House File 711 - Reprinted

A BILL FOR

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 1 An Act relating to judicial branch procedures involving the
 2    appointment process of certain officers and judges and
 3    applications for further review at the appellate level, and
 4    providing for temporary delays in filling judgeships.
 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 6 HF 711
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 1  1      Section 1.  Section 46.12, Code 2005, is amended to read as
 1  2 follows:
 1  3      46.12  NOTIFICATION OF VACANCY AND RESIGNATION.
 1  4      1.  When a vacancy occurs or will occur within one hundred
 1  5 twenty days in the supreme court, or the court of appeals, or
 1  6 district court, the state commissioner of elections shall
 1  7 forthwith so notify the chairperson of the proper judicial
 1  8 nominating commission, unless the chief justice has ordered
 1  9 the state commissioner of elections to delay sending the
 1 10 notification.  The chief justice may order the delay for up to
 1 11 one hundred eighty days for budgetary reasons.  The
 1 12 chairperson shall call a meeting of the commission within ten
 1 13 days after such notice; if the chairperson fails to do so, the
 1 14 chief justice shall call such meeting.
 1 15      2.  When a vacancy occurs or will occur within one hundred
 1 16 twenty days in district court, the state commissioner of
 1 17 elections shall forthwith so notify the chairperson of the
 1 18 proper judicial nominating commission.  The chairperson shall
 1 19 call a meeting of the commission within ten days after such
 1 20 notice; if the chairperson fails to do so, the chief justice
 1 21 shall call such meeting.
 1 22      3.  When a judge of the supreme court, court of appeals, or
 1 23 district court resigns, the judge shall submit a copy of the
 1 24 resignation to the state commissioner of elections at the time
 1 25 the judge submits the resignation to the governor; and when a
 1 26 judge of the supreme court, court of appeals, or district
 1 27 court dies, the clerk of district court of the county of the
 1 28 judge's residence shall in writing forthwith notify the state
 1 29 commissioner of elections of such fact.
 1 30      Sec. 2.  Section 602.1215, subsection 1, Code 2005, is
 1 31 amended to read as follows:
 1 32      1.  Subject to the provisions of section 602.1209,
 1 33 subsection 3, the district judges chief judge of each judicial
 1 34 election district, after consultation with the judges of the
 1 35 appropriate judicial election district, shall by majority vote
 2  1 appoint persons to serve as clerks of the district court
 2  2 within the judicial election district.  The district judges
 2  3 chief judge of a judicial election district may appoint a
 2  4 person to serve as clerk of the district court for more than
 2  5 one but not more than four contiguous counties in the same
 2  6 judicial district.  A person does not qualify for appointment
 2  7 to the office of clerk of the district court unless the person
 2  8 is at the time of application a resident of the state.  A
 2  9 clerk of the district court may be removed from office for
 2 10 cause by a majority vote of the district judges chief judge of
 2 11 the judicial election district.  Before removal, the clerk of
 2 12 the district court shall be notified of the cause for removal.
 2 13      Sec. 3.  Section 602.1217, subsection 1, Code 2005, is
 2 14 amended to read as follows:
 2 15      1.  The district judges within a chief judge of each
 2 16 judicial district, by majority vote, after consultation with
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2 17 the judges of the judicial district, shall appoint a chief
2 18 juvenile court officer and may remove the officer for cause.
2 19    Sec. 4.  Section 602.4102, subsection 5, Code 2005, is
2 20 amended to read as follows:
2 21    5.  The court of appeals shall extend the time for filing
2 22 of an application if the court of appeals determines that a
2 23 failure to timely file an application was due to the failure
2 24 of the clerk of the court of appeals to notify the prospective
2 25 applicant of the filing of the decision.  If an application
2 26 for further review is not acted upon by the supreme court
2 27 within thirty days after the application was filed, the
2 28 application is deemed denied, the supreme court loses
2 29 jurisdiction, and the decision of the court of appeals is
2 30 conclusive.
2 31    Sec. 5.  Section 602.6301, Code 2005, is amended to read as
2 32 follows:
2 33    602.6301  NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE
2 34 JUDGES.
2 35    There shall be one district associate judge in counties
3  1 having a population of more than thirty=five thousand and less
3  2 than eighty thousand; two in counties having a population of
3  3 eighty thousand or more and less than one hundred twenty=five
3  4 thousand; three in counties having a population of one hundred
3  5 twenty=five thousand or more and less than two one hundred
3  6 seventy=five thousand; four in counties having a population of
3  7 two one hundred seventy=five thousand or more and less than
3  8 two hundred thirty=five fifteen thousand; five in counties
3  9 having a population of two hundred thirty=five fifteen
3 10 thousand or more and less than two hundred seventy sixty
3 11 thousand; six in counties having a population of two hundred
3 12 seventy sixty thousand or more and less than three hundred
3 13 five thousand; and seven in counties having a population of
3 14 three hundred five thousand or more and less than three
3 15 hundred fifty thousand; eight in counties having a population
3 16 of three hundred fifty thousand or more and less than three
3 17 hundred ninety=five thousand; nine in counties having a
3 18 population of three hundred ninety=five thousand or more and
3 19 less than four hundred forty thousand; ten in counties having
3 20 a population of four hundred forty thousand or more and less
3 21 than four hundred eighty=five thousand; and one additional
3 22 judge for every population increment of thirty=five thousand
3 23 which is over four hundred eighty=five thousand in such
3 24 counties.  However, a county shall not lose a district
3 25 associate judgeship solely because of a reduction in the
3 26 county's population.  If the formula provided in this section
3 27 results in the allocation of an additional district associate
3 28 judgeship to a county, implementation of the allocation shall
3 29 be subject to prior approval of the supreme court and
3 30 availability of funds to the judicial branch.  A district
3 31 associate judge appointed pursuant to section 602.6302 shall
3 32 not be counted for purposes of this section.
3 33    Sec. 6.  2003 Iowa Acts, chapter 151, section 64, is
3 34 amended to read as follows:
3 35    SEC. 64.  The sections of this Act amending section 46.12,
4  1 section 602.6304, subsections 2 and 3; and sections 602.6403,
4  2 602.7103B, and 633.20B are repealed on July 1, 2006 2009.
4  3    Sec. 7.  DELAYS IN FILLING SUPREME COURT JUSTICE, APPEALS
4  4 COURT JUDGE, AND DISTRICT COURT JUDGE VACANCIES.
4  5    1.  When a vacancy occurs or will occur as provided in
4  6 section 46.12, subsection 1, the chief justice may order the
4  7 state commissioner of elections to delay sending the
4  8 notification.  The chief justice may order the delay for up to
4  9 one hundred eighty days for budgetary reasons.  This
4 10 subsection is repealed on July 1, 2006.
4 11    2.  When a vacancy occurs or will occur as provided in
4 12 section 46.12, subsection 2, the chief justice may order the
4 13 state commissioner of elections to delay sending the
4 14 notification.  The chief justice may order the delay for up to
4 15 one hundred eighty days for budgetary reasons.  This
4 16 subsection is repealed on July 1, 2009.
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