

S- 3/5/98 *jud*
S- 3/19/98 *Do Pass*

FEB 26 1998

Place On Calendar

HOUSE FILE 2471
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 671)

Passed House ^(p.542) Date 3/5/98 Passed Senate, Date 3/23/98 (p.817)
Vote: Ayes 98 Nays 0 Vote: Ayes 36 Nays 13
Approved May 13, 1998

A BILL FOR

1 An Act concerning the number of supreme court justices and court
2 of appeals judges, and including a contingent effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2471

1 Section 1. Section 602.4101, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The supreme court consists of ~~nine~~ seven justices. A
4 majority of the justices sitting constitutes a quorum, but
5 ~~less~~ fewer than three justices is not a quorum.

6 Sec. 2. Section 602.5102, subsection 1, Code 1997, is
7 amended to read as follows:

8 1. The court of appeals consists of ~~six~~ nine judges; three
9 judges of the court of appeals constitute a quorum.

10 Sec. 3. TRANSITION TO SEVEN-MEMBER SUPREME COURT.

11 Notwithstanding section 602.4101, the supreme court shall
12 consist of eight or nine justices until the number of justices
13 is reduced to seven, by attrition, commencing with any vacancy
14 in the supreme court occurring on or after July 1, 1999. For
15 purposes of this subsection, "vacancy" means the death,
16 resignation, or removal of a justice on the supreme court, or
17 the expiration of a term as a justice on the supreme court
18 following a failure to file a declaration of candidacy
19 pursuant to section 46.20 or a failure to be retained in
20 office pursuant to a judicial election.

21 Sec. 4. CONTINGENT EFFECTIVE DATE. This Act takes effect
22 on July 1, 1999, if an appropriation to the judicial
23 department for the fiscal year beginning July 1, 1999,
24 provides for the authorization and funding of nine judges of
25 the court of appeals.

26 EXPLANATION

27 This bill provides that the number of court of appeals
28 judges shall be increased from six to nine effective July 1,
29 1999. The bill further provides that the number of supreme
30 court justices shall be reduced from nine to seven justices
31 through attrition for justices leaving the supreme court due
32 to death, resignation, removal, or failure to seek or win a
33 retention election, on or after July 1, 1999.

34 The bill takes effect July 1, 1999, but only if money is
35 appropriated for the fiscal year beginning July 1, 1999, to

1 employ the three additional court of appeals judges provided
2 by this bill.

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**HOUSE FILE 2471
FISCAL NOTE**

A fiscal note for House File 2471 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2471 changes the number of Supreme Court Justices from nine to seven and the number of Court of Appeals Judges from six to nine. The Bill provides for staff changes and effective dates.

ASSUMPTIONS

The Bill requires the following changes for FY 2000 if an appropriation provides the authorization and funding:

1. An increase of \$348,000 for an additional 3.0 FTE positions for Court of Appeals Judges.
2. An increase of \$130,000 for an additional 3.0 FTE positions for law clerks for the Court of Appeals.
3. An increase of \$49,000 for an additional 1.5 FTE positions for secretaries for the Court of Appeals.
4. A decrease of \$125,000 for 1.0 FTE position for a Supreme Court Justice.
5. A decrease of \$43,000 for 1.0 FTE position for a law clerk for the Supreme Court.

The Bill provides for the following changes in FY 2001:

1. A decrease of \$128,000 for 1.0 FTE position for a Supreme Court Justice.
2. A decrease of \$44,000 for 1.0 FTE position for a law clerk for the Supreme Court.
3. A decrease of \$36,000 for 1.0 FTE position for a secretary for the Supreme Court.

FISCAL IMPACT

House File 2471 will increase expenditures for the Judicial Department by \$359,000 for FY 2000 and decrease expenditures by \$209,000 for FY 2001.

SOURCE

Judicial Department

(LSB 4327hv, DHK)

FILED MARCH 3, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

Lamberti, ch
Dinkla
Kreiman

HSB 671

JUDICIARY
Succeeded By
HOUSE FILE SF/HF 2471
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LAMBERTI)

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

A BILL FOR

1 An Act concerning the number of supreme court justices and court
2 of appeals judges, providing for support staff, and including
3 a contingent effective date.

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

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1 Section 1. Section 602.4101, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The supreme court consists of nine seven justices. A
4 majority of the justices sitting constitutes a quorum, but
5 ~~less fewer~~ than three justices is not a quorum.

6 Sec. 2. Section 602.4304, Code 1997, is amended to read as
7 follows:

8 602.4304 SUPREME COURT STAFF.

9 ~~1. The supreme court may appoint not more than nine~~
10 ~~attorneys or graduates of a reputable law school to act as~~
11 ~~legal assistants to the justices of the supreme court.~~

12 2. The supreme court may employ other professional and
13 clerical staff as necessary to accomplish the judicial duties
14 of the court.

15 Sec. 3. Section 602.5102, subsection 1, Code 1997, is
16 amended to read as follows:

17 1. The court of appeals consists of six nine judges; three
18 judges of the court of appeals constitute a quorum.

19 Sec. 4. Section 602.5203, Code Supplement 1997, is amended
20 to read as follows:

21 602.5203 LAW CLERKS.

22 The court of appeals may employ ~~attorneys or graduates of a~~
23 ~~reputable law school to act as legal assistants to~~
24 professional and clerical staff as necessary to accomplish the
25 judicial duties of the court.

26 Sec. 5. TRANSITION TO SEVEN-MEMBER SUPREME COURT.

27 Notwithstanding section 602.4101, the supreme court shall
28 consist of eight or nine justices until the number of justices
29 is reduced to seven, by attrition, commencing with any vacancy
30 in the supreme court occurring on or after July 1, 1999. For
31 purposes of this subsection, "vacancy" means death,
32 resignation, removal, failure to file a declaration of
33 candidacy pursuant to section 46.20, or failure to be retained
34 in office pursuant to a judicial election, of a justice on the
35 supreme court.

HOUSE FILE 2471

AN ACT
CONCERNING THE NUMBER OF SUPREME COURT JUSTICES AND COURT
OF APPEALS JUDGES, AND INCLUDING A CONTINGENT EFFECTIVE
DATE.

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

Section 1. Section 602.4101, subsection 1, Code 1997, is amended to read as follows:

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

Sec. 2. Section 602.5102, subsection 1, Code 1997, is amended to read as follows:

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

Sec. 3. TRANSITION TO SEVEN-MEMBER SUPREME COURT.
Notwithstanding section 602.4101, the supreme court shall consist of eight or nine justices until the number of justices is reduced to seven, by attrition, commencing with any vacancy in the supreme court occurring on or after July 1, 1999. For purposes of this subsection, "vacancy" means the death, resignation, or removal of a justice on the supreme court, or the expiration of a term as a justice on the supreme court following a failure to file a declaration of candidacy pursuant to section 46.20 or a failure to be retained in office pursuant to a judicial election.

Sec. 4. CONTINGENT EFFECTIVE DATE. This Act takes effect on July 1, 1999, if an appropriation to the judicial department for the fiscal year beginning July 1, 1999,

provides for the authorization and funding of nine judges of the court of appeals.

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 2471, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 13, 1998

TERRY E. BRANSTAD
Governor