

For Judiciary 4/20/86

FILED FEB 6 1986

SENATE FILE 2123
BY COMMITTEE ON JUDICIARY
(formerly SSB 2045)

Approved (p. 248)
substituted for U. F. 2355

Passed Senate, Date 2-17-86 (p. 329) Passed House, Date 3-26-86 (p. 1016)

Vote: Ayes 44 Nays 1 Vote: Ayes 74 Nays 19

Approved April 28, 1986 (p. 1322)

Repassed Senate 4-9-86 (p. 1136)
43-0

A BILL FOR

1 An Act relating to the judgeship formula for the apportionment of
2 district judges.

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

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S.F. 2123

1 Section 1. Section 602.6201, subsection 3, Code 1985, is
2 amended to read as follows:

3 3. ~~The number of judgeships to which each of the judicial~~
4 ~~election districts is entitled is determined according to the~~
5 ~~following formula:~~

6 a. ~~In an election district where the largest county~~
7 ~~contains two hundred thousand or more population, there is one~~
8 ~~judgeship per seven hundred twenty five combined civil and~~
9 ~~criminal filings or major fraction thereof. A judicial~~
10 election district containing a city of fifty thousand or more
11 population is entitled to the number of judgeships equal to
12 the average, rounded to the nearest whole number, of the
13 following two quotients, each rounded to the nearest
14 hundredth:

15 (1) The combined civil and criminal filings in the
16 election district divided by five hundred fifty.

17 (2) The election district's population divided by forty
18 thousand.

19 However, the seat of government is entitled to one additional
20 judgeship.

21 b. ~~In an election district where the largest county~~
22 ~~contains eighty five thousand or more population, but less~~
23 ~~than two hundred thousand, there is one judgeship per six~~
24 ~~hundred twenty five combined civil and criminal filings or~~
25 ~~major fraction thereof. All other judicial election districts~~
26 are entitled to the number of judgeships equal to the average,
27 rounded to the nearest whole number, of the following two
28 quotients, each rounded to the nearest hundredth:

29 (1) The combined civil and criminal filings in the
30 election district divided by four hundred fifty.

31 (2) The election district's population divided by forty
32 thousand.

33 c. ~~In an election district where the largest county~~
34 ~~contains forty five thousand or more population, but less than~~
35 ~~eighty five thousand, there is one judgeship per five hundred~~

1 twenty-five-combined-civil-and-criminal-filings-or-major
2 fraction-thereof-

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

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

11 f c. The filings included in the determinations to be made
12 under this subsection shall-include-juvenile-court-filings
13 after-July-17-1985, shall not include small claims or
14 nonindictable misdemeanors, and shall not include either civil
15 actions for money judgment where the amount in controversy
16 does not exceed three thousand dollars or indictable
17 misdemeanors, which were assigned to district associate judges
18 and judicial magistrates as shown on their administrative
19 reports, but shall include appeals from decisions of judicial
20 magistrates, district associate judges, and district judges
21 sitting as judicial magistrates. The figures on filings shall
22 be the average for the latest available previous three-year
23 period and when current census figures on population are not
24 available, figures shall be taken from the state department of
25 health computations.

26 EXPLANATION

27 This bill modifies the judgeship formula for the appor-
28 tionment of district judges by providing for one judgeship per
29 550 filings and 40,000 population in judicial election
30 districts with a city of at least 50,000 population, and one
31 judgeship per 450 filings and 40,000 population in all other
32 judicial election districts. Juvenile court filings are
33 excluded from the formula.

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SENATE FILE 2123

S-5063

1 Amend Senate File 2123 as follows:
2 1. Page 2, by inserting after line 25 the
3 following:
4 "Sec. 2. Section 602.6201, subsection 10, Code
5 1985, is amended to read as follows:
6 10. Notwithstanding the formula for determining
7 the number of judgeships in this section, the number
8 of district judges shall not exceed ~~ninety-nine-during~~
9 ~~the-period-commencing-July-1, 1983-and-ending-as-the~~
10 ~~general-assembly-shall-specify~~ one hundred."

S-5063 Filed January 13, 1986 BY RIORDAN

W/D 2/17/86

SENATE FILE 2123

H-5541

1 Amend Senate File 2123 as passed by the Senate as
2 follows:
3 1. Page 2, by inserting after line 25 the
4 following:
5 "Sec. 2. Section 602.6201, subsection 10, Code
6 1985, is amended to read as follows:
7 10. Notwithstanding the formula for determining
8 the number of judgeships in this section, the number
9 of district judges shall not exceed ~~ninety-nine one~~
10 ~~hundred~~ during the period commencing ~~July-1, 1983-and~~
11 ~~ending-as-the-general-assembly-shall-specify~~ January
12 1, 1987."

BY BLACK of Jasper
JAY of Appanoose

H-5541 FILED MARCH 25, 1986

Adopted 3/26 (p 1014)

HOUSE AMENDMENT TO
SENATE FILE 2123

S-5497

1 Amend Senate File 2123 as passed by the Senate as
2 follows:
3 1. Page 2, by inserting after line 25 the
4 following:
5 "Sec. 2. Section 602.6201, subsection 10, Code
6 1985, is amended to read as follows:
7 10. Notwithstanding the formula for determining
8 the number of judgeships in this section, the number
9 of district judges shall not exceed ~~ninety-nine one~~
10 ~~hundred~~ during the period commencing ~~July-1, 1983-and~~
11 ~~ending-as-the-general-assembly-shall-specify~~ January
12 1, 1987."

S-5497 Filed April 1, 1986 REC'D FROM THE HOUSE

Senate concurred 4/9 (p 1136)

*Now
SF 2/23*

SENATE/HOUSE FILE _____

BY JUDICIARY STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the judgeship formula for the apportionment of
2 district judges.

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

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1 Section 1. Section 602.6201, subsection 3, Code 1985, is
2 amended to read as follows:

3 ~~3. The number of judgeships to which each of the judicial~~
4 ~~election districts is entitled is determined according to the~~
5 ~~following formula:~~

6 a. ~~In an election district where the largest county~~
7 ~~contains two hundred thousand or more population, there is one~~
8 ~~judgeship per seven hundred twenty five combined civil and~~
9 ~~criminal filings or major fraction thereof. A judicial~~
10 election district containing a city of fifty thousand or more
11 population is entitled to the number of judgeships equal to
12 the average, rounded to the nearest whole number, of the
13 following two quotients, each rounded to the nearest
14 hundredth:

15 (1) The combined civil and criminal filings in the
16 election district divided by five hundred fifty.

17 (2) The election district's population divided by forty
18 thousand.

19 However, the seat of government is entitled to one additional
20 judgeship.

21 b. ~~In an election district where the largest county~~
22 ~~contains eighty five thousand or more population, but less~~
23 ~~than two hundred thousand, there is one judgeship per six~~
24 ~~hundred twenty five combined civil and criminal filings or~~
25 ~~major fraction thereof. All other judicial election districts~~
26 are entitled to the number of judgeships equal to the average,
27 rounded to the nearest whole number, of the following two
28 quotients, each rounded to the nearest hundredth:

29 (1) The combined civil and criminal filings in the
30 election district divided by four hundred fifty.

31 (2) The election district's population divided by forty
32 thousand.

33 c. ~~In an election district where the largest county~~
34 ~~contains forty five thousand or more population, but less than~~
35 ~~eighty five thousand, there is one judgeship per five hundred~~

1 ~~twenty-five-combined-civil-and-criminal-filings-or-major~~
2 ~~fraction-thereof.~~

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

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

11 f c. The filings included in the determinations to be made
12 under this subsection ~~shall-include-juvenile-court-filings~~
13 ~~after-July-17-1985,~~ shall not include small claims or
14 nonindictable misdemeanors, and shall not include either civil
15 actions for money judgment where the amount in controversy
16 does not exceed three thousand dollars or indictable
17 misdemeanors, which were assigned to district associate judges
18 and judicial magistrates as shown on their administrative
19 reports, but shall include appeals from decisions of judicial
20 magistrates, district associate judges, and district judges
21 sitting as judicial magistrates. The figures on filings shall
22 be the average for the latest available previous three-year
23 period and when current census figures on population are not
24 available, figures shall be taken from the state department of
25 health computations.

26 EXPLANATION

27 This bill modifies the judgeship formula for the appor-
28 tionment of district judges by providing for one judgeship per
29 550 filings and 40,000 population in judicial election
30 districts with a city of at least 50,000 population, and one
31 judgeship per 450 filings and 40,000 population in all other
32 judicial election districts. Juvenile court filings are
33 excluded from the formula.

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SENATE FILE 2123

AN ACT

RELATING TO THE JUDGESHIP FORMULA FOR THE APPORTIONMENT OF DISTRICT JUDGES.

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

Section 1. Section 602.6201, subsection 3, Code 1985, is amended to read as follows:

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. A judicial election district containing a city of fifty thousand or more population is entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by five hundred fifty.

(2) The election district's population divided by forty thousand.

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. All other judicial election districts are entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two

quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by four hundred fifty.

(2) The election district's population divided by forty thousand.

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 duty in 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.

Sec. 2. Section 602.6201, subsection 10, Code 1985, is amended to read as follows:

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed ninety-nine one hundred during the period commencing ~~July 1, 1983 and ending as the general assembly shall specify~~ January 1, 1987.

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 2123, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 28, 1986

TERRY E. BRANSTAD
Governor