

*Substituted for
HF 2315
3-22-94 (P. 795)*

SENATE FILE 2230
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2055)

Passed Senate, Date 3/8/94 (P. 579) Passed House, Date 4-8-94 (P. 1344)
Vote: Ayes 50 Nays 0 Vote: Ayes 96 Nays 0
Approved April 28, 1994

A BILL FOR

1 An Act relating to the numbers of and facilities for officers of
2 the judicial department; permitting an increase in the number
3 of district associate judges in certain counties; and
4 permitting the use of available funds for offices for judges
5 on the court of appeals.

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

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SF 2230

1 Section 1. Section 602.5205, subsection 2, Code 1993, is
2 amended to read as follows:

3 2. ~~State funds shall not be used for securing or~~
4 ~~maintaining facilities~~ Offices may be provided for court of
5 appeals judges or employees at any place other than the seat
6 of state government with the approval of the supreme court
7 within the funds available to the judicial department.

8 Sec. 2. Section 602.6301, Code 1993, is amended to read as
9 follows:

10 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
11 JUDGES.

12 There shall be one district associate judge in counties
13 having a population, according to the most recent federal
14 decennial census, of more than thirty-five thousand and less
15 than eighty thousand; two in counties having a population of
16 ~~more than~~ eighty thousand or more and less than one hundred
17 twenty-five thousand; three in counties having a population of
18 ~~more than~~ one hundred twenty-five thousand or more and less
19 than two hundred thousand; and four in counties having a
20 population of two hundred thousand or ~~above~~ more and less than
21 two hundred thirty-five thousand; five in counties having a
22 population of two hundred thirty-five thousand or more and
23 less than two hundred seventy thousand; six in counties having
24 a population of two hundred seventy thousand or more and less
25 than three hundred five thousand; and seven in counties having
26 a population of three hundred five thousand or more. If the
27 formula provided in this section results in the allocation of
28 an additional district associate judgeship to a county,
29 implementation of the allocation shall be subject to prior
30 approval of the supreme court and availability of funds to the
31 judicial department. A district associate judge appointed
32 pursuant to section 602.6302 or 602.6303 shall not be counted
33 for purposes of this section.

34 EXPLANATION

35 The bill extends the ceiling on the formula for appointment

1 of additional district associate judges, which was previously
2 capped at a maximum of four district associate judges in any
3 county with a population of 200,000 or above, to permit the
4 appointment of additional district associate court judges,
5 based on increments of one additional judge per additional
6 35,000 in county population. The formula is capped at a
7 maximum of seven district associate judges in counties having
8 a population of 305,000 or above. The bill also permits the
9 payment of offices expenses for court of appeals judges with
10 offices outside of Polk County.

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SENATE FILE 2230
FISCAL NOTE

A fiscal note for Senate File 2230 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2230 extends the ceiling on the formula for appointment of additional District Associate Judges (DAJs), which was previously capped at a maximum of 4 DAJs in any county with a population of 200,000 or above, to permit the appointment of additional DAJs, based on increments of 1 additional DAJ per additional counties with a population of 35,000. The formula is capped at a maximum of 7 DAJs in counties having a population of 305,000 or above. The Bill also permits the payment of office expenses for Court of Appeals Judges with offices outside Polk County.

Assumptions:

1. It is estimated that expenses for 2 Court of Appeals offices will be approximately \$6,000.
2. A District Associate Judgeship includes 1 DAJ, 1 Court Reporter, 0.5 Court Attendant and support costs.
3. The estimated cost for a District Associate Judgeship is \$140,000. The Judicial Department expects to request 3 additional District Associate Judgeships for FY 1996.

Fiscal Effect:

The overall fiscal effect of SF 2230 on the General Fund is estimated to be \$6,000 in FY 1995 and \$420,000 in FY 1996.

Sources:

Judicial Department

(LSB 3274sv, LAM)

FILED APRIL 4, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

Vilsack - Chair
Disignano
Ms Rean

SSB-2055
Judiciary

SENATE/HOUSE FILE 2230
BY (PROPOSED JUDICIAL DEPARTMENT
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the numbers of and facilities for offices and
2 employees of the judicial department, and providing for
3 additional judges on the court of appeals and district court;
4 permitting an increase in the number of district associate
5 judges in certain counties; providing for increases in the
6 number of staff for the court of appeals; permitting use of
7 available funds for offices for judges on the court of
8 appeals; providing for an alternative method of appointment of
9 certain new judges; appropriating funds for the additional
10 district court and court of appeals judges, staff support,
11 equipment and supplies; and for maintaining certain county law
12 libraries and providing an effective date.

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

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1 Section 1. Section 602.5102, subsection 1, Code 1993, is
2 amended to read as follows:

3 1. The court of appeals consists of ~~six~~ nine judges; three
4 five judges of the court of appeals constitute a quorum.

5 Sec. 2. Section 602.5203, Code 1993, is amended to read as
6 follows:

7 602.5203 LAW CLERKS.

8 The court of appeals may employ not more than ~~six~~ nine
9 attorneys or graduates of a reputable law school to act as
10 legal assistants to the court.

11 Sec. 3. Section 602.5205, subsection 2, Code 1993, is
12 amended to read as follows:

13 2. ~~State funds shall not be used for securing or~~
14 ~~maintaining facilities~~ Offices may be provided for court of
15 appeals judges or employees at any place other than the seat
16 of state government with the approval of the supreme court
17 within the funds available to the judicial department.

18 Sec. 4. Section 602.6201, subsection 10, Code 1993, is
19 amended to read as follows:

20 10. Notwithstanding the formula for determining the number
21 of judgeships in this section, the number of district judges
22 shall not exceed one hundred ~~one~~ sixteen during the period
23 commencing July 1, ~~1990~~ 1994.

24 Sec. 5. Section 602.6301, Code 1993, is amended to read as
25 follows:

26 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
27 JUDGES.

28 There shall be one district associate judge in counties
29 having a population, according to the most recent federal
30 decennial census, of more than thirty-five thousand and less
31 than eighty thousand; two in counties having a population of
32 ~~more than~~ eighty thousand or more and less than one hundred
33 twenty-five thousand; three in counties having a population of
34 ~~more than~~ one hundred twenty-five thousand or more and less
35 than two hundred thousand; and four in counties having a

1 population of two hundred thousand or above more and less than
2 two hundred thirty-five thousand; five in counties having a
3 population of two hundred thirty-five thousand or more and
4 less than two hundred seventy thousand; six in counties having
5 a population of two hundred seventy thousand or more and less
6 than three hundred five thousand; and seven in counties having
7 a population of three hundred five thousand or more. If the
8 formula provided in this section results in the allocation of
9 an additional district associate judgeship to a county,
10 implementation of the allocation shall be subject to prior
11 approval of the supreme court and availability of funds to the
12 judicial department. A district associate judge appointed
13 pursuant to section 602.6302 or 602.6303 shall not be counted
14 for purposes of this section.

15 Sec. 6. JUDICIAL DEPARTMENT APPROPRIATIONS. There is
16 appropriated from the general fund of the state to the
17 judicial department for the fiscal year beginning July 1,
18 1994, and ending June 30, 1995, the following amounts, or so
19 much thereof as is necessary, to be used for the purposes
20 designated:

21 1. For salaries for three additional court of appeals
22 judges, three law clerks, staff, equipment, supplies, and
23 miscellaneous purposes:

24 \$ 514,495

25 2. For salaries for fifteen additional district court
26 judges, court reporters, court attendants, equipment,
27 supplies, and miscellaneous purposes:

28 \$ 2,362,489

29 3. For maintaining law libraries and for current legal
30 research materials in each county for the use of judicial
31 officers and employees:

32 \$ 2,000,000

33 Sec. 7. APPOINTMENT OF ADDITIONAL COURT OF APPEALS JUDGES.
34 The chairperson of the state judicial nominating commission
35 shall call a meeting of the commission to be held within ten

1 days of the effective date of this section of this Act.
2 Notwithstanding section 46.15, the state judicial nominating
3 commission shall submit a list of six nominees from which the
4 governor shall fill all three judicial positions created by
5 this Act. If the governor fails to make the appointments
6 within thirty days after the list of nominees has been
7 submitted, the appointments shall be made from the same list
8 by the chief justice of the supreme court.

9 Sec. 8. APPOINTMENT OF ADDITIONAL DISTRICT COURT JUDGES.
10 Notwithstanding section 46.12, the chairperson of the judicial
11 district nominating commission in each judicial election
12 district entitled to a judgeship according to the formula as
13 determined by the state court administrator on February 1,
14 1994, shall call a meeting of the commission within ten days
15 of the effective date of this section of this Act.

16 Sec. 9. Sections 7 and 8 of this Act, being deemed of
17 immediate importance, take effect upon enactment.

18 EXPLANATION

19 This bill provides for the appointment of three additional
20 judges to the court of appeals and provides for the
21 appointment of 15 additional district judges. The court of
22 appeals may still deliberate in panels consisting of three or
23 more judges. The bill also extends the ceiling on the formula
24 for appointment of additional district associate judges, which
25 was previously capped at a maximum of four district associate
26 judges in any county with a population of 200,000 or above, to
27 permit the appointment of additional district associate court
28 judges, based on increments of one additional judge per
29 additional 35,000 in county population. The formula is capped
30 at a maximum of seven district associate judges in counties
31 having a population of 305,000 or above. The bill
32 appropriates funds for the additional court of appeals judges
33 and district judges. The bill also permits the hiring of
34 additional law clerks for the court of appeals judges, permits
35 the payment of offices expenses for court of appeals judges

1 with offices outside of Polk County, and appropriates funds
2 for county law libraries for use by the judges, law clerks,
3 and other judicial personnel.

4 The provisions relating to the meeting of the state
5 judicial nominating commission for purposes of providing a
6 list of nominees for the new court of appeals positions and
7 relating to the meeting of the judicial district nominating
8 commission in each judicial election district entitled to a
9 district court judgeship take effect upon enactment.

10 BACKGROUND STATEMENT

11 SUBMITTED BY THE AGENCY

12 Section 1. In 1976, the General Assembly established a new
13 five-member appellate court designated as the Iowa court of
14 appeals; in 1983 a sixth member was added. The Iowa court of
15 appeals hears only the cases transferred to it by the supreme
16 court. During its first year the court of appeals received
17 425 cases transferred from the supreme court; 333 cases were
18 terminated by the court of appeals and 92 were pending at the
19 end of the year. In 1992, the court of appeals received 684
20 cases from the supreme court; and 696 were terminated and 204
21 were pending.

22 Of the cases transferred in 1992, 333 or 48.7 percent were
23 heard on the record without oral argument. Many of these
24 cases were handled as "fast tracks." On the average each
25 judge wrote 114 opinions. The court received assistance from
26 senior judges assigned to the court of appeals.

27 This bill adds three more judges to the court of appeals to
28 assist with the growing caseload.

29 Sections 2, 6(1), and 7. These sections are necessary to
30 implement the expansion of the court of appeals. Section 2
31 increases the total number of law clerks so that there is one
32 clerk for each judge. Section 7 triggers the meeting of the
33 state judicial nominating commission which is responsible for
34 nominating lawyers for appointment to the court. Section 6(1)
35 is the appropriation needed to fund the additional number of

1 judges and related costs.

2 Section 3. The state does not maintain offices for court
3 of appeals judges outside of the state capitol even though
4 they may reside outside of Des Moines. Currently, three
5 judges work outside the capitol but their office expenses are
6 not paid by the state. This section eliminates the
7 prohibition against state funding for maintaining those office
8 expenses and makes the expenses a function of the budget.

9 Sections 4, 6(2) and 8. These sections fully implement the
10 district court judgeship formula according to the most recent
11 calculation. The formula calls for 116 judgeships but the
12 number of judgeships which exist is currently limited to 101
13 by law. Section 7 triggers the meetings of the respective
14 district judicial nominating commissions. Section 8
15 appropriates the funding needed to add 15 new judgeships and
16 cover related expenses.

17 Section 5. This section amends the statutory formula for
18 allocating district associate judge positions to allow more
19 judgeships for counties with populations over 200,000.
20 Funding for the new positions becomes a function of the
21 judicial department budget which is subject to the approval of
22 the supreme court. If implemented, Polk County would be
23 entitled to three more district associate judges under the
24 amended formula.

25 Section 6(3). When the state took over funding of the
26 court system, the legislature approved a list of items that
27 the state would fund and a list of items which the counties
28 would continue to fund. The duties list does not set out
29 which entity is responsible for funding local law libraries
30 available to judges. Local law libraries have been provided
31 and maintained by all of the counties but budget constraints
32 may threaten their continued support. This amendment requires
33 the counties to continue to provide this resource.

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SENATE FILE 2230

AN ACT

RELATING TO THE NUMBERS OF AND FACILITIES FOR OFFICERS OF THE JUDICIAL DEPARTMENT; PERMITTING AN INCREASE IN THE NUMBER OF DISTRICT ASSOCIATE JUDGES IN CERTAIN COUNTIES; AND PERMITTING THE USE OF AVAILABLE FUNDS FOR OFFICES FOR JUDGES ON THE COURT OF APPEALS.

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

Section 1. Section 602.5205, subsection 2, Code 1993, is amended to read as follows:

2. ~~State funds shall not be used for securing or maintaining facilities~~ Offices may be provided for court of appeals judges or employees at any place other than the seat of state government with the approval of the supreme court within the funds available to the judicial department.

Sec. 2. Section 602.6301, Code 1993, is amended to read as follows:

602.6301 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 or more and less than one hundred twenty-five thousand; three in counties having a population of more than one hundred twenty-five thousand or more and less than two hundred thousand; ~~and~~ four in counties having a population of two hundred thousand or above more and less than two hundred thirty-five thousand; five in counties having a population of two hundred thirty-five thousand or more and less than two hundred seventy thousand; six in counties having a population of two hundred seventy thousand or more and less

than three hundred five thousand; and seven in counties having a population of three hundred five thousand or more. If the formula provided in this section results in the allocation of an additional district associate judgeship to a county, implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial department. A district associate judge appointed pursuant to section 602.6302 or 602.6303 shall not be counted for purposes of this section.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2230, Seventy-fifth General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved April 28, 1994

FERRY E. BRAMSTAD
Governor