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BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 649)

Passed Senate, Date 3/23/98 (p. 845) Passed House, Date 3/16/98 (p. 705)
Vote: Ayes 48 Nays 1 Vote: Ayes 94 Nays 0
Approved April 2, 1998

A BILL FOR

1 An Act changing the designation of the judiciary in the Code from
2 the judicial department to the judicial branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 2456

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1 Section 1. Section 4.1, subsection 5, Code 1997, is
2 amended to read as follows:

3 5. "Court employee" and "employee of the judicial
4 department branch" include every officer or employee of the
5 judicial department branch except a judicial officer.

6 Sec. 2. Section 8.23, unnumbered paragraph 2, Code 1997,
7 is amended to read as follows:

8 On or before November 15 all departments and establishments
9 of government and the judicial department branch shall
10 transmit to the department of management and the legislative
11 fiscal bureau estimates of their receipts and expenditure
12 requirements from federal or other nonstate grants, receipts,
13 and funds for the ensuing fiscal year. The transmittal shall
14 include the names of the grantor and the grant or the source
15 of the funds, the estimated amount of the funds, and the
16 planned expenditures and use of the funds. The format of the
17 transmittal shall be specified by the legislative fiscal
18 bureau.

19 Sec. 3. Section 8.44, unnumbered paragraph 2, Code 1997,
20 is amended to read as follows:

21 All departments and establishments of government and the
22 judicial department branch shall notify the department of
23 management and the legislative fiscal bureau of any change in
24 the receipt of federal or other nonstate grants, receipts, and
25 funds from the funding levels on which appropriations for the
26 current or ensuing fiscal year were or are based. Changes
27 which must be reported include, but are not limited to, any
28 request, approval, award, or loss changes affecting federal or
29 other nonstate grants, receipts, or funds. The notifications
30 shall be made on a quarterly basis. The format of the
31 notifications shall be specified by the legislative fiscal
32 bureau.

33 Sec. 4. Section 8D.2, subsection 5, Code 1997, is amended
34 to read as follows:

35 5. "Public agency" means a state agency, an institution

1 under the control of the board of regents, the judicial
2 department branch as provided in section 8D.13, subsection 17,
3 a school corporation, a city library, a regional library as
4 provided in chapter 256, a county library as provided in
5 chapter 336, or a judicial district department of correctional
6 services established in section 905.2, to the extent provided
7 in section 8D.13, subsection 15, an agency of the federal
8 government, or a United States post office which receives a
9 federal grant for pilot and demonstration projects.

10 Sec. 5. Section 8D.9, subsection 1, Code 1997, is amended
11 to read as follows:

12 1. A private or public agency, other than a state agency,
13 local school district or nonpublic school, city library,
14 regional library, county library, judicial department branch,
15 judicial district department of correctional services, agency
16 of the federal government, a hospital or physician clinic, or
17 a post office authorized to be offered access pursuant to this
18 chapter as of May 18, 1994, shall certify to the commission no
19 later than July 1, 1994, that the agency is a part of or
20 intends to become a part of the network. Upon receiving such
21 certification from an agency not a part of the network on May
22 18, 1994, the commission shall provide for the connection of
23 such agency as soon as practical. An agency which does not
24 certify to the commission that the agency is a part of or
25 intends to become a part of the network as required by this
26 subsection shall be prohibited from using the network.

27 Sec. 6. Section 8D.13, subsection 2, paragraph c, Code
28 Supplement 1997, is amended to read as follows:

29 c. "Part III" means the communications connection between
30 the secondary switching centers and the agencies defined in
31 section 8D.2, subsections 4 and 5, excluding state agencies,
32 institutions under the control of the board of regents,
33 nonprofit institutions of higher education eligible for
34 tuition grants, and the judicial department branch, judicial
35 district departments of correctional services, hospitals and

1 physician clinics, agencies of the federal government, and
2 post offices.

3 Sec. 7. Section 8D.13, subsection 5, unnumbered paragraph
4 1, Code Supplement 1997, is amended to read as follows:

5 The state shall lease all fiberoptic cable facilities or
6 facilities with DS-3 capacity for Part III connections for
7 which state funding is provided. The state shall lease all
8 fiberoptic cable facilities or facilities with DS-3 or DS-1
9 capacity for the judicial department branch, judicial district
10 department of correctional services, and state agency
11 connections for which state funding is provided. Such
12 facilities shall be leased from qualified providers. The
13 state shall not own such facilities, except for those
14 facilities owned by the state as of January 1, 1994.

15 Sec. 8. Section 8D.13, subsection 17, Code Supplement
16 1997, is amended to read as follows:

17 17. Access shall be offered to the judicial department
18 branch provided that the department judicial branch
19 contributes an amount consistent with the department's
20 judicial branch's share of use for the part of the network in
21 which the department judicial branch participates, as
22 determined by the commission.

23 Sec. 9. Section 11.5A, Code 1997, is amended to read as
24 follows:

25 11.5A AUDIT COSTS.

26 When requested by the auditor of state, the department of
27 management shall transfer from any unappropriated funds in the
28 state treasury an amount not exceeding the expenses and
29 prorated salary costs already paid to perform examinations of
30 state executive agencies and the offices of the judicial
31 department branch, and federal financial assistance, as
32 defined in Pub. L. No. 98-502, received by all other
33 departments for which payments by agencies have not been made.
34 Upon payment by the departments, the auditor of state shall
35 credit the payments to the state treasury.

1 Sec. 10. Section 11.5B, subsection 11, Code 1997, is
2 amended to read as follows:

3 11. Offices of the clerks of the district court of the
4 judicial department branch.

5 Sec. 11. Section 17A.2, subsection 1, Code 1997, is
6 amended to read as follows:

7 1. "Agency" means each board, commission, department,
8 officer or other administrative office or unit of the state.

9 "Agency" does not mean the general assembly, the judicial
10 department branch or any of its components, the office of
11 consumer advocate, the governor or a political subdivision of
12 the state or its offices and units. Unless provided otherwise
13 by statute, no less than two-thirds of the members eligible to
14 vote of a multimember agency constitute a quorum authorized to
15 act in the name of the agency.

16 Sec. 12. Section 20.4, subsection 7, Code 1997, is amended
17 to read as follows:

18 7. Judicial officers, and confidential, professional, or
19 supervisory employees of the judicial department branch.

20 Sec. 13. Section 46.5A, Code 1997, is amended to read as
21 follows:

22 46.5A JUDICIAL NOMINATING COMMISSION EXPENSES.

23 Members of the state judicial nominating commission and the
24 district judicial nominating commissions are entitled to be
25 reimbursed for actual and necessary expenses incurred in the
26 performance of their duties as commissioners for each day
27 spent attending commission meetings or training sessions
28 called by the chairperson. Expenses shall be paid from funds
29 appropriated to the judicial department branch for this
30 purpose.

31 Sec. 14. Section 68B.2, subsection 25, Code 1997, is
32 amended to read as follows:

33 25. "State employee" means a person who is not an official
34 and is a paid employee of the state of Iowa and does not
35 include an independent contractor, an employee of the judicial

1 department branch who is not an employee of the office of
2 attorney general, an employee of the general assembly, an
3 employee of a political subdivision of the state, or an
4 employee of any agricultural commodity promotional board, if
5 the board is subject to a producer referendum.

6 Sec. 15. Section 68B.39, Code 1997, is amended to read as
7 follows:

8 68B.39 SUPREME COURT RULES.

9 The supreme court of this state shall prescribe rules by
10 January 1, 1993, establishing a code of ethics for officials
11 and employees of the judicial department branch of this state,
12 and the immediate family members of the officials and
13 employees. Rules prescribed under this paragraph shall
14 include provisions relating to the receipt or acceptance of
15 gifts and honoraria, interests in public contracts, services
16 against the state, and financial disclosure which are
17 substantially similar to the requirements of this chapter.

18 The supreme court of this state shall also prescribe rules
19 which relate to activities by officials and employees of the
20 judicial department branch which constitute conflicts of
21 interest.

22 Sec. 16. Section 135L.2, subsection 2, paragraph a, Code
23 Supplement 1997, is amended to read as follows:

24 a. The video shall be available through the state and
25 local offices of the Iowa department of public health, the
26 department of human services, and the judicial department
27 branch and through the office of each licensed physician who
28 performs abortions.

29 Sec. 17. Section 135L.3, subsection 3, paragraph j, Code
30 Supplement 1997, is amended to read as follows:

31 j. If the court denies the petition for waiver of
32 notification and if the decision is not appealed or all
33 appeals are exhausted, the court shall advise the pregnant
34 minor that, upon the request of the pregnant minor, the court
35 will appoint a licensed marital and family therapist to assist

1 the pregnant minor in addressing any intrafamilial problems.
2 All costs of services provided by a court-appointed licensed
3 marital and family therapist shall be paid by the court
4 through the expenditure of funds appropriated to the judicial
5 department branch.

6 Sec. 18. Section 216A.136, unnumbered paragraph 1, Code
7 1997, is amended to read as follows:

8 The division shall maintain an Iowa statistical analysis
9 center for the purpose of coordinating with data resource
10 agencies to provide data and analytical information to
11 federal, state, and local governments, and assist agencies in
12 the use of criminal and juvenile justice data.
13 Notwithstanding any other provision of state law, unless
14 prohibited by federal law or regulation, the division shall be
15 granted access, for purposes of research and evaluation, to
16 criminal history records, official juvenile court records,
17 juvenile court social records, and any other data collected or
18 under control of the board of parole, department of
19 corrections, district departments of correctional services,
20 department of human services, judicial department branch, and
21 department of public safety. However, intelligence data and
22 peace officer investigative reports maintained by the
23 department of public safety shall not be considered data for
24 the purposes of this section. Any record, data, or
25 information obtained by the division under this section and
26 the division itself is subject to the federal and state
27 confidentiality laws and regulations which are applicable to
28 the original record, data, or information obtained by the
29 division and to the original custodian of the record, data, or
30 information. The access shall include but is not limited to
31 all of the following:

32 Sec. 19. Section 216A.138, subsection 2, Code Supplement
33 1997, is amended to read as follows:

34 2. The department of human services, department of
35 corrections, judicial department branch, department of public

1 safety, department of education, local school districts, and
2 other state agencies and political subdivisions shall
3 cooperate with the division in the development of the plan.

4 Sec. 20. Section 225C.4, subsection 1, paragraph n, Code
5 1997, is amended to read as follows:

6 n. Provide consultation and technical assistance to
7 patients' advocates appointed pursuant to section 229.19, in
8 cooperation with the judicial department branch and the care
9 review committees appointed for health care facilities
10 pursuant to section 135C.25.

11 Sec. 21. Section 232.2, subsection 9, Code Supplement
12 1997, is amended to read as follows:

13 9. "Court appointed special advocate" means a person duly
14 certified by the judicial department branch for participation
15 in the court appointed special advocate program and appointed
16 by the court to represent the interests of a child in any
17 judicial proceeding to which the child is a party or is called
18 as a witness or relating to any dispositional order involving
19 the child resulting from such proceeding.

20 Sec. 22. Section 232.143, subsection 1, Code 1997, is
21 amended to read as follows:

22 1. A statewide expenditure target for children in group
23 foster care placements in a fiscal year, which placements are
24 a charge upon or are paid for by the state, shall be
25 established annually in an appropriation bill by the general
26 assembly. The department and the judicial department branch
27 shall jointly develop a formula for allocating a portion of
28 the statewide expenditure target established by the general
29 assembly to each of the department's regions. The formula
30 shall be based upon the region's proportion of the state
31 population of children and of the statewide usage of group
32 foster care in the previous five completed fiscal years and
33 other indicators of need. The expenditure amount determined
34 in accordance with the formula shall be the group foster care
35 budget target for that region. A region may exceed its budget

1 target for group foster care by not more than five percent in
2 a fiscal year, provided the overall funding allocated by the
3 department for all child welfare services in the region is not
4 exceeded.

5 Sec. 23. Section 232A.2, Code 1997, is amended to read as
6 follows:

7 232A.2 PROGRAM CREATED.

8 A juvenile victim restitution program is created which
9 shall be funded through moneys appropriated by the general
10 assembly to the department judicial branch. The primary
11 purpose of the program is to provide funds to compensate
12 victims for losses due to the delinquent acts of juveniles.

13 Upon completion of a district's plan, the department
14 judicial branch shall provide funds in conformance with the
15 procedures and policies of the state. The department judicial
16 branch shall reclaim any portion of an initial allocation to a
17 judicial district that is unencumbered on December 31 of any
18 year. The department judicial branch shall immediately
19 reallocate the reclaimed funds to those judicial districts
20 from which funds were not reclaimed in the manner provided in
21 this section for the original allocation. Any portion of an
22 amount allocated that remains unencumbered on June 30 of any
23 year shall revert to the general fund of the state.

24 Sec. 24. Section 232A.3, Code 1997, is amended to read as
25 follows:

26 232A.3 REPORTS REQUIRED.

27 Each judicial district shall submit a report of the
28 progress and financial status of its juvenile victim
29 restitution program to the department judicial branch on a
30 quarterly basis. The department judicial branch shall prepare
31 and submit annually a report on the progress and financial
32 status of the programs to the general assembly no later than
33 March 15.

34 Sec. 25. Section 237.3, subsection 8, Code Supplement
35 1997, is amended to read as follows:

1 8. The department, in consultation with the judicial
2 department branch, the division of criminal and juvenile
3 justice planning of the department of human rights,
4 residential treatment providers, the foster care provider
5 association, and other parties which may be affected, shall
6 review the licensing rules pertaining to residential treatment
7 facilities, and examine whether the rules allow the facilities
8 to accept and provide effective treatment to juveniles with
9 serious problems who might not otherwise be placed in those
10 facilities.

11 Sec. 26. Section 237.18, subsection 6, unnumbered
12 paragraph 2, Code 1997, is amended to read as follows:

13 The state board shall make recommendations to the general
14 assembly, the department, to child-placing agencies, the
15 governor, the supreme court, the chief judge of each judicial
16 district, and to the judicial department branch. The
17 recommendations shall include, but are not limited to,
18 identification of systemic problems in the foster care and the
19 juvenile justice systems, specific proposals for improvements
20 that assist the systems in being more cost-effective and
21 better able to protect the best interests of children, and
22 necessary changes relating to the data collected and the
23 annual report made under subsection 2, paragraph "b".

24 Sec. 27. Section 261.2, subsection 14, Code 1997, is
25 amended to read as follows:

26 14. Develop and implement, in cooperation with the
27 department of human services and the judicial department
28 branch, a program to assist juveniles who are sixteen years of
29 age or older and who have a case permanency plan under chapter
30 232 or 237 or are otherwise under the jurisdiction of chapter
31 232 in applying for federal and state aid available for higher
32 education.

33 Sec. 28. Section 321J.3, subsection 3, Code Supplement
34 1997, is amended to read as follows:

35 3. The state department of transportation, in cooperation

1 with the judicial department branch, shall adopt rules,
2 pursuant to the procedure in section 125.33, regarding the
3 assignment of persons ordered under section 321J.17 to submit
4 to substance abuse evaluation and treatment. The rules shall
5 be applicable only to persons other than those committed to
6 the custody of the director of the department of corrections
7 under section 321J.2. The rules shall be consistent with the
8 practices and procedures of the judicial department branch in
9 sentencing persons to substance abuse evaluation and treatment
10 under section 321J.2. The rules shall include the requirement
11 that the treatment programs utilized by a person pursuant to
12 an order of the department meet the licensure standards of the
13 division of substance abuse for the department of public
14 health. The rules shall also include provisions for payment
15 of costs by the offenders, including insurance reimbursement
16 on behalf of offenders, or other forms of funding, and shall
17 also address reporting requirements of the facility,
18 consistent with the provisions of sections 125.84 and 125.86.
19 The department shall be entitled to treatment information
20 contained in reports to the department, notwithstanding any
21 provision of chapter 125 that would restrict department access
22 to treatment information and records.

23 Sec. 29. Section 321J.24, subsection 9, Code Supplement
24 1997, is amended to read as follows:

25 9. The chief judge of the judicial district shall
26 determine fees to be paid by participants in the program. The
27 judicial department branch shall use the fees to pay all costs
28 associated with the program. The court shall either require
29 the participant to pay the fee in order to participate in the
30 program, or may waive the fee or collect a lesser amount upon
31 a showing of cause.

32 Sec. 30. Section 421.17, subsection 25, paragraph f, Code
33 Supplement 1997, is amended to read as follows:

34 f. The department shall set off the debt, plus a fee
35 established by rule to reflect the cost of processing, against

1 the debtor's income tax refund or rebate. The department
2 shall transfer ninety percent of the amount set off to the
3 treasurer of state for deposit in the general fund of the
4 state. The remaining ten percent shall be remitted to the
5 judicial department branch and used to defray the costs of
6 this procedure. If the debtor gives timely written notice of
7 intent to contest the amount of the claim, the department
8 shall hold the refund or rebate until final determination of
9 the correct amount of the claim.

10 Sec. 31. Section 602.1101, subsection 5, Code 1997, is
11 amended to read as follows:

12 5. "Court employee" or "employee of the judicial
13 department branch" means an officer or employee of the
14 judicial department branch except a judicial officer.

15 Sec. 32. Section 602.1101, subsection 6, Code 1997, is
16 amended by striking the subsection.

17 Sec. 33. Section 602.1102, Code 1997, is amended to read
18 as follows:

19 602.1102 JUDICIAL DEPARTMENT BRANCH.

20 The judicial department branch consists of all of the
21 following:

- 22 1. The supreme court.
- 23 2. The court of appeals.
- 24 3. The district court.
- 25 4. The clerks of all of the courts of this state.
- 26 5. Juvenile court officers.
- 27 6. Court reporters.
- 28 7. All other court employees.

29 Sec. 34. Section 602.1201, Code 1997, is amended to read
30 as follows:

31 602.1201 SUPERVISION AND ADMINISTRATION.

32 The supreme court has supervisory and administrative
33 control over the department judicial branch and over all
34 judicial officers and court employees.

35 Sec. 35. Section 602.1202, Code 1997, is amended to read

1 as follows:

2 602.1202 JUDICIAL COUNCIL.

3 A judicial council is established, consisting of the chief
4 judges of the judicial districts, the chief judge of the court
5 of appeals, and the chief justice who shall be the
6 chairperson. The council shall convene not less than twice
7 each year at times and places as ordered by the chief justice.
8 The council shall advise the supreme court with respect to the
9 supervision and administration of the department judicial
10 branch.

11 Sec. 36. Section 602.1203, Code 1997, is amended to read
12 as follows:

13 602.1203 PERSONNEL CONFERENCES.

14 The chief justice may order conferences of judicial
15 officers or court employees on matters relating to the
16 administration of justice or the affairs of the department
17 judicial branch. For judges and other court employees who
18 handle cases involving children and family law, the chief
19 justice shall require regular training concerning mental or
20 emotional disorders which may afflict children and the impact
21 children with such disorders have upon their families.

22 Sec. 37. Section 602.1204, Code 1997, is amended to read
23 as follows:

24 602.1204 PROCEDURES FOR DEPARTMENT JUDICIAL BRANCH.

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

29 2. The state court administrator may issue directives
30 relating to the management of the department judicial branch.
31 The subject matters of these directives shall include, but
32 need not be limited to, fiscal procedures, the judicial
33 retirement system, and the collection and reporting of
34 statistical and other data. The directives shall provide for
35 an affirmative action plan which shall be based upon

1 guidelines provided by the Iowa state civil rights commission.
2 In addition, when establishing salaries and benefits the state
3 court administrator shall not discriminate in the employment
4 or pay between employees on the basis of gender by paying
5 wages to employees at a rate less than the rate at which wages
6 are paid to employees of the opposite gender for work of
7 comparable worth. As used in this section "comparable worth"
8 means the value of work as measured by the composite of the
9 skill, effort, responsibility, and working conditions normally
10 required in the performance of work.

11 3. The supreme court shall compile and publish all
12 procedures and directives relating to the supervision and
13 administration of the internal affairs of the department
14 judicial branch, and shall distribute a copy of the
15 compilation and all amendments to each operating component of
16 the department judicial branch. Copies also shall be
17 distributed to agencies referred to in section 18.97 upon
18 request.

19 4. The supreme court shall accept bids for the printing of
20 court forms from both public and private enterprises and shall
21 attempt to contract with both public and private enterprises
22 for a reasonable portion of the court forms.

23 Sec. 38. Section 602.1207, Code 1997, is amended to read
24 as follows:

25 602.1207 REPORT OF THE CONDITION OF THE JUDICIAL
26 DEPARTMENT BRANCH.

27 The chief justice shall communicate the condition of the
28 department judicial branch by message to each general
29 assembly, and may recommend matters the chief justice deems
30 appropriate.

31 Sec. 39. Section 602.1208, subsection 2, Code 1997, is
32 amended to read as follows:

33 2. The state court administrator is the principal
34 administrative officer of the judicial department branch,
35 subject to the immediate direction and supervision of the

1 chief justice.

2 Sec. 40. Section 602.1209, subsections 1, 2, 3, 6, 7, and
3 8, Code 1997, are amended to read as follows:

4 1. Manage the judicial department branch.

5 2. Administer funds appropriated to the department
6 judicial branch.

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

18 6. Collect and compile information and statistical data,
19 and submit reports relating to judicial business, including
20 juvenile court activities and other matters relating to the
21 department judicial branch.

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

28 8. Call conferences of district court administrators as
29 necessary in the administration of the department judicial
30 branch.

31 Sec. 41. Section 602.1214, subsections 3 and 5, Code 1997,
32 are amended to read as follows:

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

1 duties of the state court administrator.

2 5. The district court administrator shall comply with
3 policies of the ~~department~~ judicial branch and the judicial
4 district.

5 Sec. 42. Section 602.1215, subsections 3 and 4, Code 1997,
6 are amended to read as follows:

7 3. The clerk of the district court shall assist the state
8 court administrator and the district court administrator in
9 carrying out the rules, directives, and procedures of the
10 ~~department~~ judicial branch and the judicial district.

11 4. The clerk of the district court shall comply with
12 rules, directives, and procedures of the ~~department~~ judicial
13 branch and the judicial district.

14 Sec. 43. Section 602.1217, subsections 3 and 4, Code 1997,
15 are amended to read as follows:

16 3. The chief juvenile court officer, in addition to
17 performing the duties of a juvenile court officer, shall
18 supervise juvenile court officers and administer juvenile
19 court services within the judicial district in accordance with
20 law and with the rules, directives, and procedures of the
21 ~~department~~ judicial branch and the judicial district.

22 4. The chief juvenile court officer shall assist the state
23 court administrator and the district court administrator in
24 implementing rules, directives, and procedures of the
25 ~~department~~ judicial branch and the judicial district.

26 Sec. 44. Section 602.1218, Code 1997, is amended to read
27 as follows:

28 602.1218 REMOVAL FOR CAUSE.

29 Inefficiency, insubordination, incompetence, failure to
30 perform assigned duties, inadequacy in performance of assigned
31 duties, narcotics addiction, dishonesty, unrehabilitated
32 alcoholism, negligence, conduct which adversely affects the
33 performance of the individual or of the ~~department~~ judicial
34 branch, conduct unbecoming a public employee, misconduct, or
35 any other just and good cause constitutes cause for removal.

1 Sec. 45. Section 602.1301, Code 1997, is amended to read
2 as follows:

3 602.1301 BUDGET AND FISCAL PROCEDURES.

4 1. The supreme court shall prepare an annual operating
5 budget for the department judicial branch, and shall submit a
6 budget request to the general assembly for the fiscal period
7 for which the general assembly is appropriating funds.

8 2. a. As early as possible, but not later than December
9 1, the supreme court shall submit to the legislative fiscal
10 bureau the annual budget request and detailed supporting
11 information for the judicial department branch. The
12 submission shall be designed to assist the legislative fiscal
13 bureau in its preparation for legislative consideration of the
14 budget request. The information submitted shall contain and
15 be arranged in a format substantially similar to the format
16 specified by the director of management and used by all
17 departments and establishments in transmitting to the director
18 estimates of their expenditure requirements pursuant to
19 section 8.23, except the estimates of expenditure requirements
20 shall be based upon one hundred percent of funding for the
21 current fiscal year accounted for by program, and using the
22 same line item definitions of expenditures as used for the
23 current fiscal year's budget request, and the remainder of the
24 estimate of expenditure requirements prioritized by program.
25 The supreme court shall also make use of the department of
26 management's automated budget system when submitting
27 information to the director of management to assist the
28 director in the transmittal of information as required under
29 section 8.35A. The supreme court shall budget and track
30 expenditures by the following separate organization codes:

- 31 (1) Iowa court information system.
- 32 (2) Appellate courts.
- 33 (3) Central administration.
- 34 (4) District court administration.
- 35 (5) Judges and magistrates.

- 1 (6) Court reporters.
- 2 (7) Juvenile court officers.
- 3 (8) District court clerks.
- 4 (9) Jury and witness fees.

5 b. Before December 1, the supreme court shall submit to
6 the director of management an estimate of the total
7 expenditure requirements of the judicial department branch.
8 The director of management shall submit this estimate received
9 from the supreme court to the governor for inclusion without
10 change in the governor's proposed budget for the succeeding
11 fiscal year. The estimate shall also be submitted to the
12 chairpersons of the committees on appropriations.

13 3. The state court administrator shall prescribe the
14 procedures to be used by the operating components of the
15 department judicial branch with respect to the following:

16 a. The preparation, submission, review, and revision of
17 budget requests.

18 b. The allocation and disbursement of funds appropriated
19 to the department judicial branch.

20 c. The purchase of forms, supplies, equipment, and other
21 property.

22 d. Other matters relating to fiscal administration.

23 4. The state court administrator shall prescribe practices
24 and procedures for the accounting and internal auditing of
25 funds of the department judicial branch, including uniform
26 practices and procedures to be used by judicial officers and
27 court employees with respect to all funds, regardless of
28 source.

29 Sec. 46. Section 602.1302, Code 1997, is amended to read
30 as follows:

31 602.1302 STATE FUNDING.

32 1. Except as otherwise provided by sections 602.1303 and
33 602.1304 or other applicable law, the expenses of operating
34 and maintaining the department judicial branch shall be paid
35 out of the general fund of the state from funds appropriated

1 by the general assembly for the department judicial branch.
2 State funding shall be phased in as provided in section
3 602.11101.

4 2. The supreme court may accept federal funds to be used
5 in the operation of the department judicial branch, but shall
6 not expend any of these funds except pursuant to appropriation
7 of the funds by the general assembly.

8 3. A revolving fund is created in the state treasury for
9 the payment of jury and witness fees and mileage by the
10 department judicial branch. The department judicial branch
11 shall deposit any reimbursements to the state for the payment
12 of jury and witness fees and mileage in the revolving fund.
13 Notwithstanding section 8.33, unencumbered and unobligated
14 receipts in the revolving fund at the end of a fiscal year do
15 not revert to the general fund of the state. The department
16 judicial branch shall on or before February 1 file a financial
17 accounting of the moneys in the revolving fund with the
18 legislative fiscal bureau. The accounting shall include an
19 estimate of disbursements from the revolving fund for the
20 remainder of the fiscal year and for the next fiscal year.

21 4. The department judicial branch shall reimburse counties
22 for the costs of witness and mileage fees and for attorney
23 fees paid pursuant to section 232.141, subsection 1.

24 Sec. 47. Section 602.1304, subsection 2, paragraph c, Code
25 Supplement 1997, is amended to read as follows:

26 c. Moneys in the collections fund shall be used by the
27 judicial department branch for the Iowa court information
28 system; records management equipment, services, and projects;
29 other technological improvements; electronic legal research
30 equipment, systems, and projects; and the study, development,
31 and implementation of other innovations and projects that
32 would improve the administration of justice. The moneys in
33 the collection fund may also be used for capital improvements
34 necessitated by the installation of or connection with the
35 Iowa court information system, the Iowa communications

1 network, and other technological improvements approved by the
2 department judicial branch.

3 Sec. 48. Section 602.1401, subsections 1, 2, and 3, Code
4 1997, are amended to read as follows:

5 1. The supreme court shall establish, and may amend, a
6 personnel system and a pay plan for court employees. The
7 personnel system shall include a designation by position
8 title, classification, and function of each position or class
9 of positions within the department judicial branch.

10 Reasonable efforts shall be made to accommodate the individual
11 staffing and management practices of the respective clerks of
12 the district court. The personnel system, in the employment
13 of court employees, shall not discriminate on the basis of
14 race, creed, color, sex, national origin, religion, physical
15 disability, or political party preference. The supreme court,
16 in establishing the personnel system, shall implement the
17 comparable worth directives issued by the state court
18 administrator under section 602.1204, subsection 2. The
19 personnel system shall include the prohibitions against sexual
20 harassment of full-time, part-time, and temporary employees
21 set out in section 19B.12, and shall include a grievance
22 procedure for discriminatory harassment. The personnel system
23 shall develop and distribute at the time of hiring or
24 orientation, a guide that describes for employees the
25 applicable sexual harassment prohibitions and grievance,
26 violation, and disposition procedures. This subsection does
27 not supersede the remedies provided under chapter 216.

28 2. The supreme court shall compile and publish all
29 documents that establish the personnel system, and shall
30 distribute a copy of the compilation and all amendments to
31 each operating component of the department judicial branch.

32 3. The state court administrator is the public employer of
33 judicial department branch employees for purposes of chapter
34 20, relating to public employment relations.

35 For purposes of chapter 20, the certified representative,

1 which on July 1, 1983 represents employees who become judicial
2 department branch employees as a result of 1983 Iowa Acts,
3 chapter 186, shall remain the certified representative when
4 the employees become judicial department branch employees and
5 thereafter, unless the public employee organization is
6 decertified in an election held under section 20.15 or amended
7 or absorbed into another certified organization pursuant to
8 chapter 20. Collective bargaining negotiations shall be
9 conducted on a statewide basis and the certified employee
10 organizations which engage in bargaining shall negotiate on a
11 statewide basis, although bargaining units shall be organized
12 by judicial district. The public employment relations board
13 shall adopt rules pursuant to chapter 17A to implement this
14 subsection.

15 Sec. 49. Section 602.1402, Code 1997, is amended to read
16 as follows:

17 602.1402 PERSONNEL CONTROL.

18 The employment of court employees within an operating
19 component of the judicial department branch is subject to
20 prior authorization by the supreme court, and to approval by
21 the state court administrator under section 602.1209.

22 Sec. 50. Section 602.1502, subsection 1, Code 1997, is
23 amended to read as follows:

24 1. The supreme court shall set the compensation of the
25 state court administrator. The salaries of other employees of
26 the judicial department branch shall be set pursuant to the
27 ~~department's~~ judicial branch's pay plan established under
28 section 602.1401.

29 Sec. 51. Section 602.1510, Code 1997, is amended to read
30 as follows:

31 602.1510 BOND EXPENSE.

32 The cost of a bond that is required of a judicial officer
33 or court employee in the discharge of duties shall be paid by
34 the department judicial branch.

35 Sec. 52. Section 602.1610, subsection 2, Code 1997, is

1 amended to read as follows:

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

4 Sec. 53. Section 602.2101, Code 1997, is amended to read
5 as follows:

6 602.2101 AUTHORITY.

7 The supreme court may retire, discipline, or remove a
8 judicial officer from office or may discipline or remove an
9 employee of the judicial department branch for cause as
10 provided in this part.

11 Sec. 54. Section 602.2103, Code 1997, is amended to read
12 as follows:

13 602.2103 OPERATION OF COMMISSION.

14 A quorum of the commission is four members. Only those
15 commission members that are present at commission meetings or
16 hearings may vote. An application by the commission to the
17 supreme court to retire, discipline, or remove a judicial
18 officer, or discipline or remove an employee of the judicial
19 department branch, or an action by the commission which
20 affects the final disposition of a complaint, requires the
21 affirmative vote of at least four commission members.

22 Notwithstanding chapter 21 and chapter 22, all records,
23 papers, proceedings, meetings, and hearings of the commission
24 are confidential, but if the commission applies to the supreme
25 court to retire, discipline, or remove a judicial officer, or
26 to discipline or remove an employee of the judicial department
27 branch, the application and all of the records and papers in
28 that proceeding are public documents.

29 Sec. 55. Section 602.2104, Code 1997, is amended to read
30 as follows:

31 602.2104 PROCEDURE BEFORE COMMISSION.

32 1. Charges before the commission shall be in writing but
33 may be simple and informal. The commission shall investigate
34 each charge as indicated by its gravity. If the charge is
35 groundless, it shall be dismissed by the commission. If the

1 charge appears to be substantiated but does not warrant
2 application to the supreme court, the commission may dispose
3 of it informally by conference with or communication to the
4 judicial officer or employee of the judicial department branch
5 involved. If the charge appears to be substantiated and if
6 proved would warrant application to the supreme court, notice
7 shall be given to the judicial officer and a hearing shall be
8 held before the commission. The commission may employ
9 investigative personnel, in addition to the executive
10 secretary, as it deems necessary. The commission may also
11 employ or contract for the employment of legal counsel.

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

1 3. The commission has subpoena power, which may be used in
2 conducting investigations and during the hearing process. A
3 person who disobeys the commission's subpoena or who refuses
4 to testify or produce documents as required by a commission
5 subpoena may be punished for contempt in the district court
6 for the county in which the hearing is being held or the
7 investigation is being conducted. Costs related to
8 investigations and to the appearance of witnesses subpoenaed
9 by the designated prosecutor shall be paid by the commission.
10 Commission subpoenas may be issued as follows:

11 a. During an investigation, subpoenas shall be issued by
12 the commission, at the request of the person designated to
13 conduct the investigation, to compel the appearance of persons
14 or the production of documents before the person who is
15 designated to conduct the investigation. The person
16 designated to conduct the investigation shall administer the
17 required oath.

18 b. During the hearing process, subpoenas shall be issued
19 by the commission at the request of the designated prosecutor
20 or the judicial officer or employee of the judicial department
21 branch.

22 Sec. 56. Section 602.2106, subsections 1, 2, and 3, Code
23 1997, are amended to read as follows:

24 1. If the commission submits an application to the supreme
25 court to retire, discipline, or remove a judicial officer or
26 to discipline or remove an employee of the judicial department
27 branch, the commission shall promptly file in the supreme
28 court a transcript of the hearing before the commission. The
29 statutes and rules relative to proceedings in appeals of
30 equity suits apply.

31 2. The attorney general shall prosecute the proceedings in
32 the supreme court on behalf of the state, and the judicial
33 officer or employee of the judicial department branch may
34 defend in person and by counsel.

35 3. Upon application by the commission, the supreme court

1 may do any of the following:

2 a. Retire the judicial officer for permanent physical or
3 mental disability which substantially interferes with the
4 performance of judicial duties.

5 b. Discipline or remove the judicial officer for
6 persistent failure to perform duties, habitual intemperance,
7 willful misconduct in office, conduct which brings judicial
8 office into disrepute, or substantial violation of the canons
9 of judicial ethics. Discipline may include suspension without
10 pay for a definite period of time not to exceed twelve months.

11 c. Discipline or remove an employee of the judicial
12 department branch for conduct which violates the code of
13 ethics prescribed by the supreme court for court employees.

14 Sec. 57. Section 602.5205, subsection 2, Code 1997, is
15 amended to read as follows:

16 2. Offices may be provided for court of appeals judges or
17 employees at any place other than the seat of state government
18 with the approval of the supreme court within the funds
19 available to the judicial department branch.

20 Sec. 58. Section 602.6301, Code 1997, is amended to read
21 as follows:

22 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
23 JUDGES.

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

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

13 Sec. 59. Section 602.7203, Code 1997, is amended to read
14 as follows:

15 602.7203 JUVENILE VICTIM RESTITUTION.

16 The department judicial branch shall administer the
17 juvenile victim restitution program created in chapter 232A.

18 Sec. 60. Section 602.8107, subsection 5, Code Supplement
19 1997, is amended to read as follows:

20 5. If a county attorney does not file the notice and list
21 of cases required in section 331.756, subsection 5, the
22 judicial department branch may assign cases to the centralized
23 collection unit of the department of revenue and finance or
24 its designee to collect debts owed to the clerk of the
25 district court.

26 The department of revenue and finance may impose a fee
27 established by rule to reflect the cost of processing which
28 shall be added to the debt owed to the clerk of the district
29 court. Any amounts collected by the unit will first be
30 applied to the processing fee. The remaining amounts shall be
31 remitted to the clerk of the district court for the county in
32 which the debt is owed. The judicial department branch may
33 prescribe rules to implement this section. These rules may
34 provide for remittance of processing fees to the department of
35 revenue and finance or its designee.

1 Satisfaction of the outstanding obligation occurs only when
2 all fees or charges and the outstanding obligation are paid in
3 full. Payment of the outstanding obligation only shall not be
4 considered payment in full for satisfaction purposes.

5 The department of revenue and finance or its collection
6 designee shall file with the clerk of the district court a
7 notice of the satisfaction of each obligation to the full
8 extent of the moneys collected in satisfaction of the
9 obligation. The clerk of the district court shall record the
10 notice and enter a satisfaction for the amounts collected.

11 Sec. 61. Section 602.8108, subsection 4, paragraph a, Code
12 1997, is amended to read as follows:

13 a. Eighty percent shall be used to enhance the ability of
14 the judicial department branch to process cases more quickly
15 and efficiently, to electronically transmit information to
16 state government, local governments, law enforcement agencies,
17 and the public, and to improve public access to the court
18 system. Moneys in this paragraph shall not be used for the
19 Iowa court information system.

20 Sec. 62. Section 602.9206, unnumbered paragraph 1, Code
21 1997, is amended to read as follows:

22 Section 602.1612 does not apply to a senior judge but does
23 apply to a retired senior judge. During the tenure of a
24 senior judge, if the judge is able to serve, the judge may be
25 assigned by the supreme court to temporary judicial duties on
26 courts of this state without salary for an aggregate of
27 thirteen weeks out of each twelve-month period, and for
28 additional weeks with the judge's consent. A senior judge
29 shall not be assigned to judicial duties on the supreme court
30 unless the judge has been appointed to serve on the supreme
31 court prior to retirement. While serving on temporary
32 assignment, a senior judge has and may exercise all of the
33 authority of the office to which the judge is assigned, shall
34 continue to be paid the judge's annuity as senior judge, shall
35 be reimbursed for the judge's actual expenses to the extent

1 expenses of a district judge are reimbursable under section
2 602.1509, may, if permitted by the assignment order, appoint a
3 temporary court reporter, who shall be paid the remuneration
4 and reimbursement for actual expenses provided by law for a
5 reporter in the court to which the senior judge is assigned,
6 and, if assigned to the court of appeals or the supreme court,
7 shall be given the assistance of a law clerk and a secretary
8 designated by the court administrator of the judicial
9 department branch from the court administrator's staff. Each
10 order of temporary assignment shall be filed with the clerks
11 of court at the places where the senior judge is to serve.

12 Sec. 63. Section 602.11101, subsection 5, unnumbered
13 paragraph 2, Code 1997, is amended to read as follows:

14 Until July 1, 1986 the county shall remain responsible for
15 the compensation of and operating costs for court employees
16 not presently designated for state financing and for
17 miscellaneous costs of the judicial department branch related
18 to furnishings, supplies, and equipment purchased, leased, or
19 maintained for the use of judicial officers, referees, and
20 their staff. Effective July 1, 1986 the state shall assume
21 the responsibility for the compensation of and operating costs
22 for court employees presently designated for state financing
23 and for miscellaneous costs of the judicial department branch
24 related to furnishings, supplies, and equipment purchased,
25 leased, or maintained for the use of judicial officers,
26 referees, and their staff. However, the county shall at all
27 times remain responsible for the provision of suitable
28 courtrooms, offices, and other physical facilities pursuant to
29 section 602.1303, subsection 1, including paint, wall
30 covering, and fixtures in the facilities.

31 Sec. 64. Section 602.11101, subsection 6, Code 1997, is
32 amended to read as follows:

33 6. The state shall assume the responsibility for the costs
34 of indigent defense on July 1, 1987. However, an attorney
35 appointed to represent an indigent person pursuant to section

1 331.777 is not a court employee, as defined in section
2 602.1101, subsection 5, and the judicial department branch
3 does not have supervisory power over personnel of public
4 defender offices established pursuant to section 331.776.

5 Sec. 65. Section 602.11107, subsection 1, Code 1997, is
6 amended to read as follows:

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 to
10 that date is in the custody of a person or agency referred to
11 in subsection 3 shall not become property of the judicial
12 department branch but shall be devoted for the use of the
13 judicial department branch in its course of business. The
14 judicial department branch shall only be responsible for
15 maintenance contracts or contracts for purchase entered into
16 by the judicial department branch. Upon replacement of the
17 property by the judicial department branch, the property shall
18 revert to the use of the appropriate county. However, if the
19 property is personal property of a historical nature, the
20 property shall not become property of the judicial department
21 branch, and the county shall make the property available to
22 the judicial department branch for the department's judicial
23 branch's use within the county courthouse until the court no
24 longer wishes to use the property, at which time the property
25 shall revert to the use of the appropriate county.

26 Sec. 66. Section 805.6, subsection 3, Code 1997, is
27 amended to read as follows:

28 3. Supplies of the uniform citation and complaint for
29 municipal corporations and county agencies shall be paid for
30 out of the budget of the municipal corporation or county
31 receiving the fine resulting from use of the citation and
32 complaint. Supplies of the uniform citation and complaint
33 form used by other agencies shall be paid for out of the
34 budget of the agency concerned and not out of the budget of
35 the judicial department branch.

1 Sec. 67. Section 232A.1, Code 1997, is repealed.

2 Sec. 68. DIRECTIVE TO CODE EDITOR.

3 1. The Code editor is directed to substitute the words
4 "judicial branch" for the words "judicial department" when
5 there appears to be no doubt as to the intent to refer to the
6 judicial department.

7 2. The Code editor is directed to substitute the words
8 "judicial branch" for the word "department", in chapters 232A
9 and 602 when there appears to be no doubt as to the intent to
10 refer to the judicial department.

11 EXPLANATION

12 This bill changes the designation of the judiciary in the
13 Code from the judicial department to the judicial branch.

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Larson, ch
Sukup
Chapman

HSB 649

JUDICIARY

SENATE/HOUSE FILE

SF 2456

BY (PROPOSED JUDICIAL DEPARTMENT
BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act changing the designation of the judiciary in the Code from
2 the judicial department to the judicial branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 4.1, subsection 5, Code 1997, is
2 amended to read as follows:

3 5. "Court employee" and "employee of the judicial
4 department branch" include every officer or employee of the
5 judicial department branch except a judicial officer.

6 Sec. 2. Section 8.23, unnumbered paragraph 2, Code 1997,
7 is amended to read as follows:

8 On or before November 15 all departments and establishments
9 of government and the judicial department branch shall
10 transmit to the department of management and the legislative
11 fiscal bureau estimates of their receipts and expenditure
12 requirements from federal or other nonstate grants, receipts,
13 and funds for the ensuing fiscal year. The transmittal shall
14 include the names of the grantor and the grant or the source
15 of the funds, the estimated amount of the funds, and the
16 planned expenditures and use of the funds. The format of the
17 transmittal shall be specified by the legislative fiscal
18 bureau.

19 Sec. 3. Section 8.44, unnumbered paragraph 2, Code 1997,
20 is amended to read as follows:

21 All departments and establishments of government and the
22 judicial department branch shall notify the department of
23 management and the legislative fiscal bureau of any change in
24 the receipt of federal or other nonstate grants, receipts, and
25 funds from the funding levels on which appropriations for the
26 current or ensuing fiscal year were or are based. Changes
27 which must be reported include, but are not limited to, any
28 request, approval, award, or loss changes affecting federal or
29 other nonstate grants, receipts, or funds. The notifications
30 shall be made on a quarterly basis. The format of the
31 notifications shall be specified by the legislative fiscal
32 bureau.

33 Sec. 4. Section 8D.2, subsection 5, Code 1997, is amended
34 to read as follows:

35 5. "Public agency" means a state agency, an institution

1 under the control of the board of regents, the judicial
2 department branch as provided in section 8D.13, subsection 17,
3 a school corporation, a city library, a regional library as
4 provided in chapter 256, a county library as provided in
5 chapter 336, or a judicial district department of correctional
6 services established in section 905.2, to the extent provided
7 in section 8D.13, subsection 15, an agency of the federal
8 government, or a United States post office which receives a
9 federal grant for pilot and demonstration projects.

10 Sec. 5. Section 8D.9, subsection 1, Code 1997, is amended
11 to read as follows:

12 1. A private or public agency, other than a state agency,
13 local school district or nonpublic school, city library,
14 regional library, county library, judicial department branch,
15 judicial district department of correctional services, agency
16 of the federal government, a hospital or physician clinic, or
17 a post office authorized to be offered access pursuant to this
18 chapter as of May 18, 1994, shall certify to the commission no
19 later than July 1, 1994, that the agency is a part of or
20 intends to become a part of the network. Upon receiving such
21 certification from an agency not a part of the network on May
22 18, 1994, the commission shall provide for the connection of
23 such agency as soon as practical. An agency which does not
24 certify to the commission that the agency is a part of or
25 intends to become a part of the network as required by this
26 subsection shall be prohibited from using the network.

27 Sec. 6. Section 8D.13, subsection 2, paragraph c, Code
28 Supplement 1997, is amended to read as follows:

29 c. "Part III" means the communications connection between
30 the secondary switching centers and the agencies defined in
31 section 8D.2, subsections 4 and 5, excluding state agencies,
32 institutions under the control of the board of regents,
33 nonprofit institutions of higher education eligible for
34 tuition grants, and the judicial department branch, judicial
35 district departments of correctional services, hospitals and

1 physician clinics, agencies of the federal government, and
2 post offices.

3 Sec. 7. Section 8D.13, subsection 5, unnumbered paragraph
4 1, Code Supplement 1997, is amended to read as follows:

5 The state shall lease all fiberoptic cable facilities or
6 facilities with DS-3 capacity for Part III connections for
7 which state funding is provided. The state shall lease all
8 fiberoptic cable facilities or facilities with DS-3 or DS-1
9 capacity for the judicial department branch, judicial district
10 department of correctional services, and state agency
11 connections for which state funding is provided. Such
12 facilities shall be leased from qualified providers. The
13 state shall not own such facilities, except for those
14 facilities owned by the state as of January 1, 1994.

15 Sec. 8. Section 8D.13, subsection 17, Code Supplement
16 1997, is amended to read as follows:

17 17. Access shall be offered to the judicial department
18 branch provided that the department judicial branch
19 contributes an amount consistent with the department's
20 judicial branch's share of use for the part of the network in
21 which the department judicial branch participates, as
22 determined by the commission.

23 Sec. 9. Section 11.5A, Code 1997, is amended to read as
24 follows:

25 11.5A AUDIT COSTS.

26 When requested by the auditor of state, the department of
27 management shall transfer from any unappropriated funds in the
28 state treasury an amount not exceeding the expenses and
29 prorated salary costs already paid to perform examinations of
30 state executive agencies and the offices of the judicial
31 department branch, and federal financial assistance, as
32 defined in Pub. L. No. 98-502, received by all other
33 departments for which payments by agencies have not been made.
34 Upon payment by the departments, the auditor of state shall
35 credit the payments to the state treasury.

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1 Sec. 10. Section 11.5B, subsection 11, Code 1997, is
2 amended to read as follows:

3 11. Offices of the clerks of the district court of the
4 judicial department branch.

5 Sec. 11. Section 17A.2, subsection 1, Code 1997, is
6 amended to read as follows:

7 1. "Agency" means each board, commission, department,
8 officer or other administrative office or unit of the state.

9 "Agency" does not mean the general assembly, the judicial
10 department branch or any of its components, the office of
11 consumer advocate, the governor or a political subdivision of
12 the state or its offices and units. Unless provided otherwise
13 by statute, no less than two-thirds of the members eligible to
14 vote of a multimember agency constitute a quorum authorized to
15 act in the name of the agency.

16 Sec. 12. Section 20.4, subsection 7, Code 1997, is amended
17 to read as follows:

18 7. Judicial officers, and confidential, professional, or
19 supervisory employees of the judicial department branch.

20 Sec. 13. Section 46.5A, Code 1997, is amended to read as
21 follows:

22 46.5A JUDICIAL NOMINATING COMMISSION EXPENSES.

23 Members of the state judicial nominating commission and the
24 district judicial nominating commissions are entitled to be
25 reimbursed for actual and necessary expenses incurred in the
26 performance of their duties as commissioners for each day
27 spent attending commission meetings or training sessions
28 called by the chairperson. Expenses shall be paid from funds
29 appropriated to the judicial department branch for this
30 purpose.

31 Sec. 14. Section 68B.2, subsection 25, Code 1997, is
32 amended to read as follows:

33 25. "State employee" means a person who is not an official
34 and is a paid employee of the state of Iowa and does not
35 include an independent contractor, an employee of the judicial

1 department branch who is not an employee of the office of
2 attorney general, an employee of the general assembly, an
3 employee of a political subdivision of the state, or an
4 employee of any agricultural commodity promotional board, if
5 the board is subject to a producer referendum.

6 Sec. 15. Section 68B.39, Code 1997, is amended to read as
7 follows:

8 68B.39 SUPREME COURT RULES.

9 The supreme court of this state shall prescribe rules by
10 January 1, 1993, establishing a code of ethics for officials
11 and employees of the judicial department branch of this state,
12 and the immediate family members of the officials and
13 employees. Rules prescribed under this paragraph shall
14 include provisions relating to the receipt or acceptance of
15 gifts and honoraria, interests in public contracts, services
16 against the state, and financial disclosure which are
17 substantially similar to the requirements of this chapter.

18 The supreme court of this state shall also prescribe rules
19 which relate to activities by officials and employees of the
20 judicial department branch which constitute conflicts of
21 interest.

22 Sec. 16. Section 135L.2, subsection 2, paragraph a, Code
23 Supplement 1997, is amended to read as follows:

24 a. The video shall be available through the state and
25 local offices of the Iowa department of public health, the
26 department of human services, and the judicial department
27 branch and through the office of each licensed physician who
28 performs abortions.

29 Sec. 17. Section 135L.3, subsection 3, paragraph j, Code
30 Supplement 1997, is amended to read as follows:

31 j. If the court denies the petition for waiver of
32 notification and if the decision is not appealed or all
33 appeals are exhausted, the court shall advise the pregnant
34 minor that, upon the request of the pregnant minor, the court
35 will appoint a licensed marital and family therapist to assist

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1 the pregnant minor in addressing any intrafamilial problems.
2 All costs of services provided by a court-appointed licensed
3 marital and family therapist shall be paid by the court
4 through the expenditure of funds appropriated to the judicial
5 department branch.

6 Sec. 18. Section 216A.136, unnumbered paragraph 1, Code
7 1997, is amended to read as follows:

8 The division shall maintain an Iowa statistical analysis
9 center for the purpose of coordinating with data resource
10 agencies to provide data and analytical information to
11 federal, state, and local governments, and assist agencies in
12 the use of criminal and juvenile justice data.
13 Notwithstanding any other provision of state law, unless
14 prohibited by federal law or regulation, the division shall be
15 granted access, for purposes of research and evaluation, to
16 criminal history records, official juvenile court records,
17 juvenile court social records, and any other data collected or
18 under control of the board of parole, department of
19 corrections, district departments of correctional services,
20 department of human services, judicial department branch, and
21 department of public safety. However, intelligence data and
22 peace officer investigative reports maintained by the
23 department of public safety shall not be considered data for
24 the purposes of this section. Any record, data, or
25 information obtained by the division under this section and
26 the division itself is subject to the federal and state
27 confidentiality laws and regulations which are applicable to
28 the original record, data, or information obtained by the
29 division and to the original custodian of the record, data, or
30 information. The access shall include but is not limited to
31 all of the following:

32 Sec. 19. Section 216A.138, subsection 2, Code Supplement
33 1997, is amended to read as follows:

34 2. The department of human services, department of
35 corrections, judicial department branch, department of public

1 safety, department of education, local school districts, and
2 other state agencies and political subdivisions shall
3 cooperate with the division in the development of the plan.

4 Sec. 20. Section 225C.4, subsection 1, paragraph n, Code
5 1997, is amended to read as follows:

6 n. Provide consultation and technical assistance to
7 patients' advocates appointed pursuant to section 229.19, in
8 cooperation with the judicial department branch and the care
9 review committees appointed for health care facilities
10 pursuant to section 135C.25.

11 Sec. 21. Section 232.2, subsection 9, Code Supplement
12 1997, is amended to read as follows:

13 9. "Court appointed special advocate" means a person duly
14 certified by the judicial department branch for participation
15 in the court appointed special advocate program and appointed
16 by the court to represent the interests of a child in any
17 judicial proceeding to which the child is a party or is called
18 as a witness or relating to any dispositional order involving
19 the child resulting from such proceeding.

20 Sec. 22. Section 232.143, subsection 1, Code 1997, is
21 amended to read as follows:

22 1. A statewide expenditure target for children in group
23 foster care placements in a fiscal year, which placements are
24 a charge upon or are paid for by the state, shall be
25 established annually in an appropriation bill by the general
26 assembly. The department and the judicial department branch
27 shall jointly develop a formula for allocating a portion of
28 the statewide expenditure target established by the general
29 assembly to each of the department's regions. The formula
30 shall be based upon the region's proportion of the state
31 population of children and of the statewide usage of group
32 foster care in the previous five completed fiscal years and
33 other indicators of need. The expenditure amount determined
34 in accordance with the formula shall be the group foster care
35 budget target for that region. A region may exceed its budget

1 target for group foster care by not more than five percent in
 2 a fiscal year, provided the overall funding allocated by the
 3 department for all child welfare services in the region is not
 4 exceeded.

5 Sec. 23. Section 232A.2, Code 1997, is amended to read as
 6 follows:

7 232A.2 PROGRAM CREATED.

8 A juvenile victim restitution program is created which
 9 shall be funded through moneys appropriated by the general
 10 assembly to the department judicial branch. The primary
 11 purpose of the program is to provide funds to compensate
 12 victims for losses due to the delinquent acts of juveniles.

13 Upon completion of a district's plan, the department
 14 judicial branch shall provide funds in conformance with the
 15 procedures and policies of the state. The department judicial
 16 branch shall reclaim any portion of an initial allocation to a
 17 judicial district that is unencumbered on December 31 of any
 18 year. The department judicial branch shall immediately
 19 reallocate the reclaimed funds to those judicial districts
 20 from which funds were not reclaimed in the manner provided in
 21 this section for the original allocation. Any portion of an
 22 amount allocated that remains unencumbered on June 30 of any
 23 year shall revert to the general fund of the state.

24 Sec. 24. Section 232A.3, Code 1997, is amended to read as
 25 follows:

26 232A.3 REPORTS REQUIRED.

27 Each judicial district shall submit a report of the
 28 progress and financial status of its juvenile victim
 29 restitution program to the department judicial branch on a
 30 quarterly basis. The department judicial branch shall prepare
 31 and submit annually a report on the progress and financial
 32 status of the programs to the general assembly no later than
 33 March 15.

34 Sec. 25. Section 237.3, subsection 8, Code Supplement
 35 1997, is amended to read as follows:

1 8. The department, in consultation with the judicial
2 department branch, the division of criminal and juvenile
3 justice planning of the department of human rights,
4 residential treatment providers, the foster care provider
5 association, and other parties which may be affected, shall
6 review the licensing rules pertaining to residential treatment
7 facilities, and examine whether the rules allow the facilities
8 to accept and provide effective treatment to juveniles with
9 serious problems who might not otherwise be placed in those
10 facilities.

11 Sec. 26. Section 237.18, subsection 6, unnumbered
12 paragraph 2, Code 1997, is amended to read as follows:

13 The state board shall make recommendations to the general
14 assembly, the department, to child-placing agencies, the
15 governor, the supreme court, the chief judge of each judicial
16 district, and to the judicial department branch. The
17 recommendations shall include, but are not limited to,
18 identification of systemic problems in the foster care and the
19 juvenile justice systems, specific proposals for improvements
20 that assist the systems in being more cost-effective and
21 better able to protect the best interests of children, and
22 necessary changes relating to the data collected and the
23 annual report made under subsection 2, paragraph "b".

24 Sec. 27. Section 261.2, subsection 14, Code 1997, is
25 amended to read as follows:

26 14. Develop and implement, in cooperation with the
27 department of human services and the judicial department
28 branch, a program to assist juveniles who are sixteen years of
29 age or older and who have a case permanency plan under chapter
30 232 or 237 or are otherwise under the jurisdiction of chapter
31 232 in applying for federal and state aid available for higher
32 education.

33 Sec. 28. Section 321J.3, subsection 3, Code Supplement
34 1997, is amended to read as follows:

35 3. The state department of transportation, in cooperation

1 with the judicial department branch, shall adopt rules,
2 pursuant to the procedure in section 125.33, regarding the
3 assignment of persons ordered under section 321J.17 to submit
4 to substance abuse evaluation and treatment. The rules shall
5 be applicable only to persons other than those committed to
6 the custody of the director of the department of corrections
7 under section 321J.2. The rules shall be consistent with the
8 practices and procedures of the judicial department branch in
9 sentencing persons to substance abuse evaluation and treatment
10 under section 321J.2. The rules shall include the requirement
11 that the treatment programs utilized by a person pursuant to
12 an order of the department meet the licensure standards of the
13 division of substance abuse for the department of public
14 health. The rules shall also include provisions for payment
15 of costs by the offenders, including insurance reimbursement
16 on behalf of offenders, or other forms of funding, and shall
17 also address reporting requirements of the facility,
18 consistent with the provisions of sections 125.84 and 125.86.
19 The department shall be entitled to treatment information
20 contained in reports to the department, notwithstanding any
21 provision of chapter 125 that would restrict department access
22 to treatment information and records.

23 Sec. 29. Section 321J.24, subsection 9, Code Supplement
24 1997, is amended to read as follows:

25 9. The chief judge of the judicial district shall
26 determine fees to be paid by participants in the program. The
27 judicial department branch shall use the fees to pay all costs
28 associated with the program. The court shall either require
29 the participant to pay the fee in order to participate in the
30 program, or may waive the fee or collect a lesser amount upon
31 a showing of cause.

32 Sec. 30. Section 421.17, subsection 25, paragraph f, Code
33 Supplement 1997, is amended to read as follows:

34 f. The department shall set off the debt, plus a fee
35 established by rule to reflect the cost of processing, against

1 the debtor's income tax refund or rebate. The department
2 shall transfer ninety percent of the amount set off to the
3 treasurer of state for deposit in the general fund of the
4 state. The remaining ten percent shall be remitted to the
5 judicial department branch and used to defray the costs of
6 this procedure. If the debtor gives timely written notice of
7 intent to contest the amount of the claim, the department
8 shall hold the refund or rebate until final determination of
9 the correct amount of the claim.

10 Sec. 31. Section 602.1101, subsection 5, Code 1997, is
11 amended to read as follows:

12 5. "Court employee" or "employee of the judicial
13 department branch" means an officer or employee of the
14 judicial department branch except a judicial officer.

15 Sec. 32. Section 602.1101, subsection 6, Code 1997, is
16 amended by striking the subsection.

17 Sec. 33. Section 602.1102, Code 1997, is amended to read
18 as follows:

19 602.1102 JUDICIAL DEPARTMENT BRANCH.

20 The judicial department branch consists of all of the
21 following:

- 22 1. The supreme court.
- 23 2. The court of appeals.
- 24 3. The district court.
- 25 4. The clerks of all of the courts of this state.
- 26 5. Juvenile court officers.
- 27 6. Court reporters.
- 28 7. All other court employees.

29 Sec. 34. Section 602.1201, Code 1997, is amended to read
30 as follows:

31 602.1201 SUPERVISION AND ADMINISTRATION.

32 The supreme court has supervisory and administrative
33 control over the department judicial branch and over all
34 judicial officers and court employees.

35 Sec. 35. Section 602.1202, Code 1997, is amended to read

1 as follows:

2 602.1202 JUDICIAL COUNCIL.

3 A judicial council is established, consisting of the chief
4 judges of the judicial districts, the chief judge of the court
5 of appeals, and the chief justice who shall be the
6 chairperson. The council shall convene not less than twice
7 each year at times and places as ordered by the chief justice.
8 The council shall advise the supreme court with respect to the
9 supervision and administration of the department judicial
10 branch.

11 Sec. 36. Section 602.1203, Code 1997, is amended to read
12 as follows:

13 602.1203 PERSONNEL CONFERENCES.

14 The chief justice may order conferences of judicial
15 officers or court employees on matters relating to the
16 administration of justice or the affairs of the department
17 judicial branch. For judges and other court employees who
18 handle cases involving children and family law, the chief
19 justice shall require regular training concerning mental or
20 emotional disorders which may afflict children and the impact
21 children with such disorders have upon their families.

22 Sec. 37. Section 602.1204, Code 1997, is amended to read
23 as follows:

24 602.1204 PROCEDURES FOR DEPARTMENT JUDICIAL BRANCH.

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

29 2. The state court administrator may issue directives
30 relating to the management of the department judicial branch.
31 The subject matters of these directives shall include, but
32 need not be limited to, fiscal procedures, the judicial
33 retirement system, and the collection and reporting of
34 statistical and other data. The directives shall provide for
35 an affirmative action plan which shall be based upon

1 guidelines provided by the Iowa state civil rights commission.
2 In addition, when establishing salaries and benefits the state
3 court administrator shall not discriminate in the employment
4 or pay between employees on the basis of gender by paying
5 wages to employees at a rate less than the rate at which wages
6 are paid to employees of the opposite gender for work of
7 comparable worth. As used in this section "comparable worth"
8 means the value of work as measured by the composite of the
9 skill, effort, responsibility, and working conditions normally
10 required in the performance of work.

11 3. The supreme court shall compile and publish all
12 procedures and directives relating to the supervision and
13 administration of the internal affairs of the department
14 judicial branch, and shall distribute a copy of the
15 compilation and all amendments to each operating component of
16 the department judicial branch. Copies also shall be
17 distributed to agencies referred to in section 18.97 upon
18 request.

19 4. The supreme court shall accept bids for the printing of
20 court forms from both public and private enterprises and shall
21 attempt to contract with both public and private enterprises
22 for a reasonable portion of the court forms.

23 Sec. 38. Section 602.1207, Code 1997, is amended to read
24 as follows:

25 602.1207 REPORT OF THE CONDITION OF THE JUDICIAL
26 DEPARTMENT BRANCH.

27 The chief justice shall communicate the condition of the
28 department judicial branch by message to each general
29 assembly, and may recommend matters the chief justice deems
30 appropriate.

31 Sec. 39. Section 602.1208, subsection 2, Code 1997, is
32 amended to read as follows:

33 2. The state court administrator is the principal
34 administrative officer of the judicial department branch,
35 subject to the immediate direction and supervision of the

1 chief justice.

2 Sec. 40. Section 602.1209, subsections 1, 2, 3, 6, 7, and
3 8, Code 1997, are amended to read as follows:

4 1. Manage the judicial department branch.

5 2. Administer funds appropriated to the department
6 judicial branch.

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

18 6. Collect and compile information and statistical data,
19 and submit reports relating to judicial business, including
20 juvenile court activities and other matters relating to the
21 department judicial branch.

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

28 8. Call conferences of district court administrators as
29 necessary in the administration of the department judicial
30 branch.

31 Sec. 41. Section 602.1214, subsections 3 and 5, Code 1997,
32 are amended to read as follows:

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

1 duties of the state court administrator.

2 5. The district court administrator shall comply with
3 policies of the department judicial branch and the judicial
4 district.

5 Sec. 42. Section 602.1215, subsections 3 and 4, Code 1997,
6 are amended to read as follows:

7 3. The clerk of the district court shall assist the state
8 court administrator and the district court administrator in
9 carrying out the rules, directives, and procedures of the
10 department judicial branch and the judicial district.

11 4. The clerk of the district court shall comply with
12 rules, directives, and procedures of the department judicial
13 branch and the judicial district.

14 Sec. 43. Section 602.1217, subsections 3 and 4, Code 1997,
15 are amended to read as follows:

16 3. The chief juvenile court officer, in addition to
17 performing the duties of a juvenile court officer, shall
18 supervise juvenile court officers and administer juvenile
19 court services within the judicial district in accordance with
20 law and with the rules, directives, and procedures of the
21 department judicial branch and the judicial district.

22 4. The chief juvenile court officer shall assist the state
23 court administrator and the district court administrator in
24 implementing rules, directives, and procedures of the
25 department judicial branch and the judicial district.

26 Sec. 44. Section 602.1218, Code 1997, is amended to read
27 as follows:

28 602.1218 REMOVAL FOR CAUSE.

29 Inefficiency, insubordination, incompetence, failure to
30 perform assigned duties, inadequacy in performance of assigned
31 duties, narcotics addiction, dishonesty, unrehabilitated
32 alcoholism, negligence, conduct which adversely affects the
33 performance of the individual or of the department judicial
34 branch, conduct unbecoming a public employee, misconduct, or
35 any other just and good cause constitutes cause for removal.

1 Sec. 45. Section 602.1301, Code 1997, is amended to read
2 as follows:

3 602.1301 BUDGET AND FISCAL PROCEDURES.

4 1. The supreme court shall prepare an annual operating
5 budget for the ~~department~~ judicial branch, and shall submit a
6 budget request to the general assembly for the fiscal period
7 for which the general assembly is appropriating funds.

8 2. a. As early as possible, but not later than December
9 1, the supreme court shall submit to the legislative fiscal
10 bureau the annual budget request and detailed supporting
11 information for the judicial ~~department~~ branch. The
12 submission shall be designed to assist the legislative fiscal
13 bureau in its preparation for legislative consideration of the
14 budget request. The information submitted shall contain and
15 be arranged in a format substantially similar to the format
16 specified by the director of management and used by all
17 departments and establishments in transmitting to the director
18 estimates of their expenditure requirements pursuant to
19 section 8.23, except the estimates of expenditure requirements
20 shall be based upon one hundred percent of funding for the
21 current fiscal year accounted for by program, and using the
22 same line item definitions of expenditures as used for the
23 current fiscal year's budget request, and the remainder of the
24 estimate of expenditure requirements prioritized by program.
25 The supreme court shall also make use of the department of
26 management's automated budget system when submitting
27 information to the director of management to assist the
28 director in the transmittal of information as required under
29 section 8.35A. The supreme court shall budget and track
30 expenditures by the following separate organization codes:

- 31 (1) Iowa court information system.
- 32 (2) Appellate courts.
- 33 (3) Central administration.
- 34 (4) District court administration.
- 35 (5) Judges and magistrates.

- 1 (6) Court reporters.
- 2 (7) Juvenile court officers.
- 3 (8) District court clerks.
- 4 (9) Jury and witness fees.

5 b. Before December 1, the supreme court shall submit to
6 the director of management an estimate of the total
7 expenditure requirements of the judicial department branch.
8 The director of management shall submit this estimate received
9 from the supreme court to the governor for inclusion without
10 change in the governor's proposed budget for the succeeding
11 fiscal year. The estimate shall also be submitted to the
12 chairpersons of the committees on appropriations.

13 3. The state court administrator shall prescribe the
14 procedures to be used by the operating components of the
15 department judicial branch with respect to the following:

16 a. The preparation, submission, review, and revision of
17 budget requests.

18 b. The allocation and disbursement of funds appropriated
19 to the department judicial branch.

20 c. The purchase of forms, supplies, equipment, and other
21 property.

22 d. Other matters relating to fiscal administration.

23 4. The state court administrator shall prescribe practices
24 and procedures for the accounting and internal auditing of
25 funds of the department judicial branch, including uniform
26 practices and procedures to be used by judicial officers and
27 court employees with respect to all funds, regardless of
28 source.

29 Sec. 46. Section 602.1302, Code 1997, is amended to read
30 as follows:

31 602.1302 STATE FUNDING.

32 1. Except as otherwise provided by sections 602.1303 and
33 602.1304 or other applicable law, the expenses of operating
34 and maintaining the department judicial branch shall be paid
35 out of the general fund of the state from funds appropriated

1 by the general assembly for the department judicial branch.
2 State funding shall be phased in as provided in section
3 602.11101.

4 2. The supreme court may accept federal funds to be used
5 in the operation of the department judicial branch, but shall
6 not expend any of these funds except pursuant to appropriation
7 of the funds by the general assembly.

8 3. A revolving fund is created in the state treasury for
9 the payment of jury and witness fees and mileage by the
10 department judicial branch. The department judicial branch
11 shall deposit any reimbursements to the state for the payment
12 of jury and witness fees and mileage in the revolving fund.
13 Notwithstanding section 8.33, unencumbered and unobligated
14 receipts in the revolving fund at the end of a fiscal year do
15 not revert to the general fund of the state. The department
16 judicial branch shall on or before February 1 file a financial
17 accounting of the moneys in the revolving fund with the
18 legislative fiscal bureau. The accounting shall include an
19 estimate of disbursements from the revolving fund for the
20 remainder of the fiscal year and for the next fiscal year.

21 4. The department judicial branch shall reimburse counties
22 for the costs of witness and mileage fees and for attorney
23 fees paid pursuant to section 232.141, subsection 1.

24 Sec. 47. Section 602.1304, subsection 2, paragraph c, Code
25 Supplement 1997, is amended to read as follows:

26 c. Moneys in the collections fund shall be used by the
27 judicial department branch for the Iowa court information
28 system; records management equipment, services, and projects;
29 other technological improvements; electronic legal research
30 equipment, systems, and projects; and the study, development,
31 and implementation of other innovations and projects that
32 would improve the administration of justice. The moneys in
33 the collection fund may also be used for capital improvements
34 necessitated by the installation of or connection with the
35 Iowa court information system, the Iowa communications

1 network, and other technological improvements approved by the
2 department judicial branch.

3 Sec. 48. Section 602.1401, subsections 1, 2, and 3, Code
4 1997, are amended to read as follows:

5 1. The supreme court shall establish, and may amend, a
6 personnel system and a pay plan for court employees. The
7 personnel system shall include a designation by position
8 title, classification, and function of each position or class
9 of positions within the department judicial branch.

10 Reasonable efforts shall be made to accommodate the individual
11 staffing and management practices of the respective clerks of
12 the district court. The personnel system, in the employment
13 of court employees, shall not discriminate on the basis of
14 race, creed, color, sex, national origin, religion, physical
15 disability, or political party preference. The supreme court,
16 in establishing the personnel system, shall implement the
17 comparable worth directives issued by the state court
18 administrator under section 602.1204, subsection 2. The
19 personnel system shall include the prohibitions against sexual
20 harassment of full-time, part-time, and temporary employees
21 set out in section 19B.12, and shall include a grievance
22 procedure for discriminatory harassment. The personnel system
23 shall develop and distribute at the time of hiring or
24 orientation, a guide that describes for employees the
25 applicable sexual harassment prohibitions and grievance,
26 violation, and disposition procedures. This subsection does
27 not supersede the remedies provided under chapter 216.

28 2. The supreme court shall compile and publish all
29 documents that establish the personnel system, and shall
30 distribute a copy of the compilation and all amendments to
31 each operating component of the department judicial branch.

32 3. The state court administrator is the public employer of
33 judicial department branch employees for purposes of chapter
34 20, relating to public employment relations.

35 For purposes of chapter 20, the certified representative,

1 which on July 1, 1983 represents employees who become judicial
2 department branch employees as a result of 1983 Iowa Acts,
3 chapter 186, shall remain the certified representative when
4 the employees become judicial department branch employees and
5 thereafter, unless the public employee organization is
6 decertified in an election held under section 20.15 or amended
7 or absorbed into another certified organization pursuant to
8 chapter 20. Collective bargaining negotiations shall be
9 conducted on a statewide basis and the certified employee
10 organizations which engage in bargaining shall negotiate on a
11 statewide basis, although bargaining units shall be organized
12 by judicial district. The public employment relations board
13 shall adopt rules pursuant to chapter 17A to implement this
14 subsection.

15 Sec. 49. Section 602.1402, Code 1997, is amended to read
16 as follows:

17 602.1402 PERSONNEL CONTROL.

18 The employment of court employees within an operating
19 component of the judicial department branch is subject to
20 prior authorization by the supreme court, and to approval by
21 the state court administrator under section 602.1209.

22 Sec. 50. Section 602.1502, subsection 1, Code 1997, is
23 amended to read as follows:

24 1. The supreme court shall set the compensation of the
25 state court administrator. The salaries of other employees of
26 the judicial department branch shall be set pursuant to the
27 ~~department's~~ judicial branch's pay plan established under
28 section 602.1401.

29 Sec. 51. Section 602.1510, Code 1997, is amended to read
30 as follows:

31 602.1510 BOND EXPENSE.

32 The cost of a bond that is required of a judicial officer
33 or court employee in the discharge of duties shall be paid by
34 the department judicial branch.

35 Sec. 52. Section 602.1610, subsection 2, Code 1997, is

1 amended to read as follows:

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

4 Sec. 53. Section 602.2101, Code 1997, is amended to read
5 as follows:

6 602.2101 AUTHORITY.

7 The supreme court may retire, discipline, or remove a
8 judicial officer from office or may discipline or remove an
9 employee of the judicial department branch for cause as
10 provided in this part.

11 Sec. 54. Section 602.2103, Code 1997, is amended to read
12 as follows:

13 602.2103 OPERATION OF COMMISSION.

14 A quorum of the commission is four members. Only those
15 commission members that are present at commission meetings or
16 hearings may vote. An application by the commission to the
17 supreme court to retire, discipline, or remove a judicial
18 officer, or discipline or remove an employee of the judicial
19 department branch, or an action by the commission which
20 affects the final disposition of a complaint, requires the
21 affirmative vote of at least four commission members.

22 Notwithstanding chapter 21 and chapter 22, all records,
23 papers, proceedings, meetings, and hearings of the commission
24 are confidential, but if the commission applies to the supreme
25 court to retire, discipline, or remove a judicial officer, or
26 to discipline or remove an employee of the judicial department
27 branch, the application and all of the records and papers in
28 that proceeding are public documents.

29 Sec. 55. Section 602.2104, Code 1997, is amended to read
30 as follows:

31 602.2104 PROCEDURE BEFORE COMMISSION.

32 1. Charges before the commission shall be in writing but
33 may be simple and informal. The commission shall investigate
34 each charge as indicated by its gravity. If the charge is
35 groundless, it shall be dismissed by the commission. If the

1 charge appears to be substantiated but does not warrant
2 application to the supreme court, the commission may dispose
3 of it informally by conference with or communication to the
4 judicial officer or employee of the judicial department branch
5 involved. If the charge appears to be substantiated and if
6 proved would warrant application to the supreme court, notice
7 shall be given to the judicial officer and a hearing shall be
8 held before the commission. The commission may employ
9 investigative personnel, in addition to the executive
10 secretary, as it deems necessary. The commission may also
11 employ or contract for the employment of legal counsel.

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

1 3. The commission has subpoena power, which may be used in
2 conducting investigations and during the hearing process. A
3 person who disobeys the commission's subpoena or who refuses
4 to testify or produce documents as required by a commission
5 subpoena may be punished for contempt in the district court
6 for the county in which the hearing is being held or the
7 investigation is being conducted. Costs related to
8 investigations and to the appearance of witnesses subpoenaed
9 by the designated prosecutor shall be paid by the commission.
10 Commission subpoenas may be issued as follows:

11 a. During an investigation, subpoenas shall be issued by
12 the commission, at the request of the person designated to
13 conduct the investigation, to compel the appearance of persons
14 or the production of documents before the person who is
15 designated to conduct the investigation. The person
16 designated to conduct the investigation shall administer the
17 required oath.

18 b. During the hearing process, subpoenas shall be issued
19 by the commission at the request of the designated prosecutor
20 or the judicial officer or employee of the judicial department
21 branch.

22 Sec. 56. Section 602.2106, subsections 1, 2, and 3, Code
23 1997, are amended to read as follows:

24 1. If the commission submits an application to the supreme
25 court to retire, discipline, or remove a judicial officer or
26 to discipline or remove an employee of the judicial department
27 branch, the commission shall promptly file in the supreme
28 court a transcript of the hearing before the commission. The
29 statutes and rules relative to proceedings in appeals of
30 equity suits apply.

31 2. The attorney general shall prosecute the proceedings in
32 the supreme court on behalf of the state, and the judicial
33 officer or employee of the judicial department branch may
34 defend in person and by counsel.

35 3. Upon application by the commission, the supreme court

1 may do any of the following:

2 a. Retire the judicial officer for permanent physical or
3 mental disability which substantially interferes with the
4 performance of judicial duties.

5 b. Discipline or remove the judicial officer for
6 persistent failure to perform duties, habitual intemperance,
7 willful misconduct in office, conduct which brings judicial
8 office into disrepute, or substantial violation of the canons
9 of judicial ethics. Discipline may include suspension without
10 pay for a definite period of time not to exceed twelve months.

11 c. Discipline or remove an employee of the judicial
12 department branch for conduct which violates the code of
13 ethics prescribed by the supreme court for court employees.

14 Sec. 57. Section 602.5205, subsection 2, Code 1997, is
15 amended to read as follows:

16 2. Offices may be provided for court of appeals judges or
17 employees at any place other than the seat of state government
18 with the approval of the supreme court within the funds
19 available to the judicial department branch.

20 Sec. 58. Section 602.6301, Code 1997, is amended to read
21 as follows:

22 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
23 JUDGES.

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

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

13 Sec. 59. Section 602.7203, Code 1997, is amended to read
14 as follows:

15 602.7203 JUVENILE VICTIM RESTITUTION.

16 The department judicial branch shall administer the
17 juvenile victim restitution program created in chapter 232A.

18 Sec. 60. Section 602.8107, subsection 5, Code Supplement
19 1997, is amended to read as follows:

20 5. If a county attorney does not file the notice and list
21 of cases required in section 331.756, subsection 5, the
22 judicial department branch may assign cases to the centralized
23 collection unit of the department of revenue and finance or
24 its designee to collect debts owed to the clerk of the
25 district court.

26 The department of revenue and finance may impose a fee
27 established by rule to reflect the cost of processing which
28 shall be added to the debt owed to the clerk of the district
29 court. Any amounts collected by the unit will first be
30 applied to the processing fee. The remaining amounts shall be
31 remitted to the clerk of the district court for the county in
32 which the debt is owed. The judicial department branch may
33 prescribe rules to implement this section. These rules may
34 provide for remittance of processing fees to the department of
35 revenue and finance or its designee.

1 Satisfaction of the outstanding obligation occurs only when
2 all fees or charges and the outstanding obligation are paid in
3 full. Payment of the outstanding obligation only shall not be
4 considered payment in full for satisfaction purposes.

5 The department of revenue and finance or its collection
6 designee shall file with the clerk of the district court a
7 notice of the satisfaction of each obligation to the full
8 extent of the moneys collected in satisfaction of the
9 obligation. The clerk of the district court shall record the
10 notice and enter a satisfaction for the amounts collected.

11 Sec. 61. Section 602.8108, subsection 4, paragraph a, Code
12 1997, is amended to read as follows:

13 a. Eighty percent shall be used to enhance the ability of
14 the judicial ~~department~~ branch to process cases more quickly
15 and efficiently, to electronically transmit information to
16 state government, local governments, law enforcement agencies,
17 and the public, and to improve public access to the court
18 system. Moneys in this paragraph shall not be used for the
19 Iowa court information system.

20 Sec. 62. Section 602.9206, unnumbered paragraph 1, Code
21 1997, is amended to read as follows:

22 Section 602.1612 does not apply to a senior judge but does
23 apply to a retired senior judge. During the tenure of a
24 senior judge, if the judge is able to serve, the judge may be
25 assigned by the supreme court to temporary judicial duties on
26 courts of this state without salary for an aggregate of
27 thirteen weeks out of each twelve-month period, and for
28 additional weeks with the judge's consent. A senior judge
29 shall not be assigned to judicial duties on the supreme court
30 unless the judge has been appointed to serve on the supreme
31 court prior to retirement. While serving on temporary
32 assignment, a senior judge has and may exercise all of the
33 authority of the office to which the judge is assigned, shall
34 continue to be paid the judge's annuity as senior judge, shall
35 be reimbursed for the judge's actual expenses to the extent

1 expenses of a district judge are reimbursable under section
2 602.1509, may, if permitted by the assignment order, appoint a
3 temporary court reporter, who shall be paid the remuneration
4 and reimbursement for actual expenses provided by law for a
5 reporter in the court to which the senior judge is assigned,
6 and, if assigned to the court of appeals or the supreme court,
7 shall be given the assistance of a law clerk and a secretary
8 designated by the court administrator of the judicial
9 department branch from the court administrator's staff. Each
10 order of temporary assignment shall be filed with the clerks
11 of court at the places where the senior judge is to serve.

12 Sec. 63. Section 602.11101, subsection 5, unnumbered
13 paragraph 2, Code 1997, is amended to read as follows:

14 Until July 1, 1986 the county shall remain responsible for
15 the compensation of and operating costs for court employees
16 not presently designated for state financing and for
17 miscellaneous costs of the judicial department branch related
18 to furnishings, supplies, and equipment purchased, leased, or
19 maintained for the use of judicial officers, referees, and
20 their staff. Effective July 1, 1986 the state shall assume
21 the responsibility for the compensation of and operating costs
22 for court employees presently designated for state financing
23 and for miscellaneous costs of the judicial department branch
24 related to furnishings, supplies, and equipment purchased,
25 leased, or maintained for the use of judicial officers,
26 referees, and their staff. However, the county shall at all
27 times remain responsible for the provision of suitable
28 courtrooms, offices, and other physical facilities pursuant to
29 section 602.1303, subsection 1, including paint, wall
30 covering, and fixtures in the facilities.

31 Sec. 64. Section 602.11101, subsection 6, Code 1997, is
32 amended to read as follows:

33 6. The state shall assume the responsibility for the costs
34 of indigent defense on July 1, 1987. However, an attorney
35 appointed to represent an indigent person pursuant to section

1 331.777 is not a court employee, as defined in section
2 602.1101, subsection 5, and the judicial department branch
3 does not have supervisory power over personnel of public
4 defender offices established pursuant to section 331.776.

5 Sec. 65. Section 602.11107, subsection 1, Code 1997, is
6 amended to read as follows:

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 to
10 that date is in the custody of a person or agency referred to
11 in subsection 3 shall not become property of the judicial
12 department branch but shall be devoted for the use of the
13 judicial department branch in its course of business. The
14 judicial department branch shall only be responsible for
15 maintenance contracts or contracts for purchase entered into
16 by the judicial department branch. Upon replacement of the
17 property by the judicial department branch, the property shall
18 revert to the use of the appropriate county. However, if the
19 property is personal property of a historical nature, the
20 property shall not become property of the judicial department
21 branch, and the county shall make the property available to
22 the judicial department branch for the department's judicial
23 branch's use within the county courthouse until the court no
24 longer wishes to use the property, at which time the property
25 shall revert to the use of the appropriate county.

26 Sec. 66. Section 805.6, subsection 3, Code 1997, is
27 amended to read as follows:

28 3. Supplies of the uniform citation and complaint for
29 municipal corporations and county agencies shall be paid for
30 out of the budget of the municipal corporation or county
31 receiving the fine resulting from use of the citation and
32 complaint. Supplies of the uniform citation and complaint
33 form used by other agencies shall be paid for out of the
34 budget of the agency concerned and not out of the budget of
35 the judicial department branch.

1 Sec. 67. Section 232A.1, Code 1997, is repealed.

2 Sec. 68. DIRECTIVE TO CODE EDITOR.

3 1. The Code editor is directed to substitute the words
4 "judicial branch" for the words "judicial department" when
5 there appears to be no doubt as to the intent to refer to the
6 judicial department.

7 2. The Code editor is directed to substitute the words
8 "judicial branch" for the word "department", in chapters 232A
9 and 602 when there appears to be no doubt as to the intent to
10 refer to the judicial department.

11 EXPLANATION

12 This bill changes the designation of the judiciary in the
13 Code from the judicial department to the judicial branch.

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HOUSE FILE 2456

AN ACT

CHANGING THE DESIGNATION OF THE JUDICIARY IN THE CODE
FROM THE JUDICIAL DEPARTMENT TO THE JUDICIAL BRANCH.

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

Section 1. Section 4.1, subsection 5, Code 1997, is amended to read as follows:

5. "Court employee" and "employee of the judicial department branch" include every officer or employee of the judicial department branch except a judicial officer.

Sec. 2. Section 8.23, unnumbered paragraph 2, Code 1997, is amended to read as follows:

On or before November 15 all departments and establishments of government and the judicial department branch shall transmit to the department of management and the legislative fiscal bureau estimates of their receipts and expenditure requirements from federal or other nonstate grants, receipts, and funds for the ensuing fiscal year. The transmittal shall include the names of the grantor and the grant or the source of the funds, the estimated amount of the funds, and the planned expenditures and use of the funds. The format of the transmittal shall be specified by the legislative fiscal bureau.

Sec. 3. Section 8.44, unnumbered paragraph 2, Code 1997, is amended to read as follows:

All departments and establishments of government and the judicial department branch shall notify the department of management and the legislative fiscal bureau of any change in the receipt of federal or other nonstate grants, receipts, and funds from the funding levels on which appropriations for the current or ensuing fiscal year were or are based. Changes which must be reported include, but are not limited to, any request, approval, award, or loss changes affecting federal or other nonstate grants, receipts, or funds. The notifications shall be made on a quarterly basis. The format of the notifications shall be specified by the legislative fiscal bureau.

Sec. 4. Section 8D.2, subsection 5, Code 1997, is amended to read as follows:

5. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial department branch as provided in section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in chapter 256, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 15, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 5. Section 8D.9, subsection 1, Code 1997, is amended to read as follows:

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library, county library, judicial department branch, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or

intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

Sec. 6. Section 8D.13, subsection 2, paragraph c, Code Supplement 1997, is amended to read as follows:

c. "Part III" means the communications connection between the secondary switching centers and the agencies defined in section 8D.2, subsections 4 and 5, excluding state agencies, institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial department branch, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

Sec. 7. Section 8D.13, subsection 5, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

The state shall lease all fiberoptic cable facilities or facilities with DS-3 capacity for Part III connections for which state funding is provided. The state shall lease all fiberoptic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial department branch, judicial district department of correctional services, and state agency connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

Sec. 8. Section 8D.13, subsection 17, Code Supplement 1997, is amended to read as follows:

17. Access shall be offered to the judicial department branch provided that the department judicial branch contributes an amount consistent with the department's judicial branch's share of use for the part of the network in

which the department judicial branch participates, as determined by the commission.

Sec. 9. Section 11.5A, Code 1997, is amended to read as follows:

11.5A AUDIT COSTS.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform examinations of state executive agencies and the offices of the judicial department branch, and federal financial assistance, as defined in Pub. L. No. 98-502, received by all other departments for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

Sec. 10. Section 11.5B, subsection 11, Code 1997, is amended to read as follows:

11. Offices of the clerks of the district court of the judicial department branch.

Sec. 11. Section 17A.2, subsection 1, Code 1997, 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 judicial department branch or any of its components, the office of consumer advocate, 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 constitute a quorum authorized to act in the name of the agency.

Sec. 12. Section 20.4, subsection 7, Code 1997, is amended to read as follows:

7. Judicial officers, and confidential, professional, or supervisory employees of the judicial department branch.

Sec. 13. Section 46.5A, Code 1997, is amended to read as follows:

46.5A JUDICIAL NOMINATING COMMISSION EXPENSES.

Members of the state judicial nominating commission and the district judicial nominating commissions are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties as commissioners for each day spent attending commission meetings or training sessions called by the chairperson. Expenses shall be paid from funds appropriated to the judicial department branch for this purpose.

Sec. 14. Section 68B.2, subsection 25, Code 1997, is amended to read as follows:

25. "State employee" means a person who is not an official and is a paid employee of the state of Iowa and does not include an independent contractor, an employee of the judicial department branch who is not an employee of the office of attorney general, an employee of the general assembly, an employee of a political subdivision of the state, or an employee of any agricultural commodity promotional board, if the board is subject to a producer referendum.

Sec. 15. Section 68B.39, Code 1997, is amended to read as follows:

68B.39 SUPREME COURT RULES.

The supreme court of this state shall prescribe rules by January 1, 1993, establishing a code of ethics for officials and employees of the judicial department branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this paragraph shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

The supreme court of this state shall also prescribe rules which relate to activities by officials and employees of the judicial department branch which constitute conflicts of interest.

Sec. 16. Section 135L.2, subsection 2, paragraph a, Code Supplement 1997, is amended to read as follows:

a. The video shall be available through the state and local offices of the Iowa department of public health, the department of human services, and the judicial department branch and through the office of each licensed physician who performs abortions.

Sec. 17. Section 135L.3, subsection 3, paragraph j, Code Supplement 1997, is amended to read as follows:

j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department branch.

Sec. 18. Section 216A.136, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. Notwithstanding any other provision of state law, unless prohibited by federal law or regulation, the division shall be granted access, for purposes of research and evaluation, to criminal history records, official juvenile court records, juvenile court social records, and any other data collected or under control of the board of parole, department of corrections, district departments of correctional services, department of human services, judicial department branch, and department of public safety. However, intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. Any record, data, or

information obtained by the division under this section and the division itself is subject to the federal and state confidentiality laws and regulations which are applicable to the original record, data, or information obtained by the division and to the original custodian of the record, data, or information. The access shall include but is not limited to all of the following:

Sec. 19. Section 216A.138, subsection 2, Code Supplement 1997, is amended to read as follows:

2. The department of human services, department of corrections, judicial department branch, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the division in the development of the plan.

Sec. 20. Section 225C.4, subsection 1, paragraph n, Code 1997, is amended to read as follows:

n. Provide consultation and technical assistance to patients' advocates appointed pursuant to section 229.19, in cooperation with the judicial department branch and the care review committees appointed for health care facilities pursuant to section 135C.25.

Sec. 21. Section 232.2, subsection 9, Code Supplement 1997, is amended to read as follows:

9. "Court appointed special advocate" means a person duly certified by the judicial department branch for participation in the court appointed special advocate program and appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding.

Sec. 22. Section 232.143, subsection 1, Code 1997, is amended to read as follows:

1. A statewide expenditure target for children in group foster care placements in a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually in an appropriation bill by the general

assembly. The department and the judicial department branch shall jointly develop a formula for allocating a portion of the statewide expenditure target established by the general assembly to each of the department's regions. The formula shall be based upon the region's proportion of the state population of children and of the statewide usage of group foster care in the previous five completed fiscal years and other indicators of need. The expenditure amount determined in accordance with the formula shall be the group foster care budget target for that region. A region may exceed its budget target for group foster care by not more than five percent in a fiscal year, provided the overall funding allocated by the department for all child welfare services in the region is not exceeded.

Sec. 23. Section 232A.2, Code 1997, is amended to read as follows:

232A.2 PROGRAM CREATED.

A juvenile victim restitution program is created which shall be funded through moneys appropriated by the general assembly to the department judicial branch. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

Upon completion of a district's plan, the department judicial branch shall provide funds in conformance with the procedures and policies of the state. The department judicial branch shall reclaim any portion of an initial allocation to a judicial district that is unencumbered on December 31 of any year. The department judicial branch shall immediately reallocate the reclaimed funds to those judicial districts from which funds were not reclaimed in the manner provided in this section for the original allocation. Any portion of an amount allocated that remains unencumbered on June 30 of any year shall revert to the general fund of the state.

Sec. 24. Section 232A.3, Code 1997, is amended to read as follows:

232A.3 REPORTS REQUIRED.

Each judicial district shall submit a report of the progress and financial status of its juvenile victim restitution program to the department judicial branch on a quarterly basis. The department judicial branch shall prepare and submit annually a report on the progress and financial status of the programs to the general assembly no later than March 15.

Sec. 25. Section 237.3, subsection 8, Code Supplement 1997, is amended to read as follows:

8. The department, in consultation with the judicial department branch, the division of criminal and juvenile justice planning of the department of human rights, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the licensing rules pertaining to residential treatment facilities, and examine whether the rules allow the facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in those facilities.

Sec. 26. Section 237.18, subsection 6, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The state board shall make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial department branch. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 27. Section 261.2, subsection 14, Code 1997, is amended to read as follows:

14. Develop and implement, in cooperation with the department of human services and the judicial department

branch, a program to assist juveniles who are sixteen years of age or older and who have a case permanency plan under chapter 232 or 237 or are otherwise under the jurisdiction of chapter 232 in applying for federal and state aid available for higher education.

Sec. 28. Section 321J.3, subsection 3, Code Supplement 1997, is amended to read as follows:

3. The state department of transportation, in cooperation with the judicial department branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance abuse evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial department branch in sentencing persons to substance abuse evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department meet the licensure standards of the division of substance abuse for the department of public health. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department shall be entitled to treatment information contained in reports to the department, notwithstanding any provision of chapter 125 that would restrict department access to treatment information and records.

Sec. 29. Section 321J.24, subsection 9, Code Supplement 1997, is amended to read as follows:

9. The chief judge of the judicial district shall determine fees to be paid by participants in the program. The judicial department branch shall use the fees to pay all costs associated with the program. The court shall either require

the participant to pay the fee in order to participate in the program, or may waive the fee or collect a lesser amount upon a showing of cause.

Sec. 30. Section 421.17, subsection 25, paragraph f, Code Supplement 1997, is amended to read as follows:

f. The department shall set off the debt, plus a fee established by rule to reflect the cost of processing, against the debtor's income tax refund or rebate. The department shall transfer ninety percent of the amount set off to the treasurer of state for deposit in the general fund of the state. The remaining ten percent shall be remitted to the judicial department branch and used to defray the costs of this procedure. If the debtor gives timely written notice of intent to contest the amount of the claim, the department shall hold the refund or rebate until final determination of the correct amount of the claim.

Sec. 31. Section 602.1101, subsection 5, Code 1997, is amended to read as follows:

5. "Court employee" or "employee of the judicial department branch" means an officer or employee of the judicial department branch except a judicial officer.

Sec. 32. Section 602.1101, subsection 6, Code 1997, is amended by striking the subsection.

Sec. 33. Section 602.1102, Code 1997, is amended to read as follows:

602.1102 JUDICIAL DEPARTMENT BRANCH.

The judicial department branch 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.

Sec. 34. Section 602.1201, Code 1997, is amended to read as follows:

602.1201 SUPERVISION AND ADMINISTRATION.

The supreme court has supervisory and administrative control over the department judicial branch and over all judicial officers and court employees.

Sec. 35. Section 602.1202, Code 1997, is amended to read as follows:

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 judicial branch.

Sec. 36. Section 602.1203, Code 1997, is amended to read as follows:

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 judicial branch. For judges and other court employees who handle cases involving children and family law, the chief justice shall require regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.

Sec. 37. Section 602.1204, Code 1997, is amended to read as follows:

602.1204 PROCEDURES FOR DEPARTMENT JUDICIAL BRANCH.

1. The supreme court shall prescribe procedures for the orderly and efficient supervision and administration of the department judicial branch. These procedures shall be executed by the chief justice.

2. The state court administrator may issue directives relating to the management of the department judicial branch. 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 judicial branch, and shall distribute a copy of the compilation and all amendments to each operating component of the department judicial branch. 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. 38. Section 602.1207, Code 1997, is amended to read as follows:

602.1207 REPORT OF THE CONDITION OF THE JUDICIAL DEPARTMENT BRANCH.

The chief justice shall communicate the condition of the department judicial branch by message to each general assembly, and may recommend matters the chief justice deems appropriate.

Sec. 39. Section 602.1208, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 40. Section 602.1209, subsections 1, 2, 3, 6, 7, and 8, Code 1997, are amended to read as follows:

1. Manage the judicial department branch.

2. Administer funds appropriated to the department judicial branch.

3. Authorize the filling of vacant court-employee positions, review the qualifications of each person to be employed within the department judicial branch, and assure that affirmative action goals are being met by the department judicial branch. 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 judicial branch. The administrator shall implement the comparable worth directives issued under section 602.1204, subsection 2 in all court employment decisions.

6. Collect and compile information and statistical data, and submit reports relating to judicial business, including juvenile court activities and other matters relating to the department judicial branch.

7. Formulate and submit recommendations for improvement of the judicial system, with reference to the structure of the department judicial branch 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 judicial branch.

Sec. 41. Section 602.1214, subsections 3 and 5, Code 1997, are amended to read as follows:

3. The district court administrator shall assist the state court administrator in the implementation of policies of the department judicial branch and in the performance of the duties of the state court administrator.

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

Sec. 42. Section 602.1215, subsections 3 and 4, Code 1997, are amended to read as follows:

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 judicial branch and the judicial district.

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

Sec. 43. Section 602.1217, subsections 3 and 4, Code 1997, are amended to read as follows:

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 judicial branch 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 judicial branch and the judicial district.

Sec. 44. Section 602.1218, Code 1997, is amended to read as follows:

602.1218 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 judicial branch, conduct unbecoming a public employee, misconduct, or any other just and good cause constitutes cause for removal.

Sec. 45. Section 602.1301, Code 1997, is amended to read as follows:

602.1301 BUDGET AND FISCAL PROCEDURES.

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

2. a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial department branch. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the director of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.23, except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same line item definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized by program. The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under section 8.35A. The supreme court shall budget and track expenditures by the following separate organization codes:

- (1) Iowa court information system.
- (2) Appellate courts.

- (3) Central administration.
- (4) District court administration.
- (5) Judges and magistrates.
- (6) Court reporters.
- (7) Juvenile court officers.
- (8) District court clerks.
- (9) Jury and witness fees.

b. Before December 1, the supreme court shall submit to the director of management an estimate of the total expenditure requirements of the judicial department branch. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations.

3. The state court administrator shall prescribe the procedures to be used by the operating components of the department judicial branch 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 judicial branch.
- 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 judicial branch, including uniform practices and procedures to be used by judicial officers and court employees with respect to all funds, regardless of source.

Sec. 46. Section 602.1302, Code 1997, is amended to read as follows:

602.1302 STATE FUNDING.

1. Except as otherwise provided by sections 602.1303 and 602.1304 or other applicable law, the expenses of operating

and maintaining the department judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the department judicial branch. State funding shall be phased in as provided in section 602.11101.

2. The supreme court may accept federal funds to be used in the operation of the department judicial branch, but shall not expend any of these funds except pursuant to appropriation of the funds by the general assembly.

3. A revolving fund is created in the state treasury for the payment of jury and witness fees and mileage by the department judicial branch. The department judicial branch shall deposit any reimbursements to the state for the payment of jury and witness fees and mileage in the revolving fund. Notwithstanding section 8.33, unencumbered and unobligated receipts in the revolving fund at the end of a fiscal year do not revert to the general fund of the state. The department judicial branch shall on or before February 1 file a financial accounting of the moneys in the revolving fund with the legislative fiscal bureau. The accounting shall include an estimate of disbursements from the revolving fund for the remainder of the fiscal year and for the next fiscal year.

4. The department judicial branch shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to section 232.141, subsection 1.

Sec. 47. Section 602.1304, subsection 2, paragraph c, Code Supplement 1997, is amended to read as follows:

c. Moneys in the collections fund shall be used by the judicial department branch for the Iowa court information system; records management equipment, services, and projects; other technological improvements; electronic legal research equipment, systems, and projects; and the study, development, and implementation of other innovations and projects that would improve the administration of justice. The moneys in the collection fund may also be used for capital improvements necessitated by the installation of or connection with the

Iowa court information system, the Iowa communications network, and other technological improvements approved by the department judicial branch.

Sec. 48. Section 602.1401, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

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 judicial branch. 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. The personnel system shall include the prohibitions against sexual harassment of full-time, part-time, and temporary employees set out in section 19B.12, and shall include a grievance procedure for discriminatory harassment. The personnel system shall develop and distribute at the time of hiring or orientation, a guide that describes for employees the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures. This subsection does not supersede the remedies provided under chapter 216.

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 judicial branch.

3. The state court administrator is the public employer of judicial department branch employees for purposes of chapter 20, relating to public employment relations.

For purposes of chapter 20, the certified representative, which on July 1, 1983 represents employees who become judicial department branch employees as a result of 1983 Iowa Acts, chapter 186, shall remain the certified representative when the employees become judicial department branch employees and thereafter, unless the public employee organization is decertified in an election held under section 20.15 or amended or absorbed into another certified organization pursuant to chapter 20. Collective bargaining negotiations shall be conducted on a statewide basis and the certified employee organizations which engage in bargaining shall negotiate on a statewide basis, although bargaining units shall be organized by judicial district. The public employment relations board shall adopt rules pursuant to chapter 17A to implement this subsection.

Sec. 49. Section 602.1402, Code 1997, is amended to read as follows:

602.1402 PERSONNEL CONTROL.

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

Sec. 50. Section 602.1502, subsection 1, Code 1997, is amended to read as follows:

1. The supreme court shall set the compensation of the state court administrator. The salaries of other employees of the judicial department branch shall be set pursuant to the department's judicial branch's pay plan established under section 602.1401.

Sec. 51. Section 602.1510, Code 1997, is amended to read as follows:

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 judicial branch.

Sec. 52. Section 602.1610, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 53. Section 602.2101, Code 1997, is amended to read as follows:

602.2101 AUTHORITY.

The supreme court may retire, discipline, or remove a judicial officer from office or may discipline or remove an employee of the judicial department branch for cause as provided in this part.

Sec. 54. Section 602.2103, Code 1997, is amended to read as follows:

602.2103 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 discipline or remove an employee of the judicial department branch, 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 21 and chapter 22, 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, or to discipline or remove an employee of the judicial department branch, the application and all of the records and papers in that proceeding are public documents.

Sec. 55. Section 602.2104, Code 1997, is amended to read as follows:

602.2104 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 or employee of the judicial department branch 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. The commission may also employ or contract for the employment of legal counsel.

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 a judicial officer or an employee of the judicial department branch at the person's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer or employee of the judicial department branch resides unless the commission and the judicial officer or employee of the judicial department branch agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge and the employee shall continue to perform the employee's assigned duties, unless otherwise ordered by the commission. The attorney general shall prosecute the charge before the commission on behalf of the state. A judicial officer or employee of the judicial department branch 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 or to discipline or remove an employee of the judicial department branch.

3. The commission has subpoena power, which may be used in conducting investigations and during the hearing process. A person who disobeys the commission's subpoena or who refuses to testify or produce documents as required by a commission subpoena may be punished for contempt in the district court for the county in which the hearing is being held or the investigation is being conducted. Costs related to investigations and to the appearance of witnesses subpoenaed by the designated prosecutor shall be paid by the commission. Commission subpoenas may be issued as follows:

a. During an investigation, subpoenas shall be issued by the commission, at the request of the person designated to conduct the investigation, to compel the appearance of persons or the production of documents before the person who is designated to conduct the investigation. The person designated to conduct the investigation shall administer the required oath.

b. During the hearing process, subpoenas shall be issued by the commission at the request of the designated prosecutor or the judicial officer or employee of the judicial department branch.

Sec. 56. Section 602.2106, subsections 1, 2, and 3, Code 1997, are amended to read as follows:

1. If the commission submits an application to the supreme court to retire, discipline, or remove a judicial officer or to discipline or remove an employee of the judicial department branch, 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 or employee of the judicial department branch may defend in person and by counsel.

3. Upon application by the commission, the supreme court may do any 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.

c. Discipline or remove an employee of the judicial department branch for conduct which violates the code of ethics prescribed by the supreme court for court employees.

Sec. 57. Section 602.5205, subsection 2, Code 1997, is amended to read as follows:

2. 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 branch.

Sec. 58. Section 602.6301, Code 1997, 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 eighty thousand or more and less than one hundred twenty-five thousand; three in counties having a population of one hundred twenty-five thousand or more and less than two hundred thousand; four in counties having a population of two hundred thousand or 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. However, a county shall not lose a district associate judgeship solely because of a reduction in the county's population. 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 branch. A district associate judge appointed pursuant to section 602.6302 or 602.6303 shall not be counted for purposes of this section.

Sec. 59. Section 602.7203, Code 1997, is amended to read as follows:

602.7203 JUVENILE VICTIM RESTITUTION.

The department judicial branch shall administer the juvenile victim restitution program created in chapter 232A.

Sec. 60. Section 602.8107, subsection 5, Code Supplement 1997, is amended to read as follows:

5. If a county attorney does not file the notice and list of cases required in section 331.756, subsection 5, the judicial department branch may assign cases to the centralized collection unit of the department of revenue and finance or its designee to collect debts owed to the clerk of the district court.

The department of revenue and finance may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court. Any amounts collected by the unit will first be applied to the processing fee. The remaining amounts shall be remitted to the clerk of the district court for the county in which the debt is owed. The judicial department branch may prescribe rules to implement this section. These rules may provide for remittance of processing fees to the department of revenue and finance or its designee.

Satisfaction of the outstanding obligation occurs only when all fees or charges and the outstanding obligation are paid in full. Payment of the outstanding obligation only shall not be considered payment in full for satisfaction purposes.

The department of revenue and finance or its collection designee shall file with the clerk of the district court a notice of the satisfaction of each obligation to the full extent of the moneys collected in satisfaction of the obligation. The clerk of the district court shall record the notice and enter a satisfaction for the amounts collected.

Sec. 61. Section 602.8108, subsection 4, paragraph a, Code 1997, is amended to read as follows:

a. Eighty percent shall be used to enhance the ability of the judicial department branch to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. Moneys in this paragraph shall not be used for the Iowa court information system.

Sec. 62. Section 602.9206, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Section 602.1612 does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, the judge may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with the judge's consent. A senior judge shall not be assigned to judicial duties on the supreme court unless the judge has been appointed to serve on the supreme court prior to retirement. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which the judge is assigned, shall continue to be paid the judge's annuity as senior judge, shall be reimbursed for the judge's actual expenses to the extent expenses of a district judge are reimbursable under section 602.1509, may, if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned,

and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial department branch from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

Sec. 63. Section 602.11101, subsection 5, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Until July 1, 1986 the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial department branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986 the state shall assume the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial department branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities.

Sec. 64. Section 602.11101, subsection 6, Code 1997, is amended to read as follows:

6. The state shall assume the responsibility for the costs of indigent defense on July 1, 1987. However, an attorney appointed to represent an indigent person pursuant to section 331.777 is not a court employee, as defined in section 602.1101, subsection 5, and the judicial department branch does not have supervisory power over personnel of public defender offices established pursuant to section 331.776.

Sec. 65. Section 602.11107, subsection 1, Code 1997, is amended to read as follows:

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 branch but shall be devoted for the use of the judicial department branch in its course of business. The judicial department branch shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial department branch. Upon replacement of the property by the judicial department branch, 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 branch, and the county shall make the property available to the judicial department branch for the department's judicial branch'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.

Sec. 66. Section 805.6, subsection 3, Code 1997, is amended to read as follows:

3. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the budget of the municipal corporation or county receiving the fine resulting from use of the citation and complaint. Supplies of the uniform citation and complaint form used by other agencies shall be paid for out of the budget of the agency concerned and not out of the budget of the judicial department branch.

Sec. 67. Section 232A.1, Code 1997, is repealed.

Sec. 68. DIRECTIVE TO CODE EDITOR.

1. The Code editor is directed to substitute the words "judicial branch" for the words "judicial department" when there appears to be no doubt as to the intent to refer to the judicial department.

2. The Code editor is directed to substitute the words "judicial branch" for the word "department", in chapters 232A and 602 when there appears to be no doubt as to the intent to refer to the judicial department.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2456, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 2, 1998

TERRY E. BRANSTAD
Governor