

Appropriations 4/25/85

SENATE FILE 567

BY COMMITTEE ON APPROPRIATIONS  
*Formerly SSB 381*  
*Approved 4/24 (p 1651)*  
FILED APR 24 1985

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

### A BILL FOR

1 An Act making corrections and other changes relating to court  
2 reorganization, court fees, administrative closures under  
3 chapter 601A, the ability to pay a criminal fine, the  
4 judicial retirement system, and other court procedures.

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

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1 Section 1. Section 2.42, subsection 16, Code 1985, is  
2 amended to read as follows:

3 16. Authority to review proposed and delay the effective  
4 dates of rules and forms submitted by the supreme court  
5 pursuant to section 602.4202.

6 Sec. 2. Section 14.21, unnumbered paragraph 2, Code 1985,  
7 is amended to read as follows:

8 ~~Commencing July 1, 1977, the~~ The Code editor shall cause to  
9 be compiled, indexed and published in loose-leaf form the Iowa  
10 court rules, which shall consist of all rules of civil  
11 procedure, rules of criminal procedure, rules of appellate  
12 procedure, and supreme court rules. The Code editor, in  
13 consultation with the superintendent of printing, shall cause  
14 to be printed and distributed supplements to the compilation  
15 on or before the effective date of either new rules, or  
16 amendments to or the repeal of existing rules. All expenses  
17 incurred by the Code editor under this paragraph shall be  
18 defrayed under section 14.22. There shall be established a  
19 price for the compilation of rules, and a separate price for  
20 each supplement. The price of the compilation and of  
21 supplements shall represent the costs of compiling and  
22 indexing, the amounts charged for printing and distribution  
23 and a cost for labor determined jointly by the legislative  
24 council and rules review committee in consultation with the  
25 state printer. On request a single copy of each compilation  
26 and of each supplement shall be distributed free of charge to  
27 each of the persons or agencies referred to in section 18.97,  
28 subsections 1, 2, 5, 6, 7, 8 and 16.

29 Sec. 3. Section 331.506, subsection 2, paragraph b, Code  
30 1985, is amended to read as follows:

31 b. Witness fees and mileage in trials of criminal actions  
32 prosecuted under county ordinance, as certified by the county  
33 attorney.

34 Sec. 4. Section 331.510, subsection 2, Code 1985, is  
35 amended by striking the subsection.

1     Sec. 5. Section 601A.16, subsection 6, Code 1985, is  
2 amended by adding the following new unnumbered paragraph:

3     NEW UNNUMBERED PARAGRAPH. This section does not authorize  
4 administrative closures if an investigation is warranted.

5     Sec. 6. Section 602.1302, Code 1985, is amended by adding  
6 the following new subsection:

7     NEW SUBSECTION. 4. A revolving fund is created in the  
8 state treasury for the payment of jury and witness fees and  
9 mileage by the department. The department shall deposit any  
10 reimbursements to the state for the payment of jury and  
11 witness fees and mileage in the revolving fund. Notwith-  
12 standing section 8.33, unencumbered and unobligated receipts  
13 in the revolving fund at the end of a fiscal year do not  
14 revert to the general fund of the state. The department shall  
15 on or before February 1 file a financial accounting of the  
16 moneys in the revolving fund with the legislative fiscal  
17 bureau. The accounting shall include an estimate of  
18 disbursements from the revolving fund for the remainder of the  
19 fiscal year and for the next fiscal year.

20     Sec. 7. Section 602.1303, subsections 7 and 8, Code 1985,  
21 are amended to read as follows:

22     7. A county or city shall pay the costs of its depositions  
23 and transcripts ~~and the court fees and costs provided by law~~  
24 in criminal actions prosecuted by that county or city and  
25 shall pay the court fees and costs provided by law in criminal  
26 actions prosecuted by that county or city under county or city  
27 ordinance. A county or city shall pay witness fees and  
28 mileage in trials of criminal actions prosecuted by the county  
29 or city under county or city ordinance.

30     8. A county shall pay the fees and expenses allowed under  
31 sections 815.2 and 815.3; ~~and shall pay the fees and expenses~~  
32 ~~allowed under sections 815.5 and 815.6 with respect to~~  
33 ~~witnesses for the prosecution.~~

34     Sec. 8. Section 602.4104, subsection 3, Code 1985, is  
35 amended to read as follows:

1 3. The supreme court shall prescribe rules to provide for  
2 the submission of cases to the entire bench or to the separate  
3 divisions. ~~These rules are subject to section 602.4202.~~

4 Sec. 9. Section 602.4202, Code 1985, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 602.4202 RULE-MAKING PROCEDURE.

8 1. The supreme court shall submit a rule or form  
9 prescribed by the supreme court under section 602.4201 or pur-  
10 suant to any other rule-making authority specifically made  
11 subject to this section to the legislative council and shall  
12 at the same time report the rule or form to the chairpersons  
13 and ranking members of the senate and house committees on  
14 judiciary. The legislative service bureau shall make  
15 recommendations to the supreme court on the proper style and  
16 format of rules and forms required to be submitted to the  
17 legislative council under this subsection.

18 2. A rule or form submitted as required under subsection 1  
19 takes effect sixty days after submission to the legislative  
20 council, or at a later date specified by the supreme court,  
21 unless the legislative council, within sixty days after  
22 submission and by a majority vote of its members, delays the  
23 effective date of the rule or form to a date as provided in  
24 subsection 3.

25 3. The effective date of a rule or form submitted during  
26 the period of time beginning February 15 and ending February  
27 14 of the next calendar year may be delayed by the legislative  
28 council until May 1 of that next calendar year.

29 4. A rule or form submitted as required under subsection 1  
30 and effective on or before July 1 shall be bound with the Acts  
31 of the general assembly meeting in regular session in the  
32 calendar year in which the July 1 falls.

33 5. If the general assembly enacts a bill changing a rule  
34 or form, the general assembly's enactment supersedes a  
35 conflicting provision in the rule or form as submitted by the

1 supreme court.

2 Sec. 10. Section 602.6603, subsection 4, Code 1985, is  
3 amended by striking the subsection and inserting in lieu  
4 thereof the following:

5 4. If a regularly appointed court reporter becomes  
6 disabled, or if a vacancy occurs in a regularly appointed  
7 court reporter position, the judge may appoint a competent  
8 uncertified shorthand reporter for a period of time of up to  
9 six months, upon verification by the chief judge that a  
10 diligent but unsuccessful search has been conducted to appoint  
11 a certified shorthand reporter to the position and, in a  
12 disability case, that the regularly appointed court reporter  
13 is disabled. An uncertified shorthand reporter shall not be  
14 reappointed to the position unless the reporter becomes a  
15 certified shorthand reporter within the period of appointment  
16 under this subsection.

17 Sec. 11. Section 602.6603, Code 1985, is amended by adding  
18 the following new subsection:

19 NEW SUBSECTION. 8. If a judge dies, resigns, retires, is  
20 removed from office, becomes disabled, or fails to be retained  
21 in office and the judicial vacancy is eligible to be filled, a  
22 court reporter appointed by the judge is entitled to serve as  
23 a court reporter, as directed by the chief judge or the chief  
24 judge's designee, until the successor judge appoints a  
25 successor court reporter. The court reporter shall be paid  
26 the reporter's regular salary during the period of time until  
27 a successor court reporter is appointed or until the currently  
28 appointed court reporter is reappointed.

29 Sec. 12. Section 602.8102, subsection 45, Code 1985, is  
30 amended by striking the subsection and inserting in lieu  
31 thereof the following:

32 45. Report monthly to the office for planning and  
33 programming the following information related to each con-  
34 viction in the district court for a felony, an aggravated  
35 misdemeanor, or a serious misdemeanor under section 321.281,

1 subsection 2, paragraph "a":

2 a. The name of the convicted offender.

3 b. The statutory citation and character of the offense of  
4 which the offender was convicted.

5 c. The sentence imposed on the convicted offender.

6 Sec. 13. Section 602.8103, Code 1985, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 6. Accept a check, share draft, draft, or  
9 written order on a bank, savings and loan association, credit  
10 union, corporation, or person as payment of a support  
11 obligation which is payable to the clerk, in accordance with  
12 procedures established by the clerk to assure that such  
13 negotiable instruments will not be dishonored.

14 Sec. 14. Section 602.8105, subsection 1, paragraph a, Code  
15 1985, is amended to read as follows:

16 a. For filing and docketing a petition other than for  
17 modification of a dissolution decree filed within one hundred  
18 eighty days of the date of the entering of the dissolution  
19 decree, or an appeal, or writ of error and-docketing-them,  
20 thirty-five dollars. Four dollars of the fee shall be  
21 deposited in the court revenue distribution account  
22 established under section 602.8108, and thirty-one dollars of  
23 the fee shall be paid into the state treasury. Of the amount  
24 paid to the state treasury, one dollar shall be deposited in  
25 the judicial retirement fund established in section 602.9104  
26 to be used to pay retirement benefits of the judicial  
27 retirement system, and the remainder shall be deposited in the  
28 general fund of the state. In counties having a population of  
29 one hundred thousand or over, an additional five dollars shall  
30 be charged and collected, to be known as the journal  
31 publication fee and used for the purposes provided for in  
32 section 618.13.

33 Sec. 15. Section 602.8105, subsection 1, paragraph b, Code  
34 1985, is amended to read as follows:

35 b. For payment in advance of various services and

1 docketing procedures, excluding those for small claims actions  
2 and small claims actions on appeal and simple misdemeanor  
3 actions and simple misdemeanor actions on appeal, twenty-five  
4 dollars.

5 Sec. 16. Section 602.8105, subsection 1, paragraph j, Code  
6 1985, is amended to read as follows:

7 j. In criminal cases, the same fees for the same services  
8 as in civil cases, to be paid by the county or city  
9 initiating, which has the duty to prosecute the criminal  
10 action, payable as provided in section 602.8109. When  
11 judgment is rendered against the defendant, costs collected  
12 from the defendant shall be paid to the county or city  
13 initiating which has the duty to prosecute the criminal action  
14 to the extent necessary for reimbursement for fees paid.  
15 However, the fees which are payable by the county to the clerk  
16 of the district court for services rendered in criminal  
17 actions prosecuted under state law and the court costs taxed  
18 in connection with the trial of those criminal actions or  
19 appeals from the judgments in those criminal actions are  
20 waived.

21 Sec. 17. Section 602.8105, subsection 1, Code 1985, is  
22 amended by adding the following new lettered paragraphs and  
23 relettering the subsequent paragraph:

24 NEW LETTERED PARAGRAPH. p. For filing and docketing a  
25 transcript of judgment from another county, two dollars.

26 NEW LETTERED PARAGRAPH. q. For entering a judgment by  
27 confession, two dollars.

28 Sec. 18. Section 602.8106, subsection 1, Code 1985, is  
29 amended to read as follows:

30 1. Notwithstanding section 602.8105, the fee for the  
31 filing and docketing of a complaint or information for a  
32 simple misdemeanor shall be eight is twenty dollars, provided  
33 that except that the filing and docketing of a complaint or  
34 information for a nonscheduled simple misdemeanor under  
35 chapter 321 is fifteen dollars. However, a fee for filing and

1 docketing a complaint or information shall not be collected in  
2 cases of overtime parking.

3 Sec. 19. Section 602.8106, subsection 4, Code 1985, is  
4 amended to read as follows:

5 4. All fees and costs for the filing of a complaint or  
6 information or upon forfeiture of bail received from a  
7 magistrate shall be distributed by the clerk as follows:

8 a. ~~One-half~~ Two fifths shall be remitted monthly by the  
9 clerk to the treasurer of state to be credited to the general  
10 fund of the state.

11 b. ~~One-fourth~~ One fifth shall be deposited in the court  
12 revenue distribution account established under section  
13 602.8108.

14 c. ~~One-fourth~~ Two fifths shall be remitted monthly by the  
15 clerk to the treasurer of state to be credited to the judicial  
16 retirement fund established under section 602.9104.

17 Sec. 20. Section 602.11101, subsection 4, Code 1985, is  
18 amended by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Until July 1, 1985 the county  
20 shall remain responsible for the compensation of juvenile  
21 court referees. Effective July 1, 1985 the state shall assume  
22 the responsibility for the compensation of juvenile court  
23 referees.

24 Sec. 21. Section 602.11101, subsection 5, Code 1985, is  
25 amended by adding the following new unnumbered paragraphs:

26 NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county  
27 shall remain responsible for the compensation of and operating  
28 costs for court employees not presently designated for state  
29 financing and for miscellaneous costs of the judicial  
30 department related to furnishings, supplies, and equipment  
31 purchased, leased, or maintained for the use of judicial  
32 officers, referees, and their staff. Effective July 1, 1986  
33 the state shall assume the responsibility for the compensation  
34 of and operating costs for court employees presently  
35 designated for state financing and for miscellaneous costs of

1 the judicial department related to furnishings, supplies, and  
2 equipment purchased, leased, or maintained for the use of  
3 judicial officers, referees, and their staff. However, the  
4 county shall at all times remain responsible for the provision  
5 of suitable courtrooms, offices, and other physical facilities  
6 pursuant to section 602.1303, subsection 1, including paint,  
7 wall covering, and fixtures in the facilities.

8 NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county  
9 shall remain responsible for the compensation of and operating  
10 costs for probate referees and judicial hospitalization  
11 referees and their staffs. Effective July 1, 1986 the state  
12 shall assume the responsibility for the compensation of and  
13 operating costs for probate referees and judicial  
14 hospitalization referees and their staffs.

15 Sec. 22. Section 602.11101, Code 1985, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 7. The county shall remain responsible  
18 for the court-ordered costs of conciliation procedures under  
19 section 598.16.

20 Sec. 23. Section 602.11102, Code 1985, is amended to read  
21 as follows:

22 602.11102 ACCRUED EMPLOYEE RIGHTS.

23 1. Persons who were paid salaries by the counties or  
24 judicial districts immediately prior to becoming state  
25 employees as a result of this Act chapter shall not forfeit  
26 accrued vacation, accrued sick leave, or longevity, except as  
27 provided in this section.

28 2. As a part of its rule-making authority under section  
29 602.11101, the supreme court, after consulting with the state  
30 comptroller, shall prescribe rules to provide for the  
31 following:

32 a. Each person referred to in subsection 1 shall have to  
33 the person's credit as a state employee commencing on the date  
34 of becoming a state employee the number of accrued vacation  
35 days that was credited to the person as a county employee as

1 of the end of the day prior to becoming a state employee.

2 b. Each person referred to in subsection 1 shall have to  
3 the person's credit as a state employee commencing on the date  
4 of becoming a state employee the number of accrued days of  
5 sick leave that was credited to the person as a county  
6 employee as of the end of the day prior to becoming a state  
7 employee. However, the number of days of sick leave credited  
8 to a person under this subsection and eligible to be taken  
9 when sick or eligible to be received upon retirement shall not  
10 respectively exceed the maximum number of days, if any, or the  
11 maximum dollar amount as provided in section 79.23 that state  
12 employees generally are entitled to accrue or receive  
13 according to laws-and rules in effect as of the date the  
14 person becomes a state employee.

15 c. Commencing on the date of becoming a state employee,  
16 each person referred to in subsection 1 is entitled to claim  
17 the person's most recent continuous period of service in full-  
18 time county employment as full-time state employment for  
19 purposes of determining the number of days of vacation which  
20 the person is entitled to earn each year. The actual vacation  
21 benefit, including the limitation on the maximum accumulated  
22 vacation leave, shall be determined as provided in section  
23 79.1 according to laws-and rules in effect for state employees  
24 of comparable longevity, irrespective of any greater or lesser  
25 benefit as a county employee.

26 d. Notwithstanding paragraphs "b" and "c", for the period  
27 beginning July 1, 1984, and ending June 30, 1986, court  
28 reporters who become state employees as a result of this Act  
29 chapter are not subject to the sick leave and vacation accrual  
30 limitations generally applied to state employees. However,  
31 court reporters are subject to the maximum dollar limitation  
32 upon retirement as provided in section 79.23.

33 Sec. 24. Section 602.11103, Code 1985, is amended to read  
34 as follows:

35 602.11103 LIFE, AND HEALTH, AND DISABILITY INSURANCE.

1 Persons who were covered by county employee life insurance  
2 and accident and health insurance plans prior to becoming  
3 state employees as a result of this Act chapter shall be  
4 permitted to apply prior to becoming state employees for life  
5 insurance and health and accident insurance plans that are  
6 available to state employees so that those persons do not  
7 suffer a lapse of insurance coverage as a result of this Act  
8 chapter. The supreme court, after consulting with the state  
9 comptroller, shall prescribe rules and distribute application  
10 forms and take other actions as necessary to enable those  
11 persons to elect to have insurance coverage that is in effect  
12 on the date of becoming state employees. The actual insurance  
13 coverage available to a person shall be determined by the  
14 plans that are available to state employees, irrespective of  
15 any greater or lesser benefits as a county or judicial  
16 district employee.

17 Commencing on the date of becoming a state employee, each  
18 person referred to in this section is entitled to claim the  
19 person's most recent continuous period of service in full-time  
20 county or judicial district employment as full-time state  
21 employment for purposes of determining disability benefits as  
22 provided in section 79.20 according to rules in effect for  
23 state employees of comparable longevity, irrespective of any  
24 greater or lesser benefit as a county or judicial district  
25 employee.

26 Sec. 25. Section 602.11108, Code 1985, is amended to read  
27 as follows:

28 602.11108 COLLECTIVE BARGAINING.

29 A person who becomes a state employee as a result of this  
30 Act chapter is a public employee, as defined in section 20.3,  
31 subsection 3, for purposes of chapter 20. The person may  
32 bargain collectively on and after July 1, 1983 as provided by  
33 law for a court employee. However, if the person is subject  
34 to a collective bargaining agreement negotiated prior to July  
35 1, 1983, the person is entitled to the rights and benefits

1 obtained by the person pursuant to that contract after July 1,  
2 1983, until that contract expires. If the person is subject  
3 to a collective bargaining agreement negotiated by a public  
4 employer other than the state court administrator on or after  
5 July 1, 1983, the person is not entitled to any rights or  
6 benefits obtained by the person pursuant to that contract  
7 after becoming a state employee.

8 Commencing one year prior to each category of employees  
9 becoming state employees as a result of this chapter, the  
10 state court administrator shall assume the position of public  
11 employer of those employees of that category for the sole  
12 purpose of negotiating a collective bargaining agreement with  
13 those employees to be effective upon the date those employees  
14 became state employees as a result of this chapter.

15 Sec. 26. Section 602.11110, Code 1985, is amended to read  
16 as follows:

17 602.11110 JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.

18 As soon as practicable after January 1, 1985, the supreme  
19 court administrator shall recompute the number of judgeships  
20 to which judicial election districts 5A and 5C are entitled.  
21 Notwithstanding section 602.6201, subsection 2, the seventeen  
22 incumbent district judges in judicial election district 5A on  
23 December 31, 1984 may reside in either judicial election  
24 district 5A or 5C beginning January 1, 1985. The supreme  
25 court administrator shall apportion to judicial election  
26 district 5C those incumbent district judges who were appointed  
27 to replace district judges residing in Polk county or who were  
28 appointed to fill newly created judgeships while residing in  
29 Polk county. The incumbent district judges residing in Polk  
30 county on January 1, 1985 who are not so apportioned to  
31 judicial election district 5C shall be apportioned to judicial  
32 election district 5A but shall be reapportioned to judicial  
33 election district 5C, in the order of their seniority as  
34 district judges, as soon as the first vacancies occur in  
35 judicial election district 5C due to death, resignation,

1 retirement, removal, or failure of retention. Such a  
2 reapportionment constitutes a vacancy in judicial election  
3 district 5A for purposes of section 602.6201. Notwithstanding  
4 section 602.6201, subsection 2, the seventeen incumbent  
5 district judges in judicial election district 5A on December  
6 31, 1984 shall stand for retention in the judicial election  
7 district to which the district judges are apportioned or  
8 reapportioned under this section. Commencing on January 1,  
9 1985, vacancies within judicial election districts 5A and 5C  
10 shall be determined and filled under section 602.6201,  
11 subsections 4 through 8. For purposes of the recomputations,  
12 the supreme court administrator shall determine the average  
13 case filings for the latest available three-year period by  
14 reallocating the actual case filings during the three-year  
15 period to judicial election districts 5A and 5C as if they  
16 existed throughout the three-year period.

17 Sec. 27. Section 631.6, subsection 1, Code 1985, is  
18 amended to read as follows:

19 1. The docket fee for a small claims action is ten eleven  
20 dollars. ~~Other-fees-imposed-for-small-claims-shall-be-the~~  
21 ~~same-as-those-required-in-regular-actions-in-district-court,~~  
22 four Four dollars of the docket fee shall remain be deposited  
23 in the ~~county-treasury-for-the-use-of-the-county~~ court revenue  
24 distribution account established under section 602.8108 and  
25 six seven dollars of the fee shall be paid into the state  
26 treasury. Of the amount paid into the state treasury, two  
27 dollars shall be deposited in the judicial retirement fund  
28 established in section 602.9104 to be used to pay retirement  
29 benefits of the judicial retirement system, and the remainder  
30 shall be deposited in the general fund of the state.

31 Sec. 28. Section 631.6, unnumbered paragraph 2, Code 1985,  
32 is amended to read as follows:

33 All fees and costs collected in small claims actions, other  
34 than the seven dollars of the docket fee to be paid into the  
35 state treasury, shall be deposited in the court revenue

1 distribution account established under section 602.8108,  
2 except that the fee specified in subsection 4 ~~of this section~~  
3 shall be remitted to the secretary of state.

4 Sec. 29. Section 666.6, Code 1985, is amended to read as  
5 follows:

6 666.6 REPORT OF FORFEITED BONDS.

7 The clerk of the district court shall make an annual report  
8 in writing to the ~~supreme court on the first Monday in~~  
9 treasurer of state and the state court administrator no later  
10 than January 15 of all forfeited recognizances in the clerk's  
11 office, of all fines, penalties, and forfeitures imposed in  
12 the district court, in what cause or proceeding, when and for  
13 what purpose, against whom and for what amount, rendered,  
14 whether the fines, penalties, forfeitures, and recognizances  
15 which have been paid, remitted, canceled, or otherwise  
16 satisfied, if so, when, how, and in what manner, and if not  
17 been paid, remitted, canceled, or otherwise satisfied, what  
18 steps have been taken to enforce the collection of the fines,  
19 penalties, forfeitures and recognizances during the previous  
20 calendar year.

21 ~~The report shall be full, true, and complete with reference~~  
22 ~~to the matters contained in the report and all things required~~  
23 ~~by this section to be reported, and the report shall be under~~  
24 ~~oath. A clerk failing to make the report as required by this~~  
25 ~~section is guilty of a simple misdemeanor.~~

26 Sec. 30. Section 805.6, subsection 1, paragraph a, Code  
27 1985, is amended to read as follows:

28 a. The commissioner of public safety and the state  
29 conservation director, acting jointly, shall adopt a uniform,  
30 combined citation and complaint which shall be used for  
31 charging all traffic violations in Iowa under state law or  
32 local regulation or ordinance, and which shall be used for  
33 charging all other violations which are designated by section  
34 805.8 to be scheduled violations. The court costs in  
35 scheduled violation cases where a court appearance is not

1 required are ten dollars. The court costs in scheduled  
2 violation cases where a court appearance is required are  
3 fifteen dollars. This subsection does not prevent the  
4 charging of any of those violations by information, by private  
5 complaint filed under chapter 804, or by a simple notice of  
6 fine where permitted by section 321.236, subsection 1. Each  
7 uniform citation and complaint shall be serially numbered and  
8 shall be in quintuplicate, and the officer shall deliver the  
9 original and a copy to the court where the defendant is to  
10 appear, two copies to the defendant, and a copy to the law  
11 enforcement agency of the officer. The court shall forward  
12 the copy of the uniform citation and complaint in accordance  
13 with section 321.207 when applicable.

14 PARAGRAPH DIVIDED. The uniform citation and complaint  
15 shall contain spaces for the parties' names; the address of  
16 the alleged offender; the registration number of the  
17 offender's vehicle; the information required by section 805.2;  
18 a promise to appear as provided in section 805.3 and a place  
19 where the cited person may sign the promise to appear; a list  
20 of the scheduled fines prescribed by section 805.8, either  
21 separately or by group, and a statement that of the court  
22 costs payable in scheduled offense violation cases, whether or  
23 not a court appearance is required or is demanded, are eight  
24 dollars; a brief explanation of sections 805.9 and 805.10; and  
25 a space where the defendant may sign an admission of the  
26 violation when permitted by section 805.9; and the uniform  
27 citation and complaint shall require that the defendant appear  
28 before a court at a specified time and place. The uniform  
29 citation and complaint also may contain a space for the  
30 imprint of a credit card, and may contain any other  
31 information which the commissioner of public safety and the  
32 state conservation director may determine.

33 Sec. 31. Section 805.6, subsection 1, paragraph c,  
34 subparagraphs (1), (2), and (3), Code 1985, are amended to  
35 read as follows:

1 (1) If the offense is one to which a scheduled fine is  
2 applicable, an amount equal to one and one-half times the  
3 scheduled fine plus eight-dollars court costs.

4 (2) If the violation charged involved or resulted in an  
5 accident or injury to property and the total damages are less  
6 than two hundred fifty dollars, the amount of fifty dollars  
7 and-eight-dollars plus court costs.

8 (3) If the violation is for any offense for which a court  
9 appearance is mandatory, the amount of one hundred dollars  
10 plus eight-dollars court costs.

11 Sec. 32. Section 805.9, Code 1985, is amended to read as  
12 follows:

13 805.9 ADMISSION OF SCHEDULED VIOLATIONS.

14 1. In cases of scheduled violations, the defendant, before  
15 the time specified in the citation and complaint for  
16 appearance before the court, may sign the admission of  
17 violation on the citation and complaint and deliver or mail a  
18 copy of the citation and complaint, together with the minimum  
19 fine for the violation, plus eight-dollars court costs, to a  
20 scheduled violations office in the county. The office shall,  
21 if the offense is a moving violation under chapter 321,  
22 forward a copy of the citation and complaint and admission to  
23 the department of transportation as required by section  
24 321.207. In this case the defendant is not required to appear  
25 before the court. The admission constitutes a conviction.

26 2. A defendant charged with a scheduled violation by  
27 information may obtain two copies of the information from the  
28 court and, before the time the defendant is required to appear  
29 before the court, deliver or mail the copies, together with  
30 the defendant's admission, fine, and eight-dollars court  
31 costs, to the scheduled violations office in the county. The  
32 procedure, fine, and costs are the same as when the charge is  
33 by citation and complaint, with the admission and the number  
34 of the defendant's operator's or chauffeur's license placed  
35 upon the information, when the violation involves the use of a

1 motor vehicle.

2 3. When section 805.8 and this section are applicable but  
3 the officer does not deem it advisable to release the  
4 defendant and no court in the county is in session:

5 a. If the defendant wishes to admit the violation, the  
6 officer may release the defendant upon observing the person  
7 mail the citation and complaint, admission, and minimum fine,  
8 together with ~~eight-dollars~~ court costs, to a traffic  
9 violations office in the county, in an envelope furnished by  
10 the officer. The admission constitutes a conviction and  
11 judgment in the amount of the scheduled fine plus eight  
12 ~~dollars~~ court costs. The officer may allow the defendant to  
13 use a credit card pursuant to rules adopted under section  
14 805.14 by the department of public safety or to mail a check  
15 in the proper amount in lieu of cash. If the check is not  
16 paid by the drawee for any reason, the defendant may be held  
17 in contempt of court. The officer shall advise the defendant  
18 of the penalty for nonpayment of the check.

19 b. If the defendant does not comply with paragraph "a" of  
20 ~~this-subsection~~, the officer may release the defendant upon  
21 observing the defendant mail to a court in the county the  
22 citation and complaint and one and one-half times the minimum  
23 fine together with ~~eight-dollars~~ court costs, or in lieu of  
24 one and one-half times the fine and the court costs, a  
25 guaranteed arrest bond certificate as provided in section  
26 321.1, subsection 70, as bail together with the following  
27 statement signed by the defendant:

28 "I agree that either (1) I will appear pursuant to this  
29 citation or (2) if I do not appear in person or by counsel to  
30 defend against the offense charged in this citation the court  
31 is authorized to enter a conviction and render judgment  
32 against me for the amount of one and one-half times the  
33 scheduled fine plus ~~eight-dollars~~ court costs."

34 c. If the defendant does not comply with paragraph "a" or  
35 "b", or when section 804.7 is applicable, the officer may

1 arrest and confine the defendant if authorized by the latter  
2 section, and proceed according to chapter 804.

3 4. A defendant who admits a scheduled violation may appear  
4 before court. The procedure, costs, and fine, without  
5 suspension of the fine, after the hearing are the same as in  
6 the traffic violations office.

7 5. A defendant charged with a scheduled violation who does  
8 not fully comply with subsection 1, 2, 3, or 4 of this section  
9 before the time required to appear before the court must, at  
10 that time, appear before the court. If the defendant admits  
11 the violation, the procedure, costs, and fine, without  
12 suspension of the fine, after the hearing are the same before  
13 the court as before the traffic violations office ~~with-eight~~  
14 ~~dollars-court-costs~~, and are without prejudice, when  
15 applicable, to proceedings under section 321.487.

16 6. The ~~eight-dollars-in~~ court costs imposed by this  
17 section are the total costs collectible from a defendant upon  
18 either an admission of a violation without hearing, or upon a  
19 hearing pursuant to subsection 4. ~~Fees-shall-not-be-imposed~~  
20 ~~upon-or-collected-from-a-defendant-for-the-purposes-specified~~  
21 ~~in-section-602.8105, subsection 1, paragraph "i", "j", or "c".~~

22 Sec. 33. Section 815.13, Code 1985, is amended to read as  
23 follows:

24 815.13 PAYMENT OF PROSECUTION COSTS.

25 The county or city which has the duty to prosecute a  
26 criminal action shall pay the costs of depositions taken on  
27 behalf of the prosecution, the costs of transcripts requested  
28 by the prosecution, and in criminal actions prosecuted by the  
29 county or city under county or city ordinance the fees that  
30 are payable to the clerk of the district court for services  
31 rendered, and the court costs taxed in connection with the  
32 trial of the action or appeals from the judgment. The county  
33 or city shall pay witness fees and mileage in trials of  
34 criminal actions prosecuted by the county or city under county  
35 or city ordinance. These fees and costs are recoverable by

1 the county or city from the defendant unless the defendant is  
2 found not guilty or the action is dismissed, in which case the  
3 state shall pay the witness fees and mileage in cases  
4 prosecuted under state law.

5 Sec. 34. Section 907.4, Code 1985, is amended to read as  
6 follows:

7 907.4 DEFERRED JUDGMENT DOCKET.

8 Any deferment of judgment under section 907.3 shall be  
9 reported promptly by the clerk of the district court to the  
10 supreme court administrator who shall maintain a permanent  
11 record thereof of the deferment including the name and date of  
12 birth of the defendant, the district court docket number, the  
13 nature of the offense, and the date of the deferment. Before  
14 granting deferment in any case, the court shall request of the  
15 supreme court administrator a search of the deferred judgment  
16 docket and shall consider any prior record of a deferment of  
17 judgment against the defendant. The permanent record provided  
18 for in this section shall ~~constitute~~ is a confidential record  
19 exempted from public access under section 22.7 and shall be  
20 available only to justices of the supreme court, judges of the  
21 court of appeals, district judges, district associate judges,  
22 and judicial magistrates, and county attorneys requesting  
23 information pursuant to this section or the designee of such a  
24 justice, judge, magistrate, or county attorney.

25 Sec. 35. NEW SECTION. 909.7 ABILITY TO PAY FINE  
26 PRESUMED.

27 A defendant is presumed to be able to pay a fine. However,  
28 if the defendant proves to the satisfaction of the court that  
29 the defendant cannot pay the fine, the defendant shall not be  
30 sentenced to confinement for the failure to pay the fine.

31 Sec. 36. REPEALS.

32 1. Sections 247.29 through 247.31, Code 1985, are  
33 repealed.

34 2. Section 602.9110, Code 1985, is repealed.

35 Sec. 37. Section 21 of this Act applies retroactively to

1 July 1, 1983.

2

EXPLANATION

3 This bill makes corrections and other changes relating to  
4 the court reorganization and court fee legislation enacted in  
5 1983.

6 Sections 1, 8, and 9 make several technical changes in the  
7 statutes on submission of rules by the supreme court to the  
8 general assembly. A substantive change is made to the date to  
9 which the legislative council may delay the effect of such a  
10 rule. A rule submitted between February 15 and February 14 of  
11 the next calendar year may be delayed until May 1 of the next  
12 calendar year.

13 Section 2 charges the Code editor and the superintendent of  
14 printing with the responsibility of printing and distributing  
15 supplements to the Iowa court rules by the effective dates of  
16 rule changes contained in the supplements.

17 Sections 3, 7, 16, and 33 waive the court fees and costs  
18 payable by the county in criminal actions prosecuted under  
19 state law and provide that the counties and cities remain  
20 responsible for court fees and costs in criminal actions pro-  
21 secuted under county or city ordinance.

22 Sections 4, 12, and 36 repeal certain reporting require-  
23 ments relating to county expenses for criminal prosecutions  
24 and county criminal statistics and substitute a requirement to  
25 report criminal convictions to the office for planning and  
26 programming.

27 Section 5 amends chapter 601A to state that administrative  
28 closures are not authorized if an investigation is warranted.

29 Section 6 creates a revolving jury and witness fee fund not  
30 subject to reversion at the end of a fiscal year.

31 Sections 10 and 11 provide for an interim appointment of a  
32 court reporter who is not certified and for retention of a  
33 court reporter when a judgeship becomes vacant until a  
34 successor court reporter is appointed or the current court  
35 reporter is reappointed.

1 Section 13 authorizes the receipt of checks and certain  
2 other negotiable instruments by the clerk of the district  
3 court as payments of support obligations.

4 Section 14 makes the \$35 filing and docketing fee inap-  
5 plicable to petitions for modification of a dissolution decree  
6 within 180 days of the date of the entering of the decree.

7 Section 15 makes the \$25 advance fee for various services  
8 inapplicable to simple misdemeanor actions, in order to  
9 conform to current fee collection practices. The section also  
10 makes the \$25 fee inapplicable to small claims actions on  
11 appeal and simple misdemeanor actions on appeal.

12 Section 17 creates two small district court fees, in  
13 addition to the \$25 advance fee, for filing and docketing a  
14 transcript of judgment from another county, and for entering a  
15 judgment by confession.

16 Sections 18, 19, 30, 31, and 32 raise the fee from \$8 to  
17 \$10 for court costs for scheduled violations not requiring a  
18 court appearance, from \$8 to \$15 for court costs for scheduled  
19 violations requiring a court appearance, from \$8 to \$15 for  
20 nonscheduled simple misdemeanor traffic violations, and from  
21 \$8 to \$20 for the filing and docketing of a complaint or  
22 information for other simple misdemeanors. The percentages of  
23 remittances to the treasurer of state for deposit in the gen-  
24 eral fund of the state and to the court revenue distribution  
25 account are decreased while the percentage remittance to be  
26 credited to the judicial retirement fund is increased.

27 Section 20 requires the state to assume the costs of  
28 juvenile court referees, effective July 1, 1985.

29 Section 21 requires the state to assume certain personnel  
30 and miscellaneous costs of the judicial department, effective  
31 July 1, 1986. The section also requires the state to assume  
32 the costs of probate referees and judicial hospitalization  
33 referees, effective July 1, 1986. Section 37 makes the sec-  
34 tion retroactively effective to July 1, 1983.

35 Section 22 requires the counties to continue to pay the

1 costs of court-ordered marital conciliation.

2 Section 23 amends the transition provision on accrued em-  
3 ployee rights to provide that county and judicial district  
4 employees who become state employees under the court  
5 reorganization are limited to both the maximum number of sick  
6 days allowed other state employees, should the state reimpose  
7 such a limitation, and to the maximum dollar amount in sick  
8 leave payable upon retirement, currently \$2,000. The section  
9 also provides that the limitation on the maximum accumulated  
10 vacation leave, currently two times the annual rate of  
11 accrual, applies to the new state employees. The section also  
12 subjects court reporters to the same sick leave retirement  
13 amount, currently \$2,000, as applied to other state employees.

14 Section 24 extends the same disability benefits to the new  
15 state employees as to other comparable state employees.

16 Section 25 provides that the state court administrator may  
17 collectively bargain with a category of employees prior to the  
18 date on which they become state employees under the court  
19 reorganization, with the agreement to be effective on the date  
20 when the employees become state employees.

21 Section 26 provides rules for the apportionment and reten-  
22 tion of district judges in new judicial election districts 5A  
23 and 5C.

24 Sections 27 and 28 raise the small claims docket fee from  
25 \$10 to \$11 and provide that \$4 of the \$11 small claims docket  
26 fee is to be deposited in the court revenue distribution  
27 account rather than the county treasury and that one addi-  
28 tional dollar of the docket fee paid to the state is to be  
29 deposited in the judicial retirement fund.

30 Section 29 deletes the requirement that the clerk of the  
31 district court annually report all fines, penalties, and  
32 forfeitures imposed and collected; the clerks' monthly reports  
33 required under section 602.8108 contain this information.  
34 Unpaid fines, penalties, and forfeiture must still be reported  
35 annually. The section also deletes the criminal penalty.

1 Section 34 requires records of deferred judgments to  
2 include the defendants' dates of birth.

3 Section 35 establishes a presumption of ability to pay a  
4 criminal fine and requires a defendant to prove inability to  
5 pay a fine, in which case the defendant cannot be confined for  
6 failure to pay.

7 Section 36 also repeals the prohibition on the receipt of  
8 an annuity by a member of the judicial retirement system while  
9 that member is serving as a state officer or employee.

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New  
SF 567

SSB 381  
Appropriations

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL)

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

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

Approved \_\_\_\_\_

## A BILL FOR

1 An Act making corrections and other changes relating to court  
2 reorganization, court fees, administrative closures under  
3 chapter 601A, the ability to pay a criminal fine, the  
4 judicial retirement system, and other court procedures.

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

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1 Section 1. Section 2.42, subsection 16, Code 1985, is  
2 amended to read as follows:

3 16. Authority to review proposed and delay the effective  
4 dates of rules and forms submitted by the supreme court  
5 pursuant to section 602.4202.

6 Sec. 2. Section 14.21, unnumbered paragraph 2, Code 1985,  
7 is amended to read as follows:

8 ~~Commencing July 17, 1977,~~ the The Code editor shall cause to  
9 be compiled, indexed and published in loose-leaf form the Iowa  
10 court rules, which shall consist of all rules of civil  
11 procedure, rules of criminal procedure, rules of appellate  
12 procedure, and supreme court rules. The Code editor, in  
13 consultation with the superintendent of printing, shall cause  
14 to be printed and distributed supplements to the compilation  
15 on or before the effective date of either new rules, or  
16 amendments to or the repeal of existing rules. All expenses  
17 incurred by the Code editor under this paragraph shall be  
18 defrayed under section 14.22. There shall be established a  
19 price for the compilation of rules, and a separate price for  
20 each supplement. The price of the compilation and of  
21 supplements shall represent the costs of compiling and  
22 indexing, the amounts charged for printing and distribution  
23 and a cost for labor determined jointly by the legislative  
24 council and rules review committee in consultation with the  
25 state printer. On request a single copy of each compilation  
26 and of each supplement shall be distributed free of charge to  
27 each of the persons or agencies referred to in section 18.97,  
28 subsections 1, 2, 5, 6, 7, 8 and 16.

29 Sec. 3. Section 331.506, subsection 2, paragraph b, Code  
30 1985, is amended to read as follows:

31 b. Witness fees and mileage in trials of criminal actions  
32 prosecuted under county ordinance, as certified by the county  
33 attorney.

34 Sec. 4. Section 331.510, subsection 2, Code 1985, is  
35 amended by striking the subsection.

1     Sec. 5. Section 601A.16, subsection 6, Code 1985, is  
2 amended by adding the following new unnumbered paragraph:

3     NEW UNNUMBERED PARAGRAPH. This section does not authorize  
4 administrative closures if an investigation is warranted.

5     Sec. 6. Section 602.1302, Code 1985, is amended by adding  
6 the following new subsection:

7     NEW SUBSECTION. 4. A revolving fund is created in the  
8 state treasury for the payment of jury and witness fees and  
9 mileage by the department. The department shall deposit any  
10 reimbursements to the state for the payment of jury and  
11 witness fees and mileage in the revolving fund. Notwith-  
12 standing section 8.33, unencumbered and unobligated receipts  
13 in the revolving fund at the end of a fiscal year do not  
14 revert to the general fund of the state. The department shall  
15 on or before February 1 file a financial accounting of the  
16 moneys in the revolving fund with the legislative fiscal  
17 bureau. The accounting shall include an estimate of  
18 disbursements from the revolving fund for the remainder of the  
19 fiscal year and for the next fiscal year.

20     Sec. 7. Section 602.1303, subsections 7 and 8, Code 1985,  
21 are amended to read as follows:

22     7. A county or city shall pay the costs of its depositions  
23 and transcripts ~~and the court fees and costs provided by law~~  
24 in criminal actions prosecuted by that county or city and  
25 shall pay the court fees and costs provided by law in criminal  
26 actions prosecuted by that county or city under county or city  
27 ordinance. A county or city shall pay witness fees and  
28 mileage in trials of criminal actions prosecuted by the county  
29 or city under county or city ordinance.

30     8. A county shall pay the fees and expenses allowed under  
31 sections 815.2 and 815.3, ~~and shall pay the fees and expenses~~  
32 ~~allowed under sections 815.5 and 815.6 with respect to~~  
33 ~~witnesses for the prosecution.~~

34     Sec. 8. Section 602.4104, subsection 3, Code 1985, is  
35 amended to read as follows:

1 3. The supreme court shall prescribe rules to provide for  
2 the submission of cases to the entire bench or to the separate  
3 divisions. ~~These rules are subject to section 602.4202.~~

4 Sec. 9. Section 602.4202, Code 1985, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 602.4202 RULE-MAKING PROCEDURE.

8 1. The supreme court shall submit a rule or form  
9 prescribed by the supreme court under section 602.4201 or pur-  
10 suant to any other rule-making authority specifically made  
11 subject to this section to the legislative council and shall  
12 at the same time report the rule or form to the chairpersons  
13 and ranking members of the senate and house committees on  
14 judiciary. The legislative service bureau shall make  
15 recommendations to the supreme court on the proper style and  
16 format of rules and forms required to be submitted to the  
17 legislative council under this subsection.

18 2. A rule or form submitted as required under subsection 1  
19 takes effect sixty days after submission to the legislative  
20 council, or at a later date specified by the supreme court,  
21 unless the legislative council, within sixty days after  
22 submission and by a majority vote of its members, delays the  
23 effective date of the rule or form to a date as provided in  
24 subsection 3.

25 3. The effective date of a rule or form submitted during  
26 the period of time beginning February 15 and ending February  
27 14 of the next calendar year may be delayed by the legislative  
28 council until May 1 of that next calendar year.

29 4. A rule or form submitted as required under subsection 1  
30 and effective on or before July 1 shall be bound with the Acts  
31 of the general assembly meeting in regular session in the  
32 calendar year in which the July 1 falls.

33 5. If the general assembly enacts a bill changing a rule  
34 or form, the general assembly's enactment supersedes a  
35 conflicting provision in the rule or form as submitted by the

1 supreme court.

2 Sec. 10. Section 602.6603, subsection 4, Code 1985, is  
3 amended by striking the subsection and inserting in lieu  
4 thereof the following:

5 4. If a regularly appointed court reporter becomes  
6 disabled, or if a vacancy occurs in a regularly appointed  
7 court reporter position, the judge may appoint a competent  
8 uncertified shorthand reporter for a period of time of up to  
9 six months, upon verification by the chief judge that a  
10 diligent but unsuccessful search has been conducted to appoint  
11 a certified shorthand reporter to the position and, in a  
12 disability case, that the regularly appointed court reporter  
13 is disabled. An uncertified shorthand reporter shall not be  
14 reappointed to the position unless the reporter becomes a  
15 certified shorthand reporter within the period of appointment  
16 under this subsection.

17 Sec. 11. Section 602.6603, Code 1985, is amended by adding  
18 the following new subsection:

19 NEW SUBSECTION. 8. If a judge dies, resigns, retires, is  
20 removed from office, becomes disabled, or fails to be retained  
21 in office and the judicial vacancy is eligible to be filled, a  
22 court reporter appointed by the judge is entitled to serve as  
23 a court reporter, as directed by the chief judge or the chief  
24 judge's designee, until the successor judge appoints a  
25 successor court reporter. The court reporter shall be paid  
26 the reporter's regular salary during the period of time until  
27 a successor court reporter is appointed or until the currently  
28 appointed court reporter is reappointed.

29 Sec. 12. Section 602.8102, subsection 45, Code 1985, is  
30 amended by striking the subsection and inserting in lieu  
31 thereof the following:

32 45. Report monthly to the office for planning and  
33 programming the following information related to each con-  
34 viction in the district court for a felony, an aggravated  
35 misdemeanor, or a serious misdemeanor under section 321.281,

1 subsection 2, paragraph "a":

2 a. The name of the convicted offender.

3 b. The statutory citation and character of the offense of  
4 which the offender was convicted.

5 c. The sentence imposed on the convicted offender.

6 Sec. 13. Section 602.8103, Code 1985, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 6. Accept a check, share draft, draft, or  
9 written order on a bank, savings and loan association, credit  
10 union, corporation, or person as payment of a support  
11 obligation which is payable to the clerk, in accordance with  
12 procedures established by the clerk to assure that such  
13 negotiable instruments will not be dishonored.

14 Sec. 14. Section 602.8105, subsection 1, paragraph a, Code  
15 1985, is amended to read as follows:

16 a. For filing and docketing a petition other than for  
17 modification of a dissolution decree filed within one hundred  
18 eighty days of the date of the entering of the dissolution  
19 decree, or an appeal, or writ of error and-docketing-them,  
20 thirty-five dollars. Four dollars of the fee shall be  
21 deposited in the court revenue distribution account  
22 established under section 602.8108, and thirty-one dollars of  
23 the fee shall be paid into the state treasury. Of the amount  
24 paid to the state treasury, one dollar shall be deposited in  
25 the judicial retirement fund established in section 602.9104  
26 to be used to pay retirement benefits of the judicial  
27 retirement system, and the remainder shall be deposited in the  
28 general fund of the state. In counties having a population of  
29 one hundred thousand or over, an additional five dollars shall  
30 be charged and collected, to be known as the journal  
31 publication fee and used for the purposes provided for in  
32 section 618.13.

33 Sec. 15. Section 602.8105, subsection 1, paragraph b, Code  
34 1985, is amended to read as follows:

35 b. For payment in advance of various services and

1 docketing procedures, excluding those for small claims actions  
2 and small claims actions on appeal and simple misdemeanor  
3 actions and simple misdemeanor actions on appeal, twenty-five  
4 dollars.

5 Sec. 16. Section 602.8105, subsection 1, paragraph j, Code  
6 1985, is amended to read as follows:

7 j. In criminal cases, the same fees for the same services  
8 as in civil cases, to be paid by the county or city  
9 initiating, which has the duty to prosecute the criminal  
10 action, payable as provided in section 602.8109. When  
11 judgment is rendered against the defendant, costs collected  
12 from the defendant shall be paid to the county or city  
13 initiating which has the duty to prosecute the criminal action  
14 to the extent necessary for reimbursement for fees paid.  
15 However, the fees which are payable by the county to the clerk  
16 of the district court for services rendered in criminal  
17 actions prosecuted under state law and the court costs taxed  
18 in connection with the trial of those criminal actions or  
19 appeals from the judgments in those criminal actions are  
20 waived.

21 Sec. 17. Section 602.8105, subsection 1, Code 1985, is  
22 amended by adding the following new lettered paragraphs and  
23 relettering the subsequent paragraph:

24 NEW LETTERED PARAGRAPH. p. For filing and docketing a  
25 transcript of judgment from another county, two dollars.

26 NEW LETTERED PARAGRAPH. q. For entering a judgment by  
27 confession, two dollars.

28 NEW LETTERED PARAGRAPH. r. For the administrative costs  
29 of collecting and distributing support payments payable to the  
30 clerk of the district court under section 598.22, to be paid  
31 annually by the person obligated to pay the support and to be  
32 billed and collected by the clerk separately from, in addition  
33 to, and after both current and accrued support payments have  
34 been collected by the clerk, twenty-five dollars.

35 Sec. 18. Section 602.8106, subsection 1, Code 1985, is

1 amended to read as follows:

2 1. Notwithstanding section 602.8105, the fee for the  
3 filing and docketing of a complaint or information for a  
4 simple misdemeanor ~~shall be eight~~ is twenty dollars, ~~provided~~  
5 that except that the filing and docketing of a complaint or  
6 information for a nonscheduled simple misdemeanor under  
7 chapter 321 is fifteen dollars. However, a fee for filing and  
8 docketing a complaint or information shall not be collected in  
9 cases of overtime parking.

10 Sec. 19. Section 602.8106, subsection 4, Code 1985, is  
11 amended to read as follows:

12 4. All fees and costs for the filing of a complaint or  
13 information or upon forfeiture of bail received from a  
14 magistrate shall be distributed by the clerk as follows:

15 a. ~~One-half~~ Two fifths shall be remitted monthly by the  
16 clerk to the treasurer of state to be credited to the general  
17 fund of the state.

18 b. ~~One-fourth~~ One fifth shall be deposited in the court  
19 revenue distribution account established under section  
20 602.8108.

21 c. ~~One-fourth~~ Two fifths shall be remitted monthly by the  
22 clerk to the treasurer of state to be credited to the judicial  
23 retirement fund established under section 602.9104.

24 Sec. 20. Section 602.11101, subsection 4, Code 1985, is  
25 amended by adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Until July 1, 1985 the county  
27 shall remain responsible for the compensation of juvenile  
28 court referees. Effective July 1, 1985 the state shall assume  
29 the responsibility for the compensation of juvenile court  
30 referees.

31 Sec. 21. Section 602.11101, subsection 5, Code 1985, is  
32 amended by adding the following new unnumbered paragraphs:

33 NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county  
34 shall remain responsible for the compensation of and operating  
35 costs for court employees not presently designated for state

1 financing and for miscellaneous costs of the judicial  
2 department related to furnishings, supplies, and equipment  
3 purchased, leased, or maintained for the use of judicial  
4 officers, referees, and their staff. Effective July 1, 1986  
5 the state shall assume the responsibility for the compensation  
6 of and operating costs for court employees presently  
7 designated for state financing and for miscellaneous costs of  
8 the judicial department related to furnishings, supplies, and  
9 equipment purchased, leased, or maintained for the use of  
10 judicial officers, referees, and their staff. However, the  
11 county shall at all times remain responsible for the provision  
12 of suitable courtrooms, offices, and other physical facilities  
13 pursuant to section 602.1303, subsection 1, including paint,  
14 wall covering, and fixtures in the facilities.

15 NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county  
16 shall remain responsible for the compensation of and operating  
17 costs for probate referees and judicial hospitalization  
18 referees and their staffs. Effective July 1, 1986 the state  
19 shall assume the responsibility for the compensation of and  
20 operating costs for probate referees and judicial  
21 hospitalization referees and their staffs.

22 Sec. 22. Section 602.11101, Code 1985, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 7. The county shall remain responsible  
25 for the court-ordered costs of conciliation procedures under  
26 section 598.16.

27 Sec. 23. Section 602.11102, Code 1985, is amended to read  
28 as follows:

29 602.11102 ACCRUED EMPLOYEE RIGHTS.

30 1. Persons who were paid salaries by the counties or  
31 judicial districts immediately prior to becoming state  
32 employees as a result of this Act chapter shall not forfeit  
33 accrued vacation, accrued sick leave, or longevity, except as  
34 provided in this section.

35 2. As a part of its rule-making authority under section

1 602.11101, the supreme court, after consulting with the state  
2 comptroller, shall prescribe rules to provide for the  
3 following:

4 a. Each person referred to in subsection 1 shall have to  
5 the person's credit as a state employee commencing on the date  
6 of becoming a state employee the number of accrued vacation  
7 days that was credited to the person as a county employee as  
8 of the end of the day prior to becoming a state employee.

9 b. Each person referred to in subsection 1 shall have to  
10 the person's credit as a state employee commencing on the date  
11 of becoming a state employee the number of accrued days of  
12 sick leave that was credited to the person as a county  
13 employee as of the end of the day prior to becoming a state  
14 employee. However, the number of days of sick leave credited  
15 to a person under this subsection and eligible to be taken  
16 when sick or eligible to be received upon retirement shall not  
17 respectively exceed the maximum number of days, if any, or the  
18 maximum dollar amount as provided in section 79.23 that state  
19 employees generally are entitled to accrue or receive  
20 according to ~~laws-and~~ rules in effect as of the date the  
21 person becomes a state employee.

22 c. Commencing on the date of becoming a state employee,  
23 each person referred to in subsection 1 is entitled to claim  
24 the person's most recent continuous period of service in full-  
25 time county employment as full-time state employment for  
26 purposes of determining the number of days of vacation which  
27 the person is entitled to earn each year. The actual vacation  
28 benefit, including the limitation on the maximum accumulated  
29 vacation leave, shall be determined as provided in section  
30 79.1 according to ~~laws-and~~ rules in effect for state employees  
31 of comparable longevity, irrespective of any greater or lesser  
32 benefit as a county employee.

33 d. Notwithstanding paragraphs "b" and "c", for the period  
34 beginning July 1, 1984, and ending June 30, 1986, court  
35 reporters who become state employees as a result of this Act

1 chapter are not subject to the sick leave and vacation accrual  
2 limitations generally applied to state employees. However,  
3 court reporters are subject to the maximum dollar limitation  
4 upon retirement as provided in section 79.23.

5 Sec. 24. Section 602.11103, Code 1985, is amended to read  
6 as follows:

7 602.11103 LIFE, AND HEALTH, AND DISABILITY INSURANCE.

8 Persons who were covered by county employee life insurance  
9 and accident and health insurance plans prior to becoming  
10 state employees as a result of this Act chapter shall be  
11 permitted to apply prior to becoming state employees for life  
12 insurance and health and accident insurance plans that are  
13 available to state employees so that those persons do not  
14 suffer a lapse of insurance coverage as a result of this Act  
15 chapter. The supreme court, after consulting with the state  
16 comptroller, shall prescribe rules and distribute application  
17 forms and take other actions as necessary to enable those  
18 persons to elect to have insurance coverage that is in effect  
19 on the date of becoming state employees. The actual insurance  
20 coverage available to a person shall be determined by the  
21 plans that are available to state employees, irrespective of  
22 any greater or lesser benefits as a county or judicial  
23 district employee.

24 Commencing on the date of becoming a state employee, each  
25 person referred to in this section is entitled to claim the  
26 person's most recent continuous period of service in full-time  
27 county or judicial district employment as full-time state  
28 employment for purposes of determining disability benefits as  
29 provided in section 79.20 according to rules in effect for  
30 state employees of comparable longevity, irrespective of any  
31 greater or lesser benefit as a county or judicial district  
32 employee.

33 Sec. 25. Section 602.11108, Code 1985, is amended to read  
34 as follows:

35 602.11108 COLLECTIVE BARGAINING.

1 A person who becomes a state employee as a result of this  
2 Act chapter is a public employee, as defined in section 20.3,  
3 subsection 3, for purposes of chapter 20. The person may  
4 bargain collectively on and after July 1, 1983 as provided by  
5 law for a court employee. However, if the person is subject  
6 to a collective bargaining agreement negotiated prior to July  
7 1, 1983, the person is entitled to the rights and benefits  
8 obtained by the person pursuant to that contract after July 1,  
9 1983, until that contract expires. If the person is subject  
10 to a collective bargaining agreement negotiated by a public  
11 employer other than the state court administrator on or after  
12 July 1, 1983, the person is not entitled to any rights or  
13 benefits obtained by the person pursuant to that contract  
14 after becoming a state employee.

15 Commencing one year prior to each category of employees  
16 becoming state employees as a result of this chapter, the  
17 state court administrator shall assume the position of public  
18 employer of those employees of that category for the sole  
19 purpose of negotiating a collective bargaining agreement with  
20 those employees to be effective upon the date those employees  
21 became state employees as a result of this chapter.

22 Sec. 26. Section 602.11110, Code 1985, is amended to read  
23 as follows:

24 602.11110 JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.

25 As soon as practicable after January 1, 1985, the supreme  
26 court administrator shall recompute the number of judgeships  
27 to which judicial election districts 5A and 5C are entitled.  
28 Notwithstanding section 602.6201, subsection 2, the seventeen  
29 incumbent district judges in judicial election district 5A on  
30 December 31, 1984 may reside in either judicial election  
31 district 5A or 5C beginning January 1, 1985. The supreme  
32 court administrator shall apportion to judicial election  
33 district 5C those incumbent district judges who were appointed  
34 to replace district judges residing in Polk county or who were  
35 appointed to fill newly created judgeships while residing in

1 Polk county. The incumbent district judges residing in Polk  
2 county on January 1, 1985 who are not so apportioned to  
3 judicial election district 5C shall be apportioned to judicial  
4 election district 5A but shall be reapportioned to judicial  
5 election district 5C, in the order of their seniority as  
6 district judges, as soon as the first vacancies occur in  
7 judicial election district 5C due to death, resignation,  
8 retirement, removal, or failure of retention. Such a  
9 reapportionment constitutes a vacancy in judicial election  
10 district 5A for purposes of section 602.6201. Notwithstanding  
11 section 602.6201, subsection 2, the seventeen incumbent  
12 district judges in judicial election district 5A on December  
13 31, 1984 shall stand for retention in the judicial election  
14 district to which the district judges are apportioned or  
15 reapportioned under this section. Commencing on January 1,  
16 1985, vacancies within judicial election districts 5A and 5C  
17 shall be determined and filled under section 602.6201,  
18 subsections 4 through 8. For purposes of the recomputations,  
19 the supreme court administrator shall determine the average  
20 case filings for the latest available three-year period by  
21 reallocating the actual case filings during the three-year  
22 period to judicial election districts 5A and 5C as if they  
23 existed throughout the three-year period.

24 Sec. 27. Section 631.6, subsection 1, Code 1985, is  
25 amended to read as follows:

26 1. The docket fee for a small claims action is ten eleven  
27 dollars. ~~Other-fees-imposed-for-small-claims-shall-be-the~~  
28 ~~same-as-those-required-in-regular-actions-in-district-court,~~  
29 four Four dollars of the docket fee shall remain be deposited  
30 in the ~~county-treasury-for-the-use-of-the-county~~ court revenue  
31 distribution account established under section 602.8108 and  
32 six seven dollars of the fee shall be paid into the state  
33 treasury. Of the amount paid into the state treasury, two  
34 dollars shall be deposited in the judicial retirement fund  
35 established in section 602.9104 to be used to pay retirement

1 benefits of the judicial retirement system, and the remainder  
2 shall be deposited in the general fund of the state.

3 Sec. 28. Section 631.6, unnumbered paragraph 2, Code 1985,  
4 is amended to read as follows:

5 All fees and costs collected in small claims actions, other  
6 than the seven dollars of the docket fee to be paid into the  
7 state treasury, shall be deposited in the court revenue  
8 distribution account established under section 602.8108,  
9 except that the fee specified in subsection 4 ~~of this section~~  
10 shall be remitted to the secretary of state.

11 Sec. 29. Section 666.6, Code 1985, is amended to read as  
12 follows:

13 666.6 REPORT OF FORFEITED BONDS.

14 The clerk of the district court shall make an annual report  
15 in writing to the ~~supreme court on the first Monday in~~  
16 treasurer of state and the state court administrator no later  
17 than January 15 of all forfeited recognizances in the clerk's  
18 office, of all fines, penalties, and forfeitures imposed in  
19 the district court, in what cause or proceeding, when and for  
20 what purpose, against whom and for what amount, rendered,  
21 whether the fines, penalties, forfeitures, and recognizances  
22 which have been paid, remitted, canceled, or otherwise  
23 satisfied, if so, when, how, and in what manner, and if not  
24 been paid, remitted, canceled, or otherwise satisfied, what  
25 steps have been taken to enforce the collection of the fines,  
26 penalties, forfeitures, and recognizances during the previous  
27 calendar year.

28 ~~The report shall be full, true, and complete with reference~~  
29 ~~to the matters contained in the report and all things required~~  
30 ~~by this section to be reported, and the report shall be under~~  
31 ~~oath.--A clerk failing to make the report as required by this~~  
32 ~~section is guilty of a simple misdemeanor.~~

33 Sec. 30. Section 805.6, subsection 1, paragraph a, Code  
34 1985, is amended to read as follows:

35 a. The commissioner of public safety and the state

1 conservation director, acting jointly, shall adopt a uniform,  
2 combined citation and complaint which shall be used for  
3 charging all traffic violations in Iowa under state law or  
4 local regulation or ordinance, and which shall be used for  
5 charging all other violations which are designated by section  
6 805.8 to be scheduled violations. The court costs in  
7 scheduled violation cases where a court appearance is not  
8 required are ten dollars. The court costs in scheduled  
9 violation cases where a court appearance is required are  
10 fifteen dollars. This subsection does not prevent the  
11 charging of any of those violations by information, by private  
12 complaint filed under chapter 804, or by a simple notice of  
13 fine where permitted by section 321.236, subsection 1. Each  
14 uniform citation and complaint shall be serially numbered and  
15 shall be in quintuplicate, and the officer shall deliver the  
16 original and a copy to the court where the defendant is to  
17 appear, two copies to the defendant, and a copy to the law  
18 enforcement agency of the officer. The court shall forward  
19 the copy of the uniform citation and complaint in accordance  
20 with section 321.207 when applicable.

21 PARAGRAPH DIVIDED. The uniform citation and complaint  
22 shall contain spaces for the parties' names; the address of  
23 the alleged offender; the registration number of the  
24 offender's vehicle; the information required by section 805.2;  
25 a promise to appear as provided in section 805.3 and a place  
26 where the cited person may sign the promise to appear; a list  
27 of the scheduled fines prescribed by section 805.8, either  
28 separately or by group, and a statement that of the court  
29 costs payable in scheduled offense violation cases, whether or  
30 not a court appearance is required or is demanded, ~~are eight~~  
31 ~~dollars~~; a brief explanation of sections 805.9 and 805.10; and  
32 a space where the defendant may sign an admission of the  
33 violation when permitted by section 805.9; and the uniform  
34 citation and complaint shall require that the defendant appear  
35 before a court at a specified time and place. The uniform

1 citation and complaint also may contain a space for the  
2 imprint of a credit card, and may contain any other  
3 information which the commissioner of public safety and the  
4 state conservation director may determine.

5 Sec. 31. Section 805.6, subsection 1, paragraph c,  
6 subparagraphs (1), (2), and (3), Code 1985, are amended to  
7 read as follows:

8 (1) If the offense is one to which a scheduled fine is  
9 applicable, an amount equal to one and one-half times the  
10 scheduled fine plus ~~eight-dollars~~ court costs.

11 (2) If the violation charged involved or resulted in an  
12 accident or injury to property and the total damages are less  
13 than two hundred fifty dollars, the amount of fifty dollars  
14 ~~and-eight-dollars~~ plus court costs.

15 (3) If the violation is for any offense for which a court  
16 appearance is mandatory, the amount of one hundred dollars  
17 plus ~~eight-dollars~~ court costs.

18 Sec. 32. Section 805.9, Code 1985, is amended to read as  
19 follows:

20 805.9 ADMISSION OF SCHEDULED VIOLATIONS.

21 1. In cases of scheduled violations, the defendant, before  
22 the time specified in the citation and complaint for  
23 appearance before the court, may sign the admission of  
24 violation on the citation and complaint and deliver or mail  
25 the citation and complaint, together with the minimum fine for  
26 the violation, plus ~~eight-dollars~~ court costs, to a scheduled  
27 violations office in the county. The office shall, if the  
28 offense is a moving violation under chapter 321, forward a  
29 copy of the citation and complaint and admission to the  
30 department of transportation as required by section 321.207.  
31 In this case the defendant is not required to appear before  
32 the court. The admission constitutes a conviction.

33 2. A defendant charged with a scheduled violation by  
34 information may obtain two copies of the information from the  
35 court and, before the time the defendant is required to appear

1 before the court, deliver or mail the copies, together with  
2 the defendant's admission, fine, and eight-dollars court  
3 costs, to the scheduled violations office in the county. The  
4 procedure, fine, and costs are the same as when the charge is  
5 by citation and complaint, with the admission and the number  
6 of the defendant's operator's or chauffeur's license placed  
7 upon the information, when the violation involves the use of a  
8 motor vehicle.

9 3. When section 805.8 and this section are applicable but  
10 the officer does not deem it advisable to release the  
11 defendant and no court in the county is in session:

12 a. If the defendant wishes to admit the violation, the  
13 officer may release the defendant upon observing the person  
14 mail the citation and complaint, admission, and minimum fine,  
15 together with eight-dollars court costs, to a traffic  
16 violations office in the county, in an envelope furnished by  
17 the officer. The admission constitutes a conviction and  
18 judgment in the amount of the scheduled fine plus eight  
19 dollars court costs. The officer may allow the defendant to  
20 use a credit card pursuant to rules adopted under section  
21 805.14 by the department of public safety or to mail a check  
22 in the proper amount in lieu of cash. If the check is not  
23 paid by the drawee for any reason, the defendant may be held  
24 in contempt of court. The officer shall advise the defendant  
25 of the penalty for nonpayment of the check.

26 b. If the defendant does not comply with paragraph "a" of  
27 this-subsection, the officer may release the defendant upon  
28 observing the defendant mail to a court in the county the  
29 citation and complaint and one and one-half times the minimum  
30 fine together with eight-dollars court costs, or in lieu of  
31 one and one-half times the fine and the court costs, a  
32 guaranteed arrest bond certificate as provided in section  
33 321.1, subsection 70, as bail together with the following  
34 statement signed by the defendant:

35 "I agree that either (1) I will appear pursuant to this

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 citation or (2) if I do not appear in person or by counsel to  
2 defend against the offense charged in this citation the court  
3 is authorized to enter a conviction and render judgment  
4 against me for the amount of one and one-half times the  
5 scheduled fine plus ~~eight-dollars~~ court costs."

6 c. If the defendant does not comply with paragraph "a" or  
7 "b", or when section 804.7 is applicable, the officer may  
8 arrest and confine the defendant if authorized by the latter  
9 section, and proceed according to chapter 804.

10 4. A defendant who admits a scheduled violation may appear  
11 before court. The procedure, costs, and fine, without  
12 suspension of the fine, after the hearing are the same as in  
13 the traffic violations office.

14 5. A defendant charged with a scheduled violation who does  
15 not fully comply with subsection 1, 2, 3, or 4 of this section  
16 before the time required to appear before the court must, at  
17 that time, appear before the court. If the defendant admits  
18 the violation, the procedure, costs, and fine, without  
19 suspension of the fine, after the hearing are the same before  
20 the court as before the traffic violations office with-eight  
21 ~~dollars-court-costs~~, and are without prejudice, when  
22 applicable, to proceedings under section 321.487.

23 6. The ~~eight-dollars-in~~ court costs imposed by this  
24 section are the total costs collectible from a defendant upon  
25 either an admission of a violation without hearing, or upon a  
26 hearing pursuant to subsection 4. ~~Fees-shall-not-be-imposed~~  
27 ~~upon-or-collected-from-a-defendant-for-the-purposes-specified~~  
28 ~~in-section-602-8105, subsection 1, paragraph "i", "j", or "t".~~

29 Sec. 33. Section 815.13, Code 1985, is amended to read as  
30 follows:

31 815.13 PAYMENT OF PROSECUTION COSTS.

32 The county or city which has the duty to prosecute a  
33 criminal action shall pay the costs of depositions taken on  
34 behalf of the prosecution, the costs of transcripts requested  
35 by the prosecution, and in criminal actions prosecuted by the

1 county or city under county or city ordinance the fees that  
2 are payable to the clerk of the district court for services  
3 rendered, and the court costs taxed in connection with the  
4 trial of the action or appeals from the judgment. The county  
5 or city shall pay witness fees and mileage in trials of  
6 criminal actions prosecuted by the county or city under county  
7 or city ordinance. These fees and costs are recoverable by  
8 the county or city from the defendant unless the defendant is  
9 found not guilty or the action is dismissed, in which case the  
10 state shall pay the witness fees and mileage in cases  
11 prosecuted under state law.

12 Sec. 34. Section 907.4, Code 1985, is amended to read as  
13 follows:

14 907.4 DEFERRED JUDGMENT DOCKET.

15 Any deferment of judgment under section 907.3 shall be  
16 reported promptly by the clerk of the district court to the  
17 supreme court administrator who shall maintain a permanent  
18 record ~~thereof~~ of the deferment including the name and date of  
19 birth of the defendant, the district court docket number, the  
20 nature of the offense, and the date of the deferment. Before  
21 granting deferment in any case, the court shall request of the  
22 supreme court administrator a search of the deferred judgment  
23 docket and shall consider any prior record of a deferment of  
24 judgment against the defendant. The permanent record provided  
25 for in this section ~~shall constitute~~ is a confidential record  
26 exempted from public access under section 22.7 and shall be  
27 available only to justices of the supreme court, judges of the  
28 court of appeals, district judges, district associate judges,  
29 and judicial magistrates, and county attorneys requesting  
30 information pursuant to this section or the designee of ~~such a~~  
31 justice, judge, magistrate, or county attorney.

32 Sec. 35. NEW SECTION. 909.7 ABILITY TO PAY FINE  
33 PRESUMED.

34 A defendant is presumed to be able to pay a fine. However,  
35 if the defendant proves to the satisfaction of the court that

1 the defendant cannot pay the fine, the defendant shall not be  
2 sentenced to confinement for the failure to pay the fine.

3 Sec. 36. REPEALS.

4 1. Sections 247.29 through 247.31, Code 1985, are  
5 repealed.

6 2. Section 602.9110, Code 1985, is repealed.

7 Sec. 37. Section 21 of this Act applies retroactively to  
8 July 1, 1983.

9 EXPLANATION

10 This bill makes corrections and other changes relating to  
11 the court reorganization and court fee legislation enacted in  
12 1983.

13 Sections 1, 8, and 9 make several technical changes in the  
14 statutes on submission of rules by the supreme court to the  
15 general assembly. A substantive change is made to the date to  
16 which the legislative council may delay the effect of such a  
17 rule. A rule submitted between February 15 and February 14 of  
18 the next calendar year may be delayed until May 1 of the next  
19 calendar year.

20 Section 2 charges the Code editor and the superintendent of  
21 printing with the responsibility of printing and distributing  
22 supplements to the Iowa court rules by the effective dates of  
23 rule changes contained in the supplements.

24 Sections 3, 7, 16, and 33 waive the court fees and costs  
25 payable by the county in criminal actions prosecuted under  
26 state law and provide that the counties and cities remain  
27 responsible for court fees and costs in criminal actions pro-  
28 secuted under county or city ordinance.

29 Sections 4, 12, and 36 repeal certain reporting require-  
30 ments relating to county expenses for criminal prosecutions  
31 and county criminal statistics and substitute a requirement to  
32 report criminal convictions to the office for planning and  
33 programming.

34 Section 5 amends chapter 601A to state that administrative  
35 closures are not authorized if an investigation is warranted.

1 Section 6 creates a revolving jury and witness fee fund not  
2 subject to reversion at the end of a fiscal year.

3 Sections 10 and 11 provide for an interim appointment of a  
4 court reporter who is not certified and for retention of a  
5 court reporter when a judgeship becomes vacant until a  
6 successor court reporter is appointed or the current court  
7 reporter is reappointed.

8 Section 13 authorizes the receipt of checks and certain  
9 other negotiable instruments by the clerk of the district  
10 court as payments of support obligations.

11 Section 14 makes the \$35 filing and docketing fee inap-  
12 plicable to petitions for modification of a dissolution decree  
13 within 180 days of the date of the entering of the decree.

14 Section 15 makes the \$25 advance fee for various services  
15 inapplicable to simple misdemeanor actions, in order to  
16 conform to current fee collection practices. The section also  
17 makes the \$25 fee inapplicable to small claims actions on  
18 appeal and simple misdemeanor actions on appeal.

19 Section 17 creates two small district court fees, in  
20 addition to the \$25 advance fee, for filing and docketing a  
21 transcript of judgment from another county, and for entering a  
22 judgment by confession. The section also adds an  
23 administrative fee for the collection and distribution of  
24 support obligations, collectible after all support obligations  
25 have been paid.

26 Sections 18, 19, 30, 31, and 32 raise the fee from \$8 to  
27 \$10 for court costs for scheduled violations not requiring a  
28 court appearance, from \$8 to \$15 for court costs for scheduled  
29 violations requiring a court appearance, from \$8 to \$15 for  
30 nonscheduled simple misdemeanor traffic violations, and from  
31 \$8 to \$20 for the filing and docketing of a complaint or  
32 information for other simple misdemeanors. The percentages of  
33 remittances to the treasurer of state for deposit in the gen-  
34 eral fund of the state and to the court revenue distribution  
35 account are decreased while the percentage remittance to be

1 credited to the judicial retirement fund is increased.

2 Section 20 requires the state to assume the costs of  
3 juvenile court referees, effective July 1, 1985.

4 Section 21 requires the state to assume certain personnel  
5 and miscellaneous costs of the judicial department, effective  
6 July 1, 1986. The section also requires the state to assume  
7 the costs of probate referees and judicial hospitalization  
8 referees, effective July 1, 1986. Section 37 makes the sec-  
9 tion retroactively effective to July 1, 1983.

10 Section 22 requires the counties to continue to pay the  
11 costs of court-ordered marital conciliation.

12 Section 23 amends the transition provision on accrued em-  
13 ployee rights to provide that county and judicial district  
14 employees who become state employees under the court  
15 reorganization are limited to both the maximum number of sick  
16 days allowed other state employees, should the state reimpose  
17 such a limitation, and to the maximum dollar amount in sick  
18 leave payable upon retirement, currently \$2,000. The section  
19 also provides that the limitation on the maximum accumulated  
20 vacation leave, currently two times the annual rate of  
21 accrual, applies to the new state employees. The section also  
22 subjects court reporters to the same sick leave retirement  
23 amount, currently \$2,000, as applied to other state employees.

24 Section 24 extends the same disability benefits to the new  
25 state employees as to other comparable state employees.

26 Section 25 provides that the state court administrator may  
27 collectively bargain with a category of employees prior to the  
28 date on which they become state employees under the court  
29 reorganization, with the agreement to be effective on the date  
30 when the employees become state employees.

31 Section 26 provides rules for the apportionment and reten-  
32 tion of district judges in new judicial election districts 5A  
33 and 5C.

34 Sections 27 and 28 raise the small claims docket fee from  
35 \$10 to \$11 and provide that \$4 of the \$11 small claims docket

1 fee is to be deposited in the court revenue distribution  
2 account rather than the county treasury and that one addi-  
3 tional dollar of the docket fee paid to the state is to be  
4 deposited in the judicial retirement fund.

5 Section 29 deletes the requirement that the clerk of the  
6 district court annually report all fines, penalties, and  
7 forfeitures imposed and collected; the clerks' monthly reports  
8 required under section 602.8108 contain this information.  
9 Unpaid fines, penalties, and forfeiture must still be reported  
10 annually. The section also deletes the criminal penalty.

11 Section 34 requires records of deferred judgments to  
12 include the defendants' dates of birth.

13 Section 35 establishes a presumption of ability to pay a  
14 criminal fine and requires a defendant to prove inability to  
15 pay a fine, in which case the defendant cannot be confined for  
16 failure to pay.

17 Section 36 also repeals the prohibition on the receipt of  
18 an annuity by a member of the judicial retirement system while  
19 that member is serving as a state officer or employee.

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