

MAR 14 2003
Place On Calendar

HOUSE FILE **573**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 74)

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

A BILL FOR

1 An Act making changes to the procedures related to reorganizing
2 judicial districts and judicial election districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 573

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H-1105

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1 Amend House File 573 as follows:

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2 1. Page 1, by striking lines 27 through 34 and
3 inserting the following: "districts."

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By SWAIM of Davis

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H-1105 FILED MARCH 19, 2003

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HOUSE FILE 573

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H-1136

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1 Amend House File 573 as follows:

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2 1. Page 2, by inserting after line 28 the
3 following:

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4 "Sec. ____ . Section 602.8102, subsection 1, Code
5 2003, is amended to read as follows:

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6 1. Keep the office of the clerk at the county
7 seat, and be open to the public for court business on
8 a uniform basis throughout the state."

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9 2. Title page, line 2, by striking the words "and
10 judicial election districts" and inserting the
11 following: ", judicial election districts, and the
12 clerks of the district court".

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13 3. By renumbering as necessary.

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By EICHHORN of Hamilton

H-1136 FILED MARCH 24, 2003

HF 573

1 Section 1. Section 602.6107, Code 2003, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL
5 ELECTION DISTRICTS.

6 1. The supreme court shall, at least every ten years,
7 review the division of the state into judicial districts and
8 judicial election districts in order to determine whether the
9 composition or the total number of the judicial districts and
10 judicial election districts is the most efficient and
11 effective administration of the district court and the
12 judicial branch.

13 2. If the supreme court determines that the administration
14 of the district court and the judicial branch would be made
15 more efficient and effective by reorganizing the judicial
16 districts and judicial election districts, which may include
17 expanding or contracting the total number of judicial
18 districts and judicial election districts, the supreme court
19 shall develop and submit to the general assembly by November
20 15 a plan that reorganizes the judicial districts and judicial
21 election districts. The legislative service bureau shall
22 draft a bill embodying the plan for submission by the supreme
23 court to the general assembly. The bill shall take effect
24 upon the general assembly passing legislation, which is
25 approved by the governor including an effective date for the
26 reorganization of the judicial districts and judicial election
27 districts. The general assembly shall bring the bill to a
28 vote in either the senate or the house of representatives
29 within thirty days of the bill's submission by the supreme
30 court to the general assembly, under a procedure or rule
31 permitting no amendments by either house except those of a
32 purely corrective nature. If both houses pass the bill, the
33 bill shall be presented as any other bill to the governor for
34 approval.

35 3. The composition of the judicial districts in section

1 602.6107, Code 2003, and judicial election districts in
2 section 602.6109, Code 2003, shall remain in effect until the
3 division of the state into judicial districts and judicial
4 election districts is modified pursuant to this section.

5 4. It is the intent of the general assembly that the
6 supreme court prior to developing a plan pursuant to this
7 section consult with and receive input from members of the
8 general public, court employees, judges, members of the
9 general assembly, the judicial departments of correctional
10 services, county officers, officials from other interested
11 political subdivisions, and attorneys. In submitting a plan
12 pursuant to this section, the supreme court shall also submit
13 to the general assembly a report stating the reasons for
14 developing the plan and describing in detail the process used
15 in developing the plan.

16 Sec. 2. Section 602.6109, Code 2003, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPS.

20 1. The reorganized judicial election districts established
21 pursuant to section 602.6107 shall be used solely for purposes
22 of nomination, appointment, and retention of judges of the
23 district court.

24 2. If the judicial election districts are reorganized
25 under section 602.6107, the state court administrator shall
26 reapportion the number of judgeships to which each judicial
27 election district is entitled. The reapportionment shall be
28 determined according to section 602.6201, subsection 3.

29 EXPLANATION

30 This bill relates to reorganizing judicial districts and
31 judicial election districts.

32 The bill provides that the supreme court shall, at least
33 every 10 years, review the division of the state into judicial
34 districts and judicial election districts in order to
35 determine whether the current composition of the judicial

1 districts and judicial election districts is the most
2 efficient and effective administration of the district courts
3 and the judicial branch.

4 Under the bill, if the supreme court determines that
5 reorganizing the judicial districts and judicial election
6 districts would bring about more efficiencies and be more
7 effective for the administration of the district court and
8 judicial branch, the supreme court shall develop and submit a
9 reorganization plan to the general assembly by November 15.

10 The bill provides that the legislative service bureau shall
11 draft legislation embodying the reorganization plan for
12 submission to the general assembly. The general assembly
13 shall bring the legislation to a vote within 30 days of the
14 legislation's submission by the supreme court, under a
15 procedure or rule permitting no amendments by either house
16 except those that are of a purely corrective nature. The bill
17 must pass both houses and be approved by the governor to
18 become law.

19 The bill provides that the supreme court, prior to
20 developing the reorganization plan, shall consult and receive
21 input from members of the general public, court employees,
22 judges, members of the general assembly, the judicial
23 departments of correctional services, county officers,
24 officials from other interested political subdivisions, and
25 attorneys.

26 The bill provides that the current composition of the
27 judicial districts in Code section 602.6107 and judicial
28 election districts in Code section 602.6109 shall remain in
29 effect until the composition of the judicial districts and
30 judicial election districts is modified using the procedure
31 outlined in this bill.

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H-1135

1 Amend House File 573 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 39.17, unnumbered paragraph 1,
5 Code 2003, is amended to read as follows:

6 There shall be elected in each county at the
7 general election to be held in the year 1976 and every
8 four years thereafter, an auditor and a sheriff, each
9 to hold office for a term of four years. If the
10 county board of supervisors makes the office of the
11 clerk of the district court an elective office
12 pursuant to section 331.701, a clerk of the district
13 court shall be elected for a term of four years in
14 each county at the general election to be held in the
15 year 2004 and every four years thereafter.

16 Sec. 2. NEW SECTION. 331.701 OFFICE OF CLERK OF
17 THE DISTRICT COURT.

18 1. Notwithstanding sections 602.1215 and 602.1216,
19 the county board of supervisors may adopt an ordinance
20 making the office of clerk of the district court an
21 elective office except that if a vacancy occurs in the
22 office, a successor shall be appointed to the
23 unexpired term as provided in chapter 69.

24 2. A person elected or appointed to the office of
25 county clerk of the district court shall qualify by
26 taking the oath of office as provided in section 63.10
27 and give bond as provided in section 64.10.

28 3. The term of office of the clerk is four years.

29 4. The duties and responsibilities of an elected
30 clerk of the district court are the same as an
31 appointed clerk of the district court under sections
32 602.8101 through 602.8109.

33 5. The clerk of the district court and employees
34 in the clerk's office shall become county employees on
35 January 1 of the year following the election of the
36 clerk.

37 Sec. 3. Section 602.1303, Code 2003, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 10. A county shall pay all
40 expenses of the office of the clerk of the district
41 court if the county board of supervisors makes the
42 office an elective office pursuant to section
43 331.701."

44 2. Page 2, by inserting after line 28 the
45 following:

46 "Sec. ____ . NEW SECTION. 602.8108B CLERK OF COURT
47 ELECTIVE OFFICE -- DISTRIBUTION OF COURT REVENUE.

48 If a county board of supervisors makes the office
49 of clerk of the district court an elective office,
50 notwithstanding contrary provisions of section

H-1135

H-1135

Page 2

1 602.8106, subsection 4, and section 602.8108, fifty
2 percent of any fine, penalty, court cost, fee,
3 forfeited bail, or surcharge collected by the clerk of
4 the district court and submitted to the treasurer of
5 state or the state court administrator pursuant to
6 section 602.8105, 602.8106, or 602.8107 or any other
7 Code provision shall be remitted to the county."

8 3. Title page, line 2, by inserting after the
9 words "election districts" the following: ", and
10 making the clerk of the district court an elective
11 office".

12 4. By renumbering as necessary.

By EICHHORN of Hamilton

H-1135 FILED MARCH 24, 2003

HOUSE FILE 573

H-1174

1 Amend House File 573 as follows:

2 1. Page 1, by striking lines 18 through 21, and
3 inserting the following: "districts and judicial
4 election districts, a ten-member committee appointed
5 by the legislative council shall develop a plan that
6 reorganizes the judicial districts and judicial
7 election districts. The committee shall consist of
8 five members of the senate and five members of the
9 house of representatives, of which three members shall
10 be from the majority party and two members shall be
11 from the minority party for each chamber. The
12 committee shall develop and submit a plan to the
13 general assembly by November 15 that reorganizes the
14 judicial districts and judicial election districts.
15 The legislative service bureau shall".

16 2. Page 1, lines 22 and 23, by striking the words
17 "by the supreme court".

18 3. Page 1, lines 29 and 30, by striking the words
19 "by the supreme court".

20 4. Page 2, line 6, by striking the words "supreme
21 court" and inserting the following: "committee".

22 5. Page 2, line 12, by striking the words
23 "supreme court" and inserting the following: .
24 "committee".

By EICHHORN of Hamilton
SWAIM of Davis

H-1174 FILED MARCH 26, 2003

HOUSE FILE 573

H-1200

1 Amend House File 573 as follows:

2 1. Page 2, by inserting after line 28 the
3 following:

4 "Sec. ____ JUDICIAL DISTRICT REDISTRICTING --
5 INTERIM STUDY. The legislative council is requested
6 to authorize a judicial district redistricting interim
7 study committee to review the current organization of
8 the judicial branch into judicial districts. The
9 committee in making recommendations on redistricting
10 shall consider efficiencies and costs savings
11 achieved, access to the courts, and overall judicial
12 administration. The study committee shall consist of
13 two members of the general assembly appointed by the
14 legislative council, a representative of the judicial
15 branch, a representative of the Iowa state bar
16 association, a representative of the county attorneys
17 association, and a clerk of the district court. The
18 committee shall submit a report of findings and
19 recommendations to the governor and the general
20 assembly on or before December 15, 2003. Any
21 recommendations of the committee shall not include a
22 voting procedure that prohibits amendments. The
23 recommendations may include that the current
24 organization of the judicial branch into judicial
25 districts is sufficient."

26 2. By renumbering as necessary.

By KUHN of Floyd
MERTZ of Kossuth

H-1200 FILED MARCH 31, 2003

HOUSE FILE 573*

H-1220

1 Amend House File 573 as follows:

2 1. Page 1, lines 4 and 5, by striking the words
3 "AND JUDICIAL ELECTION DISTRICTS".

4 2. Page 1, lines 7 and 8, by striking the words
5 "and judicial election districts".

6 3. Page 1, lines 9 and 10, by striking the words
7 "and judicial election districts".

8 4. Page 1, line 16, by striking the words "and
9 judicial election districts".

10 5. Page 1, line 18, by striking the words "and
11 judicial election districts".

12 6. Page 1, lines 20 and 21, by striking the words
13 "and judicial election districts".

14 7. Page 1, lines 26 and 27, by striking the words
15 "and judicial election districts".

16 8. Page 2, lines 1 and 2, by striking the words
17 "and judicial election districts in section 602.6109,
18 Code 2003,".

19 9. Page 2, lines 3 and 4, by striking the words
20 "and judicial election districts".

21 10. Page 2, by striking lines 16 through 28.

22 11. Title page, line 2, by striking the words
23 "and judicial election districts".

By EICHHORN of Hamilton

H-1220 FILED APRIL 1, 2003

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H-1201

1 Amend House File 573 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. JUDICIAL REDISTRICTING -- COMMISSION.

5 1. The supreme court shall form a commission to
6 develop a plan to reorganize the judicial districts
7 and judicial election districts. The commission shall
8 be comprised of eleven members selected in the
9 following manner:

10 a. Two members of the general assembly selected by
11 the legislative council.

12 b. Two members of the judicial branch, one member
13 selected by the supreme court from the state court
14 administrator's office and one member selected by the
15 eight chief judges from the district court
16 administration.

17 c. Two clerks of the district court, one clerk
18 from a rural county and one clerk from an urban
19 county. The clerks of the district court shall be
20 selected by a majority vote of the clerks of the
21 district court in the state.

22 d. One attorney licensed in Iowa selected by the
23 Iowa state bar association.

24 e. Two members of the general public, one member
25 selected by the governor and one member selected by
26 the legislative council.

27 f. One district judge selected by the Iowa judges
28 association.

29 g. One member of the judicial district department
30 of correctional services selected by a majority vote
31 of the directors of the judicial district department.

32 2. The commission shall issue a report to the
33 general assembly by December 15, 2003, containing its
34 findings and recommended plan. The plan shall include
35 the reasons for developing the plan and describing in
36 detail the process used in its development. The
37 recommendations may include that the current
38 organization of the judicial branch into judicial
39 districts is sufficient. Any recommendations of the
40 commission shall not include a voting procedure that
41 prohibits amendments."

42 2. Title page, line 1, by striking the words
43 "making changes to the procedures".

By KUHN of Floyd

MERTZ of Kossuth

H-1201 FILED MARCH 31, 2003

Maddox, Ch
Dennis
Swaim

Succeeded By
0573

HSB 74
JUDICIARY

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

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

A BILL FOR

1 An Act making changes to the procedures related to reorganizing
2 judicial districts and judicial election districts.

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

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1 Section 1. Section 602.6107, Code 2003, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL
5 ELECTION DISTRICTS.

6 1. The supreme court shall, at least every ten years,
7 review the division of the state into judicial districts and
8 judicial election districts in order to determine whether the
9 composition or the total number of the judicial districts and
10 judicial election districts is the most efficient and
11 effective administration of the district court and the
12 judicial branch.

13 2. If the supreme court determines that the administration
14 of the district court and the judicial branch would be made
15 more efficient and effective by reorganizing the judicial
16 districts and judicial election districts, which may include
17 expanding or contracting the total number of judicial
18 districts and judicial election districts, the supreme court
19 shall develop and submit to the general assembly by November
20 15 a plan that reorganizes the judicial districts and judicial
21 election districts. The legislative service bureau shall
22 draft a bill embodying the plan for submission by the supreme
23 court to the general assembly. The bill shall take effect
24 upon the general assembly passing legislation, which is
25 approved by the governor including an effective date for the
26 reorganization of the judicial districts and judicial election
27 districts. The general assembly shall bring the bill to a
28 vote in either the senate or the house of representatives
29 within thirty days of the bill's submission by the supreme
30 court to the general assembly, under a procedure or rule
31 permitting no amendments by either house except those of a
32 purely corrective nature. If both houses pass the bill, the
33 bill shall be presented as any other bill to the governor for
34 approval.

35 3. The composition of the judicial districts in section

1 602.6107, Code 2003, and judicial election districts in
2 section 602.6109, Code 2003, shall remain in effect until the
3 division of the state into judicial districts and judicial
4 election districts is modified pursuant to this section.

5 4. It is the intent of the general assembly that the
6 supreme court prior to developing a plan pursuant to this
7 section consult with and receive input from members of the
8 general public, court employees, judges, members of the
9 general assembly, the judicial departments of correctional
10 services, county officers, officials from other interested
11 political subdivisions, and attorneys. In submitting a plan
12 pursuant to this section, the supreme court shall also submit
13 to the general assembly a report stating the reasons for
14 developing the plan and describing in detail the process used
15 in developing the plan.

16 Sec. 2. Section 602.6109, Code 2003, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPS.

20 1. The reorganized judicial election districts established
21 pursuant to section 602.6107 shall be used solely for purposes
22 of nomination, appointment, and retention of judges of the
23 district court.

24 2. If the judicial election districts are reorganized
25 under section 602.6107, the state court administrator shall
26 reapportion the number of judgeships to which each judicial
27 election district is entitled. The reapportionment shall be
28 determined according to section 602.6201, subsection 3.

29 EXPLANATION

30 This bill relates to reorganizing judicial districts and
31 judicial election districts.

32 The bill provides that the supreme court shall, at least
33 every 10 years, review the division of the state into judicial
34 districts and judicial election districts in order to
35 determine whether the current composition of the judicial

1 districts and judicial election districts is the most
2 efficient and effective administration of the district courts
3 and the judicial branch.

4 Under the bill, if the supreme court determines that
5 reorganizing the judicial districts and judicial election
6 districts would bring about more efficiencies and be more
7 effective for the administration of the district court and
8 judicial branch, the supreme court shall develop and submit a
9 reorganization plan to the general assembly by November 15.

10 The bill provides that the legislative service bureau shall
11 draft legislation embodying the reorganization plan for
12 submission to the general assembly. The general assembly
13 shall bring the legislation to a vote within 30 days of the
14 legislation's submission by the supreme court, under a
15 procedure or rule permitting no amendments by either house
16 except those that are of a purely corrective nature. The bill
17 must pass both houses and be approved by the governor to
18 become law.

19 The bill provides that the supreme court, prior to
20 developing the reorganization plan, shall consult and receive
21 input from members of the general public, court employees,
22 judges, members of the general assembly, the judicial
23 departments of correctional services, county officers,
24 officials from other interested political subdivisions, and
25 attorneys.

26 The bill provides that the current composition of the
27 judicial districts in Code section 602.6107 and judicial
28 election districts in Code section 602.6109 shall remain in
29 effect until the composition of the judicial districts and
30 judicial election districts is modified using the procedure
31 outlined in this bill.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: JANUARY 29, 2003

RE: TLSB 1212DP

The purpose of the proposed amendments is to create a regular and systematic process for evaluating the structure of Iowa's judicial districts and judicial election districts. The proposed bill would require the Supreme Court to review the districts at least every ten years to determine whether the composition of the districts is efficient and effective for purposes of court administration. The bill would require the court to submit a plan to the General Assembly if the court determines that the administration of justice would be made more efficient and effective by reorganizing the judicial districts and judicial election districts. The General Assembly would be required to bring the bill to a vote under a rule allowing only corrective amendments.