. Administer oaths and take affirmations as provided
4 in section 78.1.

5 2. Reproduce original records of the court by any reason-
6 ably permanent legible means including, but not limited to,
7 reproduction by photographing, photostating, microfilming,
8 and computer cards. The reproduction shall include proper
9 indexing. The reproduced record has the same authenticity
10 as the original record.

11 3. After the original record is reproduced and after ap-
12 proval of a majority of the judges of the district court by
13 court order, destroy the original records including, but not
14 limited to, dockets, journals, scrapbooks, files, and marriage
15 license applications. The order shall state the specific
16 records which are to be destroyed. An original court file
17 shall not be destroyed until after ten years from the date
18 a decree or judgment entry is signed and entered of record
19 and after the contents have been reproduced, but if the matter
20 is dismissed with prejudice before judgment or decree, the
21 original file may be destroyed one year from the date of the
22 dismissal and after its reproduction is authorized and
23 completed as provided in this subsection. As used in this
24 subsection and subsection 4, "destroy" includes the
25 transmission of the original records which are of general
26 historical interest to any recognized historical society or
27 association.

28 4. Destroy the following original records without prior
29 court order or reproduction except as otherwise provided in
30 this subsection:

31 a. Records including, but not limited to, dockets,
32 journals, scrapbooks, and files including court reporters'
33 notes, forty years after final disposition of the case.
34 However, judgments, decrees, stipulations, records in criminal
35 proceedings, probate records, and orders of court shall not

1 be destroyed unless they have been reproduced as provided
2 in subsection 2.

3 b. Administrative records, after five years, including,
4 but not limited to, warrants, subpoenas, clerks' certificates,
5 statements, praecipes, and depositions.

6 c. Records, dockets, and court files of civil and criminal
7 actions heard in the municipal court which were transferred
8 to the clerk, other than juvenile and adoption proceedings,
9 after a period of twenty years from the date of filing of
10 the actions.

11 d. Original court files on dissolutions of marriage, one
12 year after dismissal by the parties or under R.C.P. 215, Ia.
13 Ct. Rules, 2nd ed.

14 e. Small claims files, one year after dismissal with or
15 without prejudice.

16 f. Uniform traffic citations in the magistrate court or
17 traffic and scheduled violations office, one year after final
18 disposition.

19 5. Invest money which is paid to the clerk to be paid
20 to any other person in a savings account of a supervised
21 financial organization as defined in section 537.1301,
22 subsection 41, except a credit union operating pursuant to
23 chapter 533. The provisions of chapter 453 relating to the
24 deposit and investment of public funds apply to the deposit
25 and investment of the money except that a supervised financial
26 organization other than a credit union may be designated as
27 a depository and the money shall be available upon demand.
28 The interest earnings shall be paid into the general fund
29 of the state, except as otherwise provided by law.

30 Sec. 9104. NEW SECTION. 602.9104 RECORDS AND BOOKS.

31 1. The records of the court consist of the original papers
32 filed in all proceedings.

33 2. The following books shall be kept by the clerk:

34 a. A record book which contains the entries of the pro-
35 ceedings of the court and which has an index referring to

1 each proceeding in each cause under the names of the parties,
2 both plaintiff and defendant, and under the name of each
3 person named in either party.

4 b. A judgment docket which contains an abstract of the
5 judgments having separate columns for the names of the parties,
6 the date of the judgment, the damages recovered, costs, the
7 date of the issuance and return of executions, the entry of
8 satisfaction, and other memoranda. The docket shall have
9 an index containing the information specified in paragraph
10 a.

11 c. A fee book in which is listed in detail the costs and
12 fees in each action or proceeding under the title of the ac-
13 tion or proceeding. The fee book shall also have an index
14 containing the information specified in paragraph a.

15 d. A sale book in which the following matters relating
16 to a judgment under which real property is sold, are entered
17 after the return of execution:

18 (1) The title of the action.

19 (2) The date of judgment.

20 (3) The amount of damages recovered.

21 (4) The total amount of costs.

22 (5) The officer's return in full.

23 The sale book shall have an index containing the information
24 specified in paragraph a.

25 e. An encumbrance book in which the sheriff shall enter
26 a statement of the levy of each attachment on real estate.

27 f. An appearance docket in which the titles of all actions
28 or special proceedings shall be entered. The actions or pro-
29 ceedings shall be numbered consecutively in the order in which
30 they commence and shall include the full names of the parties,
31 plaintiffs and defendants, as contained in the petition or
32 as subsequently made parties by a pleading, proceeding, or
33 order. The entries provided for in this paragraph and para-
34 graphs b and c may be combined in one book, the combination
35 docket, which shall also have an index containing the informa-

1 tion specified in paragraph a.

2 g. A lien book in which an index of all liens in the court
3 are kept.

4 h. A record of official bonds as provided in section
5 64.24.

6 i. An inheritance tax and lien book as provided in section
7 450.13.

8 j. A cemetery record as provided in section 566.4.

9 k. A hospital lien docket as provided in section 582.4.

10 l. A marriage license book as provided in section 595.6.

11 m. A book of surety company certificates and revocations
12 as provided in section 682.13.

13 n. A book in which the deposits of funds, money, and
14 securities kept by the clerk are recorded as provided in
15 section 682.37.

16 Sec. 9105. NEW SECTION. 602.9105 FEES--COLLECTION AND
17 DISPOSITION.

18 1. The clerk shall collect the following fees:

19 a. For filing a petition, appeal, or writ of error and
20 docketing them, twenty-five dollars. Four dollars of the
21 fee shall be deposited in the court revenue distribution
22 account established under section 602.9108, and twenty-one
23 dollars of the fee shall be paid into the state treasury.
24 Of the amount paid to the state treasury, one dollar shall
25 be deposited in the judicial retirement fund established in
26 section 602.2104 to be used to pay retirement benefits of
27 the judicial retirement system, and the remainder shall be
28 deposited in the general fund of the state. In counties
29 having a population of one hundred thousand or over, an
30 additional five dollars shall be charged and collected, to
31 be known as the journal publication fee and used for the
32 purposes provided for in section 618.13.

33 b. For an attachment, two dollars.

34 c. For a cause tried by jury, five dollars.

35 d. For a cause tried by the court, two dollars and fifty

- 1 cents.
- 2 e. For an equity case, three dollars.
- 3 f. For an injunction or other extraordinary process or
4 order, five dollars.
- 5 g. For a cause continued on application of a party by
6 affidavit, two dollars.
- 7 h. For a continuance, one dollar.
- 8 i. For entering a final judgment or decree, one dollar
9 and fifty cents.
- 10 j. For taxing costs, one dollar.
- 11 k. For issuing an execution or other process after judgment
12 or decree, two dollars.
- 13 l. For filing, entering, and endorsing a mechanic's lien,
14 three dollars, and if a suit is brought, the fee is taxable
15 as other costs in the action.
- 16 m. For a certificate and seal, two dollars.
- 17 n. For filing and docketing a transcript of judgment from
18 another county, one dollar.
- 19 o. For entering a rule or order, one dollar.
- 20 p. For issuing a writ or order, not including subpoenas,
21 two dollars.
- 22 q. For issuing a commission to take depositions, two
23 dollars.
- 24 r. For entering a sheriff's sale of real estate, two
25 dollars.
- 26 s. For entering a judgment by confession, two dollars.
- 27 t. For entering a satisfaction of a judgment, one dollar.
- 28 u. For a copy of records or papers filed in the clerk's
29 office, transcripts, and making a complete record, fifty cents
30 for each one hundred words.
- 31 v. For taking and approving a bond and sureties on the
32 bond, two dollars.
- 33 w. For receiving and filing a declaration of intention
34 and issuing a duplicate, two dollars. For making, filing,
35 and docketing the petition of an alien for admission as a

1 citizen of the United States and for the final hearing, four
2 dollars; and for entering the final order and the issuance
3 of the certificate of citizenship, if granted, four dollars.

4 x. In addition to the fees required in paragraph w, the
5 petitioner shall, upon the filing of a petition to become
6 a citizen of the United States, deposit with the clerk money
7 sufficient to cover the expense of subpoenaing and paying
8 the legal fees of witnesses for whom the petitioner may request
9 a subpoena, and upon the final discharge of the witnesses
10 they shall receive, if they demand it from the clerk, the
11 customary and usual witness fees from the moneys collected,
12 and the residue, if any, except the amount necessary to pay
13 the cost of serving the subpoenas, shall be returned by the
14 clerk to the petitioner.

15 y. For a certificate and seal to an application to procure
16 a pension, bounty, or back pay for a soldier or other person,
17 no charge.

18 z. For making out a transcript in a criminal case appealed
19 to the supreme court, for each one hundred words, fifty cents.

20 aa. In criminal cases, the same fees for the same services
21 as in civil cases, to be paid by the county or city initiating
22 the action as provided in section 602.9109. When judgment
23 is rendered against the defendant, costs collected from the
24 defendant shall be paid to the county or city initiating the
25 action to the extent necessary for reimbursement for fees
26 paid.

5794 27 bb. For issuing a marriage license, ten dollars. For
28 issuing an application for an order of the district court
29 authorizing the issuance of a license to marry prior to the
30 expiration of three days from the date of filing the
31 application for the license, five dollars.

32 cc. For certifying a change in title of real estate, two
33 dollars.

34 dd. In addition to all other fees, for making a complete
35 record in cases where a complete record is required by law

1 or directed by an order of the court, for every one hundred
2 words, twenty cents.

3 ee. For providing transcripts, certificates, other
4 documents, and services in probate matters, the fees specified
5 in section 633.31.

6 ff. The jury fee and court reporter fee specified in
7 chapter 625.

8 gg. Other fees provided by law.

9 2. The fees collected by the clerk as provided in
10 subsection 1 shall be deposited in the court revenue
11 distribution account established under section 602.9108,
12 except as otherwise provided by that section or by applicable
13 law.

14 3. The clerk shall keep an accurate record of the fees
15 collected in a fee book, and make a quarterly report of the
16 fees collected to the supreme court.

17 4. The clerk shall pay to the treasurer of state on the
18 first Monday which is not a holiday in January and July of
19 each year all fees which have come into the clerk's possession
20 since the date of the preceding payment, which do not belong
21 to the clerk's office, and which are unclaimed. The clerk
22 shall give the treasurer the title of the cause and style
23 of the court in which the suit is pending, the names of the
24 witnesses, jurors, officers, or other persons involved in
25 the action, and the amount of money to which each of the
26 persons is entitled. The treasurer of state shall deposit
27 the funds in the general fund of the state as state revenue,
28 provided that fees so deposited shall be paid to the persons
29 entitled to them upon proper and timely demand. If payment
30 of a fee is demanded, with proper proof, by the person entitled
31 to it within five years from the date that the money is paid
32 to the treasurer, the comptroller shall issue a warrant to
33 pay the claim. If a person entitled to unclaimed fees does
34 not demand payment within the five years, all rights to the
35 fees or interest in the fees are waived and payment shall

1 not be made.

2 Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES--COLLECTION
3 AND DISPOSITION.

4 1. Notwithstanding section 602.9105, the fee for the
5 filing and docketing of a complaint or information for a
6 simple misdemeanor shall be six dollars, provided that a fee
7 for filing and docketing a complaint or information shall
8 not be collected in cases of overtime parking.

9 2. The clerk shall remit ninety percent of all fines and
10 forfeited bail received from a magistrate or district associate
11 judge to the city that was the plaintiff in any action, and
12 shall provide that city with a statement showing the total
13 number of cases, the total of all fines and forfeited bail
14 collected, and the total of all cases dismissed. The clerk
15 shall deposit the remaining ten percent in the court revenue
16 distribution account established under section 602.9108.

17 3. The clerk shall remit all other fines and forfeited
18 bail received from a magistrate to the treasurer of state
19 for distribution under section 602.9107.

20 4. All fees and costs for the filing of a complaint or
21 information or upon forfeiture of bail received from a
22 magistrate shall be distributed by the clerk as follows:

23 a. One-half shall be remitted monthly by the clerk to
24 the treasurer of state to be credited to the general fund
25 of the state.

26 b. One-third shall be deposited in the court revenue
27 distribution account established under section 602.9108.

28 c. One-sixth shall be remitted monthly by the clerk to
29 the treasurer of state to be credited to the judicial
30 retirement fund established under section 602.2104.

31 Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES-
32 APPROPRIATION.

33 1. The treasurer of state shall certify to the state comp-
34 troller the amounts received from a clerk of the district
35 court under section 602.9106, subsection 3.

2. The state comptroller shall distribute amounts certified under subsection 1 to the school district in which the fines and forfeited bail were received, provided that commencing in the fiscal year beginning in July, 1985, the maximum amount a school district is entitled to receive during a fiscal year is the amount paid to the school district under this section during the fiscal year beginning July 1, 1984.

3. Any amount collected under section 602.9106, subsection 3 that is in excess of the amount to which a school district is entitled under subsection 2 shall be deposited in the general fund of the state.

4. There is appropriated to the state comptroller as much of the revenues received under section 602.9106, subsection 3 as is necessary for the distributions required under subsection 2.

Sec. 9108. NEW SECTION. 602.9108 COURT REVENUE DISTRIBUTION ACCOUNT.

1. The clerk of the district court shall establish and maintain a court revenue distribution account. The clerk shall deposit in this account all fees and other receipts that are specifically required by law to be deposited in the court revenue distribution account. The account shall not be used for any other purpose.

2. Revenue deposited in the court revenue distribution account shall be distributed as follows:

a. Of the revenue received by the clerk during the fiscal year commencing July 1, 1983 and ending June 30, 1984, the clerk shall remit eighty percent to the county treasurer and twenty percent to the treasurer of state.

b. Of the revenue received by the clerk during the fiscal year commencing July 1, 1984 and ending June 30, 1985, the clerk shall remit sixty percent to the county treasurer and forty percent to the treasurer of state.

c. Of the revenue received by the clerk during the fiscal year commencing July 1, 1985 and ending June 30, 1986, the

1 clerk shall remit forty percent to the county treasurer and
2 sixty percent to the treasurer of state.

3 d. Of the revenue received by the clerk during the fiscal
4 year commencing July 1, 1986 and ending June 30, 1987, the
5 clerk shall remit twenty percent to the county treasurer and
6 eighty percent to the treasurer of state.

7 e. The clerk shall remit all revenue received on or after
8 July 1, 1987, to the treasurer of state.

9 3. The clerk of the district court shall account for and
10 distribute revenue deposited in the court revenue distribution
11 account on a monthly basis. Not later than the fifteenth
12 day of each calendar month, the clerk shall distribute all
13 revenues received during the preceding calendar month according
14 to the applicable formula as stated in subsection 2. Each
15 distribution shall be accompanied by a statement disclosing
16 the total amount of revenue received during the accounting
17 period, any adjustments of gross revenue figures that are
18 necessary to reflect changes in the balance of the court
19 revenue distribution account, including but not limited to
20 reductions resulting from the dishonor of checks previously
21 accepted by the clerk, and the amount distributed to each
22 recipient under subsection 2.

23 4. Revenue distributed to the treasurer of state under
24 this section shall be deposited in the general fund of the
25 state. Revenue distributed to a county under this section
26 shall be deposited in the county general fund.

27 Sec. 9109. NEW SECTION. 602.9109 SETTLEMENT OF ACCOUNTS
28 OF CITIES AND COUNTIES.

29 1. A city or a county shall pay court costs and other
30 fees payable to the clerk of the district court for services
31 rendered upon receipt of a statement from the clerk disclos-
32 ing the amount due.

33 2. No later than the fifteenth day of each calendar month
34 the clerk of the district court shall deliver to the county
35 auditor a statement disclosing all of the following:

1 a. The specific amounts of statutory fees and costs that
2 are payable by the county to the clerk for services rendered
3 by the clerk or other state officers or employees during the
4 preceding month in connection with each civil or criminal
5 action, and the total of all of these fees and costs.

6 b. Any amounts collected by the clerk of the district
7 court during the preceding month as costs in an action when
8 these amounts are payable by law to the county as reimbursement
9 for costs incurred by the county in connection with a civil
10 or criminal action, and the total of all of these amounts.

11 3. If the amount owed by the county under subsection 2,
12 paragraph a for a calendar month is greater than the amount
13 due to the county under subsection 2, paragraph b for that
14 month, the county shall remit the difference to the clerk
15 of the district court no later than the last day of the month
16 in which the statement under subsection 2 is received.

17 4. If the amount due to the county under subsection 2,
18 paragraph b for a calendar month is greater than the amount
19 owed by the county under subsection 2, paragraph a for that
20 month, the clerk of the district court shall remit the
21 difference to the county treasurer no later than the last
22 day of the month in which the statement under subsection 2
23 is delivered.

24 5. The clerk of the district court shall submit a state-
25 ment to the city clerk of a city for statutory fees and costs
26 that are payable by the city for services rendered by the
27 clerk of the district court or other state officers or
28 employees in connection with civil or criminal actions. The
29 city shall pay amounts due within thirty days after the date
30 the statement is mailed.

31 6. The clerk of the district court shall remit to a city
32 within thirty days after receipt any amounts collected by
33 the clerk as costs in an action when these amounts are payable
34 by law to the city as reimbursement for costs incurred by
35 the city in connection with a civil or criminal action.

1 7. Amounts not paid as required under subsection 3, 4,
 2 5, or 6 shall bear interest for each day of delinquency at
 3 the rate in effect as of the day of delinquency for time
 4 deposits of public funds for eighty-nine days, as established
 5 under section 453.6.

6 DIVISION II

7 COORDINATING AMENDMENTS

8 Sec. 10001. Section 2.42, Code 1983, is amended by adding
 9 the following new subsection:

10 NEW SUBSECTION. 16. Authority to review proposed rules
 11 and forms submitted by the supreme court pursuant to section
 12 684.18.

13 Sec. 10002. Section 4.1, Code 1983, is amended by adding
 14 the following new subsections:

15 NEW SUBSECTION. COURT EMPLOYEE. "Court employee" and
 16 "employee of the judicial department" include every officer
 17 or employee of the judicial department except a judicial
 18 officer.

19 NEW SUBSECTION. JUDICIAL OFFICER. "Judicial officer"
 20 means a supreme court justice, a judge of the court of appeals,
 21 a district judge, a district associate judge, or a magistrate.
 22 The term also includes a person who is temporarily serving
 23 as a justice, judge, or magistrate as permitted by section
 24 602.1612 or 602.2206.

25 NEW SUBSECTION. "Magistrate" means a judicial officer
 26 appointed under division I, article 7, part 4 of chapter 602.

27 Sec. 10003. Section 12.9, Code 1983, is amended to read
 28 as follows:

29 12.9 ANNUAL REPORT OF FILING FEES. The treasurer of state
 30 shall annually report to the governor and the general assembly
 31 the total amount of fees and costs received by the treasurer
 32 of state under ~~section 602.557-subsection 17-and-section~~
 33 ~~331-7057-subsection 17-paragraphs "a" to "ad"~~ sections
 34 602.9105, 602.9106, 602.9107, and 602.9108 for the fiscal
 35 year ending June 30. The report shall be submitted within

1 ninety days following the completion of the fiscal year.

2 Sec. 10004. Section 14.10, subsection 4, Code 1983, is
3 amended to read as follows:

4 4. A list of elective state officers and deputies, supreme
5 court justices, ~~and appellate court~~ judges of the court of
6 appeals, and members of the general assembly shall be published
7 annually with the session laws.

8 Sec. 10005. Section 17A.2, subsection 1, Code 1983, is
9 amended to read as follows:

10 1. "Agency" means each board, commission, department,
11 officer or other administrative office or unit of the state.
12 "Agency" does not mean the general assembly, the ~~courts~~
13 judicial department or any of its components, the governor
14 or a political subdivision of the state or its offices and
15 units. Unless provided otherwise by statute, no less than
16 two-thirds of the members eligible to vote of a multimember
17 agency ~~shall~~ constitute a quorum authorized to act in the
18 name of the agency.

19 Sec. 10006. Section 17A.13, subsection 1, Code 1983, is
20 amended to read as follows:

21 1. Agencies have all subpoena powers conferred upon them
22 by their enabling acts or other statutes. In addition, prior
23 to the commencement of a contested case by the notice referred
24 to in section 17A.12, subsection 1, an agency having power
25 to decide contested cases ~~has authority to~~ may subpoena books,
26 papers, records and any other real evidence necessary for
27 the agency to determine whether it should institute a contested
28 case proceeding. After the commencement of a contested case,
29 each agency having power to decide contested cases has
30 ~~authority to~~ may administer oaths and ~~to~~ issue subpoenas in
31 those cases. Discovery procedures applicable to civil actions
32 are available to all parties in contested cases before an
33 agency. Evidence obtained in discovery may be used in the
34 hearing before the agency if that evidence would otherwise
35 be admissible in the agency hearing. Agency subpoenas shall

1 be issued to a party on request ~~and shall not be subject to~~
2 ~~the distance limitation of section 622-68.~~ On contest, the
3 court shall sustain the subpoena or similar process or demand
4 to the extent that it is found to be in accordance with the
5 law applicable to the issuance of subpoenas or discovery in
6 civil actions. In proceedings for enforcement, the court
7 shall issue an order requiring the appearance of the witness
8 or the production of the evidence or data within a reasonable
9 time under penalty of punishment for contempt in cases of
10 willful failure to comply.

11 Sec. 10007. Section 17A.20, Code 1983, is amended to read
12 as follows:

13 17A.20 APPEALS. An aggrieved or adversely affected party
14 to the judicial review proceeding may obtain a review of any
15 final judgment of the district court under this chapter by
16 appeal ~~to the supreme court.~~ The appeal shall be taken as
17 in other civil cases, although the appeal may be taken re-
18 gardless of the amount involved.

19 Sec. 10008. Section 18.97, subsection 15, paragraph e,
20 Code 1983, is amended to read as follows:

21 e. ~~Court~~ State court administrator.

22 Sec. 10009. Section 18.97, subsection 15, Code 1983, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. Each district court administrator.

25 Sec. 10010. Section 18.117, unnumbered paragraph 2, Code
26 1983, is amended to read as follows:

27 This section ~~shall~~ does not apply to officials and employees
28 of the state whose mileage is paid by other than state agencies
29 and, ~~except for the provisions relating to mileage~~
30 ~~reimbursement,~~ this section ~~shall~~ does not apply to elected
31 officers of the state, ~~judges of the district court,~~ judges
32 ~~of the court of appeals or judges of the supreme court~~ judicial
33 officers, or court employees.

34 Sec. 10011. Section 19A.3, subsection 12, Code 1983, is
35 amended to read as follows:

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

3 Sec. 10012. Section 20.4, subsection 7, Code 1983, is
4 amended to read as follows:

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

10 Sec. 10013. Section 25A.6, Code 1983, is amended to read
11 as follows:

12 25A.6 APPLICABLE RULES. In suits under this chapter,
13 the forms of process, writs, pleadings, and actions, and the
14 practice and procedure, shall be in accordance with the rules
15 of civil procedure ~~promulgated-and-adopted-by-the-supreme~~
16 ~~court-of-the-state~~. The same provisions for counterclaims,
17 setoff, interest upon judgments, and payment of judgments,
18 ~~shall-be~~ are applicable as in other suits brought in the
19 district ~~courts-of-the-state~~ court. However, no writ of
20 execution shall issue against the state or any state agency
21 by reason of any a judgment under this chapter.

22 Sec. 10014. Section 39.17, unnumbered paragraph 1, Code
23 1983, is amended to read as follows:

* 24 There shall be elected in each county at the general
25 election to be held in the year 1976 and every four years
26 thereafter, ~~a-clerk-of-the-district-court,~~ an auditor and
27 a sheriff ~~who-shall,~~ each to hold office for a term of four
28 years.

29 Sec. 10015. Section 44.7, Code 1983, is amended to read
30 as follows:

31 44.7 HEARING BEFORE COMMISSIONER. Objections filed with
32 the commissioner shall be considered by the county auditor,
33 ~~clerk-of-the-district-court~~ county treasurer, and county
34 attorney, and a majority decision shall be final; but if the
35 objection is to the certificate of nomination of one or more

1 of the above named county officers, ~~said~~ the officer or
 2 officers ~~se~~ objected to shall not pass upon ~~such~~ the objection,
 3 but their places shall be filled, respectively, by the ~~county~~
 4 ~~treasurer~~ chairperson of the board of supervisors, the sheriff,
 5 and the county recorder.

6 Sec. 10016. Section 46.16, subsection 1, unnumbered para-
 7 graph 1, Code 1983, is amended to read as follows:

8 Subject to ~~the provisions of~~ sections 605-24-and-605-25
 9 602.1610 and 602.1612 and to removal for cause:

10 Sec. 10017. Section 64.6, Code 1983, is amended by adding
 11 the following new subsection:

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

14 Sec. 10018. Section 64.8, Code 1983, is amended to read
 15 as follows:

16 64.8 BONDS OF COUNTY OFFICERS. The bonds of members of
 17 the boards of supervisors, ~~clerks of the district courts,~~
 18 county attorneys, recorders, auditors, sheriffs and assessors
 19 shall each be in a penal sum of not less than ten thousand
 20 dollars ~~each~~ per annum.

21 Sec. 10019. Section 64.11, Code 1983, is amended to read
 22 as follows:

23 64.11 EXPENSE OF BONDS PAID BY COUNTY. If ~~any a~~ county
 24 treasurer, ~~clerk of the district court,~~ county attorney,
 25 recorder, auditor, sheriff, medical examiner, ~~members of~~
 26 member of the soldiers relief commission, ~~members~~ member of
 27 the board of supervisors, engineer, steward or matron ~~shall~~
 28 ~~elect~~ elects to furnish a bond with any association or
 29 incorporation as surety as provided in this chapter, the
 30 reasonable cost of ~~such~~ the bond shall be paid by the county
 31 where the bond is filed.

32 Sec. 10020. Section 64.19, Code 1983, is amended by adding
 33 the following new subsection:

34 NEW SUBSECTION. By the state court administrator in case
 35 of district court clerks and first deputy clerks.

1 Sec. 10021. Section 64.23, subsection 1, Code 1983, is
2 amended to read as follows:

3 1. For all state officers, elective or appointive, except
4 those of the secretary of state and judicial ~~magistrate~~
5 magistrates, with the secretary of state. Bonds and official
6 oaths of judicial magistrates and court personnel shall be
7 filed in the office of the ~~district-court-clerk~~ state court
8 administrator.

9 Sec. 10022. Section 66.19, Code 1983, is amended to read
10 as follows:

11 66.19 TEMPORARY OFFICER. Upon ~~such~~ a suspension, the
12 board or person authorized to fill a vacancy in the office
13 shall temporarily fill the office by appointment. In case
14 of a suspension of a ~~clerk-or~~ sheriff, the district court
15 may ~~supply-such-place-by-appointment~~ designate an acting
16 sheriff until a temporary ~~appointment-shall-be-made~~ sheriff
17 is appointed. ~~Such-orders~~ Orders of suspension and temporary
18 appointment of county and township officers shall be certified
19 to the county auditor, ~~and-be-by-him-entered~~ for entry in
20 the election book; those of city officers, certified to the
21 clerk and entered upon the records; in case of other officers,
22 to the person or body making the original appointment.

23 Sec. 10023. Section 68.1, Code 1983, is amended to read
24 as follows:

25 68.1 IMPEACHMENT DEFINED. An impeachment is a written
26 accusation against the governor, or a ~~judge-of-the-supreme~~
27 ~~or-district-court~~ judicial officer, or other state officer,
28 by the house of representatives before the senate, of a
29 misdemeanor or malfeasance in office.

30 Sec. 10024. Section 69.3, Code 1983, is amended to read
31 as follows:

32 69.3 POSSESSION OF OFFICE. When a vacancy occurs in a
33 public office, possession shall be taken of the office room,
34 the books, papers, and all things pertaining ~~thereto~~ to the
35 office, to be held until the qualification of a successor,

1 as follows: Of the office of the county auditor, by the ~~clerk~~
 2 ~~of-the-district-court~~ county treasurer; of the ~~clerk-of~~ county
 3 treasurer, by the county auditor; of any of the state officers,
 4 by the governor, or, in ~~his~~ the absence or inability of the
 5 governor at the time of the occurrence, as follows: Of the
 6 secretary of state, by the treasurer of state; of the auditor
 7 of state, by the secretary of state; of the treasurer of
 8 state, by the secretary of state and auditor of state, who
 9 shall make an inventory of the money and warrants ~~therein~~
 10 in the office, sign ~~the same~~ them, and transmit ~~it~~ the
 11 inventory to the governor; and the secretary of state shall
 12 take the keys of the safe and desks, after depositing the
 13 books, papers, money and warrants ~~therein~~ in them, and the
 14 auditor of state shall take the key ~~of~~ to the office room.

15 Sec. 10025. Section 69.8, subsection 3, Code 1983, is
 16 amended by striking the subsection.

17 Sec. 10026. Section 69.8, subsection 5, Code 1983, is
 18 amended to read as follows:

19 5. BOARD OF SUPERVISORS. In the membership of the board
 20 of supervisors, by the ~~clerk-of-the-district-court~~ treasurer,
 21 auditor, and recorder.

22 Sec. 10027. Section 69.8, subsection 6, Code 1983, is
 23 amended by striking the subsection.

24 Sec. 10028. Section 79.12, Code 1983, is amended to read
 25 as follows:

26 79.12 WARRANTS PROHIBITED. ~~No~~ A warrant ~~shall-be-issued~~
 27 requiring ~~any~~ a peace officer to go beyond the boundaries
 28 of the state at public expense shall not be issued except
 29 with the approval of a ~~judge-of-the~~ district court judge.

30 Sec. 10029. Section 85.49, unnumbered paragraph 1, Code
 31 1983, is amended to read as follows:

32 When a minor or mentally incompetent dependent is entitled
 33 to weekly benefits under this chapter, chapter 85A or chapter
 34 85B, payment shall be made to the clerk of the district court
 35 for the county in which the injury occurred, who shall act

1 as trustee, and the money coming into the clerk's hands shall
 2 be expended for the use and benefit of the person entitled
 3 ~~thereto to it~~ under the direction and orders of a district
 4 ~~judge of the district court, in which such county is located.~~
 5 The clerk of the district court, as ~~such~~ trustee, shall qualify
 6 and give bond in ~~such~~ an amount as the district judge may
 7 ~~direct~~ directs, which may be increased or diminished from
 8 time to time ~~as the court may deem best.~~ ~~The cost of such~~
 9 ~~bond shall be paid by the county as the court may direct by~~
 10 ~~written order directed to the auditor of the county who shall~~
 11 ~~issue a warrant therefor upon the treasurer of the county.~~
 12 If the domicile or residence of ~~such~~ the minor or mentally
 13 incompetent dependent ~~be~~ is within the state but in a county
 14 other than that in which the injury to the employee occurred
 15 the industrial commissioner may order and direct that weekly
 16 ~~benefits to such miners or incompetents~~ be paid to the clerk
 17 of the district court of the county ~~wherein they shall be~~
 18 ~~domiciled or reside~~ of domicile or residence.

19 Sec. 10030. Section 85.50, unnumbered paragraph 2, Code
 20 1983, is amended to read as follows:

21 Every A clerk of the district court ~~of every county upon~~
 22 ~~his completion of his term of office shall,~~ or upon his
 23 ~~resignation, removal~~ resigning or being removed from office
 24 or otherwise becoming disqualified as ~~such~~ clerk, ~~shall~~ make
 25 an accounting and final report to be approved by ~~a judge of~~
 26 ~~the district court for said county~~ the chief judge of the
 27 judicial district and all funds and other property shall be
 28 delivered to the successor in the office of ~~such~~ clerk of
 29 the district court.

30 Sec. 10031. Section 91.10, Code 1983, is amended to read
 31 as follows:

32 91.10 POWER TO SECURE EVIDENCE. The labor commissioner
 33 and ~~his~~ the commissioner's deputy ~~shall have the power to~~
 34 may issue subpoenas, administer oaths, and take testimony
 35 in all matters relating to the duties required of them. No

1 witness-shall-be-compelled-by-such-subpoena-to-attend-at-a
2 greater-distance-than-that-provided-for-in-section-622.68-
3 Witnesses subpoenaed and testifying before the commissioner
4 or ~~his~~ the commissioner's deputy shall be paid the same fees
5 as witnesses under section 622.69, such payment to be made
6 out of the funds appropriated to the bureau of labor.

7 Sec. 10032. Section 97B.41, subsection 3, paragraph b,
8 subparagraph (6), Code 1983, is amended to read as follows:

9 (6) ~~Part-time-judicial-magistrates-appointed-pursuant~~
10 ~~to-either-section-602.50-or-section-602.58-unless-such~~
11 ~~magistrates~~ Magistrates other than those who elect by filing
12 an application with the department to be covered under ~~the~~
13 ~~provisions-of~~ this chapter.

14 Sec. 10033. Section 125.76, Code 1983, is amended to read
15 as follows:

16 125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The
17 applicant, if not the county attorney, may apply for the
18 appointment of counsel if financially unable to employ an
19 attorney to assist the applicant in presenting evidence in
20 support of the application for commitment. If the applicant
21 applies for the appointment of counsel, the application shall
22 include the submission of a financial statement as defined
23 ~~in~~ required under section ~~336B-1~~ 815.9.

24 Sec. 10034. Section 125.94, Code 1983, is amended to read
25 as follows:

26 125.94 SUPREME COURT RULES. The supreme court may
27 prescribe rules of pleading, practice, and procedure and the
28 forms of process, writs, and notices under section 602.5201,
29 for all commitment proceedings in a court of this state under
30 this chapter. ~~Any~~ The rules ~~so-prescribed~~ shall be drawn
31 for the purpose of simplifying and expediting the proceedings,
32 so far as is consistent with the rights of the parties
33 involved. The rules shall not abridge, enlarge, or modify
34 the substantive rights of a party to a commitment proceeding
35 under this chapter.

1 Sec. 10035. Section 127.17, Code 1983, is amended to read
2 as follows:

3 127.17 COSTS. When ~~any-such~~ a conveyance is requisitioned
4 by the state department of justice, ~~said~~ the department shall
5 pay ~~to-the-clerk-of-the-district-court,~~ the court costs and
6 the expense incurred by the county or the sheriff in keeping
7 ~~said~~ the conveyance.

8 Sec. 10036. Section 144.36, subsection 1, Code 1983, is
9 amended to read as follows:

10 1. A certificate recording each marriage performed in
11 this state shall be filed with the state registrar. The clerk
12 of the district court shall prepare the certificate on the
13 form furnished by the state registrar upon the basis of
14 information obtained from the parties to be married, who shall
15 attest to the information by their signatures. The clerk
16 of the district court in each county shall keep a record book
17 for marriages. The form of marriage record books shall be
18 uniform throughout the state and shall be prescribed by the
19 state department. ~~Marriage-record-books-shall-be-provided~~
20 ~~at-county-expense-~~ A properly indexed permanent record of
21 marriage certificates upon microfilm, electronic computer,
22 or data processing equipment may be kept instead in lieu of
23 marriage record books.

24 Sec. 10037. Section 144.37, unnumbered paragraph 2, Code
25 1983, is amended to read as follows:

26 The clerk of the district court in each county shall keep
27 a record book for ~~divorees~~ divorces. The form of ~~divoree~~
28 dissolution record books shall be uniform throughout the state
29 and shall be prescribed by the state department. ~~Divoree~~
30 ~~record-books-shall-be-provided-at-county-expense-~~ A properly
31 indexed record of ~~divorees~~ divorces dissolution upon microfilm,
32 electronic computer, or data processing equipment may be kept
33 instead in lieu of ~~divoree~~ divorce dissolution record books.

34 Sec. 10038. Section 144.46, Code 1983, is amended to read
35 as follows:

1 144.46 FEE FOR COPY OF RECORD. The department by rule
2 shall establish fees based on the average administrative cost
3 which shall be collected by the state registrar or the clerk
4 of the district court for each certified copy or short form
5 certification of certificates or records, or for a search
6 of the files or records when no copy is made, or when no
7 record is found on file. Fees collected by the state registrar
8 under this section shall be deposited in the general fund
9 of the state ~~if the service is performed by the department~~
10 ~~or in the general fund of the county if the service is~~
11 ~~performed by the county or local registrar.~~ Fees collected
12 by the clerk of the district court shall be deposited in the
13 court revenue distribution account established under section
14 602.9108. A fee shall not be collected from a political
15 subdivision or agency of this state.

16 Sec. 10039. Section 204.502, subsection 1, paragraph b,
17 unnumbered paragraph 1, Code 1983, is amended to read as
18 follows:

19 A warrant shall issue only upon sworn testimony of an
20 officer or employee of the board duly designated and having
21 knowledge of the facts alleged, before the ~~district or~~
22 ~~municipal court judge~~ judicial officer, establishing the
23 grounds for issuing the warrant. If the ~~judge~~ judicial officer
24 is satisfied that grounds for the application exist or that
25 there is probable cause to believe they exist, ~~he~~ the officer
26 shall issue a warrant identifying the area, premises, building,
27 or conveyance to be inspected, the purpose of the inspection,
28 and, if appropriate, the type of property to be inspected,
29 if any.

30 Sec. 10040. Section 204.502, subsection 1, paragraph d,
31 Code 1983, is amended to read as follows:

32 d. The ~~judge~~ judicial officer who has issued a warrant
33 under this section shall require that there be attached to
34 the warrant a copy of the return, and of all papers filed
35 in connection with the return, and shall file them with the

1 clerk of the district ~~ex-municipal~~ court for the district
2 county in which the inspection was made.

3 Sec. 10041. Section 229.40, Code 1983, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 229.40 RULES FOR PROCEEDINGS. Proceedings under this
7 chapter are subject to rules prescribed by the supreme court
8 under section 602.5201.

9 Sec. 10042. Section 232.2, subsections 8 and 29, Code 1983,
10 are amended to read as follows:

11 8. "Court" means the juvenile court established ~~in-chapter~~
12 231 under section 602.8101.

13 29. "Juvenile probation court officer" ~~ex-"probation~~
14 ~~officer"~~ means a person appointed as a juvenile probation
15 court officer under section-231-8 division I, article 8 of
16 chapter 602 and a chief juvenile court officer appointed under
17 section 602.1215.

18 Sec. 10043. Sections 232.2, subsections 24, 31, and 40,
19 232.19, subsection 1, paragraph d, 232.29, subsection 1,
20 paragraph e, 232.46, subsections 1 and 3, 232.48, subsection
21 1, 232.51, 232.82, subsection 2, 232.87, subsections 2 and
22 3, 232.96, subsection 6, 232.97, subsection 1, 232.111,
23 subsections 1 and 2, and 232.125, subsection 2, Code 1983,
24 are amended by striking the terms "juvenile probation officer"
25 and "probation officer" wherever either or both of those terms
26 appear and inserting in lieu of each of those terms the words
27 "juvenile court officer".

28 Sec. 10044. NEW SECTION. 232.3 CONCURRENT COURT
29 PROCEEDINGS.

30 1. During the pendency of an action under this chapter,
31 a party to the action is estopped from litigating concurrently
32 the custody, guardianship, or placement of a child who is
33 the subject of the action, in a court other than the juvenile
34 court. A district judge, district associate judge, magistrate,
35 or judicial hospitalization referee, upon notice of the

1 pendency of an action under this chapter, shall not issue
2 an order, finding, or decision relating to the custody,
3 guardianship, or placement of the child who is the subject
4 of the action, under any law, including but not limited to
5 chapter 598, 598A, or 633.

6 2. The juvenile court with jurisdiction of the pending
7 action under this chapter, however, may, upon the request
8 of a party to the action or on its own motion, authorize the
9 party to litigate concurrently in another court a specific
10 issue relating to the custody, guardianship, or placement
11 of the child who is the subject of the action. Before
12 authorizing a party to litigate a specific issue in another
13 court, the juvenile court shall give all parties to the action
14 an opportunity to be heard on the proposed authorization.
15 The juvenile court may request but shall not require another
16 court to exercise jurisdiction and adjudicate a specific issue
17 relating to the custody, guardianship, or placement of the
18 child.

19 Sec. 10045. Sections 232.147, subsection 3, paragraph
20 a, and 232.149, subsection 3, paragraph b, Code 1983, are
21 amended by striking the term "juvenile probation officers"
22 wherever the term appears and inserting in lieu thereof the
23 words "juvenile court officers".

24 Sec. 10046. Section 232.152, Code 1983, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 232.152 RULES OF JUVENILE PROCEDURE. Proceedings under
28 this chapter are subject to rules prescribed by the supreme
29 court under section 602.5201.

30 Sec. 10047. Section 247.29, Code 1983, is amended to read
31 as follows:

32 247.29 CRIMINAL STATISTICS. The clerk of the district
33 court shall, on or before July 15 of each year, report to
34 the supreme court, the board of parole, and the director of
35 the division of corrections of the department of social

1 services all of the following information for the preceding
2 fiscal year:

3 1. The number of convictions of all criminal offenses
4 ~~in that court, in his county, for the year ending June 30~~
5 ~~preceeding~~, the character of each offense, the sentence imposed,
6 the occupation of the offender, and whether such or not the
7 offender can read or write.

8 2. ~~Number~~ The number of acquittals in criminal cases.

9 3. ~~Number~~ The number of dismissals by the court without
10 trial, and the nature of the charges so dismissed in criminal
11 cases.

12 4. The expenses ~~of the county~~ for criminal prosecutions
13 ~~during said year~~.

14 Sec. 10048. Section 247.30, Code 1983, is amended by
15 striking the section and inserting in lieu thereof the
16 following:

17 247.30 ITEMIZATION OF STATISTICS. The information required
18 by section 247.29, subsection 4, shall be itemized as follows:

19 1. Fees and mileage paid to jurors.

20 2. The cost of meals and lodging for jurors.

21 3. The amount expended by the county in each of the follow-
22 ing categories, as reported to the clerk by the county auditor,
23 and whether or not recovered from defendants:

24 a. The cost for the services of bailiffs while attending
25 the grand jury or trials of actions.

26 b. Fees and mileage paid to members of the grand jury,
27 the clerk of the grand jury, and witnesses before the grand
28 jury.

29 c. Fees and mileage paid to witnesses in the trial of
30 actions.

31 d. Fees paid for court reporting and for transcriptions
32 of the notes of court reporters.

33 e. The costs of depositions.

34 f. The expense of providing a jail, not including board
35 of prisoners.

1 g. The expense of the board of prisoners in a county jail.

2 h. The expense of transporting prisoners to state cor-
3 rectional institutions.

4 i. The compensation and expenses incurred by the office
5 of the county attorney in connection with criminal
6 prosecutions.

7 Sec. 10049. Section 247.31, Code 1983, is amended to read
8 as follows:

9 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
10 auditor shall report to the clerk of the district court, on
11 or before July 5 of each year, the expenses of the county
12 in connection with criminal prosecutions during the preceding
13 fiscal year ending June 30 preceeding, including but
14 distinguishing the compensation of the county attorney. Such
15 The report shall include all the items of criminal expenses
16 which appear in the records of his office and which are
17 required to be reported by the clerk of the district court
18 to the board of parole and the director of the division of
19 corrections of the department of social services under section
20 247.30 and which appear in the records of the county auditor.
21 The clerk of the district court shall furnish ~~to~~ the auditor
22 with the blanks to be used in making ~~such~~ this report.

23 Sec. 10050. Section 252.18, subsection 1, Code 1983, is
24 amended to read as follows:

25 1. Any A person who is a county charge or is likely to
26 become ~~such~~ so, coming from another state and not having
27 acquired a settlement in any a county of this state or any
28 such person having acquired a settlement in any a county of
29 this state who ~~removes~~ moves to another county, may be removed
30 from this state or from the county into which ~~such~~ the person
31 has moved, ~~as the case may be,~~ at the expense of the county
32 ~~wherein said~~ where the person is found, upon the petition
33 of ~~said~~ the county to the district ~~or superior~~ court ~~of~~ in
34 that county.

35 Sec. 10051. Section 258A.1, subsection 1, paragraph b,

1 Code 1983, is amended to read as follows:

2 b. The board of examiners of shorthand reporters, created
3 pursuant to ~~chapter-115~~ division I, article 4, of chapter
4 602.

5 Sec. 10052. Section 258A.3, subsection 2, paragraph a,
6 Code 1983, is amended to read as follows:

7 a. Revoke a license, or suspend a license either until
8 further order of the board or for a specified period, upon
9 the grounds specified in sections 114.21, ~~115-8~~, 116.21,
10 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34,
11 154A.24, 169.13, 455B.219 and 602.4203 and chapters 135E,
* 12 151, 507B and 522 or upon any other grounds specifically
13 provided for in this chapter for revocation of the license
14 of a licensee subject to the jurisdiction of that board, or
15 upon failure of the licensee to comply with a decision of
16 the board imposing licensee discipline;

17 Sec. 10053. Section 258A.4, subsection 1, paragraph f,
18 Code 1983, is amended to read as follows:

19 f. Define by rule acts or omissions which are grounds
20 for revocation or suspension of a license under ~~the provisions~~
21 ~~of~~ sections 114.21, ~~115-8~~, 116.21, 117.29, 118.13, 118A.15,
22 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187
* 23 and 602.4203 and chapters 135E, 151, 507B and 522, and to
24 define by rule acts or omissions which constitute negligence,
25 careless acts or omissions within the meaning of section
26 258A.3, subsection 2, paragraph "b", which licensees are
27 required to report to the board pursuant to section 258A.9,
28 subsection 2;

29 Sec. 10054. Section 306B.5, subsection 2, Code 1983, is
30 amended to read as follows:

31 2. The cost of removal, including any fees, and costs
32 ~~or~~ and expenses as may which arise out of any an action brought
33 by the department to insure peaceful entry and removal, may
34 be assessed against the owner of the advertising device.
35 ~~Should~~ If the owner of the advertising device ~~fail~~ fails to

1 pay ~~such~~ the fees, costs, or expenses within thirty days after
2 assessment, the department may ~~institute-proceedings-in-the~~
3 ~~district-court-or-small-claims-division-as-applicable,~~ commence
4 an action to collect ~~said~~ the fees, costs, or expenses, which
5 when collected, shall be paid into the "highway beautification
6 fund."

7 Sec. 10055. Section 306C.19, subsection 2, Code 1983,
8 is amended to read as follows:

9 2. The cost of removal, including any fees, and costs
10 ~~or~~ and expenses ~~as-may~~ which arise out of ~~any~~ an action brought
11 by the department to insure peaceful entry and removal, may
12 be assessed against the owner of the advertising device.
13 ~~Should~~ If the owner of the advertising device ~~fail~~ fails to
14 pay ~~such~~ the fees, costs, or expenses, within thirty days
15 after assessment, the department may ~~institute-proceedings~~
16 ~~in-the-district-court-or-small-claims-division-as-applicable,~~
17 commence an action to collect ~~said~~ the fees, costs, or
18 expenses, which when collected, shall be paid into the "highway
19 beautification fund".

20 Sec. 10056. Section 331.303, subsection 10, Code 1983,
21 is amended by striking the subsection.

22 Sec. 10057. Section 331.321, subsection 1, paragraph z,
23 Code 1983, is amended to read as follows:

24 z. Members of the county judicial magistrate appointing
25 commission in accordance with section ~~602-43~~ 602.7503.

26 Sec. 10058. Section 331.322, subsection 5, Code 1983,
27 is amended to read as follows:

28 5. Furnish offices within the county for the sheriff,
29 and at the county seat for the ~~clerk~~, recorder, treasurer,
30 auditor, county attorney, county surveyor or engineer, county
31 assessor, and city assessor. If the office of public defender
32 is established, the board shall furnish the public defender's
33 office as provided in section 331.776. The board shall furnish
34 the officers with fuel, lights, and office supplies. However,
35 the board is not required to furnish the county attorney or

1 public defender with law books. The board shall not furnish
2 an office also occupied by a practicing attorney to any an
3 officer other than the county attorney or public defender.

4 Sec. 10059. Section 331.323, subsection 1, paragraph f,
5 Code 1983, is amended by striking the paragraph.

6 Sec. 10060. Section 331.323, subsection 2, paragraph h,
7 Code 1983, is amended to read as follows:

8 h. Establish the number of deputies, assistants, and
9 clerks for the offices of auditor, treasurer, recorder,
10 sheriff, and county attorney, ~~and clerk~~.

11 Sec. 10061. Section 331.324, subsection 4, Code 1983,
12 is amended by striking the subsection.

13 Sec. 10062. Section 331.324, subsection 6, Code 1983,
14 is amended to read as follows:

15 6. If a board provides group insurance for county em-
16 ployees, it shall also provide the insurance ~~also~~ to the fol-
17 ~~lowing persons, subject to the conditions indicated:~~

18 a. --A a full-time county extension office assistant em-
19 ployed in the county, if the county is reimbursed for the
20 premium by the county extension district.

21 ~~b. --A full-time certified court reporter, on the same~~
22 ~~percentage basis that the county is responsible for the~~
23 ~~reporter's compensation under section 605.9. --However, group~~
24 ~~insurance may be obtained through only one of the counties~~
25 ~~in the judicial district, at the reporter's option, with a~~
26 ~~percentage contribution from the other counties for the~~
27 ~~employer's share of the premium, on the percentage basis~~
28 ~~provided under section 605.9.~~

29 Sec. 10063. Section 331.361, subsection 5, paragraph h,
30 Code 1983, is amended to read as follows:

31 h. Provide facilities for the ~~holding of~~ district court
32 ~~at the county seat~~ in accordance with ~~sections 602.6 and~~
33 ~~602.61~~ section 602.1303.

34 Sec. 10064. Section 331.422, subsection 24, Code 1983,
35 is amended to read as follows:

1 24. For the court expense fund, if the amount levied for
2 ordinary county revenue is insufficient to pay all expenses
3 incident to the maintenance-and-operation support of the
4 ~~courts~~ judicial system, an amount sufficient to pay the
5 expenses.

6 Sec. 10065. Section 331.424, subsection 1, paragraph m,
7 Code 1983, is amended by striking the paragraph.

8 Sec. 10066. Section 331.426, subsection 9, Code 1983,
9 is amended to read as follows:

10 9. A court expense fund, which shall not be used for a
11 purpose other than expenses incident to the maintenance-and
12 operation-of-the-courts support of the judicial system, in-
13 cluding but not limited to salary-and-expenses-of-the-clerk,
14 deputy-clerks,-and-other-employees-of-the-clerk's-office,
15 establishment-and-operation-of-a-public-defender's-office
16 the costs of facilities, services, and other obligations of
17 the county under section 602.1303, costs otherwise payable
18 from the general fund under section 331.424, subsection 3,
19 paragraph "q", the county's expense for confinement of
20 prisoners under chapter 356A, temporary assistance to the
21 county attorney, and claims filed under section 622.93.

22 Sec. 10067. Section 331.502, subsection 8, Code 1983,
23 is amended to read as follows:

24 8. Take temporary possession of the office and all official
25 books and papers in the office of treasurer ~~or-clerk~~ when
26 a vacancy occurs ~~in-either-office~~ and hold the office, books,
27 and records until a successor qualifies as provided in section
28 69.3. The auditor shall also serve temporarily as the recorder
29 if a vacancy occurs in that office and, if there is no chief
30 deputy assessor, act temporarily as the assessor as provided
31 in section 441.8.

32 Sec. 10068. Section 331.502, subsection 10, Code 1983,
33 is amended by striking the subsection.

34 Sec. 10069. Section 331.502, subsection 42, Code 1983,
35 is amended to read as follows:

1 42. Certify to the clerk of the district court the names,
2 addresses, and expiration date of the ~~term~~ terms of office
3 of persons appointed to the county judicial magistrate
4 appointing commission as provided in section ~~602-437-subsection~~
5 3 602.7503.

6 Sec. 10070. Section 331.502, subsections 43 and 44, Code
7 1983, are amended by striking the subsections.

8 Sec. 10071. Section 331.506, subsection 2, Code 1983,
9 is amended by striking the subsection and inserting in lieu
10 thereof the following:

11 2. The auditor may issue warrants to pay the following
12 claims against the cunty without prior approval of the board:

13 a. Witness fees and mileage for attendance before a grand
14 jury, as certified by the county attorney and the foreman
15 of the jury.

16 b. Witness fees and mileage in trials of criminal actions,
17 as certified by the county attorney.

18 c. Fees and costs payable to the clerk of the district
19 court or other state officers or employees in connection with
20 criminal and civil actions when due, as shown in the statement
21 submitted by the clerk of court under section 602.9109.

22 d. Expenses of the grand jury, upon order of a district
23 judge.

24 Sec. 10072. Section 331.509, subsection 1, paragraph c,
25 Code 1983, is amended by striking the paragraph and inserting
26 in lieu thereof the following:

27 c. The amount paid witnesses and bailiffs, respectively,
28 in the district court, the amount of fees paid for the services
29 of court reporters, the amount paid as fees and costs to the
30 clerk of the district court, and related expenditures.

31 Sec. 10073. Section 331.509, subsection 1, paragraph p,
32 Code 1983, is amended to read as follows:

33 p. The reports made during the preceding year by the
34 treasurer, auditor, recorder, sheriff, clerk and the commis-
35 sion of the Iowa department of veterans affairs as required

1 by law.

2 Sec. 10074. Section 331.552, subsection 31, Code 1983,
3 is amended by striking the subsection.

4 Sec. 10075. Section 331.653, subsection 4, Code 1983,
5 is amended to read as follows:

6 4. Provide bailiff and other law enforcement service to
7 the district court judges, district associate judges, and
8 judicial magistrates of the county ~~and while the judges and~~
9 ~~magistrates are in session, provide them with the assistance~~
10 ~~of bailiffs upon request. The sheriff shall appoint the~~
11 ~~number of bailiffs as the judges and magistrates of the county~~
12 ~~direct. The bailiffs are deputy sheriffs to the extent that~~
13 ~~the sheriff delegates law enforcement powers to carry out~~
14 ~~their duties and for whose acts the sheriff is responsible,~~
15 ~~but the bailiffs need not be subject to civil service under~~
16 ~~chapter 341A or mandated law enforcement training.~~

17 Sec. 10076. Section 331.653, subsections 7 and 71, Code
18 1983, are amended by striking the subsections.

19 Sec. 10077. Section 331.776, subsection 4, Code 1983,
20 is amended to read as follows:

21 4. The board shall determine the compensation of the
22 public defender, subject to limitations established by the
23 general assembly or the supreme court.

24 Sec. 10078. Section 331.776, subsection 5, Code 1983,
25 is amended by striking the subsection and inserting in lieu
26 thereof the following:

27 5. a. The board shall provide suitable furniture,
28 equipment, and supplies for the office of the public defender
29 out of funds appropriated to the supreme court and allocated
30 by the supreme court to the county for this purpose. If a
31 public defender office serves more than one county, the supreme
32 court shall select one of the counties to perform the duties
33 required by this paragraph. The board shall account to the
34 supreme court for allocations and expenditures under this
35 paragraph.

1 b. The board shall approve the appointment and compensation
2 of deputy public defenders and other employees of the public
3 defender office, subject to limitations established by the
4 general assembly or the supreme court. The compensation and
5 expenses of the public defender, deputy public defenders,
6 and employees of the public defender office shall be paid
7 from funds appropriated to the supreme court and allocated
8 by the supreme court to the county for this purpose. The
9 board shall account to the supreme court for allocations and
10 expenditures under this paragraph.

11 Sec. 10079. Section 331.776, subsection 8, Code 1983,
12 is amended by striking the subsection.

13 Sec. 10080. Section 331.777, subsection 2, Code 1983,
14 is amended to read as follows:

15 2. Shall make the determination of indigence ~~within~~
16 ~~criteria-established-by-the-board-before~~ as required under
17 section 815.9 prior to the initial arraignment or other initial
18 court appearance. At or after initial arraignment or other
19 initial court appearance, the a determination of indigence
20 shall be made by the court. The public-defender-shall-require
21 an-indigent-person-requesting-legal-assistance-to-complete
22 a-detailed financial statement which required under section
23 815.9 shall be filed in the indigent person's court file and
24 retained as a permanent part of the file.

25 Sec. 10081. Section 331.901, subsection 6, paragraph b,
26 Code 1983, is amended to read as follows:

27 b. Expenses incurred in the ~~operation~~ support of the
28 ~~courts~~ judicial system.

29 Sec. 10082. Section 331.902, subsection 1, Code 1983,
30 is amended to read as follows:

31 1. Unless otherwise specifically provided by statute,
32 the fees and other charges collected by the auditor, treasurer,
33 recorder, and sheriff, ~~clerk, or~~ and their ~~respective~~ deputies
34 or employees, belong to the county.

35 Sec. 10083. Section 331.903, subsection 1, Code 1983,

1 is amended to read as follows:

2 1. The auditor, treasurer, recorder, sheriff, and county
3 attorney, ~~and clerk~~ may each appoint, with approval of the
4 board, one or more deputies, assistants, or clerks who do
5 not hold another county office and for whose acts the principal
6 officer ~~shall be~~ is responsible. The number of deputies,
7 assistants, and clerks for each office shall be determined
8 by the board and the number and approval of each appointment
9 shall be adopted by a resolution recorded in the minutes of
10 the board.

11 Sec. 10084. Section 331.904, subsections 1 and 6, Code
12 1983, are amended to read as follows:

13 1. The annual salary of the first and second deputy offi-
14 cer of the office of auditor, treasurer, and recorder, and
15 ~~clerk~~ and the deputy in charge of the motor vehicle registra-
16 tion and title division shall each be an amount not to exceed
17 eighty percent of the annual salary of the deputy's principal
18 officer as determined by the principal officer. In offices
19 where more than two deputies are required, each additional
20 deputy shall be paid an amount not to exceed seventy-five
21 percent of the principal officer's salary. The amount of
22 the annual salary of each deputy shall be certified by the
23 principal officer to the board and, if a deputy's salary does
24 not exceed the limitations specified in this subsection, the
25 board shall certify the salary to the auditor. The board
26 shall not certify a deputy's salary which exceeds the
27 limitations of this subsection.

28 6. The salaries and expenses of the deputy officers, as-
29 sistants, clerks, and other employees of the county shall
30 be paid from the general fund of the county unless otherwise
31 provided by law. ~~The deputy clerks of the district court,~~
32 ~~other employees of the clerk's office, and the bailiffs may~~
33 ~~be paid from the court expense fund.~~

34 Sec. 10085. Section 331.907, subsections 1 and 5, Code
35 1983, are amended to read as follows:

1 1. The annual compensation of the auditor, treasurer,
2 recorder, ~~clerk~~, sheriff, county attorney, and supervisors
3 shall be determined as provided in this section. The county
4 compensation board annually shall review the compensation
5 paid to comparable officers in other counties of this state
6 other states, private enterprise, and the federal government.
7 The county compensation board shall prepare a recommended
8 compensation schedule for the elective county officers. Fol-
9 lowing completion of the compensation schedule, the county
10 compensation board shall publish the compensation schedule
11 in a newspaper having general circulation throughout the
12 county. The publication shall also include a public notice
13 of the date and location of a hearing to be held by the county
14 compensation board not less than one week nor more than three
15 weeks from the date of notice. Upon completion of the public
16 hearing, the county compensation board shall prepare a final
17 compensation schedule recommendation.

18 5. The salaries and expenses of elected county officers
19 shall be paid from the general fund of the county unless
20 otherwise provided by law. ~~The salary and expenses of the~~
21 ~~clerk of the district court may be paid from the court expense~~
22 ~~fund.~~

23 Sec. 10086. Section 356A.2, Code 1983, is amended to read
24 as follows:

25 356A.2 CONTRACT. If the board of supervisors ~~contract~~
26 contracts with a public or private nonprofit agency or
27 corporation for the establishment and maintenance of such
28 a facility, the contract shall state the charge per person
29 per day to be paid by the county; that each ~~such~~ facility
30 shall insure the performance of the duties of the keeper as
31 defined in section 356.5; the activities and service to be
32 provided those detained or confined; the extent of security
33 to be provided in the best interests of the community; the
34 maximum number of persons that can be detained or committed
35 at any one time; the number of employees to be provided by

1 the contracting private nonprofit agency or corporation for
2 the maintenance, supervision, control, and security of persons
3 detained or confined therein in the facility; and any other
4 matters deemed necessary by the supervisors. ~~All such~~
5 ~~contracts~~ A contract shall be for a period not to exceed two
6 years. The board of supervisors shall deliver a copy of the
7 contract to each ~~municipal-court-judge-in-the-county-and-to~~
8 ~~each-district-court-judge~~ judicial officer of the district
9 which includes that county.

10 Sec. 10087. Section 356A.6, Code 1983, is amended to read
11 as follows:

12 356A.6 TRANSFER. A judge judicial officer of the ~~municipal~~
13 ~~or~~ district court may originally commit a person to the county
14 jail to serve any part of the sentence pronounced, and
15 thereafter the person may be transferred to a facility
16 established and maintained pursuant to section 356A.1 or
17 356A.2.

18 Sec. 10088. Section 400.6, subsection 1, unnumbered
19 paragraph 1, Code 1983, is amended to read as follows:

20 ~~The-provisions-of-this-chapter-shall-apply~~ This chapter
21 applies to all appointive officers and employees, ~~-including~~
22 ~~former-deputy-clerks-of-the-municipal-court-who-became-deputies~~
23 ~~of-the-district-court-clerks,~~ in cities under any form of
24 government having a population of more than fifteen thousand
25 except:

26 Sec. 10089. Section 453.1, Code 1983, is amended to read
27 as follows:

28 453.1 DEPOSITS IN GENERAL. All funds held in the hands
29 of the following officers or institutions shall be deposited
30 in banks first approved by the appropriate governing body
31 as indicated: For the treasurer of state, by the executive
32 council; for judicial officers and court employees, by the
33 supreme court; for the county treasurer, recorder, auditor,
34 sheriff, ~~clerk-of-the-district-court,-and-judicial-magistrate,~~
35 by the board of supervisors; for the city treasurer, by the

1 city council; for the county public hospital or merged area
2 hospital, by the board of hospital trustees; for a memorial
3 hospital, by the memorial hospital commission; for a school
4 corporation, by the board of school directors; and for an
5 electric power agency as defined in section 28F.2, by the
6 governing body of the electric power agency. However, the
7 treasurer of state and the treasurer of each political
8 subdivision shall invest all funds not needed for current
9 operating expenses in time certificates of deposit in banks
10 listed as approved depositories pursuant to this chapter or
11 in investments permitted by section 452.10. The list of
12 public depositories and the amounts severally deposited in
13 the depositories shall be a matter of public record. The
14 ~~term-"bank"~~ "Bank" means a bank or a private bank, as defined
15 in section 524.103.

16 Sec. 10090. Section 598.16, Code 1983, is amended by
17 adding the following new unnumbered paragraph:

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

21 Sec. 10091. Section 600A.2, subsection 15, Code 1983,
22 is amended to read as follows:

23 15. "Juvenile court" means a the juvenile court as
24 established ~~under section 231-1~~ by section 602.8101.

25 Sec. 10092. Section 622.67, Code 1983, is amended to read
26 as follows:

27 622.67 DEPOSIT--EFFECT. The court ~~ex-judge~~, for good
28 cause shown, ~~may~~, upon deposit with the clerk of the court
29 of sufficient money to pay the ~~legal-fees~~ fee and mileage
30 of a witness, may order the clerk to issue a subpoena ~~to-issue~~
31 requiring the attendance of ~~such~~ the witness from a greater
32 distance within the state. ~~Such~~ The subpoena shall show that
33 it is issued under ~~the-provisions-hereof~~ this section. If
34 the party requesting the subpoena is a county or the state,
35 the court may order the issuance of the subpoena without the

1 deposit of the fee and mileage.

2 Sec. 10093. Section 625.8, Code 1983, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 625.8 JURY AND REPORTER FEES.

6 1. The clerk of the district court shall tax as a court
7 cost a jury fee of ten dollars in every action tried to a
8 jury.

9 2. The clerk of the district court shall tax as a court
10 cost a fee of fifteen dollars per day for the services of
11 a court reporter.

12 3. Revenue from the fees required by this section shall
13 be deposited in the court revenue distribution account es-
14 tablished under section 602.9108.

15 Sec. 10094. Section 628.4, Code 1983, is amended to read
16 as follows:

17 628.4 REDEMPTION PROHIBITED. ~~No~~ A party who has taken
18 an appeal from the ~~superior or~~ district court, or stayed
19 execution on the judgment, ~~shall be~~ is not entitled to redeem.

20 Sec. 10095. Section 631.2, subsection 2, Code 1983, is
21 amended to read as follows:

22 2. The clerk of the district court shall maintain a
23 separate docket for small claims which shall be known as the
24 small claims docket, and which shall contain all matters
25 relating to those small claims which are required by section
26 ~~606-7~~ 602.9104, subsection 2, paragraph f, to be contained
27 in a combination docket.

28 Sec. 10096. Section 631.3, subsection 4, Code 1983, is
29 amended to read as follows:

30 4. Upon the request of ~~any~~ a party to the action, the
31 clerk or a judicial officer shall issue subpoenas for the
32 attendance of witnesses at a hearing. ~~The provisions of~~
33 ~~sections~~ Sections 622.63 to 622.67, 622.69, 622.76 and 622.77
34 ~~shall~~ apply to subpoenas issued pursuant to this chapter.

35 Sec. 10095. Section 631.6, subsection 4, unnumbered para-

1 graph 2, Code 1983, is amended to read as follows:

2 All fees and costs collected in small claims actions shall
3 ~~be remitted to the county treasurer as provided in section~~
4 ~~606.16--~~ The deposited in the court revenue distribution
5 account established under section 602.9108, except that the
6 fee specified in subsection 4 shall be remitted to the
7 secretary of state.

8 Sec. 10097. Section 633.13, Code 1983, is amended by
9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. A district judge has statewide
11 jurisdiction to enter orders in probate matters not requiring
12 notice and hearing, although the judge is not a judge of or
13 present in the district in which the probate matter is pending.
14 The orders shall be made in conformity with the rules of the
15 district in which the probate matter is pending.

16 Sec. 10099. Section 633.17, Code 1983, is amended to read
17 as follows:

18 633.17 JUDGE DISQUALIFIED--PROCEDURE. ~~Where the judge~~
19 ~~is a party, or is connected by blood or affinity with a person~~
20 ~~interested nearer than the fourth degree, or is personally~~
21 ~~interested~~ When a judge is disqualified from acting in any
22 a probate matter, the same matter shall be heard before another
23 judge of the same district, or shall be transferred to the
24 court of another district, or a judge of another district
25 shall be procured to hold court for the hearing of ~~such~~ the
26 matter.

27 Sec. 10100. Section 633.18, Code 1983, is amended by
28 striking the section and inserting in lieu thereof the
29 following:

30 633.18 RULES IN PROBATE.

31 1. Actions and proceedings under this chapter are subject
32 to rules prescribed by the supreme court under section
33 602.5201.

34 2. The district judges of a judicial district acting under
35 section 602.1212 may prescribe rules for probate actions and

1 proceedings within the district, but these rules must be
2 consistent with this chapter, and ~~shall-be~~ are subject to
3 the approval of the supreme court.

4 Sec. 10101. Section 633.20, Code 1983, is amended to read
5 as follows:

6 633.20 REFEREE--EXAMINATION OF ACCOUNTS--~~FEES~~ CLERK.

7 1. For The court may appoint a referee in probate for
8 the auditing of the accounts of fiduciaries and for the
9 performance of ~~such~~ other ministerial duties as the court
10 ~~may-direct,-the-court-may-appoint-a-referee-in-probate-when-ever~~
11 ~~in-the-opinion-of-the-court-it-seems-fit-and-proper-to-do~~
12 so prescribes. ~~The-referee-may-be-the-clerk.-No~~ A person
13 shall not be appointed as referee in any a matter where he
14 the person is acting as a fiduciary or as the attorney. ~~All~~
15 ~~fees-received-by-any-county-officer-serving-in-the-capacity~~
16 ~~of-referee-in-probate-shall-become-a-part-of-the-fees-of-his~~
17 ~~office-and-shall-be-accounted-for-as-such-~~

18 2. The court may appoint the clerk as referee in probate.
19 In such cases, the fees received by the clerk for serving
20 in the capacity of referee are fees of the office of the clerk
21 of court and shall be deposited in the court revenue
22 distribution account established under section 602.9108.

23 Sec. 10102. Section 633.21, Code 1983, is amended to read
24 as follows:

25 633.21 APPRAISERS' FEES AND REFEREES' FEES FIXED BY RULE.

26 The district ~~court-sitting-en-banc~~ judges of each judicial
27 district shall by rule fix the fees of probate referees-
28 ~~it-shall,~~ and also ~~by-rule~~ provide, insofar as practicable,
29 a uniform schedule of compensation for inheritance tax
30 appraisers, other appraisers, brokers, and agents employed
31 at estate expense.

32 Sec. 10103. Section 633.31, subsection 2, unnumbered
33 paragraph 1, Code 1983, is amended to read as follows:

34 The clerk shall charge and collect the following fees,
35 in connection with probate matters, ~~all-of~~ which shall be

1 ~~paid into the county treasury for the use of the county~~
2 deposited in the court revenue distribution account established
3 under section 602.9108:

4 Sec. 10104. Section 666.6, Code 1983, is amended to read
5 as follows:

6 666.6 REPORT OF FORFEITED BONDS. The clerk of the district
7 court shall make an annual report in writing to the ~~board~~
8 ~~of supervisors at supreme court on the first regular meeting~~
9 ~~of the board Monday~~ in January of all forfeited recognizances
10 in the clerk's office; of all fines, penalties, and forfeitures
11 imposed in the district court, which, ^{as noted in the report to the court by the clerk} by law go into the ~~county~~
12 state treasury for the benefit of the school fund distribution
13 under section 602.9107; in what cause or proceeding, when
14 and for what purpose, against whom and for what amount,
15 rendered; whether the fines, penalties, forfeitures, and
16 recognizances have been paid, remitted, canceled, or otherwise
17 satisfied; if so, when, how, and in what manner, and if not
18 paid, remitted, canceled, or otherwise satisfied, what steps
19 have been taken to enforce the collection of the fines,
20 penalties, forfeitures, and recognizances.

21 ~~Such~~ The report ~~must~~ shall be full, true, and complete
22 with reference to the matters ~~therein~~ contained, ~~and of in~~
23 the report and all things required by this section to be
24 reported, and the report shall be under oath, ~~and any officer.~~
25 A clerk failing to make such the report shall be as required
26 by this section is guilty of a simple misdemeanor.

27 Sec. 10105. Section 684A.6, Code 1983, is amended to read
28 as follows:

29 684A.6 PROCEDURE. The supreme court may prescribe ~~its~~
30 ~~own~~ rules of procedure concerning the answering and
31 certification of questions of law under this chapter, subject
32 to section ~~684-19~~ 602.5202.

33 Sec. 10106. Section 801.4, subsection 7, paragraph e,
34 Code 1983, is amended to read as follows:

35 e. Probation officers acting pursuant to section ~~231-10~~

1 602.8202, subsection 4.

2 Sec. 10107. Section 801.4, subsection 10, Code 1983, is
3 amended by striking the subsection and inserting in lieu
4 thereof the following:

5 10. "Indigent person" means a person who is indigent as
6 determined in accordance with section 815.9.

7 Sec. 10108. Section 805.9, subsection 6, Code 1983, is
8 amended to read as follows:

9 6. The ~~five~~ six dollars in costs imposed by this section
10 are the total costs collectible from ~~any~~ a defendant upon
11 either an admission of a violation without hearing, or upon
12 a hearing pursuant to subsection 4. Fees shall not be imposed
13 upon or collected from ~~any~~ a defendant for the purposes
14 specified in section ~~331-705~~ 602.9105, subsection 1, paragraph
15 "i", "j", or "t".

16 Sec. 10109. Section 805.11, Code 1983, is amended to read
17 as follows:

18 805.11 OTHER PENALTIES. If the defendant is convicted
19 of a scheduled violation, the penalty ~~shall-be~~ is the scheduled
20 fine, without suspension of the fine prescribed in section
21 805.8 together with costs assessed and distributed as
22 prescribed by section ~~602-63~~ 602.9106, unless it appears from
23 the evidence that the violation was of the type set forth
24 in section 805.10, subsection 1 or 3, in which event the
25 scheduled fine ~~shall~~ does not apply and the penalty shall
26 be increased within the limits provided by law for the offense.

27 Upon the conviction of a defendant of a violation specified
28 in section 805.8 or 805.10, fees shall not be imposed or
29 collected for the purposes specified in section ~~331-705~~
30 602.9105, subsection 1, paragraph "i", "j", or "t".

31 Sec. 10110. Section 805.12, Code 1983, is amended to read
32 as follows:

33 805.12 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines,
34 forfeiture of bail, fees, and costs collected for all traffic
35 violations, whether or not scheduled, and for all other

1 scheduled violations shall be ~~remitted~~ distributed in
2 accordance with section ~~602.55~~ 602.9106.

3 Sec. 10111. Section 813.4, Code 1983, is amended to read
4 as follows:

5 813.4 ADDITIONS TO AND AMENDMENT OF RULES. The rules
6 of criminal procedure may be amended, provisions deleted,
7 and new rules added, ~~in the manner prescribed for civil rules~~
8 under chapter 684 by the supreme court, subject to section
9 602.5202.

10 Sec. 10112. Section 814.9, Code 1983, is amended to read
11 as follows:

12 814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a
13 defendant in a criminal cause has perfected an appeal from
14 a judgment ~~against him or her and shall satisfy the judge~~
15 ~~of the district court that he or she is indigent, such judge~~
16 and is determined by the court to be indigent, the court may
17 order the transcript made at ~~the expense of the county where~~
18 ~~the defendant was tried~~ public expense. When an attorney
19 of record is representing such an indigent, ~~said the~~ attorney
20 shall ~~make application~~ apply to the district court for the
21 transcript.

22 Sec. 10113. Section 814.10, Code 1983, is amended to read
23 as follows:

24 814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER
25 CASES. If a defendant in a criminal cause has been granted
26 discretionary review from an action of the district court
27 and the appellate court deems a transcript or portions thereof
28 are necessary to proper review of the question or questions
29 raised, the district court shall order the transcript made
30 at ~~the expense of the county where the defendant was tried,~~
31 public expense if a determination is made that the defendant
32 is indigent.

33 Sec. 10114. NEW SECTION. 815.9 INDIGENCY DETERMINED-
34 -PENALTY.

35 1. For purposes of this chapter, section 68.8, section

1 222.22, chapter 232, chapter 814, and the rules of criminal
2 procedure, a person is indigent if the person is determined
3 to be unable to employ legal counsel without prejudicing the
4 person's financial ability to provide economic necessities
5 for the person or the person's dependent family.

6 2. A determination of indigence shall not be made except
7 upon the basis of information contained in a detailed financial
8 statement submitted by the person, or in an appropriate case
9 by the person's parent, guardian, or custodian. The financial
10 statement shall be in the form prescribed by the supreme
11 court, and shall contain a full disclosure of all assets,
12 liabilities, current income, dependents, and other information
13 prescribed by the supreme court. The supreme court shall
14 adopt rules under section 602.5202 prescribing the form and
15 content of the financial statement, and the standards by which
16 indigency shall be determined under subsection 1. If a person
17 is granted legal assistance as an indigent, the financial
18 statement shall be filed and permanently retained in the
19 person's court file.

20 3. A person who knowingly submits a false financial
21 statement for the purpose of obtaining legal assistance at
22 public expense commits a fraudulent practice. As used in
23 this subsection, "legal assistance" includes legal counsel,
24 transcripts, witness fees and expenses, and any other goods
25 or services required by law to be provided to an indigent
26 person at public expense.

27 Sec. 10115. NEW SECTION. 815.10 APPOINTMENT OF COUNSEL
28 BY COURT.

29 1. The court, for cause and upon its own motion or upon
30 application by an indigent person or a public defender, may
31 appoint a public defender or any attorney who is admitted
32 to the practice of law in this state to represent an indigent
33 person at any state of the proceedings or on appeal of any
34 action in which the indigent person is entitled to legal
35 assistance at public expense. An appointment shall not be

1 made unless the person is determined to be indigent under
2 section 815.9.

3 2. If a court finds that a person desires legal assistance
4 and is not indigent, but refuses to employ an attorney, the
5 court shall appoint a public defender or another attorney
6 to represent the person at public expense. If an attorney
7 other than a public defender is appointed, the fee paid to
8 the attorney shall be taxed as a court cost against the person.

9 3. An attorney other than a public defender who is
10 appointed by the court under subsection 1 or 2 shall apply
11 to the district court for compensation and for reimbursement
12 of costs incurred. The amount of compensation due shall be
13 determined in accordance with section 815.7.

14 Sec. 10116. NEW SECTION. 815.11 APPROPRIATIONS FOR
15 INDIGENT DEFENSE. Costs incurred under sections 814.9, 814.10,
16 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, 815.12, or the
17 rules of criminal procedure on behalf of an indigent shall
18 be paid from funds appropriated by the general assembly to
19 the supreme court for those purposes.

20 Sec. 10117. NEW SECTION. 815.12 TRIAL JURY EXPENSES.
21 The clerk of the district court shall pay fees and mileage
22 due petit jurors, and the costs of food, lodging, and
23 transportation when provided for petit jurors.

24 Sec. 10118. NEW SECTION. 815.13 PAYMENT OF PROSECUTION
25 COSTS. The county or city that prosecutes a criminal action
26 shall pay the required fees and mileage to witnesses called
27 on behalf of the prosecution, the costs of depositions taken
28 on behalf of the prosecution, the costs of transcripts
29 requested by the prosecution, the fees that are payable to
30 the clerk of the district court for services rendered, and
31 court costs taxed in connection with the trial of the action
32 or appeals from the judgment. These fees and costs are
33 recoverable by the county or city from the defendant unless
34 the defendant is found not guilty or the action is dismissed.
35 Expenditures of a county under this section may be paid out

1 of the court expense fund in lieu of the county general fund.

2 Sec. 10119. Rule of civil procedure 202, Iowa court rules,
3 second edition, is amended to read as follows:

4 202. FOOD AND LODGING. The court may order ~~the-sheriff~~
5 ~~to-provide-suitable~~ that food and lodging ~~at-the-expense-of~~
6 ~~the-county~~ be provided at state expense for a jury being kept
7 together to try or deliberate on a cause.

8 Sec. 10120. Rule of criminal procedure 2, subsection 3,
9 Iowa court rules, second edition, is amended by striking the
10 subsection and inserting in lieu thereof the following:

11 3. COUNSEL FOR INDIGENT. The magistrate may appoint
12 counsel to represent the defendant at public expense if the
13 magistrate determines the defendant to be indigent in
14 accordance with section 815.9, The Code.

15 Sec. 10121. Rule of criminal procedure 2, subsection 4,
16 paragraph g, subparagraph (2), Iowa court rules, second
17 edition, is amended to read as follows:

18 (2) On application of a defendant addressed to a district
19 judge, showing that the record of preliminary hearing, in
20 whole or in part, should be made available to the defendant's
21 counsel, an order may issue that the clerk make available
22 a copy of the record, or of a portion thereof, to defense
23 counsel. ~~Such~~ The order shall ~~provide-for~~ require prepayment
24 of the costs of ~~such~~ the record by the defendant ~~unless-the~~
25 ~~defendant-makes-a-sufficient-affidavit-that-he-or-she-is~~
26 ~~unable-to-pay-or-to-give-security-therefor,-in-which-case~~
27 ~~the-expense-shall-be-paid-by-the-county.~~ However, if the
28 defendant is indigent the record shall be made at public
29 expense. The prosecution may move also that a copy of the
30 record, in whole or in part, be made available to it, for
31 good cause shown, and an order may be entered granting such
32 motion in whole or in part, on appropriate terms, except that
33 the government need not prepay costs nor furnish security
34 therefor.

35 Sec. 10122. Rule of criminal procedure 19, subsection

1 4, Iowa court rules, second edition, is amended to read as
2 follows:

3 4. WITNESSES FOR INDIGENTS. Counsel for a defendant who
4 because of indigency is financially unable to obtain expert
5 or other witnesses necessary to an adequate defense of the
6 case may request ~~compensation~~ in a written application that
7 the necessary witnesses be secured at public expense. Upon
8 finding, after appropriate inquiry, that the services are
9 necessary and that the defendant is financially unable to
10 provide compensation, the court shall authorize counsel to
11 obtain ~~such~~ the witnesses on behalf of the defendant. The
12 court shall determine reasonable compensation ~~for the services~~
13 and direct payment ~~to the person who rendered them~~ pursuant
14 to chapter 815, The Code.

15 Sec. 10123. Rule of criminal procedure 26, subsection
16 1, Iowa court rules, second edition, is amended to read as
17 follows:

18 1. REPRESENTATION. Every defendant who is an indigent
19 person as defined in section ~~331-775-subsection-4~~ 815.9,
20 The Code ~~{1981-Code-Sup-}~~, is entitled to have counsel
21 appointed to represent ~~him or her~~ the defendant at every stage
22 of the proceedings from the defendant's initial appearance
23 before the magistrate or the court through appeal, including
24 probation and parole revocation hearings, unless the defendant
25 waives such appointment.

26 Sec. 10124. Rule of criminal procedure 26.1, subsections
27 1 and 5, Iowa court rules, second edition, are amended to
28 read as follows:

29 1. An indigent defendant, as defined in section ~~336A-4~~
30 815.9, The Code ~~{331-775(4)-and-331-777(2)}~~, convicted of
31 an indictable offense or a simple misdemeanor where defendant
32 faces the possibility of imprisonment, is entitled to
33 appointment of counsel on appeal or application for
34 discretionary review to the supreme court. Application for
35 appointment of appellate counsel shall be made to the trial

1 court, which shall retain authority to act on such the
2 application after notice of appeal or application for
3 discretionary review has been filed. The supreme court, or
4 a justice thereof, ~~shall have authority to~~ may appoint counsel
5 ~~in the event~~ if the trial court fails or refuses to appoint
6 and it becomes necessary to further provide for counsel.

7 5. If defendant has proceeded as an indigent in the trial
8 court and a financial statement ~~required by section 336B-2,~~
9 ~~The Code-(331-778(2))~~, already has been filed pursuant to
10 section 336B-4 815.9, The Code ~~(331-777(2)-and-331-778(2))~~,
11 such the defendant, upon making application for appointment
12 of appellate counsel, shall be presumed to be an indigent,
13 and an additional financial statement shall not be required
14 to be submitted to the court, unless evidence is offered that
15 defendant is not an indigent. In all other cases defendant
16 shall be required to submit a financial statement to the trial
17 court. Defendant and appointed appellate counsel ~~shall be~~
18 are under a continuing obligation to inform the trial court
19 of any change in circumstances that would make defendant
20 ineligible to qualify as an indigent.

21 Sec. 10125. Rule of criminal procedure 47, Iowa court
22 rules, second edition, is amended to read as follows:

23 Rule 47. BAILIFF OBTAINED. If trial by jury is demanded
24 and a court attendant employed under section 602.7601 is not
25 available to assist the magistrate, the magistrate shall
26 notify the sheriff who shall furnish a bailiff at that time
27 and place to act as officer of the court.

28 Sec. 10126. Rule of criminal procedure 49, Iowa court
29 rules, second edition, is amended by adding the following
30 new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. If the judgment and costs are
32 not fully and immediately satisfied, the magistrate shall
33 indicate on the judgment the portion unsatisfied and shall
34 promptly certify a copy of the judgment to the clerk of the
35 district court. The clerk shall index and file the judgment,

1 whereupon it is a judgment of the district court.

2 Sec. 10127. Rule of appellate procedure 453, Iowa court
3 rules, second edition, is amended to read as follows:

4 Rule 453. DOCKETING. Upon receipt of a certified ques-
5 tion the clerk of the supreme court shall prepare a docket
6 page and assign a number to the matter. Within ten days after
7 the filing of the certification order the movant or party
8 who is to file ~~his~~ a brief first shall pay to the clerk of
9 the supreme court the docket fee in the amount prescribed
10 pursuant to section ~~685-3~~ 602.5303, The Code, for docketing
11 an appeal from a final judgment or decree. Upon receipt of
12 the docket fee, the clerk of the supreme court shall enter
13 the matter upon the docket and give notice to the certifying
14 court and all parties or their attorneys of the date on which
15 the matter is entered on the docket.

16 Sec. 10128. Rule of probate procedure 5(c), Iowa court
17 rules, second edition, is amended to read as follows:

18 (c) The court administrator of the judicial department
19 shall utilize the reports in the discharge of the duties
20 prescribed in section ~~685-8~~ 602.1209, The Code, and, in addi-
21 tion, shall prepare a list of the attorneys for fiduciaries
22 who have received and ignored a notice of delinquency. The
23 court administrator shall transmit the list of attorneys,
24 together with other relevant information, to the committee
25 on professional ethics and conduct of the Iowa State Bar
26 Association and to the client security and attorney
27 disciplinary commission.

28 DIVISION III

29 EFFECTIVE DATE--CODIFICATION--REPEALER

30 Sec. 10201. EFFECTIVE DATE. Except as otherwise pro-
31 vided in division IV, this Act takes effect July 1, 1983.

32 Sec. 10202. CODIFICATION.

33 1. DIVISION I is created as a new chapter 602 of the Code.
34 The Code editor shall rename title XXX of the Code to
35 correspond to the subject matters contained in new chapter

1 602.

2 2. The Code editor shall recodify chapter 610 as a new
3 and separate article at the end of new chapter 602.

4 Sec. 10203. REPEALER. Except as otherwise provided in
5 division IV:

6 1. Chapters 115, 231, 602, 605, 605A, 684, and 685, Code
7 1983, are repealed.

8 2. Sections 66.25, 232.63, 232.124, 331.701 through
9 331.705, 331.775, 331.778, 607.6, 622.68, and 622.73, Code
10 1983, are repealed.

11 DIVISION IV

12 TRANSITION PROVISIONS

13 Sec. 10301. IMPLEMENTATION BY COURT COMPONENT. The state
14 shall assume responsibility for components of the court system
15 according to the following schedule:

16 1. On October 1, 1983 the state shall assume the
17 responsibility for and the costs of jury and witness fees
18 and mileage as provided in sections 607.5, 622.69, and 622.72,
19 except as provided in section 331.506, subsection 2.

20 2. Court reporters shall become court employees on July
21 1, 1984. The state shall assume the responsibility for and
22 the costs of court reporters on July 1, 1984.

23 3. Bailiffs who perform services for the court, other
24 than law enforcement services, shall become court employees
25 on January 1, 1985, and shall be called court attendants.
26 The state shall assume the responsibility for and the costs
27 of court attendants on January 1, 1985. Section 602.7601
28 takes effect on January 1, 1985.

29 4. Juvenile probation officers shall become court employees
30 on July 1, 1985. The state shall assume the responsibility
31 for and the costs of juvenile probation officers on July 1,
32 1985.

33 5. Clerks of the district court shall become court
34 employees on July 1, 1986. The state shall assume the
35 responsibility for and the costs of the offices of the clerks

1 of the district court on July 1, 1986. Persons who are holding
2 office as clerks of the district court on July 1, 1986 are
3 entitled to continue to serve in that capacity until the
4 expiration of their respective terms of office. A vacancy
5 in the office of clerk of the district court occurring on
6 or after July 1, 1986 shall be filled as provided in section
7 602.1214.

8 6. The state shall assume the responsibility for and the
9 costs of indigent defense on July 1, 1987.

10 For the period beginning July 1, 1983, and ending June
11 30, 1987, the provisions of division I take effect only to
12 the extent that the provisions do not conflict with the
13 scheduled state assumption of responsibility for the components
14 of the court system, and the amendments and repeals of
15 divisions II and III take effect only to the extent necessary
16 to implement that scheduled state assumption of responsibility.
17 If an amendment or repeal to a Code section in division II
18 or III is not effective during the period beginning July 1,
19 1983, and ending June 30, 1987, the Code section remains in
20 effect for that period. On July 1, 1987, this Act takes
21 effect in its entirety.

22 However, if the state does not fully assume the costs for
23 a fiscal year of a component of the court system in accordance
24 with the scheduled assumption of responsibility, the state
25 shall not assume responsibility for that component, and the
26 schedule of state assumption of responsibility shall be
27 delayed. The delayed schedule of state assumption of
28 responsibility shall again be followed for the fiscal year
29 in which the state fully assumes the costs of that component.
30 For the fiscal year for which the state's assumption of the
31 responsibility for a court component is delayed, the clerk
32 of the district court shall not reduce the percentage
33 remittance to the counties from the court revenue distribution
34 account under section 602.9108. The clerk shall resume the
35 delayed schedule of reductions in county remittances for the

1 fiscal year in which the state fully assumes the costs of
2 that court component. If the schedules of state assumption
3 of responsibility and reductions in county remittances are
4 delayed, the transition period beginning July 1, 1983, and
5 ending June 30, 1987 is correspondingly lengthened, and this
6 Act takes effect in its entirety only at the end of the
7 lengthened transition period.

8 The supreme court shall prescribe temporary rules, prior
9 to the dates on which the state assumes responsibility for
10 the components of the court system, as necessary to implement
11 the administrative and supervisory provisions of this Act,
12 and as necessary to determine the applicability of specific
13 provisions of this Act in accordance with the scheduled state
14 assumption of responsibility for the components of the court
15 system.

16 Sec. 10302. ACCRUED EMPLOYEE RIGHTS.

17 1. Persons who were paid salaries by the counties
18 immediately prior to becoming state employees as a result
19 of this Act shall not forfeit accrued vacation, accrued sick
20 leave, or longevity, except as provided in this section.

21 2. As a part of its rule-making authority under section
22 10301, the supreme court, after consulting with the state
23 comptroller, shall prescribe rules to provide for the
24 following:

25 a. Each person referred to in subsection 1 shall have
26 to the person's credit as a state employee commencing on the
27 date of becoming a state employee the number of accrued
28 vacation days that was credited to the person as a county
29 employee as of the end of the day prior to becoming a state
30 employee.

31 b. Each person referred to in subsection 1 shall have
32 to the person's credit as a state employee commencing on the
33 date of becoming a state employee the number of accrued days
34 of sick leave that was credited to the person as a county
35 employee as of the end of the day prior to becoming a state

1 employee. However, the number of days of sick leave credited
2 to a person under this subsection shall not exceed the maximum
3 number of days that state employees generally are entitled
4 to accrue according to laws and rules in effect as of the
5 date the person becomes a state employee.

6 c. Commencing on the date of becoming a state employee,
7 each person referred to in subsection 1 is entitled to claim
8 the person's most recent continuous period of service in full-
9 time county employment as full-time state employment for
10 purposes of determining the number of days of vacation which
11 the person is entitled to earn each year. The actual vacation
12 benefit shall be determined according to laws and rules in
13 effect for state employees of comparable longevity,
14 irrespective of any greater or lesser benefit as a county
15 employee.

16 d. Notwithstanding paragraphs b and c, for the period
17 beginning July 1, 1984, and ending June 30, 1986, court
18 reporters who become state employees as a result of this Act
19 are not subject to the sick leave and vacation accrual
20 limitations generally applied to state employees.

21 Sec. 10303. LIFE AND HEALTH INSURANCE. Persons who were
22 covered by county employee life insurance and accident and
23 health insurance plans prior to becoming state employees as
24 a result of this Act shall be permitted to apply prior to
25 becoming state employees for life insurance and health and
26 accident insurance plans that are available to state employees
27 so that those persons do not suffer a lapse of insurance
28 coverage as a result of this Act. The supreme court, after
29 consulting with the state comptroller, shall prescribe rules
30 and distribute application forms and take other actions as
31 necessary to enable those persons to elect to have insurance
32 coverage that is in effect on the date of becoming state
33 employees. The actual insurance coverage available to a per-
34 son shall be determined by the plans that are available to
35 state employees, irrespective of any greater or lesser bene-

1 fits as a county employee.

2 Sec. 10304. HIRING MORATORIUM.

3 1. Commencing one year prior to each category of employees
4 becoming state employees as a result of this Act, new employees
5 shall not be hired and vacancies shall not be filled, except
6 as provided in subsection 2, with respect to any of the
7 following agencies or positions:

8 a. Offices of the clerks of the district court.

9 b. District court administrators.

10 c. Juvenile probation offices.

11 d. Court reporters.

12 e. Any other position of employment that is supervised
13 by a district court judicial officer or by a person referred
14 to or employed in an office referred to in paragraph a, b,
15 c, or d.

16 2. A new employee position or vacancy that is subject
17 to subsection 1 may be filled upon approval by the chief judge
18 of the judicial district. The employer seeking to fill the
19 new position or vacancy shall submit a request to the chief
20 judge in the form prescribed by the supreme court, and shall
21 be governed by the decision of the chief judge. The chief
22 judge shall obtain the advice of the district judges of the
23 judicial district respecting decisions to be made under this
24 subsection.

25 Sec. 10305. EMPLOYEE RECLASSIFICATION MORATORIUM.

26 Commencing one year prior to county employees becoming state
27 employees as a result of this Act, the county employees shall
28 not be promoted or demoted, and shall not be subject to a
29 reduction in salary or a reduction in other employee benefits,
30 except after approval by the chief judge of the judicial
31 district. An employer wishing to take any of these actions
32 shall apply to the chief judge in a writing that discloses
33 the proposed action, the reasons for the action, and the
34 statutory or other authority for the action. The chief judge
35 shall not approve any proposed action that is in violation

1 of an employee's rights or that is extraordinary when compared
2 with customary practices and procedures of the employer.
3 The chief judge shall obtain the advice of the district judges
4 of the judicial district respecting decisions to be made under
5 this section.

6 Sec. 10306. TRANSFER OF TITLE OF COURT PROPERTY.

7 1. Commencing on the date when each category of employees
8 becomes state employees as a result of this Act, public
9 property referred to in subsection 2 that on the day prior
10 to that date is in the custody of a person or agency referred
11 to in subsection 3 shall become property of the judicial
12 department for use in its course of business, and title is
13 transferred for all intents and purposes.

14 2. This section applies to the following property:

15 a. Books, accounts and records that pertain to the
16 operation of the district court.

17 b. Forms, materials, and supplies that are consumed in
18 the usual course of business.

19 c. Tables, chairs, desks, lamps, curtains, window blinds,
20 rugs and carpeting, flags and flag standards, pictures and
21 other wall decorations, and other similar furnishings.

22 d. Typewriters, adding machines, desk calculators, cash
23 registers and similar business machines, reproduction machines
24 and equipment, microfiche projectors, tape recorders and
25 associated equipment, microphones, amplifiers and speakers,
26 film projectors and screens, overhead projectors, and similar
27 personal property.

28 e. Filing cabinets, shelving, storage cabinets, and other
29 property used for storage.

30 f. Books of statutes, books of ordinances, books of
31 judicial decisions, and reference books, except those that
32 are customarily held in a law library for use by the public.

33 g. All other personal property that is in use in the
34 operation of the district court.

35 3. This section applies to the following persons and

1 agencies:

- 2 a. Clerks of the district court.
- 3 b. Judicial officers.
- 4 c. District court administrators.
- 5 d. Juvenile probation officers.
- 6 e. Court reporters.
- 7 f. Persons who are employed by a person referred to in
- 8 paragraphs a through e.

9 4. Commencing on the date when each category of employees
10 becomes state employees as a result of this Act, the state
11 assumes outstanding indebtedness that exists with respect
12 to any item of property that becomes state property pursuant
13 to subsections 1 through 3.

14 5. Subsections 1 through 4 and 6 do not apply to electronic
15 data storage equipment, commonly referred to as computers,
16 or to computer terminals or any machinery, equipment, or
17 supplies used in the operation of computers. Those counties
18 that were providing computer services to the district court
19 shall continue to provide these services until the general
20 assembly provides otherwise. The state shall reimburse these
21 counties for the cost of providing these services. Each
22 county providing computer services to the district court shall
23 submit a bill for these services to the supreme court at the
24 end of each calendar quarter. Reimbursement shall be payable
25 from funds appropriated to the supreme court for operating
26 expenses of the district court, and shall be paid within
27 thirty days after receipt by the supreme court of the quarterly
28 billing.

29 6. Personal property of a type that is subject to transfer
30 under subsections 1 through 3 shall be subject to the control
31 of the chief judge of the judicial district commencing on
32 the date when each category of employees becomes state
33 employees as a result of this Act. On and after that date
34 the chief judge of the judicial district may issue necessary
35 orders to preserve the use of the property by the district

1 court. Commencing on that date, the chief judge, subject
2 to the direction of the supreme court, shall establish and
3 maintain an inventory of property used by the district court.

4 Sec. 10307. COLLECTIVE BARGAINING. A person who becomes
5 a state employee as a result of this Act is a public employee,
6 as defined in section 20.3, subsection 3, for purposes of
7 chapter 20. The person may bargain collectively on and after
8 July 1, 1983 as provided by law for a court employee. However,
9 if the person is subject to a collective bargaining agreement
10 negotiated prior to July 1, 1983, the person is entitled to
11 the rights and benefits obtained by the person pursuant to
12 that contract after July 1, 1983, until that contract expires.
13 If the person is subject to a collective bargaining agreement
14 negotiated on or after July 1, 1983, the person is not entitled
15 to any rights or benefits obtained by the person pursuant
16 to that contract after becoming a state employee.

17 Sec. 10308. ADDITIONAL JUDGESHIPS. As soon as possible
18 after the effective date of this Act the supreme court
19 administrator of the judicial department shall rank each
20 judicial election district in descending order based on the
21 application of the judgeship formula provided in section
22 602.7201. The vacant judgeships that exist upon the enactment
23 of this Act shall be apportioned, one to a judicial election
24 district, among the four judicial election districts having
25 the lowest percentage of their judgeship entitlement under
26 the judgeship formula. Vacancies created by this Act shall
27 be filled as soon as possible after the effective date of
28 this Act.

29 Sec. 10309. JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.
30 As soon as practicable after January 1, 1985, the supreme
31 court administrator shall recompute the number of judgeships
32 to which judicial election districts 5A and 5C are entitled.
33 Commencing on January 1, 1985, vacancies within judicial elec-
34 tion districts 5A and 5C shall be determined and filled under
35 section 602.7201, subsections 4 through 8. For purposes of

1 the recomputations, the supreme court administrator shall
2 determine the average case filings for the latest available
3 three-year period by reallocating the actual case filings
4 during the three-year period to judicial election districts
5 5A and 5C as if they existed throughout the three-year period.

6 Sec. 10310. JUDICIAL NOMINATING COMMISSIONS FOR ELECTION
7 DISTRICTS 5A AND 5C. The membership of district judicial
8 nominating commissions for judicial election districts 5A
9 and 5C shall be as provided in chapter 46, subject to the
10 following transition provisions:

11 1. Those judicial nominating commissioners of judicial
12 election district 5A who are residents of Polk county shall
13 be disqualified from serving in election district 5A on January
14 1, 1985, and their offices shall be deemed vacant. The
15 vacancies thus created shall be filled as provided in section
16 46.5 for the remainder of the unexpired terms.

17 2. After January 1, 1985 the governor shall appoint five
18 eligible electors of judicial election district 5C to the
19 district judicial nominating commission for terms commenc-
20 ing immediately upon appointment. Two of the appointees shall
21 serve terms ending January 31, 1988, two of the appointees
22 shall serve terms ending January 31, 1990, and the remaining
23 appointee shall serve a term ending January 31, 1992, as
24 determined by the governor. At the end of these terms and
25 each six years thereafter the governor shall appoint
26 commissioners pursuant to section 46.3.

27 3. After January 1, 1985 elective judicial nominating
28 commissioners for judicial election district 5C shall be
29 elected as provided in chapter 46 to terms of office com-
30 mencing immediately upon election. One of those elected shall
31 serve a term ending January 31, 1988, two shall serve terms
32 ending January 31 1990, and two shall serve terms ending
33 January 31, 1992, as determined by the drawing of lots by
34 the persons elected. At the end of these terms and every
35 six years thereafter elective commissioners shall be elected

1 pursuant to chapter 46.

2 Sec. 10311. FIFTH JUDICIAL ELECTION DISTRICT. The
3 provisions of section 602.7109 relating to the division of
4 the fifth judicial district into judicial election districts
5 5A, 5B, and 5C take effect January 1, 1985.

6 Sec. 10312. BAILIFFS EMPLOYED AS COURT ATTENDANTS. Persons
7 who were employed as bailiffs and who were performing services
8 for the court, other than law enforcement services, immediately
9 prior to the effective date of section 602.7601, shall be
10 employed by the district court administrators as court
11 attendants under section 602.7601 on the effective date of
12 that section.

13 DIVISION V
14 APPROPRIATIONS

15 Sec. 10401. IMPLEMENTATION COSTS. There is appropriated
16 from the general fund of the state to the supreme court for
17 the fiscal year beginning July 1, 1983 and ending June 30,
18 1984, two hundred fourteen thousand (214,000) dollars, or
19 so much thereof as is necessary, to employ additional staff
20 within the state and district court administrators' offices
21 and to undertake such studies of the judicial system of this
22 state as may be necessary to provide for the implementation
23 of this Act.

24 Sec. 10402. ALTERNATE DISTRICT ASSOCIATE JUDGE SALARIES.
25 There is appropriated from the general fund of the state to
26 the supreme court for the fiscal year beginning July 1, 1983
27 and ending June 30, 1984, eleven thousand nine hundred forty-
28 two (11,942) dollars, or so much thereof as is necessary,
29 for the payment of increased salaries of alternate district
30 associate judges as provided in section 602.1501.

31 Sec. 10403. EXPENSES OF THE JUDGES OF THE COURT OF APPEALS.
32 There is appropriated from the general fund of the state to
33 the supreme court for the fiscal year beginning July 1, 1983
34 and ending June 30, 1984, eleven thousand seven hundred sixty-
35 three (11,763) dollars, or so much thereof as is necessary,

1 for the payment of expenses of the judges of the court of
 2 appeals as provided in section 602.6205.
 3 Sec. 10404. JURY AND WITNESS FEES. There is appropriated
 4 from the general fund of the state to the supreme court for
 5 the fiscal period beginning October 1, 1983 and ending June
 6 30, 1984, one million nine hundred thousand (1,900,000) dollars
 7 for the payment of jury and witness fees as provided in section
 8 10301 of this Act.

9

SENATE FILE 495
 Amendment H-3665
 FISCAL NOTE

REQUESTED BY REPRESENTATIVE PARKER

In compliance with a written request received March 23, 1983, there is hereby submitted a Fiscal Note for Amendment H-3665 to Senate File 495 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Amendment H-3665 to Senate File 495 provides for the creation of a new chapter to deal with the administrative review to be accorded a complaint with respect to a real property tax assessment that is excessive, unequal, unlawful, or made on property which has been misclassified. This also provides for the creation of a new chapter to provide for a small claims tax court to further challenge real property tax assessment. Complaints are currently handled in District Court.

Fiscal Impact: It has been determined from a sample of thirteen large counties that approximately 60 claims are filed in District Court each year. We are assuming no increase in the number of filings; however, a dramatic increase can and should be expected. The projected cost for 60 claims is outlined below:

60 hearings x \$115.07 per hearing (hearing officer) = \$ 6,904.20
 20 miles travel per hearing x 60 hearings x \$.24 per mile = \$ 288.00
 60 hearings x \$165 per hearing for shorthand reporter = \$ 9,900
 Projected cost (not including administrative overhead) = \$ 17,092.20

The state will receive \$6 from each claim, therefore, the revenue for 60 claims is \$360. Subtracting the \$360 from \$17,092.20 results in a net effect of \$16,732.20.

Revenue to the state under current law would be \$1,200 for 60 claims.

(0802H, 83-449, KMM)

SOURCE: COURT ADMINISTRATOR
 FILED APRIL 12, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 495

FISCAL NOTE

REQUESTED BY SENATOR MANN

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 495 as passed by the House and amended by S-3691 pursuant to Joint Rule 17.

Amendment 3691 to Senate File 495, as passed and amended by the House:

Section 13: Increases marriage license fees from \$10 to \$15. Ten dollars of the fee will be deposited in the General Fund and the remaining five dollars will go to the county. Currently, five dollars goes to the County and five dollars is deposited in the General Fund.

Fiscal Impact: In 1982, 27,190 marriage licenses were issued. Raising the fee \$5 would result in \$135,950 additional revenue.

Sections 12, 15, 17, and 19: Responds to portions of the House amendment which removes responsibility for marriage licenses, birth certificates, and death certificates from the office of clerk of court (State General Fund), and transfers responsibility for these functions to the County Recorder (county fund).

Fiscal Impact: Revenue from these fees is approximately \$600,000 per year. This estimate does not include probate, adoption or passport fees. If the responsibility is transferred to the County Recorder, the court fund will be reduced substantially.

(0343.X01, 83-491, KMM)

SOURCE: COURT ADMINISTRATOR

RECEIVED BY THE SECRETARY OF THE SENATE, APRIL 28, 1983

FILED:

MAY 2, 1983

BY LEGISLATIVE FISCAL BUREAU

DENNIS C. PROUTY, DIRECTOR

S-3433

1 Amend Senate File 495 as follows:

2 1. Page 144, line 13, by striking the word and
3 figures "July 1, 1983" and inserting in lieu thereof
4 the word and figures "January 1, 1985".

5 2. Page 144, line 16, by striking the word and
6 figures "July 1, 1983" and inserting in lieu thereof
7 the word and figures "January 1, 1985".

8 3. Page 144, lines 31 and 32, by striking the
9 word and figures "July 1, 1983" and inserting in lieu
10 thereof the word and figures "January 1, 1985".

11 4. Page 144, line 35, by striking the word and
12 figures "July 1, 1983" and inserting in lieu thereof
13 the word and figures "January 1, 1985".

14 5. Page 145, line 4, by striking the figure "1986"
15 and inserting in lieu thereof the figure "1988".

16 6. Page 145, line 5, by striking the figure "1988"
17 and inserting in lieu thereof the figure "1990".

18 7. Page 145, line 6, by striking the figure "1990"
19 and inserting in lieu thereof the figure "1992".

20 8. Page 145, line 10, by striking the word and
21 figures "July 1, 1983" and inserting in lieu thereof
22 the word and figures "January 1, 1985".

23 9. Page 145, line 14, by striking the figure
24 "1986" and inserting in lieu thereof the figure "1988".

25 10. Page 145, line 15, by striking the figure
26 "1988" and inserting in lieu thereof the figure "1990".

27 11. Page 145, line 16, by striking the figure
28 "1990" and inserting in lieu thereof the figure "1992".

29 12. Page 145, by inserting after line 19 the
30 following:

31 "Sec. ____ FIFTH JUDICIAL ELECTION DISTRICT.

32 The provisions of section 602.7109 relating to the
33 division of the fifth judicial district into judicial
34 election districts 5A, 5B, and 5C take effect January
35 1, 1985."

36 13. By renumbering as necessary.

S-3433 FILED & ADOPTED

BY DONALD DOYLE

APRIL 6, 1983 (p. 1112)

DOUGLAS RITSEMA

SENATE FILE 495

S-3316

- 1 Amend Senate File 495 as follows:
- 2 1. Page 25, line 17, by striking the words
- 3 "paragraph a" and inserting in lieu thereof the words
- 4 "paragraph a,".
- 5 2. Page 36, line 10, by striking the word "recent".
- 6 3. Page 103, line 7, by striking the figure and
- 7 words "39.17 COUNTY OFFICERS."
- 8 4. Page 114, line 3, by striking the figure
- 9 "455B.59" and inserting in lieu thereof the figures
- 10 and word "455B.219 and 602.4203".
- 11 5. Page 114, line 4, by striking the words and
- 12 figure "and section 602.4203".
- 13 6. Page 114, line 14, by striking the figure
- 14 "455B.49" and inserting in lieu thereof the figures
- 15 and word "455B.187 and 602.4203".
- 16 7. Page 114, line 15, by striking the words and
- 17 figure "and section 602.4203".
- 18 8. Page 117, line 11, by striking the words
- 19 "paragraph q" and inserting in lieu thereof the words
- 20 "paragraph "q"".
- 21 9. Page 118, line 26, by striking the word "elerk,"
- 22 and inserting in lieu thereof the word "elerk".
- 23 10. Page 129, line 5, by inserting after the word
- 24 "subsection" the word "and".
- 25 11. Page 134, line 32, by striking the figure
- 26 "331-777(2)" and inserting in lieu thereof the figure
- 27 "331-777(2)".
- 28 12. Page 145, line 14, by striking the word "terms"
- 29 and inserting in lieu thereof the words "a term".

S-3316 FILED

BY DONALD V. DOYLE

MARCH 23, 1983

TOM MANN

Adopted 4/6/83 (p. 1118)

SENATE FILE 495

S-3349

- 1 Amend Senate File 495 as follows:
- 2 1. Page 119, by striking lines 19 through 27 and
- 3 inserting in lieu thereof the following:
- 4 "5. a. The board shall provide suitable furniture,
- 5 equipment,".
- 6 2. Page 119, line 35, by striking the letter "c"
- 7 and inserting in lieu thereof the letter "b".
- 8 3. Page 120, by striking lines 11 through 14 and
- 9 inserting in lieu thereof the words "is amended by
- 10 striking the subsection."

S-3349 FILED

BY DONALD V. DOYLE

MARCH 25, 1983

TOM MANN

Adopted 4/6/83 (p. 1118)

S-3442

1 Amend Senate File 495 as follows:

2 1. Page 72, by striking lines 13 through 32 and
3 inserting in lieu thereof the following:

4 "2. The referee shall have the same jurisdiction
5 to conduct juvenile court proceedings and to issue
6 orders, findings, and decisions as the judge of the
7 juvenile court, except that the referee shall not
8 issue warrants. However, the appointing judge may
9 limit the referee's exercise of juvenile court juris-
10 diction.

11 3. The parties to a proceeding heard by the referee
12 are entitled to a review by the judge of the juvenile
13 court of the referee's order, finding, or decision,
14 if the review is requested within ten days after the
15 entry of the referee's order, finding, or decision.
16 A request for review does not automatically stay the
17 referee's order, finding, or decision. The review
18 is on the record only, unless the judge, upon request
19 or upon the judge's own motion, orders otherwise.
20 In the interests of justice, the judge may allow a
21 rehearing at any time."

22 2. Page 111, by inserting after line 10 the
23 following:

24 "Sec. _____. NEW SECTION. 232.3 CONCURRENT COURT
25 PROCEEDINGS.

26 1. During the pendency of an action under this
27 chapter, a party to the action is estopped from
28 litigating concurrently the custody, guardianship,
29 or placement of a child who is the subject of the
30 action, in a court other than the juvenile court.
31 A district judge, district associate judge, magistrate,
32 or judicial hospitalization referee, upon notice of
33 the pendency of an action under this chapter, shall
34 not issue an order, finding, or decision relating
35 to the custody, guardianship, or placement of the
36 child who is the subject of the action, under any
37 law, including but not limited to chapter 598, 598A,
38 or 633.

39 2. The juvenile court with jurisdiction of the
40 pending action under this chapter, however, may, upon
41 the request of a party to the action or on its own
42 motion, authorize the party to litigate concurrently
43 in another court a specific issue relating to the
44 custody, guardianship, or placement of the child who
45 is the subject of the action. Before authorizing
46 a party to litigate a specific issue in another court,
47 the juvenile court shall give all parties to the
48 action an opportunity to be heard on the proposed
49 authorization. The juvenile court may request but
50 shall not require another court to exercise

APRIL 7, 1983

S-3442- PAGE 2

1 jurisdiction and adjudicate a specific issue relating
2 to the custody, guardianship, or placement of the
3 child."

4 3. Page 137, line 10, by inserting after the
5 figure "66.25," the figures "232.63, 232.124,".

6 4. By renumbering as necessary.

S-3442 FILED & ADOPTED
APRIL 6, 1983 (p. 1117)

BY DOUG RITSEMA

SENATE FILE 495

S-3443

1 Amend Senate File 495 as follows:

2 1. Page 145, by inserting after line 25 the
3 following new division entitled appropriations:

4 "DIVISION V

5 APPROPRIATIONS

6 Sec. 10401. IMPLEMENTATION COSTS. There is
7 appropriated from the general fund of the state to
8 the supreme court for the fiscal year beginning July
9 1, 1983 and ending June 30, 1984, two hundred fourteen
10 thousand (214,000) dollars, or so much thereof as
11 is necessary, to employ additional staff within the
12 state and district court administrators' offices and
13 to undertake such studies of the judicial system of
14 this state as may be necessary to provide for the
15 implementation of this Act.

16 Sec. 10402. ALTERNATE DISTRICT ASSOCIATE JUDGE
17 SALARIES. There is appropriated from the general
18 fund of the state to the supreme court for the fiscal
19 year beginning July 1, 1983 and ending June 30, 1984,
20 eleven thousand nine hundred forty-two (11,942)
21 dollars, or so much thereof as is necessary, for the
22 payment of increased salaries of alternate district
23 associate judges as provided in section 602.1501.

24 Sec. 10403. EXPENSES OF THE JUDGES OF THE COURT
25 OF APPEALS. There is appropriated from the general
26 fund of the state to the supreme court for the fiscal
27 year beginning July 1, 1983 and ending June 30, 1984,
28 eleven thousand seven hundred sixty-three (11,763)
29 dollars, or so much thereof as is necessary, for the
30 payment of expenses of the judges of the court of
31 appeals as provided in section 602.6205.

32 Sec. 10404. JURY AND WITNESS FEES. There is
33 appropriated from the general fund of the state to
34 the supreme court for the fiscal period beginning
35 October 1, 1983 and ending June 30, 1984, one million
36 nine hundred thousand (1,900,000) dollars for the
37 payment of jury and witness fees as provided in section
38 10301 of this Act."

S-3443 FILED & ADOPTED
APRIL 6, 1983 (p. 1118)

BY TOM MANN, JR.
DONALD V. DOYLE

- 1 Amend Senate File 495 as follows:
- 2 1. Page 2, line 7, by inserting after the word
- 3 "state" the words ", provided that the clerks of the
- 4 district court and their deputies and employees shall
- 5 continue to be county employees".
- 6 2. Page 8, by striking lines 12 through 22, and
- 7 inserting in lieu thereof the following:
- 8 "1. The office of clerk of the district court
- 9 is an elective office as provided in section 39.17."
- 10 3. Page 11, by inserting after line 27 the
- 11 following:
- 12 "9. A county shall pay the salaries, travel and
- 13 other personal expenses, benefit costs, and all other
- 14 personnel costs of the clerk of the district court,
- 15 deputy clerks, and other persons employed in the
- 16 office of the clerk of the district court."
- 17 4. Page 12, by striking lines 8 through 10 and
- 18 inserting in lieu thereof the words "the department,
- 19 except clerks of the district court and their deputies
- 20 and employees. The supreme".
- 21 5. Page 14, by striking lines 9 through 22 and
- 22 inserting in lieu thereof the following: "OFFICES.
- 23 The salaries of the clerks of the district court and
- 24 their deputies and employees shall be set as provided
- 25 in chapter 331, division V, part 8."
- 26 6. Page 15, by inserting after line 33 the
- 27 following:
- 28 "3. This section does not apply to clerks of the
- 29 district court or their deputies or employees."
- 30 7. Page 74, by striking lines 5 through 15, and
- 31 inserting in lieu thereof the following: "OF THE
- 32 DISTRICT COURT. The clerk of the district court shall
- 33 be elected as provided in section 39.17. The clerk
- 34 of the district court may employ deputies and other
- 35 employees as provided in chapter 331, division V,
- 36 part 8. The clerk of the district court and deputies
- 37 and employees of the clerk of the district court are
- 38 county employees, but are subject to administrative
- 39 and supervisory control by the judicial department
- 40 as provided by law."
- 41 8. Page 102, line 27, by inserting after the word
- 42 "department. the words "This subsection does not apply
- 43 to the clerks of the district court or their deputies
- 44 and employees."
- 45 9. Page 103, by striking lines 5 through 11.
- 46 10. By striking page 103, line 28, through page
- 47 104, line 18.
- 48 11. By striking page 104, line 27 through page
- 49 105, line 5.
- 50 12. Page 105, by striking lines 19 and 20 and

APRIL 7, 1983

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- 1 inserting in lieu thereof the words "as follows:
- 2 Of the office of the county auditor, by the clerk
- 3 of the district court; of the clerk ~~or~~ of the district
- 4 court by the state court administrator; of the county".
- 5 13. By striking page 105, line 35 through page
- 6 106, line 6.
- 7 14. Page 115, by striking lines 18 through 30.
- 8 15. By striking page 115, line 33 through page
- 9 116, line 2.
- 10 16. Page 117, by striking lines 5 and 6 and
- 11 inserting in lieu thereof the words "cluding but not
- 12 limited to salary and expenses-~~of~~ other personnel
- 13 costs attributable to the clerk, deputy clerks, and
- 14 other employees of the clerk's office,".
- 15 17. Page 117, by striking lines 24 and 25.
- 16 18. Page 119, by striking lines 9 and 10 and
- 17 inserting in lieu thereof the following:
- 18 "Sec. 10074. Section 331.653, subsection 71, Code
- 19 1983, is amended by striking the subsection."
- 20 19. By striking page 121, line 2 through page
- 21 122, line 24.
- 22 20. Page 123, by striking lines 20 through 27.
- 23 21. Page 123, line 34, by inserting after the
- 24 word "employees," the words "and the clerks of the
- 25 district court,".
- 26 22. Page 132, line 25, by inserting after the
- 27 word "jurors" the words "from funds appropriated by
- 28 the general assembly to the supreme court for those
- 29 purposes".
- 30 23. By striking page 137, line 28 through page
- 31 138, line 2.
- 32 24. Page 138, line 4, by striking the figure
- 33 "1987" and inserting in lieu thereof the figure "1986".
- 34 25. Page 138, line 6, by striking the figure
- 35 "1987" and inserting in lieu thereof the figure "1986".
- 36 26. Page 138, line 14, by striking the figure
- 37 "1987" and inserting in lieu thereof the figure "1986".
- 38 27. Page 138, line 15, by striking the figure
- 39 "1987" and inserting in lieu thereof the figure "1986".
- 40 28. Page 138, line 35, by striking the figure
- 41 "1987" and inserting in lieu thereof the figure "1986".
- 42 29. Page 141, by striking line 3.
- 43 30. Page 142, by striking line 32.
- 44 31. By renumbering sections, subsections and
- 45 paragraphs, and correcting internal references.

S-3439 FILED & LOST (p. 1117)

APRIL 6, 1983

RECONSIDERED, LOST (p. 1125)

BY JOHN JENSEN

EMIL HUSAK

BILL HUTCHINS

BERL PRIEBE

RAY TAYLOR

RICHARD VANDE HOEF

FORREST V. SCHWENGELS

APRIL 7, 1983

SENATE FILE 495

S-3437

1 Amend Senate File 495 as follows:

- 2 1. By striking page 22, line 29 through page 23,
3 line 4, and inserting in lieu thereof the following:
4 "Sec. 2106. NEW SECTION. 602.2106 RETIREMENT.
5 A person who becomes separated from service as a
6 judge, and who has completed an aggregate of at least
7 six years of service as a judge, and who has attained
8 the age of sixty-five years or has completed twenty-
9 five years of consecutive service as a judge, and
10 who has otherwise qualified as provided in this
11 article, is entitled to an annuity as provided in
12 this article."

S-3437 FILED & ADOPTED
APRIL 6, 1983 (p. 1117)

BY JOHN NYSTROM
TOM MANN, JR.
DONALD DOYLE

SENATE FILE 495

S-3440

1 Amend Senate File 495 as follows:

- 2 1. Page 38, by striking lines 15 and 16.

S-3440 FILED & ADOPTED
APRIL 6, 1983 (p. 1117)

BY DOUG RITSEMA

SENATE FILE 495

S-3441

1 Amend Senate File 495 as follows:

- 2 1. Page 140, line 12, by striking the figure
3 "1985" and inserting in lieu thereof the figure "1986".

S-3441 FILED & ADOPTED
APRIL 6, 1983 (p. 1118)

BY TOM MANN, JR.

SENATE FILE 495

S-3444

1 Amend Senate File 495 as follows:

- 2 1. Page 64, line 34, by inserting after the word
3 "bail." the following: "They also have jurisdiction
4 of first offense violations of section 321.281 but
5 only to the extent that they may approve trial
6 informations, conduct arraignments, accept guilty
7 pleas if the defendant is represented by legal counsel,
8 sentence those pleading guilty and make appropriate
9 orders authorized by section 321.283."
10 2. Page 65, line 2, by inserting after the figure
11 "2" the figures ", 5, 7, 8,".

S-3444 FILED & ADOPTED
APRIL 6, 1983 (p. 1118)

BY DOUG RITSEMA

SENATE 3
APRIL 7, 1983

SENATE FILE 495

S-3434

1 Amend Senate File 495 as follows:
2 1. Page 54, by striking lines 13 through 16.
3 2. Page 55, line 27, by striking the word "ninety-
4 six" and inserting in lieu thereof the word "ninety-
5 nine".
6 3. Page 144, by inserting after line 11 the follow-
7 ing:
8 "Sec. ____ . ADDITIONAL JUDGESHIPS. As soon as
9 possible after the effective date of this Act the
10 supreme court administrator of the judicial department
11 shall rank each judicial election district in
12 descending order based on the application of the
13 judgeship formula provided in section 602.7201. The
14 vacant judgeships that exist upon the enactment of
15 this Act shall be apportioned, one to a judicial
16 election district, among the four judicial election
17 districts having the lowest percentage of their
18 judgeship entitlement under the judgeship formula.
19 Vacancies created by this Act shall be filled as soon
20 as possible after the effective date of this Act."
21 3. By renumbering as necessary.

S-3434 FILED & ADOPTED
APRIL 6, 1983 (p. 1117)

BY DONALD DOYLE
DOUGLAS RITSEMA

SENATE FILE 495

S-3435

1 Amend Senate File 495 as follows:
2 1. Page 137, by inserting after line 23 the
3 following:
4 " ____ . Bailiffs who perform services for the court,
5 other than law enforcement services, shall become
6 court employees on January 1, 1985, and shall be
7 called court attendants. The state shall assume the
8 responsibility for and the costs of court attendants
9 on January 1, 1985. Section 602.7601 takes effect
10 January 1, 1985."
11 2. Page 145, by striking lines 22 through 25 and
12 inserting in lieu thereof the words and figures "for
13 the court, other than law enforcement services,
14 immediately prior to the effective date of section
15 602.7601, shall be employed by the district court
16 administrators as court attendants under section
17 602.7601 on the effective date of that section."
18 3. By renumbering as necessary.

S-3435 FILED & ADOPTED
APRIL 6, 1983 (p. 1115)

BY TOM MANN, JR.

APRIL 7, 1983

SENATE FILE 495

S-3446

1 Amend Senate File 495 as follows:

2 1. Page 130, by inserting after line 34 the
3 following:

4 "Sec. ____ Section 815.7, Code 1983, is amended
5 to read as follows:

6 815.7 FEES TO ATTORNEYS. An attorney appointed
7 by the court to represent any person charged with
8 a crime in this state shall be entitled to a reasonable
9 compensation which shall be the ordinary and customary
10 charges for like services in the community to be
11 decided in each case by a judge of the district court,
12 including such sum or sums as the court may determine
13 are necessary for investigation in the interests of
14 justice and in the event of appeal the cost of
15 obtaining the transcript of the trial and the printing
16 of the trial record and necessary briefs in behalf
17 of the defendant. However, the attorney shall not
18 be entitled to an hourly fee which exceeds the
19 statewide average hourly cost computed by the state
20 court administrator for all public defenders in this
21 state. ~~Sueh~~ The attorney need not follow the case
22 into another county or into the appellate court unless
23 so directed by the court at the request of the
24 defendant, where grounds for further litigation are
25 not capricious or unreasonable, but if sueh the
26 attorney does so his-or-her the attorney's fee shall
27 be determined accordingly. Only one attorney fee
28 shall be so awarded in any one case except that in
29 class "A" felony cases, two may be authorized."
30 2. By renumbering as necessary.

S-3446 FILED
APRIL 6, 1983
WITHDRAWN (p. 1122)

BY DON GETTINGS
WILLIAM DIELEMAN

SENATE FILE 495

S-3451

1 Amend the amendment, S-3447, to Senate File 495,
2 as follows:

3 1. Page 1, by striking line 5 and inserting in
4 lieu thereof the words "average salary received by
5 the county auditor, the county treasurer, and the
6 county recorder in".

S-3451 FILED & ADOPTED
APRIL 6, 1983 (p. 1121)

BY JOHN W. JENSEN
EMIL J. HUSAK
RAY TAYLOR

SENATE 10
APRIL 7, 1983

SENATE FILE 495

S-3445

1 Amend Senate File 495 as follows:

2 1. By striking page 42, line 32, through page
3 43, line 10, and inserting in lieu thereof the
4 following:

5 "2. Rules and forms prescribed by the supreme
6 court shall be reported by the court to the chairperson
7 and ranking member of the senate judiciary committee,
8 the chairperson and ranking member of the house
9 judiciary and law enforcement committee, and the
10 legislative council within twenty days of the issuance
11 of the rules or forms.

12 3. After sixty days, rules and forms reported,
13 as provided in subsection 2, shall take effect as
14 of that date or as of the date provided in the court's
15 report, if later, and shall be enrolled in
16 substantially the same manner as Acts are enrolled
17 and shall be filed with the secretary of state and
18 bound with the Acts of the general assembly, provided
19 that no request for delay has been made pursuant to
20 subsection 4.

21 4. Upon the vote of a majority of its members,
22 the legislative council may, within sixty days of
23 receiving a report pursuant to subsection 2, delay
24 the effective date of a rule or form until July 1
25 following the date of their submission, with such
26 changes, if any, that may have been enacted by the
27 general assembly, and thereafter all laws in conflict
28 are of no force or effect."

29 2. Page 99, by inserting after line 30 the
30 following:

31 "Sec. ____ Section 2.42, Code 1983, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 16. Authority to review proposed
34 rules and forms submitted by the supreme court pursuant
35 to section 684.18."

36 3. By renumbering as necessary.

S-3445 FILED & ADOPTED

BY DOUG RITSEMA

APRIL 6, 1983 (p. 1118)

SENATE FILE 495

S-3447

1 Amend Senate File 495 as follows:

2 1. Page 14, line 12, by inserting after the word
3 "district." the words "However, a clerk of the district
4 court shall not receive a salary in excess of the
5 salary received by any elected county official in
6 the county in which the clerk serves."

S-3447 FILED

BY EMIL HUSAK

APRIL 6, 1983

JOHN JENSEN

ADOPTED AS AMENDED (p. 1121)

BERL PRIEBE

RECONSIDERED & ADOPTED (p. 1125)

SENATE FILE 495

S-3450

1 Amend Senate File 495 as follows:
2 1. Page 130, by inserting after line 34 the
3 following:
4 "Sec. _____. Section 815.7, Code 1983, is amended
5 to read as follows:
6 815.7 FEES TO ATTORNEYS. An attorney appointed
7 by the court to represent any person charged with
8 a crime in this state shall be entitled to a reasonable
9 compensation which shall be the ordinary and customary
10 charges for like services in the community to be
11 decided in each case by a judge of the district court,
12 including such sum or sums as the court may determine
13 are necessary for investigation in the interests of
14 justice and in the event of appeal the cost of
15 obtaining the transcript of the trial and the printing
16 of the trial record and necessary briefs in behalf
17 of the defendant. However, the attorney shall not
18 be entitled to an hourly fee which exceeds the
19 statewide average hourly fee computed by the state
20 court administrator for all court-appointed attorneys
21 in this state, based on the last year of completed
22 court records. ~~Sueh~~ The attorney need not follow
23 the case into another county or into the appellate
24 court unless so directed by the court at the request
25 of the defendant, where grounds for further litigation
26 are not capricious or unreasonable, but if ~~sueh~~ the
27 attorney does so ~~his-or-her~~ the attorney's fee shall
28 be determined accordingly. Only one attorney fee
29 shall be so awarded in any one case except that in
30 class "A" felony cases, two may be authorized."
31 2. By renumbering as necessary.

S-3450 FILED

BY DON GETTINGS

APRIL 6, 1983

WILLIAM DIELEMAN

RULED OUT OF ORDER (p. 1122)

SENATE FILE 495

S-3453

1 Amend the amendment, S-3450, to Senate File 495,
2 as follows:
3 1. Page 1, by striking lines 17 through 22 and
4 inserting in lieu thereof the following: "of the
5 defendant. However, the attorney shall not be entitled
6 to a fee which exceeds guidelines prescribed by the
7 supreme court. The supreme court shall publish rules
8 prescribing guidelines for attorney fees pursuant
9 to sections 602.5201 and 602.5202. ~~Sueh~~ The attorney
10 need not follow".

S-3453 FILED & ADOPTED

BY TOM MANN, JR.

APRIL 6, 1983 (p. 1122)

DONALD V. DOYLE

SENATE FILE 495

S-3449

1 Amend Senate File 495 as follows:

2 1. By striking page 19, line 35 through page 20,
3 line 22 and inserting in lieu thereof the following:
4 "1. Justices of the supreme court, judges of the
5 court of appeals, district judges, and district
6 associate judges who are retired by reason of age
7 or who are drawing benefits under section 602.2106,
8 and senior judges who have retired under section
9 602.2207 or who have relinquished senior judgeship
10 under section 602.2208, subsection 1, may with their
11 consent be assigned by the supreme court or by the
12 chief judge in the case of district associate judges
13 to temporary judicial duties on a court in this state.
14 A retired justice or judge shall not be assigned to
15 temporary judicial duties on any court superior to
16 the highest court to which that justice or judge had
17 been appointed prior to retirement, and shall not
18 be assigned for temporary duties with the supreme
19 court or the court of appeals except in the case of
20 a temporary absence of a member of one of those courts.
21 2. A retired justice or judge shall not engage
22 in the practice of law unless the justice or judge
23 files an election to practice law with the clerk of
24 the supreme court. Upon electing to practice law,
25 the justice or judge is ineligible for assignment
26 to temporary judicial duties at any time.
27 3. While serving under temporary assignment, a
28 retired justice or judge shall be paid the compensation
29 and expense reimbursement provided by law for justices
30 or judges on the court to which assigned, but shall
31 not receive annuity payments under the judicial
32 retirement system and a district associate judge
33 covered under chapter 97B shall receive monthly
34 benefits under that chapter only if the district
35 associate judge has attained the age of seventy years."

S-3449 FILED & ADOPTED
APRIL 6, 1983 (p. 1122)

BY DOUG RITSEMA

SENATE FILE 495

S-3452

1 Amend Senate File 495 as follows:

2 1. Page 54, line 18, by inserting after the word
3 "subsection" the words "shall include juvenile court
4 filings after July 1, 1985,"

S-3452 FILED & ADOPTED
APRIL 6, 1983 (p. 1122)

BY JULIA GENTLEMAN

APRIL 13, 1983
PAGE FOUR

SENATE FILE 495 (as amended by S-3435)
FISCAL NOTE

REQUESTED BY SENATOR MANN

In compliance with a written request received March 07, 1983, there is hereby submitted a Fiscal Note for Senate File 495 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 495, as amended by S-3435, is an Act relating to organization, administration, supervision, and funding of the courts, and including recodification of court statutes and providing penalties and an appropriation.

This bill reorganizes the courts and related agencies into a state judicial department that is supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, probation officers and district court administrators would become state employees. Over a five-year period, starting July of 1984, the financial obligation of the counties will transfer to the state, except expenses for the physical facilities, magistrate appointing commission, jury commission, and prosecutions of criminal actions under state law. During the same five-year period of time, county revenue from court operations would be shifted to the state. Fine money paid to the county treasury for the benefit of the school districts will be deposited in the state general fund but the schools would continue to receive the same amount as they received in fiscal year 1984-85. Any subsequent growth in school district fine revenue will remain with the state. This bill generally takes effect July of 1984.

The Legislative Council in 1979 contracted with Resources Planning Corporation of Washington, D. C. to prepare the "Iowa Court Financial and Personnel Information Profile." The study determined that during the fiscal year 1976-77 through 1978-79 the various expenditures of counties and state to maintain the court system increased an average 11.5% a year and the various receipts increased an average 12.5% a year. Using those assumptions, the following would be the fiscal effect of the bill:

Estimated Expenditures (Dollars in Millions)							
	(1) FY 84	(2) FY 85	(3) FY 86	(4) FY 87	(5) FY 88	FY 89	FY 90
(4) Clerk of Court	\$17.3	19.3	21.6	24.0	26.8	29.8	33.2
(3) Juv. Probation	7.2	8.0	8.9	10.0	11.1	12.4	13.8
(2) Court Reporters	5.1	5.7	6.3	7.0	7.8	8.7	9.8
(1) Jury-Witness	1.9	2.8	3.0	3.4	3.8	4.3	4.8
(5) Indigent Defense	6.8	7.5	8.4	9.4	10.5	11.7	13.0
(2) Court Attendants	1.6	1.8	2.0	2.3	2.5	2.8	3.1
(1) Other Costs	0.2	0.2	0.3	0.3	0.3	0.4	0.4
	<u>\$40.1</u>	<u>45.3</u>	<u>50.5</u>	<u>56.4</u>	<u>62.8</u>	<u>70.1</u>	<u>78.1</u>
State's Share	2.1	10.5	20.5	47.0	62.8	70.1	78.1
State's % Share	5.2	23.2	40.6	83.3	100.0	100.0	100.0
Counties' Share	38.0	34.8	30.0	9.4	0.0	0.0	0.0

APRIL 13, 1983
PAGE FIVE

FISCAL NOTE, SENATE FILE 495 as amended by S-3435
Page Two

Estimated Revenue
* (Dollars in Millions)

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Total Revenue	\$30.4	34.2	38.5	43.3	48.7	54.7	61.6
State's Share	\$ 2.4	5.4	11.7	19.2	28.0	34.0	40.9
Counties' Share	9.6	8.1	6.1	3.4	0.0	0.0	0.0
Counties' % Share	80.0	60.0	40.0	20.0	0.0	0.0	0.0
Schools' Share	18.4	20.7	20.7	20.7	20.7	20.7	20.7
	<u>30.4</u>	<u>34.2</u>	<u>38.5</u>	<u>43.3</u>	<u>48.7</u>	<u>54.7</u>	<u>61.6</u>

Estimated State Revenue
(Dollars in Millions)

	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
State Expenditures	\$ 2.1	10.5	20.5	47.0	62.9	70.1	78.1
State Revenues	2.4	5.4	11.7	19.2	28.0	34.0	40.9
Unfunded Costs	0.0	5.1	8.8	27.8	34.9	36.1	37.2

The above amounts use 11.5% increased cost per year and 12.5% increase in receipts per year. These amounts are used because that was the historical increase. Even though the actual percentages will be different, it shows the relationship between the counties and the state's portion during the phase in.

Implementation of the reorganization will be by function rather than in 20% increments. The steps are signified by the numbers in parentheses.

The bill provides that the counties who provide computer services shall continue to do so unless otherwise directed by the General Assembly and the supreme court shall reimburse the counties for the services. This amount cannot be determined from present records maintained by the court administrator.

(0343C, 83-342, KMM)

Source: Legislative Service Bureau
Court Administrator

FILED APRIL 12, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

REVISED

SENATE FILE 495
FISCAL NOTE

REQUESTED BY SENATOR MANN

In compliance with a written request received March 07, 1983, there is hereby submitted a Fiscal Note for Senate File 495 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 495, as amended by S-3435, is an Act relating to organization, administration, supervision, and funding of the courts, and including recodification of court statutes and providing penalties and an appropriation.

This bill reorganizes the courts and related agencies into a state judicial department that is supervised and administered by the supreme court. All the district court personnel, including clerks of the district court, court reporters, probation officers and district court administrators would become state employees. Over a five-year period, starting July of 1984, the financial obligation of the counties will transfer to the state, except expenses for the physical facilities, magistrate appointing commission, jury commission, and prosecutions of criminal actions under state law. During the same five-year period of time, county revenue from court operations would be shifted to the state. Fine money paid to the county treasury for the benefit of the school districts will be deposited in the state general fund and the schools would continue to receive the same amount as they received in fiscal year 1984-85. Any subsequent growth in school district fine revenue will remain with the state. This bill generally takes effect July of 1984.

The Legislative Council in 1979 contracted with Resources Planning Corporation of Washington, D. C. to prepare the "Iowa Court Financial and Personnel Information Profile." The study determined that during the fiscal year 1976-77 through 1978-79 the various expenditures of counties and state to maintain the court system increased an average 11.5% a year and the various receipts increased an average 12.5% a year. Using those assumptions, the following would be the fiscal effect of the bill:

Estimated Expenditures
(Dollars in Millions)

	(1) FY 84	(2) FY 85	(3) FY 86	(4) FY 87	(5) FY 88	FY 89	FY 90
(4) Clerk of Court	\$17.3	19.3	21.6	24.0	26.8	29.8	33.2
(3) Juv. Probation	7.2	8.0	8.9	10.0	11.1	12.4	13.8
(2) Court Reporters	5.1	5.7	6.3	7.0	7.8	8.7	9.8
(1) Jury-Witness	1.9	2.8	3.0	3.4	3.8	4.3	4.8
(5) Indigent Defense	6.8	7.5	8.4	9.4	10.5	11.7	13.0
(2) Court Attendants	1.6	0.9	2.0	2.3	2.5	2.8	3.1
(1) Other Costs	0.2	0.2	0.3	0.3	0.3	0.4	0.4
	<u>\$40.1</u>	<u>44.4</u>	<u>50.5</u>	<u>56.4</u>	<u>62.8</u>	<u>70.1</u>	<u>78.1</u>
State's Share	2.1	9.6	20.5	47.0	62.8	70.1	78.1
State's % Share	5.2	21.6	40.6	83.3	100.0	100.0	100.0
Counties' Share	38.0	34.8	30.0	9.4	0.0	0.0	0.0

SENATE FILE 495
as amended by H-3795
FISCAL NOTE

REQUESTED BY REPRESENTATIVE WELDEN

In compliance with a written request received April 19, 1983, there is hereby submitted a Fiscal Note for Senate File 495 as amended by H-3795 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 495, as amended by H-3795, requires the state to assume the responsibility and costs for indigent defense and expenses of petit jurors effective July 1, 1984.

Fiscal Impact:

	<u>Estimated Expenditures</u> (Dollars in millions)			
	<u>FY 1985</u>	<u>FY 1986</u>	<u>FY 1987</u>	<u>FY 1988</u>
Petit Jurors	2.4	2.6	2.9	3.3
Indigent Defense	7.5	8.4	9.4	10.5
	9.9	11.0	12.3	13.8

Source: District Court Administrator
FILED APRIL 19, 1983

(343.X01, 83-479, KMM)
BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 495

H-3591

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by striking lines 15 through 18 and
4 inserting in lieu thereof the words "judicial
5 district."

6 2. Page 20, by striking lines 6 through 33 and
7 inserting in lieu thereof the following:

8 "1. Justices of the supreme court, judges of the
9 court of appeals, and district judges who are retired
10 by reason of age or who are drawing benefits under
11 section 602.2106, and senior judges who have retired
12 under section 602.2207 or who have relinquished senior
13 judgeship under section 602.2208, subsection 1, may
14 with their consent be assigned by the supreme court
15 to temporary judicial duties on a court in this state.
16 A retired officer shall not be assigned to temporary
17 judicial duties on any court superior to the highest
18 court to which that officer had been appointed prior
19 to retirement, and shall not be assigned for temporary
20 duties with the supreme court or the court of appeals
21 except in the case of a temporary absence of a member
22 of one of those courts.

23 2. A retired justice or judge shall not engage
24 in the practice of law unless the justice or judge
25 files an election to practice law with the clerk of
26 the supreme court. Upon electing to practice law,
27 the person is ineligible for assignment to temporary
28 judicial duties at any time.

29 3. While serving under temporary assignment, a
30 retired justice or judge shall be paid the compensation
31 and expense reimbursement provided by law for justices
32 or judges on the court to which assigned, but shall
33 not receive annuity payments under the judicial
34 retirement system."

35 3. Page 23, by striking lines 5 through 12 and
36 inserting in lieu thereof the following:

37 "Sec. 2106. NEW SECTION. 602.2106 RETIREMENT.
38 A person who becomes separated from service as a
39 judge, and who has completed an aggregate of at least
40 six years of service as a judge and has attained the
41 age of sixty-five years, and who has otherwise
42 qualified as provided in this article, is entitled
43 to an annuity as provided in this article. However,
44 a person who has not attained the age of sixty-five
45 years is entitled to an annuity as provided in this
46 article if, upon separation, the person has completed
47 twenty-five years of consecutive service as a judge,
48 with an aggregate of at least six years of service
49 prior to July 1, 1983."

50 4. Page 38, by inserting after line 22 the follow-

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Page two

1 ing:

2 "8. Willful or repeated violations of one or more
3 of the provisions of this article."

4 5. Page 43, by striking lines 3 through 23 and
5 inserting in lieu thereof the following:

6 "2. Rules and forms prescribed by the supreme
7 court shall be reported by the court to the general
8 assembly within twenty days after the commencement
9 of a regular session. The rules and forms shall take
10 effect July 1 following the date of submission, as
11 modified by any changes that are enacted during the
12 session, and conflicting law shall be of no further
13 force or effect.

14 3. At adjournment of a session where rules and
15 forms have been reported, an enrolled copy thereof,
16 together with any changes, shall be made in
17 substantially the same manner as acts of the general
18 assembly are enrolled. The enrolled copy shall be
19 certified as to the action, if any, taken by the
20 general assembly, and shall be filed with the secretary
21 of state and bound with the acts of the general
22 assembly."

23 6. Page 54, by inserting after line 25 the follow-
24 ing:

25 "_____. In addition to the number of judgeships
26 provided by paragraph a, b, c, d, or e, the election
27 district in which the Iowa state penitentiary is
28 located is entitled to one additional judgeship."

29 7. Page 54, lines 27 and 28, by striking the words
30 "shall include juvenile court filings after July 1,
31 1985."

32 8. Page 56, line 3, by striking the word "ninety-
33 nine" and inserting in lieu thereof the word "ninety-
34 six".

35 9. Page 65, by striking lines 10 through 15 and
36 inserting in lieu thereof the words "commitments,
37 and take bail."

38 10. Page 65, line 18, by striking the figures
39 "5, 7, 8."

40 11. By striking page 72, line 29 through page
41 73, line 9 and inserting in lieu thereof the following:

42 "2. The juvenile court judge may order that any
43 case or class of cases arising under chapter 232 or
44 chapter 600A be heard in the first instance by the
45 referee in the manner provided for the hearing of
46 cases by the court.

47 3. Upon the conclusion of a hearing held by a
48 referee, the referee shall transmit findings of fact
49 to the juvenile court judge. Notice of the findings
50 of fact of the referee, together with a statement

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1 concerning the right to a rehearing, shall be given
2 to the parties to the proceeding, including the
3 parents, guardian, or custodian of a minor, and to
4 any other interested person as the court directs.
5 This notice may be given orally at the hearing, or
6 by certified mail or other service as directed by
7 the court.

8 4. The parties to a proceeding heard by a referee
9 are entitled to a rehearing by the judge of the
10 juvenile court if requested within seven days after
11 receiving notice of the findings of fact of the
12 referee. In the interest of justice, the court may
13 allow a rehearing at any time. If a rehearing is
14 not requested, the court may enter an appropriate
15 order based upon the referee's findings of fact."

16 12. Page 100, by striking lines 8 through 12.

17 13. By striking page 111, line 28 through page
18 112, line 18.

19 14. Page 138, line 8, by striking the figures
20 "232.63, 232.124,"

21 15. Page 138, by striking lines 23 through 28.

22 16. Page 141, line 17, by striking the figure
23 "1986" and inserting in lieu thereof the figure "1985".

24 17. Page 145, by striking lines 17 through 28.

25 18. Page 145, line 30, by striking the word and
26 figures "January 1, 1985" and inserting in lieu thereof
27 the word and figures "July 1, 1983".

28 19. Page 145, line 33, by striking the word and
29 figures "January 1, 1985" and inserting in lieu thereof
30 the word and figures "July 1, 1983".

31 20. Page 146, lines 13 and 14, by striking the
32 word and figures "January 1, 1985" and inserting in
33 lieu thereof the word and figures "July 1, 1983".

34 21. Page 146, line 17, by striking the word and
35 figures "January 1, 1985" and inserting in lieu thereof
36 the word and figures "July 1, 1983".

37 22. Page 146, line 21, by striking the figure
38 "1988" and inserting in lieu thereof the figure "1986".

39 23. Page 146, line 22, by striking the figure
40 "1990" and inserting in lieu thereof the figure "1988".

41 24. Page 146, line 23, by striking the figure
42 "1992" and inserting in lieu thereof the figure "1990".

43 25. Page 146, line 27, by striking the word and
44 figures "January 1, 1985" and inserting in lieu thereof
45 the word and figures "July 1, 1983".

46 26. Page 146, line 31, by striking the figure
47 "1988" and inserting in lieu thereof the figure "1986".

48 27. Page 146, line 32, by striking the figure
49 "1990" and inserting in lieu thereof the figure "1988".

50 28. Page 146, line 33, by striking the figure

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- 1 "1992" and inserting in lieu thereof the figure "1990".
- * 2 29. Page 147, by striking lines 2 through 5.
- 3 30. Page 147, by striking lines 2 through 12 and
- 4 inserting in lieu thereof the following: "for the
- 5 court, other than law enforcement services, immediately
- 6 prior to the effective date of this Act, shall be
- 7 employed by the district court administrators as court
- 8 attendants under section 602.7501 on the effective
- 9 date of this Act."
- Q 10 31. By striking page 147, line 13 through page
- 11 148, line 8.
- 12 32. By renumbering as necessary.

H-3591 FILED APRIL 8, 1983

BY COMMITTEE ON JUDICIARY AND LAW
ENFORCEMENT

- A + B - Adopted as amended by 3649 & 3685 4/19 (p. 1396)
- C - w/o (p. 1396)
- D - Adopted (p. 1396)
- E - Adopted (p. 1397)
- F - Loss (p. 1398)
- G, H, I - w/o (p. 1398)
- J - Loss (p. 1400)
- K - Adopted (p. 1400)
- L - w/o (p. 1400)
- M, N - w/o (p. 1400)
- O - Adopted as amended by 3649 (p. 1400) Motion to reconsider 4/20 (p. 1487) w/o 4/21 (p. 1512)
- P - Adopted (p. 1400)
- Q - Adopted as amended by 3672 B (p. 1400)

SENATE FILE 495

H-3620

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 139, line 4, by inserting after the word
4 "office." the words and figures "The district judges
5 of a judicial election district shall give first and
6 primary consideration for appointment of a clerk of
7 the district court to serve the court beginning in
8 1989 to a clerk serving on and after July 1, 1986
9 until the expiration of the clerk's elected term of
10 office."

BY HARBOR of Mills
SCHROEDER of Pottawattamie
MENKE of O'Brien

H-3620 FILED APRIL 8, 1983

Adopted 4/20/83 (p. 1484)

SENATE FILE 495

H-3644

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, line 33, by striking the word
4 "suitable".
5 2. Page 10, line 34, by inserting after the word
6 "facilities" the words "which in the judgment of the
7 board of supervisors are suitable".
8 3. Page 11, line 4, by striking the word
9 "suitable".
10 4. Page 11, by striking lines 5 and 6 and inserting
11 in lieu thereof the words "facilities which in the
12 judgment of the city council are suitable."

H-3644 FILED APRIL 11, 1983

BY WELDEN of Hardin

Adopted 4/19 (p. 1417)

SENATE FILE 495

H-3643

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 97, line 4, by striking the figure "1985"
4 and inserting in lieu thereof the figure "1984".
5 2. Page 97, line 7, by striking the figure "1984"
6 and inserting in lieu thereof the figure "1983".

H-3643 FILED APRIL 11, 1983

BY WELDEN of Hardin

Adopted 4/20 (p. 1475)

SENATE FILE 495

H-3647

- 1 Amend Senate File 495, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 14, by inserting after the word
- 4 "appropriate." the words "The chief justice shall
- 5 include in the message recommended statutory changes
- 6 which will eliminate or reduce the amount of
- 7 unjustified or unrealistic tort claims for damages
- 8 due to the alleged negligence of the state, a
- 9 municipality, or any other person."

H-3647 FILED APRIL 11, 1983 BY WELDEN of Hardin

Adopted 4/19/83 (p. 1401)

SENATE FILE 495

H-3648

- 1 Amend the amendment, H-3591, to Senate File 495,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5.

H-3648 FILED APRIL 11, 1983 BY MCKEAN of Jones

4/18 4/19 (p. 1395)

SENATE FILE 495

H-3649

- 1 Amend the amendment, H-3591, to Senate File 495,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 6 through 34.
- 5 2. Page 4, by inserting after line 9 the following:
- 6 "____. Page 147, by inserting after line 12 the
- 7 following:
- 8 "Sec. ____ TEMPORARY SERVICE BY CERTAIN RETIRED
- 9 JUDICIAL MAGISTRATES. Persons who retired before
- 10 January 1, 1981 and who were judicial magistrates
- 11 at the time of retirement and who meet the
- 12 qualifications of a district associate judge are
- 13 considered to be district associate judges for the
- 14 purposes of section 602.1612.""
- 15 3. By renumbering as necessary.

BY RENAUD of Polk
VARN of Johnson
SHERZAN og Polk
WOODS of Polk

H-3649 FILED APRIL 11, 1983

Adopted 4/19 (p. 1396)

SENATE FILE 495

H-3650

1 Amend the amendment, H-3591, to Senate File 495,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 5 and
5 inserting in lieu thereof the following:
6 "1. Page 2, line 7, by inserting after the word
7 "state" the words ", provided that the clerks of the
8 district court and their deputies and employees shall
9 continue to be county employees".
10 2. Page 8, by striking lines 12 through 22, and
11 inserting in lieu thereof the following:
12 "1. The office of clerk of the district court
13 is an elective office as provided in section 39.17."
14 3. Page 11, by inserting after line 27 the
15 following:
16 "9. A county shall pay the salaries, travel and
17 other personal expenses, benefit costs, and all other
18 personnel costs of the clerk of the district court,
19 deputy clerks, and other persons employed in the
20 office of the clerk of the district court."
21 4. Page 12, by striking lines 8 through 10 and
22 inserting in lieu thereof the words "the department,
23 except clerks of the district court and their deputies
24 and employees. The supreme".
25 5. Page 14, by striking lines 12 through 28 and
26 inserting in lieu thereof the following: "OFFICES.
27 The salaries of the clerks of the district court and
28 their deputies and employees shall be set as provided
29 in chapter 331, division V, part 8."
30 6. Page 16, by inserting after line 4 the
31 following:
32 "3. This section does not apply to clerks of the
33 district court or their deputies or employees."
34 2. Page 3, by inserting after line 15 the
35 following:
36 "____. Page 74, by striking lines 17 through 27,
37 and inserting in lieu thereof the following: "OF
38 THE DISTRICT COURT. The clerk of the district court
39 shall be elected as provided in section 39.17. The
40 clerk of the district court may employ deputies and
41 other employees as provided in chapter 331, division
42 V, part 8. The clerk of the district court and deputies
43 and employees of the clerk of the district court are
44 county employees, but are subject to administrative
45 and supervisory control by the judicial department
46 as provided by law."
47 3. Page 3, by inserting after line 16 the
48 following:
49 "____. Page 103, line 9, by inserting after the
50 word "department." the words "This subsection does

1 not apply to the clerks of the district court or their
2 deputies and employees."
3 _____. Page 103, by striking lines 22 through 28.
4 _____. Page 104, by striking lines 10 through 35.
5 _____. Page 105, by striking lines 9 through 22.
6 _____. Page 106, by striking lines 1 and 2 and
7 inserting in lieu thereof the words "as follows:
8 Of the office of the county auditor, by the clerk
9 of the district court; of the clerk ~~of~~ of the district
10 court by the state court administrator; of the county".
11 _____. Page 106, by striking lines 17 through 23."
12 4. Page 3, by inserting after line 18 the
13 following:
14 "_____. By striking page 116, line 26 through page
15 117, line 3.
16 _____. Page 117, by striking lines 6 through 10.
17 _____. Page 118, by striking lines 13 and 14 and
18 inserting in lieu thereof the words "cluding but not
19 limited to salary and ~~expenses-of other personnel~~
20 costs attributable to the clerk, deputy clerks, and
21 other employees of the clerk's office,".
22 _____. Page 118, by striking lines 32 and 33.
23 _____. Page 120, by striking lines 17 and 18 and
24 inserting in lieu thereof the following:
25 "Sec. 10076. Section 331.653, subsection 71, Code
26 1983, is amended by striking the subsection."
27 _____. By striking page 121, line 35 through page
28 123, line 22.
29 _____. Page 124, by striking lines 18 through 25.
30 _____. Page 124, line 32, by inserting after the
31 word "employees," the words "and the clerks of the
32 district court,".
33 _____. Page 133, line 23, by inserting after the
34 word "jurors" the words "from funds appropriated by
35 the general assembly to the supreme court for those
36 purposes".
37 5. Page 3, by inserting after line 21 the
38 following:
39 "_____. By striking page 138, line 33 through page
40 139, line 7.
41 _____. Page 139, line 9, by striking the figure
42 "1987" and inserting in lieu thereof the figure "1986".
43 _____. Page 139, line 11, by striking the figure
44 "1987" and inserting in lieu thereof the figure "1986".
45 _____. Page 139, line 19, by striking the figure
46 "1987" and inserting in lieu thereof the figure "1986".
47 _____. Page 139, line 20, by striking the figure
48 "1987" and inserting in lieu thereof the figure "1986".
49 _____. Page 140, line 5, by striking the figure
50 "1987" and inserting in lieu thereof the figure

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1 "1986".
2 6. Page 3, by inserting after line 23 the
3 following:
4 "_____. Page 142, by striking line 8.
5 _____. Page 144, by striking line 2."

Unconsidered & Lost 4/15/83 (p. 125-2)
H-3650 FILED APRIL 11, 1983

*Adopted as amended by 3691
4/12 (p. 1222) Motion to Reconsider (p. 1251)*

BY HARBOR of Mills
SCHROEDER of Pottawattamie
MENKE of O'Brien
Jan Mazurek (4/12)

H-3665

1 Amend Senate File 495 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 100, by inserting after line 5 the follow-
4 ing:

5 "ARTICLE 10

6 REAL PROPERTY ASSESSMENT REVIEW PROCEDURES

7 PART 1

8 Sec. ____ . NEW SECTION. 602.10101 DEFINITIONS.
9 As used in this chapter, unless the context otherwise
10 requires:

- 11 1. "Assessed valuation" means the determination
12 made by assessors of the valuation of real property,
13 including the valuation of exempt real property.
14 2. "Excessive assessment" means an entry on an
15 assessment roll of the assessed valuation of real
16 property which exceeds the full value of real property.
17 3. Real property is "misclassified" if there is:
18 a. An entry on an assessment roll of an incorrect
19 class designation.
20 b. An entry on an assessment roll which results
21 in an incorrect allocation of a parcel's assessed
22 valuation between two or more classes.
23 4. "Tax district" means a county, city, school
24 district, or special district by or on behalf of which
25 a tax or levy is imposed.
26 5. "Unequal assessment" means an entry on an
27 assessment roll of the assessed valuation of real
28 property which is made at a higher proportionate
29 valuation than the assessed valuation of other real
30 property of the same class on the same roll.
31 6. "Unlawful assessment" means:
32 a. An entry on the taxable portion of an assessment
33 roll of the assessed valuation of real property which
34 is wholly exempt from taxation.
35 b. An entry on an assessment roll of the assessed
36 valuation of real property which is entirely outside
37 the boundaries of the assessing tax district in which
38 the real property is designated as being located.
39 c. An entry on an assessment roll of the assessed
40 valuation of real property which cannot be identified
41 from the assessment roll description or tax-map land
42 parcel number on the assessment roll.
43 d. An entry on an assessment roll of the assessed
44 valuation of real property which has been made by
45 a person without the authority to make the entry.
46 Sec. ____ . NEW SECTION. 602.10102 COMPLAINTS
47 WITH RESPECT TO ASSESSMENTS.
48 1. Complaints with respect to assessments may
49 be filed with the assessor at any time prior to the
50 hearing of the board of review or with the board of

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1 review at the hearing required under section 441.23
2 or, where authorized by the board, at any adjourned
3 hearing.

4 2. The grounds for review of an assessment are
5 that the assessment complained of is excessive,
6 unequal, or unlawful, or that real property is
7 misclassified.

8 3. A complaint with respect to an assessment shall
9 be on a form prescribed by the director of revenue
10 and shall consist of a statement specifying the respect
11 in which the assessment is excessive, unequal, or
12 unlawful, or the respect in which real property is
13 misclassified, and the reduction in assessed valuation
14 or taxable assessed valuation or change in class
15 designation or allocation of assessed valuation sought.

16 Sec. ____ NEW SECTION. 602.10103 HEARING AND
17 DETERMINATION OF COMPLAINTS.

18 1. The board of review shall fix the time and
19 place for a hearing to hear complaints with respect
20 to assessments.

21 2. At such hearing, the board of review may
22 administer oaths and take testimony in regard to a
23 complaint and the assessment to which it relates.
24 If not satisfied that the assessment is excessive,
25 unequal, or unlawful, or that real property is
26 misclassified, the board may require the person whose
27 real property is assessed to appear before the board
28 and be examined concerning the complaint, and may
29 produce any papers relating to the assessment.

30 3. If, at the hearing, a person whose real property
31 is assessed willfully neglects or refuses to attend
32 and be examined, or to answer any questions relevant
33 to the complaint or assessment, that person is not
34 entitled to a reduction of the assessment subject
35 to complaint..

36 4. The minutes of the examination of every person
37 examined upon the hearing of a complaint shall be
38 taken and filed in the office of the city clerk.
39 The assessor may be heard on any complaint and upon
40 the assessor's request, the assessor's remarks with
41 respect to a complaint shall be recorded in the minutes
42 of the board.

43 5. The board of review shall thereafter determine
44 the final assessed valuation, or the actual assessment
45 or transition assessment, or the proper class
46 designation of the real property of each complaint.
47 The final assessed valuation or taxable valuation
48 of real property may be the same as or less than the
49 original assessment or, if determined to be unlawful,
50 the assessment shall be ordered stricken from the

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1 roll or, where appropriate, entered on the exempt
2 portion of the roll. If it is determined that real
3 property is misclassified, the correct class
4 designation or allocation of assessed valuation shall
5 be ordered entered on the roll. The board of review
6 shall prepare and verify a statement showing the
7 changes determined to be made by them in the assess-
8 ments. The verified statement shall be delivered
9 to the assessor on or before the date required by
10 law for the final completion of the assessment.

11 6. On or before the date the verified statement
12 of changes made by the board of review is delivered
13 to the assessor, the board of review shall mail to
14 each complainant a notice of the board's determination
15 of assessment. The notice shall contain the statement
16 "If you are dissatisfied with the determination of
17 the board of review, you may seek judicial review
18 of your assessment pursuant to section 602.10202 of
19 the Code." The notice shall state the last date to
20 file petitions for judicial review and the location
21 where small claims assessment review petitions may
22 be obtained. However, failure to mail the notice
23 or failure of the complainant to receive the notice
24 does not affect the validity of the assessment.

25 PART 2

26 SMALL CLAIMS REVIEW OF REAL PROPERTY TAX ASSESSMENTS

27 Sec. ____ NEW SECTION. 602.10201 DEFINITIONS.

28 As used in this chapter, unless the context otherwise
29 requires:

30 1. "Assessed valuation" means the determination
31 made by assessors of the valuation of real property,
32 including the valuation of exempt real property.

33 2. "Excessive assessment" means an entry on an
34 assessment roll of the assessed valuation of real
35 property which exceeds the full value of real property.

36 3. Real property is "misclassified" if there is:

37 a. An entry on an assessment roll of an incorrect
38 class designation.

39 b. An entry on an assessment roll which results
40 in an incorrect allocation of a parcel's assessed
41 valuation between two or more classes.

42 4. "Tax district" means a county, city, school
43 district, or special district by or on behalf of which
44 a tax or levy is imposed.

45 5. "Unequal assessment" means an entry on an
46 assessment roll of the assessed valuation of real
47 property which is made at a higher proportionate
48 valuation than the assessed valuation of other real
49 property of the same class on the same roll.

50 6. "Unlawful assessment" means:

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- 1 a. An entry on the taxable portion of an assessment
- 2 roll of the assessed valuation of real property which
- 3 is wholly exempt from taxation.
- 4 b. An entry on an assessment roll of the assessed
- 5 valuation of real property which is entirely outside
- 6 the boundaries of the assessing tax district in which
- 7 the real property is designated as being located.
- 8 c. An entry on an assessment roll of the assessed
- 9 valuation of real property which cannot be identified
- 10 from the assessment roll description or tax-map land
- 11 parcel number on the assessment roll.
- 12 d. An entry on an assessment roll of the assessed
- 13 valuation of real property which has been made by
- 14 a person without the authority to make the entry.
- 15 Sec. ____ . NEW SECTION. 602.10202 PROCEDURE FOR
- 16 REVIEW OF REAL PROPERTY TAX ASSESSMENTS IN SMALL
- 17 CLAIMS.

18 1. The court administrator of the judicial

19 department shall establish a small claims assessment

20 review program in the supreme court. An owner of

21 real property claiming to be aggrieved by an as-

22 sessment on real property on the ground that the

23 assessment is excessive, unequal, or unlawful, or

24 that real property has been misclassified, may file

25 a petition for review pursuant to this chapter provided

26 that:

27 a. The property owner has first filed a complaint

28 pursuant to section 602.10102.

29 b. The total anticipated reduction in all taxes

30 and levies does not exceed two thousand dollars.

31 c. The petition does not request an assessment

32 lower than that requested in the complaint filed

33 pursuant to section 602.10102.

34 2. The petition for review shall be filed within

35 one hundred eighty days of the completion and filing

36 of the assessment roll containing the questioned

37 assessment, and in accordance with the rules adopted

38 pursuant to section 602.10207. A docket fee of ten

39 dollars shall be paid upon the filing of each petition.

40 Four dollars of the fee shall remain with the county

41 treasury for use of the county and six dollars of

42 the fee shall be paid into the state treasury. Other

43 fees imposed in this action are same as required in

44 regular actions in district court.

45 3. The petition form for small claims assessment

46 review shall be prescribed by the court administrator.

47 Such form shall require the petitioner to set forth

48 name, address, and telephone number, a description

49 of the real property for which small claims assessment

50 review is sought, the name of the assessing unit

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1 having made the assessment, and the name and location
2 of the board of assessment review hearing pursuant
3 to section 602.10102.

4 4. A petition for small claims assessment review
5 shall not relate to more than one parcel of real
6 property.

7 Sec. ____ . NEW SECTION. 602.10203 APPOINTMENT
8 OF HEARING OFFICERS. The court administrator shall
9 appoint a panel of small claims hearing officers
10 selected from persons requesting to serve who have
11 submitted resumes of qualifications. Hearing officers
12 to be appointed to the panel shall be qualified by
13 training, interest, experience, and knowledge of real
14 property assessment and valuation practices and
15 provisions of state and local law governing the making
16 of assessments, but need not be attorneys. The
17 assigned hearing officer shall conduct an informal
18 hearing on the petition for review with the applicants
19 for small claims assessment review and a representative
20 of the tax district, or the assessor which made the
21 assessment sought to be reviewed. Hearing officers
22 assigned shall be familiar with the assessing
23 jurisdiction in which the real property subject to
24 review is located, and shall not have a conflict of
25 interest with regard to the petitions being heard.
26 Hearing officers shall be compensated for their
27 services in accordance with a fee schedule to be
28 established by the court administrator.

29 Sec. ____ . NEW SECTION. 602.10204 HEARING
30 PROCEDURES.

31 1. Small claims assessment review hearings shall
32 be held within thirty days after the final day for
33 filing petitions. The hearing, where practicable,
34 shall be held at a location within the county in which
35 the real property subject to review is located. The
36 petitioner, the tax district, and the assessor which
37 made the assessment shall be advised by mail of the
38 time and place of the hearing.

39 2. The petitioner need not present expert witnesses
40 nor be represented by an attorney at the hearing.
41 The proceedings shall be conducted on an informal
42 basis in a manner to do substantial justice between
43 the parties according to the rules established by
44 the court administrator under section 602.10207.
45 The hearing officer shall consider the best evidence
46 presented in each particular case. The hearing officer
47 may, if the officer deems it appropriate, view or
48 inspect the real property subject to review. The
49 petitioner has the burden of proving entitlement to
50 the relief sought.

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1 3. The hearing officer shall determine all
2 questions of fact and law de novo.

3 Sec. _____. NEW SECTION. 602.10205 DECISION ON
4 PETITION.

5 1. The hearing officer shall make a decision in
6 writing with respect to the petition for small claims
7 assessment review within thirty days after conclusion
8 of the hearing. If it is determined that the
9 assessment was excessive, the hearing officer's
10 decision may grant the petition in full or in part
11 or may deny the petition. However, the decision of
12 the hearing officer shall not reduce the assessment
13 lower than requested by the petitioner.

14 2. If the hearing officer determines from the
15 petition and upon the evidence presented at the hearing
16 that the assessment being reviewed is excessive,
17 unequal, or unlawful, or that the property assessed
18 was misclassified, the hearing officer shall order
19 a correction of the assessment upon the roll, in whole
20 or in part.

21 3. The decision of the hearing officer shall state
22 the findings of fact and the evidence upon which it
23 is based. The decision shall be attached to and made
24 part of the record for review and shall be dated and
25 signed.

26 4. The hearing officer shall promptly mail a copy
27 of the decision to the petitioner, the assessor, and
28 the clerk of each tax district named in the petition.

29 Sec. _____. NEW SECTION. 602.10206 REFUND OF TAXES
30 RESULTING FROM SMALL CLAIMS ASSESSMENT REVIEW. If
31 a final order determines that the assessment reviewed
32 was excessive, unequal, or unlawful, or that property
33 assessed was misclassified, any amount at any time
34 erroneously collected upon the assessment shall be
35 refunded within sixty days of the decision. Where
36 a refund is not made within sixty days, interest at
37 the rate of one percent per month shall be added to
38 the amount to be refunded for each month or part of
39 a month in excess of sixty days and paid to petitioner.

40 Sec. _____. NEW SECTION. 602.10207 RULES OF
41 PRACTICE AND PROCEDURE. The court administrator shall
42 adopt rules of practice and procedure, subject to
43 review by the supreme court, as necessary to implement
44 the small claims assessment review procedure
45 established in this chapter.

46 Sec. _____. NEW SECTION. 602.10208 COSTS. If
47 a petition for small claims assessment review is
48 granted in full or in part, the hearing officer may
49 award the petitioner costs against the respondent
50 assessing tax district in an amount not greater than

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1 the fee paid by petitioner to file the petition in
2 accordance with section 602.10202.
3 Sec. _____. NEW SECTION. 602.10209 APPEAL. A
4 petitioner for small claims assessment review, if
5 dissatisfied with a decision, may appeal to the Iowa
6 supreme court for certiorari. All records, documents,
7 and evidence taken by the board of review and the
8 hearing officers shall be forwarded with the appeal
9 to the Iowa supreme court."
10 2. Page 147, by inserting after line 12 the follow-
11 ing:
12 "Sec. _____. CERTAIN CONFLICTING PROVISIONS. Article
13 10, as it relates to the review of a real property
14 tax assessment procedure, takes precedence over
15 contrary provisions of the Code."
16 3. By renumbering as necessary.

H-3665 FILED APRIL 11, 1983 BY PARKER of Jasper
CHIODO of Polk

*Revised and germane, motion to
suspend review lost 4/20/83 (p. 1482)*

SENATE FILE 495

H-3660

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 49, by striking lines 11 through 18 and
4 inserting in lieu thereof the following: "government
5 or elsewhere, but a judge of the court of appeals
6 is not entitled to reimbursement for expenses incurred
7 as a result of residing or maintaining a residence
8 other than at the seat of state government."

BY HARBOR of Mills
SCHROEDER of Pottawattamie
MENKE of O'Brien

H-3660 FILED APRIL 11, 1983

4/18 4/21 (p. 1510)

SENATE FILE 495

H-3658

1 Amend the amendment, H-3591, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. By striking page 2, line 40 through page 3,
5 line 15.

6 2. Page 3, by striking lines 17 and 18.

7 3. Page 3, by striking lines 19 and 20.

BY CHAPMAN of Linn

H-3658 FILED APRIL 11, 1983

MILLER of Woodbury

A. w/12 4/19/83 (p. 1348)

B. Blended out of order (p. 1400)

SENATE FILE 495

H-3659

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 11, line 2, by inserting after the word
4 "employees." the words "The supreme court may recommend
5 that a county provide enlarged, additional, or
6 different court facilities. Before such facilities
7 are provided, the board of supervisors must approve,
8 by resolution, the provision of such facilities which
9 cost no more than twenty-five thousand dollars and
10 a majority of the qualified electors of the county
11 must approve the provision of such facilities which
12 cost more than twenty-five thousand dollars at a
13 special election called by the board of supervisors."

14 2. Page 11, by inserting after line 6 the
15 following:

16 "The supreme court may recommend that a city provide
17 enlarged, additional, or different court facilities.
18 Before such facilities are provided, the city council
19 must approve the provision of such facilities which
20 cost no more than twenty-five thousand dollars, and
21 a majority of the qualified electors of the city must
22 approve the provision of such facilities which cost
23 more than twenty-five thousand dollars at a special
24 election called by the city council."

BY HARBOR of Mills

SCHROEDER of Pottawattamie

MENKE of O'Brien

H-3659 FILED APRIL 11, 1983

Lost 4/26/83 (p. 1425)

SENATE FILE 495

H-3668

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 34, by striking line 10 and inserting
- 4 in lieu thereof the following: "may adopt rules
- 5 pursuant to chapter 17A for the commission's operation
- 6 and procedure."

H-3668 FILED APRIL 11, 1983 BY SCHROEDER of Pottawattamie
Less H-20/83 (p. 1464)

SENATE FILE 495

H-3670

- 1 Amend the amendment, H-3591, to Senate File 495,
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 35 through 49.

H-3670 FILED APRIL 11, 1983 BY ROSENBERG of Story
KREWSON of Polk
H/D 4/19 (p. 1396)

SENATE FILE 495

H-3674

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 143, by inserting after line 13 the follow-
- 4 ing:
- 5 "However, if the personal property is of a
- 6 historical nature, the personal property shall not
- 7 become the property of the judicial department and
- 8 title shall not be transferred to the state. The
- 9 county shall make such personal property available
- 10 to the judicial department for the department's use
- 11 within the county courthouse."

H-3674 FILED APRIL 11, 1983 BY SWARTZ of Marshall
PARKER of Jasper
H/D 4/21 (p. 1500) *Handerf (4/12)*

SENATE FILE 495

H-3666

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 97, by striking lines 1 through 3 and
4 inserting in lieu thereof the following:

5 "2. The state comptroller shall remit the amounts
6 certified under subsection 1 to the respective county
7 treasurers for the benefit of the temporary school
8 fund. Commencing".

9 2. Page 97, line 4, by striking the words "in
10 July" and inserting in lieu thereof the word and
11 figure "July 1".

H-3666 FILED APRIL 11, 1983 BY GROTH of Buena Vista

4/10 4/20/83 (p. 1474)

SENATE FILE 495

H-3667

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 28 the
4 following:

5 "4. The state shall reimburse a county or city
6 for additional or expanded court rooms or offices
7 for judicial officers which are provided by the county
8 or city on or after July 1, 1984.

9 The state shall reimburse a county or city for
10 additional or expanded offices for other components
11 of the court system which are provided by the county
12 or city in and after the second year in which the
13 component has become a responsibility of the state.

14 The supreme court shall include in its annual
15 operating budget the specific amounts to be expended
16 for additional or expanded court rooms or offices
17 pursuant to this subsection."

H-3667 FILED APRIL 11, 1983 BY WELDEN of Hardin

4/10 4/19 (p. 1417)

SENATE FILE 495

H-3669

1 Amend the amendment, H-3591, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 6 through 22 and
5 inserting in lieu thereof the following:

6 "2. Rules and forms shall be adopted by the supreme
7 court pursuant to chapter 17A, notwithstanding any
8 contrary provision of that chapter."

H-3669 FILED APRIL 11, 1983 BY SCHROEDER of Pottawattamie

4/10 4/14 (p. 1391)

SENATE FILE 495

H-3675

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 22 the
4 following:

5 "_____. Prior to the appointment of a clerk of the
6 district court, the district judges of the judicial
7 election district shall publicize the procedure for
8 applying for the appointment. Upon the petition of
9 one hundred qualified electors of the county to the
10 district judges, the district judges shall conduct
11 a public hearing to receive comments and recommendation
12 concerning the appointment of a clerk. Upon the
13 petition of one hundred qualified electors of the
14 county to the district court that a clerk is remiss
15 in the performance of the clerk's public duties, the
16 district judges shall conduct a public hearing to
17 receive comments and recommendations concerning the
18 removal of the clerk. Following the hearing, the
19 district judges shall remove the clerk from office
20 or shall take measures to correct any problems in
21 the performance of the clerk's public duties. The
22 district judges shall conduct a public hearing not
23 less than four months but no more than six months
24 from the date of the original hearing to assess the
25 current performance of the clerk's duties."

BY JAY of Appanoose
VARN of Johnson
SCHROEDER of Pottawattamie
MAULSBY of Calhoun

H-3675 FILED APRIL 11, 1983

Law 4/14/83 (p. 1408)

SENATE FILE 495

H-3678

1 Amend the amendment, H-3591, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 35 through 49 and
5 inserting in lieu thereof the following:

6 "3. By striking page 21, line 11 through page
7 31, line 20."

8 2. Page 138, line 6, by striking the figure "605A".

9 3. By renumbering as necessary.

H-3678 FILED APRIL 12, 1983

BY SCHROEDER of Pottawattamie

4/12 4/19 (p. 1396)

SENATE FILE 495

H-3672

1 Amend the amendment, H-3591, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 23 through 28.
5 2. Page 2, by striking lines 32 through 34.
6 3. Page 3, line 24, by inserting after the figure
7 "28" the following: ", and inserting in lieu thereof
8 the following:

9 "Sec. 10308. ADDITIONAL JUDGESHIIPS. The four
10 additional district judgeships created by section
11 7201, subsection 10 of this Act, take effect at such
12 time as revenues are appropriated to fund the
13 additional judgeships. As soon as possible after
14 those revenues are appropriated, the supreme court
15 administrator of the judicial department shall rank
16 each judicial election district in descending order
17 based on the application of the judgeship formula
18 provided in section 602.7201. The additional
19 judgeships that are created by section 7201, subsection
20 10 of this Act, shall be apportioned, one to a judicial
21 election district, among the four judicial election
22 districts having the lowest percentage of their
23 judgeship entitlement under the judgeship formula.""

BY JAY of Appanoose
McKEAN of Jones

H-3672 FILED APRIL 11, 1983
B. Adaptor, A w/o 4/19 (p. 1398)

SENATE FILE 495

H-3671

1 Amend amendment, H-3591, to Senate File 495, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 5 and
5 inserting in lieu thereof the following:
6 "1. Page 14, by striking lines 12 through 15 and
7 inserting in lieu thereof the following: "judicial
8 district. A clerk of the district court shall not
9 receive a salary in excess of one hundred ten percent
10 of the highest salary paid to the county auditor,
11 the county treasurer, or the county recorder in the
12 county in which the clerk serves. However, a clerk
13 may receive a salary in excess of the one hundred
14 ten percent amount if the amount is approved by the
15 judicial council established in section 602.1202.
16 The judicial council shall report any salaries approved
17 above the one hundred ten percent amount to the general
18 assembly."

H-3671 FILED APRIL 11, 1983
Classed out of order 4/19 (p. 1242)

BY JAY of Appanoose

H-3681

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by striking lines 18 through 22 and
4 inserting in lieu thereof the words "which the vacancy
5 exists."

6 2. Page 8, by inserting after line 32 the follow-
7 ing:

8 "Sec. ____ . NEW SECTION. 602.1214A RETENTION
9 OF CLERKS OF THE DISTRICT COURT. A clerk of the
10 district court shall stand for retention in office,
11 in the county of the clerk's office, at the judicial
12 election in 1988 and every four years thereafter,
13 under sections 46.17 through 46.24."

14 3. Page 104, by inserting after line 9 the follow-
15 ing:

16 "Sec. ____ . Section 46.20, Code 1983, is amended
17 to read as follows:

18 46.20 DECLARATION OF CANDIDACY. At least ninety
19 days prior to the judicial election preceding
20 expiration of ~~his-or-her~~ the initial or regular term
21 of office, a judge of the supreme court, court of
22 appeals or district court including district associate
23 judges, or a clerk of the district court may file
24 a declaration of candidacy with the state commissioner
25 of elections, ~~whereupon such judge shall~~ to stand
26 for retention or rejection at that election. If a
27 judge or clerk fails to file ~~such~~ the declaration,
28 ~~his-or-her~~ the office shall be vacant at the end of
29 ~~his-or-her~~ the term. District associate judges filing
30 ~~such-a~~ the declaration shall stand for retention in
31 the judicial election district of their residence.

32 Sec. ____ . Section 46.21, Code 1983, is amended
33 to read as follows:

34 46.21 CONDUCT OF ELECTIONS. At least fifty-five
35 days prior to each judicial election, the state
36 commissioner of elections shall certify to the county
37 commissioner of elections of each county a list of
38 the judges of the supreme court, court of appeals
39 and district court including district associate judges,
40 and clerks of the district court to be voted on in
41 such each county at that election. The county
42 commissioner of elections shall place the names upon
43 the ballot in the order in which they appear in the
44 certificate, unless only one county is voting thereon.
45 The state commissioner of elections shall rotate the
46 names in the certificate by county, or the county
47 commissioner of elections shall rotate them upon the
48 ballot by precinct if only one county is voting
49 thereon. The names of all judges and clerks to be
50 voted on shall be placed upon one ballot, which shall

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1 be in substantially the following form:

2 STATE OF IOWA
3 JUDICIAL BALLOT
4 (Date)

5 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE
6 BOX AFTER EACH NAME.

7 SUPREME COURT

8 Shall the following judges of the Supreme Court
9 be retained in office?

10 JOHN DOE YES ☐ NO ☐

11 RICHARD ROE YES ☐ NO ☐

12 COURT OF APPEALS

13 Shall the following judges of the Court of Appeals
14 be retained in office?

15 JOHN DOE YES ☐ NO ☐

16 RICHARD ROE YES ☐ NO ☐

17 DISTRICT COURT

18 Shall the following judge or associate judge of
19 the District Court be retained in office?

20 JOHN SMITH YES ☐ NO ☐

21 Shall the following clerk of the District Court
22 be retained in office?

23 JANE DOE YES ☐ NO ☐

24 Sec. ____ Section 46.24, Code 1983, is amended
25 to read as follows:

26 46.24 RESULTS OF ELECTION. A judge of the supreme
27 court, court of appeals, or district court including
28 a district associate judge, or a clerk of the district
29 court must receive more affirmative than negative
30 votes to be retained in office. When the poll is
31 closed, the election judges shall publicly canvass
32 the vote forthwith. The board of supervisors shall
33 canvass the returns at its meeting on Monday after
34 the election, and shall promptly certify the number
35 of affirmative and negative votes on each judge or
36 clerk to the state commissioner of elections.

37 The state board of canvassers shall, at the time
38 of canvassing the vote cast at a general election,
39 open and canvass all of the returns for the judicial
40 election. Each judge of the supreme court, court
41 of appeals or district court including a district
42 associate judge, or a clerk of the district court
43 who has received more affirmative than negative votes
44 shall receive from the state board of canvassers an
45 appropriate certificate so stating."

46 4. By renumbering as necessary.

H-3681 FILED APRIL 12, 1983 BY TABOR of Jackson

(Adopted as amended by 3688 4/19/83 (p 1404))

H-3686

Amend Senate File 495, as amended, passed, and reprinted by the Senate, as follows:

1. Page 10, line 21, by inserting after the word "assembly" the words "for the department".
2. Page 12, line 8, by inserting after the word "department" the words "and shall establish a pay plan".
3. Page 12, line 22, by inserting after the word "employees" the words "and a pay plan for the classes of employees".
4. Page 13, line 20, by inserting before the word "APPELLATE" the words "SUPREME COURT OR".
5. Page 14, line 2, by inserting after the word "assembly" the words and figure "and in accordance with the pay plan established under section 602.1401".
6. Page 14, by striking lines 19 through 21 and inserting in lieu thereof the words "district court."
7. Page 32, line 8, by inserting after the word and figure "January 1" the words "of the year for which the appointments are made".
8. Page 34, line 10, by striking the word "may" and inserting in lieu thereof the word "shall".
9. Page 36, line 19, by striking the words "is not ineligible for" and inserting in lieu thereof the words "shall not be denied".
10. Page 40, line 12, by striking the word "may" and inserting in lieu thereof the word "shall".
11. Page 43, by striking lines 27 and 28 and inserting in lieu thereof the following:
 1. The supreme court shall appoint a clerk of the supreme court and may remove the clerk for cause."
12. Page 44, line 27, by striking the word "school," and inserting in lieu thereof the word "school".
13. Page 45, by striking lines 5 and 6 and inserting in lieu thereof the following:
 1. The court of appeals consists of five judges; three judges of the court of appeals constitute a quorum."
14. Page 46, by striking lines 16 through 18 and inserting in lieu thereof the following:
 2. The chief judge shall supervise the business of the court and shall preside when present at a session of the court."
15. Page 48, line 26, by striking the word "supeme" and inserting in lieu thereof the word "supreme".
16. Page 55, line 20, by striking the word "Avacancy" and inserting in lieu thereof the words "a vacancy".
17. Page 68, line 34, by striking the words "from

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performing duties".

H-3686 FILED APRIL 12, 1983

BY DODERER of Johnson

Adopted 4/19/83 (p. 141)

SENATE FILE 495

H-3679

- 1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 143, line 21, by inserting after the word
4 "furnishings" the words ", except antiques and works
5 of art".
6 2. Page 143, line 29, by inserting after the word
7 "storage" the words ", except antiques and works of
8 art".

BY HANDORF of Marshall
RENKEN of Grundy
SWARTZ of Marshall
ANDERSON of Audubon
BRANSTAD of Winnebago
ROYER of Page

H-3679 FILED APRIL 12, 1983

Adopted 4/21/83 (p. 1502)

SENATE FILE 495

H-3680

- 1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 142, by inserting after line 1 the
4 following:
5 "Sec. ____ . COMPENSATION AND BENEFITS. The state
6 compensation and other benefits provided to a former
7 county employee who becomes a state employee as a
8 result of this Act shall not be reduced below the
9 compensation and other benefits received by the county
10 employee immediately prior to becoming a state
11 employee."
12 2. By renumbering as necessary.

H-3680 FILED APRIL 12, 1983

BY CONNORS of Polk

Adopted 4/20 (p. 1484)

SENATE FILE 495

H-3682

- 1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 143, line 13, by inserting after the word
4 "purposes." the following: "However, prior to the
5 date when the property referred to in subsection 2,
6 paragraphs c, d, e, and g becomes state property,
7 the supreme court shall negotiate with the county
8 boards of supervisors in order to determine which
9 specific property is to become state property. The
10 supreme court shall include the fair market value
11 of the property in its budget request to the general
12 assembly."

BY MAULSBY of Calhoun
HANDORF of Marshall
VAN MAANEN of Mahaska

H-3682 FILED APRIL 12, 1983

Placed out of order 4/20 (p. 1485)

APRIL 13, 1983
PAGE TWELVE

SENATE FILE 495

H-3685

1 Amend amendment, H-3591, to Senate File 495, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 3 the
5 following:
6 "1. Page 14, line 9, by inserting after the words
7 "OFFICES" the words "--SALARY LIMITATION".
8 2. Page 1, by striking lines 3 through 5 and
9 inserting in lieu thereof the following:
10 "2. Page 14, by striking lines 12 through 15 and
11 inserting in lieu thereof the following: "judicial
12 district. A clerk of the district court shall not
13 receive a salary in excess of the highest salary paid
14 to the county auditor, the county treasurer, or the
15 county recorder in the county in which the clerk
16 serves."

H-3685 FILED APRIL 12, 1983

BY JAY of Appanoose
SWARTZ of Marshall

Adopted 4/17/83 (p. 1392)

SENATE FILE 495

H-3684

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 71, by striking lines 15 and 16 and
4 inserting in lieu thereof the words "boundary of the
5 state as provided in the compact with the state of
6 Nebraska, and to all lands and territory".

H-3684 FILED APRIL 12, 1983

BY SPEAR of Lee

Adopted 4/20 (p. 1467)

SENATE FILE 495

H-3689

1 Amend amendment H-3682 to page 143 of Senate File
2 495 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 9 through 12 and
5 inserting in lieu thereof the following: "specific
6 property is to become state property."

H-3689 FILED APRIL 12, 1983

BY McINTEE of Black Hawk
PARKER of Jasper

Placed out of order 4/20 (p. 1485)

H-3683

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 6, by striking lines 12 through 25 and
4 inserting in lieu thereof the following:

5 "Sec. 1210 NEW SECTION" 602.1210 SELECTION OF
6 CHIEF JUDGES. Not later than December 15 in each
7 odd-numbered year the district judges and district
8 associate judges of each judicial district shall elect
9 a chief judge for the judicial district. The chief
10 judge of a judicial district shall be elected from
11 those district judges and district associate judges
12 who are serving within the district. A chief judge
13 shall serve for a two-year term and is eligible for
14 reelection. The district judges and district associate
15 judges of the judicial election district, by majority
16 vote, may remove a person from the position of chief
17 judge. Vacancies in the office of chief judge shall
be filled in the same manner. The election of a chief
19 judge shall be filed with the clerk of the supreme
20 court, who shall mail a copy to the clerk of the
21 district court in each county in the judicial
22 district."

BY DODERER of Johnson
WELDEN of Hardin

H-3683 FILED APRIL 12, 1983

Adopted 4/19/83 (p. 1402)

SENATE FILE 495

H-3687

1 Amend amendment H-3591 to Senate File 495 as amended,
2 passed and reprinted by the Senate as follows:

3 1. Page 1, by striking line 3 and inserting in lieu
4 thereof the following:

5 "1. Page 14, by striking lines 12 through 15 and".

H-3687 FILED APRIL 12, 1983

BY JAY of Appanoose

ADOPTED BY UNANIMOUS CONSENT

SENATE FILE 495

H-3688

1 Amend the amendment, H-3681, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 11, by inserting after the word
5 "office," the words "upon the petition of ten percent
6 of all eligible and registered electors in the county
7 to the state commissioner of elections,".

8 2. Page 1, line 13, by inserting after the figure
9 "46.24." the following: "A clerk who is not retained
10 in office is ineligible to serve as clerk, in the
11 county in which the clerk was not retained, for the
12 four years following the retention vote."

13 3. Page 1, line 23, by inserting after the word
4 "court" the words and figure "who is required to stand
5 for retention under section 602.1214A".

H-3688 FILED APRIL 12, 1983

BY TABOR of Jackson

Adopted 4/19 (p. 1404)

SENATE FILE 495

H-3724

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 147, by inserting after line 12 the
4 following:

5 "Sec. ____ . FAMILY COURT PLAN. The supreme court
6 shall report a plan to establish a family court as
7 a division of the district court in each judicial
8 district of the state to the general assembly by
9 January 1, 1986. The plan shall establish the family
10 court's jurisdiction over all domestic relations cases
11 relating to marriage, dissolution of marriage,
12 annulment of marriage, third party interference with
13 marriage, separate maintenance, alimony and support
14 of children, custody of children, neglected and
15 dependent children, legitimation of children, adoption,
16 paternity, juvenile delinquency, relations between
17 parent and child, and any other matters that involve
18 the legal relationships between members of a family
19 unit."

20 2. By renumbering as necessary.

H-3724 FILED APRIL 13, 1983

BY DODERER of Johnson

Adopted 4/21/83 (p. 1508)

SENATE FILE 495

H-3705

- 1 Amend Senate File 495 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 97, line 4, by striking the figure "1985"
- 4 and inserting in lieu thereof the figure "1986".
- 5 2. Page 97, line 7, by striking the figure "1984"
- 6 and inserting in lieu thereof the figure "1985".
- 7 3. Page 97, line 27, by striking the words and
- 8 figures "July 1, 1983 and ending June 30, 1984" and
- 9 inserting in lieu thereof the words and figures "July
- 10 1, 1984 and ending June 30, 1985".
- 11 4. Page 97, by striking line 31 and inserting
- 12 in lieu thereof the words and figures "year commencing
- 13 July 1, 1985 and ending June 30, 1986, the".
- 14 5. Page 97, by striking line 35 and inserting
- 15 in lieu thereof the words and figures "year commencing
- 16 July 1, 1986 and ending June 30, 1987, the".
- 17 6. Page 98, by striking line 4 and inserting in
- 18 lieu thereof the words and figures "year commencing
- 19 July 1, 1987 and ending June 30, 1988, the".
- 20 7. Page 98, line 8, by striking the figure "1987"
- 21 and inserting in lieu thereof the figure "1988".
- 22 8. Page 137, line 31, by striking the figure
- 23 "1983" and inserting in lieu thereof the figure "1984".
- 24 9. Page 138, line 16, by striking the figure
- 25 "1983" and inserting in lieu thereof the figure "1984".
- 26 10. Page 138, line 21, by striking the figure
- 27 "1984" and inserting in lieu thereof the figure "1985".
- 28 11. Page 138, line 22, by striking the figure
- 29 "1984" and inserting in lieu thereof the figure "1985".
- 30 12. Page 138, line 25, by striking the figure
- 31 "1985" and inserting in lieu thereof the figure "1986".
- 32 13. Page 138, line 27, by striking the figure
- 33 "1985" and inserting in lieu thereof the figure "1986".
- 34 14. Page 138, line 28, by striking the figure
- 35 "1985" and inserting in lieu thereof the figure "1986".
- 36 15. Page 138, line 30, by striking the figure
- 37 "1985" and inserting in lieu thereof the figure "1986".
- 38 16. Page 138, line 32, by striking the figure
- 39 "1985" and inserting in lieu thereof the figure "1986".
- 40 17. Page 138, line 34, by striking the figure
- 41 "1986" and inserting in lieu thereof the figure "1987".
- 42 18. Page 139, line 1, by striking the figure
- 43 "1986" and inserting in lieu thereof the figure "1987".
- 44 19. Page 139, line 2, by striking the figure
- 45 "1986" and inserting in lieu thereof the figure "1987".
- 46 20. Page 139, line 6, by striking the figure
- 47 "1986" and inserting in lieu thereof the figure "1987".
- 48 21. Page 139, line 9, by striking the figure
- 49 "1987" and inserting in lieu thereof the figure "1988".
- 50 22. Page 139, line 10, by striking the figure

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1 "1983" and inserting in lieu thereof the figure "1984".
2 23. Page 139, line 11, by striking the figure
3 "1987" and inserting in lieu thereof the figure "1988".
4 24. Page 139, line 19, by striking the figures
5 and words "1983, and ending June 30, 1987" and
6 inserting in lieu thereof the figures and words "1984,
7 and ending June 30, 1988".
8 25. Page 139, line 20, by striking the figure
9 "1987" and inserting in lieu thereof the figure 1988".
10 26. Page 140, line 4, by striking the figure
11 "1983" and inserting in lieu thereof the figure "1984".
12 27. Page 140, line 5, by striking the figure
13 "1987" and inserting in lieu thereof the figure "1988".
14 28. Page 141, line 17, by striking the figures
15 and words "1984, and ending June 30, 1986" and
16 inserting in lieu thereof the figures and words "1985,
17 and ending June 30, 1987".
18 29. Page 145, line 8, by striking the figure
19 "1983" and inserting in lieu thereof the figure "1984".
20 30. Page 145, line 10, by striking the figure
21 "1983" and inserting in lieu thereof the figure "1984".
22 31. Page 145, line 12, by striking the figure
23 "1983" and inserting in lieu thereof the figure "1984".
24 32. Page 145, line 14, by striking the figure
25 "1983" and inserting in lieu thereof the figure "1984".
26 33. Page 145, line 30, by striking the figure
27 "1985" and inserting in lieu thereof the figure "1986".
28 34. Page 145, line 33, by striking the figure
29 "1985" and inserting in lieu thereof the figure "1986".
30 35. Page 146, line 14, by striking the figure
31 "1985" and inserting in lieu thereof the figure "1986".
32 36. Page 146, line 17, by striking the figure
33 "1985" and inserting in lieu thereof the figure "1986".
34 37. Page 146, line 27, by striking the figure
35 "1985" and inserting in lieu thereof the figure "1986".
36 38. Page 147, line 5, by striking the figure
37 "1985" and inserting in lieu thereof the figure "1986".
38 39. Page 147, by inserting after line 12 the
39 following:
40 "Sec. ____ COURT REORGANIZATION STUDY. The
41 legislative council is directed to establish a
42 committee to study the implementation schedule for
43 the court reorganization provided in this Act, during
44 the interim between this general assembly's first
45 and second session. The membership of the study
46 committee shall consist of five senators appointed
47 by the president of the senate, five representatives
48 appointed by the speaker of the house, and two persons
49 appointed by the governor. This section takes effect
50 July 1, 1983."

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- 1 40. Page 147, line 17, by striking the figure
- 2 "1983" and inserting in lieu thereof the figure "1984".
- 3 41. Page 147, line 18, by striking the figure
- 4 "1984" and inserting in lieu thereof the figure "1985".
- 5 42. Page 147, line 26, by striking the figure
- 6 "1983" and inserting in lieu thereof the figure "1984".
- 7 43. Page 147, line 27, by striking the figure
- 8 "1984" and inserting in lieu thereof the figure "1985".
- 9 44. Page 147, line 33, by striking the figure
- 10 "1983" and inserting in lieu thereof the figure "1984".
- 11 45. Page 147, line 34, by striking the figure
- 12 "1984" and inserting in lieu thereof the figure "1985".
- 13 46. Page 148, line 5, by striking the figure
- 14 "1983" and inserting in lieu thereof the figure "1984".
- 15 47. Page 148, line 6, by striking the figure
- 16 "1984" and inserting in lieu thereof the figure "1985".

H-3705 FILED APRIL 12, 1983

BY SCHROEDER of Pottawattamie

Adopted 4/20/83 (p. 1475)

SENATE FILE 495

H-3690

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, line 12, by striking the word "child"
- 4 and inserting in lieu thereof the words "a person
- 5 related to either of them by consanguinity or affinity
- 6 within the third degree or the spouse of such a
- 7 person".

H-3690 FILED APRIL 12, 1983

BY HOLVECK of Polk

Adopted 4/20/83 (p. 1426)

SENATE FILE 495

H-3691

- 1 Amend amendment H-3650 to Senate File 495 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 25, and inserting in
- 4 lieu thereof the following:
- 5 "5. Page 14, by striking lines 9 through 25 and".

H-3691 FILED APRIL 12, 1983

BY HARBOR of Mills

ADOPTED BY UNANIMOUS CONSENT *(p. 1221)*

SENATE FILE 495

H-3697

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 25, line 10, by inserting after the word
- 4 "writing." the words "The investigation shall include
- 5 a report of an examination of the judge by three
- 6 physicians from the university of Iowa hospitals and
- 7 clinics, containing the physicians' conclusions and
- 8 recommendations relating to the judge's incapacity."

H-3697 FILED APRIL 12, 1983

BY SCHROEDER of Pottawattamie

Adopted 4/20 (p. 1423)

Bill of Senate (p. 1404)

SENATE FILE 495

H-3764

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 67, by striking line 13 and inserting
4 in lieu thereof the words "eligible to vote under
5 sections".

6 2. Page 76, by striking lines 30 through 34 and
7 inserting in lieu thereof the following:

8 "14. Maintain a bar admission list as provided
9 in section 46.8."

10 3. Page 104, by inserting after line 5 the
11 following:

12 "Sec. _____. Section 46.5, Code 1983, is amended
13 by adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. When a vacancy in an
15 office of an elective judicial nominating commissioner
16 occurs, the clerk of the supreme court shall arrange
17 for the publication of a notice stating the existence
18 of the vacancy and the manner in which the vacancy
19 will be filled in those publications which the clerk
20 of the supreme court deems likely to give reasonable
21 notice to the eligible voting members of the bar of
22 the district in which the vacancy occurs. The election
23 of a district judicial nominating commissioner or
24 the close of nominations for a state judicial
25 nominating commissioner shall not occur until thirty
26 days after the publication of the notice.

27 Sec. _____. Section 46.7, Code 1983, is amended
28 to read as follows:

29 46.7 ELIGIBILITY TO VOTE. To be eligible to vote
30 in elections of judicial nominating commissioners,
31 a member of the bar must ~~have-registered-in-writing~~
32 ~~with-the-clerk-of-the-district-court-of-the-county~~
33 ~~of-his-residence-at-the-last-bar-registration-preceding~~
34 ~~such-election~~ be a resident of the state of Iowa and
35 of the appropriate congressional district as shown
36 by the member's most recent filing with the supreme
37 court for the purposes of showing compliance with
38 the court's continuing legal education requirements.

39 A judge who has been admitted to the bar of the state
40 of Iowa shall be considered a member of the bar.

41 Sec. _____. Section 46.8, Code 1983, is amended
42 by striking the section and inserting in lieu thereof
43 the following:

44 46.8 CERTIFIED LIST. On June 1 of each year the
45 clerk of the supreme court shall certify a list of
46 the names, addresses, and years of admission of members
47 of the bar who are eligible to vote for state and
48 district judicial nominating commissioners. The clerk
49 of the supreme court shall provide a copy of the list
50 of the members for a county to the clerk of the

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1 district court for that county.

2 Sec. _____. Section 46.9, unnumbered paragraph 4,
3 Code 1983, is amended to read as follows:

4 Vote for (state number) for Iowa State (or Iowa
5 Judicial District) judicial nominating
6 commissioner(s) for term commencing

7 JOHN-DØE CANDIDATE'S NAME

8 RICHARD-RØE CANDIDATE'S NAME

9

10

11 Sec. _____. Section 46.15, unnumbered paragraph
12 2, Code 1983, is amended to read as follows:

13 Vacancies in the court of appeals shall be filled
14 by appointment by the governor from a list of nominees
15 submitted by the state judicial nominating commission.
16 ~~Three~~ Five nominees shall be submitted for each
17 vacancy. If the governor fails to make an appointment
18 within thirty days after a list of nominees has been
19 submitted, the appointment shall be made from the
20 list of nominees by the chief justice of the supreme
21 court."

22 4. By renumbering as necessary.

BY VARN of Johnson

DODERER of Johnson

CHAPMAN of Linn

MULLINS of Kossuth

McINTEE of Black Hawk

H-3764 FILED APRIL 14, 1983

Adopted as amended by 3786 4/20/83 (p. 1466)

H-3779

- 1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, by striking lines 12 through 22 and
4 inserting in lieu thereof the following:
5 "1. The county magistrate appointing commission
6 shall by majority vote appoint a clerk of the district
7 court for the county. A person does not qualify for
8 appointment to the office of clerk of the district
9 court unless the person is at the time of appointment
10 a resident of the county in which the vacancy exists.
11 A clerk of the district court may be removed from
12 office by a majority vote of the commission. Before
13 removal, the clerk of the district court shall be
14 notified of the cause for removal.
15 2. The commission shall prescribe the contents
16 of an application for the appointment of a clerk
17 pursuant to this section. The commission shall
18 publicize notice of any vacancy to be filled in at
19 least two publications in the official county
20 newspaper. The commission shall accept applications
21 for a minimum of fifteen days prior to making an
22 appointment, and shall make available during that
23 period of time any printed application forms the
24 commission prescribes.
25 3. Within thirty days following receipt of
26 notification of a vacancy in the office of the clerk,
27 the commission shall appoint a person to the office
28 to serve the remainder of the unexpired term. For
29 purposes of this section, vacancy means a death,
30 resignation, retirement, or removal of a clerk.
31 4. The commission shall promptly certify the name
32 and address of the appointee to the chief judge of
33 the judicial district and to the state court
34 administrator."
35 2. Page 66, line 1, by striking the words "clerk
36 of the district court" and inserting in lieu thereof
37 the words "district court administrator".
38 3. Page 66, line 9, by striking the words "clerk
39 of the district court" and inserting in lieu thereof
40 the words "district court administrator".
41 4. Page 66, line 15, by inserting after the word
42 "magistrate" the words "or clerk of the district
43 court".
44 5. Page 66, lines 30 and 31, by striking the words
45 "clerk of the district court" and inserting in lieu
46 thereof the words "district court administrator".
47 6. Page 67, line 16, by striking the words "clerk
48 of the district court" and inserting in lieu thereof
49 the words "district court administrator".
50 7. Page 67, line 31, by striking the words "clerk

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- 1 of the district court" and inserting in lieu thereof
2 the words "district court administrator".

3 8. By renumbering as necessary.

SENATE FILE 495

H-3775

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 79, line 25, by inserting after the word
- 4 "reformatory" the words "or to the superintendent
- 5 of the Iowa correctional institution for women".

H-3775 FILED APRIL 18, 1983

BY SPEAR of Lee

Adopted 4/20/83 (p. 1467)

SENATE FILE 495

H-3778

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 23 the
- 4 following:
- 5 "4. The supreme court shall accept bids for the
- 6 printing of court forms from both public and private
- 7 enterprises and shall attempt to contract with both
- 8 public and private enterprises for a reasonable portion
- 9 of the court forms."

H-3778 FILED APRIL 18, 1983

BY JAY of Appanoose

Adopted 4/19 (p. 1401)

H-3781

1 Amend amendment, H-3591, to Senate File 495, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 3 the
5 following:

6 "____. Page 8, by inserting after line 32 the
7 following:

8 "Sec. ____ NEW SECTION. 602.1214A PUBLIC
9 HEARINGS--CLERK OF THE DISTRICT COURT. Prior to the
10 appointment of a clerk of the district court, the
11 district judges of the judicial election district
12 shall publicize the procedure for applying for the
13 appointment. Upon the petition of one hundred
14 qualified electors of the county to the district
15 judges, the district judges shall conduct a public
16 hearing to receive comments and recommendation
17 concerning the appointment of a clerk. Upon the
18 petition of one hundred qualified electors of the
19 county to the district court that a clerk is remiss
20 in the performance of the clerk's public duties, the
21 district judges shall conduct a public hearing to
22 receive comments and recommendations concerning the
23 removal of the clerk. Following the hearing, the
24 district judges shall remove the clerk from office
25 or shall take measures to correct any problems in
26 the performance of the clerk's public duties. The
27 district judges shall conduct a public hearing not
28 less than four months but no more than six months
29 from the date of the original hearing to assess the
30 current performance of the clerk's duties.

31 Sec. ____ NEW SECTION. 602.1214B RETENTION OF
32 CLERKS OF THE DISTRICT COURT. In addition to removal
33 from office under section 602.1214, a clerk of the
34 district court may be removed from office by the
35 county electors. A clerk of the district court shall
36 stand for retention in office, in the county of the
37 clerk's office, upon the petition of ten percent of
38 all eligible and registered electors in the county
39 to the state commissioner of elections, at the judicial
40 election in 1988 and every four years thereafter,
41 under sections 46.17 through 46.24. A clerk who is
42 not retained in office is ineligible to serve as
43 clerk, in the county in which the clerk was not
44 retained, for the four years following the retention
45 vote."

46 _____. Page 14, line 9, by inserting after the words
47 "OFFICES" the words "--SALARY LIMITATION".

48 2. Page 1, by striking lines 3 through 5 and
49 inserting in lieu thereof the following:

50 "____. Page 14, by striking lines 12 through 15

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1 and inserting in lieu thereof the following: "judicial
2 district. A clerk of the district court shall not
3 receive a salary in excess of the highest salary paid
4 to the county auditor, the county treasurer, or the
5 county recorder in the county in which the clerk
6 serves."

7 3. Page 3, by inserting after line 16 the
8 following:

9 "____. Page 104, by inserting after line 9 the
10 following:

11 "Sec. ____ Section 46.20, Code 1983, is amended
12 to read as follows:

13 46.20 DECLARATION OF CANDIDACY. At least ninety
14 days prior to the judicial election preceding
15 expiration of ~~his-or-her~~ the initial or regular term
16 of office, a judge of the supreme court, court of
17 appeals or district court including district associate
18 judges, or a clerk of the district court who is
19 required to stand for retention under section 602.1214B
20 may file a declaration of candidacy with the state
21 commissioner of elections, ~~whereupon such judge shall~~
22 to stand for retention or rejection at that election.
23 If a judge or clerk fails to file such the declaration,
24 ~~his-or-her~~ the office shall be vacant at the end of
25 ~~his-or-her~~ the term. District associate judges filing
26 ~~such-a~~ the declaration shall stand for retention in
27 the judicial election district of their residence.

28 Sec. ____ Section 46.21, Code 1983, is amended
29 to read as follows:

30 46.21 CONDUCT OF ELECTIONS. At least fifty-five
31 days prior to each judicial election, the state
32 commissioner of elections shall certify to the county
33 commissioner of elections of each county a list of
34 the judges of the supreme court, court of appeals
35 and district court including district associate judges,
36 and clerks of the district court to be voted on in
37 such each county at that election. The county
38 commissioner of elections shall place the names upon
39 the ballot in the order in which they appear in the
40 certificate, unless only one county is voting thereon.
41 The state commissioner of elections shall rotate the
42 names in the certificate by county, or the county
43 commissioner of elections shall rotate them upon the
44 ballot by precinct if only one county is voting
45 thereon. The names of all judges and clerks to be
46 voted on shall be placed upon one ballot, which shall
47 be in substantially the following form:

48 STATE OF IOWA
49 JUDICIAL BALLOT
50 (Date)

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1 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE
2 BOX AFTER EACH NAME.

3 SUPREME COURT

4 Shall the following judges of the Supreme Court
5 be retained in office?

6 JOHN DOE YES _____ NO _____

7 RICHARD JANE ROE YES _____ NO _____

8 COURT OF APPEALS

9 Shall the following judges of the Court of Appeals
10 be retained in office?

11 JOHN DOE YES _____ NO _____

12 RICHARD JANE ROE YES _____ NO _____

13 DISTRICT COURT

14 Shall the following judge or associate judge of
15 the District Court be retained in office?

16 JOHN SMITH YES _____ NO _____

17 Shall the following clerk of the District Court
18 be retained in office?

19 JANE DOE YES _____ NO _____

20 Sec. ____ Section 46.24, Code 1983, is amended
21 to read as follows:

22 46.24 RESULTS OF ELECTION. A judge of the supreme
23 court, court of appeals, or district court including
24 a district associate judge, or a clerk of the district
25 court must receive more affirmative than negative
26 votes to be retained in office. When the poll is
27 closed, the election judges shall publicly canvass
28 the vote forthwith. The board of supervisors shall
29 canvass the returns at its meeting on Monday after
30 the election, and shall promptly certify the number
31 of affirmative and negative votes on each judge or
32 clerk to the state commissioner of elections.

33 The state board of canvassers shall, at the time
34 of canvassing the vote cast at a general election,
35 open and canvass all of the returns for the judicial
36 election. Each judge of the supreme court, court
37 of appeals or district court including a district
38 associate judge, or a clerk of the district court
39 who has received more affirmative than negative votes
40 shall receive from the state board of canvassers an
41 appropriate certificate so stating.""

42 4. Page 3, by inserting after line 21 the
43 following:

44 "____. Page 139, line 4, by inserting after the
45 word "office." the words and figures "The district
46 judges of a judicial election district shall give
47 first and primary consideration for appointment of
48 a clerk of the district court to serve the court
49 beginning in 1989 to a clerk serving on and after
50 July 1, 1986 until the expiration of the clerk's

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1 elected term of office.""

2 5. By renumbering as necessary.

BY JAY of Appanoose
VARN of Johnson
McINTEE of Black Hawk
SWARTZ of Marshall

H-3781 FILED APRIL 18, 1983

Adopted 4/19/83 (p. 1395)

SENATE FILE 495

H-3780

1 Amend the amendment, H-3764, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 35, by inserting after the word
5 "district" the words "or judicial election district".

BY VARN of Johnson
DODERER of Johnson

H-3780 FILED APRIL 18, 1983

Adopted 4/20/83 (p. 1466)

H-3782

Amend Senate File 495, as amended, passed and reprinted by the Senate, as follows:

1. Page 143, line 6, by striking the words "TRANSFER OF TITLE OF".

2. Page 143, by striking lines 11 through 13 and inserting in lieu thereof the words "to in subsection 3 shall not become property of the judicial department but shall be devoted for the use of the judicial department in its course of business. The judicial department shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial department. Upon replacement of the property by the judicial department, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial department, and the county shall make the property available to the judicial department for the department's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county."

3. Page 144, by striking lines 9 through 13.

4. Page 144, lines 29 and 30, by striking the words "transfer under".

5. By renumbering as necessary.

BY SWARTZ of Marshall
PARKER of Jasper

H-3782 FILED APRIL 18, 1983

Adopted 4/26/83 (S 1485)

SENATE FILE 495

-3783

1 Amend amendment H-3666 to Senate File 495, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 2 the following:
5 "____. Page 96, line 35, by striking line 35 and
6 inserting in lieu thereof the following: "court under
7 sections 32.2, 99.30, 127.20, 302.44, 508.15, 511.7,
8 515.93, 534.12, 535.5, 595.11, 602.9106, subsection
9 3, 644.15, and 666.3.""

10 2. Page 1, line 8, by inserting after the word
11 "fund." the words "If the total amount certified to
12 the state comptroller under subsection 1 for a fiscal
13 year is less than the total amount certified during
14 the fiscal year beginning July 1, 1984, the state
15 comptroller shall prorate the amounts paid to school
16 districts."

17 3. Page 1, by inserting after line 11 the
18 following:

19 "____. Page 103, by inserting after line 21 the
20 following section:

21 "Sec. _____. Section 32.2, Code 1983, is amended
22 to read as follows:

23 32.2 ACTIONS FOR PENALTY. Sueh The action or
24 suit may be brought by and in the name of the state,
25 on the relation of any a citizen thereof of the state,
26 and sueh the penalty, when collected, less the
27 reasonable cost and expense of action or suit and
28 recovery, to be certified by the clerk of the district
29 court of the county in which the offense is committed,
30 shall be paid into-the-county-treasury-for-the-benefit
31 of-the-school-fund to the treasurer of state for
32 distribution under section 602.9107, and two or more
33 penalties may be sued for and recovered in the same
34 action or suit."

35 _____. Page 108, by inserting after line 13 the
36 following:

37 "Sec. _____. Section 99.30, Code 1983, is amended
38 to read as follows:

39 99.30 APPLICATION OF TAX. The said tax collected
40 shall be applied in-payment-of-any toward the
41 deficiency in the payment of costs of the action and
42 abatement on-behalf-of-the-state-to-the-extent-of
43 sueh-defieieney which exist after the application
44 thereto of the proceeds of the sale of personal
45 property as-hereinbefore-provided,-and-the. The
46 remainder of said the tax together with the unexpended
47 portion of the proceeds of the sale of personal
48 property shall be distributed-to-the-temporary-school
49 fund-of-the-county paid to the clerk of court who
50 shall remit the amount to the treasurer of state for

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1 distribution under section 602.9107, except that ten
2 percent of the amount of the whole tax collected and
3 of the whole proceeds of the sale of ~~said~~ the personal
4 property, as provided in this chapter, shall be paid
5 by the treasurer to the attorney representing the
6 state in the injunction action, at the time of final
7 judgment."

8 _____. Page 109, by inserting after line 7 the
9 following section:

10 "Sec. _____. Section 127.20, Code 1983, is amended
11 to read as follows:

12 127.20 SALE OF CONVEYANCE. Prior to placing the
13 conveyance for sale to the general public, the sheriff
14 shall permit any an owner or lien holder having a
15 property interest of fifty percent or more in the
16 conveyance the opportunity to purchase the property
17 interest forfeited. If ~~such the~~ owner or lien holder
18 does not exercise ~~his-or-her~~ an option under this
19 section or if ~~no-such an~~ owner or lien holder ~~exists~~
20 does not exist, the conveyance shall be sold at public
21 auction with the proceeds first being applied to the
22 owners and lien holders who have not had their property
23 interest forfeited and ~~then~~ applied to the expenses
24 of keeping the conveyance ~~and-court-costs~~, and any
25 remaining funds shall be conveyed by the clerk of
26 court to the treasurer of state for distribution under
27 section 602.9107."

28 _____. Page 115, by inserting after line 28 the
29 following section:

30 "Sec. _____. Section 302.44, Code 1983, is amended
31 to read as follows:

32 302.44 PENALTY AGAINST COUNTY AUDITOR. Any A
33 county auditor failing or neglecting to perform any
34 ~~of-the required~~ duties ~~which-are-required-of-him-by~~
35 ~~the-provisions-of~~ under this chapter, ~~shall-be is~~
36 liable to a penalty of not less than one hundred nor
37 more than five hundred dollars, to be recovered in
38 an action brought in the district court by the board
39 of supervisors, ~~-the.~~ The judgment ~~to~~ shall be entered
40 against the party and ~~his~~ the party's bondsmen, and
41 the proceeds ~~to-go-to-the-school-fund~~ shall be paid
42 to the treasurer of state for distribution under
43 section 602.9107."

44 _____. Page 119, by inserting after line 30 the
45 following sections:

46 "Sec. _____. Section 331.509, subsection 1, paragraph
47 o, Code 1983, is amended to read as follows:

48 o. The reports of magistrates and other officers,
49 including forfeited recognizances in their offices,
50 fines, penalties, forfeitures imposed in their

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1 respective courts, and forfeited appearance bonds
2 in criminal cases, all of which are payable to the
3 ~~county-treasury-for-the-benefit-of-the-school-fund~~
4 treasurer of state for distribution under section
5 602.9107.

6 Sec. _____. Section 331.552, subsection 11, Code
7 1983, is amended to read as follows:

8 11. Credit funds from the sale of seized
9 conveyances ~~to-the-school-fund-and-issue-duplicate~~
10 ~~receipts-to-the-sheriff-as-provided-in-sections-127-21~~
11 and-127-22 to the treasurer of state for distribution
12 under section 602.9107."

13 _____. Page 125, by inserting after line 15 the
14 following sections:

15 "Sec. _____. Section 508.15, Code 1983, is amended
16 to read as follows:

17 508.15 VIOLATION BY FOREIGN COMPANY. Companies
18 organized and chartered by the laws of a foreign state
19 or country, failing to file the evidence of investment
20 and statement within the time fixed, shall forfeit
21 and pay the sum of three hundred dollars, to be
22 collected in an action in the name of the state ~~for~~
23 the-use-of-the-school-fund and paid to the treasurer
24 of state for distribution under section 602.9107,
25 and their right to transact further new business in
26 this state shall immediately cease until the
27 requirements of this chapter have been fully complied
28 with.

29 Sec. _____. Section 511.7, Code 1983, is amended
30 to read as follows:

31 511.7 RECOVERY OF PENALTIES. Actions brought
32 to recover any of the penalties provided for in this
33 chapter shall be instituted in the name of the state
34 by the county attorney of the county, under the
35 direction and authority of the commissioner of
36 insurance, and may be brought in the district court
37 of any county in which the company or association
38 proceeded against is engaged in the transaction of
39 business, or in which the offending person resides,
40 if it is against ~~him~~ the person. The penalties, when
41 recovered, shall be ~~paid into-the-state-treasury-for~~
42 the-use-of-the-school-fund to the treasurer of state
43 for distribution under section 602.9107.

44 Sec. _____. Section 515.93, Code 1983, is amended
45 to read as follows:

46 515.93 VIOLATIONS. Any A violation of the
47 ~~provisions-of~~ sections 515.91 and 515.92 shall for
48 the first offense subject the company, association,
49 or individual guilty thereof to a penalty of five
50 hundred dollars, to be recovered in the name of the

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1 state, with costs, in an action instituted by the
2 county attorney, either in the county in which the
3 company, association, or individual is located or
4 transacts business, or in the county where the offense
5 is committed, and ~~such~~ the penalty, when recovered,
6 shall be paid ~~into the school fund of the county in~~
7 ~~which action is brought~~ to the treasurer of state
8 for distribution under section 602.9107. Every
9 subsequent violation of ~~said~~ the sections ~~shall subject~~
10 subjects the company, association, or individual to
11 a penalty of one thousand dollars, to be sued for,
12 recovered, and disposed of in like manner.

13 Sec. _____. Section 534.12, subsection 4, Code 1983,
14 is amended to read as follows:

15 4. REDEMPTION. ~~At any time~~ When funds are on
16 hand for the purpose, the association ~~shall have the~~
17 ~~right to~~ may redeem by lot or otherwise, as the board
18 of directors ~~may determine~~ determines, all or any
19 part of any of its savings accounts on a dividend
20 date by giving thirty days' notice by registered mail
21 addressed to the account holders at their last
22 addresses recorded on the books of the association.
23 An association shall not redeem ~~any of~~ its share
24 accounts when the association is in an impaired
25 condition or when it has applications for withdrawal
26 which have been on file more than thirty days and
27 have not been reached for payment. The redemption
28 price of a savings account shall be the full value
29 of the account redeemed, as determined by the board
30 of directors, but ~~in no event shall~~ the redemption
31 value shall not be less than the withdrawal value.
32 If the notice of redemption has been given, and if
33 on or before the redemption date the funds necessary
34 for the redemption have been set aside ~~so as to be~~
35 ~~and continue to be available~~ for redemptions, dividends
36 upon the accounts called for redemption shall cease
37 to accrue from and after the dividend date specified
38 as the redemption date, and ~~all~~ rights with respect
39 to those accounts ~~shall~~ terminate as of the redemption
40 date, subject only to the right of the account holder
41 of record to receive the redemption value without
42 interest. ~~All savings~~ Savings accounts which have
43 been validly called for redemption must be tendered
44 for payment within ten years from the date of
45 redemption designated in the redemption notice, or
46 they shall be canceled and ~~forfeited for the use of~~
47 ~~the school fund of the county in which the association~~
48 ~~has its principal place of business~~ conveyed to the
49 clerk of court and paid to treasurer of state for
50 distribution under section 602.9107 and all claims

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1 of the account holders against the association shall
2 be are barred forever. Redemption shall not be made
3 of any savings accounts which are held by a person
4 who is a director and which are necessary to qualify
5 the person to act as director.

6 Sec. _____. Section 535.5, Code 1983, is amended
7 to read as follows:

8 535.5 PENALTY FOR USURY. If it ~~shall-be~~ is
9 ascertained in any an action brought on any a contract
10 that a rate of interest has been contracted for,
11 directly or indirectly, in money or in property,
12 greater than is authorized by this chapter, the same
13 rate shall work a forfeiture of eight cents on the
14 hundred by the year upon the amount of the principal
15 remaining unpaid upon ~~such the~~ the contract at the time
16 judgment is rendered ~~thereon~~, and the court shall
17 enter final judgment in favor of the plaintiff and
18 against the defendant for the principal sum ~~se~~
19 remaining unpaid without costs, and also against the
20 defendant and in favor of the state, ~~for-the-use-of~~
21 ~~the-school-fund-of-the-county-in-which-the-action~~
22 ~~is-brought~~ to be paid to the treasurer of state for
23 distribution under section 602.9107, for the amount
24 of the forfeiture, and in no case where. If unlawful
25 interest is contracted for ~~shall~~ the plaintiff shall
26 not have judgment for more than the principal sum,
27 whether the unlawful interest be is incorporated with
28 the principal or not.

29 Sec. _____. Section 595.11, Code 1983, is amended
30 to read as follows:

31 595.11 NONSTATUTORY SOLEMNIZATION--FORFEITURE.
32 Marriages solemnized, with the consent of parties,
33 in any ~~ether~~ manner other than as-herein that
34 prescribed in this chapter, are valid; but the parties
35 ~~thereto~~, and all persons aiding or abetting them,
36 ~~shall forfeit-to-the-school-fund-the-sum~~ pay a penalty
37 of fifty dollars each; but this shall not apply to
38 the person conducting the marriage ceremony, if within
39 fifteen days thereafter ~~he the person~~ the person makes the
40 required return to the clerk of the district court.
41 The penalties shall be conveyed by the clerk of
42 district court to the treasurer of state for
43 distribution under section 602.9107."

44 _____. Page 129, by inserting after line 3 the
45 following sections:

46 "Sec. _____. Section 644.15, Code 1983, is amended
47 to read as follows:

48 644.15 PROCEEDS--FORFEITURE. The net proceeds
49 of ~~all~~ sales made by the sheriff, and ~~all~~ money or
50 bank notes paid over to the county treasurer, as

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1 directed in this chapter, shall remain in the hands
2 of the county treasurer in trust for the owner, if
3 ~~any-such-shall-apply~~ the owner applies within one
4 year from the time the ~~same-shall~~ proceeds, moneys,
5 or bank notes would have been paid over; but,
6 However, if no owner shall-appear appears within such
7 that time, the money proceeds, moneys, or bank notes
8 shall be forfeited, and the claim of the owner thereto
9 is forever barred, in which event the money shall
10 remain-in-the-county-treasury-for-the-use-of-the
11 common-schools-in-said-county be paid to the clerk
12 of district court who shall pay the money to the
13 treasurer of state for distribution under section
14 602.9107.

15 Sec. _____. Section 666.3, Code 1983, is amended
16 to read as follows:

17 666.3 FINES AND FORFEITURES. ~~All-fines~~ Fines
18 and forfeitures, after deducting ~~therefrom~~ court
19 costs, court expenses collectible through the clerk
20 of the court, and fees of collection, if any, and
21 not otherwise disposed of, shall ~~go-into-the-treasury~~
22 ~~of-the-county-where-the-same-are-collected-for-the~~
23 ~~benefit-of-the-school-fund~~ be paid to the treasurer
24 of state for distribution under section 602.9107."

25 _____. Page 138, line 8, by inserting after the
26 figure "66.25," the figures "127.21, 127.22,".

27 _____. By numbering and renumbering sections and
28 correcting internal references as necessary."

H-3783 FILED APRIL 18, 1983

BY GROTH of Buena Vista

11/25 4/20/83 (1474)

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SENATE FILE 495

H-3793

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 32 the follow-
4 ing:

5 "Sec. ____ . NEW SECTION. 602.1214A SUPREME COURT
6 PROCEDURES FOR CLERKS OF THE DISTRICT COURT. The
7 supreme court shall adopt rules under section 602.5202
8 to establish procedures relating to public hearings
9 to be conducted by the district judges of a judicial
10 election district in order to receive comments and
11 recommendations concerning the appointment or removal
12 of a clerk of the district court. Upon the petition
13 of one hundred qualified electors of the county to
14 the district judges, the district judges shall conduct
15 a public hearing to receive comments and recommenda-
16 tions concerning the appointment or removal of a
17 clerk. Following a hearing concerning removal of
18 a clerk, the district judges shall take measures to
19 correct any problems in the performance of the clerk's
20 public duties, and if, after four months, the problems
21 in the performance of the clerk's public duties still
22 exist, the district judges shall remove the clerk
23 for cause and declare a vacancy in the office."

24 2. Page 8, by inserting before line 33 the follow-
25 ing:

26 "Sec. ____ . NEW SECTION. 602.1214B RETENTION
27 OF CLERKS OF THE DISTRICT COURT. In addition to
28 removal from office under section 602.1214, a clerk
29 of the district court may be removed from office by
30 the county electors. A clerk of the district court
31 shall stand for retention in office, in the county
32 of the clerk's office, upon the petition of ten percent
33 of all eligible and registered electors in the county
34 to the state commissioner of elections, at the judicial
35 election in 1988 and every four years thereafter,
36 under sections 46.17 through 46.24. A clerk who is
37 not retained in office is ineligible to serve as
38 clerk, in the county in which the clerk was not
39 retained, for the four years following the retention
40 vote."

41 3. Page 31, by inserting after line 27 the follow-
42 ing:

43 "Sec. ____ . NEW SECTION. 602.3101A SUPREME COURT
44 PROCEDURES FOR JUDICIAL OFFICERS. The supreme court
45 shall adopt rules under section 602.5202 to establish
46 procedures relating to public hearings to be conducted
47 by the supreme court in order to receive comments
48 and recommendations concerning the appointment or
49 removal of a judicial officer. Upon the petition
50 of one thousand qualified electors of the state to

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E
1 the supreme court, the supreme court shall conduct
2 a public hearing to receive comments and recommenda-
3 tions concerning the appointment or removal of a
4 judicial officer. Following a hearing concerning
5 removal of a judicial officer, the supreme court shall
6 take measures to correct any problems in the
7 performance of the judicial officer's public duties,
8 and if, after four months, the problems in the
9 performance of the judicial officer's public duties
10 still exist, the supreme court shall remove the
11 judicial officer for cause and declare a vacancy in
12 the office."

13 4. Page 104, by inserting after line 9 the follow-
14 ing:

15 "Sec. _____. Section 46.20, Code 1983, is amended
16 to read as follows:

17 46.20 DECLARATION OF CANDIDACY. At least ninety
18 days prior to the judicial election preceding
19 expiration of ~~his-er-her~~ the initial or regular term
20 of office, a judge of the supreme court, court of
21 appeals or district court including district associate
22 judges, or a clerk of the district court who is
23 required to stand for retention under section 602.1214B
24 may file a declaration of candidacy with the state
25 commissioner of elections,--whereupon-such-judge-shall
26 to stand for retention or rejection at that election.
27 If a judge or clerk fails to file such the declaration,
28 his-er-her the office shall be vacant at the end of
29 his-er-her the term. District associate judges filing
30 such-a the declaration shall stand for retention in
31 the judicial election district of their residence.

A
32 Sec. _____. Section 46.21, Code 1983, is amended
33 to read as follows:

34 46.21 CONDUCT OF ELECTIONS. At least fifty-five
35 days prior to each judicial election, the state
36 commissioner of elections shall certify to the county
37 commissioner of elections of each county a list of
38 the judges of the supreme court, court of appeals
39 and district court including district associate judges,
40 and clerks of the district court to be voted on in
41 such each county at that election. The county
42 commissioner of elections shall place the names upon
43 the ballot in the order in which they appear in the
44 certificate, unless only one county is voting thereon.
45 The state commissioner of elections shall rotate the
46 names in the certificate by county, or the county
47 commissioner of elections shall rotate them upon the
48 ballot by precinct if only one county is voting
49 thereon. The names of all judges and clerks to be
50 voted on shall be placed upon one ballot, which shall

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1 be in substantially the following form:

2 STATE OF IOWA

3 JUDICIAL BALLOT

4 (Date)

5 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE
6 BOX AFTER EACH NAME.

7 SUPREME COURT

8 Shall the following judges of the Supreme Court
9 be retained in office?

10 JOHN DOE YES ☐ NO ☐

11 RICHARD JANE ROE YES ☐ NO ☐

12 COURT OF APPEALS

13 Shall the following judges of the Court of Appeals
14 be retained in office?

15 JOHN DOE YES ☐ NO ☐

16 RICHARD JANE ROE YES ☐ NO ☐

17 DISTRICT COURT

18 Shall the following judge or associate judge of
19 the District Court be retained in office?

20 JOHN SMITH YES ☐ NO ☐

21 Shall the following clerk of the District Court
22 be retained in office?

23 JANE DOE YES ☐ NO ☐

24 Sec. ____ Section 46.24, Code 1983, is amended
25 to read as follows:

26 46.24 RESULTS OF ELECTION. A judge of the supreme
27 court, court of appeals, or district court including
28 a district associate judge, or a clerk of the district
29 court must receive more affirmative than negative
30 votes to be retained in office. When the poll is
31 closed, the election judges shall publicly canvass
32 the vote forthwith. The board of supervisors shall
33 canvass the returns at its meeting on Monday after
34 the election, and shall promptly certify the number
35 of affirmative and negative votes on each judge or
36 clerk to the state commissioner of elections.

37 The state board of canvassers shall, at the time
38 of canvassing the vote cast at a general election,
39 open and canvass all of the returns for the judicial
40 election. Each judge of the supreme court, court
41 of appeals or district court including a district
42 associate judge, or a clerk of the district court
43 who has received more affirmative than negative votes
44 shall receive from the state board of canvassers an
45 appropriate certificate so stating."

46 5. Page 104, by inserting before line 10 the
47 following:

48 "Sec. ____ NEW SECTION. 49.48 The state
49 commissioner of elections shall prescribe a notice
50 to inform voters that the top of the ballot contains

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C 1 the form for retaining or removing judicial officers
2 and for ratifying or defeating proposed constitutional
3 amendments. The notice shall be conspicuously attached
4 to the voting machine or to the ballot."
5 6. By renumbering as necessary.

H-3793 FILED APRIL 19, 1983 BY SCHROEDER of Pottawattamie
DIVISION A - WITHDRAWN, DIVISION B - LOST, DIVISION C - ADOPTED
(p. 1415) (p. 1415) (p. 1415)

SENATE FILE 495

H-3792

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, line 10, by inserting after the word
4 "court." the words "The personnel system, in the
5 employment of court employees, shall not discriminate
6 on the basis of race, creed, color, sex, national
7 origin, religion, physical disability, or political
8 party preference."

BY PAVICH of Pottawattamie
MULLINS of Kossuth
HARBOR of Mills
ANDERSON of Audubon
BRANSTAD of Winnebago
DODERER of Johnson
LLOYD-JONES of Johnson
VARN of Johnson

H-3792 FILED APRIL 19, 1983
Adopted 4/20/83 (p. 1425)

SENATE FILE 495

H-3795

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 801.4, subsection 10, Code
6 1983, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 10. "Indigent person" means a person who is
9 indigent as determined in accordance with section
10 815.9.

11 Sec. 2. Section 814.9, Code 1983, is amended to
12 read as follows:

13 814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL.
14 If a defendant in a criminal cause has perfected an
15 appeal from a judgment ~~against him or her and shall~~
16 ~~satisfy the judge of the district court that he or~~
17 ~~she is indigent,~~ such judge and is determined by the
18 court to be indigent, the court may order the
19 transcript made at the expense of the county where
20 the defendant was tried public expense. When an
21 attorney of record is representing such an indigent,
22 said the attorney shall make application apply to
23 the district court for the transcript.

24 Sec. 3. Section 814.10, Code 1983, is amended
25 to read as follows:

26 814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN
27 OTHER CASES. If a defendant in a criminal cause has
28 been granted discretionary review from an action of
29 the district court and the appellate court deems a
30 transcript or portions thereof are necessary to proper
31 review of the question or questions raised, the
32 district court shall order the transcript made at
33 ~~the expense of the county where the defendant was~~
34 ~~tried,~~ public expense if a determination is made that
35 the defendant is indigent.

36 Sec. 4. NEW SECTION. 815.9 INDIGENCY DETERMINED-
37 -PENALTY.

38 1. For purposes of this chapter, section 68.8,
39 section 222.22, chapter 232, chapter 814, and the
40 rules of criminal procedure, a person is indigent
41 if the person is determined to be unable to employ
42 legal counsel without prejudicing the person's
43 financial ability to provide economic necessities
44 for the person or the person's dependent family.

45 2. A determination of indigence shall not be made
46 except upon the basis of information contained in
47 a detailed financial statement submitted by the person,
48 or in an appropriate case by the person's parent,
49 guardian, or custodian. The financial statement shall
50 be in the form prescribed by the supreme court, and

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1 shall contain a full disclosure of all assets,
2 liabilities, current income, dependents, and other
3 information prescribed by the supreme court. The
4 supreme court shall adopt rules prescribing the form
5 and content of the financial statement, and the
6 standards by which indigency shall be determined under
7 subsection 1. If a person is granted legal assistance
8 as an indigent, the financial statement shall be filed
9 and permanently retained in the person's court file.

10 3. A person who knowingly submits a false financial
11 statement for the purpose of obtaining legal assistance
12 at public expense commits a fraudulent practice.
13 As used in this subsection, "legal assistance" includes
14 legal counsel, transcripts, witness fees and expenses,
15 and any other goods or services required by law to
16 be provided to an indigent person at public expense.

17 Sec. 5. NEW SECTION. 815.10 APPOINTMENT OF
18 COUNSEL BY COURT.

19 1. The court, for cause and upon its own motion
20 or upon application by an indigent person or a public
21 defender, may appoint a public defender or any attorney
22 who is admitted to the practice of law in this state
23 to represent an indigent person at any state of the
24 proceedings or on appeal of any action in which the
25 indigent person is entitled to legal assistance at
26 public expense. An appointment shall not be made
27 unless the person is determined to be indigent under
28 section 815.9.

29 2. If a court finds that a person desires legal
30 assistance and is not indigent, but refuses to employ
31 an attorney, the court shall appoint a public defender
32 or another attorney to represent the person at public
33 expense. If an attorney other than a public defender
34 is appointed, the fee paid to the attorney shall be
35 taxed as a court cost against the person.

36 3. An attorney other than a public defender who
37 is appointed by the court under subsection 1 or 2
38 shall apply to the district court for compensation
39 and for reimbursement of costs incurred. The amount
40 of compensation due shall be determined in accordance
41 with section 815.7.

42 Sec. 6. NEW SECTION. 815.11 APPROPRIATIONS FOR
43 INDIGENT DEFENSE. Costs incurred under sections
44 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7,
45 815.10, 815.12, or the rules of criminal procedure
46 on behalf of an indigent shall be paid from funds
47 appropriated by the general assembly to the supreme
48 court for those purposes.

49 Sec. 7. NEW SECTION. 815.12 TRIAL JURY EXPENSES.
50 The clerk of the district court shall pay fees and

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1 mileage due petit jurors, and the costs of food,
2 lodging, and transportation when provided for petit
3 jurors.

4 Sec. 8. The state shall assume the responsibility
5 for and the costs of indigent defense on July 1, 1984.

6 Sec. 9. This Act takes effect July 1, 1984."

7 2. Title page, by striking lines 1 through 3 and
8 inserting in lieu thereof the words "An Act requiring
9 the state to assume the responsibility for and the
10 costs of indigent defense."

BY WELDEN of Hardin

COCHRAN of Webster

HARBOR of Mills

BRANSTAD of Winnebago

H-3795 FILED APRIL 19, 1983

LOST (p. 1411) *Thatcher to reconsider 4/20*
Matlin lost 4/21 (p. 1511)

SENATE FILE 495

H-3794

1 Amend Senate File 495 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 23, by striking lines 5 through 12 and
4 inserting in lieu thereof the following:

5 "Sec. 2106. NEW SECTION. 602.2106 RETIREMENT.

6 A person who becomes separated from service as a
7 judge, and who has completed an aggregate of at least
8 six years of service as a judge and has attained the
9 age of sixty-five years, and who has otherwise
10 qualified as provided in this article, is entitled
11 to an annuity as provided in this article. However,
12 a person who has not attained the age of sixty-five
13 years is entitled to an annuity as provided in this
14 article if, upon separation, the person has completed
15 twenty-five years of consecutive service as a judge,
16 with an aggregate of at least six years of service
17 prior to July 1, 1983."

BY DODERER of Johnson

HARBOR of Mills

HALVORSON of Clayton

PAVICH of Pottawattamie

CLARK of Cerro Gordo

SCHNEKLOTH of Scott

WELDEN of Hardin

McKEAN of Jones

SCHROEDER of Pottawattamie

H-3794 FILED APRIL 19, 1983

4/20 4/20 (p. 1463)

SENATE FILE 495

H-3796

1 Amend Senate File 495, as amended, passed and re-
2 printed by the Senate, as follows:

3 1. Page 83, by striking lines 6 and 7.

4 2. Page 94, by striking line 27 and inserting
5 in lieu thereof the following:

6 "bb. For".

7 3. Page 109, by inserting after line 7 the
8 following:

9 "Sec. _____. Section 144.5, subsection 3, Code 1983,
10 is amended to read as follows:

11 3. Direct, supervise, and control the activities
12 of local registrars and deputy local registrars, and
13 the activities of clerks of the district court and
14 county recorders related to the operation of the vital
15 statistics system and provide registrars with necessary
16 postage.

17 Sec. _____. Section 144.12, Code 1983, is amended
18 to read as follows:

19 144.12 FORMS UNIFORM. In order to promote and
20 maintain uniformity in the system of vital statistics,
21 the forms of certificates, reports, and other returns,
22 shall include as a minimum the items recommended by
23 the federal agency responsible for national vital
24 statistics subject to approval and modification by
25 the department. Forms shall be furnished by the
26 department. The forms or other recording methods
27 used by county and local registrars and county
28 recorders to record copies of records made under this
29 chapter shall be prescribed by the department.

30 Sec. _____. Section 144.13, subsections 1 and 2,
31 Code 1983, are amended as follows:

32 1. A certificate of birth for each live birth
33 which occurs in this state shall be filed with the
34 ~~local-registrar-of-the-district~~ county recorder in
35 the county in which the birth occurs within five days
36 after the birth and shall be registered by the
37 ~~registrar recorder~~ if it has been completed and filed
38 in accordance with this chapter; provided that when
39 a birth occurs in a moving conveyance, a birth
40 certificate shall be filed in the ~~district~~ county
41 in which the child was first removed from the
42 conveyance.

43 2. When a birth occurs in an institution, the
44 person in charge of the institution or ~~his~~ the person's
45 designated representative shall obtain the personal
46 data, prepare the certificate, secure the signatures
47 required by the certificate and file the certificate
48 with the ~~local-registrar~~ county recorder. The
49 physician in attendance shall certify to the facts
50 of birth and provide the medical information required

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1 by the certificate within three days after the birth.
2 Sec. _____. Section 144.14, unnumbered paragraph
3 1, Code 1983, is amended to read as follows:
4 Whoever assumes the custody of a living infant
5 of unknown parentage shall report on a form and in
6 the manner prescribed by the state registrar within
7 five days to the ~~local-registrar~~ county recorder of
8 the ~~district~~ county in which the child was found,
9 the following information:

10 Sec. _____. Section 144.26, Code 1983, is amended
11 to read as follows:

12 144.26 DEATH CERTIFICATE. A death certificate
13 for each death which occurs in this state shall be
14 filed with the ~~local-registrar~~ county recorder of
15 the ~~district~~ county in which the death occurred within
16 three days after the death and prior to final
17 disposition, and shall be registered by the ~~registrar~~
18 recorder if it has been completed and filed in
19 accordance with this chapter. All information
20 including the certifying physician's name shall be
21 typewritten.

22 If the place of death is unknown, a death
23 certificate shall be filed in the ~~registration-district~~
24 county in which a dead body is found within three
25 days after the body is found. If death occurs in
26 a moving conveyance, a death certificate shall be
27 filed in the ~~registration-district~~ county in which
28 the dead body was first removed from the conveyance.

29 If a person dies outside of the county of the
30 person's residence, the state registrar shall send
31 a copy of the death certificate to the county ~~registrar~~
32 recorder of the county of the decedent's residence.
33 The county ~~registrar~~ recorder shall record the death
34 certificate in the same records in which death
35 certificates of persons who died within the county
36 are recorded.

37 Sec. _____. Section 144.29, Code 1983, is amended
38 to read as follows:

39 144.29 FETAL DEATHS. A fetal death certificate
40 for each fetal death which occurs in this state after
41 a gestation period of twenty completed weeks or more
42 shall be filed with the ~~local-registrar~~ county recorder
43 of the ~~district~~ county in which the delivery of the
44 dead fetus occurred within three days after delivery
45 and prior to final disposition of the fetus and shall
46 be registered if it has been completed and filed in
47 accordance with this chapter.

48 If the place of delivery of a dead fetus is unknown,
49 a fetal death certificate shall be filed in the
50 ~~registration-district~~ county in which a dead fetus

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1 was found within three days after the fetus is found.
2 If a fetal death occurs in a moving conveyance, a
3 fetal death certificate shall be filed in the
4 ~~registration-district~~ county in which the fetus was
5 first removed from the conveyance.

6 Sec. _____. Section 144.32, Code 1983, is amended
7 to read as follows:

8 144.32 BURIAL-TRANSIT PERMIT. The funeral director
9 who first assumes custody of a dead body or fetus
10 shall obtain a burial-transit permit prior to final
11 disposition of the body or fetus and within seventy-
12 two hours after death. When a person other than a
13 funeral director assumes custody of a dead body or
14 fetus, the person shall be responsible for securing
15 the permit required in this section. A burial-transit
16 permit shall be issued by the ~~local-registrar~~ county
17 recorder of the ~~district~~ county where the certificate
18 of death or fetal death was filed in accordance with
19 the requirements of sections 144.26 to 144.31."

20 4. Page 109, lines 11 and 12, by striking the
21 words "clerk of the district court" and inserting
22 in lieu thereof the words "~~clerk-of-the-district-court~~
23 county recorder".

24 5. Page 109, lines 15 and 16, by striking the
25 words "clerk of the district court" and inserting
26 in lieu thereof the words "~~clerk-of-the-district-court~~
27 county recorder".

28 6. Page 109, by inserting after line 23 the fol-
29 lowing:

30 "Sec. _____. Section 144.36, subsections 2 and 4,
31 Code 1983, are amended to read as follows:

32 2. Every person who performs a marriage shall
33 certify the fact of marriage and return the certificate
34 to the ~~clerk-of-the-district-court~~ county recorder
35 within fifteen days after the ceremony. The
36 certificate shall be signed by the witnesses to the
37 ceremony and the person performing the ceremony.

38 4. The ~~clerk-of-the-district-court~~ county recorder
39 shall record and forward to the state registrar on
40 or before the tenth day of each calendar month the
41 original certificates of marriages filed with ~~him~~
42 the recorder during the preceding calendar month."

43 7. Page 109, by inserting after line 33 the fol-
44 lowing:

45 "Sec. _____. Section 144.43, unnumbered paragraph
46 2, Code 1983, is amended to read as follows:

47 However, the following vital statistics may be
48 inspected and copied as of right under chapter 68A
49 when they are in the custody of a county or ~~of a local~~
50 registrar or a county recorder:

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1 Sec. _____. Section 144.45, unnumbered paragraph
2 1, Code 1983, is amended to read as follows:

3 The state registrar, and the clerk of the district
4 court, and the county recorder shall, upon written
5 request from any applicant entitled to such record,
6 issue a certified copy of any certificate or record
7 in ~~his~~ the registrar's, the clerk's, or the recorder's
8 custody or of a part thereof. Each copy issued shall
9 show the date of registration; and copies issued from
10 records marked "delayed", "amended", or "court order"
11 shall be similarly marked and show the effective
12 date."

13 8. Page 120, by inserting after line 3 the
14 following:

15 "Sec. _____. Section 331.602, Code 1983, is amended
16 by adding the following new subsections:

17 NEW SUBSECTION. 12A. Carry out duties relating
18 to birth and death certificates as provided in chapter
19 144.

20 NEW SUBSECTION. 37A. Accept applications for
21 and issue marriage licenses as provided in chapter
22 595.

23 Sec. _____. Section 331.605, Code 1983, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 7A. For the issuance of a marriage
26 license, ten dollars."

27 9. Page 125, by inserting after line 15 the
28 following:

29 "Sec. _____. Section 595.3, unnumbered paragraph
30 1, Code 1983, is amended to read as follows:

31 Previous to the solemnization of any marriage,
32 a license for that purpose must be obtained from the
33 ~~clerk-of-the-district-court~~ county recorder. Such
34 license must not be granted in any case:

35 Sec. _____. Section 595.4, Code 1983, is amended
36 to read as follows:

37 595.4 AGE AND QUALIFICATION--VERIFIED APPLICATION--
38 -WAITING PERIOD--EXCEPTION. Previous to the issuance
39 of any license to marry, the parties desiring ~~such~~
40 the license shall sign and file a verified application
41 with the ~~clerk-of-the-court~~ county recorder which
42 application either may be mailed to the parties at
43 their request or may be signed by them at the office
44 of the ~~clerk-of-the-district-court~~ recorder in the
45 county in which the license is to be issued. ~~Such~~
46 The application shall set forth at least one affidavit
47 of some competent and disinterested person stating
48 ~~such~~ the facts as to age and qualification of the
49 parties as the ~~clerk~~ recorder may deem necessary to
50 determine the competency of the parties to contract

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1 a marriage. Upon the filing of the application for
2 a license to marry, the ~~clerk-of-the-district-court~~
3 recorder shall file the application in a record kept
4 for that purpose.

5 After expiration of three days from the date of
6 filing the application by the parties, the ~~clerk~~
7 recorder shall issue the license if ~~he~~ the recorder
8 is satisfied as to the competency of the parties to
9 contract a marriage. If the license has not been
10 issued within one year from the date of the
11 application, the application shall be void and of
12 no effect.

13 A license to marry may be issued prior to the
14 expiration of three days from the date of filing the
15 application for ~~such~~ the license in cases of emergency
16 or extraordinary circumstances. An order authorizing
17 the issuance of ~~such~~ the license may be granted by
18 a judge of the district court under conditions of
19 emergency or extraordinary circumstances upon
20 application of the parties ~~therefor~~ filed with the
21 clerk of the district court. ~~No-such~~ The order may
22 shall not be granted unless the parties have filed
23 an application for a marriage license in a county
24 within the judicial district. An application for
25 ~~such~~ the order shall be made on forms furnished by
26 the clerk at the same time the application for the
27 license to marry is made with the recorder. If after
28 examining the application for the marriage license
29 the clerk is satisfied as to the competency of the
30 parties to contract a marriage, ~~he~~ the clerk shall
31 refer the parties to a judge of the district court
32 for action on the application for an order authorizing
33 the issuance of a marriage license prior to expiration
34 of three days from the date of filing the application
35 for the license. The judge shall, if satisfied as
36 to the existence of an emergency or extraordinary
37 circumstances, grant an order authorizing the issuance
38 of a license to marry prior to the expiration of three
39 days from the date of filing the application for the
40 license to marry. The ~~clerk~~ recorder shall issue
41 a license to marry upon presentation by the parties
42 of the order authorizing ~~such~~ the license to be issued.
43 A fee of five dollars shall be paid to the clerk at
44 the time the application for the order is made, which
45 fee shall be in addition to the fee prescribed by
46 law for the issuance of a marriage license by the
47 recorder.

48 Sec. _____. Section 595.5, Code 1983, is amended
49 to read as follows:

50 595.5 SURNAME ADOPTED. Upon marriage either party

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1 may request on the application for a marriage license
2 a name change to that of the other party or to some
3 other surname mutually agreed upon by the parties.
4 The names used on the marriage license shall become
5 the legal names of the parties to the marriage. The
6 marriage license shall contain a statement that when
7 a name change is requested and affixed to the marriage
8 license, the new name is the legal name of the
9 requesting party. If a party requests a name change,
10 other than a change of surname to that of the other
11 spouse or to a hyphenated combination of the surnames
12 of both spouses, the party shall request approval
13 of the court pursuant to chapter 674 and shall submit
14 to the court the information required by section
15 674.2, and upon approval of the court and solemnization
16 of the marriage, the ~~clerk-of-court~~ county recorder
17 shall send a certified copy of the return of marriage
18 to the recorder's office in every county in this state
19 where real property is owned by either of the parties.
20 The judge may approve the name change. The new names
21 and the immediate former names shall appear on the
22 return of marriage, and the return of marriage shall
23 be recorded in the miscellaneous records in the
24 recorder's office. An individual can have only one
25 legal name at any one time.

26 Sec. _____. Section 595.6, Code 1983, is amended
27 to read as follows:

28 595.6 FILING AND RECORD REQUIRED. The affidavit
29 or certificate, in each case, shall be filed by the
30 ~~clerk~~ county recorder and constitute a part of the
31 records of ~~his~~ the recorder's office. A memorandum
32 of ~~such~~ the affidavit or certificate shall also be
33 entered in the license book.

34 Sec. _____. Section 595.7, Code 1983, is amended
35 to read as follows:

36 595.7 DELIVERY OF BLANK WITH LICENSE. When a
37 license is issued the ~~clerk~~ county recorder shall
38 deliver to the applicant a blank return for the
39 marriage, and give ~~such~~ instructions relative thereto
40 ~~as will~~ to the applicant to insure a complete and
41 accurate return.

42 Sec. _____. Section 595.11, Code 1983, is amended
43 to read as follows:

44 595.11 NONSTATUTORY SOLEMNIZATION--FORFEITURE.
45 Marriages solemnized, with the consent of parties,
46 in any other manner than as herein prescribed, are
47 valid; but the parties thereto, and all persons aiding
48 or abetting them, shall forfeit to the school fund
49 the sum of fifty dollars each; but this shall not
50 apply to the person conducting the marriage ceremony,

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1 if within fifteen days thereafter he the person makes
2 the required return to the ~~clerk-of-the-district-court~~
3 county recorder.

4 Sec. _____. Section 595.13, subsection 2, Code 1983,
5 is amended to read as follows:

6 2. Make return of such marriage within fifteen
7 days to the ~~clerk-of-the-district-court~~ county
8 recorder, who issued the marriage license upon the
9 blank provided for that purpose.

10 Sec. _____. Section 595.15, Code 1983, is amended
11 to read as follows:

12 595.15 INADEQUATE RETURN. If the return of a
13 marriage is not complete in every particular as
14 required by the forms specified in section 144.12,
15 the ~~clerk~~ county recorder shall require the person
16 making the same to supply the omitted information.

17 Sec. _____. Section 595.16, Code 1983, is amended
18 to read as follows:

19 595.16 SPOUSE RESPONSIBLE FOR RETURN. When a
20 marriage is consummated without the services of a
21 cleric or magistrate, the required return thereof
22 may be made to the ~~clerk~~ county recorder by either
23 spouse."

24 10. Page 138, line 8, by inserting after the
25 figure "66.25," the figures "144.10, 144.11".

26 11. By renumbering as necessary.

BY COOPER of Lucas
SPEAR of Lee

H-3796 FILED APRIL 19, 1983

SKOW of Guthrie

Adopted as amended by 3818 4/20 (p. 1474)

SENATE FILE 495

H-3803

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 21, line 11 through page 31,
4 line 20.

5 2. Page 138, line 6, by striking the figure "605A".

6 3. By renumbering as necessary.

BY MCINTEE of Black Hawk
ROSENBERG of Story

H-3803 FILED APRIL 19, 1983

Adopted 4/20 (p. 1464)

Motion to Rescind (p. 1486)

Motion w/d 4/21 (p. 1512)

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SENATE FILE 495

H-3820

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 96, by striking line 35 and inserting
4 in lieu thereof the following: "court under sections
5 32.2, 99.30, 127.20, 302.44, 508.15, 511.7, 515.93,
6 534.12, 535.5, 595.11, 602.9106, subsection 3, 644.15,
7 and 666.3."

8 2. Page 97, by striking lines 1 through 3 and
9 inserting in lieu thereof the following:

10 "2. The state comptroller shall remit the amounts
11 certified under subsection 1 to the respective county
12 treasurers for the benefit of the temporary school
13 fund. If the total amount certified to the state
14 comptroller under subsection 1 for a fiscal year is
15 less than the total amount certified during the fiscal
16 year beginning July 1, 1984, the state comptroller
17 shall prorate the amounts paid to school districts.
18 Commencing".

19 3. Page 97, line 4, by striking the words "in
20 July" and inserting in lieu thereof the word and
21 figure "July 1".

22 4. Page 103, by inserting after line 21 the
23 following section:

24 "Sec. _____. Section 32.2, Code 1983, is amended
25 to read as follows:

26 32.2 ACTIONS FOR PENALTY. ~~Sueh~~ The action or
27 suit may be brought by and in the name of the state,
28 on the relation of ~~any a~~ a citizen thereof of the state,
29 and ~~sueh the~~ the penalty, when collected, less the
30 reasonable cost and expense of action or suit and
31 recovery, to be certified by the clerk of the district
32 court of the county in which the offense is committed,
33 shall be paid ~~into-the-county-treasury-for-the-benefit~~
34 ~~of-the-school-fund~~ to the treasurer of state for
35 distribution under section 602.9107, and two or more
36 penalties may be sued for and recovered in the same
37 action or suit."

38 5. Page 108, by inserting after line 13 the
39 following:

40 "Sec. _____. Section 99.30, Code 1983, is amended
41 to read as follows:

42 99.30 APPLICATION OF TAX. The ~~said~~ tax collected
43 shall be applied ~~in-payment-of-any~~ toward the
44 deficiency in the payment of costs of the action and
45 ~~abatement on-behalf-of-the-state-to-the-extent-of~~
46 ~~sueh-deficiency~~ which exist after the application
47 ~~thereto~~ of the proceeds of the sale of personal
48 property ~~as-hereinbefore-provided,-and-the.~~ The
49 remainder of ~~said~~ the tax together with the unexpended
50 portion of the proceeds of the sale of personal

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1 ~~property shall be distributed-to-the-temporary-school~~
2 ~~fund-of-the-county~~ paid to the clerk of court who
3 shall remit the amount to the treasurer of state for
4 distribution under section 602.9107, except that ten
5 percent of the amount of the whole tax collected and
6 of the whole proceeds of the sale of ~~said~~ the personal
7 property, as provided in this chapter, shall be paid
8 by the treasurer to the attorney representing the
9 state in the injunction action, at the time of final
10 judgment."

11 6. Page 109, by inserting after line 7 the
12 following section:

13 "Sec. _____. Section 127.20, Code 1983, is amended
14 to read as follows:

15 127.20 SALE OF CONVEYANCE. Prior to placing the
16 conveyance for sale to the general public, the sheriff
17 shall permit ~~any~~ an owner or lien holder having a
18 property interest of fifty percent or more in the
19 conveyance the opportunity to purchase the property
20 interest forfeited. If ~~such~~ the owner or lien holder
21 does not exercise ~~his-or-her~~ an option under this
22 section or if ~~no-such~~ an owner or lien holder exists
23 does not exist, the conveyance shall be sold at public
24 auction with the proceeds first being applied to the
25 owners and lien holders who have not had their property
26 interest forfeited and then applied to the expenses
27 of keeping the conveyance ~~and-court-costs~~, and any
28 remaining funds shall be conveyed by the clerk of
29 court to the treasurer of state for distribution under
30 section 602.9107."

31 7. Page 115, by inserting after line 28 the
32 following section:

33 "Sec. _____. Section 302.44, Code 1983, is amended
34 to read as follows:

35 302.44 PENALTY AGAINST COUNTY AUDITOR. Any A
36 county auditor failing or neglecting to perform any
37 ~~of-the required~~ duties ~~which-are-required-of-him-by~~
38 ~~the-provisions-of~~ under this chapter, shall ~~be~~ is
39 liable to a penalty of not less than one hundred nor
40 more than five hundred dollars, to be recovered in
41 an action brought in the district court by the board
42 of supervisors, ~~-the.~~ The judgment ~~to~~ shall be entered
43 against the party and ~~his~~ the party's bondsmen, and
44 the proceeds ~~to-go-to-the-school-fund~~ shall be paid
45 to the treasurer of state for distribution under
46 section 602.9107."

47 8. Page 119, by inserting after line 30 the
48 following:

49 "Sec. _____. Section 331.509, subsection 1, paragraph
50 o, Code 1983, is amended to read as follows:

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1 o. The reports of magistrates and other officers,
2 including forfeited recognizances in their offices,
3 fines, penalties, forfeitures imposed in their
4 respective courts, and forfeited appearance bonds
5 in criminal cases, all of which are payable to the
6 ~~county treasury for the benefit of the school fund~~
7 treasurer of state for distribution under section
8 602.9107."

9 9. Page 120, by inserting after line 1 the
10 following:

11 "Sec. _____. Section 331.552, subsection 11, Code
12 1983, is amended to read as follows:

13 11. Credit funds from the sale of seized
14 ~~conveyances to the school fund and issue duplicate~~
15 ~~receipts to the sheriff as provided in sections 127-21~~
16 ~~and 127-22~~ to the treasurer of state for distribution
17 under section 602.9107."

18 10. Page 125, by inserting after line 15 the
19 following sections:

20 "Sec. _____. Section 508.15, Code 1983, is amended
21 to read as follows:

22 508.15 VIOLATION BY FOREIGN COMPANY. Companies
23 organized and chartered by the laws of a foreign state
24 or country, failing to file the evidence of investment
25 and statement within the time fixed, shall forfeit
26 and pay the sum of three hundred dollars, to be
27 collected in an action in the name of the state ~~for~~
28 ~~the use of the school fund~~ and paid to the treasurer
29 of state for distribution under section 602.9107,
30 and their right to transact further new business in
31 this state shall immediately cease until the
32 requirements of this chapter have been fully complied
33 with.

34 Sec. _____. Section 511.7, Code 1983, is amended
35 to read as follows:

36 511.7 RECOVERY OF PENALTIES. Actions brought
37 to recover any of the penalties provided for in this
38 chapter shall be instituted in the name of the state
39 by the county attorney of the county, under the
40 direction and authority of the commissioner of
41 insurance, and may be brought in the district court
42 of any county in which the company or association
43 proceeded against is engaged in the transaction of
44 business, or in which the offending person resides,
45 if it is against ~~him~~ the person. The penalties, when
46 recovered, shall be paid ~~into the state treasury for~~
47 ~~the use of the school fund~~ to the treasurer of state
48 for distribution under section 602.9107.

49 Sec. _____. Section 515.93, Code 1983, is amended
50 to read as follows:

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1 515.93 VIOLATIONS. Any A violation of the
2 ~~provisions of~~ sections 515.91 and 515.92 shall for
3 the first offense subject the company, association,
4 or individual guilty thereof to a penalty of five
5 hundred dollars, to be recovered in the name of the
6 state, with costs, in an action instituted by the
7 county attorney, either in the county in which the
8 company, association, or individual is located or
9 transacts business, or in the county where the offense
10 is committed, and ~~such the~~ penalty, when recovered,
11 shall be paid ~~into the school fund of the county in~~
12 ~~which action is brought~~ to the treasurer of state
13 for distribution under section 602.9107. Every
14 subsequent violation of ~~said the~~ sections shall ~~subject~~
15 ~~subjects~~ the company, association, or individual to
16 a penalty of one thousand dollars, to be sued for,
17 recovered, and disposed of in like manner.

18 Sec. _____. Section 534.12, subsection 4, Code 1983,
19 is amended to read as follows:

20 4. REDEMPTION. ~~At any time~~ When funds are on
21 hand for the purpose, the association ~~shall have the~~
22 ~~right to~~ may redeem by lot or otherwise, as the board
23 of directors ~~may determine~~ determines, all or any
24 part of any of its savings accounts on a dividend
25 date by giving thirty days' notice by registered mail.
26 addressed to the account holders at their last
27 addresses recorded on the books of the association.
28 An association shall not redeem ~~any of~~ its share
29 accounts when the association is in an impaired
30 condition or when it has applications for withdrawal
31 which have been on file more than thirty days and
32 have not been reached for payment. The redemption
33 price of a savings account shall be the full value
34 of the account redeemed, as determined by the board
35 of directors, but ~~in no event shall~~ the redemption
36 value shall not be less than the withdrawal value.
37 If the notice of redemption has been given, and if
38 on or before the redemption date the funds necessary
39 for the redemption have been set aside ~~so as to be~~
40 ~~and continue to be available~~ for redemptions, dividends
41 upon the accounts called for redemption shall cease
42 to accrue from and after the dividend date specified
43 as the redemption date, and ~~all~~ rights with respect
44 to those accounts ~~shall~~ terminate as of the redemption
45 date, subject only to the right of the account holder
46 of record to receive the redemption value without
47 interest. ~~All savings~~ Savings accounts which have
48 been validly called for redemption must be tendered
49 for payment within ten years from the date of
50 redemption designated in the redemption notice, or

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1 they shall be canceled and ~~forfeited-for-the-use-of~~
2 ~~the-school-fund-of-the-county-in-which-the-association~~
3 ~~has-its-principal-place-of-business~~ conveyed to the
4 clerk of court and paid to treasurer of state for
5 distribution under section 602.9107 and all claims
6 of the account holders against the association shall
7 be are barred forever. Redemption shall not be made
8 of any savings accounts which are held by a person
9 who is a director and which are necessary to qualify
10 the person to act as director.

11 Sec. ____ Section 535.5, Code 1983, is amended
12 to read as follows:

13 535.5 PENALTY FOR USURY. If it ~~shall-be~~ is
14 ascertained in any an action brought on any a contract
15 that a rate of interest has been contracted for,
16 directly or indirectly, in money or in property,
17 greater than is authorized by this chapter, the same
18 rate shall work a forfeiture of eight cents on the
19 hundred by the year upon the amount of the principal
20 remaining unpaid upon such the contract at the time
21 judgment is rendered ~~thereon~~, and the court shall
22 enter final judgment in favor of the plaintiff and
23 against the defendant for the principal sum ~~so~~
24 remaining unpaid without costs, and also against the
25 defendant and in favor of the state, ~~for-the-use-of~~
26 ~~the-school-fund-of-the-county-in-which-the-action~~
27 ~~is-brought~~ to be paid to the treasurer of state for
28 distribution under section 602.9107, for the amount
29 of the forfeiture, ~~and-in-no-case-where.~~ If unlawful
30 interest is contracted for ~~shall~~ the plaintiff shall
31 not have judgment for more than the principal sum,
32 whether the unlawful interest ~~be~~ is incorporated with
33 the principal or not."

34 11. Page 129, by inserting after line 3 the
35 following sections:

36 "Sec. ____ Section 644.15, Code 1983, is amended
37 to read as follows:

38 644.15 PROCEEDS--FORFEITURE. The net proceeds
39 of ~~all~~ sales made by the sheriff, and ~~all~~ money or
40 bank notes paid over to the county treasurer, as
41 directed in this chapter, shall remain in the hands
42 of the county treasurer in trust for the owner, if
43 ~~any-such-shall-apply~~ the owner applies within one
44 year from the time the ~~same-shall~~ proceeds, moneys,
45 or bank notes would have been paid over, but,
46 However, if no owner ~~shall-appear~~ appears within such
47 that time, the money proceeds, moneys, or bank notes
48 shall be forfeited, and the claim of the owner thereto
49 is forever barred, in which event the money shall
50 ~~remain-in-the-county-treasury-for-the-use-of-the~~

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~~1 common-schools-in-said-county~~ be paid to the clerk
2 of district court who shall pay the money to the
3 treasurer of state for distribution under section
4 602.9107.

5 Sec. ____ . Section 666.3, Code 1983, is amended
6 to read as follows:

7 666.3 FINES AND FORFEITURES. ~~All-fines~~ Fines
8 and forfeitures, after deducting ~~therefrom~~ court
9 costs, court expenses collectible through the clerk
10 of the court, and fees of collection, if any, and
11 not otherwise disposed of, shall ~~go-into-the-treasury~~
12 ~~of-the-county-where-the-same-are-collected-for-the~~
13 benefit-of-the-school-fund be paid to the treasurer
14 of state for distribution under section 602.9107."

15 12. Page 138, line 8, by inserting after the
16 figure "66.25," the figures "127.21, 127.22,".

17 13. By numbering and renumbering sections and
18 correcting internal references as necessary."

H-3820 FILED APRIL 20, 1983

BY GROTH of Buena Vista

Adopted 4/21/83 (p. 1508)

SENATE FILE 495

H-3816

1 Amend the amendment H-3810, filed to Senate File
2 495, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 5 the following:
5 "____. Page 23, line 12, by inserting after the
6 word "article." the following: "However, a person
7 who has not attained the age of sixty-five years is
8 entitled to an annuity as provided in this article
9 if, upon separation, the person has completed twenty-
10 five years of consecutive service as a judge, with
11 an aggregate of at least six years of service prior
12 to July 1, 1983."

H-3816 FILED APRIL 20, 1983

BY DODERER of Johnson

ADOPTED, THEN PLACED OUT OF ORDER

*(p. 1462) with adoption of
3803 (p. 1464)*

H-3812

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 125, by inserting after line 24 the
4 following:

5 "Sec. ____ NEW SECTION. 622.29 FACSIMILES OF
6 SIGNATURES.

7 1. The judicial council shall prescribe rules
8 and procedures for the use of a signature facsimile
9 by a justice of the supreme court or a judge of the
10 court of appeals, or a district judge, district
11 associate judge, magistrate, clerk of the district
12 court, county attorney, court reporter, or a law
13 enforcement officer in all instances where a law of
14 this state requires a written signature.

15 2. The judicial council shall prescribe rules
16 and procedures for the use of a signature facsimile
17 by a person other than an individual named in
18 subsection 1, when directed and authorized by an
19 individual named in subsection 1."

H-3812 FILED APRIL 20, 1983
ADOPTED *(p. 1453)*

BY SCHROEDER of Pottawattamie

SENATE FILE 495

H-3815

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 12, line 20, by inserting after the word
4 "relations" the words and figures ", except that the
5 district court administrator is the public employer
6 of court employees whose salaries are set by the
7 district court administrator pursuant to section
8 602.1504, subsection 2, the clerk of the district
9 court is the public employer of court employees whose
10 salaries are set by the clerk of the district court
11 pursuant to section 602.1505, subsection 3, and the
12 chief juvenile court officer is the public employer
13 of court employees whose salaries are set by the chief
14 juvenile court officer pursuant to section 602.1506,
15 subsection 2".

H-3815 FILED APRIL 20, 1983
Adopted 4/21/83 (p. 1502)

BY CONNORS of Polk
JAY of Appanoose

SENATE FILE 495

H-3818

1 Amend the amendment, H-3796, to Senate File 495,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 6, by striking lines 48 and 49, and
5 inserting in lieu thereof the words "or abetting them,
6 shall ~~forfeit-to-the-school-fund-the-sum~~ pay a penalty
7 of fifty dollars each; but this shall not".

8 2. Page 7, line 3, by inserting after the word
9 "recorder." the words "The penalties shall be conveyed
10 by the clerk of the district court to the treasurer
11 of state for distribution under section 602.9107."

H-3818 FILED APRIL 20, 1983
Adopted 4/20 (p. 1474)

BY GROTH of Buena Vista

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SENATE FILE 495

H-3811

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 131, by inserting after line 32 the
4 following:

5 "Sec. ____ Section 815.7, Code 1983, is amended
6 to read as follows:

7 815.7 FEES TO ATTORNEYS. An attorney appointed
8 by the court to represent any person charged with
9 a crime in this state shall be entitled to a reasonable
10 compensation which shall be the ordinary and customary
11 charges for like services in the community to be
12 decided in each case by a judge of the district court,
13 including such sum or sums as the court may determine
14 are necessary for investigation in the interests of
15 justice and in the event of appeal the cost of
16 obtaining the transcript of the trial and the printing
17 of the trial record and necessary briefs in behalf
18 of the defendant. However, the attorney shall not
19 be entitled to an hourly fee which exceeds the
20 statewide average hourly fee computed by the state
21 court administrator for all court-appointed attorneys
22 in this state, based on the last year of completed
23 court records. ~~Sueh~~ The attorney need not follow
24 the case into another county or into the appellate
25 court unless so directed by the court at the request
26 of the defendant, where grounds for further litigation
27 are not capricious or unreasonable, but if ~~sueh~~ the
28 attorney does so ~~his-or-her~~ the attorney's fee shall
29 be determined accordingly. Only one attorney fee
30 shall be so awarded in any one case except that in
31 class "A" felony cases, two may be authorized."
32 2. By renumbering as necessary.

H-3811 FILED APRIL 20, 1983

BY RENKEN of Grundy

Done 4/20/83 (p. 1474)

SENATE FILE 495

H-3810

1 Amend Senate File 495, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 23, by striking lines 9 and 10 and insert-
4 ing in lieu thereof the following: ", and who has
5 otherwise qualified as provided in".

BY DODERER of Johnson
HARBOR of Mills
HALVORSON of Clayton
PAVICH of Pottawattamie
CLARK of Cerro Gordo
SCHNEKLOTH of Scott
WELDEN of Hardin
McKEAN of Jones
SCHROEDER of Pottawattamie

H-3810 FILED APRIL 20, 1983

ADOPTED, THEN PLACED OUT OF ORDER

*as amended by with adoption of 3803 (p. 1464)
3816 (p. 1463)*

SENATE FILE 495

H-3823

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 44, by inserting after line 31 the
4 following:
5 "Sec. 5305. NEW SECTION. 602.5305 LIMITATION
6 ON EXPENSES. A justice of the supreme court may
7 choose whether to reside at the seat of government
8 or elsewhere. The court administrator may approve
9 actual and necessary travel expenses, incurred by
10 a justice of the supreme court for attendance at oral
11 arguments and judicial conferences, not to exceed
12 the maximum amount of per diem expenses and weekly
13 mileage expenses established for members of the general
14 assembly under section 2.10."
15 2. Page 49, by striking lines 13 through 18 and
16 inserting in lieu thereof the words "of the court
17 of appeals for attendance at oral arguments and
18 judicial conferences, not to exceed the maximum amount
19 of per diem expenses and weekly mileage expenses
20 established for members of the general assembly under
21 section 2.10."

H-3823 FILED APRIL 21, 1983
LOST (p. 1510)

BY SCHROEDER of Pottawattamie

SENATE FILE 495

H-3826

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 44, by inserting after line 31 the
4 following:
5 "Sec. 5305. NEW SECTION. 602.5305 LIMITATION
6 ON EXPENSES. A justice of the supreme court may
7 choose whether to reside at the seat of government
8 or elsewhere. The court administrator may approve
9 necessary travel and actual expenses, incurred by
10 a justice of the supreme court for attendance at oral
11 arguments and judicial conferences, not to exceed
12 the maximum amount of necessary travel and actual
13 expenses established for members of the general
14 assembly under section 2.10, subsection 6."
15 2. Page 49, by striking lines 12 through 18 and
16 inserting in lieu thereof the words "necessary travel
17 and actual expenses, incurred by a judge of the court
18 of appeals for attendance at oral arguments and
19 judicial conferences, not to exceed the maximum amount
20 of necessary travel and actual expenses established
21 for members of the general assembly under section
22 2.10, subsection 6."

H-3826 FILED APRIL 21, 1983
ADOPTED 4/21/83 (p. 1513)

BY SCHROEDER of Pottawattamie
JAY of Appanoose

SENATE FILE 495

H-3824

- 1 Amend Senate File 495, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 147, by inserting after line 12, the
- 4 following:
- 5 "Sec. ____ PUBLIC QUESTION. At the general
- 6 election to be held in 1984 for the election of the
- 7 clerk of the district court, the county commissioner
- 8 of elections shall submit the following public question
- 9 to the voters:
- 10 "Shall the clerk of the district court continue
- 11 to be elected by the county voters rather than
- 12 appointed by the district judges of each judicial
- 13 election district?"
- 14 If the voters of fifty or more counties vote
- 15 to continue the election of the clerks of the district
- 16 court, the provisions of this Act which provide for
- 17 the appointment of the clerks of the district court
- 18 shall be void."

H-3824 FILED APRIL 21, 1983
LOST (7.1511)

BY SCHROEDER of Pottawattamie

SENATE FILE 495

H-3825

- 1 Amend Senate File 495, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 13, by striking the words "and
- 4 other law enforcement".
- 5 2. Page 68, by striking lines 5 through 12.
- 6 3. Page 120, line 6, by striking the words "and
- 7 other law enforcement".
- 8 4. Page 136, by striking lines 21 through 27.

H-3825 FILED APRIL 21, 1983
LOST (7.1511)

BY WOODS of Polk
PEICK of Linn

House Amendment to Senate File 495

S-3658

1 Amend Senate File 495, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 23 the
4 following:

5 "4. The supreme court shall accept bids for the
6 printing of court forms from both public and private
7 enterprises and shall attempt to contract with both
8 public and private enterprises for a reasonable portion
9 of the court forms."

10 2. Page 4, line 14, by inserting after the word
11 "appropriate." the words "The chief justice shall
12 include in the message recommended statutory changes
13 which will eliminate or reduce the amount of
14 unjustified or unrealistic tort claims for damages
15 due to the alleged negligence of the state, a
16 municipality, or any other person."

17 3. Page 6, by striking lines 12 through 25 and
18 inserting in lieu thereof the following:

19 "Sec. 1210 NEW SECTION. 602.1210 SELECTION OF
20 CHIEF JUDGES. Not later than December 15 in each
21 odd-numbered year the district judges and district
22 associate judges of each judicial district shall elect
23 a chief judge for the judicial district. The chief
24 judge of a judicial district shall be elected from
25 those district judges and district associate judges
26 who are serving within the district. A chief judge
27 shall serve for a two-year term and is eligible for
28 reelection. The district judges and district associate
29 judges of the judicial election district, by majority
30 vote, may remove a person from the position of chief
31 judge. Vacancies in the office of chief judge shall
32 be filled in the same manner. The election of a chief
33 judge shall be filed with the clerk of the supreme
34 court, who shall mail a copy to the clerk of the
35 district court in each county in the judicial
36 district."

37 4. Page 8, by striking lines 18 through 22 and
38 inserting in lieu thereof the words "which the vacancy
39 exists."

40 5. Page 8, by inserting after line 32 the follow-
41 ing:

42 "Sec. ____ NEW SECTION. 602.1214A RETENTION
43 OF CLERKS OF THE DISTRICT COURT. A clerk of the
44 district court shall stand for retention in office,
45 in the county of the clerk's office, upon the petition
46 of ten percent of all eligible and registered electors
47 in the county to the state commissioner of elections,
48 at the judicial election in 1988 and every four years
49 thereafter, under sections 46.17 through 46.24. A
50 clerk who is not retained in office is ineligible

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1 to serve as clerk, in the county in which the clerk
2 was not retained, for the four years following the
3 retention vote."

4 6. Page 10, line 21, by inserting after the word
5 "assembly" the words "for the department".

6 7. Page 10, line 33, by striking the word
7 "suitable".

8 8. Page 10, line 34, by inserting after the word
9 "facilities" the words "which in the judgment of the
10 board of supervisors are suitable".

11 9. Page 11, line 4, by striking the word
12 "suitable".

13 10. Page 11, by striking lines 5 and 6 and
14 inserting in lieu thereof the words "facilities which
15 in the judgment of the city council are suitable."

16 11. Page 12, line 8, by inserting after the word
17 "department" the words "and shall establish a pay
18 plan".

19 12. Page 12, line 10, by inserting after the word
20 "court." the words "The personnel system, in the
21 employment of court employees, shall not discriminate
22 on the basis of race, creed, color, sex, national
23 origin, religion, physical disability, or political
24 party preference."

25 13. Page 12, line 20, by inserting after the word
26 "relations" the words and figures ", except that the
27 district court administrator is the public employer
28 of court employees whose salaries are set by the
29 district court administrator pursuant to section
30 602.1504, subsection 2, the clerk of the district
31 court is the public employer of court employees whose
32 salaries are set by the clerk of the district court
33 pursuant to section 602.1505, subsection 3, and the
34 chief juvenile court officer is the public employer
35 of court employees whose salaries are set by the chief
36 juvenile court officer pursuant to section 602.1506,
37 subsection 2".

38 14. Page 12, line 22, by inserting after the word
39 "employees" the words "and a pay plan for the classes
40 of employees".

41 15. Page 13, line 20, by inserting before the
42 word "APPELLATE" the words "SUPREME COURT OR".

43 16. Page 14, line 2, by inserting after the word
44 "assembly" the words and figure "and in accordance
45 with the pay plan established under section 602.1401".

46 17. Page 14, line 9, by inserting after the words
47 "OFFICES" the words "--SALARY LIMITATION".

48 18. Page 14, by striking lines 12 through 15 and
49 inserting in lieu thereof the following: "judicial
50 district. A clerk of the district court shall not

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1 receive a salary in excess of the highest salary paid
2 to the county auditor, the county treasurer, or the
3 county recorder in the county in which the clerk
4 serves."

5 19. Page 14, by striking lines 19 through 21 and
6 inserting in lieu thereof the words "district court."

7 20. Page 18, line 12, by striking the word "child"
8 and inserting in lieu thereof the words "a person
9 related to either of them by consanguinity or affinity
10 within the third degree or the spouse of such a
11 person".

12 21. By striking page 21, line 11 through page
13 31, line 20.

14 22. Page 32, line 8, by inserting after the word
15 and figure "January 1" the words "of the year for
16 which the appointments are made".

17 23. Page 34, line 10, by striking the word "may"
18 and inserting in lieu thereof the word "shall".

19 24. Page 36, line 19, by striking the words "is
20 not ineligible for" and inserting in lieu thereof
21 the words "shall not be denied".

22 25. Page 38, by inserting after line 22 the follow-
23 ing:

24 "8. Willful or repeated violations of one or more
25 of the provisions of this article."

26 26. Page 40, line 12, by striking the word "may"
27 and inserting in lieu thereof the word "shall".

28 27. Page 43, by striking lines 3 through 23 and
29 inserting in lieu thereof the following:

30 "2. Rules and forms prescribed by the supreme
31 court shall be reported by the court to the general
32 assembly within twenty days after the commencement
33 of a regular session. The rules and forms shall take
34 effect July 1 following the date of submission, as
35 modified by any changes that are enacted during the
36 session, and conflicting law shall be of no further
37 force or effect.

38 3. At adjournment of a session where rules and
39 forms have been reported, an enrolled copy thereof,
40 together with any changes, shall be made in
41 substantially the same manner as acts of the general
42 assembly are enrolled. The enrolled copy shall be
43 certified as to the action, if any, taken by the
44 general assembly, and shall be filed with the secretary
45 of state and bound with the acts of the general
46 assembly."

47 28. Page 43, by striking lines 27 and 28 and
48 inserting in lieu thereof the following:

49 "1. The supreme court shall appoint a clerk of
50 the supreme court and may remove the clerk for cause."

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1 29. Page 44, line 27, by striking the word
2 "school," and inserting in lieu thereof the word
3 "school".

4 30. Page 44, by inserting after line 31 the
5 following:

6 "Sec. 5305. NEW SECTION. 602.5305 LIMITATION
7 ON EXPENSES. A justice of the supreme court may
8 choose whether to reside at the seat of government
9 or elsewhere. The court administrator may approve
10 necessary travel and actual expenses, incurred by
11 a justice of the supreme court for attendance at oral
12 arguments and judicial conferences, not to exceed
13 the maximum amount of necessary travel and actual
14 expenses established for members of the general
15 assembly under section 2.10, subsection 6."

16 31. Page 45, by striking lines 5 and 6 and
17 inserting in lieu thereof the following:

18 "1. The court of appeals consists of five judges;
19 three judges of the court of appeals constitute a
20 quorum."

21 32. Page 46, by striking lines 16 through 18 and
22 inserting in lieu thereof the following:

23 "2. The chief judge shall supervise the business
24 of the court and shall preside when present at a
25 session of the court."

26 33. Page 48, line 26, by striking the word "supeme"
27 and inserting in lieu thereof the word "supreme".

28 34. Page 49, by striking lines 12 through 18 and
29 inserting in lieu thereof the words "necessary travel
30 and actual expenses, incurred by a judge of the court
31 of appeals for attendance at oral arguments and
32 judicial conferences, not to exceed the maximum amount
33 of necessary travel and actual expenses established
34 for members of the general assembly under section
35 2.10, subsection 6."

36 35. Page 55, line 20, by striking the word
37 "Avacancy" and inserting in lieu thereof the words
38 "a vacancy".

39 36. Page 67, by striking line 13 and inserting
40 in lieu thereof the words "eligible to vote under
41 sections".

42 37. Page 68, line 34, by striking the words "from
43 performing duties".

44 38. Page 71, by striking lines 15 and 16 and
45 inserting in lieu thereof the words "boundary of the
46 state as provided in the compact with the state of
47 Nebraska, and to all lands and territory".

48 39. Page 76, by striking lines 30 through 34 and
49 inserting in lieu thereof the following:

50 "14. Maintain a bar admission list as provided

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1 in section 46.8."

2 40. Page 79, line 25, by inserting after the word
3 "reformatory" the words "or to the superintendent
4 of the Iowa correctional institution for women".

5 41. Page 83, by striking lines 6 and 7.

6 42. Page 94, by striking line 27 and inserting
7 in lieu thereof the following:

8 "bb. For".

9 43. Page 96, by striking line 35 and inserting
10 in lieu thereof the following: "court under sections
11 32.2, 99.30, 127.20, 302.44, 508.15, 511.7, 515.93,
12 534.12, 535.5, 595.11, 602.9106, subsection 3, 644.15,
13 and 666.3."

14 44. Page 97, by striking lines 1 through 3 and
15 inserting in lieu thereof the following:

16 "2. The state comptroller shall remit the amounts
17 certified under subsection 1 to the respective county
18 treasurers for the benefit of the temporary school
19 fund. If the total amount certified to the state
20 comptroller under subsection 1 for a fiscal year is
21 less than the total amount certified during the fiscal
22 year beginning July 1, 1984, the state comptroller
23 shall prorate the amounts paid to school districts.
24 Commencing".

25 45. Page 97, line 4, by striking the words "in
26 July" and inserting in lieu thereof the word and
27 figure "July 1".

28 46. Page 97, line 4, by striking the figure "1985"
29 and inserting in lieu thereof the figure "1984".

30 47. Page 97, line 7, by striking the figure "1984"
31 and inserting in lieu thereof the figure "1983".

32 48. Page 100, by striking lines 8 through 12.

33 49. Page 103, by inserting after line 21 the
34 following section:

35 "Sec. _____. Section 32.2, Code 1983, is amended
36 to read as follows:

37 32.2 ACTIONS FOR PENALTY. ~~Such~~ The action or
38 suit may be brought by and in the name of the state,
39 on the relation of any a citizen thereof of the state,
40 and ~~such the~~ the penalty, when collected, less the
41 reasonable cost and expense of action or suit and
42 recovery, to be certified by the clerk of the district
43 court of the county in which the offense is committed,
44 shall be paid ~~into-the-county-treasury-for-the-benefit~~
45 ~~of-the-school-fund~~ to the treasurer of state for
46 distribution under section 602.9107, and two or more
47 penalties may be sued for and recovered in the same
48 action or suit."

49 50. Page 104, by inserting after line 5 the
50 following:

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1 "Sec. _____. Section 46.5, Code 1983, is amended
2 by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. When a vacancy in an
4 office of an elective judicial nominating commissioner
5 occurs, the clerk of the supreme court shall arrange
6 for the publication of a notice stating the existence
7 of the vacancy and the manner in which the vacancy
8 will be filled in those publications which the clerk
9 of the supreme court deems likely to give reasonable
10 notice to the eligible voting members of the bar of
11 the district in which the vacancy occurs. The election
12 of a district judicial nominating commissioner or
13 the close of nominations for a state judicial
14 nominating commissioner shall not occur until thirty
15 days after the publication of the notice.

16 Sec. _____. Section 46.7, Code 1983, is amended
17 to read as follows:

18 46.7 ELIGIBILITY TO VOTE. To be eligible to vote
19 in elections of judicial nominating commissioners,
20 a member of the bar must ~~have-registered-in-writing~~
21 ~~with-the-clerk-of-the-district-court-of-the-county~~
22 ~~of-his-residence-at-the-last-bar-registration-preceding~~
23 ~~such-election~~ be a resident of the state of Iowa and
24 of the appropriate congressional district or judicial
25 election district as shown by the member's most recent
26 filing with the supreme court for the purposes of
27 showing compliance with the court's continuing legal
28 education requirements. A judge who has been admitted
29 to the bar of the state of Iowa shall be considered
30 a member of the bar.

31 Sec. _____. Section 46.8, Code 1983, is amended
32 by striking the section and inserting in lieu thereof
33 the following:

34 46.8 CERTIFIED LIST. On June 1 of each year the
35 clerk of the supreme court shall certify a list of
36 the names, addresses, and years of admission of members
37 of the bar who are eligible to vote for state and
38 district judicial nominating commissioners. The clerk
39 of the supreme court shall provide a copy of the list
40 of the members for a county to the clerk of the
41 district court for that county.

42 Sec. _____. Section 46.9, unnumbered paragraph 4,
43 Code 1983, is amended to read as follows:

44 Vote for (state number) for Iowa State (or Iowa
45 Judicial District) judicial nominating
46 commissioner(s) for term commencing

47 _____ JOHN-BOB CANDIDATE'S NAME
48 _____ RICHARD-ROE CANDIDATE'S NAME

49 _____
50 _____

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1 Sec. _____. Section 46.15, unnumbered paragraph
2 2, Code 1983, is amended to read as follows:
3 Vacancies in the court of appeals shall be filled
4 by appointment by the governor from a list of nominees
5 submitted by the state judicial nominating commission.
6 ~~Three~~ Five nominees shall be submitted for each
7 vacancy. If the governor fails to make an appointment
8 within thirty days after a list of nominees has been
9 submitted, the appointment shall be made from the
10 list of nominees by the chief justice of the supreme
11 court."
12 51. Page 104, by inserting after line 9 the follow-
13 ing:
14 "Sec. _____. Section 46.20, Code 1983, is amended
15 to read as follows:
16 46.20 DECLARATION OF CANDIDACY. At least ninety
17 days prior to the judicial election preceding
18 expiration of ~~his-or-her~~ the initial or regular term
19 of office, a judge of the supreme court, court of
20 appeals or district court including district associate
21 judges, or a clerk of the district court who is
22 required to stand for retention under section 602.1214A
23 may file a declaration of candidacy with the state
24 commissioner of elections, ~~whereupon such judge shall~~
25 to stand for retention or rejection at that election.
26 If a judge or clerk fails to file ~~such~~ the declaration,
27 ~~his-or-her~~ the office shall be vacant at the end of
28 ~~his-or-her~~ the term. District associate judges filing
29 ~~such-a~~ the declaration shall stand for retention in
30 the judicial election district of their residence.
31 Sec. _____. Section 46.21, Code 1983, is amended
32 to read as follows:
33 46.21 CONDUCT OF ELECTIONS. At least fifty-five
34 days prior to each judicial election, the state
35 commissioner of elections shall certify to the county
36 commissioner of elections of each county a list of
37 the judges of the supreme court, court of appeals
38 and district court including district associate judges,
39 and clerks of the district court to be voted on in
40 such each county at that election. The county
41 commissioner of elections shall place the names upon
42 the ballot in the order in which they appear in the
43 certificate, unless only one county is voting thereon.
44 The state commissioner of elections shall rotate the
45 names in the certificate by county, or the county
46 commissioner of elections shall rotate them upon the
47 ballot by precinct if only one county is voting
48 thereon. The names of all judges and clerks to be
49 voted on shall be placed upon one ballot, which shall
50 be in substantially the following form:

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STATE OF IOWA
JUDICIAL BALLOT
(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE
BOX AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court
be retained in office?

JOHN DOE	YES	NO
RICHARD ROE	YES	NO

COURT OF APPEALS

Shall the following judges of the Court of Appeals
be retained in office?

JOHN DOE	YES	NO
RICHARD ROE	YES	NO

DISTRICT COURT

Shall the following judge or associate judge of
the District Court be retained in office?

JOHN SMITH	YES	NO

Shall the following clerk of the District Court
be retained in office?

JANE DOE	YES	NO

Sec. ____ Section 46.24, Code 1983, is amended
to read as follows:

46.24 RESULTS OF ELECTION. A judge of the supreme
court, court of appeals, or district court including
a district associate judge, or a clerk of the district
court must receive more affirmative than negative
votes to be retained in office. When the poll is
closed, the election judges shall publicly canvass
the vote forthwith. The board of supervisors shall
canvass the returns at its meeting on Monday after
the election, and shall promptly certify the number
of affirmative and negative votes on each judge or
clerk to the state commissioner of elections.

The state board of canvassers shall, at the time
of canvassing the vote cast at a general election,
open and canvass all of the returns for the judicial
election. Each judge of the supreme court, court
of appeals or district court including a district
associate judge, or a clerk of the district court
who has received more affirmative than negative votes
shall receive from the state board of canvassers an
appropriate certificate so stating."

52. Page 104, by inserting before line 10 the
following:

"Sec. ____ NEW SECTION. 49.48 The state
commissioner of elections shall prescribe a notice
to inform voters that the top of the ballot contains
the form for retaining or removing judicial officers

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1 and for ratifying or defeating proposed constitutional
2 amendments. The notice shall be conspicuously attached
3 to the voting machine or to the ballot."

4 53. Page 108, by inserting after line 13 the
5 following:

6 "Sec. _____. Section 99.30, Code 1983, is amended
7 to read as follows:

8 99.30 APPLICATION OF TAX. The said tax collected
9 shall be applied ~~in-payment-of-any~~ toward the
10 deficiency in the ~~payment of~~ costs of the action and
11 ~~abatement on-behalf-of-the-state-to-the-extent-of~~
12 ~~such-deficiency~~ which exist after the application
13 ~~thereto~~ of the proceeds of the sale of personal
14 property ~~as-hereinbefore-provided;-and-the.~~ The
15 remainder of said ~~the~~ tax together with the unexpended
16 portion of the proceeds of the sale of personal
17 property shall be ~~distributed-to-the-temporary-school~~
18 ~~fund-of-the-county~~ paid to the clerk of court who
19 shall remit the amount to the treasurer of state for
20 distribution under section 602.9107, except that ten
21 percent of the amount of the whole tax collected and
22 of the whole proceeds of the sale of said ~~the~~ personal
23 property, as provided in this chapter, shall be paid
24 by the treasurer to the attorney representing the
25 state in the injunction action, at the time of final
26 judgment."

27 54. Page 109, by inserting after line 7 the
28 following:

29 "Sec. _____. Section 127.20, Code 1983, is amended
30 to read as follows:

31 127.20 SALE OF CONVEYANCE. Prior to placing the
32 conveyance for sale to the general public, the sheriff
33 shall permit any an owner or lien holder having a
34 property interest of fifty percent or more in the
35 conveyance the opportunity to purchase the property
36 interest forfeited. If ~~such~~ the owner or lien holder
37 does not exercise ~~his-or-her~~ an option under this
38 section or if ~~no-such~~ an owner or lien holder exists
39 does not exist, the conveyance shall be sold at public
40 auction with the proceeds first being applied to the
41 owners and lien holders who have not had their property
42 interest forfeited and ~~then~~ applied to the expenses
43 of keeping the conveyance ~~and-court-costs~~, and any
44 remaining funds shall be conveyed by the clerk of
45 court to the treasurer of state for distribution under
46 section 602.9107."

32 47 55. Page 109, by inserting after line 7 the
48 following:

49 "Sec. _____. Section 144.5, subsection 3, Code 1983,
50 is amended to read as follows:

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1 3. Direct, supervise, and control the activities
2 of local registrars and deputy local registrars, and
3 the activities of clerks of the district court and
4 county recorders related to the operation of the vital
5 statistics system and provide registrars with necessary
6 postage.

7 Sec. _____. Section 144.12, Code 1983, is amended
8 to read as follows:

9 144.12 FORMS UNIFORM. In order to promote and
10 maintain uniformity in the system of vital statistics,
11 the forms of certificates, reports, and other returns,
12 shall include as a minimum the items recommended by
13 the federal agency responsible for national vital
14 statistics subject to approval and modification by
15 the department. Forms shall be furnished by the
16 department. The forms or other recording methods
17 used by county and local registrars and county
18 recorders to record copies of records made under this
19 chapter shall be prescribed by the department.

20 Sec. _____. Section 144.13, subsections 1 and 2,
21 Code 1983, are amended as follows:

22 1. A certificate of birth for each live birth
23 which occurs in this state shall be filed with the
24 ~~local-registrar-of-the-district~~ county recorder in
25 the county in which the birth occurs within five days
26 after the birth and shall be registered by the
27 ~~registrar recorder~~ if it has been completed and filed
28 in accordance with this chapter; provided that when
29 a birth occurs in a moving conveyance, a birth
30 certificate shall be filed in the ~~district~~ county
31 in which the child was first removed from the
32 conveyance.

33 2. When a birth occurs in an institution, the
34 person in charge of the institution or ~~his~~ the person's
35 designated representative shall obtain the personal
36 data, prepare the certificate, secure the signatures
37 required by the certificate and file the certificate
38 with the ~~local-registrar~~ county recorder. The
39 physician in attendance shall certify to the facts
40 of birth and provide the medical information required
41 by the certificate within three days after the birth.

42 Sec. _____. Section 144.14, unnumbered paragraph
43 1, Code 1983, is amended to read as follows:

44 Whoever assumes the custody of a living infant
45 of unknown parentage shall report on a form and in
46 the manner prescribed by the state registrar within
47 five days to the ~~local-registrar~~ county recorder of
48 the ~~district~~ county in which the child was found,
49 the following information:

50 Sec. _____. Section 144.26, Code 1983, is amended

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1 to read as follows:

2 144.26 DEATH CERTIFICATE. A death certificate
3 for each death which occurs in this state shall be
4 filed with the ~~local-registrar~~ county recorder of
5 the ~~district~~ county in which the death occurred within
6 three days after the death and prior to final
7 disposition, and shall be registered by the ~~registrar~~
8 recorder if it has been completed and filed in
9 accordance with this chapter. All information
10 including the certifying physician's name shall be
11 typewritten.

12 If the place of death is unknown, a death
13 certificate shall be filed in the ~~registration-district~~
14 county in which a dead body is found within three
15 days after the body is found. If death occurs in
16 a moving conveyance, a death certificate shall be
17 filed in the ~~registration-district~~ county in which
18 the dead body was first removed from the conveyance.

19 If a person dies outside of the county of the
20 person's residence, the state registrar shall send
21 a copy of the death certificate to the county ~~registrar~~
22 recorder of the county of the decedent's residence.
23 The county ~~registrar~~ recorder shall record the death
24 certificate in the same records in which death
25 certificates of persons who died within the county
26 are recorded.

27 Sec. _____. Section 144.29, Code 1983, is amended
28 to read as follows:

29 144.29 FETAL DEATHS. A fetal death certificate
30 for each fetal death which occurs in this state after
31 a gestation period of twenty completed weeks or more
32 shall be filed with the ~~local-registrar~~ county recorder
33 of the ~~district~~ county in which the delivery of the
34 dead fetus occurred within three days after delivery
35 and prior to final disposition of the fetus and shall
36 be registered if it has been completed and filed in
37 accordance with this chapter.

38 If the place of delivery of a dead fetus is unknown,
39 a fetal death certificate shall be filed in the
40 ~~registration-district~~ county in which a dead fetus
41 was found within three days after the fetus is found.
42 If a fetal death occurs in a moving conveyance, a
43 fetal death certificate shall be filed in the
44 ~~registration-district~~ county in which the fetus was
45 first removed from the conveyance.

46 Sec. _____. Section 144.32, Code 1983, is amended
47 to read as follows:

48 144.32 BURIAL-TRANSIT PERMIT. The funeral director
49 who first assumes custody of a dead body or fetus
50 shall obtain a burial-transit permit prior to final

1 disposition of the body or fetus and within seventy-
2 two hours after death. When a person other than a
3 funeral director assumes custody of a dead body or
4 fetus, the person shall be responsible for securing
5 the permit required in this section. A burial-transit
6 permit shall be issued by the ~~local-registrar~~ county
7 recorder of the district county where the certificate
8 of death or fetal death was filed in accordance with
9 the requirements of sections 144.26 to 144.31."

10 56. Page 109, lines 11 and 12, by striking the
11 words "clerk of the district court" and inserting
12 in lieu thereof the words "~~clerk-of-the-district-court~~
13 county recorder".

14 57. Page 109, lines 15 and 16, by striking the
15 words "clerk of the district court" and inserting
16 in lieu thereof the words "~~clerk-of-the-district-court~~
17 county recorder".

18 58. Page 109, by inserting after line 23 the fol-
19 lowing:

20 "Sec. _____. Section 144.36, subsections 2 and 4,
21 Code 1983, are amended to read as follows:

22 2. Every person who performs a marriage shall
23 certify the fact of marriage and return the certificate
24 to the ~~clerk-of-the-district-court~~ county recorder
25 within fifteen days after the ceremony. The
26 certificate shall be signed by the witnesses to the
27 ceremony and the person performing the ceremony.

28 4. The ~~clerk-of-the-district-court~~ county recorder
29 shall record and forward to the state registrar on
30 or before the tenth day of each calendar month the
31 original certificates of marriages filed with him
32 the recorder during the preceding calendar month."

33 59. Page 109, by inserting after line 33 the fol-
34 lowing:

35 "Sec. _____. Section 144.43, unnumbered paragraph
36 2, Code 1983, is amended to read as follows:

37 However, the following vital statistics may be
38 inspected and copied as of right under chapter 68A
39 when they are in the custody of a county or ~~of a local~~
40 registrar or a county recorder:

41 Sec. _____. Section 144.45, unnumbered paragraph
42 1, Code 1983, is amended to read as follows:

43 The state registrar, and the clerk of the district
44 court, and the county recorder shall, upon written
45 request from any applicant entitled to such record,
46 issue a certified copy of any certificate or record
47 in his the registrar's, the clerk's, or the recorder's
48 custody or of a part thereof. Each copy issued shall
49 show the date of registration; and copies issued from
50 records marked "delayed", "amended", or "court order"

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1 shall be similarly marked and show the effective
2 date."

3 60. Page 115, by inserting after line 28 the
4 following section:

5 "Sec. _____. Section 302.44, Code 1983, is amended
6 to read as follows:

7 302.44 PENALTY AGAINST COUNTY AUDITOR. Any A
8 county auditor failing or neglecting to perform any
9 ~~of the required duties which are required of him by~~
10 ~~the provisions of~~ under this chapter, shall be is
11 liable to a penalty of not less than one hundred nor
12 more than five hundred dollars, to be recovered in
13 an action brought in the district court by the board
14 of supervisors, ~~the~~. The judgment ~~to~~ shall be entered
15 against the party and ~~his~~ the party's bondsmen, and
16 the proceeds ~~to go to the school fund~~ shall be paid
17 to the treasurer of state for distribution under
18 section 602.9107."

19 61. Page 119, by inserting after line 30 the
20 following:

21 "Sec. _____. Section 331.509, subsection 1, paragraph
22 o, Code 1983, is amended to read as follows:

23 o. The reports of magistrates and other officers,
24 including forfeited recognizances in their offices,
25 fines, penalties, forfeitures imposed in their
26 respective courts, and forfeited appearance bonds
27 in criminal cases, all of which are payable to the
28 ~~county treasury for the benefit of the school fund~~
29 treasurer of state for distribution under section
30 602.9107."

31 62. Page 120, by inserting after line 1 the
32 following:

33 "Sec. _____. Section 331.552, subsection 11, Code
34 1983, is amended to read as follows:

35 11. Credit funds from the sale of seized
36 conveyances ~~to the school fund and issue duplicate~~
37 ~~receipts to the sheriff as provided in sections 127-21~~
38 ~~and 127-22~~ to the treasurer of state for distribution
39 under section 602.9107."

40 63. Page 120, by inserting after line 3 the
41 following:

42 "Sec. _____. Section 331.602, Code 1983, is amended
43 by adding the following new subsections:

44 NEW SUBSECTION. 12A. Carry out duties relating
45 to birth and death certificates as provided in chapter
46 144.

47 NEW SUBSECTION. 37A. Accept applications for
48 and issue marriage licenses as provided in chapter
49 595.

50 Sec. _____. Section 331.605, Code 1983, is amended

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1 by adding the following new subsection:

2 NEW SUBSECTION. 7A. For the issuance of a marriage
3 license, ten dollars."

4 64. Page 125, by inserting after line 15 the
5 following:

6 "Sec. _____. Section 508.15, Code 1983, is amended
7 to read as follows: .

8 508.15 VIOLATION BY FOREIGN COMPANY. Companies
9 organized and chartered by the laws of a foreign state
10 or country, failing to file the evidence of investment
11 and statement within the time fixed, shall forfeit
12 and pay the sum of three hundred dollars, to be
13 collected in an action in the name of the state ~~for~~
14 ~~the-use-of-the-school-fund~~ and paid to the treasurer
15 of state for distribution under section 602.9107,
16 and their right to transact further new business in
17 this state shall immediately cease until the
18 requirements of this chapter have been fully complied
19 with.

20 Sec. _____. Section 511.7, Code 1983, is amended
21 to read as follows:

22 511.7 RECOVERY OF PENALTIES. Actions brought
23 to recover any of the penalties provided for in this
24 chapter shall be instituted in the name of the state
25 by the county attorney of the county, under the
26 direction and authority of the commissioner of
27 insurance, and may be brought in the district court
28 of any county in which the company or association
29 proceeded against is engaged in the transaction of
30 business, or in which the offending person resides,
31 if it is against ~~him~~ the person. The penalties, when
32 recovered, shall be paid ~~into the state treasury for~~
33 ~~the-use-of-the-school-fund~~ to the treasurer of state
34 for distribution under section 602.9107.

35 Sec. _____. Section 515.93, Code 1983, is amended
36 to read as follows:

37 515.93 VIOLATIONS. Any A violation of the
38 ~~provisions of~~ sections 515.91 and 515.92 shall for
39 the first offense subject the company, association,
40 or individual guilty thereof to a penalty of five
41 hundred dollars, to be recovered in the name of the
42 state, with costs, in an action instituted by the
43 county attorney, either in the county in which the
44 company, association, or individual is located or
45 transacts business, or in the county where the offense
46 is committed, and ~~such~~ the penalty, when recovered,
47 shall be paid ~~into the school fund of the county in~~
48 ~~which action is brought~~ to the treasurer of state
49 for distribution under section 602.9107. Every
50 subsequent violation of said the sections shall subject

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1 subjects the company, association, or individual to
2 a penalty of one thousand dollars, to be sued for,
3 recovered, and disposed of in like manner.
4 Sec. ____ Section 534.12, subsection 4, Code 1983,
5 is amended to read as follows:
6 4. REDEMPTION. ~~At any time~~ When funds are on
7 hand for the purpose, the association ~~shall have the~~
8 ~~right to~~ may redeem by lot or otherwise, as the board
9 of directors ~~may determine~~ determines, all or any
10 part of any of its savings accounts on a dividend
11 date by giving thirty days' notice by registered mail
12 addressed to the account holders at their last
13 addresses recorded on the books of the association.
14 An association shall not redeem ~~any of~~ its share
15 accounts when the association is in an impaired
16 condition or when it has applications for withdrawal
17 which have been on file more than thirty days and
18 have not been reached for payment. The redemption
19 price of a savings account shall be the full value
20 of the account redeemed, as determined by the board
21 of directors, but ~~in no event shall~~ the redemption
22 value shall not be less than the withdrawal value.
23 If the notice of redemption has been given, and if
24 on or before the redemption date the funds necessary
25 for the redemption have been set aside ~~so as to be~~
26 ~~and continue to be available~~ for redemptions, dividends
27 upon the accounts called for redemption shall cease
28 to accrue from and after the dividend date specified
29 as the redemption date, and ~~all~~ rights with respect
30 to those accounts ~~shall~~ terminate as of the redemption
31 date, subject only to the right of the account holder
32 of record to receive the redemption value without
33 interest. ~~All savings~~ Savings accounts which have
34 been validly called for redemption must be tendered
35 for payment within ten years from the date of
36 redemption designated in the redemption notice, or
37 they shall be canceled and ~~forfeited for the use of~~
38 ~~the school fund of the county in which the association~~
39 ~~has its principal place of business~~ conveyed to the
40 clerk of court and paid to treasurer of state for
41 distribution under section 602.9107 and all claims
42 of the account holders against the association ~~shall~~
43 be are barred forever. Redemption shall not be made
44 of any savings accounts which are held by a person
45 who is a director and which are necessary to qualify
46 the person to act as director.
47 Sec. ____ Section 535.5, Code 1983, is amended
48 to read as follows:
49 535.5 PENALTY FOR USURY. If it ~~shall be~~ is
50 ascertained in any an action brought on any a contract

1 that a rate of interest has been contracted for,
2 directly or indirectly, in money or in property,
3 greater than is authorized by this chapter, the same
4 rate shall work a forfeiture of eight cents on the
5 hundred by the year upon the amount of the principal
6 remaining unpaid upon such the contract at the time
7 judgment is rendered thereon, and the court shall
8 enter final judgment in favor of the plaintiff and
9 against the defendant for the principal sum so
10 remaining unpaid without costs, and also against the
11 defendant and in favor of the state, ~~for the use of~~
12 ~~the school fund of the county in which the action~~
13 ~~is brought~~ to be paid to the treasurer of state for
14 distribution under section 602.9107, for the amount
15 of the forfeiture, ~~and in no case where.~~ If unlawful
16 interest is contracted for shall the plaintiff shall
17 not have judgment for more than the principal sum,
18 whether the unlawful interest be is incorporated with
19 the principal or not."

20 65. Page 125, by inserting after line 15 the
21 following:

22 "Sec. ____ . Section 595.3, unnumbered paragraph
23 1, Code 1983, is amended to read as follows:

24 Previous to the solemnization of any marriage,
25 a license for that purpose must be obtained from the
26 ~~clerk of the district court~~ county recorder. Such
27 license must not be granted in any case:

28 Sec. ____ . Section 595.4, Code 1983, is amended
29 to read as follows:

30 595.4 AGE AND QUALIFICATION--VERIFIED APPLICATION--
31 -WAITING PERIOD--EXCEPTION. Previous to the issuance
32 of any license to marry, the parties desiring such
33 the license shall sign and file a verified application
34 with the ~~clerk of the court~~ county recorder which
35 application either may be mailed to the parties at
36 their request or may be signed by them at the office
37 of the ~~clerk of the district court~~ recorder in the
38 county in which the license is to be issued. Such
39 The application shall set forth at least one affidavit
40 of some competent and disinterested person stating
41 such the facts as to age and qualification of the
42 parties as the ~~clerk~~ recorder may deem necessary to
43 determine the competency of the parties to contract
44 a marriage. Upon the filing of the application for
45 a license to marry, the ~~clerk of the district court~~
46 recorder shall file the application in a record kept
47 for that purpose.

48 After expiration of three days from the date of
49 filing the application by the parties, the ~~clerk~~
50 recorder shall issue the license if he the recorder

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1 is satisfied as to the competency of the parties to
2 contract a marriage. If the license has not been
3 issued within one year from the date of the
4 application, the application shall be void and of
5 no effect.

6 A license to marry may be issued prior to the
7 expiration of three days from the date of filing the
8 application for ~~such~~ the license in cases of emergency
9 or extraordinary circumstances. An order authorizing
10 the issuance of ~~such~~ the license may be granted by
11 a judge of the district court under conditions of
12 emergency or extraordinary circumstances upon
13 application of the parties ~~therefor~~ filed with the
14 clerk of the district court. ~~No-such~~ The order may
15 shall not be granted unless the parties have filed
16 an application for a marriage license in a county
17 within the judicial district. An application for
18 ~~such~~ the order shall be made on forms furnished by
19 the clerk at the same time the application for the
20 license to marry is made with the recorder. If after
21 examining the application for the marriage license
22 the clerk is satisfied as to the competency of the
23 parties to contract a marriage, ~~he~~ the clerk shall
24 refer the parties to a judge of the district court
25 for action on the application for an order authorizing
26 the issuance of a marriage license prior to expiration
27 of three days from the date of filing the application
28 for the license. The judge shall, if satisfied as
29 to the existence of an emergency or extraordinary
30 circumstances, grant an order authorizing the issuance
31 of a license to marry prior to the expiration of three
32 days from the date of filing the application for the
33 license to marry. ~~The clerk~~ recorder shall issue
34 a license to marry upon presentation by the parties
35 of the order authorizing ~~such~~ the license to be issued.
36 A fee of five dollars shall be paid to the clerk at
37 the time the application for the order is made, which
38 fee shall be in addition to the fee prescribed by
39 law for the issuance of a marriage license by the
40 recorder.

41 Sec. _____. Section 595.5, Code 1983, is amended
42 to read as follows:

43 595.5 SURNAME ADOPTED. Upon marriage either party
44 may request on the application for a marriage license
45 a name change to that of the other party or to some
46 other surname mutually agreed upon by the parties.
47 The names used on the marriage license shall become
48 the legal names of the parties to the marriage. The
49 marriage license shall contain a statement that when
50 a name change is requested and affixed to the marriage

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1 license, the new name is the legal name of the
2 requesting party. If a party requests a name change,
3 other than a change of surname to that of the other
4 spouse or to a hyphenated combination of the surnames
5 of both spouses, the party shall request approval
6 of the court pursuant to chapter 674 and shall submit
7 to the court the information required by section
8 674.2, and upon approval of the court and solemnization
9 of the marriage, the ~~clerk-of-court~~ county recorder
10 shall send a certified copy of the return of marriage
11 to the recorder's office in every county in this state
12 where real property is owned by either of the parties.
13 The judge may approve the name change. The new names
14 and the immediate former names shall appear on the
15 return of marriage, and the return of marriage shall
16 be recorded in the miscellaneous records in the
17 recorder's office. An individual can have only one
18 legal name at any one time.

19 Sec. _____. Section 595.6, Code 1983, is amended
20 to read as follows:

21 595.6 FILING AND RECORD REQUIRED. The affidavit
22 or certificate, in each case, shall be filed by the
23 ~~clerk~~ county recorder and constitute a part of the
24 records of ~~his~~ the recorder's office. A memorandum
25 of ~~such~~ the affidavit or certificate shall also be
26 entered in the license book.

27 Sec. _____. Section 595.7, Code 1983, is amended
28 to read as follows:

29 595.7 DELIVERY OF BLANK WITH LICENSE. When a
30 license is issued the ~~clerk~~ county recorder shall
31 deliver to the applicant a blank return for the
32 marriage, and give ~~such~~ instructions ~~relative-thereto~~
33 ~~as-will~~ to the applicant to insure a complete and
34 accurate return.

35 Sec. _____. Section 595.11, Code 1983, is amended
36 to read as follows:

37 595.11 NONSTATUTORY SOLEMNIZATION--FORFEITURE.
38 Marriages solemnized, with the consent of parties,
39 in any other manner than as herein prescribed, are
40 valid; but the parties thereto, and all persons aiding
41 or abetting them, shall ~~forfeit-to-the-school-fund~~
42 ~~the-sum~~ pay a penalty of fifty dollars each; but this
43 shall not apply to the person conducting the marriage
44 ceremony, if within fifteen days thereafter he ~~the~~
45 person makes the required return to the ~~clerk-of-the~~
46 ~~district-court~~ county recorder. The penalties shall
47 be conveyed by the clerk of the district court to
48 the treasurer of state for distribution under section
49 602.9107.

50 Sec. _____. Section 595.13, subsection 2, Code 1983,

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1 is amended to read as follows:

2 2. Make return of such marriage within fifteen
3 days to the ~~clerk-of-the-district-court~~ county
4 recorder, who issued the marriage license upon the
5 blank provided for that purpose.

6 Sec. _____. Section 595.15, Code 1983, is amended
7 to read as follows:

8 595.15 INADEQUATE RETURN. If the return of a
9 marriage is not complete in every particular as
10 required by the forms specified in section 144.12,
11 the ~~clerk~~ county recorder shall require the person
12 making the same to supply the omitted information.

13 Sec. _____. Section 595.16, Code 1983, is amended
14 to read as follows:

15 595.16 SPOUSE RESPONSIBLE FOR RETURN. When a
16 marriage is consummated without the services of a
17 cleric or magistrate, the required return thereof
18 may be made to the ~~clerk~~ county recorder by either
19 spouse."

20 66. Page 125, by inserting after line 24 the
21 following:

22 "Sec. _____. NEW SECTION. 622.29 FACSIMILES OF
23 SIGNATURES.

24 1. The judicial council shall prescribe rules
25 and procedures for the use of a signature facsimile
26 by a justice of the supreme court or a judge of the
27 court of appeals, or a district judge, district
28 associate judge, magistrate, clerk of the district
29 court, county attorney, court reporter, or a law
30 enforcement officer in all instances where a law of
31 this state requires a written signature.

32 2. The judicial council shall prescribe rules
33 and procedures for the use of a signature facsimile
34 by a person other than an individual named in
35 subsection 1, when directed and authorized by an
36 individual named in subsection 1."

37 67. Page 129, by inserting after line 3 the
38 following sections:

39 "Sec. _____. Section 644.15, Code 1983, is amended
40 to read as follows:

41 644.15 PROCEEDS--FORFEITURE. The net proceeds
42 of all sales made by the sheriff, and all money or
43 bank notes paid over to the county treasurer, as
44 directed in this chapter, shall remain in the hands
45 of the county treasurer in trust for the owner, if
46 ~~any-such-shall-apply~~ the owner applies within one
47 year from the time the ~~same-shall~~ proceeds, moneys,
48 or bank notes would have been paid over, but,
49 However, if no owner shall-appear appears within such
50 that time, the money proceeds, moneys, or bank notes

1 shall be forfeited, and the claim of the owner thereto
2 is forever barred, in which event the money shall
3 ~~remain in the county treasury for the use of the~~
4 ~~common schools in said county~~ be paid to the clerk
5 of district court who shall pay the money to the
6 treasurer of state for distribution under section
7 602.9107.

8 Sec. _____. Section 666.3, Code 1983, is amended
9 to read as follows:

10 666.3 FINES AND FORFEITURES. ~~All fines~~ Fines
11 and forfeitures, after deducting therefrom court
12 costs, court expenses collectible through the clerk
13 of the court, and fees of collection, if any, and
14 not otherwise disposed of, shall ~~go into the treasury~~
15 ~~of the county where the same are collected for the~~
16 benefit of the school fund be paid to the treasurer
17 of state for distribution under section 602.9107."

18 68. Page 138, line 6, by striking the figure
19 "605A".

20 69. Page 138, line 8, by inserting after the
21 figure "66.25," the figures "127.21, 127.22,".

22 70. Page 138, line 8, by inserting after the
23 figure "66.25," the figures "144.10, 144.11,".

24 71. Page 139, line 4, by inserting after the word
25 "office." the words and figures "The district judges
26 of a judicial election district shall give first and
27 primary consideration for appointment of a clerk of
28 the district court to serve the court beginning in
29 1989 to a clerk serving on and after July 1, 1986
30 until the expiration of the clerk's elected term of
31 office."

32 72. Page 142, by inserting after line 1 the
33 following:

34 "Sec. _____. COMPENSATION AND BENEFITS. The state
35 compensation and other benefits provided to a former
36 county employee who becomes a state employee as a
37 result of this Act shall not be reduced below the
38 compensation and other benefits received by the county
39 employee immediately prior to becoming a state
40 employee."

41 73. Page 143, line 6, by striking the words
42 "TRANSFER OF TITLE OF".

43 74. Page 143, by striking lines 11 through 13
44 and inserting in lieu thereof the words "to in
45 subsection 3 shall not become property of the judicial
46 department but shall be devoted for the use of the
47 judicial department in its course of business. The
48 judicial department shall only be responsible for
49 maintenance contracts or contracts for purchase entered
50 into by the judicial department. Upon replacement

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1 of the property by the judicial department, the
2 property shall revert to the use of the appropriate
3 county. However, if the property is personal property
4 of a historical nature, the property shall not become
5 property of the judicial department, and the county
6 shall make the property available to the judicial
7 department for the department's use within the county
8 courthouse until the court no longer wishes to use
9 the property, at which time the property shall revert
10 to the use of the appropriate county."

11 75. Page 144, by striking lines 9 through 13.

12 76. Page 144, lines 29 and 30, by striking the
13 words "transfer under".

14 77. Page 145, by striking lines 17 through 28,
15 and inserting in lieu thereof the following:

16 "Sec. 10308. ADDITIONAL JUDGESHIPS. The four
17 additional district judgeships created by section
18 7201, subsection 10 of this Act, take effect at such
19 time as revenues are appropriated to fund the
20 additional judgeships. As soon as possible after
21 those revenues are appropriated, the supreme court
22 administrator of the judicial department shall rank
23 each judicial election district in descending order
24 based on the application of the judgeship formula
25 provided in section 602.7201. The additional
26 judgeships that are created by section 7201, subsection
27 10 of this Act, shall be apportioned, one to a judicial
28 election district, among the four judicial election
29 districts having the lowest percentage of their
30 judgeship entitlement under the judgeship formula."

31 78. Page 147, by inserting after line 12 the
32 following:

33 "Sec. _____. TEMPORARY SERVICE BY CERTAIN RETIRED
34 JUDICIAL MAGISTRATES. Persons who retired before
35 January 1, 1981 and who were judicial magistrates
36 at the time of retirement and who meet the
37 qualifications of a district associate judge are
38 considered to be district associate judges for the
39 purposes of section 602.1612."

369 40 79. Page 147, by inserting after line 12 the
41 following:

42 "Sec. _____. FAMILY COURT PLAN. The supreme court
43 shall report a plan to establish a family court as
44 a division of the district court in each judicial
45 district of the state to the general assembly by
46 January 1, 1986. The plan shall establish the family
47 court's jurisdiction over all domestic relations cases
48 relating to marriage, dissolution of marriage,
49 annulment of marriage, third party interference with
50 marriage, separate maintenance, alimony and support

SENATE 27
APRIL 26, 1983

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1 of children, custody of children, neglected and
2 dependent children, legitimation of children, adoption,
3 paternity, juvenile delinquency, relations between
4 parent and child, and any other matters that involve
5 the legal relationships between members of a family
6 unit."

7 80. By striking page 147, line 13 through page
8 148, line 8.

9 81. Renumbering as necessary.

S-3658 FILED
APRIL 25, 1983

RECEIVED FROM THE HOUSE

Senate amended (3691, 3757) & Concurred 4/29/83 (p 1460)

APRIL 29, 1983

SENATE FILE 495

S-3691

1 Amend the House amendment, S-3658, to Senate File
2 495, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 10 through 16.

5 2. Page 1, by striking lines 17 through 36.

6 3. Page 1, by striking lines 37 through 39.

7 4. Page 2, by striking lines 16 through 18 and
8 inserting in lieu thereof the following:

9 "____. Page 12, line 5, by inserting before the
10 word "for" the words "and a pay plan".

11 5. Page 2, by striking lines 25 through 37, and
12 inserting in lieu thereof the following:

13 "____. Page 12, line 18, by striking the words
14 "supreme court" and inserting in lieu thereof the
15 words "state court administrator".

16 6. Page 2, by striking lines 41 and 42.

17 7. Page 3, by inserting after line 4 the following:

18 "____. Page 14, lines 16 and 17, by striking the
19 words "each of the first and second deputies" and
20 inserting in lieu thereof the words "a deputy".

21 8. Page 3, by striking lines 22 through 25.

22 9. Page 3, by striking lines 28 through 46.

23 10. Page 4, by striking lines 13 through 15 and
24 inserting in lieu thereof the following: "the maximum
25 amount established by the supreme court pursuant to
26 section 602.1509."

27 11. Page 4, by striking lines 33 through 35 and
28 inserting in lieu thereof the following: "established
29 by the supreme court pursuant to section 602.1509."

30 12. Page 5, by striking lines 5 through 8.

31 13. Page 5, by inserting after line 8 the
32 following:

33 "____. Page 94, by striking line 27 and inserting
34 in lieu thereof the following:

370435 "bb. For issuing a marriage license, fifteen
36 dollars. The clerk of the district court shall remit
37 to the treasurer of state five dollars for each
38 marriage license issued. The treasurer of state shall
39 deposit the funds received in the general fund of
40 the state. For".

41 14. Page 5, by striking line 32.

42 15. By striking page 9, line 47 through page 13,
37043 line 2.

44 16. By striking page 13, line 40 through page
45 14, line 3.

46 17. By striking page 16, line 20 through page
47 19, line 19.

48 18. Page 20, by inserting after line 17 the
49 following:

50 "____. Page 138, by striking lines 2 and 3 and

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1 inserting in lieu thereof the following:

2 "2. The Code editor shall recodify chapters 605A
3 and 610 as new and separate articles at the end of
4 new chapter 602."

5 19. Page 20, by striking lines 22 and 23.

6 20. Page 20, line 37, by inserting after the word
7 "reduced" the words ", for the first two fiscal years
8 after the county employee becomes a state employee,".

9 21. By striking page 21, line 40 through page
10 22, line 6.

S-3691 FILED
APRIL 28, 1983

Adopted 4/29/83 (p. 1456)

Revised to recommend law (p. 1457)

BY THOMAS MANN, JR.

DONALD V. DOYLE

RICHARD F. DRAKE

BERL E. PRIEBE

JULIA GENTLEMAN

DOUGLAS RITSEMA

S-3700

SENATE FILE 495

1 Amend amendment S-3658 to Senate File 495 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, by striking lines 34 and 35 and
5 inserting in lieu thereof the following: "following
6 sections:

7 "Sec. _____. Section 29A.41, Code 1983, is amended
8 to read as follows:

9 29A.41 EXEMPTION-FROM-JURY-AND-OTHER EXEMPTIONS.
10 ~~Every officer and enlisted person of the national~~
11 ~~guard while in active state service shall be exempt~~
12 ~~from jury duty.--~~ No A member of the national guard
13 shall not be arrested, or served with any a summons,
14 order, warrant or other civil process after having
15 been ordered to any duty, or while going to, attending,
16 or returning from, any place to which the officer
17 or enlisted person is required to go for military
18 duty. ~~Nothing herein shall~~ This section does not
19 prevent the officer's or enlisted person's arrest
20 by order of a military officer or for a felony or
21 breach of the peace committed while not in the actual
22 performance of the officer's or enlisted person's
23 duty. The articles of equipment personally owned
24 by such the members shall be are exempt from seizure
25 or sale for debt. Every member of the national guard
26 who has faithfully served the full term of the member's
27 commission, warrant or enlistment, shall, upon
28 application, be is entitled, upon application, to
29 an honorable discharge, exempting the member from
30 military duty except in time of war or public danger.

31 Sec. _____. Section 32.2, Code 1983, is amended".

32 2. Page 19, by inserting after line 21 the
33 following:

34 "Sec. _____. Section 607.1, Code 1983, is amended
35 by striking the section and inserting in lieu thereof
36 the following:

37 607.1 SERVICE ON JURY. Juror service is a duty
38 which every person who qualifies under this chapter
39 shall perform when selected, except as provided in
40 section 607.3. Selection for juror service shall
41 be at random from the population of the judicial
42 district. All persons residing in the district shall
43 have equal opportunity to be considered for juror
44 service. A person shall not be exempted from serving
45 as a juror because of race, color, religion, sex,
46 national origin, economic status, or occupation.
47 Physically handicapped persons shall serve unless
48 the court finds the service is not feasible. The
49 court shall strictly enforce this section.

50 Sec. _____. Section 607.2, Code 1983, is amended

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1 by striking the section and inserting in lieu thereof
2 the following:

3 607.2 QUALIFICATION FOR SERVICE.

4 1. A person is qualified for juror service unless
5 one of the following grounds for disqualification
6 applies:

7 a. The person is under eighteen years of age.

8 b. The person is not a United States citizen.

9 c. The person cannot read, speak, or understand
10 the English language.

11 d. The person's ability to receive and evaluate
12 information is impaired so that the person is incapable
13 of rendering satisfactory juror service. A person
14 claiming this disqualification must submit a letter
15 from a licensed physician stating the nature of the
16 impairment and the physician's opinion that the
17 impairment prevents the person from rendering
18 satisfactory juror service.

19 e. The person is solely responsible for the daily
20 care of a permanently disabled person living in the
21 same household and the performance of juror service
22 would cause a substantial risk of injury to the health
23 of the disabled person. A person claiming this
24 disqualification must submit a letter from a licensed
25 physician stating the name, address, and age of the
26 disabled person, the nature of the daily care provided
27 by the prospective juror, and the physician's opinion
28 that the performance of juror service would cause
29 a substantial risk of injury to the health of the
30 disabled person. A person who is regularly employed
31 at a location other than the person's household is
32 not entitled to this disqualification.

33 f. The person has, directly or indirectly,
34 requested to be placed on the list for juror service
35 compiled under section 609.1.

36 2. As used in this section, "eligible elector"
37 has the meaning assigned to it in section 39.3,
38 subsection 1.

39 Sec. ____ Section 607.3, Code 1983, is amended
40 by striking the section and inserting in lieu thereof
41 the following:

42 607.3 JURORS EXCUSED. The court may defer a term
43 of grand or petit juror service upon a finding of
44 hardship, inconvenience, or public necessity, however
45 the juror must serve at a later date established by
46 the court. The court may excuse a person from grand
47 juror service in part or in full, upon a finding of
48 hardship, inconvenience, or public necessity,
49 considering the length of grand juror service. The
50 court may excuse a person from petit juror service,

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GE 3

1 in part or in full, upon a finding of extreme hardship.
2 The courts shall exercise this authority strictly.
3 The court may dismiss a juror at any time in the
4 interest of justice.

5 Sec. _____. Section 608.8, Code 1983, is amended
6 to read as follows:

7 608.8 INSTRUCTIONS TO APPOINTIVE COMMISSION.
8 ~~It shall be the duty of the~~ The judges of the district
9 court ~~to~~ shall give instructions to appointive jury
10 commissioners at the time of their appointment as
11 to their duties, and ~~to~~ shall call their ~~especial~~
12 attention to ~~the provisions of section 609.2~~ sections
13 607.1, 607.2, and 609.5.

14 Sec. _____. Section 609.1, subsections 1, 2, and
15 3, Code 1983, are amended to read as follows:

16 1. GRAND JURORS. A list of names and addresses
17 of one hundred fifty ~~eligible electors~~ persons
18 qualified for service under section 607.2 from which
19 to select grand jurors.

20 2. PETIT JURORS. A list of names and addresses
21 of ~~eligible electors~~ qualified persons equal to one-
22 eighth of the whole number of qualified electors in
23 the county as shown by the current list of registered
24 voters, from which to select petit jurors.

25 3. TALESMEN. A list of the names and addresses
26 of ~~eligible electors~~ qualified persons equal to fifteen
27 percent of the whole number of qualified electors
28 as shown by the current list of registered voters,
29 in the city in which the district court is held and
30 in the township or townships in which ~~such~~ that city
31 is located, ~~(but in no case exceeding five hundred~~
32 ~~names)~~, from which to select talesmen.

33 Sec. _____. Section 609.5, Code 1983, is amended
34 to read as follows:

35 609.5 ADDITIONAL INFORMATION PROVIDED. ~~For the~~
36 ~~purpose of aiding the appointive commission in drawing~~
37 ~~the jury lists, officials of the state and its~~
38 ~~political subdivisions shall furnish the appointive~~
39 ~~commission with copies of the~~ The commission shall
40 use all of the following lists in preparing a jury
41 list:

42 1. A current list of registered voters, ~~lists.~~

43 2. A list of persons holding motor vehicle
44 operators' licenses, ~~or such.~~

45 3. Lists of public utility customers.

46 In addition to the lists required to be used in
47 preparing a jury list the commission may use other
48 comprehensive lists of persons residing in the county
49 as the commission ~~may request~~ identifies. State and
50 local government officials shall furnish the commission

SENATE 14
APRIL 29, 1983

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PAGE 4

1 with copies of lists required by law or as the com-
2 mission requests. The clerk of the district court
3 shall also deliver to the commission a list of all
4 persons who have served as grand or petit jurors since
5 January 1 of the preceding year.
6 Sec. _____. Section 609.11, unnumbered paragraph
7 2, Code 1983, is amended to read as follows:
8 We, _____, and _____, constituting
9 the jury commission for _____ county, do
10 hereby certify that the foregoing lists do not, to
11 our knowledge and belief, contain the name of any
12 person who ~~should-be-excluded~~ is not qualified under
13 section 609.2 607.2."
14 3. Page 20, by inserting after line 23 the
15 following:
16 "_____. Page 138, line 9, by inserting after the
17 figure "607.6," the figures "609.2, 609.7,".
18 4. Renumber as necessary.

S-3700 FILED
APRIL 28, 1983

Re German 4/27 (p. 1452)

BY BERL E. PRIEBE
ARNE WALDSTEIN
TOM MANN, JR.

MILO COLTON
DONALD DOYLE

S-3706

1 Amend the House amendment, S-3658, to Senate File
 2 495, as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 37 the
 5 following:
 6 "_____. Page 12, by inserting after line 20 the
 7 following:
 8 "For purposes of chapter 20, certifications of
 9 employee organizations, which on July 1, 1983 represent
 10 employees who become court employees as a result of
 11 this Act, shall remain in effect when the employees
 12 become court employees and thereafter, unless a public
 13 employee files a petition under section 20.14,
 14 subsection 3, and the employee organization is
 15 decertified in an election held under section 20.15.
 16 However, collective bargaining negotiations shall
 17 be conducted on a statewide basis and the certified
 18 employee organizations which engage in bargaining
 19 shall negotiate on a coalition basis. The public
 20 employment relations board shall adopt rules pursuant
 21 to chapter 17A to implement this subsection."

S-3706 FILED

BY MILO COLTON

APRIL 28, 1983

RULED OUT OF ORDER (p. 1440)

SENATE FILE 495

S-3707

1 Amend the amendment, S-3691, to the House amendment,
 2 S-3658, to Senate File 495, as amended, passed and
 3 reprinted by the Senate, as follows:
 4 1. Page 1, line 43, by inserting after the figure
 5 "2" the words "and inserting in lieu thereof the
 6 following:
 7 "_____. Page 109, by inserting after line 33 the
 8 following:
 9 "Sec. _____. Section 144.43, unnumbered paragraph
 10 2, Code 1983, is amended to read as follows:
 11 However, the following vital statistics may be
 12 inspected and copied as of right under chapter 68A
 13 when they are in the custody of a county or of a local
 14 registrar and when they are sixty-five years old or
 15 older: ""
 16 2. By renumbering as necessary.

S-3707 FILED & ADOPTED (p. 1440) BY JULIA B. GENTLEMAN

APRIL 28, 1983

RECONSIDERED, RULED OUT OF ORDER (p. 1440)

SENATE FILE 495

S-3737

1 Amend S-3658, the House amendment to Senate File
 2 495, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 5, line 17, by inserting after the figure
 5 "1" the words "on a semiannual basis".

S-3737 FILED & ADOPTED

BY DOUG RITSEMA

APRIL 29, 1983 (p. 1440)

SENATE FILE 495

S-3701

1 Amend the House amendment, S-3658, to Senate File
2 495, as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 36 the
5 following:
6 " Page 8, by striking lines 12 through 15
7 and inserting in lieu thereof the following:
8 "1. A local panel of three members shall by
9 majority vote appoint a person to serve as clerk of
10 the district court. The local panel shall consist
11 of one district judge selected by the district judges
12 of the judicial election district, one member of the
13 board of supervisors selected by the board of
14 supervisors, and one member of the magistrate
15 appointing commission selected by the magistrate
16 appointing commission. A person does not qualify
17 for appointment".

S-3701 FILED

BY ARNE WALDSTEIN

APRIL 28, 1983

DALE TIEDEN

MICK LURA

Rule not germane 4/29 (p. 1452)

NORMAN RODGERS

BERL E. PRIEBE

BILL HUTCHINS

S-3705

SENATE FILE 495

1 Amend the amendment, S-3691, to the House amendment,
2 S-3658, to Senate File 495, as amended, passed and
3 reprinted by the Senate, as follows:
4 1. Page 1, by inserting after line 15 the
5 following:
6 " Page 12, by inserting after line 20 the
7 following:
8 "For purposes of chapter 20, certifications of
9 employee organizations, which on July 1, 1983 represent
10 employees who become court employees as a result of
11 this Act, shall remain in effect when the employees
12 become court employees and thereafter, unless a public
13 employee files a petition under section 20.14,
14 subsection 3, and the employee organization is
15 decertified in an election held under section 20.15.
16 However, collective bargaining negotiations shall
17 be conducted on a statewide basis and the certified
18 employee organizations which engage in bargaining
19 shall negotiate on a coalition basis. The public
20 employment relations board shall adopt rules pursuant
21 to chapter 17A to implement this subsection."

S-3705 FILED

BY MILO COLTON

APRIL 28, 1983

ADOPTED *p. 1440*

SENATE FILE 495

S-3709

1 Amend the amendment S-3691 to the House Amendment
2 S-3658 to Senate File 495 as amended, passed and re-
3 reprinted by the Senate as follows:
4 1. Page 1, line 35, by striking the word "fifteen"
5 and inserting in lieu thereof the word "ten".

S-3709

BY C. JOSEPH COLEMAN

APRIL 28, 1983

Adopted 4/29 (p. 1456)

SENATE AMENDMENT TO
HOUSE AMENDMENT TO SENATE FILE 495

H-3953

1 Amend the House amendment, S-3658, to Senate File
2 495 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 10 through 16.
5 2. Page 1, by striking lines 17 through 36.
6 3. Page 1, by striking lines 37 through 39.
7 4. Page 2, by striking lines 16 through 18 and
8 inserting in lieu thereof the following:
9 "____. Page 12, line 5, by inserting before the
10 word "for" the words "and a pay plan"."
11 5. Page 2, by striking lines 25 through 37, and
12 inserting in lieu thereof the following:
13 "____. Page 12, line 18, by striking the words
14 "supreme court" and inserting in lieu thereof the
15 words "state court administrator".
16 _____. Page 12, by inserting after line 20 the
17 following:
18 "For purposes of chapter 20, certifications of
19 employee organizations, which on July 1, 1983 represent
20 employees who become court employees as a result of
21 this Act, shall remain in effect when the employees
22 become court employees and thereafter, unless a public
23 employee files a petition under section 20.14,
24 subsection 3, and the employee organization is
25 decertified in an election held under section 20.15.
26 However, collective bargaining negotiations shall
27 be conducted on a statewide basis and the certified
28 employee organizations which engage in bargaining
29 shall negotiate on a coalition basis. The public
30 employment relations board shall adopt rules pursuant
31 to chapter 17A to implement this subsection.""
32 6. Page 2, by striking lines 41 and 42.
33 7. Page 3, by inserting after line 4 the following:
34 "____. Page 14, lines 16 and 17, by striking the
35 words "each of the first and second deputies" and
36 inserting in lieu thereof the words "a deputy"."
37 8. Page 3, by striking lines 22 through 25.
38 9. Page 3, by striking lines 28 through 46.
39 10. Page 4, by striking lines 13 through 15 and
40 inserting in lieu thereof the following: "the maximum
41 amount established by the supreme court pursuant to
42 section 602.1509."
43 11. Page 4, by striking lines 33 through 35 and
44 inserting in lieu thereof the following: "established
45 by the supreme court pursuant to section 602.1509."
46 12. Page 5, by striking lines 5 through 8.
47 13. Page 5, by inserting after line 8 the
48 following:
49 "____. Page 94, by striking line 27 and inserting
50 in lieu thereof the following:

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Page Two

- 1 "bb. For issuing a marriage license, fifteen
- 2 dollars. The clerk of the district court shall remit
- 3 to the treasurer of state five dollars for each
- 4 marriage license issued. The treasurer of state shall
- 5 deposit the funds received in the general fund of
- 6 the state. For".
- 7 14. Page 5, line 17, by inserting after the figure
- 8 "1" the words "on a semiannual basis".
- 9 15. Page 5, by striking line 32.
- 10 16. Striking page 9, line 47 through page 13,
- 11 line 2.
- 12 17. Striking page 13, line 40 through page 14,
- 13 line 3.
- 14 18. Striking page 16, line 20 through page 19,
- 15 line 19.
- 16 19. Page 20, by inserting after line 17 the
- 17 following:
- 18 "____. Page 138, by striking lines 2 and 3 and
- 19 inserting in lieu thereof the following:
- 20 "2. The Code editor shall recodify chapters 605A
- 21 and 610 as new and separate articles at the end of
- 22 new chapter 602."
- 23 20. Page 20, by striking lines 22 and 23.
- 24 21. Page 20, line 37, by inserting after the word
- 25 "reduced" the words ", for the first two fiscal years
- 26 after the county employee becomes a state employee,".
- 27 22. Striking page 21, line 40 through page 22,
- 28 line 6.

H-3953 FILED APRIL 29, 1983

RECEIVED FROM THE SENATE

House referred to Council 5/4/83 (p. 1773)
Senate inserted 5/4 (p. 1524)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 495

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 495, a bill for an Act relating to the organization, administration, supervision and funding of the courts, including a recodification of court statutes, and providing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-3953, to the House amendment, S-3658, to Senate File 495, as amended, passed and reprinted by the Senate.

2. That the House amendment, S-3658, to Senate File 495, as amended, passed and reprinted by the Senate, is amended to read as follows:

1. Page 1, by striking lines 10 through 16.

2. Page 1, by striking lines 17 through 36.

3. Page 1, by striking lines 37 through 39.

4. Page 2, by striking lines 16 through 18 and inserting in lieu thereof the following:

"____. Page 12, line 5, by inserting before the word "for" the words "and a pay plan"."

5. Page 2, by striking lines 25 through 37, and inserting in lieu thereof the following:

"____. Page 12, line 18, by striking the words "supreme court" and inserting in lieu thereof the words "state court administrator".

____. Page 12, by inserting after line 20 the following:

"For purposes of chapter 20, certifications of employee organizations, which on July 1, 1983 represent employees who becomes court employees as a result of this Act, shall remain in effect when the employees become court employees and thereafter, unless a public employee files a petition under section 20.14, subsection 3, and the employee organization is decertified in an election held under section 20.15. However, collective bargaining negotiations shall be conducted by judicial district and the certified employee organizations which engage in bargaining shall negotiate by judicial district. The public employment relations board shall adopt rules pursuant to chapter 17A to implement this subsection."

6. Page 2, by striking lines 41 and 42.

7. Page 3, by inserting after line 4 the following:

"____. Page 14, lines 16 and 17, by striking the words "each of the first and second deputies" and inserting in lieu thereof the words "a deputy"."

8. Page 3, by striking lines 22 through 25.

9. Page 3, by striking lines 28 through 46.

10. Page 4, by striking lines 13 through 15 and inserting in lieu thereof the following: "the maximum amount established by the supreme court pursuant to section 602.1509."

11. Page 4, by striking lines 33 through 35 and inserting in lieu thereof the following: "established by the supreme

CONFERENCE COMMITTEE REPORT ON SENATE FILE 495 - PAGE 3
court pursuant to section 602.1509."

12. Page 5, by striking lines 5 through 8.

13. Page 5, by inserting after line 8 the following.

"____. Page 94, by striking line 27 and inserting in lieu thereof the following:

"bb. For issuing a marriage license, fifteen dollars. The clerk of the district court shall remit to the treasurer of state five dollars for each marriage license issued. The treasurer of state shall deposit the funds received in the general fund of the state. For".

14. Page 5, line 17, by inserting after the figure "1" the words "on a semiannual basis".

15. Page 5, by striking line 32.

16. By striking page 9, line 47 through page 13, line 2.

17. By striking page 13, line 40 through page 14, line 3.

18. By striking page 16, line 20 through page 19, line 19.

19. Page 20, by inserting after line 17 the following:

"____. Page 129, by striking lines 11, 12, and 13 and inserting in lieu thereof the following: "imposed in the district court,~~-which-by-law-go-into-the-county-treasury-for-the-benefit-of-the-school-fund~~; in what cause or proceeding, when".

____. Page 138, by striking lines 2 and 3 and inserting in lieu thereof the following:

"2. The Code editor shall recodify chapters 605A and 610 as new and separate articles at the end of new chapter 602."

20. Page 20, by striking lines 22 and 23.

21. Page 20, by inserting after line 23 the following:

"____. Page 138, by inserting after line 10 the following:

"Sec. ____ . CONFLICTING LEGISLATION. If both this Act and House File 562 are enacted by the Seventieth General Assembly and if House File 562, as enacted, deposits in the CONFERENCE COMMITTEE REPORT ON SENATE FILE 495 - PAGE 4 general fund of the state all amounts that would be received from a clerk of the district court under section 602.9106, subsection 3 of this Act, the following shall apply:

1. Amendments to sections 32.2; 99.30; 127.21; 127.22; 302.44; 331.509, subsection 1, paragraph o; 331.552, subsection 11; 508.15; 511.7; 515.93; 534.12, subsection 4; 535.5; 595.11;

127.22, 302.3, and 302.24, Code 1983, contained in House File 562 shall prevail.

2. Section 602.9107 of this Act, the amendments to section 127.20, Code 1983, contained in this Act, and the amendment to section 602.55, Code 1983, contained in House File 562 are void.

3. Notwithstanding section 602.9106, subsection 3 of this Act, all amounts received under that subsection shall be deposited in the general fund of the state."

22. Page 20, by striking lines 34 through 40 and inserting in lieu thereof the following:

"Sec. ____ . COMPENSATION AND BENEFITS. Notwithstanding sections 10302, 10303, and 10305, a county employee who becomes a state employee as a result of this Act shall receive the compensation and other benefits provided to state employees, unless the employee, within the period of time beginning thirty days prior to the day when the employee becomes a state employee and ending thirty days after the employee becomes a state employee, files an election with the state court administrator to continue to receive the compensation and other benefits received by the employee immediately prior to becoming a state employee. If an employee files the election, the employee may at any time thereafter revoke the election and agree to receive the compensation and other benefits provided to state employees. The state court administrator shall reimburse counties for expenses incurred as a result of employee elections to continue to receive the compensation and other benefits which the employees received immediately prior to becoming state employees."

CONFERENCE COMMITTEE REPORT ON SENATE FILE 495 - PAGE 5

23. By striking page 21, line 40 through page 22, line 6.

ON THE PART OF THE SENATE:

TOM MANN, CHAIR
DONALD DOYLE
RICHARD DRAKE
WALLY HORN
DOUGLAS RITSEMA

FILED:
MAY 6, 1983

ON THE PART OF THE HOUSE:

DANIEL JAY, CHAIR
RUHL MAULSBY
ANDREW MCKEAN
EDWARD PARKER
TOM SWARTZ
Senate adopted 5/6/83 (p.1572)
House adopted 5/6 (p.1882)



OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES IOWA 50319
515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 9, 1983

STATEMENT BY GOVERNOR BRANSTAD UPON SIGNING SENATE FILE 495

I am pleased to have the opportunity to sign Senate File 495, the court reorganization bill. Presently, the court system is under the jurisdiction of the counties and is funded, in large part, by property taxes. This bill will, over a five-year period, bring that system under the Supreme Court's administration and will replace the property tax with state funds. As such, it is expected that the bill will provide approximately \$4.2 million in additional property tax relief in fiscal year 1984 and up to \$35 million by the time the take-over is complete in 1988.

Therefore, Senate File 495 will not only centralize administration of our court system, but will also provide real relief for overburdened property taxpayers. I applaud the support and the hard work given the development of this bill by all three branches of state government. Indeed, court reorganization was a legislative priority of mine, legislative leaders, and the Supreme Court. Working together, we have moved Iowa's court system forward while giving property taxpayers significant relief.

However, I am concerned that one provision in this bill could unnecessarily increase the cost of the court system to the state. A portion of Section 1401 would allow court employees that are in a collective bargaining organization to negotiate with the state by judicial district. That provision would thus allow at least eight separate collective bargaining units to negotiate with the state. Such a pluralistic bargaining structure would, in all probability, lead to whipsawing among the units, with each unit trying to obtain a more lucrative settlement. As a result, the court personnel costs for the state could become unreasonably high.

I understand that the eight-unit system proposed in the bill represents a compromise between the Senate, which had one unit, and the House, which originally proposed 99 separate bargaining units. Nevertheless, this compromise runs counter to the centralization of bargaining units which has provided the rest of the state with a relatively efficient collective bargaining structure. I believe that the legislature should re-examine this provision next session. I urge lawmakers to better contain future state court costs by acting next session to establish one collective bargaining unit.

Nevertheless, Senate File 495 is a positive public policy step for the state and the Iowa property taxpayer. I am thus pleased to sign it into law.

SENATE FILE 495

AN ACT
RELATING TO THE ORGANIZATION, ADMINISTRATION, SUPERVISION
AND FUNDING OF THE COURTS, INCLUDING A RECODIFICATION OF
COURT STATUTES, AND PROVIDING PENALTIES.

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

DIVISION I
THE COURTS
ARTICLE 1
JUDICIAL DEPARTMENT
PART 1

DEFINITIONS AND COMPOSITION

Sec. 1101. NEW SECTION. 602.1101 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Book", "record", or "register" means any mode of permanent recording, including but not limited to, card files, microfilm, microfiche, and electronic records.

2. "Chief judge" means the district judge selected to serve as the chief judge of the judicial district pursuant to section 602.1210.

3. "Chief justice" means the chief justice of the supreme court selected pursuant to section 602.5103.

4. "Chief judicial officer" means a person appointed under section 602.1215.

5. "Court employee" or "employee of the judicial department" means an officer or employee of the judicial department except a judicial officer.

6. "Department" means the judicial department as defined in section 602.1102.

7. "District court administrator" means a person appointed pursuant to section 602.1213.

8. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.2206.

9. "Magistrate" means a person appointed under article 7, part 4 to exercise judicial functions.

10. "Senior judge" means a person who qualifies as a senior judge under article 2, part 2.

11. "State court administrator" means the person appointed by the supreme court pursuant to section 602.1208.

Sec. 1102. NEW SECTION. 602.1102 JUDICIAL DEPARTMENT. The judicial department consists of all of the following:

1. The supreme court.
2. The court of appeals.
3. The district court.
4. The clerks of all of the courts of this state.
5. Juvenile court officers.
6. Court reporters.
7. All other court employees.

PART 2
ADMINISTRATION

Sec. 1201. NEW SECTION. 602.1201 SUPERVISION AND ADMINISTRATION. The supreme court has supervisory and administrative control over the department and over all judicial officers and court employees.

Sec. 1202. NEW SECTION. 602.1202 JUDICIAL COUNCIL. A judicial council is established, consisting of the chief judges of the judicial districts, the chief judge of the court of appeals, and the chief justice who shall be the chairperson. The council shall convene not less than twice each year at

times and places as ordered by the chief justice. The council shall advise the supreme court with respect to the supervision and administration of the department.

Sec. 1203. NEW SECTION. 602.1203 PERSONNEL CONFERENCES. The chief justice may order conferences of judicial officers or court employees on matters relating to the administration of justice or the affairs of the department.

Sec. 1204. NEW SECTION. 602.1204 PROCEDURES FOR DEPARTMENT.

1. The supreme court shall prescribe procedures for the orderly and efficient supervision and administration of the department. These procedures shall be executed by the chief justice.

2. The state court administrator may issue directives relating to the management of the department. The subject matters of these directives shall include, but need not be limited to, fiscal procedures, the judicial retirement system, and the collection and reporting of statistical and other data. The directives shall provide for an affirmative action plan which shall be based upon guidelines provided by the Iowa state civil rights commission. In addition, when establishing salaries and benefits the state court administrator shall not discriminate in the employment or pay between employees on the basis of gender by paying wages to employees at a rate less than the rate at which wages are paid to employees of the opposite gender for work of comparable worth. As used in this section "comparable worth" means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

3. The supreme court shall compile and publish all procedures and directives relating to the supervision and administration of the internal affairs of the department, and shall distribute a copy of the compilation and all amendments to each operating component of the department.

Copies also shall be distributed to agencies referred to in section 18.97 upon request.

4. The supreme court shall accept bids for the printing of court forms from both public and private enterprises and shall attempt to contract with both public and private enterprises for a reasonable portion of the court forms.

Sec. 1205. NEW SECTION. 602.1205 PROCEDURES FOR COURTS.

1. The supreme court shall prescribe procedures for the orderly and efficient administration of the judicial business of the courts. These procedures shall be executed by the chief justice.

2. Procedures for the district court shall provide for a court session at least once each week in each county to be fixed in advance and announced in the form of a printed schedule. However, court sessions may be at intervals other than once each week if in the opinion of the chief judge more efficient operations in the district will result. The procedures shall also provide for additional sessions for the trial of cases in each county at a frequency which will promptly dispose of the cases that are ready for trial.

Sec. 1206. NEW SECTION. 602.1206 RULES FOR JUDGES AND ATTORNEYS.

1. The supreme court shall prescribe rules as necessary to supervise the conduct of attorneys and judicial officers. These rules shall be executed by the chief justice.

2. Supreme court rules shall be published as provided in section 14.12, subsection 7.

Sec. 1207. NEW SECTION. 602.1207 REPORT OF THE CONDITION OF THE JUDICIAL DEPARTMENT. The chief justice shall communicate the condition of the department by message to each general assembly, and may recommend matters the chief justice deems appropriate.

Sec. 1208. NEW SECTION. 602.1208 STATE COURT ADMINISTRATOR.

1. The supreme court, by majority vote, shall appoint a state court administrator and may remove the administrator for cause.

2. The state court administrator is the principal administrative officer of the judicial department, subject to the immediate direction and supervision of the chief justice.

3. The state court administrator shall employ staff as necessary to perform the duties of the administrator, subject to the approval of the supreme court and budget limitations. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2 in all court employment decisions.

4. All judicial officers and court employees shall comply with procedures and requests of the state court administrator with respect to information and statistical data bearing on the state of the dockets of the courts, the progress of court business, and other matters reflecting judicial business and the expenditure of moneys for the maintenance and operation of the judicial system.

Sec. 1209. NEW SECTION. 602.1209 GENERAL DUTIES OF THE STATE COURT ADMINISTRATOR. The state court administrator shall:

1. Manage the judicial department.
2. Administer funds appropriated to the department.
3. Authorize the filling of vacant court-employee positions, review the qualifications of each person to be employed within the department, and assure that affirmative action goals are being met by the department. The state court administrator shall not approve the employment of a person when either the proposed terms and conditions of employment or the qualifications of the individual do not satisfy personnel policies of the department. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2 in all court employment decisions.

4. Supervise the employees of the supreme court and court of appeals, and the clerk of the supreme court.

5. Administer the judicial retirement system as provided in article 2.

6. Collect and compile information and statistical data, and submit reports relating to judicial business and other matters relating to the department.

7. Formulate and submit recommendations for improvement of the judicial system, with reference to the structure of the department and its organization and methods of operation, the selection, compensation, number, and tenure of judicial officers and court employees, and other matters as directed by the chief justice or the supreme court.

8. Call conferences of district court administrators as necessary in the administration of the department.

9. Provide a secretary and clerical services for the board of examiners of shorthand reporters under article 4.

10. Act as executive secretary of the commission on judicial qualifications under article 3.

11. Act as custodian of the bonds and oaths of office of judicial officers and court employees.

12. Issue vouchers for the payment of per diem and expenses from funds appropriated for purposes of articles 3 and 4 and chapter 610.

13. Collect and account for fees paid to the board of examiners of shorthand reporters under article 4.

14. Collect and account for fees paid to the board of bar examiners under chapter 610.

15. Perform other duties as assigned by the supreme court, or the chief justice, or by law.

Sec. 1210. NEW SECTION. 602.1210 SELECTION OF CHIEF JUDGES. Not later than December 15 in each odd-numbered year the chief justice shall appoint chief judges of the judicial districts, subject to the approval of the supreme court. The chief judge of a judicial district shall be appointed

from those district judges who are serving within the district. A chief judge shall serve for a two-year term and is eligible for reappointment. The supreme court, by majority vote, may remove a person from the position of chief judge. Vacancies in the office of chief judge shall be filled in the same manner. An order appointing a chief judge shall be filed with the clerk of the supreme court, who shall mail a copy to the clerk of the district court in each county in the judicial district.

Sec. 1211. NEW SECTION. 602.1211 DUTIES OF CHIEF JUDGES.

1. In addition to judicial duties, a chief judge of a judicial district shall supervise all judicial officers and court employees serving within the district. The chief judge shall by order fix the times and places of holding court, and shall designate the respective presiding judges, supervise the performance of all administrative and judicial business of the district, allocate the workloads of district associate judges and magistrates, and conduct judicial conferences to consider, study, and plan for improvement of the administration of justice.

2. A chief judge shall not attempt to direct or influence a judicial officer in a judicial ruling or decision.

3. A chief judge may appoint from among the other district judges of the district one or more assistants to serve throughout the judicial district. A chief judge may remove a person from the position of assistant. An assistant shall have administrative duties as specified in court rules or in the order of appointment. An appointment or removal shall be made by judicial order and shall be filed with the clerk of the district court in each county in the judicial district.

Sec. 1212. NEW SECTION. 602.1212 DISTRICT JUDICIAL CONFERENCES.

1. The district judges within a judicial district may convene as an administrative body as necessary to:

a. Prescribe local court procedures, subject to the approval of the supreme court.

b. Advise the chief judge respecting supervision and administration of the judicial district.

c. Exercise other duties, as established by law or by the supreme court.

2. A district judicial conference shall act by majority vote of its members.

Sec. 1213. NEW SECTION. 602.1213 DISTRICT COURT ADMINISTRATOR.

1. The chief judge of a judicial district shall appoint a district court administrator and may remove the administrator for cause.

2. The district court administrator shall assist the chief judge in the supervision and administration of the judicial district.

3. The district court administrator shall assist the state court administrator in the implementation of policies of the department and in the performance of the duties of the state court administrator.

4. The district court administrator shall employ and supervise all employees of the district court except court reporters, clerks of the district court, employees of the clerks of the district court, juvenile probation officers, and employees of juvenile probation officers.

5. The district court administrator shall comply with policies of the department and the judicial district.

6. The supreme court shall establish the qualifications for appointment as a district court administrator.

Sec. 1214. NEW SECTION. 602.1214 CLERK OF THE DISTRICT COURT.

1. The district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court, one for each county within the judicial election district. A person does not qualify for appointment

to the office of clerk of the district court unless the person is at the time of application a resident of the county in which the vacancy exists. A clerk of the district court may be removed from office for cause by a majority vote of the district judges of the judicial election district. Before removal, the clerk of the district court shall be notified of the cause for removal.

2. The clerk of the district court has the duties specified in article 9, and other duties as prescribed by law or by the supreme court.

3. The clerk of the district court shall assist the state court administrator and the district court administrator in carrying out the rules, directives, and procedures of the department and the judicial district.

4. The clerk of the district court shall comply with rules, directives, and procedures of the department and the judicial district.

Sec. 1215. NEW SECTION. 602.1214A RETENTION OF CLERKS OF THE DISTRICT COURT. A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition of ten percent of all eligible and registered electors in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

Sec. 1216. NEW SECTION. 602.1215 CHIEF JUVENILE COURT OFFICER.

1. The district judges within a judicial district, by majority vote, shall appoint a chief juvenile court officer and may remove the officer for cause.

2. The chief juvenile court officer is subject to the immediate supervision and direction of the chief judge of the judicial district.

3. The chief juvenile court officer, in addition to performing the duties of a juvenile court officer, shall supervise juvenile court officers and administer juvenile court services within the judicial district in accordance with law and with the rules, directives, and procedures of the department and the judicial district.

4. The chief juvenile court officer shall assist the state court administrator and the district court administrator in implementing rules, directives, and procedures of the department and the judicial district.

5. A chief juvenile court officer shall have other duties as prescribed by the supreme court or by the chief judge of the judicial district.

Sec. 1217. NEW SECTION. 602.1216 REMOVAL FOR CAUSE. Inefficiency, insubordination, incompetence, failure to perform assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the performance of the individual or of the department, conduct unbecoming a public employee, misconduct, or any other just and good cause constitutes cause for removal.

PART 3

BUDGETING AND FUNDING

Sec. 1301. NEW SECTION. 602.1301 FISCAL PROCEDURES.

1. The supreme court shall prepare an annual operating budget for the department, and shall submit a budget request to the general assembly for the fiscal period for which the general assembly is appropriating funds.

2. The chief justice shall include the department budget recommendations as part of the message on the condition of the department that is submitted under section 602.1207.

3. The state court administrator shall prescribe the procedures to be used by the operating components of the department with respect to the following:

- a. The preparation, submission, review, and revision of budget requests.
 - b. The allocation and disbursement of funds appropriated to the department.
 - c. The purchase of forms, supplies, equipment, and other property.
 - d. Other matters relating to fiscal administration.
4. The state court administrator shall prescribe practices and procedures for the accounting and internal auditing of funds of the department, including uniform practices and procedures to be used by judicial officers and court employees with respect to all funds, regardless of source.

Sec. 1302. NEW SECTION. 602.1302 STATE FUNDING.

- 1. Except as otherwise provided by section 602.1303 or other applicable law, the expenses of operating and maintaining the department shall be paid out of the general fund of the state from funds appropriated by the general assembly for the department. State funding shall be phased in as provided in section 10301.
- 2. The state shall provide suitable office space for a public defender if established for a county.
- 3. The supreme court may accept federal funds to be used in the operation of the department, but shall not expend any of these funds except pursuant to appropriation of the funds by the general assembly.

Sec. 1303. NEW SECTION. 602.1303 LOCAL FUNDING.

- 1. A county or city shall provide the district court for the county with physical facilities, including heat, water, electricity, maintenance, and custodial services, as follows:
 - a. A county shall provide courtrooms, offices, and other physical facilities which in the judgment of the board of supervisors are suitable for the district court, and for judicial officers of the district court, the clerk of the district court, juvenile court officers, and other court employees.

- b. If court is held in a city other than the county seat, the city shall provide courtrooms and other physical facilities which in the judgment of the city council are suitable.

2. A county shall pay the expenses of the members of the county magistrate appointing commission as provided in section 602.7501.

3. A county shall pay the compensation and expenses of the jury commission and assistants under chapter 609.

4. A county shall provide the district court with bailiff and other law enforcement services upon the request of a judicial officer of the district court.

5. A county shall pay the costs incurred in connection with the administration of juvenile justice under section 232.141.

6. A county shall pay the costs and expenses incurred in connection with grand juries.

7. A county or city shall pay the costs of its witnesses, depositions, and transcripts and the court fees and costs provided by law in criminal actions prosecuted by that county or city.

8. A county shall pay the fees and expenses allowed under sections 915.2 and 915.3, and shall pay the fees and expenses allowed under sections 915.5 and 915.6 with respect to witnesses for the prosecution.

Sec. 1304. NEW SECTION. 602.1304 REVENUES. Except as provided in article 9, all fees and other revenues collected by judicial officers and court employees shall be paid into the general fund of the state.

Sec. 1305. NEW SECTION. 602.1305 DISTRIBUTION OF REVENUES OF THE DISTRICT COURT. All fees, costs, forfeited bail, and other court revenues collected by the district court shall be distributed as provided in article 9.

PART 4
PERSONNEL.

Sec. 1401. NEW SECTION. 602.1401 PERSONNEL SYSTEM.

1. The supreme court shall establish, and may amend, a personnel system and a pay plan for court employees. The personnel system shall include a designation by position title, classification, and function of each position or class of positions within the department. Reasonable efforts shall be made to accommodate the individual staffing and management practices of the respective clerks of the district court. The personnel system, in the employment of court employees, shall not discriminate on the basis of race, creed, color, sex, national origin, religion, physical disability, or political party preference. The supreme court, in establishing the personnel system, shall implement the comparable worth directives issued by the state court administrator under section 602.1204, subsection 2.

2. The supreme court shall compile and publish all documents that establish the personnel system, and shall distribute a copy of the compilation and all amendments to each operating component of the department.

3. The state court administrator is the public employer of court employees for purposes of chapter 20, relating to public employment relations.

For purposes of chapter 20, certifications of employee organizations, which on July 1, 1983 represent employees who become court employees as a result of this Act, shall remain in effect when the employees become court employees and thereafter, unless a public employee files a petition under section 20.14, subsection 3, and the employee organization is decertified in an election held under section 20.15. However, collective bargaining negotiations shall be conducted by judicial district and the certified employee organizations which engage in bargaining shall negotiate by judicial district. The public employment relations board shall adopt rules pursuant to chapter 17A to implement this subsection.

4. The supreme court may establish reasonable classes

of employees and a pay plan for the classes of employees as necessary to accomplish the purposes of the personnel system.

Sec. 1402. NEW SECTION. 602.1402 PERSONNEL CONTROL.

The employment of court employees within an operating component of the judicial department is subject to prior authorization by the supreme court, and to approval by the state court administrator under section 602.1209.

PART 5

COMPENSATION OF JUDICIAL OFFICERS AND COURT EMPLOYEES

Sec. 1501. NEW SECTION. 602.1501 JUDICIAL SALARIES.

1. The chief justice and each justice of the supreme court shall receive the salary set by the general assembly.

2. The chief judge and each judge of the court of appeals shall receive the salary set by the general assembly.

3. The chief judge of each judicial district and each district judge shall receive the salary set by the general assembly.

4. District associate judges shall receive the salary set by the general assembly. However, an alternate district associate judge whose appointment is authorized under section 602.7303 shall receive a salary for each day of actual duty equal to a district associate judge's daily salary.

5. Magistrates shall receive the salary set by the general assembly, subject to section 602.7402.

Sec. 1502. NEW SECTION. 602.1502 STATE COURT ADMINISTRATION SALARIES.

1. The supreme court shall set the compensation of the state court administrator, deputy administrator, and research director within the funds appropriated by the general assembly.

2. The state court administrator, with the approval of the supreme court, shall set the salaries of assistants and employees of the office of the state court administrator within the funds appropriated by the general assembly.

Sec. 1503. NEW SECTION. 602.1503 APPELLATE COURT EMPLOYEE SALARIES.

1. The supreme court shall set the salary of the clerk of the supreme court within the funds appropriated by the general assembly.

2. The clerk of the supreme court, subject to the approval of the supreme court, shall set the salaries of deputies and employees in the offices of the clerk of the supreme court and the clerk of the court of appeals.

3. The state court administrator, subject to the approval of the supreme court, shall set the salaries of law clerks, secretaries, and other employees of the supreme court or the court of appeals.

Sec. 1504. NEW SECTION. 602.1504 DISTRICT COURT ADMINISTRATION SALARIES.

1. The chief judge of a judicial district shall set the salary of the district court administrator within the funds appropriated by the general assembly and in accordance with the pay plan established under section 602.1401.

2. The salaries of law clerks, secretaries, and other employees under the supervision of the district court administrator shall be set by the district court administrator, subject to the approval of the chief judge of the judicial district.

Sec. 1505. NEW SECTION. 602.1505 DISTRICT COURT CLERK OFFICES--SALARY LIMITATION.

1. The chief judge of each judicial district shall set the salaries of the clerks of the district court within the judicial district. A clerk of the district court shall not receive a salary in excess of the highest salary paid to the county auditor, the county treasurer, or the county recorder in the county in which the clerk serves.

2. The annual salary of a deputy to a clerk of the district court shall not exceed eighty percent of the annual salary of the clerk of the district court.

3. A clerk of the district court shall set the salaries of the deputy clerks and employees of that office, subject

to subsection 2 and to the approval of the chief judge of the judicial district.

Sec. 1506. NEW SECTION. 602.1506 JUVENILE COURT OFFICERS AND STAFF.

1. The chief judge of the judicial district shall set the salaries for the chief juvenile court officer and other juvenile court officers employed in the district.

2. The chief juvenile court officer shall set the salaries of secretarial, clerical, and other staff employed by the juvenile court in the judicial district, subject to the approval of the chief judge of the judicial district.

Sec. 1507. NEW SECTION. 602.1507 COURT REPORTER SALARIES.

1. The supreme court shall set the salary of each full-time court reporter of the district court based on the reporter's experience within the funds appropriated by the general assembly. A salary increase under this subsection is effective on the employment anniversary of the court reporter.

2. Each district judge and district associate judge, upon appointing a full-time court reporter, shall certify the name and address of the reporter and the date upon which the reporter's term of service begins to the state court administrator.

3. Court reporters who are employed on an emergency basis in the district court shall be paid not more than their usual and customary fees, while employed by the court. Payments shall be made at least once each month.

4. Court reporters shall be paid compensation for transcribing their notes as provided in section 602.4202, but shall not work on outside depositions during the hours for which they are compensated as a court employee.

Sec. 1508. NEW SECTION. 602.1508 COMPENSATION OF REFEREES. Referees and other persons referred to in section 602.7602 shall receive a salary or other compensation as set by the supreme court.

Sec. 1509. NEW SECTION. 602.1509 EXPENSES.

1. When a judicial officer, court employee, or other person providing professional services to the courts is required to travel in the discharge of official duties, the person shall be paid actual and necessary expenses incurred in the performance of duties, not to exceed a maximum amount established by the supreme court. The supreme court shall prescribe procedures to establish the maximum amount, terms, and conditions for reimbursement of the expenses.

2. The supreme court may authorize juvenile court officers to receive a monthly allowance for use of an automobile in the discharge of official duties in lieu of receiving an expense reimbursement based on mileage.

Sec. 1510. NEW SECTION. 602.1510 BOND EXPENSE. The cost of a bond that is required of a judicial officer or court employee in the discharge of duties shall be paid by the department.

Sec. 1511. NEW SECTION. 602.1511 BOARD OF EXAMINERS FOR SHORTHAND REPORTERS. Members of the board of examiners for certified shorthand reporters appointed under article 4 shall receive actual and necessary expenses pursuant to section 602.1509 and per diem compensation for each day actually engaged in the discharge of duties.

Sec. 1512. NEW SECTION. 602.1512 COMMISSION ON JUDICIAL QUALIFICATIONS. The members of the commission on judicial qualifications established under section 602.3102, other than the judicial member, shall receive per diem compensation for each day that they are actually engaged in the performance of duties. All of the members shall be reimbursed for actual and necessary expenses pursuant to section 602.1509.

Sec. 1513. NEW SECTION. PER DIEM COMPENSATION. The supreme court shall set the per diem compensation under sections 602.1511 and 602.1512 at forty dollars per day.

PART 6

GENERAL PROVISIONS

Sec. 1601. NEW SECTION. 602.1601 JUDICIAL PROCEEDINGS PUBLIC. All judicial proceedings shall be public, unless otherwise specially provided by statute or agreed to by the parties.

Sec. 1602. NEW SECTION. 602.1602 SUNDAY--PERMISSIBLE ACTS. A court shall not be opened on Sunday and judicial business shall not be transacted on Sunday, except to:

1. Give instructions to a jury then deliberating on its verdict.
2. Receive a verdict or discharge a jury.
3. Exercise the powers of a magistrate in a criminal proceeding.
4. Perform other acts as provided by law.

Sec. 1603. NEW SECTION. 602.1603 JUDGE TO BE ATTORNEY. A person is not eligible for, and shall not hold the office of supreme court justice, court of appeals judge, district judge, or district associate judge unless admitted to the practice of law in this state.

Sec. 1604. NEW SECTION. 602.1604 JUDGES SHALL NOT PRACTICE LAW. While holding office, a supreme court justice, court of appeals judge, district judge, or district associate judge shall not practice as an attorney or counselor or give advice in relation to any action pending or about to be brought in any of the courts of the state. A person whose appointment as an alternate district associate judge is authorized under section 602.7303 may practice law except when actually serving as a district associate judge.

Sec. 1605. NEW SECTION. 602.1605 SPECIAL CONDITIONS FOR MAGISTRATES.

1. A magistrate shall not accept any compensation, fee, or reward from or on behalf of anyone for services rendered in the conduct of official business except the compensation provided by law.

2. If a magistrate who practices law appears as counsel for a client in a matter that is within the jurisdiction of

a magistrate, that matter shall be heard only by a district judge or a district associate judge. A disqualification under this section shall be had upon motion of the magistrate or of any party, either orally or in writing, and the clerk of the district court shall reassign the matter to a proper judicial officer.

Sec. 1606. NEW SECTION. 602.1606 JUDICIAL OFFICER DISQUALIFIED. A judicial officer is disqualified from acting in a proceeding, except upon the consent of all of the parties, if any of the following circumstances exists:

1. The judicial officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.
2. The judicial officer served as a lawyer in the matter in controversy, or a lawyer with whom the judicial officer previously practiced law served during that association as a lawyer concerning the matter, or the judicial officer or such lawyer has been a material witness concerning the matter.
3. The judicial officer knows that the officer, individually or as a fiduciary, or the officer's spouse or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person has a financial interest in the subject matter in controversy or in a party to the proceeding, or has any other interest that could be substantially affected by the outcome of the proceeding.
4. The judicial officer or the officer's spouse, or a person related to either of them by consanguinity or affinity within the third degree or the spouse of such a person, is a party to the proceeding, or an officer, director, or trustee of a party, or is acting as a lawyer in the proceeding, or is known by the judicial officer to have an interest that could be substantially affected by the outcome of the proceeding, or is, to the judicial officer's knowledge, likely to be a material witness in the proceeding.

A judicial officer shall disclose to all parties in a proceeding any existing circumstances in subsections 1 through 4 before the parties consent to the judicial officer's presiding in the proceeding.

Sec. 1607. NEW SECTION. 602.1607 COURT EMPLOYEES SHALL NOT PRACTICE LAW. A full-time court employee shall not practice as an attorney or counselor of law.

Sec. 1608. NEW SECTION. 602.1608 SALARIES EXCLUSIVE. Court employees shall not accept any compensation, fee, or reward for services rendered in connection with duties of court employment except the compensation provided by law.

Sec. 1609. NEW SECTION. 602.1609 COMPLIANCE WITH GIFT LAW. Judicial officers and court employees shall comply with rules adopted by the supreme court under section 68B.11 with respect to the reporting of gifts received. Violations are subject to the criminal penalties provided in that section.

Sec. 1610. NEW SECTION. 602.1610 MANDATORY RETIREMENT.

1. Judicial officers shall cease to hold office upon reaching the mandatory retirement age.

a. The mandatory retirement age is seventy-five years for all justices of the supreme court and district judges holding office on July 1, 1965.

b. The mandatory retirement age is seventy-two years for all justices of the supreme court, judges of the court of appeals, and district judges appointed to office after July 1, 1965.

c. The mandatory retirement age is seventy-two years for all district associate judges and judicial magistrates.

2. The mandatory retirement age for employees of the judicial department is as provided in section 97B.46.

Sec. 1611. NEW SECTION. 602.1611 JUDICIAL RETIREMENT PROGRAMS.

1. Justices of the supreme court, judges of the court of appeals and district judges are members of either the judicial retirement system or the Iowa public employees'

retirement system, as determined under section 97B.69 and article 2, part 1.

2. District associate judges who were municipal court judges prior to July 1, 1973, and who are members of the judicial retirement system under article 2 shall remain members of the system. Other district associate judges are members of the Iowa public employees' retirement system, except that alternate district associate judges whose appointment is authorized under section 602.7303 are not members of either retirement system.

3. Magistrates may elect to be members of the Iowa public employees' retirement system upon filing in writing with the Iowa department of job service as provided in section 97B.41, subsection 3, paragraph b, subparagraph (6).

Sec. 1612. NEW SECTION. 602.1612 TEMPORARY SERVICE BY RETIRED JUDGES.

1. Justices of the supreme court, judges of the court of appeals, district judges, and district associate judges who are retired by reason of age or who are drawing benefits under section 602.2106, and senior judges who have retired under section 602.2207 or who have relinquished senior judgeship under section 602.2208, subsection 1, may with their consent be assigned by the supreme court or by the chief judge in the case of district associate judges to temporary judicial duties on a court in this state. A retired justice or judge shall not be assigned to temporary judicial duties on any court superior to the highest court to which that justice or judge had been appointed prior to retirement, and shall not be assigned for temporary duties with the supreme court or the court of appeals except in the case of a temporary absence of a member of one of those courts.

2. A retired justice or judge shall not engage in the practice of law unless the justice or judge files an election to practice law with the clerk of the supreme court. Upon electing to practice law, the justice or judge is ineligible for assignment to temporary judicial duties at any time.

3. While serving under temporary assignment, a retired justice or judge shall be paid the compensation and expense reimbursement provided by law for justices or judges on the court to which assigned, but shall not receive annuity payments under the judicial retirement system and a district associate judge covered under chapter 97B shall receive monthly benefits under that chapter only if the district associate judge has attained the age of seventy years.

4. A retired justice or judge may be authorized by the order of assignment to appoint a temporary court reporter, who shall receive the compensation and expense reimbursement provided by law for a regular court reporter in the court to which the justice or judge is assigned.

5. An order of assignment shall be filed in the office of the clerk of the court on which the justice or judge is to serve.

Sec. 1613. NEW SECTION. 602.1613 COURT EMPLOYEE RETIREMENT. Court employees are members of the Iowa public employees' retirement system under chapter 97B, except as otherwise provided in that chapter.

ARTICLE 3

DISCIPLINE AND REMOVAL OF JUDICIAL OFFICERS

PART 1

SUPREME COURT ACTION

Sec. 3101. NEW SECTION. 602.3101 AUTHORITY. The supreme court may retire, discipline, or remove a judicial officer from office for cause as provided in this part.

Sec. 3102. NEW SECTION. 602.3102 COMMISSION ON JUDICIAL QUALIFICATIONS.

1. A seven-member "Commission on Judicial Qualifications" is established. The commission consists of one district judge and two members who are practicing attorneys in Iowa and who do not belong to the same political party, to be appointed by the chief justice; and four electors of the state who are not attorneys, no more than two of whom belong to the same

political party, to be appointed by the governor, subject to confirmation by the senate. The commission members shall serve for six-year terms, are ineligible for a second term, and except for the judicial member shall not hold any other office or and shall not be employed by the United States or the state of Iowa or its political subdivisions. Members appointed by the chief justice shall serve terms beginning January 1 of the year for which the appointments are made and members appointed by the governor shall serve staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled by appointment by the chief justice or governor as provided in this subsection, for the unexpired portion of the term.

2. If the judicial member is the subject of a charge before the commission, the chief justice shall appoint a district judge of another judicial district to act as the judicial member of the commission until the person charged is exonerated, or for the unexpired portion of the term if the person charged is not exonerated. If the judicial member is a resident judge of the same judicial district as the judicial officer who is the subject of a charge before the commission, the chief justice shall appoint a district judge of another judicial district to act as the judicial member during that proceeding.

3. The commission shall elect its own chairperson, and the state court administrator or a designee of the state court administrator is the executive secretary of the commission.

Sec. 3103. NEW SECTION. 602.3103 OPERATION OF COMMISSION. A quorum of the commission is four members. Only those commission members that are present at commission meetings or hearings may vote. An application by the commission to the supreme court to retire, discipline, or remove a judicial officer, or an action by the commission which affects the final disposition of a complaint, requires the affirmative vote of at least four commission members. Notwithstanding

chapter 28A and chapter 68A, all records, papers, proceedings, meetings, and hearings of the commission are confidential, but if the commission applies to the supreme court to retire, discipline, or remove a judicial officer, the application and all of the records and papers in that proceeding are public documents.

Sec. 3104. NEW SECTION. 602.3104 PROCEDURE BEFORE COMMISSION.

1. Charges before the commission shall be in writing but may be simple and informal. The commission shall investigate each charge as indicated by its gravity. If the charge is groundless, it shall be dismissed by the commission. If the charge appears to be substantiated but does not warrant application to the supreme court, the commission may dispose of it informally by conference with or communication to the judicial officer involved. If the charge appears to be substantiated and if proved would warrant application to the supreme court, notice shall be given to the judicial officer and a hearing shall be held before the commission. The commission may employ investigative personnel, in addition to the executive secretary, as it deems necessary.

2. In case of a hearing before the commission, written notice of the charge and of the time and place of hearing shall be mailed to the judicial officer at the officer's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer resides unless the commission and the judicial officer agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge, unless otherwise ordered by the commission. The commission has subpoena power on behalf of the state and the judicial officer, and disobedience of the commission's subpoena is punishable as contempt in the district court for the county in which the hearing is held. The attorney general shall prosecute the charge before the commission on behalf

of the state. The judicial officer may defend and has the right to participate in person and by counsel, to cross-examine, to be confronted by the witnesses, and to present evidence in accordance with the rules of civil procedure. A complete record shall be made of the evidence by a court reporter. In accordance with its findings on the evidence, the commission shall dismiss the charge or make application to the supreme court to retire, discipline, or remove the judicial officer.

Sec. 3105. NEW SECTION. 602.3105 RULES. The commission shall prescribe rules for its operation and procedure.

Sec. 3106. NEW SECTION. 602.3106 PROCEDURE BEFORE SUPREME COURT.

1. If the commission submits an application to the supreme court to retire, discipline, or remove a judicial officer, the commission shall promptly file in the supreme court a transcript of the hearing before the commission. The statutes and rules relative to proceedings in appeals of equity suits apply.

2. The attorney general shall prosecute the proceedings in the supreme court on behalf of the state, and the judicial officer may defend in person and by counsel.

3. Upon application by the commission, the supreme court may do either of the following:

a. Retire the judicial officer for permanent physical or mental disability which substantially interferes with the performance of judicial duties.

b. Discipline or remove the judicial officer for persistent failure to perform duties, habitual intemperance, willful misconduct in office, conduct which brings judicial office into disrepute, or substantial violation of the canons of judicial ethics. Discipline may include suspension without pay for a definite period of time not to exceed twelve months.

4. If the supreme court finds that the application should be granted in whole or in part, it shall render the decree that it deems appropriate.

Sec. 3107. NEW SECTION. 602.3107 CIVIL IMMUNITY. The making of charges before the commission, the giving of evidence or information before the commission or to an investigator employed by the commission, and the presentation of transcripts, extensions of evidence, briefs, and arguments in the supreme court are privileged in actions for defamation.

PART 2

OTHER PROCEEDINGS

Sec. 3201. NEW SECTION. 602.3201 IMPEACHMENT. Judicial officers may be removed from office by impeachment pursuant to chapter 68.

ARTICLE 4

CERTIFICATION AND REGULATION OF SHORTHAND REPORTERS

PART 1

CERTIFICATION

Sec. 4101. NEW SECTION. 602.4101 BOARD OF EXAMINERS.

1. A five-member board of examiners of shorthand reporters is established, consisting of three certified shorthand reporters and two persons who are not certified shorthand reporters and who shall represent the general public. Members shall be appointed by the supreme court. A certified member shall be actively engaged in the practice of certified shorthand reporting and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of certified shorthand reporters may recommend the names of potential board members to the supreme court, but the supreme court is not bound by the recommendations. A board member shall not be required to be a member of a professional association or society composed of certified shorthand reporters.

2. The state court administrator or a designee of the state court administrator shall act as secretary to the board.

Sec. 4102. NEW SECTION. 602.4102 TERMS OF OFFICE. Appointments shall be for three-year terms and each term shall

commence on July 1 of the year in which the appointment is made. Vacancies shall be filled for the unexpired term by appointment by the supreme court. Members shall serve a maximum of three terms or nine years, whichever is less.

Sec. 4103. NEW SECTION. 602.4103 PUBLIC MEMBERS. The public members of the board may participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 4104. NEW SECTION. 602.4104 MEETINGS. The board of examiners shall fix stated times for the examination of the candidates and shall hold at least one meeting each year at the seat of government. A majority of the members of the board constitutes a quorum.

Sec. 4105. NEW SECTION. 602.4105 APPLICATIONS. Applications for certification shall be on forms prescribed and furnished by the board and the board shall not require that the application contain a photograph of the applicant. An applicant shall not be denied certification because of age, citizenship, sex, race, religion, marital status, or national origin although the application may require citizenship information. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of certified shorthand reporting. Character references may be required, but shall not be obtained from certified shorthand reporters.

Sec. 4106. NEW SECTION. 602.4106 FEES.

1. The supreme court shall set the fees for examination and for certification. The fee for examination shall be based on the annual cost of administering the examinations. The fee for certification shall be based upon the administrative costs of sustaining the board, which shall include but shall not be limited to the cost for per diem, expenses, and travel for board members, and office facilities, supplies, and equipment.

2. The state court administrator shall collect and account for all fees payable to the board.

Sec. 4107. NEW SECTION. 602.4107 EXAMINATIONS. The board may administer as many examinations per year as necessary, but shall administer at least one examination per year. The scope of the examinations and the methods of procedure shall be prescribed by the board. A written examination may be conducted by representatives of the board. Examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination also shall be concealed as far as possible. Applicants who fail the examination once may take the examination at the next scheduled time. Thereafter, the applicant may be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, and the board shall provide the information. However, if the board administers a uniform, standardized examination, the board is only required to provide the examination grade and other information concerning the applicant's examination results that is available to the board.

PART 2

REGULATION

Sec. 4201. NEW SECTION. 602.4201 UNLAWFUL USE OF TITLE. A person who is certified by the board is a certified shorthand reporter. A person who is not certified by the board shall not assume the title of certified shorthand reporter, or use the abbreviation C.S.R., or any words, letters, or figures to indicate that the person is a certified shorthand reporter.

Sec. 4202. NEW SECTION. 602.4202 TRANSCRIPT FEE. Certified shorthand reporters are entitled to receive

compensation for transcribing their official notes as set by rule of the supreme court, to be paid for in all cases by the party ordering the transcription.

Sec. 4203. NEW SECTION. 602.4203 REVOCATION OR SUSPENSION. A certification may be revoked or suspended if the person is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of shorthand reporting, or engaging in unethical conduct or in a practice that is harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the practice of shorthand reporting or conviction of a felony that would affect the ability to practice shorthand reporting. A copy of the record of conviction or plea of guilty is conclusive evidence.
6. Fraud in representations relating to skill or ability.
7. Use of untruthful or improbable statements in advertisements.

PART 3

PENAL PROVISIONS

Sec. 4301. NEW SECTION. 602.4301 MISUSE OF CONFIDENTIAL INFORMATION--PENALTY.

1. A member of the board shall not disclose information relating to the following:
 - a. Criminal history or prior misconduct of the applicant.
 - b. The contents of the examination.
 - c. Examination results other than final scores except for information about the results of an examination which is given to the person who took the examination.
2. A member of the board who willfully communicates or seeks to communicate information referred to in subsection

1, or a person who willfully requests, obtains, or seeks to obtain information referred to in subsection 1, is guilty of a simple misdemeanor.

Sec. 4302. NEW SECTION. 602.4302 VIOLATIONS PUNISHED. A person who violates any provision of this article is guilty of a simple misdemeanor.

ARTICLE 5

SUPREME COURT

PART 1

GENERAL PROVISIONS

Sec. 5101. NEW SECTION. 602.5101 JUSTICES--QUORUM.

1. The supreme court consists of nine justices. A majority of the justices sitting constitutes a quorum, but less than three justices is not a quorum.

2. Justices of the supreme court shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. Justices of the supreme court shall qualify for office as provided in chapter 63.

Sec. 5102. NEW SECTION. 602.5102 JURISDICTION.

1. The supreme court has appellate jurisdiction only in cases in chancery, and constitutes a court for the correction of errors at law. The jurisdiction of the supreme court is coextensive with the state.

2. A civil or criminal action or special proceeding filed with the supreme court for appeal or review, may be transferred by the supreme court to the court of appeals by issuing an order of transfer. The jurisdiction of the supreme court in the matter ceases upon the filing of that order by the clerk of the supreme court. A matter which has been transferred to the court of appeals pursuant to order of the supreme court is not thereafter subject to the jurisdiction of the supreme court, except as provided in subsection 4.

3. The supreme court shall prescribe rules for the transfer of matters to the court of appeals. These rules may provide for the selective transfer of individual cases and may provide

for the transfer of cases according to subject matter or other general criteria. Rules relating to the transfer of cases are subject to section 602.5202. A rule shall not provide for the transfer of a matter other than by an order of transfer under subsection 2.

4. A party to an appeal decided by the court of appeals may, as a matter of right, file an application with the supreme court for further review. An application for further review shall not be granted by the supreme court unless the application was filed within twenty days following the filing of the decision of the court of appeals. The court of appeals shall extend the time for filing of an application if the court of appeals determines that a failure to timely file an application was due to the failure of the clerk of the court of appeals to notify the prospective applicant of the filing of the decision. If an application for further review is not acted upon by the supreme court within thirty days after the application was filed, the application is deemed denied, the supreme court loses jurisdiction, and the decision of the court of appeals is conclusive.

5. The supreme court shall prescribe rules of appellate procedure which shall govern further review by the supreme court of decisions of the court of appeals. These rules shall contain, but need not be limited to, a specification of the grounds upon which further review may, in the discretion of the supreme court, be granted. These rules are subject to section 602.5202.

Sec. 5103. NEW SECTION. 602.5103 CHIEF JUSTICE. The justices of the supreme court shall select one justice as chief justice, to serve during that justice's term of office. The chief justice is eligible for reselection. The chief justice shall appoint one of the other justices to act during the absence or inability of the chief justice to act, and when so acting the appointee has all the rights, duties, and powers of the chief justice.

Sec. 5104. NEW SECTION. 602.5104 DIVISIONS--FULL COURT.

1. The supreme court may be divided into divisions of three or more justices in the manner it prescribes by rule. The divisions may hold open court separately and cases may be submitted to each division separately, in accordance with these rules.

2. The supreme court shall prescribe rules for the submission of a case or petition for rehearing whenever differences arise between members of divisions or whenever the chief justice orders or directs the submission of the question or petition for rehearing by the whole court.

3. The supreme court shall prescribe rules to provide for the submission of cases to the entire bench or to the separate divisions. These rules are subject to section 602.5202.

Sec. 5105. NEW SECTION. 603.5105 TIME AND PLACE COURT MEETS. The supreme court shall hold court at the seat of state government and elsewhere as the court orders, and at the times the court orders.

Sec. 5106. NEW SECTION. 602.5106 OPINIONS--REPORTS.

1. The decisions of the court on all questions passed upon by it, including motions and points of practice, shall be specifically stated, and shall be accompanied with an opinion upon those which are deemed of sufficient importance, together with any dissents, which dissents may be stated with or without an opinion. All decisions and opinions shall be in writing and filed with the clerk, except that rulings upon motions may be entered upon the announcement book.

2. The records and reports for each case shall show whether a decision was made by a full bench, and whether any, and if so which, of the judges dissented from the decision.

3. The supreme court may publish reports of its official opinions, or it may direct that publication of the opinions by a private publisher shall be considered the official reports.

4. If the decision, in the judgment of the court, is not of sufficient general importance to be published, it shall be so designated, in which case it shall not be included in the reports, and no case shall be reported except by order of the full bench.

Sec. 5107. NEW SECTION. 602.5107 DIVIDED COURT. When the supreme court is equally divided in opinion, the judgment of the court below shall stand affirmed, but the decision of the supreme court is of no further force or authority. Opinions may be filed in these cases.

Sec. 5108. NEW SECTION. 602.5108 ATTENDANCE OF SHERIFF OF POLK COUNTY. The court may require the attendance and services of the sheriff of Polk county at any time.

PART 2

RULES OF PROCEDURE

Sec. 5201. NEW SECTION. 602.5201 RULES GOVERNING ACTIONS AND PROCEEDINGS.

1. The supreme court may prescribe all rules of pleading, practice, evidence, and procedure, and the forms of process, writs, and notices, for all proceedings in all courts of this state, for the purposes of simplifying the proceedings and promoting the speedy determination of litigation upon its merits. Rules are subject to section 602.5202.

2. Rules of appellate procedure relating to appeals to and review by the supreme court, discretionary review by the courts of small claims actions, review by the supreme court by writ of certiorari to inferior courts, appeal to or review by the court of appeals of a matter transferred to that court by the supreme court, and further review by the supreme court of decisions of the court of appeals, shall be known as "Rules of Appellate Procedure", and shall be published as provided in section 14.12, subsection 7.

Sec. 5202. NEW SECTION. 602.5202 RULE-MAKING PROCEDURE.

1. The procedures in this section apply to rules prescribed by the supreme court under section 602.5201, and to any other

rule-making authority which is specifically conditioned upon or made subject to this section.

2. Rules and forms prescribed by the supreme court shall be reported by the court to the chairperson and ranking member of the senate judiciary committee, the chairperson and ranking member of the house judiciary and law enforcement committee, and the legislative council within twenty days of the issuance of the rules or forms.

3. After sixty days, rules and forms reported, as provided in subsection 2, shall take effect as of that date or as of the date provided in the court's report, if later, and shall be enrolled in substantially the same manner as Acts are enrolled and shall be filed with the secretary of state and bound with the Acts of the general assembly, provided that no request for delay has been made pursuant to subsection 4.

4. Upon the vote of a majority of its members, the legislative council may, within sixty days of receiving a report pursuant to subsection 2, delay the effective date of a rule or form until July 1 following the date of their submission, with such changes, if any, that may have been enacted by the general assembly, and thereafter all laws in conflict are of no force or effect.

PART 3

ADMINISTRATION

Sec. 5301. NEW SECTION. 602.5301 CLERK OF SUPREME COURT.

1. The supreme court shall appoint a clerk of the supreme court and may remove the clerk for cause.

2. The clerk of the supreme court shall have an office at the seat of government, shall keep a complete record of the proceedings of the court, and shall not allow an opinion filed in the office to be removed. Opinions shall be open to examination and, upon request, may be copied and certified. The clerk promptly shall announce by mail to one of the attorneys on each side any ruling made or decision rendered.

shall record every opinion rendered as soon as filed, shall mail a copy of each opinion rendered to each attorney of record and to each party not represented by counsel, and shall perform all other duties pertaining to the office of clerk.

3. The clerk of the supreme court shall collect and account to the state court administrator for all fees received by the supreme court.

4. The clerk of the supreme court shall give bond as provided in chapter 64.

Sec. 5302. NEW SECTION. 602.5302 DEPUTY CLERK--STAFF.

1. The clerk of the supreme court may appoint a deputy clerk of the supreme court. In the absence or disability of the clerk, the deputy shall perform the duties of the clerk.

2. The clerk of the supreme court may employ necessary staff, as authorized by the supreme court.

Sec. 5303. NEW SECTION. 602.5303 SUPREME COURT FEES.

1. The supreme court shall by rule prescribe fees for the services of the court and clerk of the supreme court.

2. Rules prescribed under this section are subject to section 602.5202.

3. If any of the fees are not paid in advance, execution may issue for them, except for fees payable by the county or the state.

Sec. 5304. NEW SECTION. 602.5304 SUPREME COURT STAFF.

1. The supreme court may appoint not more than nine attorneys or graduates of a reputable law school to act as legal assistants to the justices of the supreme court.

2. The supreme court may employ other professional and clerical staff as necessary to accomplish the judicial duties of the court.

Sec. 5305. NEW SECTION. 602.5305 LIMITATION ON EXPENSES.

A justice of the supreme court may choose whether to reside at the seat of government or elsewhere. The court administrator may approve necessary travel and actual

expenses, incurred by a justice of the supreme court for attendance at oral arguments and judicial conferences, not to exceed the maximum amount established by the supreme court pursuant to section 602.1509.

ARTICLE 6

COURT OF APPEALS

PART 1

GENERAL PROVISIONS

Sec. 6101. NEW SECTION. 602.6101 COURT OF APPEALS.

The Iowa court of appeals is established as an intermediate court of appeals. The court of appeals is a court of record.

Sec. 6102. NEW SECTION. 602.6102 JUDGES--QUORUM.

1. The court of appeals consists of five judges; three judges of the court of appeals constitute a quorum.

2. Judges of the court of appeals shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. Judges of the court of appeals shall qualify for office as provided in chapter 63.

3. A person appointed as a judge of the court of appeals must satisfy all requirements for a justice of the supreme court.

Sec. 6103. NEW SECTION. 602.6103 JURISDICTION.

1. The jurisdiction of the court of appeals is coextensive with the state. The court of appeals has appellate jurisdiction only in cases in chancery, and constitutes a court for the correction of errors at law.

2. The court of appeals has subject matter jurisdiction to review the following matters:

a. Civil actions and special civil proceedings, whether at law or in equity.

b. Criminal actions.

c. Postconviction remedy proceedings.

d. A judgment of a district judge in a small claims action.

3. The jurisdiction of the court of appeals with respect to actions and parties is limited to those matters for which

an appeal or review proceeding properly has been brought before the supreme court, and for which the supreme court pursuant to section 602.5102 has entered an order transferring the matter to the court of appeals.

4. The court of appeals and judges of the court may issue writs and other process necessary for the exercise and enforcement of the court's jurisdiction, but a writ, order, or other process issued in a matter that is not before the court pursuant to an order of transfer issued by the supreme court is void.

Sec. 6104. NEW SECTION. 602.6104 SESSIONS--LOCATION. The court of appeals shall meet at the seat of state government at the times specified by order of the supreme court. Court sessions shall be held in the courtroom of the supreme court at the statehouse.

Sec. 6105. NEW SECTION. 602.6105 CHIEF JUDGE.

1. At the first meeting in each odd-numbered year the judges of the court of appeals by majority vote shall designate one judge as chief judge, to serve for a two-year term. A vacancy in the office of chief judge shall be filled for the remainder of the unexpired term by majority vote of the judges of the court of appeals, after any vacancy on the court has been filled.

2. The chief judge shall supervise the business of the court and shall preside when present at a session of the court.

3. If the chief judge desires to be relieved of the duties of chief judge while retaining the status of judge of the court of appeals, the chief judge shall notify the chief justice and the other judges of the court of appeals. The office of chief judge shall be deemed vacant, and shall be filled as provided in this section.

4. In the absence of the chief judge, the duties of the chief judge shall be exercised by the judge next in precedence. Judges of the court of appeals other than the chief judge

have precedence according to the length of time served on that court. Of several judges having equal periods of time served, the eldest has precedence.

Sec. 6106. NEW SECTION. 602.6106 DECISIONS OF THE COURT--FINALITY.

1. The court of appeals may affirm, modify, vacate, set aside, or reverse any judgment, order, or decree of the district court or other tribunal which is under the jurisdiction of the court, and may remand the cause and direct the entry of an appropriate judgment, order, or decree, or require further proceedings to be had as is just. If the judges are equally divided on the ultimate decision, the judgment, order, or decree shall be affirmed.

2. A decision of the court of appeals is final and shall not be reviewed by any other court except upon the granting by the supreme court of an application for further review as provided in section 602.5102. Upon the filing of the application, the judgment and mandate of the court of appeals is stayed pending action of the supreme court or until the expiration of the time specified in section 602.5102, subsection 4.

Sec. 6107. NEW SECTION. 602.6107 RULES. The court of appeals, subject to the approval of the supreme court, may prescribe rules for the conduct of business of the court of appeals. Rules prescribed shall not abridge, enlarge, or modify a substantive right.

Sec. 6108. NEW SECTION. 602.6108 WHEN DECISIONS EFFECTIVE. A decision of the court of appeals shall be in writing, and shall be effective, except as provided in section 602.6106, subsection 2, when the decision of the court is filed with the clerk of the supreme court.

Sec. 6109. NEW SECTION. 602.6109 PROCESS--STYLE--SEAL.

1. Process of the court of appeals shall be styled: "In the Court of Appeals of Iowa".

2. The supreme court may adopt a seal for the court of appeals. Upon adoption, the clerk of the supreme court shall file a facsimile and description of the design in the office of the secretary of state. Judicial notice shall be taken of the official seal of the court of appeals.

Sec. 6110. NEW SECTION. 602.6110 RECORDS. The records of the court of appeals shall be kept by the clerk of the supreme court, and at the same place as, but segregated from the records of the supreme court. Records of the court of appeals shall be maintained in the same manner as records of the supreme court under article 5.

Sec. 6111. NEW SECTION. 602.6111 PUBLICATION OF OPINIONS. The state court administrator shall cause the publication of opinions of the judges of the court of appeals in accordance with rules prescribed by the supreme court. Section 602.5106 applies to decisions of the court of appeals. The state court administrator shall cause the publication of abstracts of all decisions for which written opinions are not published.

Sec. 6112. NEW SECTION. 602.6112 FEES--COSTS. Costs to be collected and awarded in the court of appeals shall be as prescribed from time to time by the supreme court. Fees and costs may be awarded to a party to the appeal in the discretion of the court of appeals. A fee shall not be charged for the docketing of a matter in the court of appeals upon transfer from the supreme court.

PART 2

ADMINISTRATION

Sec. 6201. NEW SECTION. 602.6201 CLERK OF COURT.

1. The clerk of the supreme court or a deputy of that clerk shall act as clerk of the court of appeals. The clerk of the court of appeals shall keep a complete record of the proceedings of that court, shall collect the fees and costs prescribed by the supreme court, and shall account for all receipts and disbursements of the court of appeals.

2. The clerk of the supreme court, subject to the approval of the supreme court, may employ additional staff for the performance of duties relating to the court of appeals.

Sec. 6202. NEW SECTION. 602.6202 SECRETARY TO JUDGE. Each judge of the court of appeals may employ one personal secretary.

Sec. 6203. NEW SECTION. 602.6203 LAW CLERKS. The court of appeals may employ not more than five attorneys or graduates of a reputable law school to act as legal assistants to the court.

Sec. 6204. NEW SECTION. 602.6204 PHYSICAL FACILITIES. The state court administrator shall obtain suitable facilities for the court of appeals at the seat of state government. To the extent practicable, the court administrator shall utilize existing supreme court facilities.

Sec. 6205. NEW SECTION. 602.6205 LIMITATION ON EXPENSES.

1. Each judge of the court of appeals shall be provided personal office space and equipment, and facilities for a secretary and law clerk at the seat of state government only. Each judge may choose whether to reside at the seat of government or elsewhere. The court administrator may approve necessary travel and actual expenses, incurred by a judge of the court of appeals for attendance at oral arguments and judicial conferences, not to exceed the maximum amount established by the supreme court pursuant to section 602.1509.

2. State funds shall not be used for securing or maintaining facilities for court of appeals judges or employees at any place other than the seat of state government.

ARTICLE 7

DISTRICT COURT

PART 1

GENERAL PROVISIONS

Sec. 7101. NEW SECTION. 602.7101 UNIFIED TRIAL COURT. A unified trial court is established. This court is the "Iowa District Court". The district court has exclusive, general,

and original jurisdiction of all actions, proceedings, and remedies, civil, criminal, probate, and juvenile, except in cases where exclusive or concurrent jurisdiction is conferred upon some other court, tribunal, or administrative body. The district court has all the power usually possessed and exercised by trial courts of general jurisdiction, and is a court of record.

Sec. 7102. NEW SECTION. 602.7102 APPEALS AND WRITS OF ERROR. The district court has jurisdiction in appeals and writs of error taken in civil and criminal actions and special proceedings authorized to be taken from tribunals, boards, or officers under the laws of this state, and has general supervision thereof, in all matters, to prevent and correct abuses where no other remedy is provided.

Sec. 7103. NEW SECTION. 602.7103 COURT IN CONTINUOUS SESSION. The district court of each judicial district shall be in continuous session in all of the several counties comprising the district.

Sec. 7104. NEW SECTION. 602.7104 JUDICIAL OFFICERS.

1. The jurisdiction of the Iowa district court shall be exercised by district judges, district associate judges, and magistrates.

2. Judicial officers of the district court shall not sit together in the trial of causes nor upon the hearings of motions for new trials. They may hold court in the same county at the same time.

Sec. 7105. NEW SECTION. 602.7105 PLACES OF HOLDING COURT--MAGISTRATE SCHEDULES.

1. Courts shall be held at the places in each county designated by the chief judge of the judicial district, except that the determination of actions, special proceedings, and other matters not requiring a jury may be done at some other place in the district with the consent of the parties.

2. In any county having two county seats, court shall be held at each, and, in the county of Pottawattamie, court shall be held at Avoca, as well as at the county seat.

3. The chief judge of a judicial district shall designate times and places for magistrates to hold court to ensure accessibility of magistrates at all times throughout the district. The schedule of times and places of availability of magistrates and any schedule changes shall be disseminated by the chief judge to the peace officers within the district.

Sec. 7106. NEW SECTION. 602.7106 SESSIONS NOT AT COUNTY SEATS--EFFECT--DUTY OF CLERK. When court is held at a place that is not the county seat, all of the provisions of the Code relating to district courts are applicable, except as follows: All proceedings in the court have, within the territory over which the court has jurisdiction, the same force and effect as though ordered in the court at the county seat, but transcripts of judgments and decrees, levies of writs of attachment upon real estate, mechanics' liens, lis pendens, sales of real estate, redemption, satisfaction of judgments and mechanics' liens, and dismissals or decrees in lis pendens, together with all other matters affecting titles to real estate, shall be certified by the deputy clerk to the clerk of district court at the county seat who shall immediately enter them upon the records at the county seat.

Sec. 7107. NEW SECTION. 602.7107 JUDICIAL DISTRICTS. For all judicial purposes except as provided in section 602.7109, the state is divided into eight judicial districts as follows:

1. The first district consists of the counties of Dubuque, Delaware, Clayton, Allamakee, Winneshiek, Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

2. The second district consists of the counties of Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, Franklin, Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story, and Boone.

3. The third district consists of the counties of Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto,

Cherokee, Buena Vista, Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

4. The fourth district consists of the counties of Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page.

5. The fifth district consists of the counties of Guthrie, Dallas, Polk, Jasper, Madison, Warren, Marion, Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

6. The sixth district consists of the counties of Tama, Benton, Linn, Jones, Iowa, and Johnson.

7. The seventh district consists of the counties of Jackson, Clinton, Cedar, Scott, and Muscatine.

8. The eighth district consists of the counties of Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose, Davis, Van Buren, Louisa, Henry, Des Moines, and Lee.

Sec. 7108. NEW SECTION. 602.7108 REASSIGNMENT OF PERSONNEL. The chief justice of the supreme court shall assign judicial officers and court employees from one judicial district to another, on a continuing basis if need be, in order to handle the judicial business in all districts promptly and efficiently at all times.

Sec. 7109. NEW SECTION. 602.7109 JUDICIAL ELECTION DISTRICTS.

1. Judicial election districts are established for purposes of nomination, appointment, and retention of district judges and for other purposes specifically provided by law.

2. The judicial election districts are as follows:

a. Election district 1A consists of the counties of Dubuque, Delaware, Clayton, Allamakee, and Winneshiek.

b. Election district 1B consists of the counties of Chickasaw, Fayette, Buchanan, Black Hawk, Howard, and Grundy.

c. Election district 2A consists of the counties of Mitchell, Floyd, Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, and Franklin.

d. Election district 2B consists of the counties of Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll, Greene, Hardin, Marshall, Story, and Boone.

e. Election district 3A consists of the counties of Kossuth, Emmet, Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee, and Buena Vista.

f. Election district 3B consists of the counties of Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

g. Election district 4 consists of the fourth judicial district, as established by section 602.7107.

h. Election district 5A consists of the counties of Guthrie, Dallas, Jasper, Madison, Warren, and Marion.

i. Election district 5B consists of the counties of Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.

j. Election district 5C consists of Polk county.

k. Election district 6 consists of the sixth judicial district, as established by section 602.7107.

l. Election district 7 consists of the seventh judicial district, as established by section 602.7107.

m. Election district 8A consists of the counties of Poweshiek, Mahaska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose, Davis, and Van Buren.

n. Election district 8B consists of the counties of Louisa, Henry, Des Moines, and Lee.

PART 2

DISTRICT JUDGES

Sec. 7201. NEW SECTION. 602.7201 OFFICE OF DISTRICT JUDGE--APPORTIONMENT.

1. District judges shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. District judges shall qualify for office as provided in chapter 63.

2. A district judge must be a resident of the judicial election district in which appointed and retained. Subject

to the provision for reassignment of judges under section 602.7108, a district judge shall serve in the district of the judge's residence while in office, regardless of the number of judgeships to which the district is entitled under subsection 3.

3. The number of judgeships to which each of the judicial election districts is entitled is determined according to the following formula:

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

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

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

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

e. Notwithstanding paragraph a, b, c, or d, each election district is entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district.

f. The filings included in the determinations to be made under this subsection shall include juvenile court filings after July 1, 1985, shall not include small claims or nonindictable misdemeanors, and shall not 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 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.

4. For purposes of this section, a vacancy means the death, resignation, retirement, or removal of a district judge, or the failure of a district judge to be retained in office at the judicial election, or an increase in judgeships under this section.

5. In those judicial election districts having more district judges than the number of judgeships specified by the formula in subsection 3, vacancies shall not be filled.

6. In those judicial election districts having fewer or the same number of district judges as the number of judgeships specified by the formula in subsection 3, vacancies in the number of district judges shall be filled as they occur.

7. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district judges in all judicial election districts within the judicial district equals or exceeds the aggregate number of judgeships to which all of the judicial election districts of the judicial district are authorized.

8. Vacancies shall not be filled in a judicial election district which becomes entitled to fewer judgeships under subsection 3, but an incumbent district judge shall not be removed from office because of a reduction in the number of authorized judgeships.

9. During February of each year, and at other times as appropriate, the state court administrator shall make the determinations required under this section, and shall notify the appropriate nominating commissions and the governor of appointments that are required.

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed ninety-nine during the period commencing July 1, 1983 and ending as the general assembly shall specify.

Sec. 7202. NEW SECTION. 602.7202 JURISDICTION. District judges have the full jurisdiction of the district court, including the respective jurisdictions of district associate judges and magistrates. While exercising the jurisdiction of magistrates, district judges shall employ magistrates' practice and procedure.

Sec. 7203. NEW SECTION. 602.7203 PREPARATION AND SIGNING OF RECORD--ALTERATIONS.

1. The clerk of district court shall from time to time make a record of all proceedings of the district court, which, when correct, shall be signed by the judge.

2. Delay in the preparation and signing of the record of court proceedings shall not prevent the issuance of an execution and other proceedings may be had in the same manner as though the record had been signed.

3. A record shall not be amended or impaired by the clerk of the district court, or by any other officer of the court, or by any other person, except pursuant to the order of the district court or some other court of competent authority.

4. Entries made and signed, unless amended or expunged as provided in subsection 3, may be altered only to correct an evident mistake.

PART 3

DISTRICT ASSOCIATE JUDGES

Sec. 7301. NEW SECTION. 602.7301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES. There shall be one district

associate judge in counties having a population, according to the most recent federal decennial census, of more than thirty-five thousand and less than eighty thousand; two in counties having a population of more than eighty thousand and less than one hundred twenty-five thousand; three in counties having a population of more than one hundred twenty-five thousand and less than two hundred thousand; and four in counties having a population of two hundred thousand or above. A district associate judge appointed pursuant to section 602.7302 or 602.7303 shall not be counted for purposes of this section.

Sec. 7302. NEW SECTION. 602.7302 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE IN LIEU OF MAGISTRATES.

1. In a county having an apportionment of three or more magistrates, the chief judge of the judicial district, subject to the limitations of this section, may designate by order that a district associate judge be appointed pursuant to this section in lieu of magistrates appointed under section 602.7403. The order of substitution may be made only upon the affirmative vote of a majority of the district judges in that judicial election district and only upon a finding by a majority of those district judges that the substitution would provide more speedy and efficient performance of judicial business within that judicial election district. An order of substitution shall not take effect unless a copy of the order is received by the chairperson of the county magistrate appointing commission no later than the thirty-first day of March of the year in which the substitution is to take effect. A copy of the order also shall be sent to the state court administrator.

2. For a county in which a substitution order is in effect, the number of magistrates actually appointed pursuant to section 602.7403 shall be reduced by three for each district associate judge substituted under this section. Upon a subsequent reduction in the apportionment of magistrates to

the county, the magistrate appointing commission shall further reduce the number of magistrates appointed.

3. a. Except as provided in subsections 1 and 2, a substitution shall not increase or decrease the number of magistrates authorized by this article.

b. A substitution pursuant to this section shall not be made if the effect would be to remove a magistrate from office prior to the expiration of the magistrate's term.

c. A substitution shall not be made where the apportionment of magistrates to a county is insufficient to permit the full reduction in appointments of magistrates as required by subsection 2.

4. If an apportionment by the state court administrator pursuant to section 602.7401 reduces the number of magistrates in the county to less than three, or if a majority of the district judges in the judicial election district determines that a substitution is no longer desirable, then the substituted office shall be terminated. However, a reversion pursuant to this subsection, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily. Upon the termination of office of that district associate judge, appointments shall be made pursuant to section 602.7403 as necessary to reestablish terms of office as provided in section 602.7403, subsection 4.

Sec. 7303. NEW SECTION. 602.7303 ALTERNATE DISTRICT ASSOCIATE JUDGE.

1. In a county having only one district associate judge, the county magistrate appointing commission, by majority vote, may authorize that an alternate district associate judge be appointed.

2. A person whose appointment is authorized under this section shall be designated as an alternate and is subject to this section.

3. An alternate district associate judge shall serve initial and regular terms and shall stand for retention in office in the same manner as regular district associate judges. However, a vacancy in the office of alternate district associate judge shall not be filled unless the conditions of subsection 1 are satisfied after the vacancy occurs.

4. The chief judge of the judicial district may order that the alternate temporarily sit in place of the regular district associate judge while the latter is unable to act. The words "unable to act" mean a temporary absence from court duties, including a reasonable vacation period.

5. The appointment of an alternate district associate judge does not affect the rights, duties, or remuneration of the regularly appointed district associate judge, and the appointment of an alternate does not affect the number or apportionment of district associate judges authorized by this part.

Sec. 7304. NEW SECTION. 602.7304 APPOINTMENT OF DISTRICT ASSOCIATE JUDGES.

1. The district associate judges authorized by sections 602.7301, 602.7302, and 602.7303 shall be appointed by the district judges of the judicial election district from persons nominated by the county magistrate appointing commission.

2. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial election, the county magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December 15 of that year the names of three applicants who are nominated by the commission for

the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

3. Within thirty days after a county magistrate appointing commission receives notification of an actual or impending vacancy in the office of district associate judge, other than a vacancy referred to in subsection 2, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy is created by the death, retirement, resignation, or removal of a district associate judge, or by an increase in the number of positions authorized.

4. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of district associate judge, the district judges in the judicial election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

5. The supreme court may prescribe rules of procedure to be used by county magistrate appointing commissions when exercising the duties specified in this section.

Sec. 7305. NEW SECTION. 602.7305 TERM, RETENTION, QUALIFICATIONS.

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their residences at the judicial election in 1982 and every four years thereafter, under sections 46.17 to 46.24.

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of application a resident of the county in which the vacancy exists, and unless the person is licensed to practice law in Iowa, and unless the person will be able, measured by the person's age at the time of appointment, to complete the initial term of office plus a four-year term of office prior to reaching age seventy-two.

3. A district associate judge must be a resident of the county in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.7108.

4. District associate judges shall qualify for office as provided in chapter 63 for district judges.

Sec. 7306. NEW SECTION. 602.7306 JURISDICTION, PROCEDURE, APPEALS.

1. District associate judges have the jurisdiction provided in section 602.7405 for magistrates, and when exercising that jurisdiction shall employ magistrates' practice and procedure.

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed three thousand dollars, jurisdiction of indictable misdemeanors, and the jurisdiction provided in section 602.8101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

3. When a district judge is unable to serve as a result of temporary incapacity, a district associate judge may, by order of the chief judge of the judicial district enrolled in the records of the clerk of the district court, temporarily exercise any judicial authority within the jurisdiction of a district judge during the time of incapacity with respect to the matters or classes of matters specified in that order.

4. Appeals from judgments or orders of district associate judges while exercising the jurisdiction of magistrates shall be governed by the laws relating to appeals from judgments and orders of magistrates. Appeals from judgments or orders of district associate judges while exercising any other jurisdiction shall be governed by the laws relating to appeals from judgments or orders of district judges.

PART 4

MAGISTRATES

Sec. 7401. NEW SECTION. 602.7401 NUMBER AND APPORTIONMENT.

1. One hundred ninety-one magistrates shall be apportioned among the counties as provided in this section. Magistrates appointed pursuant to section 602.7402 shall not be counted for purposes of this section.

2. During February of each odd-numbered year, the state court administrator shall apportion magistrate offices among the counties in accordance with the following criteria:

- a. The number and type of proceedings contained in the administrative reports required by section 602.7606.
- b. The existence of either permanent, temporary, or seasonal populations not included in the current census figures.
- c. The geographical area to be served.
- d. Any inordinate number of cases over which magistrates have jurisdiction that were pending at the end of the preceding year.

e. The number and types of juvenile proceedings handled by district associate judges.

3. Notwithstanding subsection 2, each county shall be allotted at least one resident magistrate.

4. During March of each odd-numbered year, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled.

Sec. 7402. NEW SECTION. 602.7402 ADDITIONAL MAGISTRATE ALLOWED. In those counties which are allotted one magistrate under section 602.7401 or which are restricted to one magistrate by section 602.7302, the county magistrate appointing commission may, by majority vote, decide to appoint one additional magistrate. If a county appoints an additional magistrate under this section, each of the two magistrates shall receive one-half of the regular salary of a magistrate.

Sec. 7403. NEW SECTION. 602.7403 APPOINTMENT AND QUALIFICATION OF MAGISTRATES.

1. In April of each year in which magistrates' terms expire, the county magistrate appointing commission shall appoint, except as otherwise provided in section 602.7302, the number of magistrates apportioned to the county by the state court administrator under section 602.7401, and may appoint an additional magistrate when allowed by section 602.7402. The commission shall not appoint more magistrates than are authorized for the county by this article.

2. The magistrate appointing commission for each county shall prescribe the contents of an application for an appointment pursuant to this section. The commission shall publicize notice of any vacancy to be filled in at least two publications in the official county newspaper. The commission shall accept applications for a minimum of fifteen days prior to making an appointment, and shall make available during that period of time any printed application forms the commission prescribes.

3. Within thirty days following receipt of notification of a vacancy in the office of magistrate, the commission shall appoint a person to the office to serve the remainder of the unexpired term. For purposes of this section, vacancy means a death, resignation, retirement, or removal of a magistrate, or an increase in the number of positions authorized.

4. The term of office of a magistrate is two years, commencing July 1 of each odd-numbered year.

5. The commission shall promptly certify the names and addresses of appointees to the clerk of the district court and to the chief judge of the judicial district. The clerk of the district court shall certify to the state court administrator the names and addresses of these appointees.

6. Before assuming office, a magistrate shall subscribe and file in the office of the state court administrator the oath of office specified in section 63.6.

7. Annually, the state court administrator shall cause a school of instruction to be conducted for magistrates, and each magistrate shall attend prior to the time of taking office unless excused by the chief justice for good cause. A magistrate appointed to fill a vacancy shall attend the first school of instruction that is held following the appointment, unless excused by the chief justice for good cause.

Sec. 7404. NEW SECTION. 602.7404 QUALIFICATIONS.

1. A magistrate shall be an elector of the county of appointment during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county of the magistrate's residence only if it is necessary for the orderly administration of justice. A magistrate is subject to reassignment under section 602.7108.

2. A person is not qualified for appointment as a magistrate unless the person can complete the entire term of office prior to reaching age seventy-two.

3. A person is not required to be admitted to the practice of law in this state as a condition of being appointed to the office of magistrate, but the magistrate appointing commission shall first consider applicants who are admitted to practice law in this state when selecting persons for the office of magistrate.

Sec. 7405. NEW SECTION. 602.7405 JURISDICTION--PROCEDURE.

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, and small claims. They also have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. They also have jurisdiction of first offense violations of section 321.281 but only to the extent that they may approve trial informations, conduct arraignments, accept guilty pleas if the defendant is represented by legal counsel, sentence those pleading guilty and make appropriate orders authorized by section 321.283.

2. The criminal procedure before magistrates is as provided in chapters 804, 806, 808, 811, 820 and 821 and rules of criminal procedure 1, 2, 5, 7, 8, and 32 to 56. The civil procedure before magistrates shall be as provided in chapters 631 and 648.

PART 5

MAGISTRATE APPOINTING COMMISSIONS

Sec. 7501. NEW SECTION. 602.7501 COMPOSITION OF COUNTY MAGISTRATE APPOINTING COMMISSIONS.

1. A magistrate appointing commission is established in each county. The commission shall be composed of the following members:

a. A district judge designated by the chief judge of the judicial district to serve until a successor is designated.

b. Three members appointed by the board of supervisors, or the lesser number provided in section 602.7503, subsection 1.

c. Two attorneys elected by the attorneys in the county, or the lesser number provided in section 602.7504, subsection 1.

2. The clerk of the district court shall maintain a permanent record of the name, address, and term of office of each commissioner.

3. A member of a magistrate appointing commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements are payable out of the court expense fund of the county in which the member serves, upon certification of the expenses to the county auditor by the clerk of the district court. The district judges of each judicial district may prescribe rules for the administration of this subsection.

Sec. 7502. NEW SECTION. 602.7502 MEMBER OF COMMISSION NOT TO BE APPOINTED TO OFFICE. A member of a county magistrate appointing commission shall not be appointed to the office of magistrate, and shall not be nominated for or appointed to the office of district associate judge.

Sec. 7503. NEW SECTION. 602.7503 COMMISSIONERS APPOINTED BY A COUNTY.

1. The board of supervisors of each county shall appoint three electors to the magistrate appointing commission for the county for six-year terms beginning January 1, 1979 and each sixth year thereafter. However, if there is only one attorney elected pursuant to section 602.7504, the county board of supervisors shall only appoint two commissioners, and if no attorney is elected, the board of supervisors shall only appoint one commissioner.

2. The board of supervisors shall not appoint an attorney or an active law enforcement officer to serve as a commissioner.

3. The county auditor shall certify to the clerk of the district court the name, address, and expiration date of term for all appointees of the board of supervisors.

Sec. 7504. NEW SECTION. 602.7504 COMMISSIONERS ELECTED BY ATTORNEYS.

1. The resident attorneys of each county shall elect two resident attorneys of the county to the magistrate appointing commission for six-year terms beginning on January 1, 1979, and each sixth year thereafter. An election shall be held in December preceding the commencement of new terms. The attorneys in a county may elect only one commissioner if there is only one who is qualified and willing to serve and if there are no resident attorneys in a county or none is willing to serve as a commissioner, none shall be elected.

2. A county attorney shall not be elected to the commission.

3. An attorney is eligible to vote in elections of magistrate appointing commissioners within a county if eligible to vote under sections 46.7 and 46.8, and if a resident of the county.

4. When an election of magistrate appointing commissioners is to be held, the clerk of the district court for each county shall cause to be mailed to each eligible attorney a ballot that is in substantially the following form:

BALLOT

County Magistrate Appointing Commission

To be cast by the resident members of the bar of county.

Vote for (state number) for county judicial magistrate appointing commissioner(s) for term commencing

To be counted, this ballot must be completed and mailed or delivered to clerk of the district court, ..., no later than December 31, 19.... (or the appropriate date in

case of an election to fill a vacancy).

Sec. 7505. NEW SECTION. 602.7505 VACANCY. A vacancy in the office of magistrate appointing commissioner shall be filled for the unexpired term in the same manner as the original appointment was made.

PART 6

DISTRICT COURT ADMINISTRATION

Sec. 7601. NEW SECTION. 602.7601 COURT ATTENDANTS.

1. The district court administrator of each judicial district shall employ and supervise court attendants as authorized by the chief judge.

2. A court attendant shall assist judicial officers during proceedings in court and shall perform other duties as prescribed by the supreme court or by the chief judge of the judicial district.

Sec. 7602. NEW SECTION. 602.7602 REFEREES AND SPECIAL MASTERS. A person who is appointed as a referee or special master, or who otherwise is appointed by a court pursuant to law or court rule to exercise a judicial function, is subject to the supervision of the judicial officer making the appointment.

Sec. 7603. NEW SECTION. 602.7603 COURT REPORTERS.

1. Each district judge shall appoint a court reporter who shall, upon the request of a party in a civil or criminal case, report the evidence and proceedings in the case, and perform all duties as provided by law.

2. Each district associate judge may appoint a court reporter, subject to the approval of the chief judge of the judicial district.

3. If a district judge determines that it is necessary to employ an additional court reporter because of an extraordinary volume of work, or because of the temporary illness or incapacity of a regular court reporter, the district judge may appoint a temporary court reporter who shall serve as required by the district judge.

4. If a regularly appointed court reporter becomes disabled, the judge may appoint a competent substitute to act during the disability of the regular reporter or until a successor is appointed, but a substitute shall not act for a period longer than one year unless the substitute is or becomes a certified shorthand reporter within that one year, and a substitute shall not be reappointed at the end of the one-year period unless the substitute is or becomes a certified shorthand reporter within that one year.

5. Except as provided in subsection 4, a person shall not be appointed to the position of court reporter of the district court unless the person has been certified as a shorthand reporter by the board of examiners under article 4.

6. Each court reporter shall take an oath faithfully to perform the duties of office, which shall be filed in the office of the clerk of district court.

7. A court reporter may be removed for cause with due process by the judicial officer making the appointment.

Sec. 7604. NEW SECTION. 602.7604 DOCKETS.

1. The clerk of the district court shall furnish a magistrate, district associate judge, or district judge acting as a magistrate, with a docket in which the officer shall enter all proceedings except small claims. The docket shall be indexed and shall contain for each case the title and nature of the action, the place of hearing, appearances, and notations of the documents filed with the judicial officer, the proceedings in the case and orders made, the verdict and judgment including costs, any satisfaction of the judgment, whether the judgment was certified to the clerk of the district court, whether an appeal was taken, and the amount of any appeal bond.

2. The chief judge of a judicial district may order that criminal proceedings which are within the jurisdictions of magistrates and district associate judges be combined into

centralized dockets for the county if the chief judge determines that administration could be improved by this procedure. When so ordered, a centralized docket shall be maintained in lieu of individual dockets, and the clerk of the district court shall compile a centralized docket in the manner prescribed for an individual docket. The chief judge may assign actions and proceedings on centralized dockets to judicial officers having jurisdiction as the chief judge deems necessary.

Sec. 7605. NEW SECTION. 602.7605 FUNDS, REPORTS. Each magistrate, and each district associate judge and district judge acting as a magistrate, shall file once each month with the clerk of the district court an itemized statement of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit all funds received to the clerk. The clerk shall provide adequate clerical assistance to judicial officers to carry out this section.

Sec. 7606. NEW SECTION. 602.7606 ADMINISTRATIVE REPORTS. Each magistrate, and each district associate judge and district judge acting as a magistrate, shall report all judicial business handled to the clerk of the district court and to the chief judge of the judicial district. Reports shall be in the form and filed at the times prescribed by the state court administrator. The administrator may require the clerk to forward copies of individual reports or require a consolidated report for the county.

Sec. 7607. NEW SECTION. 602.7607 CONTROL OF RECORDS-VACANCIES. Whenever a magistrate, or a district associate judge or district judge acting as a magistrate, leaves office, all funds, dockets, and records relating to the vacated office shall be delivered by the judicial officer to the clerk who issued the docket.

PART 7
SPECIAL PROVISIONS

Sec. 7701. NEW SECTION. 602.7701 CIRCUIT COURT RECORDS.

1. The district court shall succeed to and have jurisdiction over the records of the circuit court, and may enforce all judgments, decrees, and orders of the circuit court in the same manner and to the same extent as it exercises jurisdiction over its own records, and, for the purposes of the issuance of process and any other acts necessary to the enforcement of the orders, judgments, and decrees of the circuit court, the records of the circuit court shall be deemed records of the district court.

2. Transcripts and process from the judgments, decrees, and records of the circuit court shall be issued by the clerk of the district court, and under the seal of the clerk's office.

Sec. 7702. NEW SECTION. 602.7702 COUNTIES BORDERING ON MISSOURI RIVER. The jurisdiction of the courts of the state in all civil and criminal actions and proceedings, shall extend in counties bordering on the Missouri river to the boundary of the state as provided in the compact with the state of Nebraska, and to all lands and territory lying along the river which have been adjudged by the United States supreme court or the supreme court of this state to be within the state of Iowa, and to the other lands and territory along the river over which the courts of this state have exercised jurisdiction.

ARTICLE 8
JUVENILE COURT
PART 1
THE COURT

Sec. 8101. NEW SECTION. 602.8101 JUVENILE COURT.

1. A juvenile court is established in each county. The juvenile court is within the district court and has the jurisdiction provided in chapter 232.

2. The jurisdiction of the juvenile court may be exercised by any district judge, and by any district associate judge

who is designated by the chief judge as a judge of the juvenile court.

3. The chief judge shall designate one or more of the district judges and district associate judges to act as judges of the juvenile court for a county. The chief judge may designate a juvenile court judge to preside in more than one county.

4. The designation of a judicial officer as a juvenile court judge does not deprive the officer of other judicial functions. Any district judge may act as a juvenile court judge during the absence or inability to act, or upon the request, of the designated juvenile court judge.

5. The juvenile court is always open for the transaction of business, but the hearing of a matter that requires notice shall be had at a time and place fixed by the juvenile court judge.

Sec. 8102. NEW SECTION. 602.8102 COURT RECORDS.

1. The juvenile court is a court of record, and its proceedings, orders, findings, and decisions shall be entered in books that are kept for that purpose and that are identified as juvenile court records.

2. The clerk of the district court is the clerk of the juvenile court for the county.

3. The clerk shall, if practicable, notify a convenient juvenile court officer in advance when a child is to be brought before the court.

Sec. 8103. NEW SECTION. 602.8103 REFEREE--PROCEDURE.

1. The judge of the juvenile court may appoint and may remove for cause with due process a juvenile court referee. The referee shall be an attorney admitted to practice law in this state, and shall be qualified for duties by training and experience.

2. The referee shall have the same jurisdiction to conduct juvenile court proceedings and to issue orders, findings, and decisions as the judge of the juvenile court, except that

the referee shall not issue warrants. However, the appointing judge may limit the referee's exercise of juvenile court jurisdiction.

3. The parties to a proceeding heard by the referee are entitled to a review by the judge of the juvenile court of the referee's order, finding, or decision, if the review is requested within ten days after the entry of the referee's order, finding, or decision. A request for review does not automatically stay the referee's order, finding, or decision. The review is on the record only, unless the judge, upon request or upon the judge's own motion, orders otherwise. In the interests of justice, the judge may allow a rehearing at any time.

Sec. 8104. NEW SECTION. 602.8104 PHYSICIANS AND NURSES.

1. In a county having a population of one hundred twenty-five thousand or more, the judges of the juvenile court may appoint a physician and a nurse, prescribe their duties, and remove them.

2. Appointees shall receive salaries and shall be reimbursed for expenses incurred in the performance of duties, as prescribed by the supreme court.

PART 2

PROBATION AND COURT SERVICES

Sec. 8201. NEW SECTION. 602.8201 ADMINISTRATION AND SUPERVISION.

1. Probation and other juvenile court services within a judicial district shall be administered and supervised by the chief juvenile court officer.

2. The juvenile court officers and other personnel employed in juvenile court service offices are subject to the supervision of the chief juvenile court officer.

3. The chief juvenile court officer may employ, shall supervise, and may remove for cause with due process secretarial, clerical, and other staff within juvenile court service offices as authorized by the chief judge.

Sec. 8202. NEW SECTION. 602.8202 JUVENILE COURT OFFICERS.

1. Subject to the approval of the chief judge of the judicial district, the chief juvenile court officer shall appoint juvenile court officers to serve the juvenile court. Juvenile court officers may be required to serve in two or more counties within the judicial district.

2. Juvenile court officers shall be selected, appointed, and removed in accordance with rules, standards, and qualifications prescribed by the supreme court.

3. Juvenile court officers have the duties prescribed in chapter 232, subject to the direction of the judges of the juvenile court. A judge of the juvenile court shall not attempt to direct or influence a juvenile court officer in the performance of the officer's duties.

4. A juvenile court officer has the powers of a peace officer while engaged in the discharge of duties.

ARTICLE 9

CLERK OF DISTRICT COURT

Sec. 9101. NEW SECTION. 602.9101 OFFICE OF THE CLERK OF THE DISTRICT COURT.

1. The office of clerk of the district court is an appointive office, as provided in section 602.1214.

2. A person appointed to the office of clerk shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in chapter 64.

3. The clerk may employ deputies, assistants, and clerks when authorized under section 602.1402 and when authorized by the chief judge of the judicial district. The clerk is responsible for the acts of these employees. Each first deputy shall give bond as provided in chapter 64.

Sec. 9102. NEW SECTION. 602.9102 GENERAL DUTIES. The clerk shall:

1. Keep the office of the clerk at the county seat.

2. Attend sessions of the district court.

3. Keep the records, papers, and seal, and record the proceedings of the district court as provided by law under the direction of the chief judge of the judicial district.

4. Upon the death of a judge of the district court, give written notice to the state comptroller of the date of death. The clerk shall also give written notice of the death of a justice of the supreme court or a judge of the court of appeals or the district court who resides in the clerk's county to the state commissioner of elections, as provided in section 46.12.

5. When money in the amount of five hundred dollars or more is paid to the clerk to be paid to another person and the money is not disbursed within thirty days, notify the person who is entitled to the money or for whose account the money is paid or the attorney of record of the person. The notice shall be given by certified mail within forty days of the receipt of the money to the last known address of the person or the person's attorney and a memorandum of the notice shall be made in the proper record. If the notice is not given, the clerk and the clerk's sureties are liable for interest at the rate specified in section 535.2, subsection 1 on the money from the date of receipt to the date that the money is paid to the person entitled to it or the person's attorney.

6. On each process issued, indicate the date that it is issued, the clerk's name who issued it, and the seal of the court.

7. Upon return of an original notice to the clerk's office, enter in the appearance or combination docket information to show which parties have been served the notice and the manner and time of service.

8. When entering a lien or indexing an action affecting real estate in the clerk's office, enter the year, month, day, hour, and minute when the entry is made. The clerk shall

mail a copy of a mechanic's lien to the owner of the building, land, or improvement which is charged with the lien as provided in section 572.8.

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any description is not considered filed in the cause or taken from the clerk's office until the memorandum is made. The memorandum shall be made before the end of the next working day. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action including the date of action and the number of the book and page of the record where the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

10. When title to real estate is finally established in a person by a judgment or decree of the district court or by decision of an appellate court or when the title to real estate is changed by judgment, decree, will proceeding, or order in probate, certify the final decree, judgment, or decision under seal of the court to the auditor of the county in which the real estate is located.

11. Keep for public inspection a certified copy of each act of the general assembly and furnish a copy of the act upon payment of a fee as provided in section 3.15.

12. At the order of a justice of the supreme court, docket without fee any civil or criminal case transferred from a military district under martial law as provided in section 29A.45.

13. Carry out duties as a member of a nominations appeal commission as provided in section 44.7.

14. Maintain a bar admission list as provided in section 46.8.

15. Notify the county commissioner of registration of persons who become ineligible to register to vote because of criminal convictions, mental retardation, or legal declarations of incompetency and of persons whose citizenship rights have been restored as provided in section 48.30.

16. When the auditor is a party to an election contest, carry out duties on behalf of the auditor and issue subpoenas as provided in sections 62.7 and 62.11.

17. Approve the bonds of the members of the board of supervisors as provided in section 64.19.

18. File the bonds and oaths of the members of the board of supervisors as provided in section 64.23.

19. Keep a book of the record of official bonds and record the official bonds of magistrates as provided in section 64.24.

20. Carry out duties relating to proceedings for the removal of a public officer as provided in sections 66.4 and 66.17.

21. Approve the surety bonds of persons accepting appointment as notaries public in the county as provided in section 77.4, subsection 2.

22. Carry out duties as a trustee for incompetent dependents entitled to benefits under chapters 85 and 85A and report annually to the district court concerning money and property received or expended as a trustee as provided under sections 85.49 and 85.50.

23. Carry out duties relating to enforcing orders of the occupational safety and health review commission as provided in section 88.9, subsection 2.

24. Certify the imposition of a mulct tax against property creating a public nuisance to the auditor as provided in section 99.28.

25. Carry out duties relating to the judicial review of orders of the occupational safety and health review commission as provided in section 104.10, subsection 2.

26. With sufficient surety, approve an appeal bond for judicial review of an order or action of the state conservation commission relating to dams and spillways as provided in section 112.8.

27. Docket an appeal from the fence viewer's decision or order as provided in section 113.23.

28. Certify to the recorder the fact that a judgment has been rendered upon an appeal of a fence viewer's order as provided in section 113.24.

29. Hold as a public record a list of the names and addresses of persons licensed as real estate salespersons and brokers and the name of persons whose licenses were suspended or revoked during the year reported as provided in section 117.42.

30. Approve bond sureties and enter in the lien index the undertakings of bonds for abatement relating to the illegal manufacture, sale, or consumption of alcoholic liquors as provided in sections 123.76, 123.79, and 123.80.

31. Carry out duties relating to a judgment of forfeiture ordering the sale or other disposition of a conveyance used in the illegal transportation of liquor or distribution of a controlled substance as provided in chapter 127.

32. Carry out duties as county registrar of vital statistics as provided in chapter 144.

33. Furnish to the state department of health a certified copy of a judgment suspending or revoking a professional license as provided in section 147.66.

34. Receive and file a bond given by the owner of a distrained animal to secure its release pending resolution of a suit for damages as provided in sections 198.22 and 188.23.

35. Send notice of the conviction, judgment, and sentence of a person violating the uniform controlled substances laws

to the state board or officer who issued a license or registered the person to practice a profession or to conduct business as provided in section 204.412.

36. Carry out duties relating to the commitment of a mentally retarded person as provided in sections 222.37 through 222.40.

37. Keep a separate docket of proceedings of cases relating to the mentally retarded as provided in section 222.57.

38. Order the commitment of a voluntary public patient to the state psychiatric hospital under the circumstances provided in section 225.16.

39. Refer persons applying for voluntary admission to a community mental health center for a preliminary diagnostic evaluation as provided in section 225C.16, subsection 2.

40. Make a copy of the warrant and return of service submitted by the sheriff relating to the return of a mental patient from a state hospital to stand trial and mail the warrant and return to the superintendent of the hospital as provided in section 226.28.

41. Carry out duties relating to the involuntary commitment of mentally impaired persons as provided in chapter 229.

42. Serve as clerk of the juvenile court and carry out duties as provided in chapter 232 and article 8.

43. Submit to the director of the division of child and family services of the department of social services a duplicate of the findings of the district court related to adoptions as provided in section 235.3, subsection 7.

44. Certify to the warden of the penitentiary or men's reformatory or to the superintendent of the Iowa correctional institution for women the number of days that have been credited toward completion of an inmate's sentence as provided in section 246.38.

45. Report to the board of parole and the director of the division of corrections of the department of social services the criminal statistics as provided in sections 247.29 through 247.31.

46. Carry out duties relating to the pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248.9 and 248.17.

47. Forward support payments received under section 252A.6 to the department of social services and furnish copies of orders and decrees awarding support to parties receiving welfare assistance as provided in section 252A.13.

48. Carry out duties relating to the provision of medical care and treatment for indigent persons as provided in chapter 255.

49. Enter a judgment based on the transcript of an appeal to the state board of public instruction against the party liable for payment of costs as provided in section 290.4.

50. Certify the final order of the district court upon appeal of an assessment within a secondary road assessment district to the auditor as provided in section 311.24.

51. Forward to the department of transportation a copy of the record of each conviction or forfeiture of bail of a person charged with the violation of the laws regulating the operation of vehicles on public roads as provided in sections 321.281 and 321.491.

52. Send to the department of transportation licenses and permits surrendered by a person convicted of being a habitual offender of traffic and motor vehicle laws as provided in section 321.559.

53. If a person fails to satisfy a judgment relating to motor vehicle financial responsibility within sixty days, forward to the director of the department of transportation a certified copy of the judgment as provided in section 321A.12.

54. Approve a bond of a surety company or a bond with at least two individual sureties owning real estate in this state as proof of financial responsibility as provided in section 321A.24.

55. Carry out duties under the Iowa motor vehicle dealers licensing Act as provided in sections 322.10 and 322.24.

56. Carry out duties relating to the enforcement of motor fuel tax laws as provided in sections 324.66 and 324.67.

57. Carry out duties relating to the platting of land as provided in sections 409.9, 409.11, and 409.22.

58. Upon order of the director of revenue, issue a commission for the taking of depositions as provided in section 421.17, subsection 8.

59. Mail to the director of revenue a copy of a court order relieving an executor or administrator from making an income tax report on an estate as provided in section 422.23.

60. With acceptable sureties, approve the bond of a petitioner for a tax appeal as provided in section 422.29, subsection 2.

61. Certify the final decision of the district court in an appeal of the tax assessments as provided in section 441.39. Costs of the appeal to be assessed against the board of review or a taxing body shall be certified to the treasurer as provided in section 441.40.

62. Certify a final order of the district court relating to the apportionment of tax receipts to the auditor as provided in section 449.7.

63. Carry out duties relating to the inheritance tax as provided in chapter 450.

64. Deposit funds held by the clerk in an approved depository as provided in 453.1.

65. Carry out duties relating to appeals and certification of costs relating to levee and drainage districts as provided in sections 455.96 through 455.105.

66. Carry out duties relating to the condemnation of land as provided in chapter 472.

67. Forward civil penalties collected for violations relating to the siting of electric power generators to the treasurer of state as provided in section 476A.14, subsection 1.

68. Certify a copy of a decree of dissolution of a business corporation to the secretary of state and the recorder of the county in which the corporation is located as provided in section 496A.100.

69. With acceptable sureties, approve the bond of a petitioner filing an appeal for review of an order of the commissioner of insurance as provided in section 502.606 or 507A.7.

70. Certify a copy of a decree of dissolution of a nonprofit corporation to the secretary of state and the recorder in the county in which the corporation is located as provided in section 504A.62.

71. Carry out duties relating to the enforcement of decrees and orders of reciprocal states under the Iowa unauthorized insurers Act as provided in section 507A.11.

72. Certify copies of a decree of involuntary dissolution of a state bank to the secretary of state and the recorder of the county in which the bank is located as provided in section 524.1311, subsection 4.

73. Certify copies of a decree dissolving a credit union as provided in section 533.21, subsection 4.

74. Refuse to accept the filing of papers to institute legal action under the Iowa consumer credit code if proper venue is not adhered to as provided in section 537.5113.

75. Receive payment of money due to a person who is absent from the state if the address or location of the person is unknown as provided in section 538.5.

76. Carry out duties relating to the appointment of the Iowa state commerce commission as receiver for agricultural commodities on behalf of a warehouse operator whose license is suspended or revoked as provided in section 543.3.

77. Certify the signature of the recorder on the transcript of any instrument affecting real estate as provided in section 558.12.

78. Certify an acknowledgment of a written instrument relating to real estate as provided in section 558.20.

79. Collect on behalf of, and pay to the auditor the fee for the transfer of real estate as provided in section 558.66.

80. With acceptable sureties, endorse a bond sufficient to settle a dispute between adjoining owners of a common wall as provided in section 563.11.

81. Carry out duties relating to cemeteries as provided in sections 566.4, 566.7, and 566.8.

82. Carry out duties relating to liens as provided in chapters 570, 571, 572, 574, 580, 581, 582, and 584.

83. Accept applications for and issue marriage licenses as provided in chapter 595.

84. Carry out duties relating to the dissolution of a marriage as provided in chapter 598.

85. Carry out duties relating to the custody of children as provided in chapter 598A.

86. Carry out duties relating to adoptions as provided in chapter 600.

87. Enter upon the clerk's records actions taken by the court at a location which is not the county seat as provided in section 602.7106.

88. Maintain a record of the name, address, and term of office of each member of the county magistrate appointing commission as provided in section 602.7501.

89. Certify to the state court administrator the names and addresses of the magistrates appointed by the county magistrate appointing commission as provided in section 602.7403.

90. Furnish an individual or centralized docket for the magistrates of the county as provided in section 602.7604.

91. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in sections 608.1 and 608.5.

92. Carry out duties relating to the selection of jurors as provided in chapter 609.

93. Carry out duties relating to the revocation or suspension of an attorney's authority to practice law as provided in chapter 610.

94. File and index petitions affecting real estate as provided in sections 617.10 through 617.15.

95. Designate the newspapers in which the notices pertaining to the clerk's office shall be published as provided in section 618.7.

96. With acceptable surety, approve a bond of the plaintiff in an action for the payment of costs which may be adjudged against the plaintiff as provided in section 621.1.

97. Issue subpoenas for witnesses as provided in section 622.63.

98. Carry out duties relating to trials and judgments as provided in sections 624.8 through 624.21 and 624.37.

99. Collect jury fees and court reporter fees as required by chapter 625.

100. When the judgment is for recovery of money, compute the interest from the date of verdict to the date of payment of the judgment as provided in section 625.21.

101. Carry out duties relating to executions as provided in chapter 626.

102. Carry out duties relating to the redemption of property as provided in sections 628.13, 628.18, and 628.20.

103. Record statements of expenditures made by the holder of a sheriff's sale certificate in the encumbrance book and lien index as provided in section 629.3.

104. Carry out duties relating to small claim actions as provided in chapter 631.

105. Carry out duties of the clerk of the probate court as provided in chapter 633.

106. Carry out duties relating to the administration of small estates as provided in sections 635.1, 635.7, 635.9, and 635.11.

107. Carry out duties relating to the attachment of property as provided in chapter 639.

108. Carry out duties relating to garnishment as provided in chapter 642.

109. With acceptable surety, approve bonds of the plaintiff desiring immediate delivery of the property in an action of replevin as provided in sections 643.7 and 643.12.

110. Carry out duties relating to the disposition of lost property as provided in chapter 644.

111. Carry out duties relating to the recovery of real property as provided in section 646.23.

112. Endorse the court's approval of a restored record as provided in section 647.3.

113. When a judgment of foreclosure is entered, file with the recorder an instrument acknowledging the foreclosure and the date of decree and upon payment of the judgment, file an instrument with the recorder acknowledging the satisfaction as provided in sections 655.4 and 655.5.

114. Carry out duties relating to the issuance of a writ of habeas corpus as provided in sections 663.9, 663.43, and 663.44.

115. Accept and docket an application for postconviction review of a conviction as provided in section 663A.3.

116. Report all fines, forfeited recognizances, penalties, and forfeitures as provided in section 602.9106, subsection 3 and section 666.6.

117. Issue a warrant for the seizure of a boat or raft as provided in section 667.2.

118. Carry out duties relating to the changing of a person's name as provided in chapter 674.

119. Notify the state registrar of vital statistics of a judgment determining the paternity of an illegitimate child as provided in section 675.36.

120. Enter a judgment made by confession and issue an execution of the judgment as provided in section 676.4.

- 121. With acceptable surety, approve the bond of a receiver as provided in section 680.3.
- 122. Carry out duties relating to the assignment of property for the benefit of creditors as provided in chapter 681.
- 123. Carry out duties relating to the certification of surety companies and the investment of trust funds as provided in chapter 682.
- 124. Maintain a separate docket for petitions requesting that the record and evidence in a judicial review proceeding be closed as provided in section 692.5.
- 125. Furnish a disposition of each criminal complaint or information filed in the district court to the department of public safety as provided in section 692.15.
- 126. Carry out duties relating to the issuance of warrants to persons who fail to appear to answer citations as provided in section 805.5.
- 127. Provide for a traffic and scheduled violations office for the district court and service the locked collection boxes at weigh stations as provided in section 805.7.
- 128. Issue a summons to corporations to answer an indictment as provided in section 807.5.
- 129. Carry out duties relating to the disposition of seized property as provided in sections 809.2 and 809.3.
- 130. Docket undertakings of bail as liens on real estate and enter them upon the lien index as provided in section 811.4.
- 131. Hold the amount of forfeiture and judgment of bail in the clerk's office for sixty days as provided in section 811.6.
- 132. Carry out duties relating to appeals from the district court as provided in chapter 814.
- 133. Certify costs and fees payable by the state as provided in section 815.1.
- 134. Notify the director of the division of adult corrections of the department of social services of the commitment of a convicted person as provided in section 901.7.

- 135. Carry out duties relating to deferred judgments, probations, and restitution as provided in sections 907.4 and 907.8, and chapter 910.
- 136. Carry out duties relating to the impaneling and proceedings of the grand jury as provided in R.Cr.P. 3, Ia. Ct. Rules, 2nd ed.
- 137. Issue subpoenas upon application of the prosecuting attorney and approval of the court as provided in R.Cr.P. 5, Ia. Ct. Rules, 2nd ed.
- 138. Issue summons or warrants to defendants as provided in R.Cr.P. 7, Ia. Ct. Rules, 2nd ed.
- 139. Carry out duties relating to the change of venue as provided in R.Cr.P. 10, Ia. Ct. Rules, 2nd ed.
- 140. Issue blank subpoenas for witnesses at the request of the defendant as provided in R.Cr.P. 14, Ia. Ct. Rules, 2nd ed.
- 141. Carry out duties relating to the entry of judgment as provided in R.Cr.P. 22, Ia. Ct. Rules, 2nd ed.
- 142. Carry out duties relating to the execution of a judgment as provided in R.Cr.P. 24, Ia. Ct. Rules, 2nd ed.
- 143. Carry out duties relating to the trial of simple misdemeanors as provided in R.Cr.P. 32 through 56, Ia. Ct. Rules, 2nd ed.
- 144. Serve notice of an order of judgment entered as provided in R.C.P. 82, Ia. Ct. Rules, 2nd ed.
- 145. If a party is ordered or permitted to plead further by the court, serve notice to attorneys of record as provided in R.C.P. 86, Ia. Ct. Rules, 2nd ed.
- 146. Maintain a motion calendar as provided in R.C.P. 117, Ia. Ct. Rules, 2nd ed.
- 147. Provide notice of a judgment, order, or decree as provided in R.C.P. 120, Ia. Ct. Rules, 2nd ed.
- 148. Issue subpoenas as provided in R.C.P. 155, Ia. Ct. Rules, 2nd ed.

149. Tax the costs of taking a deposition as provided in R.C.P. 157, Ia. Ct. Rules, 2nd ed.
150. With acceptable sureties, approve a bond filed for change of venue under R.C.P. 167, Ia. Ct. Rules, 2nd ed.
151. Transfer the papers relating to a case transferred to another court as provided in R.C.P. 173, Ia. Ct. Rules, 2nd ed.
152. Maintain a ready calendar list as provided in R.C.P. 181.1, Ia. Ct. Rules, 2nd ed.
153. Assess costs related to a continuance motion as provided in R.C.P. 182, Ia. Ct. Rules, 2nd ed.
154. Carry out duties relating to the impaneling of jurors as provided in R.C.P. 187 through 190, Ia. Ct. Rules, 2nd ed.
155. Furnish a referee, auditor, or examiner with a copy of the order of appointment as provided in R.C.P. 207, Ia. Ct. Rules, 2nd ed.
156. Mail a copy of the referee's, auditor's, or examiner's report to the attorneys of record as provided in R.C.P. 214, Ia. Ct. Rules, 2nd ed.
157. Carry out duties relating to the entry of judgments as provided in R.C.P. 223, 226, 227.1, 228, and 229, Ia. Ct. Rules, 2nd ed.
158. Carry out duties relating to defaults and judgments on defaults as provided in R.C.P. 231, 232, and 233, Ia. Ct. Rules, 2nd ed.
159. Notify the attorney of record if exhibits used in a case are to be destroyed as provided in R.C.P. 253.1, Ia. Ct. Rules, 2nd ed.
160. Docket the request for a hearing on a sale of property as provided in R.C.P. 296, Ia. Ct. Rules, 2nd ed.
161. With acceptable surety, approve the bond of a citizen commencing an action of quo warranto as provided in R.C.P. 300, Ia. Ct. Rules, 2nd ed.

162. Carry out duties relating to the issuance of a writ of certiorari as provided in R.C.P. 306 through 319, Ia. Ct. Rules, 2nd ed.
 163. Carry out duties relating to the issuance of an injunction as provided in R.C.P. 320 through 330, Ia. Ct. Rules, 2nd ed.
 164. Carry out other duties as provided by law.
- Sec. 9103. NEW SECTION. 602.9103 GENERAL POWERS. The clerk may:
1. Administer oaths and take affirmations as provided in section 78.1.
 2. Reproduce original records of the court by any reasonably permanent legible means including, but not limited to, reproduction by photographing, photostating, microfilming, and computer cards. The reproduction shall include proper indexing. The reproduced record has the same authenticity as the original record.
 3. After the original record is reproduced and after approval of a majority of the judges of the district court by court order, destroy the original records including, but not limited to, dockets, journals, scrapbooks, files, and marriage license applications. The order shall state the specific records which are to be destroyed. An original court file shall not be destroyed until after ten years from the date a decree or judgment entry is signed and entered of record and after the contents have been reproduced, but if the matter is dismissed with prejudice before judgment or decree, the original file may be destroyed one year from the date of the dismissal and after its reproduction is authorized and completed as provided in this subsection. As used in this subsection and subsection 4, "destroy" includes the transmission of the original records which are of general historical interest to any recognized historical society or association.

4. Destroy the following original records without prior court order or reproduction except as otherwise provided in this subsection:

a. Records including, but not limited to, dockets, journals, scrapbooks, and files including court reporters' notes, forty years after final disposition of the case. However, judgments, decrees, stipulations, records in criminal proceedings, probate records, and orders of court shall not be destroyed unless they have been reproduced as provided in subsection 2.

b. Administrative records, after five years, including, but not limited to, warrants, subpoenas, clerks' certificates, statements, praecipes, and depositions.

c. Records, dockets, and court files of civil and criminal actions heard in the municipal court which were transferred to the clerk, other than juvenile and adoption proceedings, after a period of twenty years from the date of filing of the actions.

d. Original court files on dissolutions of marriage, one year after dismissal by the parties or under R.C.P. 215, 1a. Ct. Rules, 2nd ed.

e. Small claims files, one year after dismissal with or without prejudice.

f. Uniform traffic citations in the magistrate court or traffic and scheduled violations office, one year after final disposition.

5. Invest money which is paid to the clerk to be paid to any other person in a savings account of a supervised financial organization as defined in section 537.1301, subsection 41, except a credit union operating pursuant to chapter 533. The provisions of chapter 453 relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand.

The interest earnings shall be paid into the general fund of the state, except as otherwise provided by law.

Sec. 9104. NEW SECTION. 602.9104 RECORDS AND BOOKS.

1. The records of the court consist of the original papers filed in all proceedings.

2. The following books shall be kept by the clerk:

a. A record book which contains the entries of the proceedings of the court and which has an index referring to each proceeding in each cause under the names of the parties, both plaintiff and defendant, and under the name of each person named in either party.

b. A judgment docket which contains an abstract of the judgments having separate columns for the names of the parties, the date of the judgment, the damages recovered, costs, the date of the issuance and return of executions, the entry of satisfaction, and other memoranda. The docket shall have an index containing the information specified in paragraph a.

c. A fee book in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The fee book shall also have an index containing the information specified in paragraph a.

d. A sale book in which the following matters relating to a judgment under which real property is sold, are entered after the return of execution:

- (1) The title of the action.
- (2) The date of judgment.
- (3) The amount of damages recovered.
- (4) The total amount of costs.
- (5) The officer's return in full.

The sale book shall have an index containing the information specified in paragraph a.

e. An encumbrance book in which the sheriff shall enter a statement of the levy of each attachment on real estate.

f. An appearance docket in which the titles of all actions

or special proceedings shall be entered. The actions or proceedings shall be numbered consecutively in the order in which they commence and shall include the full names of the parties, plaintiffs and defendants, as contained in the petition or as subsequently made parties by a pleading, proceeding, or order. The entries provided for in this paragraph and paragraphs b and c may be combined in one book, the combination docket, which shall also have an index containing the information specified in paragraph a.

g. A lien book in which an index of all liens in the court are kept.

h. A record of official bonds as provided in section 64.24.

i. An inheritance tax and lien book as provided in section 450.12.

j. A cemetery record as provided in section 566.4.

k. A hospital lien docket as provided in section 582.4.

l. A marriage license book as provided in section 595.6.

m. A book of surety company certificates and revocations as provided in section 692.13.

n. A book in which the deposits of funds, money, and securities kept by the clerk are recorded as provided in section 682.37.

Sec. 9105. NEW SECTION. 602.9105 FEES--COLLECTION AND DISPOSITION.

1. The clerk shall collect the following fees:

a. For filing a petition, appeal, or writ of error and docketing them, twenty-five dollars. Four dollars of the fee shall be deposited in the court revenue distribution account established under section 602.9108, and twenty-one dollars of the fee shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.2104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be

deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional five dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

b. For an attachment, two dollars.

c. For a cause tried by jury, five dollars.

d. For a cause tried by the court, two dollars and fifty cents.

e. For an equity case, three dollars.

f. For an injunction or other extraordinary process or order, five dollars.

g. For a cause continued on application of a party by affidavit, two dollars.

h. For a continuance, one dollar.

i. For entering a final judgment or decree, one dollar and fifty cents.

j. For taxing costs, one dollar.

k. For issuing an execution or other process after judgment or decree, two dollars.

l. For filing, entering, and endorsing a mechanic's lien, three dollars, and if a suit is brought, the fee is taxable as other costs in the action.

m. For a certificate and seal, two dollars.

n. For filing and docketing a transcript of judgment from another county, one dollar.

o. For entering a rule or order, one dollar.

p. For issuing a writ or order, not including subpoenas, two dollars.

q. For issuing a commission to take depositions, two dollars.

r. For entering a sheriff's sale of real estate, two dollars.

s. For entering a judgment by confession, two dollars.

t. For entering a satisfaction of a judgment, one dollar.

u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.

v. For taking and approving a bond and sureties on the bond, two dollars.

w. For receiving and filing a declaration of intention and issuing a duplicate, two dollars. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing, four dollars; and for entering the final order and the issuance of the certificate of citizenship, if granted, four dollars.

x. In addition to the fees required in paragraph w, the petitioner shall, upon the filing of a petition to become a citizen of the United States, deposit with the clerk money sufficient to cover the expense of subpoenaing and paying the legal fees of witnesses for whom the petitioner may request a subpoena, and upon the final discharge of the witnesses they shall receive, if they demand it from the clerk, the customary and usual witness fees from the moneys collected, and the residue, if any, except the amount necessary to pay the cost of serving the subpoenas, shall be returned by the clerk to the petitioner.

y. For a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person, no charge.

z. For making out a transcript in a criminal case appealed to the supreme court, for each one hundred words, fifty cents.

aa. In criminal cases, the same fees for the same services as in civil cases, to be paid by the county or city initiating the action as provided in section 602.9109. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city initiating the action to the extent necessary for reimbursement for fees paid.

bb. For issuing a marriage license, fifteen dollars. The clerk of the district court shall remit to the treasurer of state five dollars for each marriage license issued. The treasurer of state shall deposit the funds received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

cc. For certifying a change in title of real estate, two dollars.

dd. In addition to all other fees, for making a complete record in cases where a complete record is required by law or directed by an order of the court, for every one hundred words, twenty cents.

ee. For providing transcripts, certificates, other documents, and services in probate matters, the fees specified in section 633.31.

ff. The jury fee and court reporter fee specified in chapter 625.

gg. Other fees provided by law.

2. The fees collected by the clerk as provided in subsection 1 shall be deposited in the court revenue distribution account established under section 602.9108, except as otherwise provided by that section or by applicable law.

3. The clerk shall keep an accurate record of the fees collected in a fee book, and make a quarterly report of the fees collected to the supreme court.

4. The clerk shall pay to the treasurer of state on the first Monday which is not a holiday in January and July of each year all fees which have come into the clerk's possession since the date of the preceding payment, which do not belong to the clerk's office, and which are unclaimed. The clerk shall give the treasurer the title of the cause and style

of the court in which the suit is pending, the names of the witnesses, jurors, officers, or other persons involved in the action, and the amount of money to which each of the persons is entitled. The treasurer of state shall deposit the funds in the general fund of the state as state revenue, provided that fees so deposited shall be paid to the persons entitled to them upon proper and timely demand. If payment of a fee is demanded, with proper proof, by the person entitled to it within five years from the date that the money is paid to the treasurer, the comptroller shall issue a warrant to pay the claim. If a person entitled to unclaimed fees does not demand payment within the five years, all rights to the fees or interest in the fees are waived and payment shall not be made.

Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES--COLLECTION AND DISPOSITION.

1. Notwithstanding section 602.9105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor shall be six dollars, provided that a fee for filing and docketing a complaint or information shall not be collected in cases of overtime parking.

2. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The clerk shall deposit the remaining ten percent in the court revenue distribution account established under section 602.9108.

3. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state for distribution under section 602.9107.

4. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be distributed by the clerk as follows:

a. One-half shall be remitted monthly by the clerk to the treasurer of state to be credited to the general fund of the state.

b. One-third shall be deposited in the court revenue distribution account established under section 602.9108.

c. One-sixth shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.2104.

Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES--APPROPRIATION.

1. The treasurer of state shall certify to the state comptroller the amounts received from a clerk of the district court under sections 32.2, 99.30, 127.20, 302.44, 508.15, 511.7, 515.93, 534.12, 535.5, 595.11, 602.9106, subsection 3, 644.15, and 666.3.

2. The state comptroller shall remit the amounts certified under subsection 1 on a semiannual basis to the respective county treasurers for the benefit of the temporary school fund. If the total amount certified to the state comptroller under subsection 1 for a fiscal year is less than the total amount certified during the fiscal year beginning July 1, 1984, the state comptroller shall prorate the amounts paid to school districts. Commencing in the fiscal year beginning July 1, 1984, the maximum amount a school district is entitled to receive during a fiscal year is the amount paid to the school district under this section during the fiscal year beginning July 1, 1983.

3. Any amount collected under section 602.9106, subsection 3 that is in excess of the amount to which a school district is entitled under subsection 2 shall be deposited in the general fund of the state.

4. There is appropriated to the state comptroller as much of the revenues received under section 602.9106, subsection 3 as is necessary for the distributions required under subsection 2.

Sec. 9108. NEW SECTION. 602.9108 COURT REVENUE
DISTRIBUTION ACCOUNT.

1. The clerk of the district court shall establish and maintain a court revenue distribution account. The clerk shall deposit in this account all fees and other receipts that are specifically required by law to be deposited in the court revenue distribution account. The account shall not be used for any other purpose.

2. Revenue deposited in the court revenue distribution account shall be distributed as follows:

a. Of the revenue received by the clerk during the fiscal year commencing July 1, 1983 and ending June 30, 1984, the clerk shall remit eighty percent to the county treasurer and twenty percent to the treasurer of state.

b. Of the revenue received by the clerk during the fiscal year commencing July 1, 1984 and ending June 30, 1985, the clerk shall remit sixty percent to the county treasurer and forty percent to the treasurer of state.

c. Of the revenue received by the clerk during the fiscal year commencing July 1, 1985 and ending June 30, 1986, the clerk shall remit forty percent to the county treasurer and sixty percent to the treasurer of state.

d. Of the revenue received by the clerk during the fiscal year commencing July 1, 1986 and ending June 30, 1987, the clerk shall remit twenty percent to the county treasurer and eighty percent to the treasurer of state.

e. The clerk shall remit all revenue received on or after July 1, 1987, to the treasurer of state.

3. The clerk of the district court shall account for and distribute revenue deposited in the court revenue distribution account on a monthly basis. Not later than the fifteenth day of each calendar month, the clerk shall distribute all revenues received during the preceding calendar month according to the applicable formula as stated in subsection 2. Each distribution shall be accompanied by a statement disclosing

the total amount of revenue received during the accounting period, any adjustments of gross revenue figures that are necessary to reflect changes in the balance of the court revenue distribution account, including but not limited to reductions resulting from the dishonor of checks previously accepted by the clerk, and the amount distributed to each recipient under subsection 2.

4. Revenue distributed to the treasurer of state under this section shall be deposited in the general fund of the state. Revenue distributed to a county under this section shall be deposited in the county general fund.

Sec. 9109. NEW SECTION. 602.9109 SETTLEMENT OF ACCOUNTS
OF CITIES AND COUNTIES.

1. A city or a county shall pay court costs and other fees payable to the clerk of the district court for services rendered upon receipt of a statement from the clerk disclosing the amount due.

2. No later than the fifteenth day of each calendar month the clerk of the district court shall deliver to the county auditor a statement disclosing all of the following:

a. The specific amounts of statutory fees and costs that are payable by the county to the clerk for services rendered by the clerk or other state officers or employees during the preceding month in connection with each civil or criminal action, and the total of all of these fees and costs.

b. Any amounts collected by the clerk of the district court during the preceding month as costs in an action when these amounts are payable by law to the county as reimbursement for costs incurred by the county in connection with a civil or criminal action, and the total of all of these amounts.

3. If the amount owed by the county under subsection 2, paragraph a for a calendar month is greater than the amount due to the county under subsection 2, paragraph b for that month, the county shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under subsection 2 is received.

4. If the amount due to the county under subsection 2, paragraph b for a calendar month is greater than the amount owed by the county under subsection 2, paragraph a for that month, the clerk of the district court shall remit the difference to the county treasurer no later than the last day of the month in which the statement under subsection 2 is delivered.

5. The clerk of the district court shall submit a statement to the city clerk of a city for statutory fees and costs that are payable by the city for services rendered by the clerk of the district court or other state officers or employees in connection with civil or criminal actions. The city shall pay amounts due within thirty days after the date the statement is mailed.

6. The clerk of the district court shall remit to a city within thirty days after receipt any amounts collected by the clerk as costs in an action when these amounts are payable by law to the city as reimbursement for costs incurred by the city in connection with a civil or criminal action.

7. Amounts not paid as required under subsection 3, 4, 5, or 6 shall bear interest for each day of delinquency at the rate in effect as of the day of delinquency for time deposits of public funds for eighty-nine days, as established under section 453.6.

DIVISION II

COORDINATING AMENDMENTS

Sec. 10001. Section 2.42, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Authority to review proposed rules and forms submitted by the supreme court pursuant to section 684.19.

Sec. 10002. Section 4.1, Code 1983, is amended by adding the following new subsections:

NEW SUBSECTION. COURT EMPLOYEE. "Court employee" and "employee of the judicial department" include every officer

or employee of the judicial department except a judicial officer.

NEW SUBSECTION. JUDICIAL OFFICER. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.2206.

NEW SUBSECTION. "Magistrate" means a judicial officer appointed under division I, article 7, part 4 of chapter 602.

Sec. 10003. Section 12.9, Code 1983, is amended to read as follows:

12.9 ANNUAL REPORT OF FILING FEES. The treasurer of state shall annually report to the governor and the general assembly the total amount of fees and costs received by the treasurer of state under ~~section 602.557-subsection 17 and section 331.7857-subsection 17-paragraphs "a" to "d"~~ sections 602.9105, 602.9106, 602.9107, and 602.9108 for the fiscal year ending June 30. The report shall be submitted within ninety days following the completion of the fiscal year.

Sec. 10004. Section 14.10, subsection 4, Code 1983, is amended to read as follows:

4. A list of elective state officers and deputies, supreme court justices, ~~and appellate court judges of the court of appeals,~~ and members of the general assembly shall be published annually with the session laws.

Sec. 10005. Section 17A.2, subsection 1, Code 1983, is amended to read as follows:

1. "Agency" means each board, commission, department, officer or other administrative office or unit of the state. "Agency" does not mean the general assembly, the ~~courts~~ judicial department or any of its components, the governor or a political subdivision of the state or its offices and units. Unless provided otherwise by statute, no less than two-thirds of the members eligible to vote of a multimember

agency shall constitute a quorum authorized to act in the name of the agency.

Sec. 10006. Section 17A.13, subsection 1, Code 1983, is amended to read as follows:

1. Agencies have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide contested cases ~~has authority to~~ may subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases ~~has authority to~~ may administer oaths and ~~to~~ issue subpoenas in those cases. Discovery procedures applicable to civil actions are available to all parties in contested cases before an agency. Evidence obtained in discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request ~~and shall not be subject to the distance limitation of section 622.6B.~~ On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply.

Sec. 10007. Section 17A.20, Code 1983, is amended to read as follows:

17A.20 APPEALS. An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court under this chapter by 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. 10008. Section 18.97, subsection 15, paragraph e, Code 1983, is amended to read as follows:

e. State court administrator.

Sec. 10009. Section 18.97, subsection 15, Code 1983, is amended by adding the following new paragraph:

NEW PARAGRAPH. Each district court administrator.

Sec. 10010. Section 18.117, unnumbered paragraph 2, Code 1983, is amended to read as follows:

This section ~~shall~~ does 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~~ does 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 employees.

Sec. 10011. Section 19A.3, subsection 12, Code 1983, is amended to read as follows:

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

Sec. 10012. Section 20.4, subsection 7, Code 1983, 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. 10013. Section 25A.6, Code 1983, 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 adapted by the supreme court of the state.~~ The same provisions for counterclaims,

setoff, interest upon judgments, and payment of judgments, ~~shall be~~ are 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~~ a judgment under this chapter.

Sec. 10014. Section 32.2, Code 1983, is amended to read as follows:

32.2 ACTIONS FOR PENALTY. ~~Such~~ The action or suit may be brought by and in the name of the state, on the relation of ~~any~~ a citizen thereof of the state, and ~~such~~ the penalty, when collected, less the reasonable cost and expense of action or suit and recovery, to be certified by the clerk of the district court of the county in which the offense is committed, shall be paid ~~into the county treasury for the benefit of the school fund to the treasurer of state for distribution~~ under section 602.9107, and two or more penalties may be sued for and recovered in the same action or suit.

Sec. 10015. Section 39.17, unnumbered paragraph 1, Code 1983, is amended to read as follows:

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. 10016. Section 44.7, Code 1983, 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~~ the officer or officers ~~so~~ objected to shall not pass upon ~~such~~ the objection, but their places shall be filled, respectively, by the county treasurer chairperson of the board of supervisors, the sheriff, and the county recorder.

Sec. 10017. Section 46.5, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When a vacancy in an office of an elective judicial nominating commissioner occurs, the clerk of the supreme court shall arrange for the publication of a notice stating the existence of the vacancy and the manner in which the vacancy will be filled in those publications which the clerk of the supreme court deems likely to give reasonable notice to the eligible voting members of the bar of the district in which the vacancy occurs. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the publication of the notice.

Sec. 10018. Section 46.7, Code 1983, is amended to read as follows:

46.7 ELIGIBILITY TO VOTE. To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must ~~have registered in writing with the clerk of the district court of the county of his residence at the last bar registration preceding such election~~ be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 10019. Section 46.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

46.8 CERTIFIED LIST. On June 1 of each year the clerk of the supreme court shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. The clerk of the supreme court shall provide a copy of the list of the members for a county to the clerk of the district court for that county.

Sec. 10020. Section 46.9, unnumbered paragraph 4, Code 1983, is amended to read as follows:

Vote for (state number) for Iowa State (or Iowa
Judicial District) judicial nominating commissioner(s) for
term commencing

____ JOHN-DOE CANDIDATE'S NAME
____ RICHARD-ROE CANDIDATE'S NAME
____
____

Sec. 10021. Section 46.15, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Vacancies in the court of appeals shall be filled by appointment by the governor from a list of nominees submitted by the state judicial nominating commission. ~~Three~~ Five nominees shall be submitted for each vacancy. If the governor fails to make an appointment within thirty days after a list of nominees has been submitted, the appointment shall be made from the list of nominees by the chief justice of the supreme court.

Sec. 10022. Section 46.16, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Subject to ~~the provisions of~~ sections 605-24 and 605-25 602.1610 and 602.1612 and to removal for cause:

Sec. 10023. Section 46.20, Code 1983, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY. At least ninety days prior to the judicial election preceding expiration of ~~his~~ or her ~~the~~ initial or regular term of office, a judge of the supreme court, court of appeals or district court including district associate judges, or a clerk of the district court who is required to stand for retention under section 602.1214A may file a declaration of candidacy with the state commissioner of elections, ~~whereupon each judge shall~~ to stand for retention or rejection at that election. If a judge or clerk fails to file such the declaration, his-or-her the office shall

be vacant at the end of ~~his-or-her~~ the term. District associate judges filing ~~such-a~~ the declaration shall stand for retention in the judicial election district of their residence.

Sec. 10024. Section 46.21, Code 1983, is amended to read as follows:

46.21 CONDUCT OF ELECTIONS. At least fifty-five days prior to each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals and district court including district associate judges, and clerks of the district court to be voted on in ~~such~~ each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The state commissioner of elections shall rotate the names in the certificate by county, or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

STATE OF IOWA
JUDICIAL BALLOT
(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX
AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the Supreme Court be retained in office?

JOHN DOE	YES	___	NO	___
RICHARD ROE	YES	___	NO	___

COURT OF APPEALS

Shall the following judges of the Court of Appeals be retained in office?

JOHN DOE YES ___ NO ___
 RICHARD ROE YES ___ NO ___

DISTRICT COURT

Shall the following judge or associate judge of the District Court be retained in office?

JOHN SMITH YES ___ NO ___

Shall the following clerk of the District Court be retained in office?

JANE DOE YES ___ NO ___

Sec. 10025. Section 46.24, Code 1983, is amended to read as follows:

46.24 RESULTS OF ELECTION. A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns at its meeting on Monday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court, court of appeals or district court including a district associate judge, or a clerk of the district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating.

Sec. 10026. NEW SECTION. 49.48 The state commissioner of elections shall prescribe a notice to inform voters that the top of the ballot contains the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the voting machine or to the ballot.

Sec. 10027. Section 64.6, Code 1983, is amended by adding the following new subsection:

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

Sec. 10028. Section 64.8, Code 1983, 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 court~~, county attorneys, recorders, auditors, sheriffs and assessors shall each be in a penal sum of not less than ten thousand dollars ~~each~~ per annum.

Sec. 10029. Section 64.11, Code 1983, is amended to read as follows:

64.11 EXPENSE OF BONDS PAID BY COUNTY. If any a county treasurer, ~~clerk of the district court~~, county attorney, recorder, auditor, sheriff, medical examiner, ~~members of~~ member of the soldiers relief commission, ~~members member of~~ the board of supervisors, engineer, steward or matron ~~shall elect elects~~ to furnish a bond with any association or incorporation as surety as provided in this chapter, the reasonable cost of ~~such the~~ bond shall be paid by the county where the bond is filed.

Sec. 10030. Section 64.19, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. By the state court administrator in case of district court clerks and first deputy clerks.

Sec. 10031. Section 64.23, subsection 1, Code 1983, is amended to read as follows:

1. For all state officers, elective or appointive, except those of the secretary of state and judicial magistrate magistrates, with the secretary of state. Bonds and official oaths of judicial magistrates and court personnel shall be filed in the office of the ~~district court clerk~~ state court administrator.

Sec. 10032. Section 66.19, Code 1983, is amended to read as follows:

66.19 TEMPORARY OFFICER. Upon ~~such~~ a suspension, the board or person authorized to fill a vacancy in the office shall temporarily fill the office by appointment. In case of a suspension of ~~the clerk or~~ sheriff, the district court may ~~supply such place by appointment~~ designate an acting sheriff until a temporary ~~appointment shall be made~~ sheriff is appointed. ~~Such orders~~ Orders of suspension and temporary appointment of county and township officers shall be certified to the county auditor, ~~and be by him entered for entry in~~ the election book; those of city officers, certified to the clerk and entered upon the records; in case of other officers, to the person or body making the original appointment.

Sec. 10033. Section 68.1, Code 1983, is amended to read as follows:

68.1 IMPEACHMENT DEFINED. An impeachment is a written accusation against the governor, or a ~~judge of the supreme or district court~~ judicial officer, or other state officer, by the house of representatives before the senate, of a misdemeanor or malfeasance in office.

Sec. 10034. Section 69.3, Code 1983, is amended to read as follows:

69.3 POSSESSION OF OFFICE. When a vacancy occurs in a public office, possession shall be taken of the office room, the books, papers, and all things pertaining ~~thereto to the~~ office, to be held until the qualification of a successor, as follows: Of the office of the county auditor, by the ~~clerk of the district court~~ county treasurer; of the ~~clerk or~~ county treasurer, by the county auditor; of any of the state officers, by the governor, or in ~~his~~ the absence or inability of ~~the~~ governor at the time of the occurrence, as follows: Of the secretary of state, by the treasurer of state; of the auditor of state, by the secretary of state; of the treasurer of state, by the secretary of state and auditor of state, who

shall make an inventory of the money and warrants ~~therein~~ in the office, sign ~~the same~~ them, and transmit ~~at the~~ the inventory to the governor; and the secretary of state shall take the keys of the safe and desks, after depositing the books, papers, money and warrants ~~therein in them~~, and the auditor of state shall take the key ~~of~~ to the office room.

Sec. 10035. Section 69.8, subsection 3, Code 1983, is amended by striking the subsection.

Sec. 10036. Section 69.8, subsection 5, Code 1983, is amended to read as follows:

5. BOARD OF SUPERVISORS. In the membership of the board of supervisors, by the ~~clerk of the district court~~ treasurer, auditor, and recorder.

Sec. 10037. Section 69.8, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 10038. Section 79.12, Code 1983, is amended to read as follows:

79.12 WARRANTS PROHIBITED. No ~~A~~ warrant ~~shall be issued~~ requiring any a peace officer to go beyond the boundaries of the state at public expense ~~shall not be issued~~ except with the approval of a ~~judge of the district court~~ judge.

Sec. 10039. Section 85.49, unnumbered paragraph 1, Code 1983, is amended to read as follows:

When a minor or mentally incompetent dependent is entitled to weekly benefits under this chapter, chapter 85A or chapter 85B, payment shall be made to the clerk of the district court for the county in which the injury occurred, who shall act as trustee, and the money coming into the clerk's hands shall be expended for the use and benefit of the person entitled ~~thereto to it~~ under the direction and orders of a ~~district judge of the district court, in which such county is located~~. The clerk of the district court, as ~~such~~ trustee, shall qualify and give bond in ~~such an~~ amount as the district judge may ~~direct~~ directs, which may be increased or diminished from time to time ~~as the court may deem best~~. ~~The cost of such~~

~~bond shall be paid by the county as the court may direct by written order directed to the auditor of the county who shall issue a warrant therefor upon the treasurer of the county.~~ If the domicile or residence of ~~such the~~ minor or mentally incompetent dependent ~~be~~ is within the state but in a county other than that in which the injury to the employee occurred the industrial commissioner may order and direct that weekly benefits ~~to such minors or incompetents~~ be paid to the clerk of the district court of the county ~~wherein they shall be domiciled or reside~~ of domicile or residence.

Sec. 10040. Section 85.50, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Every ~~A~~ clerk of the district court ~~of every county upon his completion of his term of office shall, or upon his resignation, removal resigning or being removed from office or otherwise becoming disqualified as such clerk, shall make an accounting and final report to be approved by a judge of the district court for said county the chief judge of the judicial district and all funds and other property shall be delivered to the successor in the office of such clerk of the district court.~~

Sec. 10041. Section 91.10, Code 1983, is amended to read as follows:

91.10 POWER TO SECURE EVIDENCE. The labor commissioner and ~~his~~ the commissioner's deputy ~~shall have the power to~~ may issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of them. ~~No witnesses shall be compelled by such subpoena to attend at a greater distance than that provided for in section 622.68.~~ Witnesses subpoenaed and testifying before the commissioner or ~~his~~ the commissioner's deputy shall be paid the same fees as witnesses under section 622.69, ~~such~~ payment to be made out of the funds appropriated to the bureau of labor.

Sec. 10042. Section 97B.41, subsection 3, paragraph b, subparagraph (6), Code 1983, is amended to read as follows:

(6) ~~Part-time judicial magistrates appointed pursuant to either section 602.58 or section 602.59 unless such magistrates~~ Magistrates other than those who elect by filing an application with the department to be covered under the provisions of this chapter.

Sec. 10043. Section 99.30, Code 1983, is amended to read as follows:

99.30 APPLICATION OF TAX. The ~~said~~ tax collected shall be applied ~~in payment of any toward the~~ deficiency in the payment of costs of the action and abatement ~~on behalf of the state to the extent of such deficiency which exist~~ after the application thereto of the proceeds of the sale of personal property ~~as heretofore provided, and the~~. The remainder of ~~said the~~ tax together with the unexpended portion of the proceeds of the sale of personal property shall be distributed ~~to the temporary school fund of the county paid to the clerk of court who shall remit the amount to the treasurer of state for distribution under section 602.9107,~~ except that ten percent of the amount of the whole tax collected and of the whole proceeds of the sale of ~~said the~~ personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

Sec. 10044. Section 125.76, Code 1983, is amended to read as follows:

125.76 APPOINTMENT OF COUNSEL FOR APPLICANT. The applicant, if not the county attorney, may apply for the appointment of counsel if financially unable to employ an attorney to assist the applicant in presenting evidence in support of the application for commitment. If the applicant applies for the appointment of counsel, the application shall include the submission of a financial statement as defined in required under section 336B.1 815.9.

Sec. 10045. Section 125.94, Code 1983, is amended to read as follows:

125.94 SUPREME COURT RULES. The supreme court may prescribe rules of pleading, practice, and procedure and the forms of process, writs, and notices under section 602.5201, for all commitment proceedings in a court of this state under this chapter. ~~Any~~ The rules ~~so-prescribed~~ shall be drawn for the purpose of simplifying and expediting the proceedings, so far as is consistent with the rights of the parties involved. The rules shall not abridge, enlarge, or modify the substantive rights of a party to a commitment proceeding under this chapter.

Sec. 10046. Section 127.17, Code 1983, is amended to read as follows:

127.17 COSTS. When ~~any-such a~~ conveyance is requisitioned by the state department of justice, ~~said the~~ department shall pay ~~to-the-clerk-of-the-district-court,~~ the court costs and the expense incurred by the county or the sheriff in keeping ~~said the~~ conveyance.

Sec. 10047. Section 127.20, Code 1983, is amended to read as follows:

127.20 SALE OF CONVEYANCE. Prior to placing the conveyance for sale to the general public, the sheriff shall permit ~~any~~ an owner or lien holder having a property interest of fifty percent or more in the conveyance the opportunity to purchase the property interest forfeited. If ~~such the~~ owner or lien holder does not exercise ~~his-or-her an~~ option under this section or if ~~no-such an~~ owner or lien holder ~~exists does~~ not exist, the conveyance shall be sold at public auction with the proceeds first being applied to the owners and lien holders who have not had their property interest forfeited and ~~then~~ applied to the expenses of keeping the conveyance ~~and-court-costs,~~ and any remaining funds shall be conveyed by the clerk of court to the treasurer of state for distribution under section 602.9107.

Sec. 10048. Section 144.36, subsection 1, Code 1983, is amended to read as follows:

1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The clerk of the district court shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The clerk of the district court in each county shall keep a record book for marriages. The form of marriage record books shall be uniform throughout the state and shall be prescribed by the state department. ~~Marriage-record-books-shall-be-provided-at-county-expense.~~ A properly indexed permanent record of marriage certificates upon microfilm, electronic computer, or data processing equipment may be kept ~~instead in lieu of~~ marriage record books.

Sec. 10049. Section 144.37, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The clerk of the district court in each county shall keep a record book for divorce dissolutions. The form of divorce dissolution record books shall be uniform throughout the state and shall be prescribed by the state department. ~~Divorce record-books-shall-be-provided-at-county-expense.~~ A properly indexed record of divorce dissolution upon microfilm, electronic computer, or data processing equipment may be kept instead in lieu of divorce dissolution record books.

Sec. 10050. Section 144.46, Code 1983, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD. The department by rule shall establish fees based on the average administrative cost which shall be collected by the state registrar or the clerk of the district court for each certified copy or short form certification of certificates or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected by the state registrar under this section shall be deposited in the general fund of the state ~~if-the-service-is-performed-by-the-department~~

~~or in the general fund of the county if the service is performed by the county or local registrar. Fees collected by the clerk of the district court shall be deposited in the court revenue distribution account established under section 602.9108.~~ A fee shall not be collected from a political subdivision or agency of this state.

Sec. 10051. Section 204.502, subsection 1, paragraph b, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A warrant shall issue only upon sworn testimony of an officer or employee of the board duly designated and having knowledge of the facts alleged, before the ~~district or municipal court judge~~ judicial officer, establishing the grounds for issuing the warrant. If the ~~judge~~ judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, ~~he~~ the officer shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any.

Sec. 10052. Section 204.502, subsection 1, paragraph d, Code 1983, is amended to read as follows:

d. The ~~judge~~ judicial officer who has issued a warrant under this section shall require that there be attached to the warrant a copy of the return, and of all papers filed in connection with the return, and shall file them with the clerk of the district ~~or municipal~~ court for the ~~district~~ county in which the inspection was made.

Sec. 10053. Section 229.40, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

229.40 RULES FOR PROCEEDINGS. Proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.5201.

Sec. 10054. Section 232.2, subsections 8 and 29, Code 1983, are amended to read as follows:

8. "Court" means the juvenile court established ~~in chapter 231 under section 602.8101.~~

29. "Juvenile probation court officer" ~~or "probation officer"~~ means a person appointed as a juvenile probation court officer under ~~section 231-8~~ division 1, article 8 of chapter 602 and a chief juvenile court officer appointed under section 602.1215.

Sec. 10055. Sections 232.2, subsections 24, 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, 232.82, subsection 2, 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 1983, are amended by striking the terms "juvenile probation officer" and "probation officer" wherever either or both of those terms appear and inserting in lieu of each of those terms the words "juvenile court officer".

Sec. 10056. NEW SECTION. 232.3 CONCURRENT COURT PROCEEDINGS.

1. During the pendency of an action under this chapter, a party to the action is estopped from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court. A district judge, district associate judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of the action, under any law, including but not limited to chapter 598, 598A, or 633.

2. The juvenile court with jurisdiction of the pending action under this chapter, however, may, upon the request of a party to the action or on its own motion, authorize the

party to litigate concurrently in another court a specific issue relating to the custody, guardianship, or placement of the child who is the subject of the action. Before authorizing a party to litigate a specific issue in another court, the juvenile court shall give all parties to the action an opportunity to be heard on the proposed authorization. The juvenile court may request but shall not require another court to exercise jurisdiction and adjudicate a specific issue relating to the custody, guardianship, or placement of the child.

Sec. 10057. Sections 232.147, subsection 3, paragraph a, and 232.149, subsection 3, paragraph b, Code 1983, are amended by striking the term "juvenile probation officers" wherever the term appears and inserting in lieu thereof the words "juvenile court officers".

Sec. 10058. Section 232.152, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

232.152 RULES OF JUVENILE PROCEDURE. Proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.5201.

Sec. 10059. Section 247.29, Code 1983, is amended to read as follows:

247.29 CRIMINAL STATISTICS. The clerk of the district court shall, on or before July 15 of each year, report to the supreme court, the board of parole, and the director of the division of corrections of the department of social services all of the following information for the preceding fiscal year:

1. The number of convictions of all criminal offenses in that court, in his county, for the year ending June 30 preceding, the character of each offense, the sentence imposed, the occupation of the offender, and whether such or not the offender can read or write.

2. ~~Number~~ The number of acquittals in criminal cases.

3. ~~Number~~ The number of dismissals by the court without trial, and the nature of the charges so dismissed in criminal cases.

4. The expenses ~~of the county~~ for criminal prosecutions ~~during each year.~~

Sec. 10060. Section 247.30, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

247.30 ITEMIZATION OF STATISTICS. The information required by section 247.29, subsection 4, shall be itemized as follows:

1. Fees and mileage paid to jurors.

2. The cost of meals and lodging for jurors.

3. The amount expended by the county in each of the following categories, as reported to the clerk by the county auditor, and whether or not recovered from defendants:

a. The cost for the services of bailiffs while attending the grand jury or trials of actions.

b. Fees and mileage paid to members of the grand jury, the clerk of the grand jury, and witnesses before the grand jury.

c. Fees and mileage paid to witnesses in the trial of actions.

d. Fees paid for court reporting and for transcriptions of the notes of court reporters.

e. The costs of depositions.

f. The expense of providing a jail, not including board of prisoners.

g. The expense of the board of prisoners in a county jail.

h. The expense of transporting prisoners to state correctional institutions.

i. The compensation and expenses incurred by the office of the county attorney in connection with criminal prosecutions.

Sec. 10061. Section 247.31, Code 1983, is amended to read as follows:

247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county auditor shall report to the clerk of the district court, on or before July 5 of each year, the expenses of the county in connection with criminal prosecutions during the preceding fiscal year ending June 30 preceding, including but distinguishing the compensation of the county attorney. Such The report shall include all the items of criminal expenses which appear in the records of his office and which are required to be reported by the clerk of the district court to the board of parole and the director of the division of corrections of the department of social services under section 247.30 and which appear in the records of the county auditor. The clerk of the district court shall furnish to the auditor with the blanks to be used in making such this report.

Sec. 10062. Section 252.18, subsection 1, Code 1983, is amended to read as follows:

1. Any A person who is a county charge or is likely to become such so, coming from another state and not having acquired a settlement in any a county of this state or any such person having acquired a settlement in any a county of this state who removes moves to another county, may be removed from this state or from the county into which such the person has moved, as the case may be, at the expense of the county wherein said where the person is found, upon the petition of said the county to the district ex-superior court of in that county.

Sec. 10063. Section 258A.1, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. The board of examiners of shorthand reporters, created pursuant to chapter 215 division 1, article 4, of chapter 602.

Sec. 10064. Section 258A.3, subsection 2, paragraph a, Code 1983, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections 114.21, 115.07, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.219 and 602.4203 and chapters 135E, 151, 507B and 522 or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 10065. Section 258A.4, subsection 1, paragraph f, Code 1983, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.07, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187 and 602.4203 and chapters 135E, 151, 507B and 522, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 10066. Section 302.44, Code 1983, is amended to read as follows:

302.44 PENALTY AGAINST COUNTY AUDITOR. Any A county auditor failing or neglecting to perform any-of-the required duties which-are-required-of-him-by-the-provisions-of under this chapter, shall-be is liable to a penalty of not less than one hundred nor more than five hundred dollars, to be recovered in an action brought in the district court by the board of supervisors, the. The judgment to shall be entered against the party and his the party's bondsmen, and the proceeds to-go-to-the-school-fund shall be paid to the treasurer of state for distribution under section 602.9107.

Sec. 10067. Section 306B.5, subsection 2, Code 1983, is amended to read as follows:

2. The cost of removal, including any fees, and costs or and expenses as may which arise out of any an action brought by the department to insure peaceful entry and removal, may be assessed against the owner of the advertising device. ~~Should if~~ if the owner of the advertising device ~~fail fails~~ to pay ~~such the~~ fees, costs, or expenses within thirty days after assessment, the department may ~~institute-proceedings-in-the district-court-or-small-claims-division-as-applicable,~~ commence an action to collect ~~said the~~ fees, costs, or expenses, which when collected, shall be paid into the "highway beautification fund."

Sec. 10068. Section 306C.19, subsection 2, Code 1983, is amended to read as follows:

2. The cost of removal, including any fees, and costs or and expenses as may which arise out of any an action brought by the department to insure peaceful entry and removal, may be assessed against the owner of the advertising device. ~~Should if~~ if the owner of the advertising device ~~fail fails~~ to pay ~~such the~~ fees, costs, or expenses, within thirty days after assessment, the department may ~~institute-proceedings in-the-district-court-or-small-claims-division-as-applicable,~~ commence an action to collect ~~said the~~ fees, costs, or expenses, which when collected, shall be paid into the "highway beautification fund".

Sec. 10069. Section 331.303, subsection 10, Code 1983, is amended by striking the subsection.

Sec. 10070. Section 331.321, subsection 1, paragraph 2, Code 1983, is amended to read as follows:

2. Members of the county judicial magistrate appointing commission in accordance with section ~~602-42~~ 602.7503.

Sec. 10071. Section 331.322, subsection 5, Code 1983, is amended to read as follows:

5. Furnish offices within the county for the sheriff, and at the county seat for the ~~clerk,~~ recorder, treasurer, auditor, county attorney, county surveyor or engineer, county

assessor, and city assessor. If the office of public defender is established, the board shall furnish the public defender's office as provided in section 331.776. The board shall furnish the officers with fuel, lights, and office supplies. However, the board is not required to furnish the county attorney or public defender with law books. The board shall not furnish an office also occupied by a practicing attorney to any an officer other than the county attorney or public defender.

Sec. 10072. Section 331.323, subsection 1, paragraph f, Code 1983, is amended by striking the paragraph.

Sec. 10073. Section 331.323, subsection 2, paragraph h, Code 1983, is amended to read as follows:

h. Establish the number of deputies, assistants, and clerks for the offices of auditor, treasurer, recorder, sheriff, and county attorney, ~~and clerk.~~

Sec. 10074. Section 331.324, subsection 4, Code 1983, is amended by striking the subsection.

Sec. 10075. Section 331.324, subsection 6, Code 1983, is amended to read as follows:

6. If a board provides group insurance for county employees, it shall also provide the insurance ~~also~~ to the ~~following persons, subject to the conditions indicated:~~

a---A a full-time county extension office assistant employed in the county, if the county is reimbursed for the premium by the county extension district.

b---A ~~full-time-certified-court-reporter, on-the-same percentage-basis-that-the-county-is-responsible-for-the reporter's-compensation-under-section-605.9.~~ ~~However, group insurance may be obtained through only one of the counties in the judicial district, at the reporter's option, with a percentage-contribution from the other counties for the employer's share of the premium, on the percentage-basis provided under section-605.9.~~

Sec. 10076. Section 331.361, subsection 5, paragraph h, Code 1983, is amended to read as follows:

h. Provide facilities for the ~~holding-of~~ district court ~~at-the-county-seat~~ in accordance with ~~sections-602-6-and-602-61~~ section 602.1303.

Sec. 10077. Section 331.422, subsection 24, Code 1983, is amended to read as follows:

24. For the court expense fund, if the amount levied for ordinary county revenue is insufficient to pay all expenses incident to the ~~maintenance-and-operation support~~ of the ~~courts~~ judicial system, an amount sufficient to pay the expenses.

Sec. 10078. Section 331.424, subsection 1, paragraph m, Code 1983, is amended by striking the paragraph.

Sec. 10079. Section 331.426, subsection 9, Code 1983, is amended to read as follows:

9. A court expense fund, which shall not be used for a purpose other than expenses incident to the ~~maintenance-and-operation-of-the-courts~~ support of the judicial system, including but not limited to ~~salary-and-expenses-of-the-clerk, deputy-clerk, and other employees of the clerk's office, establishment-and-operation-of-a-public-defender's-office~~ the costs of facilities, services, and other obligations of the county under section 602.1303, costs otherwise payable from the general fund under section 331.424, subsection 3, paragraph "g", the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, and claims filed under section 622.93.

Sec. 10080. Section 331.502, subsection 8, Code 1983, is amended to read as follows:

8. Take temporary possession of the office and all official books and papers in the office of treasurer ~~or clerk~~ when a vacancy occurs ~~in-either-office~~ and hold the office, books, and records until a successor qualifies as provided in section 69.3. The auditor shall also serve temporarily as the recorder if a vacancy occurs in that office and, if there is no chief deputy assessor, act temporarily as the assessor as provided in section 441.8.

Sec. 10081. Section 331.502, subsection 10, Code 1983, is amended by striking the subsection.

Sec. 10082. Section 331.502, subsection 42, Code 1983, is amended to read as follows:

42. Certify to the clerk of the district court the names, addresses, and expiration date of the ~~term~~ terms of office of persons appointed to the county judicial magistrate appointing commission as provided in section ~~602-43-subsection 3~~ 602.7503.

Sec. 10083. Section 331.502, subsections 43 and 44, Code 1983, are amended by striking the subsections.

Sec. 10084. Section 331.506, subsection 2, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

2. The auditor may issue warrants to pay the following claims against the county without prior approval of the board:

a. Witness fees and mileage for attendance before a grand jury, as certified by the county attorney and the foreman of the jury.

b. Witness fees and mileage in trials of criminal actions, as certified by the county attorney.

c. Fees and costs payable to the clerk of the district court or other state officers or employees in connection with criminal and civil actions when due, as shown in the statement submitted by the clerk of court under section 602.9109.

d. Expenses of the grand jury, upon order of a district judge.

Sec. 10085. Section 331.509, subsection 1, paragraph c, Code 1983, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The amount paid witnesses and bailiffs, respectively, in the district court, the amount of fees paid for the services of court reporters, the amount paid as fees and costs to the clerk of the district court, and related expenditures.

Sec. 10086. Section 331.509, subsection 1, paragraph o, Code 1983, is amended to read as follows:

o. The reports of magistrates and other officers, including forfeited recognizances in their offices, fines, penalties, forfeitures imposed in their respective courts, and forfeited appearance bonds in criminal cases, all of which are payable to the ~~county-treasury-for-the-benefit-of-the-school-fund~~ treasurer of state for distribution under section 602.9107.

Sec. 10087. Section 331.509, subsection 1, paragraph p, Code 1983, is amended to read as follows:

p. The reports made during the preceding year by the treasurer, auditor, recorder, sheriff, ~~clerk~~ and the commission of the Iowa department of veterans affairs as required by law.

Sec. 10088. Section 331.552, subsection 11, Code 1983, is amended to read as follows:

11. Credit funds from the sale of seized conveyances to the ~~school-fund-and-issue-duplicate-receipts-to-the-sheriff as-provided-in-sections-127.21-and-127.22 to the treasurer of state for distribution under section 602.9107.~~

Sec. 10089. Section 331.552, subsection 31, Code 1983, is amended by striking the subsection.

Sec. 10090. Section 331.653, subsection 4, Code 1983, is amended to read as follows:

4. Provide bailiff and other law enforcement service to the district court judges, district associate judges, and judicial magistrates of the county ~~and-while-the-judges-and magistrates-are-in-session,-provide-them-with-the-assistance of-bailiffs upon request. The-sheriff-shall-appoint-the number-of-bailiffs-up-the-judges-and-magistrates-of-the-county direct. The-bailiffs-are-deputy-sheriffs-to-the-extent-that the-sheriff-delegates-law-enforcement-powers-to-carry-out their-duties-and-for-whose-acts-the-sheriff-is-responsible but-the-bailiffs-need-not-be-subject-to-civil-service-under chapter-341A-or-mandated-law-enforcement-training.~~

Sec. 10091. Section 331.653, subsections 7 and 71, Code 1983, are amended by striking the subsections.

Sec. 10092. Section 331.776, subsection 4, Code 1983, is amended to read as follows:

4. The board shall determine the compensation of the public defender, subject to limitations established by the general assembly or the supreme court.

Sec. 10093. Section 331.776, subsection 5, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

5. a. The board shall provide suitable furniture, equipment, and supplies for the office of the public defender out of funds appropriated to the supreme court and allocated by the supreme court to the county for this purpose. If a public defender office serves more than one county, the supreme court shall select one of the counties to perform the duties required by this paragraph. The board shall account to the supreme court for allocations and expenditures under this paragraph.

b. The board shall approve the appointment and compensation of deputy public defenders and other employees of the public defender office, subject to limitations established by the general assembly or the supreme court. The compensation and expenses of the public defender, deputy public defenders, and employees of the public defender office shall be paid from funds appropriated to the supreme court and allocated by the supreme court to the county for this purpose. The board shall account to the supreme court for allocations and expenditures under this paragraph.

Sec. 10094. Section 331.776, subsection 8, Code 1983, is amended by striking the subsection.

Sec. 10095. Section 331.777, subsection 2, Code 1983, is amended to read as follows:

2. Shall make the determination of indigence within criteria-established-by-the-board-before as required under

~~section 815.9 prior to the initial arraignment or other initial court appearance. At or after initial arraignment or other initial court appearance, the a determination of indigence shall be made by the court. The public-defender-shall-require an-indigent-person-requesting-legal-assistance-to-complete a-detailed financial statement which required under section 815.9~~ shall be filed in the indigent person's court file and retained as a permanent part of the file.

Sec. 10096. Section 331.901, subsection 6, paragraph b, Code 1983, is amended to read as follows:

b. Expenses incurred in the ~~operation support~~ of the courts judicial system.

Sec. 10097. Section 331.902, subsection 1, Code 1983, is amended to read as follows:

1. Unless otherwise specifically provided by statute, the fees and other charges collected by the auditor, treasurer, recorder, ~~and sheriff, clerk, or~~ and their ~~respective~~ deputies or employees, belong to the county.

Sec. 10098. Section 331.903, subsection 1, Code 1983, is amended to read as follows:

1. The auditor, treasurer, recorder, sheriff, ~~and county attorney, and clerk~~ may each appoint, with approval of the board, one or more deputies, assistants, or clerks who do not hold another county office and for whose acts the principal officer ~~shall be~~ is responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

Sec. 10099. Section 331.904, subsections 1 and 6, Code 1983, are amended to read as follows:

1. The annual salary of the first and second deputy officer of the office of auditor, treasurer, and recorder, ~~and clerk~~ and the deputy in charge of the motor vehicle registration and title division shall each be an amount not to exceed

eighty percent of the annual salary of the deputy's principal officer as determined by the principal officer. In offices where more than two deputies are required, each additional deputy shall be paid an amount not to exceed seventy-five percent of the principal officer's salary. The amount of the annual salary of each deputy shall be certified by the principal officer to the board and, if a deputy's salary does not exceed the limitations specified in this subsection, the board shall certify the salary to the auditor. The board shall not certify a deputy's salary which exceeds the limitations of this subsection.

6. The salaries and expenses of the deputy officers, assistants, clerks, and other employees of the county shall be paid from the general fund of the county unless otherwise provided by law. ~~The deputy clerks of the district court, other employees of the clerk's office, and the bailiffs may be paid from the court expense fund.~~

Sec. 10100. Section 331.907, subsections 1 and 5, Code 1983, are amended to read as follows:

1. The annual compensation of the auditor, treasurer, recorder, ~~clerk~~, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. The county compensation board shall prepare a recommended compensation schedule for the elective county officers. Following completion of the compensation schedule, the county compensation board shall publish the compensation schedule in a newspaper having general circulation throughout the county. The publication shall also include a public notice of the date and location of a hearing to be held by the county compensation board not less than one week nor more than three weeks from the date of notice. Upon completion of the public hearing, the county compensation board shall prepare a final compensation schedule recommendation.

5. The salaries and expenses of elected county officers shall be paid from the general fund of the county unless otherwise provided by law. ~~The salary and expenses of the clerk of the district court may be paid from the court expense fund.~~

Sec. 10101. Section 356A.2, Code 1983, is amended to read as follows:

356A.2 CONTRACT. If the board of supervisors ~~contract~~ contracts 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 in the facility; and any other matters deemed necessary by the supervisors. ~~All such contracts~~ A contract 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. 10102. Section 356A.6, Code 1983, 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 the person may be transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2.

Sec. 10103. Section 400.6, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~The provisions of this chapter shall apply~~ This chapter applies to all appointive officers and employees, ~~including former deputy clerks of the municipal court who became deputies of the district court clerks,~~ in cities under any form of government having a population of more than fifteen thousand except:

Sec. 10104. Section 453.1, Code 1983, is amended to read as follows:

453.1 DEPOSITS IN GENERAL. All funds held in the hands of the following officers or institutions shall be deposited in banks first approved by the appropriate governing body as indicated: For the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, sheriff, ~~clerk of the district court, and judicial magistrate,~~ by the board of supervisors; for the city treasurer, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; and for an electric power agency as defined in section 28F.2, by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision shall invest all funds not needed for current operating expenses in time certificates of deposit in banks listed as approved depositories pursuant to this chapter or in investments permitted by section 452.10. The list of public depositories and the amounts severally deposited in the depositories shall be a matter of public record. ~~The term "bank"~~ "Bank" means a bank or a private bank, as defined in section 524.103.

Sec. 10105. Section 508.15, Code 1983, is amended to read as follows:

508.15 VIOLATION BY FOREIGN COMPANY. Companies organized and chartered by the laws of a foreign state or country, failing to file the evidence of investment and statement within the time fixed, shall forfeit and pay the sum of three hundred dollars, to be collected in an action in the name of the state ~~for the use of the school fund and paid to the treasurer of state for distribution under section 602.9107.~~ and their right to transact further new business in this state shall immediately cease until the requirements of this chapter have been fully complied with.

Sec. 10106. Section 511.7, Code 1983, is amended to read as follows:

511.7 RECOVERY OF PENALTIES. Actions brought to recover any of the penalties provided for in this chapter shall be instituted in the name of the state by the county attorney of the county, under the direction and authority of the commissioner of insurance, and may be brought in the district court of any county in which the company or association proceeded against is engaged in the transaction of business, or in which the offending person resides, if it is against ~~him the person.~~ The penalties, when recovered, shall be paid ~~into the state treasury for the use of the school fund to the treasurer of state for distribution under section 602.9107.~~

Sec. 10107. Section 515.93, Code 1983, is amended to read as follows:

515.93 VIOLATIONS. Any A violation of ~~the provisions~~ of sections 515.91 and 515.92 shall for the first offense subject the company, association, or individual guilty thereof to a penalty of five hundred dollars, to be recovered in the name of the state, with costs, in an action instituted by the county attorney, either in the county in which the company, association, or individual is located or transacts business, or in the county where the offense is committed, and ~~such~~ the penalty, when recovered, shall be paid ~~into the school fund of the county in which action is brought to the treasurer~~

of state for distribution under section 602.9107. Every subsequent violation of ~~said the~~ sections ~~shall subject~~ subjects the company, association, or individual to a penalty of one thousand dollars, to be sued for, recovered, and disposed of in like manner.

Sec. 10108. Section 534.12, subsection 4, Code 1983, is amended to read as follows:

4. REDEMPTION. ~~At any time when~~ funds are on hand for the purpose, the association ~~shall have the right to may~~ redeem by lot or otherwise, as the board of directors ~~may~~ determine determines, all or any part of any of its savings accounts on a dividend date by giving thirty days' notice by registered mail addressed to the account holders at their last addresses recorded on the books of the association. An association shall not redeem ~~any of~~ its share accounts when the association is in an impaired condition or when it has applications for withdrawal which have been on file more than thirty days and have not been reached for payment. The redemption price of a savings account shall be the full value of the account redeemed, as determined by the board of directors, but ~~in no event shall~~ the redemption value shall ~~not~~ be less than the withdrawal value. If the notice of redemption has been given, and if on or before the redemption date the funds necessary for the redemption have been set aside ~~so as to be and continue to be available~~ for redemptions, dividends upon the accounts called for redemption shall cease to accrue from and after the dividend date specified as the redemption date, and ~~all~~ rights with respect to those accounts ~~shall~~ terminate as of the redemption date, subject only to the right of the account holder of record to receive the redemption value without interest. ~~All savings~~ Savings accounts which have been validly called for redemption must be tendered for payment within ten years from the date of redemption designated in the redemption notice, or they shall be canceled and ~~forfeited for the use of the school fund of~~

~~the county in which the association has its principal place of business~~ conveyed to the clerk of court and paid to treasurer of state for distribution under section 602.9107 and all claims of the account holders against the association ~~shall be~~ are barred forever. Redemption shall not be made of any savings accounts which are held by a person who is a director and which are necessary to qualify the person to act as director.

Sec. 10109. Section 535.5, Code 1983, is amended to read as follows:

535.5 PENALTY FOR USURY. If it ~~shall be~~ is ascertained in ~~any an~~ action brought on ~~any a~~ contract that a rate of interest has been contracted for, directly or indirectly, in money or in property, greater than is authorized by this chapter, the ~~same rate~~ same rate shall work a forfeiture of eight cents on the hundred by the year upon the amount of the principal remaining unpaid upon ~~such the~~ contract at the time judgment is rendered ~~thereon~~, and the court shall enter final judgment in favor of the plaintiff and against the defendant for the principal sum ~~as~~ remaining unpaid without costs, and also against the defendant and in favor of the state, ~~for the use of the school fund of the county in which the action is brought to be paid to the treasurer of state for distribution under section 602.9107, for the amount of the forfeiture, and in no case where.~~ If unlawful interest is contracted for ~~shall~~ the plaintiff shall not have judgment for more than the principal sum, whether the unlawful interest ~~be~~ is incorporated with the principal or not.

Sec. 10110. Section 598.16, Code 1983, 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 employees, but are subject to court supervision.

Sec. 10111. Section 600A.2, subsection 15, Code 1983, is amended to read as follows:

15. "Juvenile court" means a the juvenile court ~~as established under section 231-1~~ by section 602.8101.

Sec. 10112. NEW SECTION. 622.29 FACSIMILES OF SIGNATURES.

1. The judicial council shall prescribe rules and procedures for the use of a signature facsimile by a justice of the supreme court or a judge of the court of appeals, or a district judge, district associate judge, magistrate, clerk of the district court, county attorney, court reporter, or a law enforcement officer in all instances where a law of this state requires a written signature.

2. The judicial council shall prescribe rules and procedures for the use of a signature facsimile by a person other than an individual named in subsection 1, when directed and authorized by an individual named in subsection 1.

Sec. 10113. Section 622.67, Code 1983, is amended to read as follows:

622.67 DEPOSIT--EFFECT. The court ~~ex-judge~~, for good cause shown, ~~may~~ upon deposit with the clerk of the court of sufficient money to pay the ~~legal-fee~~ fee and mileage of a witness, ~~may order the clerk to issue a subpoena to issue~~ requiring the attendance of ~~such the~~ witness from a greater distance within the state. ~~Such The~~ subpoena shall show that it is issued under ~~the provisions hereof~~ this section. If the party requesting the subpoena is a county or the state, the court may order the issuance of the subpoena without the deposit of the fee and mileage.

Sec. 10114. Section 625.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

625.8 JURY AND REPORTER FEES.

1. The clerk of the district court shall tax as a court cost a jury fee of ten dollars in every action tried to a jury.

2. The clerk of the district court shall tax as a court cost a fee of fifteen dollars per day for the services of a court reporter.

3. Revenue from the fees required by this section shall be deposited in the court revenue distribution account established under section 602.9108.

Sec. 10115. Section 628.4, Code 1983, is amended to read as follows:

628.4 REDEMPTION PROHIBITED. No A party who has taken an appeal from the ~~superior or~~ district court, or stayed execution on the judgment, ~~shall be is not~~ entitled to redeem.

Sec. 10116. Section 631.2, subsection 2, Code 1983, is amended to read as follows:

2. The clerk of the district court shall maintain a separate docket for small claims which shall be known as the small claims docket, and which shall contain all matters relating to those small claims which are required by section ~~696-7~~ 602.9104, subsection 2, paragraph f, to be contained in a combination docket.

Sec. 10117. Section 631.3, subsection 4, Code 1983, is amended to read as follows:

4. Upon the request of any a party to the action, the clerk or a judicial officer shall issue subpoenas for the attendance of witnesses at a hearing. ~~The provisions of sections 622.63 to 622.67, 622.69, 622.76 and 622.77 shall apply to subpoenas issued pursuant to this chapter.~~

Sec. 10118. Section 631.6, subsection 4, unnumbered paragraph 2, Code 1983, is amended to read as follows:

All fees and costs collected in small claims actions shall be ~~remitted to the county treasurer as provided in section 696-16--~~ deposited in the court revenue distribution account established under section 602.9108, except that the fee specified in subsection 4 shall be remitted to the secretary of state.

Sec. 10119. Section 633.13, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A district judge has statewide jurisdiction to enter orders in probate matters not requiring

notice and hearing, although the judge is not a judge of or present in the district in which the probate matter is pending. The orders shall be made in conformity with the rules of the district in which the probate matter is pending.

Sec. 10120. Section 633.17, Code 1983, is amended to read as follows:

633.17 JUDGE DISQUALIFIED--PROCEDURE. ~~Where the judge is a party, or is connected by blood or affinity with a person interested nearer than the fourth degree, or is personally interested~~ When a judge is disqualified from acting in any a probate matter, the same matter shall be heard before another judge of the same district, or shall be transferred to the court of another district, or a judge of another district shall be procured to hold court for the hearing of such the matter.

Sec. 10121. Section 633.18, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

633.18 RULES IN PROBATE.

1. Actions and proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.5201.

2. The district judges of a judicial district acting under section 602.1212 may prescribe rules for probate actions and proceedings within the district, but these rules must be consistent with this chapter, and ~~shall be~~ are subject to the approval of the supreme court.

Sec. 10122. Section 633.20, Code 1983, is amended to read as follows:

633.20 REFEREE--EXAMINATION OF ACCOUNTS--FEEB6 CLERK.

1. For The court may appoint a referee in probate for the auditing of the accounts of fiduciaries and for the performance of such other ministerial duties as the court ~~may direct, the court may appoint a referee in probate whenever in the opinion of the court it seems fit and proper to do~~

~~he prescribes. The referee may be the clerk.~~ No A person shall ~~not~~ be appointed as referee in any a matter where he the person is acting as a fiduciary or as the attorney. All fees received by any county officer serving in the capacity of referee in probate shall become a part of the fees of his office and shall be accounted for as such.

2. The court may appoint the clerk as referee in probate. In such cases, the fees received by the clerk for serving in the capacity of referee are fees of the office of the clerk of court and shall be deposited in the court revenue distribution account established under section 602.9108.

Sec. 10123. Section 633.21, Code 1983, is amended to read as follows:

633.21 APPRAISERS' FEES AND REFERERS' FEES FIXED BY RULE. The district court sitting en banc judges of each judicial district shall by rule fix the fees of probate referees; it shall, and also by rule provide, insofar as practicable, a uniform schedule of compensation for inheritance tax appraisers, other appraisers, brokers, and agents employed at estate expense.

Sec. 10124. Section 633.31, subsection 2, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The clerk shall charge and collect the following fees, in connection with probate matters, all of which shall be paid into the county treasury for the use of the county deposited in the court revenue distribution account established under section 602.9108:

Sec. 10125. Section 644.15, Code 1983, is amended to read as follows:

644.15 PROCEEDS--FORFEITURE. The net proceeds of all sales made by the sheriff, and all money or bank notes paid over to the county treasurer, as directed in this chapter, shall remain in the hands of the county treasurer in trust for the owner, if any such shall apply the owner applies within one year from the time the same shall proceeds, moneys,

or bank notes would have been paid over, but. However, if no owner shall appear appears within such that time, the money proceeds, moneys, or bank notes shall be forfeited, and the claim of the owner thereto is forever barred, in which event the money shall remain in the county treasury for the use of the common schools in said county be paid to the clerk of district court who shall pay the money to the treasurer of state for distribution under section 602.9107.

Sec. 10126. Section 666.3, Code 1983, is amended to read as follows:

666.3 FINES AND FORFEITURES. All fines Fines and forfeitures, after deducting therefrom court costs, court expenses collectible through the clerk of the court, and fees of collection, if any, and not otherwise disposed of, shall go into the treasury of the county where the same are collected for the benefit of the school fund be paid to the treasurer of state for distribution under section 602.9107.

Sec. 10127. Section 666.6, Code 1983, is amended to read as follows:

666.6 REPORT OF FORFEITED BONDS. The clerk of the district court shall make an annual report in writing to the board of supervisors at supreme court on the first regular meeting of the board Monday in January of all forfeited recognizances in the clerk's office; of all fines, penalties, and forfeitures imposed in the district court, which by law go into the county treasury for the benefit of the school fund; in what cause or proceeding, when and for what purpose, against whom and for what amount, rendered; whether the fines, penalties, forfeitures, and recognizances have been paid, remitted, canceled, or otherwise satisfied; if so, when, how, and in what manner, and if not paid, remitted, canceled, or otherwise satisfied, what steps have been taken to enforce the collection of the fines, penalties, forfeitures, and recognizances.

Such The report must shall be full, true, and complete with reference to the matters therein contained, and of in

the report and all things required by this section to be reported, and the report shall be under oath, and any officer, A clerk failing to make such the report shall be as required by this section is guilty of a simple misdemeanor.

Sec. 10128. Section 684A.6, Code 1983, is amended to read as follows:

684A.6 PROCEDURE. The supreme court may prescribe ~~its~~ ~~own~~ rules of procedure concerning the answering and certification of questions of law under this chapter, subject to section ~~684+19~~ 602.5202.

Sec. 10129. Section 801.4, subsection 7, paragraph e, Code 1983, is amended to read as follows:

e. Probation officers acting pursuant to section ~~801+10~~ 602.8202, subsection 4.

Sec. 10130. Section 801.4, subsection 10, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

10. "Indigent person" means a person who is indigent as determined in accordance with section 815.9.

Sec. 10131. Section 805.9, subsection 6, Code 1983, is amended to read as follows:

6. The ~~five~~ six dollars in costs imposed by this section are the total costs collectible from any a defendant upon either an admission of a violation without hearing, or upon a hearing pursuant to subsection 4. Fees shall not be imposed upon or collected from any a defendant for the purposes specified in section ~~805+905~~ 602.9105, subsection 1, paragraph "i", "j", or "t".

Sec. 10132. Section 805.11, Code 1983, is amended to read as follows:

805.11 OTHER PENALTIES. If the defendant is convicted of a scheduled violation, the penalty ~~shall be~~ is the scheduled fine, without suspension of the fine prescribed in section 805.8 together with costs assessed and distributed as prescribed by section ~~602+63~~ 602.9106, unless it appears from

the evidence that the violation was of the type set forth in section 805.10, subsection 1 or 3, in which event the scheduled fine ~~shall~~ does not apply and the penalty shall be increased within the limits provided by law for the offense.

Upon the conviction of a defendant of a violation specified in section 805.8 or 805.10, fees shall not be imposed or collected for the purposes specified in section ~~805+705~~ 602.9105, subsection 1, paragraph "i", "j", or "t".

Sec. 10133. Section 805.12, Code 1983, is amended to read as follows:

805.12 DISPOSITION OF TRAFFIC FINES AND COSTS. Fines, forfeiture of bail, fees, and costs collected for all traffic violations, whether or not scheduled, and for all other scheduled violations shall be ~~remitted~~ distributed in accordance with section ~~602+55~~ 602.9106.

Sec. 10134. Section 813.4, Code 1983, is amended to read as follows:

813.4 ADDITIONS TO AND AMENDMENT OF RULES. The rules of criminal procedure may be amended, provisions deleted, and new rules added ~~in the manner prescribed for civil rules under chapter 684 by the supreme court, subject to section 602.5202.~~

Sec. 10135. Section 814.9, Code 1983, is amended to read as follows:

814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a defendant in a criminal cause has perfected an appeal from a judgment ~~against him or her and shall satisfy the judge of the district court that he or she is indigent, such judge and is determined by the court to be indigent, the court may order the transcript made at the expense of the county where the defendant was tried public expense.~~ When an attorney of record is representing ~~such an~~ indigent, ~~said the~~ attorney shall ~~make application~~ apply to the district court for the transcript.

Sec. 10136. Section 814.10, Code 1993, is amended to read as follows:

814.10. INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause has been granted discretionary review from an action of the district court and the appellate court deems a transcript or portions thereof necessary to proper review of the question or questions raised, the district court shall order the transcript made at the expense of the county where the defendant was tried. public expense if a determination is made that the person is indigent.

Sec. 10137. NEW SECTION. 815.9 INDIGENCY DETERMINED-PRINCIPALLY.

1. For purposes of this chapter, section 68.8, section 22.12, chapter 232, chapter 819, and the rules of criminal procedure, a person is indigent if the person is determined to be unable to employ legal counsel without prejudicing the person's financial ability to provide economic necessities for the person or the person's dependent family.

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person, or in an appropriate case by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the supreme court, and shall contain a full disclosure of all assets, liabilities, current income, dependents, and other information prescribed by the supreme court. The supreme court shall adopt rules under section 602.5202 prescribing the form and content of the financial statement, and the standards by which indigency shall be determined under subsection 1. If a person is granted legal assistance as an indigent, the financial statement shall be filed and permanently retained in the person's court file.

3. A person who knowingly submits a false financial statement for the purpose of obtaining legal assistance at

public expense commits a fraudulent practice. As used in this subsection, "legal assistance" includes legal counsel, transcripts, witness fees and expenses, and any other goods or services required by law to be provided to an indigent person at public expense.

Sec. 10138. NEW SECTION. 815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, may appoint a public defender or another attorney to represent the person at public expense.

the practice of law in this state to represent an indigent person at any state of the proceedings or on appeal of any action in which the indigent person is entitled to legal assistance at public expense. An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall appoint a public defender or another attorney to represent the person at public expense. If an attorney other than a public defender is appointed, the fee paid to the attorney shall be taxed as a court cost against the person.

3. An attorney other than a public defender who is appointed by the court under subsection 1 or 2 shall apply to the district court for compensation and for reimbursement of costs incurred. The amount of compensation due shall be determined in accordance with section 815.7.

Sec. 10139. NEW SECTION. 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE. Costs incurred under sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, 815.12, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the supreme court for those purposes.

Sec. 10140. NEW SECTION. 815.12 TRIAL JURY EXPENSES. The clerk of the district court shall pay fees and mileage

due petit jurors, and the costs of food, lodging, and transportation when provided for petit jurors.

Sec. 10141. NEW SECTION. 815.13 PAYMENT OF PROSECUTION COSTS. The county or city that prosecutes a criminal action shall pay the required fees and mileage to witnesses called on behalf of the prosecution, the costs of depositions taken on behalf of the prosecution, the costs of transcripts requested by the prosecution, the fees that are payable to the clerk of the district court for services rendered, and court costs taxed in connection with the trial of the action or appeals from the judgment. These fees and costs are recoverable by the county or city from the defendant unless the defendant is found not guilty or the action is dismissed. Expenditures of a county under this section may be paid out of the court expense fund in lieu of the county general fund.

Sec. 10142. Rule of civil procedure 202, Iowa court rules, second edition, is amended to read as follows:

202. FOOD AND LODGING. The court may order ~~the sheriff to provide suitable~~ that food and lodging ~~at the expense of the county be provided at state expense~~ for a jury being kept together to try or deliberate on a cause.

Sec. 10143. Rule of criminal procedure 2, subsection 3, Iowa court rules, second edition, is amended by striking the subsection and inserting in lieu thereof the following:

3. COUNSEL FOR INDIGENT. The magistrate may appoint counsel to represent the defendant at public expense if the magistrate determines the defendant to be indigent in accordance with section 815.9, The Code.

Sec. 10144. Rule of criminal procedure 2, subsection 4, paragraph g, subparagraph (2), Iowa court rules, second edition, is amended to read as follows:

(2) On application of a defendant addressed to a district judge, showing that the record of preliminary hearing, in whole or in part, should be made available to the defendant's counsel, an order may issue that the clerk make available

a copy of the record, or of a portion thereof, to defense counsel. ~~Such The~~ order shall ~~provide for~~ require prepayment of the costs of ~~such the~~ record by the defendant ~~unless the defendant makes a sufficient affidavit that he or she is unable to pay or to give security therefor, in which case the expense shall be paid by the county.~~ However, if the defendant is indigent the record shall be made at public expense. The prosecution may move also that a copy of the record, in whole or in part, be made available to it, for good cause shown, and an order may be entered granting such motion in whole or in part, on appropriate terms, except that the government need not prepay costs nor furnish security therefor.

Sec. 10145. Rule of criminal procedure 19, subsection 4, Iowa court rules, second edition, is amended to read as follows:

4. WITNESSES FOR INDIGENTS. Counsel for a defendant who because of indigency is financially unable to obtain expert or other witnesses necessary to an adequate defense of the case may request ~~compensation~~ in a written application that the necessary witnesses be secured at public expense. Upon finding, after appropriate inquiry, that the services are necessary and that the defendant is financially unable to provide compensation, the court shall authorize counsel to obtain ~~such the~~ witnesses on behalf of the defendant. The court shall determine reasonable compensation ~~for the services~~ and direct payment ~~to the person who rendered them~~ pursuant to chapter 815, The Code.

Sec. 10146. Rule of criminal procedure 26, subsection 1, Iowa court rules, second edition, is amended to read as follows:

1. REPRESENTATION. Every defendant who is an indigent person as defined in section ~~331.275, subsection 4~~ 815.9, The Code ~~(1981 Code Supp.)~~, is entitled to have counsel appointed to represent ~~him or her~~ the defendant at every stage

of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation and parole revocation hearings, unless the defendant waives such appointment.

Sec. 10147. Rule of criminal procedure 26.1, subsections 1 and 5, Iowa court rules, second edition, are amended to read as follows:

1. An indigent defendant, as defined in section 336A-4 815.9, The Code ~~(331-775(4)-and-331-777(2))~~, convicted of an indictable offense or a simple misdemeanor where defendant faces the possibility of imprisonment, is entitled to appointment of counsel on appeal or application for discretionary review to the supreme court. Application for appointment of appellate counsel shall be made to the trial court, which shall retain authority to act on ~~such the~~ application after notice of appeal or application for discretionary review has been filed. The supreme court, or a justice thereof, ~~shall have authority to may~~ appoint counsel ~~in the event if~~ the trial court fails or refuses to appoint and it becomes necessary to further provide for counsel.

5. If defendant has proceeded as an indigent in the trial court and a financial statement ~~required by section 336B-2, The Code (331-778(2))~~, already has been filed pursuant to section 336B-4 815.9, The Code ~~(331-777(2)-and-331-778(2))~~, ~~such the~~ defendant, upon making application for appointment of appellate counsel, shall be presumed to be an indigent, and an additional financial statement shall not be required to be submitted to the court, unless evidence is offered that defendant is not an indigent. In all other cases defendant shall be required to submit a financial statement to the trial court. Defendant and appointed appellate counsel ~~shall be~~ are under a continuing obligation to inform the trial court of any change in circumstances that would make defendant ineligible to qualify as an indigent.

Sec. 10148. Rule of criminal procedure 47, Iowa court rules, second edition, is amended to read as follows:

Rule 47. BAILIFF OBTAINED. If trial by jury is demanded and a court attendant employed under section 602.7601 is not available to assist the magistrate, the magistrate shall notify the sheriff who shall furnish a bailiff at that time and place to act as officer of the court.

Sec. 10149. Rule of criminal procedure 49, Iowa court rules, second edition, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the judgment and costs are not fully and immediately satisfied, the magistrate shall indicate on the judgment the portion unsatisfied and shall promptly certify a copy of the judgment to the clerk of the district court. The clerk shall index and file the judgment, whereupon it is a judgment of the district court.

Sec. 10150. Rule of appellate procedure 453, Iowa court rules, second edition, is amended to read as follows:

Rule 453. DOCKETING. Upon receipt of a certified question the clerk of the supreme court shall prepare a docket page and assign a number to the matter. Within ten days after the filing of the certification order the movant or party who is to file ~~the~~ a brief first shall pay to the clerk of the supreme court the docket fee in the amount prescribed pursuant to section 605-3 602.5303, The Code, for docketing an appeal from a final judgment or decree. Upon receipt of the docket fee, the clerk of the supreme court shall enter the matter upon the docket and give notice to the certifying court and all parties or their attorneys of the date on which the matter is entered on the docket.

Sec. 10151. Rule of probate procedure 5(c), Iowa court rules, second edition, is amended to read as follows:

(c) The court administrator of the judicial department shall utilize the reports in the discharge of the duties prescribed in section 605-0 602.1209, The Code, and, in addi-

tion, shall prepare a list of the attorneys for fiduciaries who have received and ignored a notice of delinquency. The court administrator shall transmit the list of attorneys, together with other relevant information, to the committee on professional ethics and conduct of the Iowa State Bar Association and to the client security and attorney disciplinary commission.

DIVISION III

EFFECTIVE DATE--CODIFICATION--REPEALER

Sec. 10201. EFFECTIVE DATE. Except as otherwise provided in division IV, this Act takes effect July 1, 1983.

Sec. 10202. CODIFICATION.

1. Division I is created as a new chapter 602 of the Code. The Code editor shall rename title XXX of the Code to correspond to the subject matters contained in new chapter 602.

2. The Code editor shall recodify chapters 605A and 610 as new and separate articles at the end of new chapter 602.

Sec. 10203. REPEALER. Except as otherwise provided in division IV:

1. Chapters 115, 231, 602, 605, 684, and 685, Code 1983, are repealed.

2. Sections 66.25, 127.21, 127.22, 232.63, 232.124, 331.701 through 331.705, 331.775, 331.778, 607.6, 622.68, and 622.73, Code 1983, are repealed.

Sec. 10204. CONFLICTING LEGISLATION. If both this Act and House File 562 are enacted by the Seventieth General Assembly and if House File 562, as enacted, deposits in the general fund of the state all amounts that would be received from a clerk of the district court under section 602.9106, subsection 3 of this Act, the following shall apply:

1. Amendments to sections 32.2; 99.30; 127.21; 127.22; 302.44; 331.509, subsection 1, paragraph o; 331.552, subsection 1; 508.15; 511.7; 515.93; 534.12, subsection 4; 535.5; 595.11; 644.15; and 666.3, Code 1983, and the repeal of sections

127.22, 302.3, and 302.24, Code 1983, contained in House File 562 shall prevail.

2. Section 602.9107 of this Act, the amendments to section 127.20, Code 1983, contained in this Act, and the amendment to section 602.55, Code 1983, contained in House File 562 are void.

3. Notwithstanding section 602.9106, subsection 3 of this Act, all amounts received under that subsection shall be deposited in the general fund of the state.

DIVISION IV

TRANSITION PROVISIONS

Sec. 10301. IMPLEMENTATION BY COURT COMPONENT. The state shall assume responsibility for components of the court system according to the following schedule:

1. On October 1, 1983 the state shall assume the responsibility for and the costs of jury and witness fees and mileage as provided in sections 607.5, 622.69, and 622.72, except as provided in section 331.506, subsection 2.

2. Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

3. Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. Section 602.7601 takes effect on January 1, 1985.

4. Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

5. Clerks of the district court shall become court employees on July 1, 1986. The state shall assume the responsibility for and the costs of the offices of the clerks of the district court on July 1, 1986. Persons who are holding

office as clerks of the district court on July 1, 1986 are entitled to continue to serve in that capacity until the expiration of their respective terms of office. The district judges of a judicial election district shall give first and primary consideration for appointment of a clerk of the district court to serve the court beginning in 1989 to a clerk serving on and after July 1, 1986 until the expiration of the clerk's elected term of office. A vacancy in the office of clerk of the district court occurring on or after July 1, 1986 shall be filled as provided in section 602.1214.

6. The state shall assume the responsibility for and the costs of indigent defense on July 1, 1987.

For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III is not effective during the period beginning July 1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, this Act takes effect in its entirety.

However, if the state does not fully assume the costs for a fiscal year of a component of the court system in accordance with the scheduled assumption of responsibility, the state shall not assume responsibility for that component, and the schedule of state assumption of responsibility shall be delayed. The delayed schedule of state assumption of responsibility shall again be followed for the fiscal year in which the state fully assumes the costs of that component. For the fiscal year for which the state's assumption of the responsibility for a court component is delayed, the clerk of the district court shall not reduce the percentage

remittance to the counties from the court revenue distribution account under section 602.9108. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987 is correspondingly lengthened, and this Act takes effect in its entirety only at the end of the lengthened transition period.

The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of this Act, and as necessary to determine the applicability of specific provisions of this Act in accordance with the scheduled state assumption of responsibility for the components of the court system.

Sec. 10302. ACCRUED EMPLOYEE RIGHTS.

1. Persons who were paid salaries by the counties immediately prior to becoming state employees as a result of this Act shall not forfeit accrued vacation, accrued sick leave, or longevity, except as provided in this section.

2. As a part of its rule-making authority under section 10301, the supreme court, after consulting with the state comptroller, shall prescribe rules to provide for the following:

a. Each person referred to in subsection 1 shall have to the person's credit as a state employee commencing on the date of becoming a state employee the number of accrued vacation days that was credited to the person as a county employee as of the end of the day prior to becoming a state employee.

b. Each person referred to in subsection 1 shall have to the person's credit as a state employee commencing on the

date of becoming a state employee the number of accrued days of sick leave that was credited to the person as a county employee as of the end of the day prior to becoming a state employee. However, the number of days of sick leave credited to a person under this subsection shall not exceed the maximum number of days that state employees generally are entitled to accrue according to laws and rules in effect as of the date the person becomes a state employee.

c. Commencing on the date of becoming a state employee, each person referred to in subsection 1 is entitled to claim the person's most recent continuous period of service in full-time county employment as full-time state employment for purposes of determining the number of days of vacation which the person is entitled to earn each year. The actual vacation benefit shall be determined according to laws and rules in effect for state employees of comparable longevity, irrespective of any greater or lesser benefit as a county employee.

d. Notwithstanding paragraphs b and c, for the period beginning July 1, 1984, and ending June 30, 1986, court reporters who become state employees as a result of this Act are not subject to the sick leave and vacation accrual limitations generally applied to state employees.

Sec. 10303. LIFE AND HEALTH INSURANCE. Persons who were covered by county employee life insurance and accident and health insurance plans prior to becoming state employees as a result of this Act shall be permitted to apply prior to becoming state employees for life insurance and health and accident insurance plans that are available to state employees so that those persons do not suffer a lapse of insurance coverage as a result of this Act. The supreme court, after consulting with the state comptroller, shall prescribe rules and distribute application forms and take other actions as necessary to enable those persons to elect to have insurance coverage that is in effect on the date of becoming state

employees. The actual insurance coverage available to a person shall be determined by the plans that are available to state employees, irrespective of any greater or lesser benefits as a county employee.

Sec. 10304. COMPENSATION AND BENEFITS. Notwithstanding sections 10302, 10303, and 10306, a county employee who becomes a state employee as a result of this Act shall receive the compensation and other benefits provided to state employees, unless the employee, within the period of time beginning thirty days prior to the day when the employee becomes a state employee and ending thirty days after the employee becomes a state employee, files an election with the state court administrator to continue to receive the compensation and other benefits received by the employee immediately prior to becoming a state employee. If an employee files the election, the employee may at any time thereafter revoke the election and agree to receive the compensation and other benefits provided to state employees. The state court administrator shall reimburse counties for expenses incurred as a result of employee elections to continue to receive the compensation and other benefits which the employees received immediately prior to becoming state employees.

Sec. 10305. HIRING MORATORIUM.

1. Commencing one year prior to each category of employees becoming state employees as a result of this Act, new employees shall not be hired and vacancies shall not be filled, except as provided in subsection 2, with respect to any of the following agencies or positions:

- a. Offices of the clerks of the district court.
- b. District court administrators.
- c. Juvenile probation offices.
- d. Court reporters.
- e. Any other position of employment that is supervised by a district court judicial officer or by a person referred to or employed in an office referred to in paragraph a, b, c, or d.

2. A new employee position or vacancy that is subject to subsection 1 may be filled upon approval by the chief judge of the judicial district. The employer seeking to fill the new position or vacancy shall submit a request to the chief judge in the form prescribed by the supreme court, and shall be governed by the decision of the chief judge. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under this subsection.

Sec. 10306. EMPLOYEE RECLASSIFICATION MORATORIUM.

Commencing one year prior to county employees becoming state employees as a result of this Act, the county employees shall not be promoted or demoted, and shall not be subject to a reduction in salary or a reduction in other employee benefits, except after approval by the chief judge of the judicial district. An employer wishing to take any of these actions shall apply to the chief judge in a writing that discloses the proposed action, the reasons for the action, and the statutory or other authority for the action. The chief judge shall not approve any proposed action that is in violation of an employee's rights or that is extraordinary when compared with customary practices and procedures of the employer. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under this section.

Sec. 10307. COURT PROPERTY.

1. Commencing on the date when each category of employees becomes state employees as a result of this Act, public property referred to in subsection 2 that on the day prior to that date is in the custody of a person or agency referred to in subsection 3 shall not become property of the judicial department but shall be devoted for the use of the judicial department in its course of business. The judicial department shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial department.

Upon replacement of the property by the judicial department, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial department, and the county shall make the property available to the judicial department for the department's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county.

2. This section applies to the following property:

- a. Books, accounts and records that pertain to the operation of the district court.
- b. Forms, materials, and supplies that are consumed in the usual course of business.
- c. Tables, chairs, desks, lamps, curtains, window blinds, rugs and carpeting, flags and flag standards, pictures and other wall decorations, and other similar furnishings.
- d. Typewriters, adding machines, desk calculators, cash registers and similar business machines, reproduction machines and equipment, microfiche projectors, tape recorders and associated equipment, microphones, amplifiers and speakers, film projectors and screens, overhead projectors, and similar personal property.

e. Filing cabinets, shelving, storage cabinets, and other property used for storage.

f. Books of statutes, books of ordinances, books of judicial decisions, and reference books, except those that are customarily held in a law library for use by the public.

g. All other personal property that is in use in the operation of the district court.

3. This section applies to the following persons and agencies:

- a. Clerks of the district court.
- b. Judicial officers.

- c. District court administrators.
- d. Juvenile probation officers.
- e. Court reporters.
- f. Persons who are employed by a person referred to in paragraphs a through e.

4. Subsections 1 through 3 and 5 do not apply to electronic data storage equipment, commonly referred to as computers, or to computer terminals or any machinery, equipment, or supplies used in the operation of computers. Those counties that were providing computer services to the district court shall continue to provide these services until the general assembly provides otherwise. The state shall reimburse these counties for the cost of providing these services. Each county providing computer services to the district court shall submit a bill for these services to the supreme court at the end of each calendar quarter. Reimbursement shall be payable from funds appropriated to the supreme court for operating expenses of the district court, and shall be paid within thirty days after receipt by the supreme court of the quarterly billing.

5. Personal property of a type that is subject to subsections 1 through 3 shall be subject to the control of the chief judge of the judicial district commencing on the date when each category of employees becomes state employees as a result of this Act. On and after that date the chief judge of the judicial district may issue necessary orders to preserve the use of the property by the district court. Commencing on that date, the chief judge, subject to the direction of the supreme court, shall establish and maintain an inventory of property used by the district court.

Sec. 10308. COLLECTIVE BARGAINING. A person who becomes a state employee as a result of this Act is a public employee, as defined in section 20.3, subsection 3, for purposes of chapter 20. The person may bargain collectively on and after July 1, 1983 as provided by law for a court employee. However,

if the person is subject to a collective bargaining agreement negotiated prior to July 1, 1983, the person is entitled to the rights and benefits obtained by the person pursuant to that contract after July 1, 1983, until that contract expires. If the person is subject to a collective bargaining agreement negotiated on or after July 1, 1983, the person is not entitled to any rights or benefits obtained by the person pursuant to that contract after becoming a state employee.

Sec. 10309. ADDITIONAL JUDGESHIIPS. The four additional district judgeships created by section 7201, subsection 10 of this Act, take effect at such time as revenues are appropriated to fund the additional judgeships. As soon as possible after those revenues are appropriated, the supreme court administrator of the judicial department shall rank each judicial election district in descending order based on the application of the judgeship formula provided in section 602.7201. The additional judgeships that are created by section 7201, subsection 10 of this Act, shall be apportioned, one to a judicial election district, among the four judicial election districts having the lowest percentage of their judgeship entitlement under the judgeship formula.

Sec. 10310. JUDGESHIIPS FOR ELECTION DISTRICTS 5A AND 5C. As soon as practicable after January 1, 1985, the supreme court administrator shall recompute the number of judgeships to which judicial election districts 5A and 5C are entitled. Commencing on January 1, 1985, vacancies within judicial election districts 5A and 5C shall be determined and filled under section 602.7201, subsections 4 through 8. For purposes of the recomputations, the supreme court administrator shall determine the average case filings for the latest available three-year period by reallocating the actual case filings during the three-year period to judicial election districts 5A and 5C as if they existed throughout the three-year period.

Sec. 10311. JUDICIAL NOMINATING COMMISSIONS FOR ELECTION DISTRICTS 5A AND 5C. The membership of district judicial

nominating commissions for judicial election districts 5A and 5C shall be as provided in chapter 46, subject to the following transition provisions:

1. Those judicial nominating commissioners of judicial election district 5A who are residents of Polk county shall be disqualified from serving in election district 5A on January 1, 1985, and their offices shall be deemed vacant. The vacancies thus created shall be filled as provided in section 46.5 for the remainder of the unexpired terms.

2. After January 1, 1985 the governor shall appoint five eligible electors of judicial election district 5C to the district judicial nominating commission for terms commencing immediately upon appointment. Two of the appointees shall serve terms ending January 31, 1988, two of the appointees shall serve terms ending January 31, 1990, and the remaining appointee shall serve a term ending January 31, 1992, as determined by the governor. At the end of these terms and each six years thereafter the governor shall appoint commissioners pursuant to section 46.3.

3. After January 1, 1985 elective judicial nominating commissioners for judicial election district 5C shall be elected as provided in chapter 46 to terms of office commencing immediately upon election. One of those elected shall serve a term ending January 31, 1988, two shall serve terms ending January 31, 1990, and two shall serve terms ending January 31, 1992, as determined by the drawing of lots by the persons elected. At the end of these terms and every six years thereafter elective commissioners shall be elected pursuant to chapter 46.

Sec. 10312. FIFTH JUDICIAL ELECTION DISTRICT. The provisions of section 602.7109 relating to the division of the fifth judicial district into judicial election districts 5A, 5B, and 5C take effect January 1, 1985.

Sec. 10313. BAILIFFS EMPLOYED AS COURT ATTENDANTS. Persons who were employed as bailiffs and who were performing services

for the court, other than law enforcement services, immediately prior to the effective date of section 602.7601, shall be employed by the district court administrators as court attendants under section 602.7601 on the effective date of that section.

Sec. 10314. TEMPORARY SERVICE BY CERTAIN RETIRED JUDICIAL MAGISTRATES. Persons who retired before January 1, 1981 and who were judicial magistrates at the time of retirement and who meet the qualifications of a district associate judge are considered to be district associate judges for the purposes of section 602.1612.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 495, Seventieth General Assembly.

Approved June 9, 1983

K. MARIE THAYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor