

FEB 24 1999

HOUSE FILE 373

BY KREIMAN

JUDICIARY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the appointment of district associate judges  
2 in lieu of associate juvenile judges.

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

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1 Section 1. Section 602.6301, Code 1999, is amended to read  
2 as follows:

3 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE  
4 JUDGES.

5 There shall be one district associate judge in counties  
6 having a population of more than thirty-five thousand and less  
7 than eighty thousand; two in counties having a population of  
8 eighty thousand or more and less than one hundred twenty-five  
9 thousand; three in counties having a population of one hundred  
10 twenty-five thousand or more and less than two hundred  
11 thousand; four in counties having a population of two hundred  
12 thousand or more and less than two hundred thirty-five  
13 thousand; five in counties having a population of two hundred  
14 thirty-five thousand or more and less than two hundred seventy  
15 thousand; six in counties having a population of two hundred  
16 seventy thousand or more and less than three hundred five  
17 thousand; and seven in counties having a population of three  
18 hundred five thousand or more. However, a county shall not  
19 lose a district associate judgeship solely because of a  
20 reduction in the county's population. If the formula provided  
21 in this section results in the allocation of an additional  
22 district associate judgeship to a county, implementation of  
23 the allocation shall be subject to prior approval of the  
24 supreme court and availability of funds to the judicial  
25 branch. A district associate judge appointed pursuant to  
26 section 602.6302, or 602.6303, or 602.6303A shall not be  
27 counted for purposes of this section.

28 Sec. 2. NEW SECTION. 602.6303A APPOINTMENT OF DISTRICT  
29 ASSOCIATE JUDGE IN LIEU OF ASSOCIATE JUVENILE JUDGES.

30 Notwithstanding section 602.7103, subsection 1, if a  
31 vacancy occurs in the office of associate juvenile judge, the  
32 chief judge of the judicial district shall authorize by order  
33 the appointment of a district associate judge in lieu of the  
34 appointment of an associate juvenile judge and shall notify  
35 the county magistrate appointing commission of the

1 authorization.

2 Sec. 3. Section 602.6304, subsection 1, Code 1999, is  
3 amended to read as follows:

4 | 1. The district associate judges authorized by sections  
5 602.6301, 602.6302, and 602.6303, and 602.6303A shall be  
6 appointed by the district judges of the judicial election  
7 district from persons nominated by the county magistrate  
8 appointing commission. In the case of a district associate  
9 judge to be appointed to more than one county, the appointment  
10 shall be from persons nominated by the county magistrate  
11 appointing commissions acting jointly and in the case of a  
12 district associate judge to be appointed to more than one  
13 judicial election district of the same judicial district, the  
14 appointment shall be by a majority of the district judges in  
15 each judicial election district.

16 EXPLANATION

17 This bill provides for the appointment of a district  
18 associate judge when a vacancy occurs in the position of  
19 associate juvenile judge. District associate judges  
20 authorized by this bill are not subject to the restriction on  
21 the number of district associate judges pursuant to the  
22 population-based formula in Code section 602.6301.

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