

Maddox

Angelo

Fraser

SSB 3188

Judiciary

Succeeded By

SENATE/HOUSE FILE FILE 2303

BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to judicial administration by providing for
2 benefits applicable to judicial branch employees, the
3 allocation of magistrates, and the manner of making certain
4 noncourt and administrative appointments.

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

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Section 1. Section 229.19, Code Supplement 1999, is
2 amended to read as follows:

3 229.19 ADVOCATES -- DUTIES -- COMPENSATION -- STATE AND
4 COUNTY LIABILITY.

5 ~~The district-court-in-each-county-with-a-population-of~~
6 ~~under-three-hundred-thousand-inhabitants-and-the~~ board of
7 supervisors in each county ~~with-a-population-of-three-hundred~~
8 ~~thousand-or-more-inhabitants~~ shall appoint an individual who
9 has demonstrated by prior activities an informed concern for
10 the welfare and rehabilitation of persons with mental illness,
11 and who is not an officer or employee of the department of
12 human services nor of any agency or facility providing care or
13 treatment to persons with mental illness, to act as advocate
14 representing the interests of patients involuntarily
15 hospitalized by the court, in any matter relating to the
16 patients' hospitalization or treatment under section 229.14 or
17 229.15. ~~The court-or-if-the-advocate-is-appointed-by-the~~
18 county board of supervisors~~7-the-board~~ shall assign the
19 advocate appointed from a patient's county of legal settlement
20 to represent the interests of the patient. If a patient has
21 no county of legal settlement, ~~the-court-or-if-the-advocate~~
22 ~~is-appointed-by-the-county-board-of-supervisors7~~ the board
23 shall assign the advocate appointed from the county where the
24 hospital or facility is located to represent the interests of
25 the patient. The advocate's responsibility with respect to
26 any patient shall begin at whatever time the attorney employed
27 or appointed to represent that patient as respondent in
28 hospitalization proceedings, conducted under sections 229.6 to
29 229.13, reports to the court that the attorney's services are
30 no longer required and requests the court's approval to
31 withdraw as counsel for that patient. However, if the patient
32 is found to be seriously mentally impaired at the
33 hospitalization hearing, the attorney representing the patient
34 shall automatically be relieved of responsibility in the case
35 and an advocate shall be assigned to the patient at the

1 conclusion of the hearing unless the attorney indicates an
 2 intent to continue the attorney's services and the court so
 3 directs. If the court directs the attorney to remain on the
 4 case the attorney shall assume all the duties of an advocate.
 5 The clerk shall furnish the advocate with a copy of the
 6 court's order approving the withdrawal and shall inform the
 7 patient of the name of the patient's advocate. With regard to
 8 each patient whose interests the advocate is required to
 9 represent pursuant to this section, the advocate's duties
 10 shall include all of the following:

- 11 1. To review each report submitted pursuant to sections
 12 229.14 and 229.15.
 - 13 2. If the advocate is not an attorney, to advise the court
 14 at any time it appears that the services of an attorney are
 15 required to properly safeguard the patient's interests.
 - 16 3. To make the advocate readily accessible to
 17 communications from the patient and to originate
 18 communications with the patient within five days of the
 19 patient's commitment.
 - 20 4. To visit the patient within fifteen days of the
 21 patient's commitment and periodically thereafter.
 - 22 5. To communicate with medical personnel treating the
 23 patient and to review the patient's medical records pursuant
 24 to section 229.25.
 - 25 6. To file with the court quarterly reports, and
 26 additional reports as the advocate feels necessary or as
 27 required by the court, in a form prescribed by the court. The
 28 reports shall state what actions the advocate has taken with
 29 respect to each patient and the amount of time spent.
- 30 The hospital or facility to which a patient is committed
 31 shall grant all reasonable requests of the advocate to visit
 32 the patient, to communicate with medical personnel treating
 33 the patient and to review the patient's medical records
 34 pursuant to section 229.25. An advocate shall not disseminate
 35 information from a patient's medical records to any other

1 person unless done for official purposes in connection with
2 the advocate's duties pursuant to this chapter or when
3 required by law.

4 ~~The court or, if the advocate is appointed by the~~ county
5 board of supervisors, ~~the board~~ shall prescribe reasonable
6 compensation for the services of the advocate. The
7 compensation shall be based upon the reports filed by the
8 advocate with the court. The advocate's compensation shall be
9 paid by the county in which the court is located, ~~either on~~
10 ~~order of the court or, if the advocate is appointed by the~~
11 ~~county board of supervisors,~~ on the direction of the county
12 board of supervisors. ~~If the advocate is appointed by the~~
13 ~~court, the advocate is an employee of the state for purposes~~
14 ~~of chapter 669. If the advocate is appointed by the county~~
15 ~~board of supervisors, the~~ The advocate is an employee of the
16 county for purposes of chapter 670. If the patient or the
17 person who is legally liable for the patient's support is not
18 indigent, the board shall recover the costs of compensating
19 the advocate from that person. If that person has an income
20 level as determined pursuant to section 815.9 greater than one
21 hundred percent but not more than one hundred fifty percent of
22 the poverty guidelines, at least one hundred dollars of the
23 advocate's compensation shall be recovered in the manner
24 prescribed by the county board of supervisors. If that person
25 has an income level as determined pursuant to section 815.9
26 greater than one hundred fifty percent of the poverty
27 guidelines, at least two hundred dollars of the advocate's
28 compensation shall be recovered in substantially the same
29 manner prescribed by the county board of supervisors as
30 provided in section 815.7.

31 Sec. 2. Section 331.321, subsection 1, paragraph p, Code
32 1999, is amended to read as follows:

33 p. ~~One member~~ Two members of the civil service commission
34 for deputy sheriffs in accordance with section 341A.2 or
35 341A.3, and the board may remove the ~~member~~ members in

1 accordance with those sections.

2 Sec. 3. Section 331.754, subsection 1, Code 1999, is
3 amended to read as follows:

4 1. In case of absence, sickness, or disability of the
5 county attorney and the assistant county attorneys, the court
6 ~~before which it is the duty of the county attorney or the~~
7 ~~assistant county attorneys to appear and in which there is~~
8 ~~official business requiring the attention of the county~~
9 ~~attorney or an assistant county attorney,~~ board of supervisors
10 may appoint an attorney to act as county attorney ~~by an order~~
11 ~~of the court. The board may appoint an acting county attorney~~
12 ~~to provide legal assistance related to the official business~~
13 ~~of any county officer or employee during the absence,~~
14 ~~sickness, or disability of the county attorney and the~~
15 ~~assistant county attorneys.~~ The acting county attorney has
16 the same authority and is subject to the same responsibilities
17 as a county attorney.

18 Sec. 4. Section 341A.2, Code 1999, is amended to read as
19 follows:

20 341A.2 CIVIL SERVICE COMMISSION.

21 Subject to the alternate plan enumerated in section 341A.3,
22 there is created in each county a civil service commission
23 composed of three members. ~~One member~~ Two members shall be
24 appointed by the county board of supervisors, ~~one member shall~~
25 ~~be appointed by the presiding district court judge of each~~
26 ~~county,~~ and one member shall be appointed by the county
27 attorney of each county. ~~Commission members shall be~~
28 ~~appointed within sixty days after August 15, 1973.~~ Appointees
29 to the commission shall be residents of the county for at
30 least two years immediately preceding appointment, and shall
31 be electors. Terms of office shall be six years, however, the
32 initial members of the commission shall be appointed as
33 follows:

34 ~~The member~~ One of the members appointed by the board of
35 supervisors shall serve for a period of two years, ~~the while~~

1 the other member shall serve for a period of six years and the
2 board shall specify the term of each member so appointed. The
3 member appointed by the county attorney shall serve for a
4 period of four years, ~~and the member appointed by the district~~
5 ~~court judge shall serve for a period of six years.~~

6 Any member of the commission may be removed by the
7 appointing authority for incompetence, dereliction of duty,
8 malfeasance in office, or for other good cause, however, no
9 member of the commission shall be removed until apprised in
10 writing of the nature of the charges against the member and a
11 hearing on such charges has been held before the board of
12 supervisors. In the event a vacancy occurs in the commission
13 for any reason other than expiration of the term, an
14 appointment to fill the vacancy for the unexpired term shall
15 be made in the same manner as the original appointment.

16 A majority vote of the membership of the commission shall
17 be sufficient to transact the business of the commission. Not
18 more than two commissioners shall be members of the same
19 political party. Commissioners shall hold no elective or
20 other appointive public office during their terms of
21 appointment to the commission. Commissioners shall serve
22 without compensation but shall be reimbursed for necessary
23 expense and mileage incurred in the actual performance of
24 their duties.

25 Sec. 5. Section 341A.3, Code 1999, is amended to read as
26 follows:

27 341A.3 COMBINED CIVIL SERVICE SYSTEM.

28 Any combination of counties in this state may, by
29 resolution of the boards of supervisors in each county,
30 establish a combined civil service system to serve such
31 counties. The specific terms of the agreement regarding the
32 operation of the combined civil service system, including the
33 appointment of qualified commissioners, and any other matters
34 pertinent to the operation of such system shall be contained
35 in the resolutions adopted by the respective boards of

1 supervisors of the participating counties. Counties
2 participating in a combined civil service system need not be
3 contiguous.

4 Appointment of commissioners in combined counties shall be
5 by joint meeting of the boards of supervisors, ~~district court~~
6 ~~judges~~, and county attorneys, respectively. Each group
7 meeting jointly shall appoint one commissioner whose term
8 shall be six years, except that initial terms shall be as
9 provided in section 341A.2.

10 Sec. 6. Section 450.24, Code 1999, is amended to read as
11 follows:

12 450.24 APPRAISERS.

13 In each county, the court chief judge of the judicial
14 district for that county shall, on or before January 15 of
15 each year, appoint three competent residents and freeholders
16 of the county to act as appraisers of the real property within
17 its jurisdiction which is charged or sought to be charged with
18 an inheritance tax. The appraisers shall serve for one year,
19 and until their successors are appointed and qualified. They
20 shall each take an oath to faithfully and impartially perform
21 the duties of the office, but shall not be required to give
22 bond. They shall be subject to removal at any time at the
23 discretion of the court chief judge of the judicial district
24 for that county. The court chief judge may also in ~~its~~ the
25 chief judge's discretion, either before or after the
26 appointment of the regular appraisers, appoint other
27 appraisers to act in any given case. Vacancies occurring
28 otherwise than by expiration of term shall be filled by
29 appointment of the court chief judge of the judicial district
30 for that county. A person interested in any manner in the
31 estate to be appraised shall not serve as an appraiser of that
32 estate.

33 Sec. 7. Section 602.1401, subsection 1, Code 1999, is
34 amended to read as follows:

35 1. The supreme court shall establish, and may amend, a

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

23 Sec. 8. Section 602.1401, subsection 4, Code 1999, is
24 amended to read as follows:

25 4. The supreme court may establish reasonable classes of
26 employees and a pay and benefits plan for the classes of
27 employees as necessary to accomplish the purposes of the
28 personnel system.

29 Sec. 9. Section 602.1401, subsection 5, Code 1999, is
30 amended to read as follows:

31 5. The pay and benefits plan shall set the compensation
32 and benefits of court employees within the funds appropriated
33 by the general assembly.

34 Sec. 10. Section 602.1401, Code 1999, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 6. The benefits plan established by the
 2 supreme court may provide for benefits to court employees not
 3 covered under a collective bargaining agreement entered into
 4 pursuant to chapter 20, notwithstanding any contrary provision
 5 of section 70A.1 or 70A.23, consistent with benefits provided
 6 to court employees covered under a collective bargaining
 7 agreement entered into with the state court administrator
 8 pursuant to chapter 20.

9 Sec. 11. Section 602.6401, subsection 2, unnumbered
 10 paragraph 1, Code 1999, is amended to read as follows:

11 During By February of each odd-numbered year in which
 12 magistrates' terms expire, the state court administrator shall
 13 apportion magistrate offices among the counties in accordance
 14 with the following criteria:

15 Sec. 12. Section 602.6401, subsection 4, Code 1999, is
 16 amended to read as follows:

17 4. During By March of each odd-numbered year in which
 18 magistrates' terms expire, the state court administrator shall
 19 give notice to the clerks of the district court and to the
 20 chief judges of the judicial districts of the number of
 21 magistrates to which each county is entitled.

22 Sec. 13. Section 602.6603, subsection 3, Code 1999, is
 23 amended to read as follows:

24 3. If a district chief judge of a judicial district
 25 determines that it is necessary to employ an additional court
 26 reporter because of an extraordinary volume of work, or
 27 because of the temporary illness or incapacity of a regular
 28 court reporter, the district chief judge may appoint a
 29 temporary court reporter who shall serve as required by the
 30 district chief judge.

31 Sec. 14. Section 607A.10, Code 1999, is amended to read as
 32 follows:

33 607A.10 APPOINTIVE COMMISSION -- MASTER LIST.

34 In each county, ~~the judges-of-the-district-court~~ chief
 35 judge of the judicial district in which the county is located

1 shall, on or before March 1 of each odd-numbered year, appoint
2 three competent electors as a jury commission to draw up the
3 master list for the two years beginning the following July 1.
4 The names for the master list shall be taken from the source
5 lists. If all of the source lists are not used to draw up the
6 master list, then the names drawn must be selected in a random
7 manner.

8 Sec. 15. Section 607A.12, Code 1999, is amended to read as
9 follows:

10 607A.12 MANNER OF APPOINTMENT.

11 The appointment shall be in writing signed by ~~three-judges~~
12 the chief judge of the judicial district and shall be filed
13 and made a matter of record in the office of the clerk of the
14 district court.

15 Sec. 16. Section 607A.14, Code 1999, is amended to read as
16 follows:

17 607A.14 VACANCY.

18 If a vacancy occurs in the appointive commission through
19 death, removal or inability of a member of the commission to
20 act, the chief judge ~~or-judges~~ of the judicial district shall
21 appoint a person to act during the remainder of the unexpired
22 term.

23 Sec. 17. Section 607A.16, Code 1999, is amended to read as
24 follows:

25 607A.16 INSTRUCTIONS TO APPOINTIVE COMMISSION.

26 The ~~judges-of-the-district-court~~ chief judge of the
27 judicial district shall give instructions to appointive jury
28 commissioners at the time of their appointment as to their
29 duties, and shall call their attention to sections 607A.1,
30 607A.2, 607A.4 and 607A.22.

31 Sec. 18. Section 633.20, Code Supplement 1999, is amended
32 to read as follows:

33 633.20 REFEREE -- CLERK -- ASSOCIATE PROBATE JUDGE.

34 1. The ~~court~~ chief judge of the judicial district may
35 appoint a referee in probate for the auditing of the accounts

1 of fiduciaries and for the performance of other ministerial
2 duties the court chief judge prescribes. A person shall not
3 be appointed as referee in a matter where the person is acting
4 as a fiduciary or as the attorney.

5 2. The court chief judge of the judicial district may
6 appoint the clerk as referee in probate. In such cases, the
7 fees received by the clerk for serving in the capacity of
8 referee are fees of the office of the clerk of court and shall
9 be deposited in the account established under section
10 602.8108.

11 3. A person appointed as an associate probate judge shall
12 have jurisdiction to audit accounts of fiduciaries and to
13 perform ministerial duties and judicial functions as the court
14 prescribes.

15 Sec. 19. Section 905.3, subsection 1, paragraph c, Code
16 1999, is amended to read as follows:

17 c. A number of members equal to the number of authorized
18 board members from project advisory committees or equal to the
19 number of citizen members shall be appointed by the judges
20 chief judge of the judicial district no later than January 15
21 of each year.

22 EXPLANATION

23 This bill makes changes relating to benefits applicable to
24 judicial branch employees and in the manner of making certain
25 quasi-judicial appointments.

26 Code section 229.19 is amended to provide that the county
27 board of supervisors, regardless of the size of the county,
28 shall appoint a mental health advocate for that county. Under
29 current law, the district court appoints the advocate if the
30 population of the county is less than 300,000 while the county
31 board appoints the advocate if the population is 300,000 or
32 greater.

33 Code section 331.754 is amended to provide that the county
34 board of supervisors, and not the district court, shall
35 appoint an acting county attorney, if necessary, if the county

1 attorney or any assistant county attorneys are unable through
2 sickness, absence, or disability to perform county attorney
3 duties.

4 Code sections 341A.2 and 341A.3 are amended to provide that
5 the county board of supervisors appoint two of the three
6 members to the civil service commission. The appointment of
7 the other member by the county attorney is not changed by this
8 bill. Under current law, the county board of supervisors
9 appoints one member and the presiding district court judge for
10 that court appoints one member of the three members appointed.

11 Code section 450.24 is amended to provide that the chief
12 judge of the judicial district, and not the court, shall
13 appoint inheritance tax appraisers for each county.

14 Code section 602.1401 is amended to provide that the
15 judicial branch can specifically establish a benefits plan for
16 its employees and that the plan can provide benefits to court
17 employees not covered by a collective bargaining agreement
18 similar to those provided to employees covered by such an
19 agreement, notwithstanding general Code provisions applicable
20 to other state employees for sick leave accrual and credit for
21 accrued sick leave.

22 Code section 602.6401 is amended to provide that the
23 requirement of the state court administrator to apportion
24 magistrate offices shall be done in the year in which
25 magistrate's terms end and not every odd-numbered year.

26 Code section 602.6603 is amended to provide that the chief
27 judge of a judicial district, and not a district judge, may
28 appoint a temporary court reporter.

29 The provisions of Code chapter 607A governing the
30 appointment of jury commissioners is changed to provide for
31 their appointment by the chief judge of the judicial district
32 and not the judges of the district court in that district.

33 Code section 633.20 is amended to provide that the chief
34 judge of the judicial district, and not the court, shall
35 appoint referees in probate.

1 Code section 905.3, concerning the board of directors of
2 each judicial district department of correctional services, is
3 amended to provide that the members from project advisory
4 committees shall be appointed by the chief judge of the
5 judicial district and not the judges of the judicial district.

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: February 7, 2000

RE: TLSB 5346DP

This bill deals with a number of items relating to judicial administration.

The Code contains a variety of appointments to non-court related positions which are to be made by either the chief judge of the judicial district or by the district judges sitting en banc. The appointments are time-consuming ministerial duties that have no relationship to judicial administration. It would save valuable judicial time and make more sense to transfer the appointing authority to another entity that bears a closer connection to the position.

Sections 1,2,3,4, and 5 transfer the authority to appoint mental health advocates in counties with a population of less than 300,000, acting county attorneys, and members of the county civil service commission from judicial officers to the county board of supervisors.

Additionally, the code contains a variety of court-related appointments that are to be made by the district judges or simply by the district court. It would save judicial time and be more efficient to consolidate these appointments with the chief judge of the judicial district.

Sections 6,13,14,15,16,18, and 19 shift authority to appoint inheritance tax appraisers, temporary court reporters, jury commissioners, probate referees, and judicial representatives to the judicial district adult corrections board of directors from various combinations of district judges to the chief judge of the judicial district. Similarly, section 17 transfers the responsibility for providing instructions to the appointive jury commissions from all district judges to the chief judge of the judicial district.

Sections 7,8,9, and 10 relate to the judicial branch personnel system. Section 602.1401 requires the supreme court to establish a personnel system and pay plan for judicial branch employees. Chapter 20 of the Code authorizes certain non-judicial personnel of the judicial branch to organize for the purposes of collective bargaining. The changes proposed in sections 7,8,9 and 10 of the bill clarify the supreme court's authority to include specific benefits in the personnel system and pay plan. These changes will allow the supreme court the discretion to grant the same benefits to non-covered employees as to those covered by a collective bargaining agreement.

Sections 11 and 12 deal with the allocation of judicial magistrate positions by the state court administrator. Prior to 1989, judicial magistrates served two-year terms, and the positions were allocated among the counties every two years. In 1989, the General Assembly changed the terms of magistrates to four years. It is unnecessary for the state court administrator to continue apportioning these positions every two years. Sections 11 and 12 of the bill revise the Code so that the allocation of judicial magistrates is done only every four years, in the same year as the terms expire.

If you have questions, please contact David Boyd at 281-5241.

H. 3/13/00 Judiciary
H. 3/5/00 Do Pass

FILED FEB 23 2000

SENATE FILE 2303
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3188)

Passed Senate, ^(P. 605) Date 3-9-00 Passed House, ^(P. 977) Date 3/23/00
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 2
Approved 4/6/00

A BILL FOR

1 An Act relating to judicial administration by providing for
2 benefits applicable to judicial branch employees, the
3 allocation of magistrates, and the manner of making certain
4 noncourt and administrative appointments.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 2303

1 Section 1. Section 229.19, Code Supplement 1999, is
2 amended to read as follows:

3 229.19 ADVOCATES -- DUTIES -- COMPENSATION -- STATE AND
4 COUNTY LIABILITY.

5 ~~The district-court-in-each-county-with-a-population-of~~
6 ~~under-three-hundred-thousand-inhabitants-and-the~~ board of
7 supervisors in each county ~~with-a-population-of-three-hundred~~
8 ~~thousand-or-more-inhabitants~~ shall appoint an individual who
9 has demonstrated by prior activities an informed concern for
10 the welfare and rehabilitation of persons with mental illness,
11 and who is not an officer or employee of the department of
12 human services nor of any agency or facility providing care or
13 treatment to persons with mental illness, to act as advocate
14 representing the interests of patients involuntarily
15 hospitalized by the court, in any matter relating to the
16 patients' hospitalization or treatment under section 229.14 or
17 229.15. ~~The court-or-if-the-advocate-is-appointed-by-the~~
18 county board of supervisors, ~~the-board~~ shall assign the
19 advocate appointed from a patient's county of legal settlement
20 to represent the interests of the patient. If a patient has
21 no county of legal settlement, ~~the-court-or-if-the-advocate~~
22 ~~is-appointed-by-the-county-board-of-supervisors,~~ the board
23 shall assign the advocate appointed from the county where the
24 hospital or facility is located to represent the interests of
25 the patient. The advocate's responsibility with respect to
26 any patient shall begin at whatever time the attorney employed
27 or appointed to represent that patient as respondent in
28 hospitalization proceedings, conducted under sections 229.6 to
29 229.13, reports to the court that the attorney's services are
30 no longer required and requests the court's approval to
31 withdraw as counsel for that patient. However, if the patient
32 is found to be seriously mentally impaired at the
33 hospitalization hearing, the attorney representing the patient
34 shall automatically be relieved of responsibility in the case
35 and an advocate shall be assigned to the patient at the

1 conclusion of the hearing unless the attorney indicates an
2 intent to continue the attorney's services and the court so
3 directs. If the court directs the attorney to remain on the
4 case the attorney shall assume all the duties of an advocate.
5 The clerk shall furnish the advocate with a copy of the
6 court's order approving the withdrawal and shall inform the
7 patient of the name of the patient's advocate. With regard to
8 each patient whose interests the advocate is required to
9 represent pursuant to this section, the advocate's duties
10 shall include all of the following:

- 11 1. To review each report submitted pursuant to sections
12 229.14 and 229.15.
 - 13 2. If the advocate is not an attorney, to advise the court
14 at any time it appears that the services of an attorney are
15 required to properly safeguard the patient's interests.
 - 16 3. To make the advocate readily accessible to
17 communications from the patient and to originate
18 communications with the patient within five days of the
19 patient's commitment.
 - 20 4. To visit the patient within fifteen days of the
21 patient's commitment and periodically thereafter.
 - 22 5. To communicate with medical personnel treating the
23 patient and to review the patient's medical records pursuant
24 to section 229.25.
 - 25 6. To file with the court quarterly reports, and
26 additional reports as the advocate feels necessary or as
27 required by the court, in a form prescribed by the court. The
28 reports shall state what actions the advocate has taken with
29 respect to each patient and the amount of time spent.
- 30 The hospital or facility to which a patient is committed
31 shall grant all reasonable requests of the advocate to visit
32 the patient, to communicate with medical personnel treating
33 the patient and to review the patient's medical records
34 pursuant to section 229.25. An advocate shall not disseminate
35 information from a patient's medical records to any other

1 person unless done for official purposes in connection with
2 the advocate's duties pursuant to this chapter or when
3 required by law.

4 ~~The court or if the advocate is appointed by the~~ county
5 board of supervisors, ~~the board~~ shall prescribe reasonable
6 compensation for the services of the advocate. The
7 compensation shall be based upon the reports filed by the
8 advocate with the court. The advocate's compensation shall be
9 paid by the county in which the court is located, ~~either on~~
10 ~~order of the court or if the advocate is appointed by the~~
11 ~~county board of supervisors,~~ on the direction of the county
12 board of supervisors. ~~If the advocate is appointed by the~~
13 ~~court, the advocate is an employee of the state for purposes~~
14 ~~of chapter 669,--if the advocate is appointed by the county~~
15 ~~board of supervisors, the~~ The advocate is an employee of the
16 county for purposes of chapter 670. If the patient or the
17 person who is legally liable for the patient's support is not
18 indigent, the board shall recover the costs of compensating
19 the advocate from that person. If that person has an income
20 level as determined pursuant to section 815.9 greater than one
21 hundred percent but not more than one hundred fifty percent of
22 the poverty guidelines, at least one hundred dollars of the
23 advocate's compensation shall be recovered in the manner
24 prescribed by the county board of supervisors. If that person
25 has an income level as determined pursuant to section 815.9
26 greater than one hundred fifty percent of the poverty
27 guidelines, at least two hundred dollars of the advocate's
28 compensation shall be recovered in substantially the same
29 manner prescribed by the county board of supervisors as
30 provided in section 815.7.

31 Sec. 2. Section 331.321, subsection 1, paragraph p, Code
32 1999, is amended to read as follows:

33 p. ~~One member~~ Two members of the civil service commission
34 for deputy sheriffs in accordance with section 341A.2 or
35 341A.3, and the board may remove the member members in

1 accordance with those sections.

2 Sec. 3. Section 331.754, subsection 1, Code 1999, is
3 amended to read as follows:

4 1. In case of absence, sickness, or disability of the
5 county attorney and the assistant county attorneys, the court
6 ~~before which it is the duty of the county attorney or the~~
7 ~~assistant county attorneys to appear and in which there is~~
8 ~~official business requiring the attention of the county~~
9 ~~attorney or an assistant county attorney,~~ board of supervisors
10 may appoint an attorney to act as county attorney by an order
11 ~~of the court. The board may appoint an acting county attorney~~
12 ~~to provide legal assistance related to the official business~~
13 ~~of any county officer or employee during the absence,~~
14 ~~sickness, or disability of the county attorney and the~~
15 ~~assistant county attorneys.~~ The acting county attorney has
16 the same authority and is subject to the same responsibilities
17 as a county attorney.

18 Sec. 4. Section 341A.2, Code 1999, is amended to read as
19 follows:

20 341A.2 CIVIL SERVICE COMMISSION.

21 Subject to the alternate plan enumerated in section 341A.3,
22 there is created in each county a civil service commission
23 composed of three members. ~~One member~~ Two members shall be
24 appointed by the county board of supervisors, ~~one member shall~~
25 ~~be appointed by the presiding district court judge of each~~
26 ~~county,~~ and one member shall be appointed by the county
27 attorney of each county. ~~Commission members shall be~~
28 ~~appointed within sixty days after August 15, 1973.~~ Appointees
29 to the commission shall be residents of the county for at
30 least two years immediately preceding appointment, and shall
31 be electors. Terms of office shall be six years, however, the
32 initial members of the commission shall be appointed as
33 follows:

34 ~~The member~~ One of the members appointed by the board of
35 supervisors shall serve for a period of two years, ~~the~~ while

1 the other member shall serve for a period of six years and the
2 board shall specify the term of each member so appointed. The
3 member appointed by the county attorney shall serve for a
4 period of four years, ~~and the member appointed by the district~~
5 ~~court judge shall serve for a period of six years.~~

6 Any member of the commission may be removed by the
7 appointing authority for incompetence, dereliction of duty,
8 malfeasance in office, or for other good cause, however, no
9 member of the commission shall be removed until apprised in
10 writing of the nature of the charges against the member and a
11 hearing on such charges has been held before the board of
12 supervisors. In the event a vacancy occurs in the commission
13 for any reason other than expiration of the term, an
14 appointment to fill the vacancy for the unexpired term shall
15 be made in the same manner as the original appointment.

16 A majority vote of the membership of the commission shall
17 be sufficient to transact the business of the commission. Not
18 more than two commissioners shall be members of the same
19 political party. Commissioners shall hold no elective or
20 other appointive public office during their terms of
21 appointment to the commission. Commissioners shall serve
22 without compensation but shall be reimbursed for necessary
23 expense and mileage incurred in the actual performance of
24 their duties.

25 Sec. 5. Section 341A.3, Code 1999, is amended to read as
26 follows:

27 341A.3 COMBINED CIVIL SERVICE SYSTEM.

28 Any combination of counties in this state may, by
29 resolution of the boards of supervisors in each county,
30 establish a combined civil service system to serve such
31 counties. The specific terms of the agreement regarding the
32 operation of the combined civil service system, including the
33 appointment of qualified commissioners, and any other matters
34 pertinent to the operation of such system shall be contained
35 in the resolutions adopted by the respective boards of

1 supervisors of the participating counties. Counties
2 participating in a combined civil service system need not be
3 contiguous.

4 Appointment of commissioners in combined counties shall be
5 by joint meeting of the boards of supervisors, ~~district-court~~
6 ~~judges~~, and county attorneys, respectively. Each group
7 meeting jointly shall appoint one commissioner whose term
8 shall be six years, except that initial terms shall be as
9 provided in section 341A.2.

10 Sec. 6. Section 450.24, Code 1999, is amended to read as
11 follows:

12 450.24 APPRAISERS.

13 In each county, the court chief judge of the judicial
14 district for that county shall, on or before January 15 of
15 each year, appoint three competent residents and freeholders
16 of the county to act as appraisers of the real property within
17 its jurisdiction which is charged or sought to be charged with
18 an inheritance tax. The appraisers shall serve for one year,
19 and until their successors are appointed and qualified. They
20 shall each take an oath to faithfully and impartially perform
21 the duties of the office, but shall not be required to give
22 bond. They shall be subject to removal at any time at the
23 discretion of the court chief judge of the judicial district
24 for that county. The court chief judge may also in ~~its~~ the
25 chief judge's discretion, either before or after the
26 appointment of the regular appraisers, appoint other
27 appraisers to act in any given case. Vacancies occurring
28 otherwise than by expiration of term shall be filled by
29 appointment of the court chief judge of the judicial district
30 for that county. A person interested in any manner in the
31 estate to be appraised shall not serve as an appraiser of that
32 estate.

33 Sec. 7. Section 602.1401, subsection 1, Code 1999, is
34 amended to read as follows:

35 1. The supreme court shall establish, and may amend, a

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

23 Sec. 8. Section 602.1401, subsection 4, Code 1999, is
24 amended to read as follows:

25 4. The supreme court may establish reasonable classes of
26 employees and a pay and benefits plan for the classes of
27 employees as necessary to accomplish the purposes of the
28 personnel system.

29 Sec. 9. Section 602.1401, subsection 5, Code 1999, is
30 amended to read as follows:

31 5. The pay and benefits plan shall set the compensation
32 and benefits of court employees within the funds appropriated
33 by the general assembly.

34 Sec. 10. Section 602.1401, Code 1999, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 6. The benefits plan established by the
2 supreme court may provide for benefits to court employees not
3 covered under a collective bargaining agreement entered into
4 pursuant to chapter 20, notwithstanding any contrary provision
5 of section 70A.1 or 70A.23, consistent with benefits provided
6 to court employees covered under a collective bargaining
7 agreement entered into with the state court administrator
8 pursuant to chapter 20.

9 Sec. 11. Section 602.6401, subsection 2, unnumbered
10 paragraph 1, Code 1999, is amended to read as follows:

11 During By February of each odd-numbered year in which
12 magistrates' terms expire, the state court administrator shall
13 apportion magistrate offices among the counties in accordance
14 with the following criteria:

15 Sec. 12. Section 602.6401, subsection 4, Code 1999, is
16 amended to read as follows:

17 4. During By March of each odd-numbered year in which
18 magistrates' terms expire, the state court administrator shall
19 give notice to the clerks of the district court and to the
20 chief judges of the judicial districts of the number of
21 magistrates to which each county is entitled.

22 Sec. 13. Section 602.6603, subsection 3, Code 1999, is
23 amended to read as follows:

24 3. If a district chief judge of a judicial district
25 determines that it is necessary to employ an additional court
26 reporter because of an extraordinary volume of work, or
27 because of the temporary illness or incapacity of a regular
28 court reporter, the district chief judge may appoint a
29 temporary court reporter who shall serve as required by the
30 district chief judge.

31 Sec. 14. Section 607A.10, Code 1999, is amended to read as
32 follows:

33 607A.10 APPOINTIVE COMMISSION -- MASTER LIST.

34 In each county, the judges-of-the-district-court chief
35 judge of the judicial district in which the county is located

1 shall, on or before March 1 of each odd-numbered year, appoint
2 three competent electors as a jury commission to draw up the
3 master list for the two years beginning the following July 1.
4 The names for the master list shall be taken from the source
5 lists. If all of the source lists are not used to draw up the
6 master list, then the names drawn must be selected in a random
7 manner.

8 Sec. 15. Section 607A.12, Code 1999, is amended to read as
9 follows:

10 607A.12 MANNER OF APPOINTMENT.

11 The appointment shall be in writing signed by ~~three-judges~~
12 the chief judge of the judicial district and shall be filed
13 and made a matter of record in the office of the clerk of the
14 district court.

15 Sec. 16. Section 607A.14, Code 1999, is amended to read as
16 follows:

17 607A.14 VACANCY.

18 If a vacancy occurs in the appointive commission through
19 death, removal or inability of a member of the commission to
20 act, the chief judge or-judges of the judicial district shall
21 appoint a person to act during the remainder of the unexpired
22 term.

23 Sec. 17. Section 607A.16, Code 1999, is amended to read as
24 follows:

25 607A.16 INSTRUCTIONS TO APPOINTIVE COMMISSION.

26 The ~~judges-of-the-district-court~~ chief judge of the
27 judicial district shall give instructions to appointive jury
28 commissioners at the time of their appointment as to their
29 duties, and shall call their attention to sections 607A.1,
30 607A.2, 607A.4 and 607A.22.

31 Sec. 18. Section 633.20, Code Supplement 1999, is amended
32 to read as follows:

33 633.20 REFEREE -- CLERK -- ASSOCIATE PROBATE JUDGE.

34 1. The court chief judge of the judicial district may
35 appoint a referee in probate for the auditing of the accounts

1 of fiduciaries and for the performance of other ministerial
2 duties the court chief judge prescribes. A person shall not
3 be appointed as referee in a matter where the person is acting
4 as a fiduciary or as the attorney.

5 2. The court chief judge of the judicial district may
6 appoint the clerk as referee in probate. In such cases, the
7 fees received by the clerk for serving in the capacity of
8 referee are fees of the office of the clerk of court and shall
9 be deposited in the account established under section
10 602.8108.

11 3. A person appointed as an associate probate judge shall
12 have jurisdiction to audit accounts of fiduciaries and to
13 perform ministerial duties and judicial functions as the court
14 prescribes.

15 Sec. 19. Section 905.3, subsection 1, paragraph c, Code
16 1999, is amended to read as follows:

17 c. A number of members equal to the number of authorized
18 board members from project advisory committees or equal to the
19 number of citizen members shall be appointed by the judges
20 chief judge of the judicial district no later than January 15
21 of each year.

22 EXPLANATION

23 This bill makes changes relating to benefits applicable to
24 judicial branch employees and in the manner of making certain
25 quasi-judicial appointments.

26 Code section 229.19 is amended to provide that the county
27 board of supervisors, regardless of the size of the county,
28 shall appoint a mental health advocate for that county. Under
29 current law, the district court appoints the advocate if the
30 population of the county is less than 300,000 while the county
31 board appoints the advocate if the population is 300,000 or
32 greater.

33 Code section 331.754 is amended to provide that the county
34 board of supervisors, and not the district court, shall
35 appoint an acting county attorney, if necessary, if the county

1 attorney or any assistant county attorneys are unable through
2 sickness, absence, or disability to perform county attorney
3 duties.

4 Code sections 341A.2 and 341A.3 are amended to provide that
5 the county board of supervisors appoint two of the three
6 members to the civil service commission. The appointment of
7 the other member by the county attorney is not changed by this
8 bill. Under current law, the county board of supervisors
9 appoints one member and the presiding district court judge for
10 that court appoints one member of the three members appointed.

11 Code section 450.24 is amended to provide that the chief
12 judge of the judicial district, and not the court, shall
13 appoint inheritance tax appraisers for each county.

14 Code section 602.1401 is amended to provide that the
15 judicial branch can specifically establish a benefits plan for
16 its employees and that the plan can provide benefits to court
17 employees not covered by a collective bargaining agreement
18 similar to those provided to employees covered by such an
19 agreement, notwithstanding general Code provisions applicable
20 to other state employees for sick leave accrual and credit for
21 accrued sick leave.

22 Code section 602.6401 is amended to provide that the
23 requirement of the state court administrator to apportion
24 magistrate offices shall be done in the year in which
25 magistrate's terms end and not every odd-numbered year.

26 Code section 602.6603 is amended to provide that the chief
27 judge of a judicial district, and not a district judge, may
28 appoint a temporary court reporter.

29 The provisions of Code chapter 607A governing the
30 appointment of jury commissioners is changed to provide for
31 their appointment by the chief judge of the judicial district
32 and not the judges of the district court in that district.

33 Code section 633.20 is amended to provide that the chief
34 judge of the judicial district, and not the court, shall
35 appoint referees in probate.

1 Code section 905.3, concerning the board of directors of
2 each judicial district department of correctional services, is
3 amended to provide that the members from project advisory
4 committees shall be appointed by the chief judge of the
5 judicial district and not the judges of the judicial district.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE AMENDMENT TO
SENATE FILE 2303

S-5241

1 Amend Senate File 2303, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 1, through page 3,
4 line 30.

5 2. Page 10, by inserting after line 21 the
6 following:

7 "Sec. ____ . LEGISLATIVE STUDY -- MENTAL HEALTH
8 ADVOCATES. The legislative council of the Iowa
9 general assembly is requested to establish a
10 legislative interim study committee during the 2000
11 interim to review issues related to the statutory
12 requirements for appointing, and compensating, mental
13 health advocates appointed pursuant to Code section
14 229.19. The legislative interim study committee
15 should issue a report to the general assembly by
16 January 1, 2001, concerning its findings and any
17 recommendations."

18 3. Title page, line 4, by inserting after the
19 word "appointments" the following: ", and requesting
20 a legislative study".

21 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5241 FILED MARCH 23, 2000

Senate Concurred

3-27-00

(p. 864)

SENATE FILE 2303

H-8430

- 1 Amend Senate File 2303, as passed by the Senate, as
2 follows:
3 1. By striking page 1, line 1, through page 3,
4 line 30.
5 2. By renumbering as necessary.

By KREIMAN of Davis

H-8430 FILED MARCH 21, 2000

W/D

3/23/00 (p. 976)

SENATE FILE 2303

H-8443

- 1 Amend Senate File 2303, as passed by the Senate, as
2 follows:
3 1. By striking page 1, line 1, through page 3,
4 line 30.
5 2. Page 10, by inserting after line 21 the
6 following:
7 "Sec. ____ . LEGISLATIVE STUDY -- MENTAL HEALTH
8 ADVOCATES. The legislative council of the Iowa
9 general assembly is requested to establish a
10 legislative interim study committee during the 2000
11 interim to review issues related to the statutory
12 requirements for appointing, and compensating, mental
13 health advocates appointed pursuant to Code section
14 229.19. The legislative interim study committee
15 should issue a report to the general assembly by
16 January 1, 2001, concerning its findings and any
17 recommendations."
18 3. Title page, line 4, by inserting after the
19 word "appointments" the following: ", and requesting
20 a legislative study".
21 4. By renumbering as necessary.

By JAGER of Black Hawk
KREIMAN of Davis

H-8443 FILED MARCH 21, 2000

Adopted

3/23/00

(p. 977)

**SENATE FILE 2303
FISCAL NOTE**

A fiscal note for **Senate File 2303** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2303 relates to judicial administration. The Bill makes changes in the manner of making certain quasi-judicial appointments and makes changes relating to benefits applicable to Judicial Branch employees. Sections 1, 2, 3, 4, and 5 transfer the authority to appoint mental health advocates in counties with a population of less than 300,000, acting county attorneys, and members of the county civil service commission from judicial officers to the county board of supervisors. Sections 6, 13, 14, 15, 16, 18, and 19 shift authority to appoint inheritance tax appraisers, temporary court reporters, jury commissioners, probate referees, and judicial representatives to the board of directors of the judicial district department of correctional services from various combinations of district judges to the chief judge of the judicial district. Section 17 transfers the responsibility for providing instructions to the appointive jury commissions from all district judges to the chief judge of the judicial district. Sections 7, 8, 9, and 10 relate to the Judicial Branch's personnel system. Under current law, the Supreme Court is required to establish a personnel system and pay plan for Judicial Branch employees. Certain non-judicial personnel of the Judicial Branch are authorized to organize for the purpose of collective bargaining. The changes proposed in Sections 7, 8, 9, and 10 of Senate File 2303 clarify the Supreme Court's authority to include specific benefits in the personnel system and pay plan. These sections grant the Supreme Court the discretion to provide the same benefits to non-covered employees as to those covered by a collective bargaining agreement. Sections 11 and 12 of the Bill require the allocation of judicial magistrates every four years, in the same year as the terms expire.

ASSUMPTIONS

1. Transferring certain duties to the county board of supervisors will not have a significant impact on the counties.
2. Shifting authority to make certain appointments from district judges to the chief judge of a judicial district will not have a fiscal impact.
3. The provisions relating to the allocation of judicial magistrates has no fiscal impact.
4. Section 9 of Senate File 2303 requires the pay and benefits plan of court employees to be set within the funds appropriated by the General Assembly.
5. The sections relating to the personnel system and pay plan of the Judicial Branch is discretionary, not mandatory. If the Supreme Court makes any changes to the pay and benefits plan, the Judicial Branch is required to cover any resulting increase in expenses within its current budget. Therefore, there should be no fiscal impact for implementing Sections 7, 8, 9, and 10.
6. If the Supreme Court elects to provide the same benefits to staff who are exempt from collective bargaining as those staff who are covered by a

-2-

collective bargaining agreement, there will be a fiscal impact. The current bargaining agreement provides covered staff with the retirement option of converting accrued sick leave to insurance benefits, rather than accepting the dollar value of sick leave up to \$2,000.

7. There are 156 non-contract covered Judicial Branch employees between the ages of 54 and 64, who would be eligible for the retirement option after July 1, 2000.
8. Employees with less than 750 hours of sick leave accrued will have 60.0% of the dollar value applied to insurance benefits.
9. Employees with an accrued sick leave balance between 750 and 1,500 hours will have 80.0% of the dollar value applied to insurance benefits.
10. Employees with an accrued sick leave balance in excess of 1,500 hours will have 100% of the dollar value applied to insurance benefits.
11. Sick leave hours are converted to a dollar value at the current pay rate at the time of the employee's retirement.
12. The annual cost of the health plans range from \$2,209 to \$4,418.
13. The number of years an employee will receive this benefit ranges from one year to ten years (the benefit ceases at the age of 65).
14. No non-contract covered employee will retire before age 55.
15. The participation rate in the retirement option is anticipated to be 50.0%.

FISCAL IMPACT

The fiscal impact of Senate File 2303 cannot be determined, because future pay and benefit changes that may be negotiated are unknown. However, any future changes to Judicial Branch pay and benefits will be funded through the legislative appropriations process. Also, if the Supreme Court chooses to implement the retirement option, the cost to the Judicial Branch's operating budget is estimated to be approximately \$91,000 during FY 2001, \$119,000 during FY 2002, \$132,000 during FY 2003, and \$159,000 during FY 2004.

SOURCES

State Court Administrator's Office
Department of Management

(LSB 5346SV, BAL)

FILED MARCH 2, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2303
FISCAL NOTE**

A fiscal note for **Senate File 2303 as passed by the House** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2303 as passed by the House relates to judicial administration. The Bill makes changes in the manner of making certain quasi-judicial appointments and makes changes relating to benefits applicable to Judicial Branch employees. Senate File 2303 as passed by the House transfers the authority to appoint acting county attorneys, and members of the county civil service commission from judicial officers to the county board of supervisors. The Bill shifts authority to appoint inheritance tax appraisers, temporary court reporters, jury commissioners, probate referees, and judicial representatives to the board of directors of the judicial district department of correctional services from various combinations of district judges to the chief judge of the judicial district. The Bill transfers the responsibility for providing instructions to the appointive jury commissions from all district judges to the chief judge of the judicial district. Senate File 2303 as passed by the House relates to the Judicial Branch's personnel system. Under current law, the Supreme Court is required to establish a personnel system and pay plan for Judicial Branch employees. Certain non-judicial personnel of the Judicial Branch are authorized to organize for the purpose of collective bargaining. The changes proposed in Senate File 2303 as passed by the House clarify the Supreme Court's authority to include specific benefits in the personnel system and pay plan. These sections grant the Supreme Court the discretion to provide the same benefits to non-covered employees as to those covered by a collective bargaining agreement. The Bill requires the allocation of judicial magistrates every four years, in the same year as the terms expire. A legislative interim study committee is requested to review issues related to the statutory requirements for appointing and compensating mental health advocates.

ASSUMPTIONS

1. Transferring certain duties to the county board of supervisors will not have a significant impact on the counties.
2. Shifting authority to make certain appointments from district judges to the chief judge of a judicial district will not have a fiscal impact.
3. The provisions relating to the allocation of judicial magistrates has no fiscal impact.
4. Senate File 2303 as passed by the House requires the pay and benefits plan of court employees to be set within the funds appropriated by the General Assembly.
5. The sections relating to the personnel system and pay plan of the Judicial Branch is discretionary, not mandatory. If the Supreme Court makes any changes to the pay and benefits plan, the Judicial Branch is required to cover any resulting increase in expenses within its current budget. Therefore, there should be no fiscal impact for implementing these

-2-

sections.

6. If the Supreme Court elects to provide the same benefits to staff who are exempt from collective bargaining as those staff who are covered by a collective bargaining agreement, there will be a fiscal impact. The current bargaining agreement provides covered staff with the retirement option of converting accrued sick leave to insurance benefits, rather than accepting the dollar value of sick leave up to \$2,000.
7. There are 156 non-contract covered Judicial Branch employees between the ages of 54 and 64 who would be eligible for the retirement option after July 1, 2000.
8. Employees with less than 750 hours of sick leave accrued will have 60.0% of the dollar value applied to insurance benefits.
9. Employees with an accrued sick leave balance between 750 and 1,500 hours will have 80.0% of the dollar value applied to insurance benefits.
10. Employees with an accrued sick leave balance in excess of 1,500 hours will have 100.0% of the dollar value applied to insurance benefits.
11. Sick leave hours are converted to a dollar value at the current pay rate at the time of the employee's retirement.
12. The annual cost of the health plans range from \$2,209 to \$4,418.
13. The number of years an employee will receive this benefit ranges from one year to ten years (the benefit ceases at the age of 65).
14. No non-contract covered employee will retire before age 55.
15. The participation rate in the retirement option is anticipated to be 50.0%.

FISCAL IMPACT

The fiscal impact of Senate File 2303 as passed by the House cannot be determined, because future pay and benefit changes that may be negotiated are unknown. However, any future changes to Judicial Branch pay and benefits will be funded through the legislative appropriations process. Also, if the Supreme Court chooses to implement the retirement option, the cost to the Judicial Branch's operating budget is estimated to be approximately \$91,000 during FY 2001, \$119,000 during FY 2002, \$132,000 during FY 2003, and \$159,000 during FY 2004.

SOURCES

State Court Administrator's Office
Department of Management

(LSB 5346SV.2, BAL)

FILED MARCH 28, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2303

AN ACT

RELATING TO JUDICIAL ADMINISTRATION BY PROVIDING FOR BENEFITS APPLICABLE TO JUDICIAL BRANCH EMPLOYEES, THE ALLOCATION OF MAGISTRATES, AND THE MANNER OF MAKING CERTAIN NONCOURT AND ADMINISTRATIVE APPOINTMENTS, AND REQUESTING A LEGISLATIVE STUDY.

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

Section 1. Section 331.321, subsection 1, paragraph p, Code 1999, is amended to read as follows:

p. ~~One member~~ Two members of the civil service commission for deputy sheriffs in accordance with section 341A.2 or 341A.3, and the board may remove the member members in accordance with those sections.

Sec. 2. Section 331.754, subsection 1, Code 1999, is amended to read as follows:

1. In case of absence, sickness, or disability of the county attorney and the assistant county attorneys, the court before which it is the duty of the county attorney or the assistant county attorneys to appear and in which there is official business requiring the attention of the county attorney or an assistant county attorney, board of supervisors may appoint an attorney to act as county attorney by an order of the court. ~~The board may appoint an acting county attorney to provide legal assistance related to the official business~~

~~of any county officer or employee during the absence, sickness, or disability of the county attorney and the assistant county attorneys.~~ The acting county attorney has the same authority and is subject to the same responsibilities as a county attorney.

Sec. 3. Section 341A.2, Code 1999, is amended to read as follows:

341A.2 CIVIL SERVICE COMMISSION.

Subject to the alternate plan enumerated in section 341A.3, there is created in each county a civil service commission composed of three members. ~~One member~~ Two members shall be appointed by the county board of supervisors, ~~one member shall be appointed by the presiding district court judge of each county,~~ and one member shall be appointed by the county attorney of each county. ~~Commission members shall be appointed within sixty days after August 15, 1979.~~ Appointees to the commission shall be residents of the county for at least two years immediately preceding appointment, and shall be electors. Terms of office shall be six years, however, the initial members of the commission shall be appointed as follows:

~~The member~~ One of the members appointed by the board of supervisors shall serve for a period of two years, the while the other member shall serve for a period of six years and the board shall specify the term of each member so appointed. The member appointed by the county attorney shall serve for a period of four years, ~~and the member appointed by the district court judge shall serve for a period of six years.~~

Any member of the commission may be removed by the appointing authority for incompetence, dereliction of duty, malfeasance in office, or for other good cause, however, no member of the commission shall be removed until apprised in writing of the nature of the charges against the member and a hearing on such charges has been held before the board of supervisors. In the event a vacancy occurs in the commission

ST-2303

for any reason other than expiration of the term, an appointment to fill the vacancy for the unexpired term shall be made in the same manner as the original appointment.

A majority vote of the membership of the commission shall be sufficient to transact the business of the commission. Not more than two commissioners shall be members of the same political party. Commissioners shall hold no elective or other appointive public office during their terms of appointment to the commission. Commissioners shall serve without compensation but shall be reimbursed for necessary expense and mileage incurred in the actual performance of their duties.

Sec. 4. Section 341A.3, Code 1999, is amended to read as follows:

341A.3 COMBINED CIVIL SERVICE SYSTEM.

Any combination of counties in this state may, by resolution of the boards of supervisors in each county, establish a combined civil service system to serve such counties. The specific terms of the agreement regarding the operation of the combined civil service system, including the appointment of qualified commissioners, and any other matters pertinent to the operation of such system shall be contained in the resolutions adopted by the respective boards of supervisors of the participating counties. Counties participating in a combined civil service system need not be contiguous.

Appointment of commissioners in combined counties shall be by joint meeting of the boards of supervisors, ~~district court judges,~~ and county attorneys, respectively. Each group meeting jointly shall appoint one commissioner whose term shall be six years, except that initial terms shall be as provided in section 341A.2.

Sec. 5. Section 450.24, Code 1999, is amended to read as follows:

450.24 APPRAISERS.

In each county, the court chief judge of the judicial district for that county shall, on or before January 15 of each year, appoint three competent residents and freeholders of the county to act as appraisers of the real property within its jurisdiction which is charged or sought to be charged with an inheritance tax. The appraisers shall serve for one year, and until their successors are appointed and qualified. They shall each take an oath to faithfully and impartially perform the duties of the office, but shall not be required to give bond. They shall be subject to removal at any time at the discretion of the court chief judge of the judicial district for that county. The court chief judge may also in ~~its~~ the chief judge's discretion, either before or after the appointment of the regular appraisers, appoint other appraisers to act in any given case. Vacancies occurring otherwise than by expiration of term shall be filled by appointment of the court chief judge of the judicial district for that county. A person interested in any manner in the estate to be appraised shall not serve as an appraiser of that estate.

Sec. 6. Section 602.1401, subsection 1, Code 1999, is amended to read as follows:

1. The supreme court shall establish, and may amend, a personnel system and a pay and benefits 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 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.

Sec. 7. Section 602.1401, subsection 4, Code 1999, is amended to read as follows:

4. The supreme court may establish reasonable classes of employees and a pay and benefits plan for the classes of employees as necessary to accomplish the purposes of the personnel system.

Sec. 8. Section 602.1401, subsection 5, Code 1999, is amended to read as follows:

5. The pay and benefits plan shall set the compensation and benefits of court employees within the funds appropriated by the general assembly.

Sec. 9. Section 602.1401, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The benefits plan established by the supreme court may provide for benefits to court employees not covered under a collective bargaining agreement entered into pursuant to chapter 20, notwithstanding any contrary provision of section 70A.1 or 70A.23, consistent with benefits provided to court employees covered under a collective bargaining agreement entered into with the state court administrator pursuant to chapter 20.

Sec. 10. Section 602.6401, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

During By February of each odd-numbered year in which magistrates' terms expire, the state court administrator shall

apportion magistrate offices among the counties in accordance with the following criteria:

Sec. 11. Section 602.6401, subsection 4, Code 1999, is amended to read as follows:

4. During By March of each odd-numbered year in which magistrates' terms expire, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled.

Sec. 12. Section 602.6603, subsection 3, Code 1999, is amended to read as follows:

3. If a district chief judge of a judicial district determines that it is necessary to employ an additional court reporter because of an extraordinary volume of work, or because of the temporary illness or incapacity of a regular court reporter, the district chief judge may appoint a temporary court reporter who shall serve as required by the district chief judge.

Sec. 13. Section 607A.10, Code 1999, is amended to read as follows:

607A.10 APPOINTIVE COMMISSION -- MASTER LIST.

In each county, the judges-of-the-district-court chief judge of the judicial district in which the county is located shall, on or before March 1 of each odd-numbered year, appoint three competent electors as a jury commission to draw up the master list for the two years beginning the following July 1. The names for the master list shall be taken from the source lists. If all of the source lists are not used to draw up the master list, then the names drawn must be selected in a random manner.

Sec. 14. Section 607A.12, Code 1999, is amended to read as follows:

607A.12 MANNER OF APPOINTMENT.

The appointment shall be in writing signed by three-judges the chief judge of the judicial district and shall be filed

and made a matter of record in the office of the clerk of the district court.

Sec. 15. Section 607A.14, Code 1999, is amended to read as follows:

607A.14 VACANCY.

If a vacancy occurs in the appointive commission through death, removal or inability of a member of the commission to act, the chief judge or judges of the judicial district shall appoint a person to act during the remainder of the unexpired term.

Sec. 16. Section 607A.16, Code 1999, is amended to read as follows:

607A.16 INSTRUCTIONS TO APPOINTIVE COMMISSION.

The ~~judges-of-the-district-court~~ chief judge of the judicial district shall give instructions to appointive jury commissioners at the time of their appointment as to their duties, and shall call their attention to sections 607A.1, 607A.2, 607A.4 and 607A.22.

Sec. 17. Section 633.20, Code Supplement 1999, is amended to read as follows:

633.20 REFEREE -- CLERK -- ASSOCIATE PROBATE JUDGE.

1. The court chief judge of the judicial district may appoint a referee in probate for the auditing of the accounts of fiduciaries and for the performance of other ministerial duties the court chief judge prescribes. A person shall not be appointed as referee in a matter where the person is acting as a fiduciary or as the attorney.

2. The court chief judge of the judicial district may appoint the clerk as referee in probate. In such cases, the fees received by the clerk for serving in the capacity of referee are fees of the office of the clerk of court and shall be deposited in the account established under section 602.8108.

3. A person appointed as an associate probate judge shall have jurisdiction to audit accounts of fiduciaries and to

perform ministerial duties and judicial functions as the court prescribes.

Sec. 18. Section 905.3, subsection 1, paragraph c, Code 1999, is amended to read as follows:

c. A number of members equal to the number of authorized board members from project advisory committees or equal to the number of citizen members shall be appointed by the ~~judges~~ chief judge of the judicial district no later than January 15 of each year.

Sec. 19. LEGISLATIVE STUDY -- MENTAL HEALTH ADVOCATES. The legislative council of the Iowa general assembly is requested to establish a legislative interim study committee during the 2000 interim to review issues related to the statutory requirements for appointing, and compensating, mental health advocates appointed pursuant to Code section 229.19. The legislative interim study committee should issue a report to the general assembly by January 1, 2001, concerning its findings and any recommendations.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2303, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL

Approved 4/6, 2000

Secretary of the Senate

THOMAS J. VILSACK
Governor