

CHAPTER 1057

ADMINISTRATION OF JUSTICE — APPOINTMENTS — BENEFITS — MAGISTRATE APPORTIONMENT

S.F. 2303

AN ACT relating to judicial administration by providing for benefits applicable to judicial branch employees, the allocation of magistrates, and the manner of making certain non-court and administrative appointments, and requesting a legislative study.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

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

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

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

341A.2 CIVIL SERVICE COMMISSION.

Subject to the alternate plan enumerated in section 341A.3, there is created in each county a civil service commission composed of three members. ~~One member~~ Two members shall be appointed by the county board of supervisors, ~~one member shall be appointed by the presiding district court judge of each county,~~ and one member shall be appointed by the county attorney of each county. ~~Commission members shall be appointed within sixty days after August 16, 1973.~~ Appointees to the commission shall be residents of the county for at least two years immediately preceding appointment, and shall be electors. Terms of office shall be six years, however, the initial members of the commission shall be appointed as follows:

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

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

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

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

341A.3 COMBINED CIVIL SERVICE SYSTEM.

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

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

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

450.24 APPRAISERS.

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

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

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

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

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

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

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

Sec. 9. Section 602.1401, Code 1999, is amended by adding the following new subsection:
NEW SUBSECTION. 6. The benefits plan established by the supreme court may provide for benefits to court employees not covered under a collective bargaining agreement entered into pursuant to chapter 20, notwithstanding any contrary provision of section 70A.1 or 70A.23, consistent with benefits provided to court employees covered under a collective bargaining agreement entered into with the state court administrator pursuant to chapter 20.

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

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

Sec. 11. Section 602.6401, subsection 4, Code 1999, is amended to read as follows:
4. ~~During~~ By March of each ~~odd-numbered~~ year in which magistrates' terms expire, the state court administrator shall give notice to the clerks of the district court and to the chief judges of the judicial districts of the number of magistrates to which each county is entitled.

Sec. 12. Section 602.6603, subsection 3, Code 1999, is amended to read as follows:
3. If a ~~district chief judge of a judicial district~~ determines that it is necessary to employ an additional court reporter because of an extraordinary volume of work, or because of the temporary illness or incapacity of a regular court reporter, the ~~district chief judge~~ may appoint a temporary court reporter who shall serve as required by the ~~district chief judge~~.

Sec. 13. Section 607A.10, Code 1999, is amended to read as follows:
607A.10 APPOINTIVE COMMISSION — MASTER LIST.
In each county, the ~~judges of the district court~~ chief judge of the judicial district in which the county is located shall, on or before March 1 of each odd-numbered year, appoint three competent electors as a jury commission to draw up the master list for the two years beginning the following July 1. The names for the master list shall be taken from the source lists. If all of the source lists are not used to draw up the master list, then the names drawn must be selected in a random manner.

Sec. 14. Section 607A.12, Code 1999, is amended to read as follows:
607A.12 MANNER OF APPOINTMENT.
The appointment shall be in writing signed by ~~three judges~~ the chief judge of the judicial district and shall be filed and made a matter of record in the office of the clerk of the district court.

Sec. 15. Section 607A.14, Code 1999, is amended to read as follows:
607A.14 VACANCY.
If a vacancy occurs in the appointive commission through death, removal or inability of a member of the commission to act, the ~~chief judge or judges~~ chief judge of the judicial district shall appoint a person to act during the remainder of the unexpired term.

Sec. 16. Section 607A.16, Code 1999, is amended to read as follows:
607A.16 INSTRUCTIONS TO APPOINTIVE COMMISSION.
The ~~judges of the district court~~ chief judge of the judicial district shall give instructions to appointive jury commissioners at the time of their appointment as to their duties, and shall call their attention to sections 607A.1, 607A.2, 607A.4 and 607A.22.

Sec. 17. Section 633.20, Code Supplement 1999, is amended to read as follows:
633.20 REFEREE — CLERK — ASSOCIATE PROBATE JUDGE.
1. The ~~court~~ chief judge of the judicial district may appoint a referee in probate for the auditing of the accounts of fiduciaries and for the performance of other ministerial duties the ~~court~~ chief judge prescribes. A person shall not be appointed as referee in a matter where the person is acting as a fiduciary or as the attorney.

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

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

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

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

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

Approved April 6, 2000

CHAPTER 1058

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2136

AN ACT relating to nonsubstantive Code corrections.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 6B.59, Code Supplement 1999, is amended to read as follows:

6B.59 SALE OF ACQUIRED PROPERTY — REIMBURSEMENT TO LANDOWNER.

If an acquiring agency acquires property by condemnation, or by otherwise exercising the power of eminent domain, and that property is later sold by the acquiring agency for more than the acquisition price paid to the landowner, the acquiring agency shall pay to the landowner from whom the property was acquired the difference between the price at which it was acquired and the price at which it was sold by the acquiring agency less the cost of any improvements made to or benefiting the land by the acquiring agency. This section does not apply to property acquired by the ~~Iowa~~ state department of transportation.

Sec. 2. Section 7E.5, subsection 1, paragraph v, Code 1999, is amended to read as follows:

v. The department for the blind, created in ~~section 216B.2~~ chapter 216B, which has primary responsibility for services relating to blind persons.

Sec. 3. Section 12.31, Code 1999, is amended to read as follows:

12.31 SHORT TITLE.

This ~~division~~ section and sections 12.32 through 12.43 shall be known as the "Linked Investments for Tomorrow Act".