

Gavel to Gavel

A review of state legislation affecting the courts

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Focus: Iowa and Indiana

Iowa's legislature ended their session with the following bills either enacted into law or on their way to the Governor.

None impacted more segments of the courts than [SF 381](#). The new law reduces from 5 to 3 the number of names submitted to the Governor by the State Judicial Nomination Commission for vacancies on the Court of Appeals. It eliminates the existing formula for the distribution of District Judges among the judicial election districts. The Supreme Court is to create a new formula "based upon a model that measures and applies an estimated case-related workload formula of judicial officers, and shall account for administrative duties, travel time, and other judicial duties not related to a specific case." However, as per existing law, an incumbent district judge cannot be removed from office because of a reduction in the number of authorized judgeships within a particular judicial election district and the number of judges remains capped at 116. For counties with a population of under 300,000 inhabitants, the Chief Judge of the judicial district is to appoint a patient advocate (currently selection is made by the district court in the county). The law also prohibits a

member of the County Magistrate Appointing Commission from being appointed to or nominated for the office of associate juvenile judge or associate probate judge. Members are also prohibited from voting for a family member or current law or business partner. Finally, the law allows a judge, clerk, or deputy clerk serving as a fiduciary to be compensated for providing fiduciary services if such services are for a close friend's or family member's estate, trust, guardianship, or conservatorship.

[HF 579](#) expands the definition of court seal to include electronic seals, removes the requirement that the Clerk of the Supreme Court mail copies of all decisions to parties and allows the Clerk to e-mail decisions instead.

[HF 641](#) modifies the manner in which court revenue is reconciled between a city and the clerk of the district court. The law permits the clerk of the district court to offset any money owed by the city before distributing any amounts owe to the city, and vice versa.

One bill of note that only made it as far as a committee vote was [SF 396](#) which would have permitted the establishment of a courthouse security grant program for counties to purchase courthouse security



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Research Division

NATIONAL CENTER FOR STATE COURTS
300 Newport Avenue, Williamsburg, VA 23185
Phone (800) 616-6109 Fax (757) 564-2022

Editor's Email: wraftery@ncsc.dni.us

Subscribe: gaveltogavel@ncsc.dni.us

Online: http://www.ncsconline.org/D_Research/gaveltogavel/



equipment or building enhancements that improve courthouse security. It was approved by the Senate Judiciary committee and died in the Senate Appropriations committee.

Indiana's legislature also sent numerous pieces of legislation to the Governor that will affect the judiciary.

[HB 1264](#) provides that the division of state court administration and not the office of family and children will determine the number of children in need of services (CHINS) cases in each county to determine funding for guardian ad litem and court appointed special advocate programs.

[HB 1287](#) consolidates provisions concerning jury selection into one chapter of the Indiana Code and conforms the law to the jury selection rules adopted by the Indiana Supreme Court. It also allows a county to use unencumbered money in a jury pay fund to maintain and improve the jury system in the county.

[HB 1480](#) provides benefit increases for the 1985 judge' retirement system and allows service credit accrued by a full-time referee, full-time commissioner, or full-time magistrate after leaving an elected term on the bench to be granted to a participating judge in the 1977 judges' retirement system if certain conditions are met. It also directs the pension management oversight commission to study the issue of implementing a judges' defined contribution plan and between the 1977 judges retirement system and the 1985 judges' retirement system.

[SB 41](#) extends until July 2011 the Commission on Courts, which is tasked with

reviewing and reporting on all requests for new courts or changes in jurisdiction of existing courts.

[SB 501](#) establishes a retirement medical benefits account for judges, judicial branch employees, and officers and employees of the other two branches to pay participants' medical expenses after retirement.

A one-chamber bill of note was [SB 147](#) which would have established a sixth district of the Court of Appeals, the new district consisting of the entire state. The bill passed the full Senate 45-1 but died in the House Rules and Legislative Procedures committee.

Selection

[ALASKA HB 253 \(2007\)](#) Requires judges seeking to withdraw their names from a retention election do so in writing and submit the request at least 48 days prior to the election. In House State Affairs committee

[WISCONSIN SB 171 \(2007\)](#) Public financing of Supreme court campaigns. (see [AB 250](#)) In Senate Campaign Finance Reform, Rural Issues and Information Technology committee

Qualifications and Terms

NONE

Rule Making Authority

[WISCONSIN SB 170 \(2007\)](#) Requires the clerk of circuit court to provide every party in a civil action or proceeding a summary of the Supreme Court rules regarding recusal

and impartiality and the procedure to follow to review and copy a statement of economic interests. Requires director of state courts to prepare a document that includes the summary and procedure and provide the clerks with sufficient copies without cost. Prohibits the clerk of circuit court from charging a party for the cost of mailing the document to the party. In Senate Campaign Finance Reform, Rural Issues and Information Technology committee

Structure Changes

NONE

Jurisdiction

NONE

Salary and Budget

NONE

Other

[PENNSYLVANIA SB 831 \(2007\)](#) Grants automatic jury exemption to all state and federal judges. In Senate Judiciary committee

Floor and Committee Activity

[ALABAMA SB 93 \(2007\)](#) Recodifies and redefines jurisdiction of juvenile courts. Consolidates provisions in various statutes into one chapter. Approved by Senate Judiciary committee as amended

[COLORADO SB 118 \(2007\)](#) Creates the court security cash fund commission and

court security cash fund to provide supplemental funding to counties with the most limited financial resources through grants for ongoing security staffing, security equipment costs, training of local security teams, and emergency court security needs. Requires a \$5 surcharge on certain court filing fees for civil actions and criminal convictions. Approved by full House

[DELAWARE SB 62 \(2007\)](#) Permits State Supreme Court to hear questions certified by the U.S. Securities and Exchange Commission. Approved by full House. Amendment passed previous legislature, now becomes part of Constitution.

[FLORIDA SB 174 \(2007\)](#) Prohibits deputy clerks of court employed full time from practicing law. Approved by full House.

[FLORIDA SB 448 \(2007\)](#) Clarifies that when a county provides personnel to the court system, the court system is responsible for those employees compliance with all requirements of federal and state employment laws. Approved by full House. To Governor for signature

[HAWAII HB 1211 \(2007\)](#) Increases fees for court-appointed counsel and guardians ad litem in family court cases. Requires the judiciary to provide the department of budget and finance with fees-related information so that the department can approve the necessary vouchers. Approved by full Senate. To Governor for signature

[ILLINOIS SB 222 \(2007\)](#) Creates a voluntary program of public financing of election campaigns for the Supreme Court and Appellate Courts, administered by the State Board of Elections. Approved as

amended by full Senate. In House Rules committee

[MICHIGAN SB 105 \(2007\)](#) Permits magistrates to oversee certain arraignments. Approved as amended by full Senate. In House Judiciary committee

[MISSOURI HJR 31 \(2007\)](#) Replaces merit selection system in those areas that have it. Nominees to be named by governor and confirmed by Senate. At the end of their 10 year term in office, judges must be reconfirmed by both chambers of the legislature. Approved by House Special Committee on General Laws. In House Rules committee

[NEVADA AB 505 \(2007\)](#) Specifies those seeking to place someone into consideration for a judicial election have 10 days from starting with the first Monday in December to do so. Judicial candidates have 10 days, starting on the first Monday in January, to accept candidacy. Does not apply to municipal judges. Approved by Senate. Returned to Assembly for transmission to Governor

[NEW HAMPSHIRE SB 39 \(2007\)](#) Permits newly-retired Supreme Court justice to continue to participate as a temporary justice in a case held before retirement but decided after. Approved by House. To Governor for approval.

[NEW HAMPSHIRE SB 51 \(2007\)](#) Transfers authority over court forms from the Supreme Court to the judicial branch administrative council. Approved by House. To Governor for approval.

[NEW HAMPSHIRE SB 252 \(2007\)](#) Requires Supreme Court reporter publish

decisions “as soon as practicable” (currently, specified as within 120 days). Requires the report include the opinion furnished by the court. Approved by House. To Governor for approval.

[OKLAHOMA SB 990 \(2007\)](#) Creates the Judicial and District Attorney Redistricting Task Force. Task force to report by November 30, 2008. Approved as amended by full House. To Senate to approve of House amendments.

[RHODE ISLAND HB 5529 \(2007\)](#) Changes composition of the commission on judicial tenure and discipline. Combines seat designated for worker’s compensation judge with seat for district court judge. Adds additional at large seat for judiciary. Adds one member of the legislature. Approved by full House.

[RHODE ISLAND SB 43 \(2007\)](#) Permits judges without spouses or minor children to designate beneficiary for their judicial retirement benefits account should they die before retirement. Approved as amended by Senate Finance committee

[RHODE ISLAND SB 469 \(2007\)](#) Changes composition of the commission on judicial tenure and discipline. (NOT identical to [HB 5529](#)). Approved as amended by Senate Finance committee

[TENNESSEE HJR 108 \(2007\)](#) Requires courts utilize a rational basis standard when reviewing hunting, fishing, and similar regulations. Approved as amended by House Conservation and Environment committee

[TENNESSEE SJR 139 \(2007\)](#) Popular election of various officials, including attorney general (currently, attorney general

is selected by the Supreme Court).
Approved as amended by State & Local Government committee. Amended on Senate floor.

[TEXAS HB 41 \(2007\)](#) Deems confidential voter registration records, appraisal records, and other county records to be confidential if they contain the address information of state and federal judges and state legislators. Approved by Senate Jurisprudence committee

[TEXAS HB 842 \(2007\)](#) Requires the addresses of judges and justices be removed from publicly available copies of their personal financial statements. Approved by Senate State Affairs committee

[TEXAS HB 1380 \(2007\)](#) Expressly states that courthouse security funds may be used to provide security for associate judges, and to require that the local administrative judges report security incidents to Office of Court Administration. Approved as by Senate Jurisprudence committee

[TEXAS HJR 36 \(2007\)](#) Permits a state justice or judge who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term. Signed into law by Governor

[TEXAS SB 565 \(2007\)](#) Authorizes chief justice in an emergency to order the moving of the courts of appeals, district courts, and statutory county courts at the county seat of a county in an adjacent district or administrative judicial region. Approved as amended by House Judiciary committee

[TEXAS SB 699 \(2007\)](#) Provides that parties in a civil action need only provide the last two numbers of each party's driver's license

number and the last four numbers of each party's Social Security number to the clerk of the court. Authorizes court to issue a contempt finding if party fails to provide required information. Approved as amended by full Senate

[TEXAS SB 1182 \(2007\)](#) Creates a supreme court support account in the judicial fund, and requires the clerk of the supreme court and the clerks of the courts of appeal to collect a court cost fee of not more than \$50 and send the fees collected to the comptroller for deposit to the credit of the judicial fund. Approved by House Judiciary committee

[TEXAS SB 1519 \(2007\)](#) Entitles a judge or justice who is paid by the state, is a member of a Judicial Retirement System, and who is an active judge to longevity pay. Approved by House Judiciary committee

[TEXAS SB 2104 \(2007\)](#) Amends numerous provisions related to statutory county courts. Converts 45 statutory county courts-at-law that currently handle controversies over \$100,000 to district courts and standardizes county court-at-law jurisdiction to handle civil matters with amounts in controversy up to \$100,000. Changes types of cases and orders that may be appealed or transferred to other courts. Specifies where district courts may sit. Grants Chief Justice with consent of Senate power to name Presiding Judges of Administrative Judicial Regions (currently, Governor with Senate consent). Creates Judicial Committee for Additional Resources to determine whether a particular case requires judicial resources. Approved by full Senate.

[WISCONSIN AB 31 \(2007\)](#) Prohibits justices and judges from accumulating

unused sick leave from year to year. Also applies to legislators and other state officials. Senate against suspension of rules to take directly from Senate Ethics Reform and Government Operations committee

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