

CHAPTER 144
JUDICIAL ADMINISTRATION
S.F. 150

AN ACT concerning judicial administration.

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

Section 1. Section 125.85, subsection 4, Code 1999, is amended to read as follows:

4. Following a respondent's discharge from a facility or from treatment, the administrator of the facility shall immediately report that fact to the court which ordered the respondent's commitment or treatment. The court shall issue an order confirming the respondent's discharge from the facility or from treatment, as the case may be, and shall terminate the proceedings pursuant to which the order was issued. Copies of the order shall be sent by certified regular mail to the facility and the respondent.

Sec. 2. Section 229.16, Code 1999, is amended to read as follows:

229.16 DISCHARGE AND TERMINATION OF PROCEEDING.

When the condition of a patient who is hospitalized under section 229.14, subsection 2, or is receiving treatment under section 229.14, subsection 3, or is in full-time care and custody under section 229.14, subsection 4, is such that in the opinion of the chief medical officer the patient no longer requires treatment or care for serious mental impairment, the chief medical officer shall tentatively discharge the patient and immediately report that fact to the court which ordered the patient's hospitalization or care and custody. The court shall thereupon issue an order confirming the patient's discharge from the hospital or from care and custody, as the case may be, and shall terminate the proceedings pursuant to which the order was issued. Copies of the order shall be sent by certified regular mail to the hospital, the patient, and the applicant if the applicant has filed a written waiver signed by the patient.

Sec. 3. Section 229.21, subsection 3, paragraph a, Code 1999, is amended to read as follows:

a. Any respondent with respect to whom the magistrate or judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a chronic substance abuser sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from the magistrate's or referee's finding to a judge of the district court by giving the clerk notice in writing, within ten days after the magistrate's or referee's finding is made, that an appeal is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney.

Sec. 4. Section 229.21, subsection 3, paragraph b, unnumbered paragraph 1, Code 1999, is amended to read as follows:

An order of a magistrate or judicial hospitalization referee with a finding that the respondent is seriously mentally impaired or a chronic substance abuser shall include the following notice, located conspicuously on the face of the order:

Sec. 5. Section 321A.12, subsection 1, Code 1999, is amended to read as follows:

1. Whenever any person fails within sixty days to satisfy any judgment, it shall be the duty of the clerk of the district court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the department immediately after the expiration of said the sixty days and upon written request of the judgment creditor, a certified copy of such judgment.

Sec. 6. Section 602.5104, Code 1999, is amended to read as follows:

602.5104 SESSIONS — LOCATION.

The court of appeals shall meet at the seat of state government and elsewhere as the court orders, and at the times specified by order of the supreme court. ~~Court sessions shall be held in the courtroom of the supreme court at the statehouse.~~

Sec. 7. Section 602.8103, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Establish and maintain a procedure to setoff against amounts held by the clerk of the district court and payable to the person any debt which is in the form of a liquidated sum due, owing and payable to the clerk. The procedure shall meet all of the following conditions:

a. Before setoff, the clerk shall provide written notice to the debtor of the clerk's claim to all or a portion of the amount held by the clerk for the debtor and the clerk's right to recover the amount of the claim through the setoff procedure, the opportunity to request in writing, that a jointly or commonly owned right to payment be divided among owners, and the opportunity to give written notice to the clerk of the district court of the person's intent to contest the amount of the claim. The debtor must file a notice of intent to contest the claim within fifteen days after the mailing of the notice of claim by the clerk or, if the notice of claim was provided by the clerk at the time the debtor appeared in the clerk's office to claim payment, within fifteen days of that date.

b. Upon the request of the debtor or the owner of a jointly or commonly owned right to payment, the clerk of the district court shall divide the payment. Unless otherwise stated in a judgment or court order, any jointly or commonly owned right to payment is presumed to be owned in equal portions by joint or common owners.

c. Upon timely filing of a notice of intent to contest the setoff, the matter shall be set for hearing before a judge or magistrate. The clerk shall notify the debtor in writing of the time and date of the hearing.

d. If the claim is not contested or upon final determination of a contested claim authorizing a setoff, the clerk shall setoff the debt against any amount the clerk is holding for payment to the debtor and pay any balance of the amount to the debtor. The amount setoff shall be applied by the clerk of the district court according to the order of priority set out in section 602.8107, subsection 2.

Sec. 8. Section 622A.3, Code 1999, is amended to read as follows:

622A.3 COSTS — WHEN TAXED.

1. An interpreter shall be appointed without expense to the person requiring assistance in the following cases:

1 a. If the person requiring assistance is a witness in the civil legal proceeding.

2 b. If the person requiring assistance is indigent and financially unable to secure an interpreter.

2. In civil cases, every court shall tax the cost of an interpreter the same as other court costs. In criminal cases, where the defendant is indigent, the interpreter shall be considered as a defendant's witness under R.Cr.P. 14 for the purpose of receiving fees, except that subpoenas shall not be required. If the proceeding is before an administrative agency, that agency shall provide such interpreter but may require that a party to the proceeding pay the expense thereof.

3. Moneys recovered as court costs for interpreters paid through the revolving fund established in section 602.1302, subsection 3, shall be deposited in that fund.

Sec. 9. Section 622A.4, Code 1999, is amended to read as follows:

622A.4 FEE SET BY COURT — PAYMENT.

Every interpreter appointed by a court or administrative agency shall receive a fee to be set by the court or administrative agency. If the interpreter is appointed by the court in a civil

case for a person who is indigent and unable to secure an interpreter, the fee for the interpreter shall be paid from the revolving fund established in section 602.1302, subsection 3.

Sec. 10. Section 624.37, Code 1999, is amended to read as follows:

624.37 SATISFACTION OF JUDGMENT — PENALTY.

When the amount due upon judgment is paid off, or satisfied in full, the party entitled to the proceeds thereof, or those acting for that party, must acknowledge satisfaction ~~thereof upon the record of such judgment, or of the judgment~~ by the execution of an instrument referring to it, duly acknowledged and filed in the office of the clerk in every county wherein the judgment is a lien. A failure to do so within thirty days after having been requested in writing shall subject the delinquent party to a penalty of one hundred dollars plus reasonable attorney fees incurred by the party aggrieved, to be recovered in an action for the satisfaction or acknowledgment by the party aggrieved.

Sec. 11. Section 631.12, Code 1999, is amended to read as follows:

631.12 ENTRY OF JUDGMENT — SETTING ASIDE DEFAULT JUDGMENT.

~~The judgment shall be entered in a space on the original notice first filed, and the clerk shall immediately enter the judgment in the small claims docket and district court lien book, without recording. Such relief shall be granted as is appropriate. Upon entering judgment, the court may provide for installment payments to be made directly by the party obligated to the party entitled thereto; and in such event execution shall not issue as long as such payments are made but execution shall issue for the full unpaid balance of the judgment upon the filing of an affidavit of default. When entered on the small claims docket and district court lien book, a small claims judgment shall constitute a lien to the same extent as regular judgments entered on the district court judgment docket and lien book; but if a small claims judgment requires installment payments, it shall not be enforceable until an affidavit of default is filed.~~

A defendant may move to set aside a default judgment in the manner provided for doing so in district court by rule of civil procedure 236.

Sec. 12. Section 633.48, Code 1999, is amended to read as follows:

633.48 CERTIFIED COPIES AFFECTING FOREIGN REAL ESTATE.

A certified copy of any proceedings, order, judgment, or deed, affecting real estate in any county other than that in which administration or conservatorship is originally granted, shall be furnished to the clerk of the court of the county where such real estate is situated; ~~and shall by.~~ Upon receipt of the certified copy, the clerk of court be entered in the Probate Record shall assign a probate case number to the certified copy and file the copy using the name of the probate proceeding in the county sending the copy. The file created by the county receiving a certified copy as provided in this section shall not be considered an active file for administrative purposes.

Sec. 13. Section 633.51, Code 1999, is amended to read as follows:

633.51 CERTIFIED COPY RECORDED.

The clerk of the court to which the proceedings are transferred shall ~~record at length file, in the probate record within a new file~~ of the clerk's county, the certified copy of the record entries referred to in section ~~633.49~~ 633.50.

Sec. 14. Section 811.9, Code 1999, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the

district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside.

Sec. 15. Section 633.29, Code 1999, is repealed.

Approved May 19, 1999

CHAPTER 145

JOINT COUNTY, CITY, FIRE DISTRICT, AND SCHOOL DISTRICT BUILDINGS — AGREEMENTS — BOND ISSUANCE

S.F. 393

AN ACT providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by counties, cities, fire districts, and school districts and providing for joint issuance of school district or fire district bonds.

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

Section 1. NEW SECTION. 28E.41 JOINT COUNTY, CITY, FIRE DISTRICT, SCHOOL DISTRICT BUILDINGS.

1. A county, city, fire district, or school district, which has areas within its boundaries which overlap areas within the boundaries of another county, city, fire district, or school district, or whose boundaries are contiguous with another county, city, fire district, or school district, may execute an agreement pursuant to this section for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use. Noncontiguous cities located within the same county, or cities located in contiguous counties, may also execute an agreement for the joint construction or acquisition, furnishing, operation, and maintenance of a joint public building or buildings for their common use. Such an agreement regarding a joint public building may allow for, but is not limited to, any of the following:

- a. Acquisition of a construction site and construction of a public building for common use.
- b. Purchase of an existing building for joint public use, or conversion of a building previously owned and maintained by a county, city, fire district, or school district for joint public use.
- c. Equipping or furnishing a new or existing building for joint public use.
- d. Operation, maintenance, or improvement of a joint public building.
- e. Any other aspect of joint public building construction, acquisition, furnishing, operation, or maintenance mutually agreed upon by the county, city, fire district, or school district and not otherwise prohibited by law.

2. An agreement pursuant to subsection 1 shall be approved by resolution of the governing bodies of each of the participating counties, cities, fire districts, or school districts and shall specify the purposes for which the joint public building shall be used, the estimated cost thereof, the estimated amount of the cost to be allocated to each of the participating counties, cities, fire districts, or school districts, the proportion and method of allocating the expenses of the operation and maintenance of the building or improvement, and the disposition to be made of any revenues to be derived therefrom, in addition to the provisions of sections 28E.5 and 28E.6, and any other applicable provision of this chapter.