

Withdrawn 4/28/03  
HB 694 substitute

FILED MAR 17 '03

SENATE FILE 418  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1137)

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

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

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the judicial branch by changing procedures for  
2 appointing or nominating a judge, or magistrate, by  
3 authorizing the voluntary transfer of a district judge, by  
4 prohibiting members of a judicial nominating commission from  
5 voting on certain nominees, and by apportioning judgeships  
6 among the judicial election districts.

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

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SF 418

1 Section 1. Section 46.12, unnumbered paragraph 1, Code  
2 2003, is amended to read as follows:

3 When a vacancy occurs or will occur within one hundred  
4 twenty days in the supreme court, the court of appeals, or  
5 district court, the state commissioner of elections shall  
6 forthwith so notify the chairperson of the proper judicial  
7 nominating commission, unless the chief justice has ordered  
8 the state commissioner of elections to delay sending the  
9 notification. The chief justice may order the delay for up to  
10 one hundred eighty days for budgetary reasons. The  
11 chairperson shall call a meeting of the commission within ten  
12 days after such notice; if the chairperson fails to do so, the  
13 chief justice shall call such meeting.

14 Sec. 2. Section 46.14, Code 2003, is amended to read as  
15 follows:

16 46.14 NOMINATION.

17 1. Each judicial nominating commission shall carefully  
18 consider the individuals available for judge, and within sixty  
19 days after receiving notice of a vacancy shall certify to the  
20 governor and the chief justice the proper number of nominees,  
21 in alphabetical order. Such nominees shall be chosen by the  
22 affirmative vote of a majority of the full statutory number of  
23 commissioners upon the basis of their qualifications and  
24 without regard to political affiliation. Nominees shall be  
25 members of the bar of Iowa, shall be residents of the state or  
26 district of the court to which they are nominated, and shall  
27 be of such age that they will be able to serve an initial and  
28 one regular term of office to which they are nominated before  
29 reaching the age of seventy-two years. Nominees for district  
30 judge shall file a certified application form, to be provided  
31 by the supreme court, with the chairperson of the district  
32 judicial nominating commission. ~~No person shall be eligible~~  
33 ~~for nomination by a commission as judge during the term for~~  
34 ~~which the person was elected or appointed to that commission.~~  
35 Absence of a commissioner or vacancy upon the commission shall

1 not invalidate a nomination. The chairperson of the  
2 commission shall promptly certify the names of the nominees,  
3 in alphabetical order, to the governor and the chief justice.

4 2. A commissioner shall not be eligible for nomination by  
5 the commission during the term for which the commissioner was  
6 elected or appointed to that commission. A commissioner shall  
7 not be eligible to vote for the nomination of a family member,  
8 current law partner, or current business partner. For  
9 purposes of this subsection, "family member" means a spouse,  
10 son, daughter, brother, sister, uncle, aunt, first cousin,  
11 nephew, niece, father-in-law, mother-in-law, son-in-law,  
12 daughter-in-law, brother-in-law, sister-in-law, father,  
13 mother, stepfather, stepmother, stepson, stepdaughter,  
14 stepbrother, stepsister, half brother, or half sister.

15 Sec. 3. Section 602.1501, subsection 4, Code 2003, is  
16 amended to read as follows:

17 4. District associate judges shall receive the salary set  
18 by the general assembly. ~~However, an alternate district~~  
19 ~~associate judge whose appointment is authorized under section~~  
20 ~~602.6303 shall receive a salary for each day of actual duty~~  
21 ~~equal to a district associate judge's daily salary.~~

22 Sec. 4. Section 602.1604, Code 2003, is amended to read as  
23 follows:

24 602.1604 JUDGES SHALL NOT PRACTICE LAW.

25 While holding office, a supreme court justice, court of  
26 appeals judge, district judge, or district associate judge  
27 shall not practice as an attorney or counselor or give advice  
28 in relation to any action pending or about to be brought in  
29 any of the courts of the state. ~~A person whose appointment as~~  
30 ~~an alternate district associate judge is authorized under~~  
31 ~~section 602.6303 may practice law except when actually serving~~  
32 ~~as a district associate judge.~~

33 Sec. 5. Section 602.1611, subsection 2, Code 2003, is  
34 amended by striking the subsection.

35 Sec. 6. Section 602.6201, subsections 5 and 6, Code 2003,

1 are amended to read as follows:

2 5. ~~In those judicial election districts having more~~  
3 ~~district judges than the number of judgeships specified by the~~  
4 ~~formula in subsection 37, vacancies shall not be filled.~~  
5 Notwithstanding any other provision of the Code to the  
6 contrary, if a vacancy in a judgeship occurs, and the chief  
7 justice of the supreme court makes a finding that a  
8 substantial disparity exists in the allocation of judgeships  
9 and judicial workload between judicial election districts, the  
10 chief justice may apportion the judgeship from the judicial  
11 election district where the vacancy occurs to another judicial  
12 election district based upon the substantial disparity  
13 finding. However, a judgeship shall not be apportioned  
14 pursuant to this section unless a majority of the judicial  
15 council approves the apportionment.

16 6. ~~In those judicial election districts having fewer or~~  
17 ~~the same number of district judges as the number of judgeships~~  
18 ~~specified by the formula in subsection 37, vacancies in the~~  
19 ~~number of district judges shall be filled as they occur.~~  
20 Notwithstanding any other provision of the Code to the  
21 contrary, if the chief justice of the supreme court determines  
22 a substantial disparity exists in the allocation of judgeships  
23 and judicial workload between judicial election districts, the  
24 chief justice may authorize a voluntary permanent transfer of  
25 a district judge from one judicial election district to  
26 another upon approval by a majority of the judicial council.  
27 After approval by the judicial council, the chief justice  
28 shall notify all eligible district judges of the intent to  
29 seek applicants for a voluntary permanent transfer and the  
30 terms of such a transfer. Upon approval of the judge's  
31 application, the chief justice may transfer a district judge  
32 who consents to the transfer within six months of the  
33 notification. The transfer of a district judge shall take  
34 effect within sixty days of the official announcement of the  
35 transfer by the chief justice. A district judge transferred

1 pursuant to this subsection shall have six months from the  
2 date of the announcement of the transfer to establish  
3 residency in the judicial election district where the district  
4 judge is transferred. A district judge who has been  
5 transferred shall stand for retention in the judicial election  
6 district to which the district judge has been transferred as  
7 provided in chapter 46. For purposes of subsection 3, the  
8 judgeship shall be apportioned to the judicial election  
9 district where the judge is transferred. A voluntary transfer  
10 pursuant to this subsection shall not cause a vacancy of a  
11 judgeship in the judicial election district from which the  
12 district judge was transferred. A district judge is not  
13 eligible for a voluntary transfer unless the judge has served  
14 a regular term of office as specified in section 46.16.

15 Sec. 7. Section 602.6201, subsection 7, Code 2003, is  
16 amended by striking the subsection.

17 Sec. 8. Section 602.6201, subsection 8, Code 2003, is  
18 amended to read as follows:

19 ~~8. Vacancies shall not be filled in a judicial election~~  
20 ~~district which becomes entitled to fewer judgeships under~~  
21 ~~subsection 37 but an~~ An incumbent district judge shall not be  
22 removed from office because of a reduction in the number of  
23 authorized judgeships.

24 Sec. 9. Section 602.6301, Code 2003, is amended to read as  
25 follows:

26 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE  
27 JUDGES.

28 There shall be one district associate judge in counties  
29 having a population of more than thirty-five thousand and less  
30 than eighty thousand; two in counties having a population of  
31 eighty thousand or more and less than one hundred twenty-five  
32 thousand; three in counties having a population of one hundred  
33 twenty-five thousand or more and less than two hundred  
34 thousand; four in counties having a population of two hundred  
35 thousand or more and less than two hundred thirty-five

1 thousand; five in counties having a population of two hundred  
2 thirty-five thousand or more and less than two hundred seventy  
3 thousand; six in counties having a population of two hundred  
4 seventy thousand or more and less than three hundred five  
5 thousand; and seven in counties having a population of three  
6 hundred five thousand or more. However, a county shall not  
7 lose a district associate judgeship solely because of a  
8 reduction in the county's population. If the formula provided  
9 in this section results in the allocation of an additional  
10 district associate judgeship to a county, implementation of  
11 the allocation shall be subject to prior approval of the  
12 supreme court and availability of funds to the judicial  
13 branch. A district associate judge appointed pursuant to  
14 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes  
15 of this section.

16 Sec. 10. Section 602.6304, subsections 1, 2, and 3, Code  
17 2003, are amended to read as follows:

18 1. The district associate judges authorized by sections  
19 602.6301~~7~~ and 602.6302~~7~~ ~~and-602-6303~~ shall be appointed by the  
20 district judges of the judicial election district from persons  
21 nominated by the county magistrate appointing commission. In  
22 the case of a district associate judge to be appointed to more  
23 than one county, the appointment shall be from persons  
24 nominated by the county magistrate appointing commissions  
25 acting jointly and in the case of a district associate judge  
26 to be appointed to more than one judicial election district of  
27 the same judicial district, the appointment shall be by a  
28 majority of the district judges in each judicial election  
29 district.

30 2. In November of any year in which an impending vacancy  
31 is created because a district associate judge is not retained  
32 in office pursuant to a judicial election, the county  
33 magistrate appointing commission shall publicize notice of the  
34 vacancy in at least two publications in the official county  
35 newspaper. The commission shall accept applications for

1 consideration for nomination as district associate judge for a  
2 minimum of fifteen days prior to certifying nominations. The  
3 commission shall consider the applications and shall, by  
4 majority vote, certify to the chief judge of the judicial  
5 district not later than December 15 of that year the names of  
6 three applicants who are nominated by the commission for the  
7 vacancy, unless the chief justice has ordered the commission  
8 to delay the certification of the nominees to the chief judge.  
9 The chief justice may order the delay of the certification for  
10 up to one hundred eighty days for budgetary reasons. If there  
11 are three or fewer applicants the commission shall certify all  
12 applicants who meet the statutory qualifications. Nominees  
13 shall be chosen solely on the basis of the qualifications of  
14 the applicants, and political affiliation shall not be  
15 considered.

16 3. Within thirty days after a county magistrate appointing  
17 commission receives notification of an actual or impending  
18 vacancy in the office of district associate judge, other than  
19 a vacancy referred to in subsection 2, the commission shall  
20 certify to the chief judge of the judicial district the names  
21 of three applicants who are nominated by the commission for  
22 the vacancy, unless the chief justice has ordered the  
23 commission to delay the certification of the nominees to the  
24 chief judge. The chief justice may order the delay of the  
25 certification for up to one hundred eighty days for budgetary  
26 reasons. The commission shall publicize notice of the vacancy  
27 in at least two publications in the official county newspaper.  
28 The commission shall accept applications for consideration for  
29 nomination as district associate judge for a minimum of  
30 fifteen days prior to certifying nominations. The commission  
31 shall consider the applications and shall, by majority vote,  
32 certify to the chief judge of the judicial district the names  
33 of three applicants who are nominated by the commission for  
34 the vacancy. If there are three or fewer applicants the  
35 commission shall certify all applicants who meet the statutory

1 qualifications. Nominees shall be chosen solely on the basis  
2 of the qualifications of the applicants, and political  
3 affiliation shall not be considered. As used in this  
4 subsection, a vacancy is created by the death, retirement,  
5 resignation, or removal of a district associate judge, or by  
6 an increase in the number of positions authorized.

7 Sec. 11. Section 602.6403, subsection 3, Code 2003, is  
8 amended to read as follows:

9 3. Within thirty days following receipt of notification of  
10 a vacancy in the office of magistrate, the commission shall  
11 appoint a person to the office to serve the remainder of the  
12 unexpired term, unless the chief justice has ordered the  
13 commission to delay the appointment for up to one hundred  
14 eighty days for budgetary reasons. For purposes of this  
15 section, vacancy means a death, resignation, retirement, or  
16 removal of a magistrate, or an increase in the number of  
17 positions authorized.

18 Sec. 12. Section 602.7103B, subsections 2 and 3, Code  
19 2003, are amended to read as follows:

20 2. In November of any year in which an impending vacancy  
21 is created because a full-time associate juvenile judge is not  
22 retained in office pursuant to a judicial election, the county  
23 magistrate appointing commission shall publicize notice of the  
24 vacancy in at least two publications in the official county  
25 newspaper. The commission shall accept applications for  
26 consideration for nomination as full-time associate juvenile  
27 judge for a minimum of fifteen days prior to certifying  
28 nominations. The commission shall consider the applications  
29 and shall, by majority vote, certify to the chief judge of the  
30 judicial district not later than December 15 of that year the  
31 names of three applicants who are nominated by the commission  
32 for the vacancy, unless the chief justice has ordered the  
33 commission to delay the certification of the nominees to the  
34 chief judge. The chief justice may order the delay of the  
35 certification for up to one hundred eighty days for budgetary



1 reasons. If there are three or fewer applicants, the  
2 commission shall certify all applicants who meet the statutory  
3 qualifications. Nominees shall be chosen solely on the basis  
4 of the qualifications of the applicants, and political  
5 affiliation shall not be considered.

6 3. Within thirty days after a county magistrate appointing  
7 commission receives notification of an actual or impending  
8 vacancy in the office of full-time associate juvenile judge,  
9 other than a vacancy referred to in subsection 2, the  
10 commission shall certify to the chief judge of the judicial  
11 district the names of three applicants who are nominated by  
12 the commission for the vacancy, unless the chief justice has  
13 ordered the commission to delay the certification of the  
14 nominees to the chief judge. The chief justice may order the  
15 delay of the certification for up to one hundred eighty days  
16 for budgetary reasons. The commission shall publicize notice  
17 of the vacancy in at least two publications in the official  
18 county newspaper. The commission shall accept applications  
19 for consideration for nomination as full-time associate  
20 juvenile judge for a minimum of fifteen days prior to  
21 certifying nominations. The commission shall consider the  
22 applications and shall, by majority vote, certify to the chief  
23 judge of the judicial district the names of three applicants  
24 who are nominated by the commission for the vacancy. If there  
25 are three or fewer applicants, the commission shall certify  
26 all applicants who meet the statutory qualifications.  
27 Nominees shall be chosen solely on the basis of the  
28 qualifications of the applicants, and political affiliation  
29 shall not be considered. As used in this subsection, a  
30 vacancy is created by the death, retirement, resignation, or  
31 removal of a full-time associate juvenile judge, or by an  
32 increase in the number of positions authorized.

33 Sec. 13. Section 633.20B, subsections 2 and 3, Code 2003,  
34 are amended to read as follows:

35 2. In November of any year in which an impending vacancy

1 is created because a full-time associate probate judge is not  
2 retained in office pursuant to a judicial election, the county  
3 magistrate appointing commission shall publicize notice of the  
4 vacancy in at least two publications in the official county  
5 newspaper. The commission shall accept applications for  
6 consideration for nomination as full-time associate probate  
7 judge for a minimum of fifteen days prior to certifying  
8 nominations. The commission shall consider the applications  
9 and shall, by majority vote, certify to the chief judge of the  
10 judicial district not later than December 15 of that year the  
11 names of three applicants who are nominated by the commission  
12 for the vacancy, unless the chief justice has ordered the  
13 commission to delay the certification of the nominees to the  
14 chief judge. The chief justice may order the delay of the  
15 certification for up to one hundred eighty days for budgetary  
16 reasons. If there are three or fewer applicants, the  
17 commission shall certify all applicants who meet the statutory  
18 qualifications. Nominees shall be chosen solely on the basis  
19 of the qualifications of the applicants, and political  
20 affiliation shall not be considered.

21 3. Within thirty days after a county magistrate appointing  
22 commission receives notification of an actual or impending  
23 vacancy in the office of full-time associate probate judge,  
24 other than a vacancy referred to in subsection 2, the  
25 commission shall certify to the chief judge of the judicial  
26 district the names of three applicants who are nominated by  
27 the commission for the vacancy, unless the chief justice has  
28 ordered the commission to delay the certification of the  
29 nominees to the chief judge. The chief justice may order the  
30 delay of the certification for up to one hundred eighty days  
31 for budgetary reasons. The commission shall publicize notice  
32 of the vacancy in at least two publications in the official  
33 county newspaper. The commission shall accept applications  
34 for consideration for nomination as full-time associate  
35 probate judge for a minimum of fifteen days prior to

1 certifying nominations. The commission shall consider the  
2 applications and shall, by majority vote, certify to the chief  
3 judge of the judicial district the names of three applicants  
4 who are nominated by the commission for the vacancy. If there  
5 are three or fewer applicants, the commission shall certify  
6 all applicants who meet the statutory qualifications.  
7 Nominees shall be chosen solely on the basis of the  
8 qualifications of the applicants, and political affiliation  
9 shall not be considered. As used in this subsection, a  
10 vacancy is created by the death, retirement, resignation, or  
11 removal of a full-time associate probate judge, or by an  
12 increase in the number of positions authorized.

13 Sec. 14. The amendment to Code section 602.6201,  
14 subsection 6, by this Act is repealed on July 1, 2008.

15 Sec. 15. Section 602.6303, Code 2003, is repealed.

16 Sec. 16. The sections of this Act amending section 46.12;  
17 section 602.6304, subsections 2 and 3; and sections 602.6403,  
18 602.7103B, and 633.20B are repealed on July 1, 2006.

19 EXPLANATION

20 This bill relates to procedures for appointing judges and  
21 magistrates, to the voluntary transfer of judgeships, and to  
22 the apportionment of judgeships among judicial election  
23 districts.

24 DELAY OF APPOINTMENT. The bill permits the chief justice  
25 of the supreme court to delay, by up to 180 days, the  
26 nomination process of a judge for appointment to the Iowa  
27 supreme court, court of appeals, or district court for  
28 budgetary reasons. Current law requires that nominees to the  
29 supreme court, court of appeals, or district court be  
30 certified to the governor for appointment within 60 days of  
31 the nominating commission receiving notice of a vacancy. The  
32 bill also permits the chief justice of the supreme court for  
33 budgetary reasons to delay, by up to 180 days, the appointment  
34 process to fill a vacancy for a district associate judge,  
35 magistrate, full-time associate juvenile judge, or probate

1 judge. The sections of the bill delaying the appointment of  
2 judges and magistrates for budgetary reasons are repealed on  
3 July 1, 2006.

4 NOMINATING COMMISSION. The bill also prohibits a member of  
5 a judicial nominating commission from nominating a family  
6 member, current law partner, or current business partner, for  
7 a judgeship.

8 ALTERNATE DISTRICT ASSOCIATE JUDGE. The bill eliminates  
9 the position of alternate district associate judge. Current  
10 law provides that if a county has only one district associate  
11 judge, an alternate district associate judge may be appointed.  
12 An alternate district associate judge under current law may  
13 practice law except when actually serving as an alternate  
14 district associate judge.

15 APPORTIONMENT OF DISTRICT JUDGES. The bill provides that  
16 if a vacancy in a judgeship occurs, and the chief justice of  
17 the supreme court makes a finding that a substantial disparity  
18 exists in the allocation of judgeships and judicial workload  
19 between judicial election districts, the chief justice may  
20 apportion the vacant judgeship to another judicial election  
21 district based upon the substantial disparity finding.  
22 However, a vacant judgeship shall not be apportioned unless a  
23 majority of the judicial council approves the appointment.

24 VOLUNTARY TRANSFER OF DISTRICT JUDGES. The bill provides  
25 that if the chief justice of the supreme court determines a  
26 substantial disparity exists in the allocation of judgeships  
27 and judicial workload between judicial election districts, the  
28 chief justice may authorize a voluntary permanent transfer of  
29 a district judge from one judicial election district to  
30 another, upon approval by a majority of the judicial council.  
31 The chief justice shall notify all eligible district judges of  
32 the intent to seek applicants for a voluntary transfer. After  
33 submission of applications, the chief justice may permanently  
34 transfer a district judge who consents to the transfer within  
35 six months of the notification. The bill provides that the

1 transfer of a district judge shall take effect within 60 days  
2 of the official announcement of the transfer. Under the bill  
3 a district judge who transfers shall establish a residency in  
4 the new judicial election district within six months of the  
5 official announcement of the transfer. A district judge who  
6 is transferred shall stand for retention in the new judicial  
7 election district. A district judge is not eligible for a  
8 voluntary transfer unless the judge has served a regular term  
9 of office. The section of the bill providing for the  
10 voluntary transfers of judges is repealed on July 1, 2008.

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SF 418 - Judicial Administrative (LSB 3065 SV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

### Description

Senate File 418 changes the procedures for appointing or nominating a judge or magistrate by authorizing the voluntary transfer of a District Judge, by prohibiting members of a judicial nominating commission from voting on certain nominees, and by apportioning judgeships among the judicial election districts.

### Assumptions

1. Sections 46.12, 602.6304(2)(3), 602.6403, 602.7103B, and 633.20B of SF 418 allows a Chief Judge to delay, up to 180 days, the nomination process of a judge for appointment to the Iowa Supreme Court, Court of Appeals, or district court for budgetary reasons.
2. The following chart shows the number of judges and salary amounts that could be affected by a delay. The Judicial Branch would receive some salary savings but the amount cannot be determined.

	<u>Number of Judges</u>	<u>Salary</u>
Supreme Court Justice	7	\$ 120,100
Court of Appeals Judge	9	115,540
District Court Judge	116	109,810
District Associate Judge	54	95,700
Associate Juvenile Judge	12	95,700
Associate Probate Judge	1	95,700
Magistrate	135	28,530

3. The average number of vacancies for a District Court Judge is three and a half per year.
4. The average number of vacancies for a District Associate Judge is one per year.
5. Sections 46.12, 602.6304(2)(3), 602.6403, 602.7103B, and 633.20B will sunset July 1, 2006.

### Fiscal Impact

The fiscal impact of SF 418 cannot be determined. The amount saved would depend on the level of judges and the time period during which the process is delayed.

### Source

Judicial Branch

/s/ Dennis C Prouty

March 20, 2003

SENATE FILE 418

S-3331

1 Amend Senate File 418 as follows:

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

4 "Section 1. Section 46.12, unnumbered paragraph 1,  
5 Code 2003, is amended to read as follows:

6 When a vacancy occurs or will occur within one  
7 hundred twenty days in the supreme court, the court of  
8 appeals, or district court, the state commissioner of  
9 elections shall forthwith so notify the chairperson of  
10 the proper judicial nominating commission, unless the  
11 chief justice has ordered the state commissioner of  
12 elections to delay sending the notification. The  
13 chief justice may order the delay for up to one  
14 hundred eighty days for budgetary reasons. The  
15 chairperson shall call a meeting of the commission  
16 within ten days after such notice; if the chairperson  
17 fails to do so, the chief justice shall call such  
18 meeting.

19 Sec. 2. Section 46.14, Code 2003, is amended to  
20 read as follows:

21 46.14 NOMINATION.

22 1. Each judicial nominating commission shall  
23 carefully consider the individuals available for  
24 judge, and within sixty days after receiving notice of  
25 a vacancy shall certify to the governor and the chief  
26 justice the proper number of nominees, in alphabetical  
27 order. Such nominees shall be chosen by the  
28 affirmative vote of a majority of the full statutory  
29 number of commissioners upon the basis of their  
30 qualifications and without regard to political  
31 affiliation. Nominees shall be members of the bar of  
32 Iowa, shall be residents of the state or district of  
33 the court to which they are nominated, and shall be of  
34 such age that they will be able to serve an initial  
35 and one regular term of office to which they are  
36 nominated before reaching the age of seventy-two  
37 years. Nominees for district judge shall file a  
38 certified application form, to be provided by the  
39 supreme court, with the chairperson of the district  
40 judicial nominating commission. ~~No person shall be~~  
41 ~~eligible for nomination by a commission as judge~~  
42 ~~during the term for which the person was elected or~~  
43 ~~appointed to that commission.~~ Absence of a  
44 commissioner or vacancy upon the commission shall not  
45 invalidate a nomination. The chairperson of the  
46 commission shall promptly certify the names of the  
47 nominees, in alphabetical order, to the governor and  
48 the chief justice.

49 2. A commissioner shall not be eligible for  
50 nomination by the commission during the term for which

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1 the commissioner was elected or appointed to that  
2 commission. A commissioner shall not be eligible to  
3 vote for the nomination of a family member, current  
4 law partner, or current business partner. For  
5 purposes of this subsection, "family member" means a  
6 spouse, son, daughter, brother, sister, uncle, aunt,  
7 first cousin, nephew, niece, father-in-law, mother-in-  
8 law, son-in-law, daughter-in-law, brother-in-law,  
9 sister-in-law, father, mother, stepfather, stepmother,  
10 stepson, stepdaughter, stepbrother, stepsister, half  
11 brother, or half sister.

12 Sec. 3. Section 46.16, subsections 2 and 3, Code  
13 2003, are amended to read as follows:

14 2. Subject to removal for cause, the initial term  
15 of office of a district associate judge shall be for  
16 one year after appointment and until January 1  
17 following the next judicial election after expiration  
18 of such year, and the regular term of office of a  
19 district associate judge retained at a judicial  
20 election shall be ~~four~~ six years from the expiration  
21 of the initial or previous regular term, as the case  
22 may be.

23 3. Subject to removal for cause, the initial term  
24 of office of a full-time associate juvenile judge or a  
25 full-time associate probate judge shall be for one  
26 year after appointment and until January 1 following  
27 the next judicial election after expiration of such  
28 year, and the regular term of office of a full-time  
29 associate juvenile judge or a full-time associate  
30 probate judge retained at a judicial election shall be  
31 ~~four~~ six years from the expiration of the initial or  
32 previous regular term, as the case may be.

33 Sec. 4. Section 232.35, subsection 1, Code 2003,  
34 is amended to read as follows:

35 1. A formal judicial proceeding to determine  
36 whether a child has committed a delinquent act shall  
37 be initiated by the filing by the county attorney of a  
38 petition alleging that a child has committed a  
39 delinquent act. After a petition has been filed,  
40 service of a summons requiring the child to appear  
41 before the court or service of a notice shall be made  
42 as provided in section 232.37.

43 Sec. 5. Section 232.37, subsection 4, Code 2003,  
44 is amended to read as follows:

45 4. Service of summons or notice shall be made  
46 personally by the sheriff by the delivery of  
47 delivering a copy of the summons or notice to the  
48 person being served. If the court determines that  
49 personal service of a summons or notice is  
50 impracticable, the court may order service by



1 certified mail addressed to the last known address.  
2 Service of summons or notice shall be made not less  
3 than five days before the time fixed for hearing.  
4 Service of summons, notice, subpoenas or other  
5 process, after an initial valid summons or notice,  
6 shall be made in accordance with the rules of the  
7 court governing such service in civil actions.

8 Sec. 6. Section 232.183, subsection 7, Code 2003,  
9 is amended by striking the subsection.

10 Sec. 7. Section 236.3, unnumbered paragraph 2,  
11 Code 2003, is amended to read as follows:

12 The filing fee and court costs for an order for  
13 protection and in a contempt action under this chapter  
14 shall be waived for the plaintiff. The clerk of  
15 court, the sheriff of any county in this state, and  
16 other law enforcement and corrections officers shall  
17 perform their duties relating to service of process  
18 without charge to the plaintiff. When an order for  
19 protection is entered by the court, the court may  
20 direct the defendant to pay to the clerk of court the  
21 fees for the filing of the petition and reasonable  
22 costs of service of process if the court determines  
23 the defendant has the ability to pay the plaintiff's  
24 fees and costs.

25 Sec. 8. Section 237.20, unnumbered paragraph 1,  
26 Code 2003, is amended to read as follows:

27 A local board shall, except in delinquency cases,  
28 do the following:

29 Sec. 9. Section 255.1, unnumbered paragraph 1,  
30 Code 2003, is amended to read as follows:

31 Any adult resident of the state may file a  
32 complaint in the office of the ~~clerk of any juvenile~~  
33 ~~court,~~ county general assistance director charging  
34 that any legal resident of Iowa residing in the county  
35 where the complaint is filed is pregnant or is  
36 suffering from some malady or deformity that can  
37 probably be improved or cured or advantageously  
38 treated by medical or surgical treatment or hospital  
39 care, and that neither such person nor persons legally  
40 chargeable with the person's support are able to pay  
41 therefor.

42 Sec. 10. Section 255.4, Code 2003, is amended to  
43 read as follows:

44 255.4 EXAMINATION BY PHYSICIAN.

45 Upon the filing of such complaint, the ~~clerk shall~~  
46 ~~number and index the same and~~ county general  
47 assistance director shall appoint a competent  
48 physician and surgeon, living in the vicinity of the  
49 patient, who shall personally examine the patient with  
50 respect to ~~said~~ the pregnancy, malady, or deformity.

1 The ~~clerk~~ director may, after the expiration of five  
2 years from the filing of a complaint, destroy ~~it~~ the  
3 complaint and all papers or records in connection  
4 ~~therewith~~ with the complaint.

5 Sec. 11. Section 255.5, Code 2003, is amended to  
6 read as follows:

7 255.5 REPORT BY PHYSICIAN.

8 Such physician shall make a report in duplicate on  
9 blanks furnished as ~~hereinafter~~ provided in this  
10 chapter, answering the questions contained ~~therein~~ in  
11 the blanks and setting forth the information required  
12 ~~thereby~~, giving such history of the case as will be  
13 likely to aid the medical or surgical treatment or  
14 hospital care of such patient, describing the  
15 pregnancy, deformity, or malady in detail, and stating  
16 whether or not in the physician's opinion the ~~same~~  
17 pregnancy, deformity, or malady can probably be  
18 improved or cured or advantageously treated, which  
19 report shall be filed in the office of the ~~clerk~~  
20 ~~within such time as the clerk may fix~~ county general  
21 assistance director.

22 Sec. 12. Section 255.6, Code 2003, is amended to  
23 read as follows:

24 255.6 INVESTIGATION AND REPORT.

25 When a complaint is filed, ~~the clerk of juvenile~~  
26 ~~court~~ in the office of the county general assistance  
27 director, the director shall furnish the county  
28 attorney and board of supervisors with a copy and the  
29 board shall, by the general assistance director or  
30 other agent it selects, make a thorough investigation  
31 of facts as to the legal residence of the patient, and  
32 the ability of the patient or others chargeable with  
33 the patient's support to pay the expense of treatment  
34 and care; and shall file a report of the investigation  
35 ~~in the office of the clerk~~, with the board at or  
36 before the time of hearing.

37 Sec. 13. Section 255.7, Code 2003, is amended to  
38 read as follows:

39 255.7 NOTICE OF HEARING -- DUTY OF COUNTY  
40 ATTORNEY.

41 When the physician's report has been filed, the  
42 ~~clerk~~ county general assistance director shall, ~~with~~  
43 ~~the consent of the court or judge~~, fix set a time and  
44 place for hearing ~~of~~ on the matter ~~by the court~~, and  
45 the county attorney shall cause such patient and the  
46 parent or parents, guardian, or person having the  
47 legal custody of said patient, if under legal  
48 disability, to be served with such notice of the time  
49 and place of the hearing as the ~~judge or clerk~~  
50 director may prescribe.

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1 Sec. 14. Section 255.8, Code 2003, is amended to  
2 read as follows:

3 255.8 ~~HEARING ORDER EMERGENCY CASES~~  
4 CANCELLATION OF COMMITMENTS DETERMINATION BY BOARD OF  
5 SUPERVISORS.

6 ~~The county attorney and the general assistance~~  
7 ~~director, or other agent of the board of supervisors~~  
8 ~~of the county, shall appear at the hearing. The~~  
9 ~~complainant, the county attorney, the general~~  
10 ~~assistance director or other agent of the board of~~  
11 ~~supervisors, and the patient, or any person~~  
12 ~~representing the patient, may introduce evidence and~~  
13 ~~be heard. If the court board of supervisors finds~~  
14 that the patient is a legal resident of Iowa and is  
15 pregnant or is suffering from a malady or deformity  
16 which can probably be improved or cured or  
17 advantageously treated by medical or surgical  
18 treatment or hospital care, and that neither the  
19 patient nor any person legally chargeable with the  
20 patient's support is able to pay the expenses, ~~then~~  
21 ~~the clerk of court~~ county general assistance director,  
22 except in obstetrical cases and orthopedic cases,  
23 shall immediately ascertain from the admitting  
24 physician at the university hospital whether the  
25 person can be received as a patient within a period of  
26 thirty days, and if the patient can be received, the  
27 ~~court, or in the event of no actual contest, the clerk~~  
28 ~~of the court,~~ board shall enter an order directing  
29 direct that the patient be sent to the university  
30 hospital for proper medical and surgical treatment and  
31 hospital care. If the ~~court ascertain~~ board  
32 ascertains, except in obstetrical cases and orthopedic  
33 cases, that a person of the age or sex of the patient,  
34 or afflicted by the complaint, disease, or deformity  
35 with which the person is afflicted, cannot be received  
36 as a patient at the university hospital within the  
37 period of thirty days, ~~then the court or the clerk~~  
38 ~~shall enter an order directing~~ the board of  
39 supervisors ~~of~~ shall direct the county to provide  
40 adequate treatment at county expense for the patient  
41 at home or in a hospital. Obstetrical cases and  
42 orthopedic cases may be committed to the university  
43 hospital without regard to the limiting period of  
44 thirty days.

45 In any case of emergency the ~~court or the clerk~~  
46 board of supervisors without previous inquiry may at  
47 its discretion order the patient to be immediately  
48 taken to and accepted by the university hospital for  
49 the necessary care as provided in section 255.11, but  
50 if such a patient cannot be immediately accepted at

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1 the university hospital as ascertained by telephone if  
2 necessary, ~~the court or the clerk may enter an order~~  
3 ~~as in certain cases above set forth directing the~~  
4 board of supervisors shall direct the county to  
5 provide adequate treatment at county expense for the  
6 said patient at home or in a hospital.

7 Sec. 15. Section 255.10, Code 2003, is amended to  
8 read as follows:

9 255.10 RELIGIOUS BELIEF -- DENIAL OF ORDER.

10 The ~~court~~ board of supervisors in its discretion  
11 may refuse to make such order in any case where the  
12 ~~court~~ board finds the patient or the patient's parent,  
13 parents, or guardian are members of a religious  
14 denomination whose tenets preclude dependence on the  
15 practice of medicine or surgery and desire in good  
16 faith to rely upon the practice of their religion for  
17 relief from disease or disorder.

18 Sec. 16. Section 255.11, Code 2003, is amended to  
19 read as follows:

20 255.11 ORDER IN CASE OF EMERGENCY.

21 In cases of great emergency, when the ~~court or~~  
22 judge board of supervisors is satisfied that delay  
23 would be seriously injurious to the patient, the ~~court~~  
24 ~~or judge~~ board of supervisors may make such order with  
25 the consent of the patient, if an adult, or of the  
26 parent or parents, guardian, or person having the  
27 legal custody of said the patient, if a minor or  
28 incompetent, without examination, report, notice, or  
29 hearing.

30 Sec. 17. Section 255.12, Code 2003, is amended to  
31 read as follows:

32 255.12 CERTIFIED COPY OF ORDER.

33 The ~~clerk~~ county general assistance director shall  
34 prepare a certified copy of said such order, which,  
35 together with a copy of the physician's report, shall  
36 be delivered to the admitting physician of said such  
37 hospital at or before the time of the reception of the  
38 patient into the hospital.

39 Sec. 18. Section 255.13, Code 2003, is amended to  
40 read as follows:

41 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

42 If the physician appointed to examine the patient  
43 ~~shall certify~~ certifies that an attendant to accompany  
44 the patient to the said hospital is necessary, and the  
45 university hospital attendant and ambulance service is  
46 not available, ~~then the court or judge or clerk of the~~  
47 ~~court~~ the county general assistance director may  
48 appoint an attendant who shall receive not exceeding  
49 two dollars per day for the time thus necessarily  
50 employed and actual necessary traveling expenses by

1 the most feasible route to ~~said~~ the hospital whether  
2 by ambulance, train, or automobile; but if such  
3 appointee is a relative of the patient or a member of  
4 the patient's immediate family, or receives a salary  
5 or other compensation from the public for the  
6 appointee's services, no such per diem compensation  
7 shall be paid. The physician appointed ~~by the court~~  
8 ~~or clerk~~ to make the examination and report shall  
9 receive ~~therefor~~ three dollars for each examination  
10 and report so made and the physician's actual  
11 necessary expenses incurred in making such  
12 examination, but if ~~said~~ the physician receives a  
13 salary or other compensation from the public for the  
14 physician's full-time services, ~~then~~ no such  
15 examination fee shall be paid. The actual, necessary  
16 expenses of transporting and caring for the patient  
17 shall be paid as ~~hereinafter~~ provided in this chapter.

18 Sec. 19. Section 255.14, Code 2003, is amended to  
19 read as follows:

20 255.14 PAYMENT OF EXPENSES ~~--- HOW PAID.~~

21 An itemized, verified statement of all charges  
22 provided for in sections 255.8 and 255.13, in cases  
23 where the patient is admitted or accepted for  
24 treatment at the university hospital shall be filed  
25 with the superintendent of the university hospital,  
26 and upon the superintendent's recommendation when  
27 approved by the ~~judge or clerk of the court under~~  
28 ~~whose order the same were incurred~~ board of  
29 supervisors, they the charges shall be charged  
30 included on the regular bill for the maintenance,  
31 transportation and treatment of the patient, and be  
32 audited and paid in the manner as ~~hereinafter~~ provided  
33 in this chapter.

34 Sec. 20. Section 255.21, Code 2003, is amended to  
35 read as follows:

36 255.21 TREATMENT OUTSIDE HOSPITAL -- ATTENDANT.

37 If, in the judgment of the physician or surgeon to  
38 whom the patient has been assigned for treatment,  
39 continuous residence of the patient in the hospital is  
40 unnecessary, such patient may, by the hospital  
41 authorities, be sent to the patient's home or other  
42 appropriate place, and be required to return to the  
43 hospital when and for such length of time as may be  
44 for the patient's benefit. The hospital authorities  
45 may, if necessary, appoint an attendant to accompany  
46 such patient and discharged patients, and the  
47 compensation of such attendant shall be fixed by the  
48 state board of regents and charged by the hospital as  
49 part of the costs of transporting patients. The  
50 compensation paid to and the expenses of the attendant

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1 shall be audited and paid in the same manner as is  
2 provided by law for the compensation of an attendant  
3 appointed by the ~~court~~ board of supervisors.

4 Sec. 21. Section 255.22, Code 2003, is amended to  
5 read as follows:

6 255.22 TREATMENT AUTHORIZED.

7 ~~No~~ A minor or incompetent person shall not be  
8 treated for any malady or deformity except such as is  
9 reasonably well described in the order ~~of court~~ or the  
10 report of the examining physician, unless permission  
11 for such treatment is provided for in the order ~~of~~  
12 ~~court~~, or is granted by the person's parents or  
13 guardian; but the physician in charge may administer  
14 such treatment or perform such surgical operations as  
15 are usually required in cases of emergency.

16 Sec. 22. Section 255.27, Code 2003, is amended to  
17 read as follows:

18 255.27 FACULTY TO PREPARE BLANKS -- PRINTING.

19 The medical faculty of the state university  
20 hospital shall from time to time prepare blanks  
21 containing questions and requiring information that it  
22 finds necessary and proper to be obtained by the  
23 physician who examines a patient under order of ~~court~~  
24 the board of supervisors. The blanks shall be printed  
25 by the state, and a sufficient supply shall be  
26 furnished by the state printing administrator to the  
27 ~~clerk of each juvenile court in the state county~~  
28 general assistance director. The cost of printing the  
29 blanks shall be audited, allowed, and paid in the same  
30 manner as other bills for public printing.

31 Sec. 23. Section 321.20B, subsection 4, paragraph  
32 b, subparagraph (1), unnumbered paragraph 1, Code  
33 2003, is amended to read as follows:

34 An owner or driver who produces to the clerk of  
35 court, ~~within thirty days of the issuance of the~~  
36 ~~citation under paragraph "a", or prior to the date of~~  
37 the individual's court appearance as indicated on the  
38 citation, ~~whichever is earlier~~, proof that financial  
39 liability coverage was in effect for the motor vehicle  
40 at the time the person was stopped and cited, or, if  
41 the driver is not the owner of the motor vehicle,  
42 proof that liability coverage was in effect for the  
43 driver with respect to the motor vehicle being driven  
44 at the time the driver was stopped and cited, in the  
45 same manner as if the motor vehicle were owned by the  
46 driver, shall be given a receipt indicating that such  
47 proof was provided and be subject to one of the  
48 following:

49 Sec. 24. Section 321.20B, subsection 4, paragraph  
50 c, Code 2003, is amended to read as follows:

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1 c. An owner or driver cited for a violation of  
2 subsection 1, who produces to the clerk of court  
3 ~~within thirty days of the issuance of the citation~~  
4 prior to the date of the individual's court appearance  
5 as indicated on the citation proof that financial  
6 liability coverage was in effect for the motor vehicle  
7 at the time the person was stopped and cited, shall  
8 not be convicted of such violation and the citation  
9 issued shall be dismissed.

10 Sec. 25. Section 321.20B, subsection 5, paragraph  
11 b, Code 2003, is amended to read as follows:

12 b. Issue a citation. An owner or driver who  
13 produces to the clerk of court ~~within thirty days of~~  
14 ~~the issuance of the citation, or~~ prior to the date of  
15 the individual's court appearance as indicated on the  
16 citation, ~~whichever is earlier,~~ proof that the  
17 financial liability coverage was in effect for the  
18 motor vehicle at the time the person was stopped and  
19 cited, or if the driver is not the owner of the motor  
20 vehicle, proof that liability coverage was in effect  
21 for the driver with respect to the motor vehicle being  
22 driven at the time the driver was stopped and cited in  
23 the same manner as if the motor vehicle were owned by  
24 the driver, shall be given a receipt indicating that  
25 proof was provided, and the citation issued shall be  
26 dismissed.

27 Sec. 26. Section 321.484, unnumbered paragraph 2,  
28 Code 2003, is amended to read as follows:

29 The owner of a vehicle shall not be held  
30 responsible for a violation of a provision regulating  
31 the stopping, standing, or parking of a vehicle,  
32 whether the provision is contained in this chapter, or  
33 chapter 321L, or an ordinance or other regulation or  
34 rule, if the owner establishes that at the time of the  
35 violation the vehicle was in the custody of an  
36 identified person other than the owner pursuant to a  
37 lease as defined in chapter 321F or pursuant to a  
38 rental agreement as defined in section 516D.3. The  
39 ~~furnishing to the clerk of the district court county~~  
40 attorney where the charge is pending of a copy of the  
41 lease prescribed by section 321F.6 or rental agreement  
42 that was in effect for the vehicle at the time of the  
43 alleged violation shall be prima facie evidence that  
44 the vehicle was in the custody of an identified person  
45 other than the owner within the meaning of this  
46 paragraph, ~~and the charge against the owner shall be~~  
47 ~~dismissed. The clerk of the district court then shall~~  
48 ~~cause a uniform citation and complaint to be issued~~  
49 ~~against the lessee or renter of the vehicle, and the~~  
50 ~~citation shall be served upon the defendant by~~

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1 ~~ordinary mail directed to the defendant at the address~~  
2 ~~shown in the lease or rental agreement.~~

3 Sec. 27. Section 331.653, Code 2003, is amended by  
4 adding the following new subsection:

5 NEW SUBSECTION. 23A. Carry out duties related to  
6 service of a summons, notice, or subpoena pursuant to  
7 sections 232.35, 232.37, and 232.88.

8 Sec. 28. Section 598.21, Code 2003, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 10A. If the court modifies an  
11 order, and the original decree was entered in another  
12 county in Iowa, the clerk of court shall send a copy  
13 of the modification by regular mail, electronic  
14 transmission, or facsimile to the clerk of court for  
15 the county where the original decree was entered.

16 Sec. 29. Section 602.1215, subsection 1, Code  
17 2003, is amended to read as follows:

18 1. ~~The~~ Subject to the provisions of section  
19 602.1209, subsection 3, the district judges of each  
20 judicial election district shall by majority vote  
21 appoint persons to serve as clerks of the district  
22 court, one for each county within the judicial  
23 election district. The district judges of a judicial  
24 election district may appoint a person to serve as  
25 clerk of the district court for more than one but not  
26 more than four contiguous counties in the same  
27 judicial district. A person does not qualify for  
28 appointment to the office of clerk of the district  
29 court unless the person is at the time of application  
30 a resident of the state. ~~Within three months of~~  
31 ~~appointment the clerk of the district court must~~  
32 ~~establish residence and physically reside in the~~  
33 ~~county.~~ A clerk of the district court may be removed  
34 from office for cause by a majority vote of the  
35 district judges of the judicial election district.  
36 Before removal, the clerk of the district court shall  
37 be notified of the cause for removal.

38 Sec. 30. Section 602.1501, subsection 4, Code  
39 2003, is amended to read as follows:

40 4. District associate judges shall receive the  
41 salary set by the general assembly. ~~However, an~~  
42 ~~alternate district associate judge whose appointment~~  
43 ~~is authorized under section 602.6303 shall receive a~~  
44 ~~salary for each day of actual duty equal to a district~~  
45 ~~associate judge's daily salary.~~

46 Sec. 31. Section 602.1604, Code 2003, is amended  
47 to read as follows:

48 602.1604 JUDGES SHALL NOT PRACTICE LAW.

49 While holding office, a supreme court justice,  
50 court of appeals judge, district judge, or district



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1 associate judge shall not practice as an attorney or  
2 counselor or give advice in relation to any action  
3 pending or about to be brought in any of the courts of  
4 the state. ~~A person whose appointment as an alternate~~  
5 ~~district associate judge is authorized under section~~  
6 ~~602.6303 may practice law except when actually serving~~  
7 ~~as a district associate judge.~~

8 Sec. 32. Section 602.1611, subsection 2, Code  
9 2003, is amended by striking the subsection.

10 Sec. 33. Section 602.6105, subsection 3, Code  
11 2003, is amended to read as follows:

12 3. a. The chief judge of a judicial district  
13 shall designate times and places for magistrates to  
14 hold court to ensure accessibility of magistrates at  
15 all times throughout the district. The schedule of  
16 times and places of availability of magistrates and  
17 any schedule changes shall be disseminated by the  
18 chief judge to the peace officers within the district.

19 b. The chief judge of a judicial district shall  
20 schedule a magistrate to hold court in a city other  
21 than the county seat if all of the following apply:

22 (1) Magistrate court was regularly scheduled in  
23 the city on or after July 1, 2001.

24 (2) The population of the city is at least two  
25 times greater than the population of the county seat  
26 or the population of the city is at least thirty  
27 thousand.

28 (3) The city requests the chief judge to schedule  
29 magistrate court.

30 In addition to paying the costs in section  
31 602.1303, subsection 1, the city requesting the  
32 magistrate court shall pay any other costs for holding  
33 magistrate court in the city which would not otherwise  
34 have been incurred by the judicial branch.

35 Sec. 34. Section 602.6107, Code 2003, is amended  
36 by striking the section and inserting in lieu thereof  
37 the following:

38 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND  
39 JUDICIAL ELECTION DISTRICTS.

40 1. The supreme court shall, beginning January 1,  
41 2012, and at least every ten years thereafter, review  
42 the division of the state into judicial districts and  
43 judicial election districts in order to determine  
44 whether the composition or the total number of the  
45 judicial districts and judicial election districts is  
46 the most efficient and effective administration of the  
47 district court and the judicial branch.

48 2. If the supreme court determines that the  
49 administration of the district court and the judicial  
50 branch would be made more efficient and effective by

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1 reorganizing the judicial districts and judicial  
2 election districts, which may include expanding or  
3 contracting the total number of judicial districts and  
4 judicial election districts, the supreme court shall  
5 develop and submit to the general assembly by November  
6 15 a plan that reorganizes the judicial districts and  
7 judicial election districts. The legislative service  
8 bureau shall draft a bill embodying the plan for  
9 submission by the supreme court to the general  
10 assembly. The general assembly shall bring the bill  
11 to a vote in either the senate or the house of  
12 representatives within thirty days of the bill's  
13 submission by the supreme court to the general  
14 assembly, under a procedure or rule permitting no  
15 amendments by either house except those of a purely  
16 corrective nature. If both houses pass the bill, the  
17 bill shall be presented as any other bill to the  
18 governor for approval. The bill shall take effect  
19 upon the general assembly passing legislation, which  
20 is approved by the governor including an effective  
21 date for the reorganization of the judicial districts  
22 and judicial election districts.

23 3. The composition of the judicial districts in  
24 section 602.6107, Code 2003, and judicial election  
25 districts in section 602.6109, Code 2003, shall remain  
26 in effect until a new division of the state into  
27 judicial districts and judicial election districts is  
28 enacted.

29 4. It is the intent of the general assembly that  
30 the supreme court prior to developing a plan pursuant  
31 to this section consult with and receive input from  
32 members of the general public, court employees,  
33 judges, members of the general assembly, the judicial  
34 departments of correctional services, county officers,  
35 officials from other interested political  
36 subdivisions, and attorneys. In submitting a plan  
37 pursuant to this section, the supreme court shall also  
38 submit to the general assembly a report stating the  
39 reasons for developing the plan and describing in  
40 detail the process used in developing the plan.

41 5. Nothing in this section or other provision of  
42 the Code shall be construed to preclude the general  
43 assembly or the judicial branch from proposing or  
44 considering a plan reorganizing the judicial districts  
45 and judicial election districts at any time.

46 Sec. 35. Section 602.6109, Code 2003, is amended  
47 by striking the section and inserting in lieu thereof  
48 the following:

49 602.6109 JUDICIAL ELECTION DISTRICTS AND  
50 JUDGESHIPS.

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

5 2. If the judicial election districts are  
6 reorganized under section 602.6107, the state court  
7 administrator shall reapportion the number of  
8 judgeships to which each judicial election district is  
9 entitled. The reapportionment shall be determined  
10 according to section 602.6201, subsection 3.

11 Sec. 36. Section 602.6111, Code 2003, is amended  
12 by striking the section and inserting in lieu thereof  
13 the following:

14 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH  
15 THE CLERK.

16 1. Any party, other than the state or a political  
17 subdivision of the state, filing a petition or  
18 complaint, answer, appearance, first motion, or any  
19 document filed with the clerk of the district court  
20 which brings a new party into a proceeding shall  
21 provide the clerk of the district court with the  
22 following information when applicable:

23 a. An employer identification number if a number  
24 has been assigned.

25 b. The birth date of the party.

26 c. The social security number of the party.

27 2. Any party, except the child support recovery  
28 unit, filing a petition, complaint, answer,  
29 appearance, first motion, or any document with the  
30 clerk of the district court to establish or modify an  
31 order for child support under chapter 236, 252A, 252K,  
32 598, or 600B shall provide the clerk of the district  
33 court with the date of birth and social security  
34 number of the child.

35 3. A party shall provide the information pursuant  
36 to this section in the manner required by rules or  
37 directives prescribed by the supreme court. The clerk  
38 of the district court shall keep a social security  
39 number provided pursuant to this section confidential  
40 in accordance with the rules and directives prescribed  
41 by the supreme court.

42 Sec. 37. NEW SECTION. 602.6112 REGIONAL  
43 LITIGATION CENTERS -- PROHIBITION.

44 The judicial branch shall not establish regional  
45 litigation centers.

46 Sec. 38. Section 602.6201, subsection 8, Code  
47 2003, is amended to read as follows:

48 8. ~~Vacancies shall not be filled in a judicial~~  
49 ~~election district which becomes entitled to fewer~~  
50 ~~judgeships under subsection 3, but an~~ An incumbent

1 district judge shall not be removed from office  
2 because of a reduction in the number of authorized  
3 judgeships.

4 Sec. 39. Section 602.6201, Code 2003, is amended  
5 by adding the following new subsections:

6 NEW SUBSECTION. 11. Notwithstanding any other  
7 provision of the Code to the contrary, if a vacancy in  
8 a judgeship occurs, and the chief justice of the  
9 supreme court makes a finding that a substantial  
10 disparity exists in the allocation of judgeships and  
11 judicial workload between judicial election districts,  
12 the chief justice may apportion the judgeship from the  
13 judicial election district where the vacancy occurs to  
14 another judicial election district based upon the  
15 substantial disparity finding. However, a judgeship  
16 shall not be apportioned pursuant to this section  
17 unless a majority of the judicial council approves the  
18 apportionment.

19 NEW SUBSECTION. 12. Notwithstanding any other  
20 provision of the Code to the contrary, if the chief  
21 justice of the supreme court determines a substantial  
22 disparity exists in the allocation of judgeships and  
23 judicial workload between judicial election districts,  
24 the chief justice may authorize a voluntary permanent  
25 transfer of a district judge from one judicial  
26 election district to another upon approval by a  
27 majority of the judicial council. After approval by  
28 the judicial council, the chief justice shall notify  
29 all eligible district judges of the intent to seek  
30 applicants for a voluntary permanent transfer and the  
31 terms of such a transfer. A district judge is not  
32 eligible for a voluntary transfer unless the judge has  
33 served a regular term of office as specified in  
34 section 46.16. Upon approval of the judge's  
35 application, the chief justice may transfer a district  
36 judge who consents to the transfer within six months  
37 of the notification. The transfer of a district judge  
38 shall take effect within sixty days of the official  
39 announcement of the transfer by the chief justice. A  
40 district judge transferred pursuant to this subsection  
41 shall have six months from the date of the  
42 announcement of the transfer to establish residency in  
43 the judicial election district where the district  
44 judge is transferred. A district judge who has been  
45 transferred shall stand for retention in the judicial  
46 election district to which the district judge has been  
47 transferred as provided in chapter 46. For purposes  
48 of subsection 3, the judgeship shall be apportioned to  
49 the judicial election district where the judge is  
50 transferred. A voluntary transfer pursuant to this

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1 subsection shall not cause a vacancy of a judgeship in  
2 the judicial election district from which the district  
3 judge was transferred.

4 Sec. 40. Section 602.6301, Code 2003, is amended  
5 to read as follows:

6 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT  
7 ASSOCIATE JUDGES.

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

34 Sec. 41. Section 602.6304, subsections 1, 2, and  
35 3, Code 2003, are amended to read as follows:

36 1. The district associate judges authorized by  
37 sections 602.6301, and 602.6302, ~~and 602.6303~~ shall be  
38 appointed by the district judges of the judicial  
39 election district from persons nominated by the county  
40 magistrate appointing commission. In the case of a  
41 district associate judge to be appointed to more than  
42 one county, the appointment shall be from persons  
43 nominated by the county magistrate appointing  
44 commissions acting jointly and in the case of a  
45 district associate judge to be appointed to more than  
46 one judicial election district of the same judicial  
47 district, the appointment shall be by a majority of  
48 the district judges in each judicial election  
49 district.

50 2. In November of any year in which an impending

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1 vacancy is created because a district associate judge  
2 is not retained in office pursuant to a judicial  
3 election, the county magistrate appointing commission  
4 shall publicize notice of the vacancy in at least two  
5 publications in the official county newspaper. The  
6 commission shall accept applications for consideration  
7 for nomination as district associate judge for a  
8 minimum of fifteen days prior to certifying  
9 nominations. The commission shall consider the  
10 applications and shall, by majority vote, certify to  
11 the chief judge of the judicial district not later  
12 than December 15 of that year the names of three  
13 applicants who are nominated by the commission for the  
14 vacancy, unless the chief justice has ordered the  
15 commission to delay the certification of the nominees  
16 to the chief judge. The chief justice may order the  
17 delay of the certification for up to one hundred  
18 eighty days for budgetary reasons. If there are three  
19 or fewer applicants the commission shall certify all  
20 applicants who meet the statutory qualifications.  
21 Nominees shall be chosen solely on the basis of the  
22 qualifications of the applicants, and political  
23 affiliation shall not be considered.

24 3. Within thirty days after a county magistrate  
25 appointing commission receives notification of an  
26 actual or impending vacancy in the office of district  
27 associate judge, other than a vacancy referred to in  
28 subsection 2, the commission shall certify to the  
29 chief judge of the judicial district the names of  
30 three applicants who are nominated by the commission  
31 for the vacancy, unless the chief justice has ordered  
32 the commission to delay the certification of the  
33 nominees to the chief judge. The chief justice may  
34 order the delay of the certification for up to one  
35 hundred eighty days for budgetary reasons. The  
36 commission shall publicize notice of the vacancy in at  
37 least two publications in the official county  
38 newspaper. The commission shall accept applications  
39 for consideration for nomination as district associate  
40 judge for a minimum of fifteen days prior to  
41 certifying nominations. The commission shall consider  
42 the applications and shall, by majority vote, certify  
43 to the chief judge of the judicial district the names  
44 of three applicants who are nominated by the  
45 commission for the vacancy. If there are three or  
46 fewer applicants the commission shall certify all  
47 applicants who meet the statutory qualifications.  
48 Nominees shall be chosen solely on the basis of the  
49 qualifications of the applicants, and political  
50 affiliation shall not be considered. As used in this

1 subsection, a vacancy is created by the death,  
2 retirement, resignation, or removal of a district  
3 associate judge, or by an increase in the number of  
4 positions authorized.

5 Sec. 42. Section 602.6305, subsection 1, Code  
6 2003, is amended to read as follows:

7 1. District associate judges shall serve initial  
8 terms and shall stand for retention in office within  
9 the judicial election districts of their residences at  
10 the judicial election in 1982 and every ~~four~~ six years  
11 thereafter, under sections 46.17 to 46.24.

12 Sec. 43. Section 602.6403, subsection 3, Code  
13 2003, is amended to read as follows:

14 3. Within thirty days following receipt of  
15 notification of a vacancy in the office of magistrate,  
16 the commission shall appoint a person to the office to  
17 serve the remainder of the unexpired term, unless the  
18 chief justice has ordered the commission to delay the  
19 appointment for up to one hundred eighty days for  
20 budgetary reasons. For purposes of this section,  
21 vacancy means a death, resignation, retirement, or  
22 removal of a magistrate, or an increase in the number  
23 of positions authorized.

24 Sec. 44. Section 602.7103B, subsections 2 and 3,  
25 Code 2003, are amended to read as follows:

26 2. In November of any year in which an impending  
27 vacancy is created because a full-time associate  
28 juvenile judge is not retained in office pursuant to a  
29 judicial election, the county magistrate appointing  
30 commission shall publicize notice of the vacancy in at  
31 least two publications in the official county  
32 newspaper. The commission shall accept applications  
33 for consideration for nomination as full-time  
34 associate juvenile judge for a minimum of fifteen days  
35 prior to certifying nominations. The commission shall  
36 consider the applications and shall, by majority vote,  
37 certify to the chief judge of the judicial district  
38 not later than December 15 of that year the names of  
39 three applicants who are nominated by the commission  
40 for the vacancy, unless the chief justice has ordered  
41 the commission to delay the certification of the  
42 nominees to the chief judge. The chief justice may  
43 order the delay of the certification for up to one  
44 hundred eighty days for budgetary reasons. If there  
45 are three or fewer applicants, the commission shall  
46 certify all applicants who meet the statutory  
47 qualifications. Nominees shall be chosen solely on  
48 the basis of the qualifications of the applicants, and  
49 political affiliation shall not be considered.

50 3. Within thirty days after a county magistrate

1 appointing commission receives notification of an  
2 actual or impending vacancy in the office of full-time  
3 associate juvenile judge, other than a vacancy  
4 referred to in subsection 2, the commission shall  
5 certify to the chief judge of the judicial district  
6 the names of three applicants who are nominated by the  
7 commission for the vacancy, unless the chief justice  
8 has ordered the commission to delay the certification  
9 of the nominees to the chief judge. The chief justice  
10 may order the delay of the certification for up to one  
11 hundred eighty days for budgetary reasons. The  
12 commission shall publicize notice of the vacancy in at  
13 least two publications in the official county  
14 newspaper. The commission shall accept applications  
15 for consideration for nomination as full-time  
16 associate juvenile judge for a minimum of fifteen days  
17 prior to certifying nominations. The commission shall  
18 consider the applications and shall, by majority vote,  
19 certify to the chief judge of the judicial district  
20 the names of three applicants who are nominated by the  
21 commission for the vacancy. If there are three or  
22 fewer applicants, the commission shall certify all  
23 applicants who meet the statutory qualifications.  
24 Nominees shall be chosen solely on the basis of the  
25 qualifications of the applicants, and political  
26 affiliation shall not be considered. As used in this  
27 subsection, a vacancy is created by the death,  
28 retirement, resignation, or removal of a full-time  
29 associate juvenile judge, or by an increase in the  
30 number of positions authorized.

31 Sec. 45. Section 602.8102, subsection 9, Code  
32 2003, is amended to read as follows:

33 9. Enter in the appearance docket a memorandum of  
34 the date of filing of all petitions, demurrers,  
35 answers, motions, or papers of any other description  
36 in the cause. A pleading of any description is  
37 considered filed when the clerk entered the date the  
38 pleading was received on the pleading and the pleading  
39 shall not be taken from the clerk's office until the  
40 memorandum is made. The memorandum shall be made  
41 before the end of the next working day within two  
42 business days of a new petition or order being filed,  
43 and as soon as practicable for all other pleadings.  
44 Thereafter, when a demurrer or motion is sustained or  
45 overruled, a pleading is made or amended, or the trial  
46 of the cause, rendition of the verdict, entry of  
47 judgment, issuance of execution, or any other act is  
48 done in the progress of the cause, a similar  
49 memorandum shall be made of the action, including the  
50 date of action and the number of the book and page of



1 the record where the entry is made. The appearance  
2 docket is an index of each suit from its commencement  
3 to its conclusion.

4 Sec. 46. Section 602.8102, subsection 11, Code  
5 2003, is amended to read as follows:

6 11. Refund amounts less than ~~one dollar~~ three  
7 dollars only upon written application.

8 Sec. 47. Section 602.8106, subsection 1,  
9 paragraphs b, c, d, and e, Code 2003, are amended to  
10 read as follows:

11 b. For filing and docketing of a complaint or  
12 information for a simple misdemeanor and a complaint  
13 or information for a nonscheduled simple misdemeanor  
14 under chapter 321, ~~twenty-five~~ seventeen dollars.

15 c. For filing and docketing a complaint or  
16 information or uniform citation and complaint for  
17 parking violations under sections 321.236, 321.239,  
18 321.358, 321.360, and 321.361, ~~one dollar~~ eight  
19 dollars, effective January 1, ~~1991~~ 2004. The court  
20 costs in cases of parking meter and overtime parking  
21 violations which are denied, and charged and collected  
22 pursuant to section 321.236, subsection 1, or pursuant  
23 to a uniform citation and complaint, are eight dollars  
24 per information or complaint or per uniform citation  
25 and complaint effective January 1, 1991.

26 d. The court costs in scheduled violation cases  
27 where a court appearance is required ~~are twenty-five,~~  
28 seventeen dollars.

29 e. For court costs in scheduled violation cases  
30 where a court appearance is not required, ~~fifteen~~  
31 seventeen dollars.

32 Sec. 48. Section 624.20, Code 2003, is amended to  
33 read as follows:

34 624.20 SATISFACTION OF JUDGMENT.

35 Where a judgment is set aside or satisfied by  
36 execution or otherwise, the clerk shall at once enter  
37 a memorandum thereof on the column left for that  
38 purpose in the judgment docket. However, the clerk  
39 may enter satisfaction of judgment if the amount of  
40 the judgment that is unsatisfied is ~~one dollar~~ three  
41 dollars or less.

42 Sec. 49. Section 631.5, subsection 6, Code 2003,  
43 is amended to read as follows:

44 6. DEFAULT. If a defendant fails to appear and  
45 the clerk in accordance with subsection 4 determines  
46 that proper notice has been given, judgment shall be  
47 rendered against the defendant by the clerk if the  
48 relief is readily ascertainable. If the relief is not  
49 readily ascertainable the claim shall be assigned to a  
50 judicial magistrate for determination ~~and the clerk~~

1 ~~shall immediately notify the plaintiff or the~~  
2 ~~plaintiff's attorney and the judicial magistrate of~~  
3 ~~such assignment by ordinary mail.~~

4 Sec. 50. Section 631.6, subsection 1, paragraph c,  
5 Code 2003, is amended to read as follows:

6 c. Postage charged for the mailing of original  
7 notice shall be ~~the actual costs of the postage~~ eight  
8 dollars.

9 Sec. 51. Section 633.20B, subsections 2 and 3,  
10 Code 2003, are amended to read as follows:

11 2. In November of any year in which an impending  
12 vacancy is created because a full-time associate  
13 probate judge is not retained in office pursuant to a  
14 judicial election, the county magistrate appointing  
15 commission shall publicize notice of the vacancy in at  
16 least two publications in the official county  
17 newspaper. The commission shall accept applications  
18 for consideration for nomination as full-time  
19 associate probate judge for a minimum of fifteen days  
20 prior to certifying nominations. The commission shall  
21 consider the applications and shall, by majority vote,  
22 certify to the chief judge of the judicial district  
23 not later than December 15 of that year the names of  
24 three applicants who are nominated by the commission  
25 for the vacancy, unless the chief justice has ordered  
26 the commission to delay the certification of the  
27 nominees to the chief judge. The chief justice may  
28 order the delay of the certification for up to one  
29 hundred eighty days for budgetary reasons. If there  
30 are three or fewer applicants, the commission shall  
31 certify all applicants who meet the statutory  
32 qualifications. Nominees shall be chosen solely on  
33 the basis of the qualifications of the applicants, and  
34 political affiliation shall not be considered.

35 3. Within thirty days after a county magistrate  
36 appointing commission receives notification of an  
37 actual or impending vacancy in the office of full-time  
38 associate probate judge, other than a vacancy referred  
39 to in subsection 2, the commission shall certify to  
40 the chief judge of the judicial district the names of  
41 three applicants who are nominated by the commission  
42 for the vacancy, unless the chief justice has ordered  
43 the commission to delay the certification of the  
44 nominees to the chief judge. The chief justice may  
45 order the delay of the certification for up to one  
46 hundred eighty days for budgetary reasons. The  
47 commission shall publicize notice of the vacancy in at  
48 least two publications in the official county  
49 newspaper. The commission shall accept applications  
50 for consideration for nomination as full-time

1 associate probate judge for a minimum of fifteen days  
2 prior to certifying nominations. The commission shall  
3 consider the applications and shall, by majority vote,  
4 certify to the chief judge of the judicial district  
5 the names of three applicants who are nominated by the  
6 commission for the vacancy. If there are three or  
7 fewer applicants, the commission shall certify all  
8 applicants who meet the statutory qualifications.  
9 Nominees shall be chosen solely on the basis of the  
10 qualifications of the applicants, and political  
11 affiliation shall not be considered. As used in this  
12 subsection, a vacancy is created by the death,  
13 retirement, resignation, or removal of a full-time  
14 associate probate judge, or by an increase in the  
15 number of positions authorized.

16 Sec. 52. Section 633.47, Code 2003, is amended to  
17 read as follows:

18 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF  
19 COSTS.

20 Proof of service of any notice, required by this  
21 Code or by order of court, including those by  
22 publication, shall be filed with the clerk. The costs  
23 of serving any notice given by the fiduciary shall ~~be~~  
24 ~~taxed by the clerk as part of the costs of~~  
25 administration in said be paid directly by the estate.

26 Sec. 53. Section 633.301, Code 2003, is amended to  
27 read as follows:

28 633.301 COPY OF WILL FOR EXECUTOR.

29 When a will has been admitted to probate and  
30 certified pursuant to section 633.300, the clerk shall  
31 ~~cause an authenticated~~ a certified copy thereof to be  
32 placed in the hands of the executor to whom letters  
33 are issued. The clerk shall retain the will in a  
34 separate file provided for that purpose until the time  
35 for contest has expired, and promptly thereafter shall  
36 place it with the files of the estate.

37 Sec. 54. Section 633.479, unnumbered paragraph 2,  
38 Code 2003, is amended to read as follows:

39 An order approving the final report and discharging  
40 the personal representative shall not be required if  
41 all distributees otherwise entitled to notice are  
42 adults, under no legal disability, have signed waivers  
43 of notice as provided in section 633.478, have signed  
44 statements of consent agreeing that the prayer of the  
45 final report shall constitute an order approving the  
46 final report and discharging the personal  
47 representative, and if the statements of consent are  
48 dated not more than thirty days prior to the date of  
49 the final report, and if compliance with sections  
50 422.27 and 450.58 have been fulfilled and receipts and

1 certificates are on file. In those instances final  
2 order shall not be required and the prayer of the  
3 final report shall be considered as granted and shall  
4 have the same force and effect as an order of  
5 discharge of the personal representative and an order  
6 approving the final report. ~~The clerk shall comply~~  
7 ~~with section 633.480 with respect to issuing a change~~  
8 ~~of title.~~

9 Sec. 55. Section 633.480, Code 2003, is amended to  
10 read as follows:

11 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX  
12 PURPOSES WITH ADMINISTRATION.

13 After discharge as provided in section 633.479, ~~the~~  
14 ~~clerk shall certify under chapter 558 relative to each~~  
15 ~~parcel of real estate~~ the personal representative  
16 shall deliver to the county recorder of the county in  
17 which the real estate is situated a certificate  
18 pertaining to each parcel of real estate described in  
19 the final report of the personal representative which  
20 has not been sold by the personal representative, ~~and~~  
21 ~~deliver the certificate to the county recorder of the~~  
22 ~~county in which the real estate is situated.~~ The  
23 certificate shall include the name and complete  
24 mailing address, as shown on the final report, of the  
25 individual or entity in whose name each parcel of real  
26 estate is to be taxed. The county recorder shall  
27 deliver the certificate to the county auditor as  
28 provided in section 558.58.

29 Sec. 56. Section 633.481, Code 2003, is amended to  
30 read as follows:

31 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX  
32 PURPOSES WITHOUT ADMINISTRATION.

33 When an inventory or report is filed under section  
34 450.22, without administration of the estate of the  
35 decedent, ~~the clerk heir or heir's attorney shall~~  
36 ~~issue~~ prepare and deliver to the county recorder of  
37 the county in which the real estate is situated a  
38 certificate pertaining to each parcel of real estate  
39 described in the inventory or report. Any fees for  
40 certificates or recording fees required by this  
41 section or section 633.480 shall be assessed as costs  
42 of administration. The fee for recording and indexing  
43 the instrument shall be as provided in section  
44 331.604. The county recorder shall deliver the  
45 certificates to the county auditor as provided in  
46 section 558.58.

47 Sec. 57. Section 635.7, Code 2003, is amended to  
48 read as follows:

49 635.7 REPORT AND INVENTORY -- EXCESS VALUE AND  
50 TERMINATION.

1 The executor or administrator is required to file  
2 the report and inventory for which provision is made  
3 in section 633.361. Nothing in sections 635.1 to  
4 635.3 shall exempt the executor or administrator from  
5 complying with the requirements of section 422.27,  
6 450.22, ~~or 450.58, or the clerk from complying with~~  
7 ~~the requirements of section 633.481.~~ If the inventory  
8 and report shows assets subject to the jurisdiction of  
9 this state which exceed the total gross value of the  
10 amount permitted the small estate under the applicable  
11 provision of section 635.1, the clerk shall terminate  
12 the letters issued under section 635.1 without  
13 prejudice to the rights of persons who delivered  
14 property as permitted under section 635.3. The  
15 executor or administrator shall then be required to  
16 petition for administration of the estate as provided  
17 in chapter 633.

18 Sec. 58. Section 668.13, subsection 3, Code 2003,  
19 is amended to read as follows:

20 3. Interest shall be calculated as of the date of  
21 judgment at a rate equal to the one-year treasury  
22 constant maturity ~~index~~ published by the federal  
23 reserve in the H15 report settled immediately prior to  
24 the date of the judgment plus two percent. The state  
25 court administrator shall distribute notice monthly of  
26 that rate and any changes to that rate to all district  
27 courts.

28 Sec. 59. Section 902.4, Code 2003, is amended to  
29 read as follows:

30 902.4 RECONSIDERATION OF FELON'S SENTENCE.

31 For a period of one year from the date when a  
32 person convicted of a felony, other than a class "A"  
33 felony or a felony for which a minimum sentence of  
34 confinement is imposed, begins to serve a sentence of  
35 confinement, the court, on its own motion or on the  
36 recommendation of the director of the Iowa department  
37 of corrections, may order the person to be returned to  
38 the court, at which time the court may review its  
39 previous action and reaffirm it or substitute for it  
40 any sentence permitted by law. Copies of the order to  
41 return the person to the court shall be provided to  
42 the attorney for the state, the defendant's attorney,  
43 and the defendant. Upon a request of the attorney for  
44 the state, the defendant's attorney, or the defendant  
45 if the defendant has no attorney, the court may, but  
46 is not required to, conduct a hearing on the issue of  
47 reconsideration of sentence. The court shall not  
48 disclose its decision to reconsider or not to  
49 reconsider the sentence of confinement until the date  
50 reconsideration is ordered or the date the one-year

1 period expires, whichever occurs first. The district  
2 court retains jurisdiction for the limited purposes of  
3 conducting such review and entering an appropriate  
4 order notwithstanding the timely filing of a notice of  
5 appeal. The court's final order in the proceeding  
6 shall be delivered to the defendant personally or by  
7 ~~certified~~ regular mail. The court's decision to take  
8 the action or not to take the action is not subject to  
9 appeal. However, for the purposes of appeal, a  
10 judgment of conviction of a felony is a final judgment  
11 when pronounced.

12 Sec. 60. Section 903.2, Code 2003, is amended to  
13 read as follows:

14 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

15 For a period of thirty days from the date when a  
16 person convicted of a misdemeanor begins to serve a  
17 sentence of confinement, the court may order the  
18 person to be returned to the court, at which time the  
19 court may review its previous action and reaffirm it  
20 or substitute for it any sentence permitted by law.  
21 The sentencing court retains jurisdiction for the  
22 limited purposes of conducting such review and  
23 entering an appropriate order notwithstanding the  
24 timely filing of a notice of appeal or an application  
25 for discretionary review. The court's final order in  
26 the proceeding shall be delivered to the defendant  
27 personally or by ~~certified~~ regular mail. Such action  
28 is discretionary with the court and its decision to  
29 take the action or not to take the action is not  
30 subject to appeal. The other provisions of this  
31 section notwithstanding, for the purposes of appeal a  
32 judgment of conviction is a final judgment when  
33 pronounced.

34 Sec. 61. Section 907.4, Code 2003, is amended to  
35 read as follows:

36 907.4 DEFERRED JUDGMENT DOCKET.

37 A deferment of judgment under section 907.3 shall  
38 be ~~reported~~ entered promptly by the clerk of the  
39 district court, or the clerk's designee, ~~to the state~~  
40 ~~court administrator for entry in~~ into the deferred  
41 judgment docket database of the state, which shall  
42 serve as the deferred judgment docket. The docket  
43 shall contain a permanent record of the deferred  
44 judgment including the name and date of birth of the  
45 defendant, the district court docket number, the  
46 nature of the offense, and the date of the deferred  
47 judgment. Before granting deferred judgment in any  
48 case, the court shall ~~request of the state court~~  
49 ~~administrator~~ a search of the deferred judgment docket  
50 and shall consider any prior record of a deferred

1 judgment against the defendant. The permanent record  
2 provided for in this section is a confidential record  
3 exempted from public access under section 22.7 and  
4 shall be available only to justices of the supreme  
5 court, judges of the court of appeals, district  
6 judges, district associate judges, judicial  
7 magistrates, clerks of the district court, ~~and~~ county  
8 attorneys, and the department of corrections  
9 requesting information pursuant to this section, or  
10 the designee of a justice, judge, magistrate, clerk,  
11 or county attorney, or department.

12 Sec. 62. Sections 602.6303 and 633.15, Code 2003,  
13 are repealed.

14 Sec. 63. Section 602.6201, subsection 12, as  
15 enacted by this Act, is amended by striking the  
16 subsection effective July 1, 2008.

17 Sec. 64. The sections of this Act amending section  
18 46.12; section 602.6304, subsections 2 and 3; and  
19 sections 602.6403, 602.7103B, and 633.20B are repealed  
20 on July 1, 2006.

21 Sec. 65. RETENTION OF JUDGES. The amendments in  
22 this Act to section 46.16, subsections 2 and 3, apply  
23 to elections for retaining a judge occurring after the  
24 effective date of this Act.

25 Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM  
26 STUDY COMMITTEE. The legislative council is requested  
27 to establish an interim study committee to study the  
28 judicial district and judicial election district  
29 redistricting and the allocation of judicial branch  
30 resources. The committee shall review all relevant  
31 matters regarding judicial district and judicial  
32 election district redistricting, and the allocation of  
33 judicial branch resources deemed relevant by the  
34 majority of the committee including but not limited to  
35 determining whether a misallocation of judicial  
36 officers exists between judicial districts, the nature  
37 and history of judicial branch resources and a cost  
38 analysis of current judicial branch resources, the  
39 optimum allocation of resources regardless of judicial  
40 district boundaries, the effect of redistricting on  
41 the delivery of court services and employee morale, a  
42 cost benefits analysis of implementing a redistricting  
43 plan, and the recommendations of the Iowa supreme  
44 court committee on redistricting. If after reviewing  
45 all relevant matters the committee determines that  
46 redistricting should occur, the committee shall adopt  
47 a redistricting plan and submit the plan for  
48 consideration by the general assembly by December 15,  
49 2003. If the committee determines redistricting  
50 should not occur, the committee shall submit to the

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1 general assembly other recommendations for achieving  
2 an optimum allocation of judicial branch resources by  
3 December 15, 2003. The committee shall consist of  
4 twenty-six members with each organization selecting  
5 their member or representative as follows:  
6 1. Three members to be selected by the supreme  
7 court.  
8 2. One member to be selected by the speaker of the  
9 house of representatives.  
10 3. One member to be selected by the president of  
11 the senate.  
12 4. Three members of the Iowa state bar  
13 association.  
14 5. Three members of the Iowa judges association.  
15 6. Three members of the Iowa trial lawyers  
16 association.  
17 7. Two members of the Iowa clerks of court  
18 association.  
19 8. One member of the Iowa association of  
20 magistrate judges.  
21 9. One member of the Iowa defense counsel  
22 association.  
23 10. One member of the Iowa academy of trial  
24 lawyers.  
25 11. One member of the Iowa county attorneys  
26 association.  
27 12. A representative of the judicial district  
28 department of correctional services to be selected by  
29 the eight directors of the judicial district  
30 department of correctional services.  
31 13. One member of the Iowa sheriffs' and deputies'  
32 association.  
33 14. One member of the recorders affiliate of the  
34 Iowa state association of counties.  
35 15. One member of the Iowa court reporters  
36 association.  
37 16. One member to be selected by the Iowa civil  
38 liberties union.  
39 17. One member of the supervisors affiliate of the  
40 Iowa state association of counties."  
41 2. Title page, by striking lines 1 through 6 and  
42 inserting the following: "An Act relating to the  
43 judicial branch including by establishing a judicial  
44 district and judicial election district redistricting  
45 process, making changes to the nomination,  
46 appointment, and retention of judges, expanding  
47 magistrate courts, eliminating the position of  
48 alternate district associate judge, permitting  
49 district judgeships to be apportioned or transferred  
50 to another judicial district, requiring the county



**S-3331**

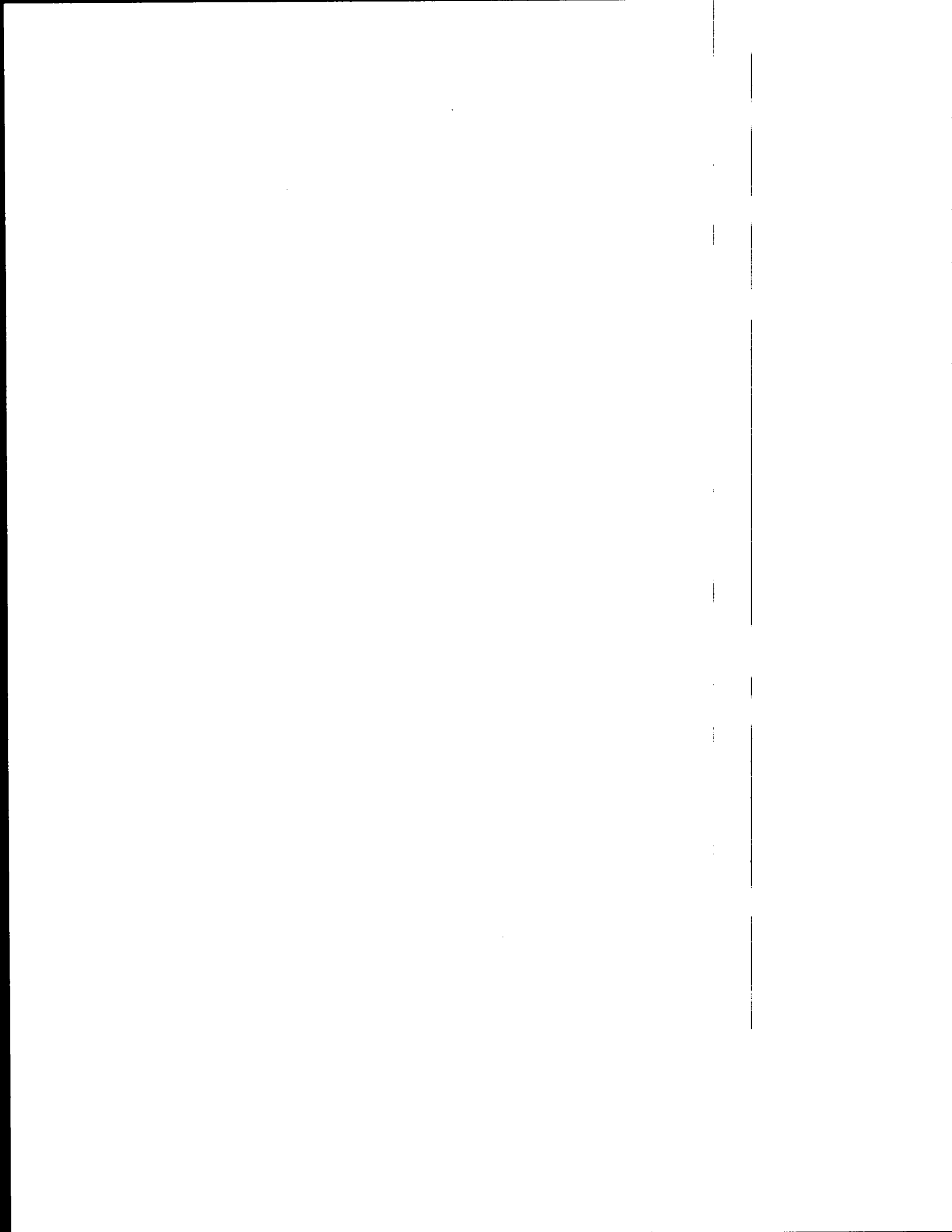
Page 27

1 sheriff to serve a summons in certain delinquency  
2 proceedings, eliminating the participation of the  
3 foster care review board in voluntary foster care  
4 placements, waiving the filing fee and court costs in  
5 certain contempt actions, changing the duties of and  
6 the procedures related to the clerk of the district  
7 court, providing that interest on a judgment be  
8 calculated upon the one year treasury constant  
9 maturity plus two percent, expanding the access of the  
10 deferred judgment docket, prohibiting regional  
11 litigation centers, modifying the schedule of the  
12 probate court, providing for a fee, and providing for  
13 a study."

**By** DONALD B. REDFERN

**S-3331** FILED APRIL 28, 2003  
ADOPTED

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Redfern 28 Judiciary  
Kreiman  
Larson

Succeeded by  
SF/HF 418

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON REDFERN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the judicial branch by changing procedures for  
2 appointing or nominating a judge, magistrate, or chief  
3 juvenile court officer, by authorizing the voluntary transfer  
4 of a district judge, by prohibiting members of a judicial  
5 nominating commission from voting on certain nominees, by  
6 apportioning judgeships among the judicial election districts,  
7 and by expanding the jurisdiction of a magistrate.

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

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1 Section 1. Section 46.12, unnumbered paragraph 1, Code  
2 2003, is amended to read as follows:

3 When a vacancy occurs or will occur within one hundred  
4 twenty days in the supreme court, the court of appeals, or  
5 district court, the state commissioner of elections shall  
6 forthwith so notify the chairperson of the proper judicial  
7 nominating commission, unless the chief justice has ordered  
8 the state commissioner of elections to delay sending the  
9 notification. The chief justice may order the delay for up to  
10 one hundred eighty days for budgetary reasons. The  
11 chairperson shall call a meeting of the commission within ten  
12 days after such notice; if the chairperson fails to do so, the  
13 chief justice shall call such meeting.

14 Sec. 2. Section 46.14, Code 2003, is amended to read as  
15 follows:

16 46.14 NOMINATION.

17 1. Each judicial nominating commission shall carefully  
18 consider the individuals available for judge, and within sixty  
19 days after receiving notice of a vacancy shall certify to the  
20 governor and the chief justice the proper number of nominees,  
21 in alphabetical order. Such nominees shall be chosen by the  
22 affirmative vote of a majority of the full statutory number of  
23 commissioners upon the basis of their qualifications and  
24 without regard to political affiliation. Nominees shall be  
25 members of the bar of Iowa, shall be residents of the state or  
26 district of the court to which they are nominated, and shall  
27 be of such age that they will be able to serve an initial and  
28 one regular term of office to which they are nominated before  
29 reaching the age of seventy-two years. Nominees for district  
30 judge shall file a certified application form, to be provided  
31 by the supreme court, with the chairperson of the district  
32 judicial nominating commission. ~~No person shall be eligible~~  
33 ~~for nomination by a commission as judge during the term for~~  
34 ~~which the person was elected or appointed to that commission.~~  
35 Absence of a commissioner or vacancy upon the commission shall

1 not invalidate a nomination. The chairperson of the  
2 commission shall promptly certify the names of the nominees,  
3 in alphabetical order, to the governor and the chief justice.

4 2. A commissioner shall not be eligible for nomination by  
5 the commission during the term for which the commissioner was  
6 elected or appointed to that commission. A commissioner shall  
7 not be eligible to vote for the nomination of a family member,  
8 current or former law partner, or current or former business  
9 partner. For purposes of this subsection, "family member"  
10 means a spouse, son, daughter, brother, sister, uncle, aunt,  
11 first cousin, nephew, niece, father-in-law, mother-in-law,  
12 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
13 father, mother, stepfather, stepmother, stepson, stepdaughter,  
14 stepbrother, stepsister, half brother, or half sister.

15 Sec. 3. Section 602.1217, subsection 1, Code 2003, is  
16 amended to read as follows:

17 1. ~~The district-judges-within-a-judicial-district~~<sub>7</sub>~~-by~~  
18 ~~majority-vote~~<sub>7</sub> chief judge of the judicial district shall  
19 appoint a chief juvenile court officer and may remove the  
20 officer for cause.

21 Sec. 4. Section 602.1501, subsection 4, Code 2003, is  
22 amended to read as follows:

23 4. District associate judges shall receive the salary set  
24 by the general assembly. ~~However, an alternate district~~  
25 ~~associate-judge-whose-appointment-is-authorized-under-section~~  
26 ~~602-6303-shall-receive-a-salary-for-each-day-of-actual-duty~~  
27 ~~equal-to-a-district-associate-judge's-daily-salary.~~

28 Sec. 5. Section 602.1604, Code 2003, is amended to read as  
29 follows:

30 602.1604 JUDGES SHALL NOT PRACTICE LAW.

31 While holding office, a supreme court justice, court of  
32 appeals judge, district judge, or district associate judge  
33 shall not practice as an attorney or counselor or give advice  
34 in relation to any action pending or about to be brought in  
35 any of the courts of the state. ~~A-person-whose-appointment-as~~

1 ~~an-alternate-district-associate-judge-is-authorized-under~~  
2 ~~section-602.6303-may-practice-law-except-when-actually-serving~~  
3 ~~as-a-district-associate-judge-~~

4 Sec. 6. Section 602.1611, subsection 2, Code 2003, is  
5 amended by striking the subsection.

6 Sec. 7. Section 602.6201, subsections 5 and 6, Code 2003,  
7 are amended to read as follows:

8 5. ~~In-those-judicial-election-districts-having-more~~  
9 ~~district-judges-than-the-number-of-judgeships-specified-by-the~~  
10 ~~formula-in-subsection-37-vacancies-shall-not-be-filled~~ If a  
11 vacancy in a judgeship occurs, the judgeship shall be  
12 apportioned to the judicial election district having the  
13 greatest numerical disparity between authorized judgeships and  
14 judgeships specified by the formula in subsection 3, as  
15 calculated by the state court administrator. If two or more  
16 judicial election districts have an equal numerical disparity  
17 between authorized judgeships and judgeships specified by the  
18 formula, the judgeship shall be apportioned to the judicial  
19 election district with greatest percentage of need in terms of  
20 authorized judgeships filled and judgeships specified by the  
21 formula as calculated by the state court administrator.

22 6. ~~In-those-judicial-election-districts-having-fewer-or~~  
23 ~~the-same-number-of-district-judges-as-the-number-of-judgeships~~  
24 ~~specified-by-the-formula-in-subsection-37-vacancies-in-the~~  
25 ~~number-of-district-judges-shall-be-filled-as-they-occur-~~  
26 Notwithstanding any other provision of the Code to the  
27 contrary, if the chief justice of the supreme court determines  
28 an inequity exists in the allocation of judgeships and  
29 judicial workload between judicial election districts, the  
30 chief justice may authorize a voluntary permanent transfer of  
31 a district judge from one judicial election district to  
32 another. The chief justice shall notify all eligible district  
33 judges of the intent to authorize a voluntary permanent  
34 transfer and the terms of such a transfer. The chief justice  
35 may transfer a district judge who consents to the transfer

1 within six months of the notification. The transfer of a  
2 district judge shall take effect within sixty days of the  
3 official announcement of the transfer by the chief justice. A  
4 district judge transferred pursuant to this subsection shall  
5 have six months from the date of the announcement of the  
6 transfer to establish residency in the judicial election  
7 district where the district judge is transferred. A district  
8 judge who has been transferred shall stand for retention in  
9 the judicial election district to which the district judge has  
10 been transferred as provided in chapter 46. For purposes of  
11 subsection 3, the judgeship shall be apportioned to the  
12 judicial election district where the judge is transferred. A  
13 voluntary transfer pursuant to this subsection shall not cause  
14 a vacancy of a judgeship in the judicial election district  
15 from which the district judge was transferred.

16 Sec. 8. Section 602.6201, subsection 7, Code 2003, is  
17 amended by striking the subsection.

18 Sec. 9. Section 602.6201, subsection 8, Code 2003, is  
19 amended to read as follows:

20 ~~8. Vacancies shall not be filled in a judicial election~~  
21 ~~district which becomes entitled to fewer judgeships under~~  
22 ~~subsection 3, but an~~ An incumbent district judge shall not be  
23 removed from office because of a reduction in the number of  
24 authorized judgeships.

25 Sec. 10. Section 602.6301, Code 2003, is amended to read  
26 as follows:

27 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE  
28 JUDGES.

29 There shall be one district associate judge in counties  
30 having a population of more than thirty-five thousand and less  
31 than eighty thousand; two in counties having a population of  
32 eighty thousand or more and less than one hundred twenty-five  
33 thousand; three in counties having a population of one hundred  
34 twenty-five thousand or more and less than two hundred  
35 thousand; four in counties having a population of two hundred

1 thousand or more and less than two hundred thirty-five  
2 thousand; five in counties having a population of two hundred  
3 thirty-five thousand or more and less than two hundred seventy  
4 thousand; six in counties having a population of two hundred  
5 seventy thousand or more and less than three hundred five  
6 thousand; and seven in counties having a population of three  
7 hundred five thousand or more. However, a county shall not  
8 lose a district associate judgeship solely because of a  
9 reduction in the county's population. If the formula provided  
10 in this section results in the allocation of an additional  
11 district associate judgeship to a county, implementation of  
12 the allocation shall be subject to prior approval of the  
13 supreme court and availability of funds to the judicial  
14 branch. A district associate judge appointed pursuant to  
15 section 602.6302 ~~or-602-6303~~ shall not be counted for purposes  
16 of this section.

17 Sec. 11. Section 602.6304, subsections 1, 2, and 3, Code  
18 2003, are amended to read as follows:

19 1. The district associate judges authorized by sections  
20 602.6301, and 602.6302, ~~and-602-6303~~ shall be appointed by the  
21 district judges of the judicial election district from persons  
22 nominated by the county magistrate appointing commission. In  
23 the case of a district associate judge to be appointed to more  
24 than one county, the appointment shall be from persons  
25 nominated by the county magistrate appointing commissions  
26 acting jointly and in the case of a district associate judge  
27 to be appointed to more than one judicial election district of  
28 the same judicial district, the appointment shall be by a  
29 majority of the district judges in each judicial election  
30 district.

31 2. In November of any year in which an impending vacancy  
32 is created because a district associate judge is not retained  
33 in office pursuant to a judicial election, the county  
34 magistrate appointing commission shall publicize notice of the  
35 vacancy in at least two publications in the official county



1 newspaper. The commission shall accept applications for  
2 consideration for nomination as district associate judge for a  
3 minimum of fifteen days prior to certifying nominations. The  
4 commission shall consider the applications and shall, by  
5 majority vote, certify to the chief judge of the judicial  
6 district not later than December 15 of that year the names of  
7 three applicants who are nominated by the commission for the  
8 vacancy, unless the chief justice has ordered the commission  
9 to delay the certification of the nominees to the chief judge.  
10 The chief justice may order the delay of the certification for  
11 up to one hundred eighty days for budgetary reasons. If there  
12 are three or fewer applicants the commission shall certify all  
13 applicants who meet the statutory qualifications. Nominees  
14 shall be chosen solely on the basis of the qualifications of  
15 the applicants, and political affiliation shall not be  
16 considered.

17 3. Within thirty days after a county magistrate appointing  
18 commission receives notification of an actual or impending  
19 vacancy in the office of district associate judge, other than  
20 a vacancy referred to in subsection 2, the commission shall  
21 certify to the chief judge of the judicial district the names  
22 of three applicants who are nominated by the commission for  
23 the vacancy, unless the chief justice has ordered the  
24 commission to delay the certification of the nominees to the  
25 chief judge. The chief justice may order the delay of the  
26 certification for up to one hundred eighty days for budgetary  
27 reasons. The commission shall publicize notice of the vacancy  
28 in at least two publications in the official county newspaper.  
29 The commission shall accept applications for consideration for  
30 nomination as district associate judge for a minimum of  
31 fifteen days prior to certifying nominations. The commission  
32 shall consider the applications and shall, by majority vote,  
33 certify to the chief judge of the judicial district the names  
34 of three applicants who are nominated by the commission for  
35 the vacancy. If there are three or fewer applicants the

1 commission shall certify all applicants who meet the statutory  
2 qualifications. Nominees shall be chosen solely on the basis  
3 of the qualifications of the applicants, and political  
4 affiliation shall not be considered. As used in this  
5 subsection, a vacancy is created by the death, retirement,  
6 resignation, or removal of a district associate judge, or by  
7 an increase in the number of positions authorized. |

8 Sec. 12. Section 602.6403, subsection 3, Code 2003, is  
9 amended to read as follows:

10 3. Within thirty days following receipt of notification of  
11 a vacancy in the office of magistrate, the commission shall  
12 appoint a person to the office to serve the remainder of the  
13 unexpired term, unless the chief justice has ordered the  
14 commission to delay the appointment for up to one hundred  
15 eighty days for budgetary reasons. For purposes of this  
16 section, vacancy means a death, resignation, retirement, or  
17 removal of a magistrate, or an increase in the number of  
18 positions authorized. |

19 Sec. 13. Section 602.6405, subsection 1, Code 2003, is  
20 amended to read as follows: |

21 1. Magistrates have jurisdiction of simple misdemeanors,  
22 including traffic and ordinance violations, and preliminary  
23 hearings, search warrant proceedings, county and municipal  
24 infractions, and small claims. Magistrates have jurisdiction  
25 to determine the disposition of livestock or another animal,  
26 as provided in sections 717.5 and 717B.4, if the magistrate  
27 determines the value of the livestock or animal is less than  
28 ten thousand dollars. Magistrates have jurisdiction to  
29 exercise the powers specified in sections 556F.2 and 556F.12,  
30 and to hear complaints or preliminary informations, issue  
31 warrants, order arrests, make commitments, and take bail.  
32 Magistrates have jurisdiction over violations of section  
33 123.49, subsection 2, paragraph "h". Magistrates ~~who are~~  
34 ~~admitted to the practice of law in this state~~ have  
35 jurisdiction over all proceedings for the involuntary

1 commitment, treatment, or hospitalization of individuals under  
2 chapters 125 and 229, except as otherwise provided under  
3 section 229.6A; ~~nonlawyer-magistrates-have-jurisdiction and~~  
4 ~~over emergency detention-and-hospitalization-proceedings-under~~  
5 ~~sections-125-91-and-229-22~~ proceedings under chapter 236.  
6 Magistrates have jurisdiction to conduct hearings authorized  
7 under section 809.4.

8 Sec. 14. Section 602.7103B, subsections 2 and 3, Code  
9 2003, are amended to read as follows:

10 2. In November of any year in which an impending vacancy  
11 is created because a full-time associate juvenile judge is not  
12 retained in office pursuant to a judicial election, the county  
13 magistrate appointing commission shall publicize notice of the  
14 vacancy in at least two publications in the official county  
15 newspaper. The commission shall accept applications for  
16 consideration for nomination as full-time associate juvenile  
17 judge for a minimum of fifteen days prior to certifying  
18 nominations. The commission shall consider the applications  
19 and shall, by majority vote, certify to the chief judge of the  
20 judicial district not later than December 15 of that year the  
21 names of three applicants who are nominated by the commission  
22 for the vacancy, unless the chief justice has ordered the  
23 commission to delay the certification of the nominees to the  
24 chief judge. The chief justice may order the delay of the  
25 certification for up to one hundred eighty days for budgetary  
26 reasons. If there are three or fewer applicants, the  
27 commission shall certify all applicants who meet the statutory  
28 qualifications. Nominees shall be chosen solely on the basis  
29 of the qualifications of the applicants, and political  
30 affiliation shall not be considered.

31 3. Within thirty days after a county magistrate appointing  
32 commission receives notification of an actual or impending  
33 vacancy in the office of full-time associate juvenile judge,  
34 other than a vacancy referred to in subsection 2, the  
35 commission shall certify to the chief judge of the judicial

1 district the names of three applicants who are nominated by  
2 the commission for the vacancy, unless the chief justice has  
3 ordered the commission to delay the certification of the  
4 nominees to the chief judge. The chief justice may order the  
5 delay of the certification for up to one hundred eighty days  
6 for budgetary reasons. The commission shall publicize notice  
7 of the vacancy in at least two publications in the official  
8 county newspaper. The commission shall accept applications  
9 for consideration for nomination as full-time associate  
10 juvenile judge for a minimum of fifteen days prior to |  
11 certifying nominations. The commission shall consider the  
12 applications and shall, by majority vote, certify to the chief  
13 judge of the judicial district the names of three applicants  
14 who are nominated by the commission for the vacancy. If there  
15 are three or fewer applicants, the commission shall certify  
16 all applicants who meet the statutory qualifications. |  
17 Nominees shall be chosen solely on the basis of the |  
18 qualifications of the applicants, and political affiliation  
19 shall not be considered. As used in this subsection, a  
20 vacancy is created by the death, retirement, resignation, or  
21 removal of a full-time associate juvenile judge, or by an  
22 increase in the number of positions authorized.

23 Sec. 15. Section 633.20B, subsections 2 and 3, Code 2003,  
24 is amended to read as follows:

25 2. In November of any year in which an impending vacancy  
26 is created because a full-time associate probate judge is not  
27 retained in office pursuant to a judicial election, the county  
28 magistrate appointing commission shall publicize notice of the  
29 vacancy in at least two publications in the official county  
30 newspaper. The commission shall accept applications for  
31 consideration for nomination as full-time associate probate  
32 judge for a minimum of fifteen days prior to certifying  
33 nominations. The commission shall consider the applications  
34 and shall, by majority vote, certify to the chief judge of the  
35 judicial district not later than December 15 of that year the

1 names of three applicants who are nominated by the commission  
2 for the vacancy, unless the chief justice has ordered the  
3 commission to delay the certification of the nominees to the  
4 chief judge. The chief justice may order the delay of the  
5 certification for up to one hundred eighty days for budgetary  
6 reasons. If there are three or fewer applicants, the  
7 commission shall certify all applicants who meet the statutory  
8 qualifications. Nominees shall be chosen solely on the basis  
9 of the qualifications of the applicants, and political  
10 affiliation shall not be considered.

11 3. Within thirty days after a county magistrate appointing  
12 commission receives notification of an actual or impending  
13 vacancy in the office of full-time associate probate judge,  
14 other than a vacancy referred to in subsection 2, the  
15 commission shall certify to the chief judge of the judicial  
16 district the names of three applicants who are nominated by  
17 the commission for the vacancy, unless the chief justice has  
18 ordered the commission to delay the certification of the  
19 nominees to the chief judge. The chief justice may order the  
20 delay of the certification for up to one hundred eighty days  
21 for budgetary reasons. The commission shall publicize notice  
22 of the vacancy in at least two publications in the official  
23 county newspaper. The commission shall accept applications  
24 for consideration for nomination as full-time associate  
25 probate judge for a minimum of fifteen days prior to  
26 certifying nominations. The commission shall consider the  
27 applications and shall, by majority vote, certify to the chief  
28 judge of the judicial district the names of three applicants  
29 who are nominated by the commission for the vacancy. If there  
30 are three or fewer applicants, the commission shall certify  
31 all applicants who meet the statutory qualifications.  
32 Nominees shall be chosen solely on the basis of the  
33 qualifications of the applicants, and political affiliation  
34 shall not be considered. As used in this subsection, a  
35 vacancy is created by the death, retirement, resignation, or

1 removal of a full-time associate probate judge, or by an  
2 increase in the number of positions authorized.

3 Sec. 16. Section 602.6303, Code 2003, is repealed.

4 EXPLANATION

5 This bill relates to procedures for appointing judgeships  
6 and magistrates, to the voluntary transfer of judgeships, to  
7 the apportionment of judgeships among judicial election  
8 districts, to the appointment of a juvenile court officer, and  
9 to the jurisdiction of a magistrate.

10 DELAY OF APPOINTMENT. The bill permits the chief justice  
11 of the supreme court to delay, by up to 180 days, the  
12 nomination process of a judge for appointment to the Iowa  
13 supreme court, court of appeals, or district court for  
14 budgetary reasons. Current law requires that nominees to the  
15 supreme court, court of appeals, or district court be  
16 certified to the governor for appointment within 60 days of  
17 the nominating commission receiving notice of a vacancy. The  
18 bill also permits the chief justice of the supreme court for  
19 budgetary reasons to delay, by up to 180 days, the appointment  
20 process to fill a vacancy for a district associate judge,  
21 magistrate, full-time associate juvenile judge, or probate  
22 judge.

23 NOMINATING COMMISSION. The bill also prohibits a member of  
24 a judicial nominating commission from nominating a family  
25 member, current or former law partner, or business partner,  
26 for a judgeship.

27 CHIEF JUVENILE COURT OFFICER APPOINTMENT. The bill changes  
28 the method in which a chief juvenile court officer is  
29 appointed. The bill permits the chief judge to appoint the  
30 chief juvenile court officer and to remove the officer for  
31 cause. The chief juvenile officer under current law is  
32 appointed by a majority vote of all the district court judges  
33 in the judicial district.

34 ALTERNATE DISTRICT ASSOCIATE JUDGE. The bill eliminates  
35 the position of alternate district associate judge. Current

1 law provides that if a county has only one district associate  
2 judge, an alternate district associate judge may be appointed.  
3 An alternate district associate judge under current law may  
4 practice law except when actually serving as an alternate  
5 district associate judge.

6 APPORTIONMENT OF DISTRICT JUDGES. The bill requires a  
7 newly vacant judgeship to be apportioned to the judicial  
8 election district having the greatest numerical disparity  
9 between authorized judgeships and judgeships specified by the  
10 formula in Code section 602.6201, subsection 3. The bill  
11 provides that if two or more judicial election districts have  
12 an equal numerical disparity between authorized judgeships and  
13 judgeships specified by the formula, the judgeship shall be  
14 apportioned to the judicial election district with the  
15 greatest percentage of need in terms of authorized judgeships  
16 filled and judgeships specified by the formula as calculated  
17 by the state court administrator.

18 VOLUNTARY TRANSFER OF DISTRICT JUDGES. The bill provides  
19 that if the chief justice of the supreme court determines an  
20 inequity exists in the allocation of judgeships and judicial  
21 workload between judicial election districts, the chief  
22 justice may authorize a voluntary permanent transfer of a  
23 district judge from one judicial election district to another.  
24 The chief justice shall notify all eligible district judges of  
25 the intent to authorize a voluntary transfer. The chief  
26 justice may permanently transfer a district judge who consents  
27 to the transfer within six months of the notification to  
28 authorize such a transfer. The bill provides that the  
29 transfer of a district judge shall take effect within 60 days  
30 of the official announcement of the transfer. Under the bill  
31 a district judge who transfers shall establish a residency in  
32 the new judicial election district within six months of the  
33 official announcement of the transfer. A district judge who  
34 is transferred shall stand for retention in the new judicial  
35 election district.

1       MAGISTRATE JURISDICTION. The bill expands the jurisdiction  
2 of magistrates, including magistrates who have not been  
3 admitted to the practice of law in the state. The bill  
4 permits a magistrate who has not been admitted to the practice  
5 of law to have jurisdiction in all mental health or substance  
6 abuse commitment or treatment proceedings in Code chapter 125  
7 or 229 except for juveniles. The bill also provides that all  
8 magistrates have jurisdiction over emergency proceedings in  
9 domestic abuse cases under Code chapter 236. A magistrate  
10 does not have jurisdiction in domestic abuse-related cases in  
11 Code chapter 236 under current law.

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