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SENATE FILE 570
BY COMMITTEE ON APPROPRIATIONS

FILED APR 25 1985
Approved (p. 1676)

Passed Senate, Date 4-30-85 (p. 1800) Passed House, Date 5-3-85
Vote: Ayes 43 Nays 5 Vote: Ayes 79 Nays 17
Approved Item Veto 5-24-85

A BILL FOR

410 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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S-4094

SENATE FILE 570

1 Amend Senate File 570 as follows:
2 1. Page 4, by inserting after line 1 the
3 following:
4 "Sec. ____ . Section 602.6201, subsection 10, Code
5 1985, is amended to read as follows:
6 10. Notwithstanding the formula for determining
7 the number of judgeships in this section, the number
8 of district judges shall not exceed ~~ninety-nine during~~
9 ~~the period commencing July 1, 1983 and ending as the~~
10 ~~general assembly shall specify~~ one hundred."
11 2. By renumbering as necessary.

Adopted 4/29/85 (p. 1751)
S-4094 Filed April 26, 1985
Motion to reconsider lost 4/30 (p. 1800)

By RODGERS, SOORHOLTZ & DIELEMAN

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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.

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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.

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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.

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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
412' 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 a
25 copy of the citation and complaint, together with the minimum
26 fine for the violation, plus eight-dollars court costs, to a
27 scheduled violations office in the county. The office shall,
28 if the offense is a moving violation under chapter 321,
29 forward a copy of the citation and complaint and admission to
30 the department of transportation as required by section
31 321.207. In this case the defendant is not required to appear
32 before 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

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-602-81057-subsection-17-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.

7 444 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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SENATE 34--APRIL 30, 1985

STATE OF IOWA

FISCAL NOTE
SENATE FILE 570

FSB No. 2887S 3__
Staff ID. JMN ___

In compliance with a written request received April 25, 1985, a fiscal note for SENATE FILE 570 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 570 makes corrections and other changes to the court reorganization and court fee legislation enacted in 1983. Sections of the bill with significant fiscal effect, and the estimated fiscal effect, are listed below:

Section 14 makes the \$35 filing and docketing fee inapplicable to petitions for modification of a dissolution decree within 180 days of the date of the entering of the decree. It is estimated that approximately 300 modifications occur annually within the six-month time period. The reduction in revenues would be distributed as follows: FY 1986 State: (\$10,020), County (\$480). FY 1987 State (\$10,260), County (\$240).

Section 16 waives the court fees and costs payable by the county in criminal actions prosecuted under state law. This will reduce county expenses by \$220,000 and also reduce revenues by an equal amount. The reduction in revenue will be distributed as follows: FY 1986 State: (\$162,000), County: (\$58,000). FY 1987 State: (\$191,000), County (\$29,000).

Section 17 creates two district court fees, in addition to the \$25 advance fee, for filing and docketing a transcript of judgment from another county, and for entering a judgment by confession. These provisions would increase revenues by approximately \$2,000 annually, as follows: FY 1986: State \$1,200, County \$800. FY 1987: State \$1,600, County \$400. The section also adds an administrative fee for the collection and distribution of support obligations, collectable after all support obligations have been paid. This provision is estimated to increase revenues by \$1,250,000 annually, assuming one-half of the estimated 100,000 active child support and spouse support cases pay the administrative fee. Some increased administrative expense will be incurred in collecting this fee, but it is difficult to specify at this time. Distribution of this revenue is as follows: FY 1986: State \$750,000, County \$500,000. FY 1987: State \$1,000,000, County \$250,000.

Sections 18, 19, 30, 31 and 32 raise the filing fee for simple misdemeanors from \$8 to \$20, except non-scheduled simple misdemeanors under chapter 321 for which the fee will be \$15. Court costs in scheduled violation cases where a court appearance is not required is increased to \$10, and court costs where a appearance is required is increased to \$15. Based on 1984 statistics, these sections will increase revenue as follows: FY 1986 State \$1,624,590, Judicial Retirement Fund \$1,506,164, County \$78,950. FY 1987: State \$1,664,065, Judicial Retirement Fund \$1,506,164, County \$39,475.

Section 20 requires the state to assume the costs of juvenile court referees, effective July 1, 1985. The budget request submitted by the judicial department for FY 1986 included \$588,988 to fund the 11.92 FTE, salary and support, and their FY 1987 request for this item is \$589,482.

Section 21 requires the state to assume certain personnel and miscellaneous costs of the judicial department, effective July 1, 1986. The section also requires the state to assume the costs of probate referees and judicial hospitalization referees, effective July 1, 1986. Section 38 makes the section retroactively effective to July 1, 1983. The judicial department budget request for FY 1987 includes \$1,087,376 for judicial officers miscellaneous expense, and \$330,445 for 8.75 FTE, salary and support. Costs for judicial hospitalization referees are estimated to be \$650,000 in FY 1987.

Section 28 increases the fee for filing small claims actions from \$10 to \$11. Assuming the

SENATE 35--APRIL 30, 1985 STATE OF IOWA

FISCAL NOTE

LSB No. 2887S.3
Staff ID. JMN

SF 570 cont.

number of actions filed increases slightly from 1983 levels, this section will result in additional revenue of \$71,000 to the state judicial retirement fund each year.

Senate File 570 is estimated to increase revenues as follows:

<u>Revenues</u>	<u>FY 1986</u>	<u>FY 1987</u>
State General Fund	\$2,203,770	2,464,405
Counties	\$ 521,270	260,635
Judicial Retirement Fund	\$1,577,164	1,577,164

Expenditures (already included in FY 86 and 87 budget request):

State General Fund	\$ 588,988	2,657,303
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Source: State Court Administrator

(LSB 2887S.3, JMN)

Dennis Prouty

Fiscal Director

Legislative Fiscal Bureau

Date: 4/26/85

1 Amend Senate File 571 as follows:

2 1. Page 1, line 11, by striking the figure
3 "7,960,000" and inserting the following: "7,809,250".

4 2. Page 1, by inserting after line 11 the
5 following:

6 "As a condition of the appropriation made by this
7 section, the department, after consultation with
8 provider and consumer organizations, shall adopt rules
9 pursuant to chapter 17A to approve by April 1, 1986
10 community, supervised apartment living arrangements
11 for per diem or per hour purchase-of-service
12 reimbursements or for grants. For the fiscal year be-
13 ginning July 1, 1985, and ending June 30, 1986, the
14 department shall continue to reimburse on a per diem
15 basis those providers of community, supervised
16 apartment living arrangements which were reimbursed on
17 a per diem basis during the fiscal year ending June
18 30, 1985."

19 3. Page 1, line 26, by striking the figure
20 "22,800,000" and inserting the following:
21 "22,319,495".

22 4. Page 2, lines 7 and 8, by striking the words
23 "level of grant payments" and inserting the following:
24 "schedule of basic needs".

25 5. Page 4, by inserting after line 34 the
26 following:

27 "In addition, the department, the university of
28 Iowa hospitals and clinics, representatives of health
29 provider organizations, the state department of
30 health, and the Iowa state association of counties
31 shall cooperate in a study of the applicability of the
32 state of Colorado's medically indigent program to the
33 state of Iowa. The study shall include consideration
34 of all potential funding sources to defray the costs
35 of a comprehensive perinatal services and obstetrical
36 access program if such a program is proven to be
37 economically feasible for the state of Iowa. The
38 department shall present the results of the study to
39 the chairpersons of the general assembly's human
40 services and education appropriations subcommittees by
41 January 15, 1986."

42 6. Page 5, line 31, by striking the figure
43 "1,000,000" and inserting the following: "996,123".

44 7. Page 6, line 35, by striking the figure
45 "25,250,000" and inserting the following:
46 "24,846,288".

47 8. Page 10, line 3, by striking the figure
48 "8,080,000" and inserting the following: "8,024,145".

49 9. Page 10, line 18, by striking the figure
50 "19,430,000" and inserting the following:

S-4029 page 2

1 "19,304,550".

2 10. Page 11, line 19, by striking the figure
3 "33,200,000" and inserting the following:

4 "33,045,782".

5 11. Page 12, by inserting after line 15 the
6 following:

7 "6. As long as there is a demonstrated need, the
8 department of human services shall continue to operate
9 a geriatric program at the state mental health
10 institute at Mount Pleasant. A reduction in the
11 patient population at the institute necessary as a
12 result of the correctional addition at the institute
13 shall not be achieved by eliminating a specific
14 program, unless the institute's citizens' advisory
15 board or the general assembly determines that there is
16 no longer a demonstrable need for the specific
17 program. If the department decides to reduce the
18 catchment area for Mount Pleasant mental health
19 institute, they shall consider the reduction temporary
20 until further population trends are clarified."

21 12. Page 12, line 32, by striking the figure
22 "50,100,000" and inserting the following:

23 "49,645,014".

24 13. Page 16, lines 13 and 14, by striking the
25 words "sixty-six dollars and fifteen" and inserting
26 the following: "sixty-five dollars and fifty".

27 14. Page 16, line 23, by striking the word
28 "twenty-eight" and inserting the following: "eleven".

29 15. Page 18, line 29, by striking the figure
30 "141,000" and inserting the following: "136,065".

31 16. Page 19, line 6, by striking the figure
32 "100,000" and inserting the following: "98,002".

33 17. Page 19, by inserting after line 18 the
34 following:

35 "Sec. 21. The amount of the funds appropriated
36 under this Act for the fiscal year beginning July 1,
37 1985 and ending June 30, 1986 shall be reduced by one
38 percent, rounded to the nearest whole dollar, and the
39 provisions of this section shall prevail over any
40 other provision of this Act."

- 1 Amend Senate File 570 as follows:
- 2 1. Page 7, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ . Section 602.9110, unnumbered paragraph
- 5 1, Code 1985, is amended to read as follows:
- 6 No An annuity shall not be paid to any person,
- 7 except a survivor, entitled to receive an annuity
- 8 hereunder under this chapter while the person is
- 9 serving as a state officer or employee in an office or
- 10 in employment covered by the system."
- 11 2. Page 19, by striking line 6.
- 12 3. By renumbering as necessary.

S-4139 Filed April 30, 1985 By DOYLE
Adopted 4/30/85 (p. 1799)



- 1 Amend Senate File 570 as follows:
- 2 1. Page 19, by inserting after line 6 the
- 3 following:
- 4 "Sec. ____ . There is appropriated from the general
- 5 fund of the state for the fiscal year beginning July
- 6 1, 1985, and ending June 30, 1986, to the judicial
- 7 department for the salary and support of one
- 8 additional district judge, the following amount, or so
- 9 much thereof as is necessary:
- 10
- 11
- 12
- 13 2. By renumbering as necessary.

	1985-1986
	Fiscal Year
	\$ 115,000".

Amended not germane 4/30 (p. 1799)
 S-4143 Filed April 30, 1985 By MANN

1 Amend Senate File 570 as follows:

2 1. Page 1, by inserting after line 28 the
3 following:

4 "Sec. ____ . NEW SECTION. 321.210A SUSPENSION FOR
5 FAILURE TO PAY FINE, PENALTY, SURCHARGE, OR COURT
6 COSTS.

7 The department shall suspend the motor vehicle li-
8 cense of a person who has failed to pay a criminal
9 fine, civil penalty, surcharge, or court costs, as
10 follows:

11 1. Upon the failure of a person to timely pay the
12 fine, penalty, surcharge, or court costs the clerk of
13 the district court shall notify the person that if the
14 fine, penalty, surcharge, or court costs remain unpaid
15 after sixty days, the clerk will notify the department
16 of the failure for purposes of instituting suspension
17 procedures.

18 2. Upon the failure of a person to pay the fine,
19 penalty, surcharge, or court costs within sixty days
20 of receiving notice from the clerk of the district
21 court as provided in paragraph "a", the clerk shall
22 report the failure to the department.

23 3. Upon receipt of a report of a failure to pay
24 the fine, penalty, surcharge, or court costs from the
25 clerk of the district court, the department shall in
26 accordance with its rules, suspend the person's motor
27 vehicle license until the fine, penalty, surcharge or
28 court costs are paid, unless the person proves to the
29 satisfaction of the clerk and the department that the
30 person cannot pay the fine, penalty, surcharge, or
31 court costs.

32 Sec. ____ . Section 321.212, subsection 1, paragraph
33 a, Code 1985, is amended to read as follows:

34 a. Except as provided in section 321.210A or
35 321.513 the department shall not suspend a license for
36 a period of more than one year, except that a license
37 suspended because of incompetency to drive a motor
38 vehicle shall be suspended until the department
39 receives satisfactory evidence that the former holder
40 is competent to operate a motor vehicle and a refusal
41 to reinstate ~~shall constitute~~ constitutes a denial of
42 license within ~~the provisions of~~ section 321.215; upon
43 revoking a license the department shall not grant an
44 application for a new license until the expiration of
45 one year after the revocation, unless another period
46 is specified by law.

47 Sec. ____ . Section 321A.17, subsection 5, Code
48 1985, is amended to read as follows:

49 5. An individual applying for a motor vehicle
50 license following a period of suspension or revocation

1 under ~~the provisions of~~ section 321.210A, 321.216 or
2 321.513 ~~shall~~ is not be required to maintain proof of
3 financial responsibility under ~~the provisions of~~ this
4 section."

5 2. Page 1, by inserting after line 35 the
6 following:

7 "Sec. _____. Section 421.17, Code 1985, is amended
8 by adding the following new subsection after
9 subsection 24 and renumbering the subsequent
10 subsection:

11 NEW SUBSECTION. 25. To establish and maintain a
12 procedure to set off against a debtor's income tax
13 refund or rebate any debt which is in the form of a
14 liquidated sum due, owing, and payable to the clerk of
15 the district court as a criminal fine, civil penalty,
16 surcharge, or court costs. The procedure shall meet
17 the following conditions:

18 a. Before setoff all outstanding tax liabilities
19 collectible by the department shall be satisfied
20 except that no portion of a refund or rebate shall be
21 credited against tax liabilities which are not yet
22 due.

23 b. Before setoff the clerk of the district court
24 shall obtain and forward to the department the full
25 name and social security number of the debtor. The
26 department shall cooperate in the exchange of relevant
27 information with the clerk. However, only relevant
28 information required by the clerk shall be provided by
29 the department. The information shall be held in
30 confidence and shall be used for purposes of setoff
31 only.

32 c. The clerk shall, at least quarterly and monthly
33 if practicable, submit to the department for setoff
34 the debts described in this subsection, which are at
35 least fifty dollars.

36 d. Upon submission of a claim the department shall
37 notify the clerk if the debtor is entitled to a refund
38 or rebate and of the amount of the refund or rebate
39 and the debtor's address on the income tax return.

40 e. Upon notice of entitlement to a refund or
41 rebate the clerk shall send written notification to
42 the debtor of the clerk's assertion of its rights to
43 all or a portion of the debtor's refund or rebate and
44 the entitlement to recover the debt through the setoff
45 procedure, the basis of the assertion, the opportunity
46 to request that a joint income tax refund or rebate be
47 divided between spouses, and the debtor's opportunity
48 to give written notice of intent to contest the amount
49 of the claim. The clerk shall send a copy of the
50 notice to the department.

101 page 3

1 f. Upon the request of a debtor or a debtor's
2 spouse to the clerk, filed within fifteen days from
3 the mailing of the notice of entitlement to a refund
4 or rebate, and upon receipt of the full name and
5 social security number of the debtor's spouse, the
6 clerk shall notify the department of the request to
7 divide a joint income tax refund or rebate. The
8 department shall upon receipt of the notice divide a
9 joint income tax refund or rebate between the debtor
10 and the debtor's spouse in proportion to each spouse's
11 net income as determined under section 422.7.

12 g. The department shall, after notice has been
13 sent to the debtor by the clerk, set off the debt
14 against the debtor's income tax refund or rebate. The
15 department shall transfer at least quarterly and
16 monthly if practicable, the amount set off to the
17 clerk. If the debtor gives timely written notice of
18 intent to contest the amount of the claim, the
19 department shall hold the refund or rebate until final
20 determination of the correct amount of the claim. The
21 clerk shall notify the debtor in writing upon
22 completion of setoff.

23 Sec. _____. Section 421.17, subsection 25, Code
24 1985, is amended to read as follows:

25 25 26. To provide that in the case of multiple
26 claims to refunds or rebates filed under subsections
27 21, and 23, and 25 that priority shall be given to
28 claims filed by the child support recovery unit or the
29 foster care recovery unit under subsection 21, next
30 priority shall be given to claims filed by the college
31 aid commission under subsection 23, ~~and last~~ next
32 priority shall be given to claims filed by the office
33 of investigations under subsection 21, and last
34 priority shall be given to claims filed by a clerk of
35 the district court under subsection 25.

36 3. Page 5, by inserting after line 5 the
37 following:

38 "Sec. _____. Section 602.8102, Code 1985, is amended
39 by adding the following new subsection after
40 subsection 50:

41 NEW SUBSECTION. 50A. Assist the department of
42 transportation in suspending, pursuant to section
43 321.210A, the motor vehicle licenses of persons who
44 fail to timely pay criminal fines, civil penalties,
45 surcharges, or court costs.

46 Sec. _____. Section 602.8102, Code 1985, is amended
47 by adding the following new subsection after
48 subsection 58:

49 NEW SUBSECTION. 58A. Assist the department of
50 revenue in setting off against debtors' income tax

SENATE 30
APRIL 30, 1985

S-4101 page 4

- 1 refunds or rebates under section 421.17, subsection
- 2 25, debts which are due, owing, and payable to the
- 3 clerk of the district court as criminal fines, civil
- 4 penalties, surcharges, or court costs,"
- 5 4. Title page, line 2, by inserting after the
- 6 word "fees," the following: "court-imposed fines and
- 7 costs and the suspension of motor vehicle licenses and
- 8 the setoff of income tax refunds and rebates,".
- 9 5. By renumbering as necessary.

Adopted 4/29/85 (p. 1751)

S-4101 Filed April 29, 1985

By DOYLE

S-4105

SENATE FILE 570

- 1 Amend Senate File 570 as follows:
- 2 1. Page 12, by inserting after line 23 the
- 3 following:
- 4 "Sec. . Section 611.21, Code 1985, is
- 5 amended to read as follows:
- 6 611.21 CIVIL REMEDY NOT MERGED IN CRIME.
- 7 The right of civil remedy is not merged in a
- 8 public offense and is not restricted for other
- 9 violation of law, but may in all cases be
- 10 enforced independently of and in addition to
- 11 the punishment of the latter former."

Adopted 4/29/85 (p. 1751)

S-4105 Filed April 29, 1985

By MANN

S-4121

SENATE FILE 570

- 1 Amend Senate File 570 as follows:
- 2 1. Page 14, line 6, by inserting after the word
- 3 "violations." the following: "The court costs in
- 4 parking violation cases are eight dollars per court
- 5 appearance."

Adopted 4/30/85 (p. 1799)

S-4121 Filed April 29, 1985

By SMALL

S-4132

SENATE FILE 570

- 1 Amend Senate File 570 as follows:
- 2 1. Page 5, by striking lines 6 through 13.
- 3 2. By renumbering as necessary.

Adopted 4/30/85 (p. 1799)

S-4132 Filed April 29, 1985

By DOYLE

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. NEW SECTION. 321.210A SUSPENSION FOR FAILURE TO
30 PAY FINE, PENALTY, SURCHARGE, OR COURT COSTS.

31 The department shall suspend the motor vehicle license of a
32 person who has failed to pay a criminal fine, civil penalty,
33 surcharge, or court costs, as follows:

34 1. Upon the failure of a person to timely pay the fine,
35 penalty, surcharge, or court costs the clerk of the district

1 court shall notify the person that if the fine, penalty,
2 surcharge, or court costs remain unpaid after sixty days, the
3 clerk will notify the department of the failure for purposes
4 of instituting suspension procedures.

5 2. Upon the failure of a person to pay the fine, penalty,
6 surcharge, or court costs within sixty days of receiving
7 notice from the clerk of the district court as provided in
8 paragraph "a", the clerk shall report the failure to the
9 department.

10 3. Upon receipt of a report of a failure to pay the fine,
11 penalty, surcharge, or court costs from the clerk of the
12 district court, the department shall in accordance with its
13 rules, suspend the person's motor vehicle license until the
14 fine, penalty, surcharge or court costs are paid, unless the
15 person proves to the satisfaction of the clerk and the
16 department that the person cannot pay the fine, penalty,
17 surcharge, or court costs.

18 Sec. 4. Section 321.212, subsection 1, paragraph a, Code
19 1985, is amended to read as follows:

20 a. Except as provided in section 321.210A or 321.513 the
21 department shall not suspend a license for a period of more
22 than one year, except that a license suspended because of
23 incompetency to drive a motor vehicle shall be suspended until
24 the department receives satisfactory evidence that the former
25 holder is competent to operate a motor vehicle and a refusal
26 to reinstate shall-constitute constitutes a denial of license
27 within the-provisions-of section 321.215; upon revoking a
28 license the department shall not grant an application for a
29 new license until the expiration of one year after the
30 revocation, unless another period is specified by law.

31 Sec. 5. Section 321A.17, subsection 5, Code 1985, is
32 amended to read as follows:

33 5. An individual applying for a motor vehicle license
34 following a period of suspension or revocation under the
35 provisions-of section 321.210A, 321.216 or 321.513 shall is

1 not be required to maintain proof of financial responsibility
2 under the provisions of this section.

3 Sec. 6. Section 331.506, subsection 2, paragraph b, Code
4 1985, is amended to read as follows:

5 b. Witness fees and mileage in trials of criminal actions
6 prosecuted under county ordinance, as certified by the county
7 attorney.

8 Sec. 7. Section 331.510, subsection 2, Code 1985, is
9 amended by striking the subsection.

10 Sec. 8. Section 421.17, Code 1985, is amended by adding
11 the following new subsection after subsection 24 and
12 renumbering the subsequent subsection:

13 NEW SUBSECTION. 25. To establish and maintain a procedure
14 to set off against a debtor's income tax refund or rebate any
15 debt which is in the form of a liquidated sum due, owing, and
16 payable to the clerk of the district court as a criminal fine,
17 civil penalty, surcharge, or court costs. The procedure shall
18 meet the following conditions:

19 a. Before setoff all outstanding tax liabilities
20 collectible by the department shall be satisfied except that
21 no portion of a refund or rebate shall be credited against tax
22 liabilities which are not yet due.

23 b. Before setoff the clerk of the district court shall
24 obtain and forward to the department the full name and social
25 security number of the debtor. The department shall cooperate
26 in the exchange of relevant information with the clerk.
27 However, only relevant information required by the clerk shall
28 be provided by the department. The information shall be held
29 in confidence and shall be used for purposes of setoff only.

30 c. The clerk shall, at least quarterly and monthly if
31 practicable, submit to the department for setoff the debts
32 described in this subsection, which are at least fifty
33 dollars.

34 d. Upon submission of a claim the department shall notify
35 the clerk if the debtor is entitled to a refund or rebate and

1 of the amount of the refund or rebate and the debtor's address
2 on the income tax return.

3 e. Upon notice of entitlement to a refund or rebate the
4 clerk shall send written notification to the debtor of the
5 clerk's assertion of its rights to all or a portion of the
6 debtor's refund or rebate and the entitlement to recover the
7 debt through the setoff procedure, the basis of the assertion,
8 the opportunity to request that a joint income tax refund or
9 rebate be divided between spouses, and the debtor's
10 opportunity to give written notice of intent to contest the
11 amount of the claim. The clerk shall send a copy of the
12 notice to the department.

13 f. Upon the request of a debtor or a debtor's spouse to
14 the clerk, filed within fifteen days from the mailing of the
15 notice of entitlement to a refund or rebate, and upon receipt
16 of the full name and social security number of the debtor's
17 spouse, the clerk shall notify the department of the request
18 to divide a joint income tax refund or rebate. The department
19 shall upon receipt of the notice divide a joint income tax
20 refund or rebate between the debtor and the debtor's spouse in
21 proportion to each spouse's net income as determined under
22 section 422.7.

23 g. The department shall, after notice has been sent to the
24 debtor by the clerk, set off the debt against the debtor's
25 income tax refund or rebate. The department shall transfer at
26 least quarterly and monthly if practicable, the amount set off
27 to the clerk. If the debtor gives timely written notice of
28 intent to contest the amount of the claim, the department
29 shall hold the refund or rebate until final determination of
30 the correct amount of the claim. The clerk shall notify the
31 debtor in writing upon completion of setoff.

32 Sec. 9. Section 421.17, subsection 25, Code 1985, is
33 amended to read as follows:

34 25 26. To provide that in the case of multiple claims to
35 refunds or rebates filed under subsections 21, and 23, and 25

1 that priority shall be given to claims filed by the child
2 support recovery unit or the foster care recovery unit under
3 subsection 21, next priority shall be given to claims filed by
4 the college aid commission under subsection 23, and last next
5 priority shall be given to claims filed by the office of
6 investigations under subsection 21, and last priority shall be
7 given to claims filed by a clerk of the district court under
8 subsection 25.

9 Sec. 10. Section 601A.16, subsection 6, Code 1985, is
10 amended by adding the following new unnumbered paragraph:

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

13 Sec. 11. Section 602.1302, Code 1985, is amended by adding
14 the following new subsection:

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

28 Sec. 12. Section 602.1303, subsections 7 and 8, Code 1985,
29 are amended to read as follows:

30 7. A county or city shall pay the costs of its depositions
31 and transcripts ~~and the court fees and costs provided by law~~
32 in criminal actions prosecuted by that county or city and
33 shall pay the court fees and costs provided by law in criminal
34 actions prosecuted by that county or city under county or city
35 ordinance. A county or city shall pay witness fees and

1 mileage in trials of criminal actions prosecuted by the county
2 or city under county or city ordinance.

3 8. A county shall pay the fees and expenses allowed under
4 sections 815.2 and 815.3, ~~and shall pay the fees and expenses~~
5 ~~allowed under sections 815.5 and 815.6 with respect to~~
6 ~~witnesses for the prosecution.~~

7 Sec. 13. Section 602.4104, subsection 3, Code 1985, is
8 amended to read as follows:

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

12 Sec. 14. Section 602.4202, Code 1985, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 602.4202 RULE-MAKING PROCEDURE.

16 1. The supreme court shall submit a rule or form
17 prescribed by the supreme court under section 602.4201 or pur-
18 suant to any other rule-making authority specifically made
19 subject to this section to the legislative council and shall
20 at the same time report the rule or form to the chairpersons
21 and ranking members of the senate and house committees on
22 judiciary. The legislative service bureau shall make
23 recommendations to the supreme court on the proper style and
24 format of rules and forms required to be submitted to the
25 legislative council under this subsection.

26 2. A rule or form submitted as required under subsection 1
27 takes effect sixty days after submission to the legislative
28 council, or at a later date specified by the supreme court,
29 unless the legislative council, within sixty days after
30 submission and by a majority vote of its members, delays the
31 effective date of the rule or form to a date as provided in
32 subsection 3.

33 3. The effective date of a rule or form submitted during
34 the period of time beginning February 15 and ending February
35 14 of the next calendar year may be delayed by the legislative

1 council until May 1 of that next calendar year.

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

6 5. If the general assembly enacts a bill changing a rule
7 or form, the general assembly's enactment supersedes a
8 conflicting provision in the rule or form as submitted by the
9 supreme court.

443-10 Sec. 15. Section 602.6201, subsection 10, Code 1985, is
11 amended to read as follows:

12 10. Notwithstanding the formula for determining the number
13 of judgeships in this section, the number of district judges
14 shall not exceed ninety-nine-during-the-period-commencing-July
15 17-1983-and-ending-as-the-general-assembly-shall-specify one
16 hundred.

17 Sec. 16. Section 602.6603, subsection 4, Code 1985, is
18 amended by striking the subsection and inserting in lieu
19 thereof the following:

20 4. If a regularly appointed court reporter becomes
21 disabled, or if a vacancy occurs in a regularly appointed
22 court reporter position, the judge may appoint a competent
23 uncertified shorthand reporter for a period of time of up to
24 six months, upon verification by the chief judge that a
25 diligent but unsuccessful search has been conducted to appoint
26 a certified shorthand reporter to the position and, in a
27 disability case, that the regularly appointed court reporter
28 is disabled. An uncertified shorthand reporter shall not be
29 reappointed to the position unless the reporter becomes a
30 certified shorthand reporter within the period of appointment
31 under this subsection.

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

34 NEW SUBSECTION. 8. If a judge dies, resigns, retires, is
35 removed from office, becomes disabled, or fails to be retained

1 in office and the judicial vacancy is eligible to be filled, a
2 court reporter appointed by the judge is entitled to serve as
3 a court reporter, as directed by the chief judge or the chief
4 judge's designee, until the successor judge appoints a
5 successor court reporter. The court reporter shall be paid
6 the reporter's regular salary during the period of time until
7 a successor court reporter is appointed or until the currently
8 appointed court reporter is reappointed.

9 Sec. 18. Section 602.8102, subsection 45, Code 1985, is
10 amended by striking the subsection and inserting in lieu
11 thereof the following:

12 45. Report monthly to the office for planning and
13 programming the following information related to each con-
14 viction in the district court for a felony, an aggravated
15 misdemeanor, or a serious misdemeanor under section 321.281,
16 subsection 2, paragraph "a":

17 a. The name of the convicted offender.

18 b. The statutory citation and character of the offense of
19 which the offender was convicted.

20 c. The sentence imposed on the convicted offender.

* 21 Sec. 19. Section 602.8102, Code 1985, is amended by adding
22 the following new subsection after subsection 50:

23 NEW SUBSECTION. 50A. Assist the department of
24 transportation in suspending, pursuant to section 321.210A,
25 the motor vehicle licenses of persons who fail to timely pay
425 26 criminal fines, civil penalties, surcharges, or court costs.

27 Sec. 20. Section 602.8102, Code 1985, is amended by adding
28 the following new subsection after subsection 58:

29 NEW SUBSECTION. 58A. Assist the department of revenue in
30 setting off against debtors' income tax refunds or rebates
31 under section 421.17, subsection 25, debts which are due,
32 owing, and payable to the clerk of the district court as
33 criminal fines, civil penalties, surcharges, or court costs.

34 Sec. 21. Section 602.8105, subsection 1, paragraph a, Code
35 1985, is amended to read as follows:

1 a. For filing and docketing a petition other than for
2 modification of a dissolution decree filed within one hundred
3 eighty days of the date of the entering of the dissolution
4 decree, or an appeal, or writ of error and-docketing-them,
5 thirty-five dollars. Four dollars of the fee shall be
6 deposited in the court revenue distribution account
7 established under section 602.8108, and thirty-one dollars of
8 the fee shall be paid into the state treasury. Of the amount
9 paid to the state treasury, one dollar shall be deposited in
10 the judicial retirement fund established in section 602.9104
11 to be used to pay retirement benefits of the judicial
12 retirement system, and the remainder shall be deposited in the
13 general fund of the state. In counties having a population of
14 one hundred thousand or over, an additional five dollars shall
15 be charged and collected, to be known as the journal
16 publication fee and used for the purposes provided for in
17 section 618.13.

18 Sec. 22. Section 602.8105, subsection 1, paragraph b, Code
19 1985, is amended to read as follows:

20 b. For payment in advance of various services and
21 docketing procedures, excluding those for small claims actions
22 and small claims actions on appeal and simple misdemeanor
23 actions and simple misdemeanor actions on appeal, twenty-five
24 dollars.

25 Sec. 23. Section 602.8105, subsection 1, paragraph j, Code
26 1985, is amended to read as follows:

27 j. In criminal cases, the same fees for the same services
28 as in civil cases, to be paid by the county or city
29 initiating, which has the duty to prosecute the criminal
30 action, payable as provided in section 602.8109. When
31 judgment is rendered against the defendant, costs collected
32 from the defendant shall be paid to the county or city
33 initiating which has the duty to prosecute the criminal action
34 to the extent necessary for reimbursement for fees paid.
35 However, the fees which are payable by the county to the clerk

1 of the district court for services rendered in criminal
2 actions prosecuted under state law and the court costs taxed
3 in connection with the trial of those criminal actions or
4 appeals from the judgments in those criminal actions are
5 waived.

6 Sec. 24. Section 602.8105, subsection 1, Code 1985, is
7 amended by adding the following new lettered paragraphs and
8 relettering the subsequent paragraph:

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

11 NEW LETTERED PARAGRAPH. q. For entering a judgment by
12 confession, two dollars.

13 NEW LETTERED PARAGRAPH. r. For the administrative costs
14 of collecting and distributing support payments payable to the
15 clerk of the district court under section 598.22, to be paid
16 annually by the person obligated to pay the support and to be
17 billed and collected by the clerk separately from, in addition
18 to, and after both current and accrued support payments have
19 been collected by the clerk, twenty-five dollars.

20 Sec. 25. Section 602.8106, subsection 1, Code 1985, is
21 amended to read as follows:

22 1. Notwithstanding section 602.8105, the fee for the
23 filing and docketing of a complaint or information for a
24 simple misdemeanor ~~shall be eight~~ is twenty dollars, ~~provided~~
25 that except that the filing and docketing of a complaint or
26 information for a nonscheduled simple misdemeanor under
27 chapter 321 is fifteen dollars. However, a fee for filing and
28 docketing a complaint or information shall not be collected in
29 cases of overtime parking.

30 Sec. 26. Section 602.8106, subsection 4, Code 1985, is
31 amended to read as follows:

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

35 a. ~~One-half~~ Two fifths shall be remitted monthly by the

1 clerk to the treasurer of state to be credited to the general
2 fund of the state.

4217 3 b. One-fourth One fifth shall be deposited in the court
4 revenue distribution account established under section
5 602.8108.

4217 6 c. One-fourth Two fifths shall be remitted monthly by the
7 clerk to the treasurer of state to be credited to the judicial
8 retirement fund established under section 602.9104.

4233 9 Sec. 27. Section 602.9110, unnumbered paragraph 1, Code
10 1985, is amended to read as follows:

11 No An annuity shall not be paid to any person, except a
12 survivor, entitled to receive an annuity hereunder under this
13 chapter while the person is serving as a state officer or
14 employee in an office or in employment covered by the system.

15 Sec. 28. Section 602.11101, subsection 4, Code 1985, is
16 amended by adding the following new unnumbered paragraph:

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

22 Sec. 29. Section 602.11101, subsection 5, Code 1985, is
23 amended by adding the following new unnumbered paragraphs:

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

1 judicial officers, referees, and their staff. However, the
2 county shall at all times remain responsible for the provision
3 of suitable courtrooms, offices, and other physical facilities
4 pursuant to section 602.1303, subsection 1, including paint,
5 wall covering, and fixtures in the facilities.

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

423
13 Sec. 30. Section 602.11101, Code 1985, is amended by
14 adding the following new subsection:

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

18 Sec. 31. Section 602.11102, Code 1985, is amended to read
19 as follows:

20 602.11102 ACCRUED EMPLOYEE RIGHTS.

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

26 2. As a part of its rule-making authority under section
27 602.11101, the supreme court, after consulting with the state
28 comptroller, shall prescribe rules to provide for the
29 following:

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

35 b. Each person referred to in subsection 1 shall have to

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

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

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

31 Sec. 32. Section 602.11103, Code 1985, is amended to read
32 as follows:

33 602.11103 LIFE, AND HEALTH, AND DISABILITY INSURANCE.

34 Persons who were covered by county employee life insurance
35 and accident and health insurance plans prior to becoming

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

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

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

26 602.11108 COLLECTIVE BARGAINING.

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

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

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

13 Sec. 34. Section 602.11110, Code 1985, is amended to read
14 as follows:

15 602.11110 JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.

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

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

15 Sec. 35. Section 611.21, Code 1985, is amended to read as
16 follows:

17 611.21 CIVIL REMEDY NOT MERGED IN CRIME.

18 The right of civil remedy is not merged in a public offense
19 and is not restricted for other violation of law, but may in
20 all cases be enforced independently of and in addition to the
21 punishment of the latter former.

22 Sec. 36. Section 631.6, subsection 1, Code 1985, is
23 amended to read as follows:

421 24 1. The docket fee for a small claims action is ten eleven
25 dollars. ~~Other-fees-imposed-for-small-claims-shall-be-the~~
26 ~~same-as-those-required-in-regular-actions-in-district-court,~~
27 four ~~Four~~ dollars of the docket fee shall remain be deposited
28 in the ~~county-treasury-for-the-use-of-the-county~~ court revenue
29 distribution account established under section 602.8108 and
30 ~~six~~ seven dollars of the fee shall be paid into the state
31 treasury. ~~Of the amount paid into the state treasury, two~~
32 dollars shall be deposited in the judicial retirement fund
33 established in section 602.9104 to be used to pay retirement
34 benefits of the judicial retirement system, and the remainder
35 shall be deposited in the general fund of the state.

1 Sec. 37. Section 631.6, unnumbered paragraph 2, Code 1985,
2 is amended to read as follows:

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

9 Sec. 38. Section 666.6, Code 1985, is amended to read as
10 follows:

11 666.6 REPORT OF FORFEITED BONDS.

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

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

31 Sec. 39. Section 805.6, subsection 1, paragraph a, Code
32 1985, is amended to read as follows:

33 a. The commissioner of public safety and the state
34 conservation director, acting jointly, shall adopt a uniform,
35 combined citation and complaint which shall be used for

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

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

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

4 Sec. 40. Section 805.6, subsection 1, paragraph c,
5 subparagraphs (1), (2), and (3), Code 1985, are amended to
6 read as follows:

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

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

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

17 Sec. 41. Section 805.9, Code 1985, is amended to read as
18 follows:

19 805.9 ADMISSION OF SCHEDULED VIOLATIONS.

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

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

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

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

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

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

34 "I agree that either (1) I will appear pursuant to this
35 citation or (2) if I do not appear in person or by counsel to

1 defend against the offense charged in this citation the court
2 is authorized to enter a conviction and render judgment
3 against me for the amount of one and one-half times the
4 scheduled fine plus eight-dollars court costs."

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

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

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

22 6. The eight-dollars-in court costs imposed by this
23 section are the total costs collectible from a defendant upon
24 either an admission of a violation without hearing, or upon a
25 hearing pursuant to subsection 4. ~~Fees-shall-not-be-imposed~~
26 ~~upon-or-collected-from-a-defendant-for-the-purposes-specified~~
27 ~~in-section-602:81057-subsection-17-paragraph-"i","j",-or-"t".~~

28 Sec. 42. Section 815.13, Code 1985, is amended to read as
29 follows:

30 815.13 PAYMENT OF PROSECUTION COSTS.

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

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

11 Sec. 43. Section 907.4, Code 1985, is amended to read as
12 follows:

13 907.4 DEFERRED JUDGMENT DOCKET.

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

31 Sec. 44. NEW SECTION. 909.7 ABILITY TO PAY FINE
32 PRESUMED.

33 A defendant is presumed to be able to pay a fine. However,
34 if the defendant proves to the satisfaction of the court that
35 the defendant cannot pay the fine, the defendant shall not be

1 sentenced to confinement for the failure to pay the fine.

2 Sec. 45. REPEALS.

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

5 * Sec. 46. Section 21 of this Act applies retroactively to
6 July 1, 1983.

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- 1 Amend Senate File 570, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 -1. Page 1, by striking line 32 and inserting the
4 following: "person who, upon conviction of violating
5 a law regulating the operation of a motor vehicle, has
6 failed to pay the criminal fine or penalty,".
- 7 2. Page 2, line 8, by striking the words
8 "paragraph "a"" and inserting the following:
9 "subsection 1".
- 10 3. Page 7, by striking lines 10 through 16.
- 11 4. Page 8, by striking lines 13 through 19 and
12 inserting the following: "programming the following
13 information related to each district court conviction
14 for, acquittal of, or dismissal of a felony, an
15 aggravated misdemeanor, or a serious misdemeanor:
16 a. The name of the convicted offender or
17 defendant.
18 b. The statutory citation and character of the of-
19 fense of which the offender was convicted or the
20 defendant charged."
- 21 5. Page 8, by striking line 26 and inserting the
22 following: "criminal fines or penalties, surcharges,
23 or court costs related to the violation of a law
24 regulating the operation of a motor vehicle."
- 25 6. Page 11, line 3, by striking the words "One
26 fifth" and inserting the following: "Three tenths".
- 27 7. Page 11, line 6, by striking the words "Two
28 fifths" and inserting the following: "Three tenths".
- 29 8. Page 11, by inserting after line 8 the
30 following:
31 "Sec. ____ . Section 602.9103, Code 1985, is amended
32 to read as follows:
33 602.9103 NOTICE-BY-JUDGE-IN-WRITING APPLICATION.
34 This Except as provided in section 602.11115, this
35 article shall-not-apply applies to any judge of the
36 municipal, superior, or district court, including a
37 district associate judge, or a judge of the court of
38 appeals or of the supreme court, until the judge gives
39 notice in writing, while serving as a judge, to the
40 state comptroller and treasurer of state, of the
41 judge's purpose to come within its purview. Judges of
42 the municipal and superior courts shall at the same
43 time give a copy of such notice to the city treasurer
44 and county auditor within the district of such court.
45 Such notice shall be given within one year after the
46 effective date hereof or within one year after any
47 date on which the judge takes oath of office as such
48 judge.
- 49 Sec. ____ . Section 602.9104, subsection 1, Code
50 1985, is amended to read as follows:

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1 1. Each judge coming within the purview of this
2 article shall, on or before retirement, pay to the
3 court administrator for deposit with the treasurer of
4 state to the credit of a fund to be known as the
5 "judicial retirement.fund", hereinafter called the
6 "fund", a sum equal to four percent of the judge's
7 basic salary for services as such judge for the total
8 period of service as a judge of a municipal, superior,
9 district or supreme court, or the court of appeals,
10 including district associate judges, before ~~the date~~
11 ~~of-said-notice July 1, 1985, and on and after the date~~
12 ~~of-the-notice July 1, 1985~~ there shall be deducted and
13 withheld from the basic salary of each judge coming
14 within the purview of this article a sum equal to ~~four~~
15 ~~percent~~ the following percentages of such basic
16 salary. ~~---Provided that,~~ to vary according to the years
17 of service as a judge of the municipal, superior, or
18 district court, including a district associate judge,
19 or a judge of the court of appeals or of the supreme
20 court, or as a judge of any combination of the courts:
21 for less than seven years of service, seven percent;
22 for seven through twelve years of service, six
23 percent; for thirteen through eighteen years of
24 service, five percent; and for more than eighteen
25 years of service, four percent.

26 PARAGRAPH DIVIDED. However, the maximum amount
27 which any judge shall be required to contribute for
28 past service shall not exceed for municipal or
29 superior or district associate judges thirty-five
30 hundred dollars, for district judges four thousand
31 dollars, for court of appeals judges four thousand
32 five hundred dollars, and for supreme court judges
33 five thousand dollars.

34 Sec. ____ . Section 602.9109, Code 1985, is amended
35 by adding the following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. Annuities granted under
37 this article are exempt from taxation either as income
38 or as personal property."

39 9. Page 11, by striking lines 9 through 14.

40 10. Page 12, by inserting after line 12 the
41 following:

42 "NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the
43 county shall remain responsible for necessary fees and
44 costs related to certain court reporters. Effective
45 July 1, 1986 the state shall assume the responsibility
46 for necessary fees and costs related to certain court
47 reporters."

48 11. Page 16, line 27, by striking the word "Four"
49 and inserting the following: "Five".

50 12. Page 16, line 30, by striking the words "six"

4220 page 3

1 seven" and inserting the following: "six".

2 13. Page 16, lines 31 and 32, by striking the
3 words "two dollars" and inserting the following: "one
4 dollar".

5 14. Page 17, line 4, by striking the word "seven"
6 and inserting the following: "six".

7 15. Page 23, by striking lines 5 and 6.

8 16. Page 23, by inserting after line 6 the
9 following:

10 "Sec. ____ . JUDICIAL RETIREMENT ACTUARIAL
11 VALUATION. The court administrator shall cause an
12 actuarial valuation to be made of the assets and
13 liabilities of the judicial retirement fund for the
14 fiscal year beginning July 1, 1984 and for subsequent
15 fiscal years. Following the actuarial valuation, the
16 court administrator shall determine the condition of
17 the system and shall report the system's condition and
18 the court administrator's recommendations regarding
19 the system to the general assembly by January 15,
20 1986. The cost of the actuarial valuation shall be
21 paid from the judicial retirement fund."

22 17. Page 23, by inserting after line 6 the
23 following:

24 "Sec. ____ . The third new unnumbered paragraph of
25 section 29 of this Act applies retroactively to July
26 1, 1983."

27 18. Page 23, by inserting after line 6 the
28 following:

29 "Sec. ____ . Sections 8, 9, and 20 of this Act take
30 effect on July 1, 1986. The state court administrator
31 shall prescribe rules to coordinate and consolidate
32 the offset procedures required to forward necessary
33 offset information to the department of revenue."

34 19. Title page, line 6, by inserting after the
35 word "procedures" the following: "and making certain
36 procedures retroactive".

37 20. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

- 1 Amend the amendment, S-4220, to Senate File 570 as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 25 through 28.
 5 2. By striking page 1, line 49 through page 2,
 6 line 38.
 7 3. Page 2, by striking lines 40 through 47.
 8 4. Page 3, by striking line 7.
 9 5. Page 3, by striking lines 22 through 26.

S-4228 Filed May 3, 1985

By WELSH

Adopted 5/3/85 (p. 1942)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 570
H-4259

- 1 Amend the amendment, S-4220, to Senate File 570 as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 25 through 28.
 5 2. By striking page 1, line 49 through page 2,
 6 line 38.
 7 3. Page 2, by striking lines 40 through 47.
 8 4. Page 3, by striking line 7.
 9 5. Page 3, by striking lines 22 through 26.

H-4259 FILED MAY 4, 1985
REFUSED TO CONCUR (p. 2313)

RECEIVED FROM THE SENATE

Senate received (p. 1984)

SENATE FILE 570

H-4238

1 Amend Senate File 570, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 12 the
4 following:

5 "NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the
6 county shall remain responsible for necessary fees and
7 costs related to certain court reporters. Effective
8 July 1, 1986 the state shall assume the responsibility
9 for necessary fees and costs related to certain court
10 reporters."

11 2. Page 23, by inserting after line 6 the
12 following:

13 "Sec. _____. The third new unnumbered paragraph of
14 section 29 of this Act applies retroactively to July
15 1, 1983."

16 3. Title page, line 6, by inserting after the
17 word "procedures" the following: "and making certain
18 procedures retroactive".

19 4. By renumbering as necessary.

H-4238 FILED MAY 3, 1985

BY SWARTZ of Marshall

ADOPTED (j. 2208)

SENATE FILE 570

H-4239

1 Amend Senate File 570, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 32 and inserting the
4 following: "person who, upon conviction of violating
5 a law regulating the operation of a motor vehicle, has
6 failed to pay the criminal fine or penalty,".

7 2. Page 8, by striking line 26 and inserting the
8 following: "criminal fines or penalties, surcharges,
9 or court costs related to the violation of a law
10 regulating the operation of a motor vehicle."

BY HALVORSON of Webster

H-4239 FILED MAY 3, 1985

JAY of Appanoose

ADOPTED (j. 2208)

SENATE FILE 570

H-4232

- 1 Amend Senate File 570, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 10 through 16.
- 4 2. By renumbering as necessary.

H-4232 FILED MAY 3, 1985 BY CHAPMAN of Linn
ADOPTED (p. 2206)

SENATE FILE 570

H-4233

- 1 Amend Senate File 570, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking lines 9 through 14.
- 4 2. By renumbering as necessary.

H-4233 FILED MAY 3, 1985 BY HALVORSON of Clayton
HARBOR of Mills
ADOPTED (p. 2206)

SENATE FILE 570

H-4234

- 1 Amend Senate File 570 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 6 the
- 4 following:
- 5 "Sec. ____ . Sections 8, 9, and 20 of this Act take
- 6 effect on July 1, 1986. The state court administrator
- 7 shall prescribe rules to coordinate and consolidate
- 8 the offset procedures required to forward necessary
- 9 offset information to the department of revenue."
- 10 2. Title page, lines 3 and 4, by striking the
- 11 words "and the setoff of income tax refunds and
- 12 rebates".

H-4234 FILED MAY 3, 1985 BY SWARTZ of Marshall
A - ADOPTED, B - WITHDRAWN (p. 2207)

SENATE FILE 570

H-4217

1 Amend Senate File 570, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 8, by striking the words
4 "paragraph "a"" and inserting the following:
5 "subsection 1".

6 2. Page 8, by striking lines 13 through 19 and
7 inserting the following: "programming the following
8 information related to each district court conviction
9 for, acquittal of, or dismissal of a felony, an
10 aggravated misdemeanor, or a serious misdemeanor:

11 a. The name of the convicted offender or
12 defendant.

13 b. The statutory citation and character of the of-
14 fense of which the offender was convicted or the
15 defendant charged."

16 3. Page 11, line 3, by striking the words "One
17 fifth" and inserting the following: "Three tenths".

18 4. Page 11, line 6, by striking the words "Two
19 fifths" and inserting the following: "Three tenths".

20 5. Page 11, by inserting after line 8 the
21 following:

22 "Sec. ____ . Section 602.9103, Code 1985, is amended
23 to read as follows:

24 602.9103 ~~NOTICE-BY-JUDGE-IN-WRITING APPLICATION.~~

25 This Except as provided in section 602.11115, this
26 article shall-not-apply applies to any judge of the
27 municipal, superior, or district court, including a
28 district associate judge, or a judge of the court of
29 appeals or of the supreme court, until the judge gives
30 notice in writing, while serving as a judge, to the
31 state comptroller and treasurer of state, of the
32 judge's purpose to come within its purview. Judges of
33 the municipal and superior courts shall at the same
34 time give a copy of such notice to the city treasurer
35 and county auditor within the district of such court.
36 Such notice shall be given within one year after the
37 effective date hereof or within one year after any
38 date on which the judge takes oath of office as such
39 judge.

40 Sec. ____ . Section 602.9104, subsection 1, Code
41 1985, is amended to read as follows.

42 1. Each judge coming within the purview of this
43 article shall, on or before retirement, pay to the
44 court administrator for deposit with the treasurer of
45 state to the credit of a fund to be known as the
46 "judicial retirement fund", hereinafter called the
47 "fund", a sum equal to four percent of the judge's
48 basic salary for services as such judge for the total
49 period of service as a judge of a municipal, superior,
50 district or supreme court, or the court of appeals,

1 including district associate judges, before the date
2 of said notice July 1, 1985, and on and after the date
3 of the notice July 1, 1985 there shall be deducted and
4 withheld from the basic salary of each judge coming
5 within the purview of this article a sum equal to four
6 percent the following percentages of such basic
7 salary:--Provided that, to vary according to the years
8 of service as a judge of the municipal, superior, or
9 district court, including a district associate judge,
10 or a judge of the court of appeals or of the supreme
11 court, or as a judge of any combination of the courts:
12 for less than seven years of service, seven percent;
13 for seven through twelve years of service, six
14 percent; for thirteen through eighteen years of
15 service, five percent; and for more than eighteen
16 years of service, four percent.

17 PARAGRAPH DIVIDED. However, the maximum amount
18 which any judge shall be required to contribute for
19 past service shall not exceed for municipal or
20 superior or district associate judges thirty-five
21 hundred dollars, for district judges four thousand
22 dollars, for court of appeals judges four thousand
23 five hundred dollars, and for supreme court judges
24 five thousand dollars.

25 Sec. ____ . Section 502.9109, Code 1985, is amended
26 by adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. Annuities granted under
28 this article are exempt from taxation either as income
29 or as personal property."

30 6. Page 16, line 27, by striking the word "Four"
31 and inserting the following: "Five".

32 7. Page 16, line 30, by striking the words "six
33 seven" and inserting the following: "six".

34 8. Page 16, lines 31 and 32, by striking the
35 words "two dollars" and inserting the following: "one
36 dollar".

37 9. Page 17, line 4, by striking the word "seven"
38 and inserting the following: "six".

39 10. Page 23, by striking lines 5 and 6.

40 11. Page 23, by inserting after line 6 the
41 following:

42 "Sec. ____ . JUDICIAL RETIREMENT ACTUARIAL
43 VALUATION. The court administrator shall cause an
44 actuarial valuation to be made of the assets and
45 liabilities of the judicial retirement fund for the
46 fiscal year beginning July 1, 1984 and for subsequent
47 fiscal years. Following the actuarial valuation, the
48 court administrator shall determine the condition of
49 the system and shall report the system's condition and
50 the court administrator's recommendations regarding

Page Three

1 the system to the general assembly by January 15,
2 1986. The cost of the actuarial valuation shall be
3 paid from the judicial retirement fund."

4 12. By renumbering as necessary.



TERRY E BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

May 24, 1985

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 570, an act making corrections and other changes relating to court reorganization, court fees, court-imposed fines and costs and the suspension of motor vehicle licenses and the setoff of income tax refunds and rebates, administrative closures under chapter 601A, the ability to pay a criminal fine, the judicial retirement system, and other court procedures and making certain procedures retroactive.

Senate File 570 is approved May 24, 1985, with the exception of Section 27, which I hereby disapprove.

Senate File 570 makes a number of changes in our court system, including adjusting court fees and modifying the judicial retirement system. Specifically, this bill provides for an increase in certain court fees and fines and applies a portion of those additional revenues to the judicial retirement system.

At the present time, the judicial retirement system has an unfunded liability of over \$700,000. The additional revenues derived from the fee adjustments in Senate File 570 will eliminate that liability and will make the retirement system actuarially sound. I am pleased that the General Assembly has acted to make that fund secure.

The Honorable Mary Jane Odell
May 24, 1985
Page 2

However, Senate File 570 also requires certain judges to pay a larger percentage of their salaries to the judicial retirement system. Those judges with less than seven years of experience must pay an additional three percent of their salaries into the fund; those with seven to twelve years are required to contribute two percent more; and judges with thirteen to eighteen years of experience must contribute an additional one percent of their salaries. While there may be a need in the future to increase the pension contribution rate, the increase required in Senate File 570 is unfair, unwise and untimely.

Separate legislation passed by the General Assembly froze all judicial salaries for the next fiscal year. This salary freeze, in combination with the required increase in judicial contributions to the retirement fund, will effectively cut the take-home pay of many of our judges. This is an appropriate time to limit pay increases for those on the state payroll; I recommended a salary freeze for legislators and the Governor for the next two years. But it is unfair to single out judges for a cut in pay.

This reduction would hit hardest those judges who are new to the bench. As a result, it could adversely affect our ability to attract top flight attorneys to judicial positions. I am concerned that justice would be the ultimate loser if Section 27 of Senate File 570 were to become law.

Finally, an actuarial study of the judge's pension system will be conducted this summer. The General Assembly should wait for the results of that study before making major changes in the retirement system. Moreover, no additional pension contributions from judges are needed at this time to make the system actuarially sound.

In short, Section 27 of Senate File 570 unfairly singles out judges for a cut in pay. Such a reduction could harm the quality of justice in Iowa and is not needed to ensure the actuarial soundness of the judicial retirement system.

The Honorable Mary Jane Odell
May 24, 1985
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For the above reasons, I respectfully disapprove of this section in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 570 are hereby approved as of this date.

Very truly yours,

A handwritten signature in cursive script that reads "Terry E. Branstad". The signature is written in dark ink and is positioned above the printed name and title.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 570

AN ACT

MAKING CORRECTIONS AND OTHER CHANGES RELATING TO COURT RE-ORGANIZATION, COURT FEES, COURT-IMPOSED FINES AND COSTS AND THE SUSPENSION OF MOTOR VEHICLE LICENSES AND THE SET-OFF OF INCOME TAX REFUNDS AND REBATES, ADMINISTRATIVE CLOSURES UNDER CHAPTER 601A, THE ABILITY TO PAY A CRIMINAL FINE, THE JUDICIAL RETIREMENT SYSTEM, AND OTHER COURT PROCEDURES AND MAKING CERTAIN PROCEDURES RETROACTIVE.

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

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

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

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

~~Commencing July 17, 1977, the~~ The Code editor shall cause to be compiled, indexed and published in loose-leaf form the Iowa court rules, which shall consist of all rules of civil procedure, rules of criminal procedure, rules of appellate procedure, and supreme court rules. The Code editor, in consultation with the superintendent of printing, shall cause to be printed and distributed supplements to the compilation on or before the effective date of either new rules, or amendments to or the repeal of existing rules. All expenses incurred by the Code editor under this paragraph shall be defrayed under section 14.22. There shall be established a price for the compilation of rules, and a separate price for each supplement. The price of the compilation and of supplements shall represent the costs of compiling and indexing, the amounts charged for printing and distribution

and a cost for labor determined jointly by the legislative council and rules review committee in consultation with the state printer. On request a single copy of each compilation and of each supplement shall be distributed free of charge to each of the persons or agencies referred to in section 18.97, subsections 1, 2, 5, 6, 7, 8 and 16.

Sec. 3. NEW SECTION. 321.210A SUSPENSION FOR FAILURE TO PAY FINE, PENALTY, SURCHARGE, OR COURT COSTS.

The department shall suspend the motor vehicle license of a person who, upon conviction of violating a law regulating the operation of a motor vehicle, has failed to pay the criminal fine or penalty, surcharge, or court costs, as follows:

1. Upon the failure of a person to timely pay the fine, penalty, surcharge, or court costs the clerk of the district court shall notify the person that if the fine, penalty, surcharge, or court costs remain unpaid after sixty days, the clerk will notify the department of the failure for purposes of instituting suspension procedures.

2. Upon the failure of a person to pay the fine, penalty, surcharge, or court costs within sixty days of receiving notice from the clerk of the district court as provided in subsection 1, the clerk shall report the failure to the department.

3. Upon receipt of a report of a failure to pay the fine, penalty, surcharge, or court costs from the clerk of the district court, the department shall in accordance with its rules, suspend the person's motor vehicle license until the fine, penalty, surcharge or court costs are paid, unless the person proves to the satisfaction of the clerk and the department that the person cannot pay the fine, penalty, surcharge, or court costs.

Sec. 4. Section 321.212, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Except as provided in section 321.210A or 321.513 the department shall not suspend a license for a period of more

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than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder is competent to operate a motor vehicle and a refusal to reinstate ~~shall constitute~~ constitutes a denial of license within the provisions of section 321.215; upon revoking a license the department shall not grant an application for a new license until the expiration of one year after the revocation, unless another period is specified by law.

Sec. 5. Section 321A.17, subsection 5, Code 1985, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section 321.210A, 321.216 or 321.513 ~~shall~~ is not be required to maintain proof of financial responsibility under the provisions of this section.

Sec. 6. Section 331.506, subsection 2, paragraph b, Code 1985, is amended to read as follows:

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

Sec. 7. Section 331.510, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 8. Section 421.17, Code 1985, is amended by adding the following new subsection after subsection 24 and renumbering the subsequent subsection:

NEW SUBSECTION. 25. To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of the district court as a criminal fine, civil penalty, surcharge, or court costs. The procedure shall meet the following conditions:

a. Before setoff all outstanding tax liabilities collectible by the department shall be satisfied except that no portion of a refund or rebate shall be credited against tax liabilities which are not yet due.

b. Before setoff the clerk of the district court shall obtain and forward to the department the full name and social security number of the debtor. The department shall cooperate in the exchange of relevant information with the clerk. However, only relevant information required by the clerk shall be provided by the department. The information shall be held in confidence and shall be used for purposes of setoff only.

c. The clerk shall, at least quarterly and monthly if practicable, submit to the department for setoff the debts described in this subsection, which are at least fifty dollars.

d. Upon submission of a claim the department shall notify the clerk if the debtor is entitled to a refund or rebate and of the amount of the refund or rebate and the debtor's address on the income tax return.

e. Upon notice of entitlement to a refund or rebate the clerk shall send written notification to the debtor of the clerk's assertion of its rights to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, and the debtor's opportunity to give written notice of intent to contest the amount of the claim. The clerk shall send a copy of the notice to the department.

f. Upon the request of a debtor or a debtor's spouse to the clerk, filed within fifteen days from the mailing of the notice of entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the clerk shall notify the department of the request to divide a joint income tax refund or rebate. The department shall upon receipt of the notice divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as determined under section 422.7.

g. The department shall, after notice has been sent to the debtor by the clerk, set off the debt against the debtor's income tax refund or rebate. The department shall transfer at least quarterly and monthly if practicable, the amount set off to the clerk. If the debtor gives timely written notice of intent to contest the amount of the claim, the department shall hold the refund or rebate until final determination of the correct amount of the claim. The clerk shall notify the debtor in writing upon completion of setoff.

Sec. 9. Section 421.17, subsection 25, Code 1985, is amended to read as follows:

25 26. To provide that in the case of multiple claims to refunds or rebates filed under subsections 21, and 23, and 25 that priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit under subsection 21, next priority shall be given to claims filed by the college aid commission under subsection 23, ~~and last next~~ priority shall be given to claims filed by the office of investigations under subsection 21, and last priority shall be given to claims filed by a clerk of the district court under subsection 25.

Sec. 10. Section 601A.16, subsection 6, Code 1985, is amended by adding the following new unnumbered paragraph:

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

Sec. 11. Section 602.1302, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A revolving fund is created in the state treasury for the payment of jury and witness fees and mileage by the department. The department shall deposit any reimbursements to the state for the payment of jury and witness fees and mileage in the revolving fund. Notwithstanding section 8.33, unencumbered and unobligated receipts in the revolving fund at the end of a fiscal year do not revert to the general fund of the state. The department shall

on or before February 1 file a financial accounting of the moneys in the revolving fund with the legislative fiscal bureau. The accounting shall include an estimate of disbursements from the revolving fund for the remainder of the fiscal year and for the next fiscal year.

Sec. 12. Section 602.1303, subsections 7 and 8, Code 1985, are amended to read as follows:

7. A county or city shall pay the costs of its depositions and transcripts ~~and the court fees and costs provided by law~~ in criminal actions prosecuted by that county or city and shall pay the court fees and costs provided by law in criminal actions prosecuted by that county or city under county or city ordinance. A county or city shall pay witness fees and mileage in trials of criminal actions prosecuted by the county or city under county or city ordinance.

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

Sec. 13. Section 602.4104, subsection 3, Code 1985, is amended to read as follows:

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

Sec. 14. Section 602.4202, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

602.4202 RULE-MAKING PROCEDURE.

1. The supreme court shall submit a rule or form prescribed by the supreme court under section 602.4201 or pursuant to any other rule-making authority specifically made subject to this section to the legislative council and shall at the same time report the rule or form to the chairpersons and ranking members of the senate and house committees on judiciary. The legislative service bureau shall make

recommendations to the supreme court on the proper style and format of rules and forms required to be submitted to the legislative council under this subsection.

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

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

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

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

Sec. 15. Section 602.6603, subsection 4, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

4. If a regularly appointed court reporter becomes disabled, or if a vacancy occurs in a regularly appointed court reporter position, the judge may appoint a competent uncertified shorthand reporter for a period of time of up to six months, upon verification by the chief judge that a diligent but unsuccessful search has been conducted to appoint a certified shorthand reporter to the position and, in a disability case, that the regularly appointed court reporter is disabled. An uncertified shorthand reporter shall not be reappointed to the position unless the reporter becomes a

certified shorthand reporter within the period of appointment under this subsection.

Sec. 16. Section 602.6603, Code 1985, is amended by adding the following new subsection:

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

Sec. 17. Section 602.8102, subsection 45, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

45. Report monthly to the office for planning and programming the following information related to each district court conviction for, acquittal of, or dismissal of a felony, an aggravated misdemeanor, or a serious misdemeanor:

- a. The name of the convicted offender or defendant.
- b. The statutory citation and character of the offense of which the offender was convicted or the defendant charged.
- c. The sentence imposed on the convicted offender.

Sec. 18. Section 602.8102, Code 1985, is amended by adding the following new subsection after subsection 50:

NEW SUBSECTION. 50A. Assist the department of transportation in suspending, pursuant to section 321.210A, the motor vehicle licenses of persons who fail to timely pay criminal fines or penalties, surcharges, or court costs related to the violation of a law regulating the operation of a motor vehicle.

Sec. 19. Section 602.8102, Code 1985, is amended by adding the following new subsection after subsection 58:

NEW SUBSECTION. 58A. Assist the department of revenue in setting off against debtors' income tax refunds or rebates under section 421.17, subsection 25, debts which are due, owing, and payable to the clerk of the district court as criminal fines, civil penalties, surcharges, or court costs.

Sec. 20. Section 602.8105, subsection 1, paragraph a, Code 1985, is amended to read as follows:

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

Sec. 21. Section 602.8105, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. For payment in advance of various services and docketing procedures, excluding those for small claims actions and small claims actions on appeal and simple misdemeanor actions and simple misdemeanor actions on appeal, twenty-five dollars.

Sec. 22. Section 602.8105, subsection 1, paragraph j, Code 1985, is amended to read as follows:

j. In criminal cases, the same fees for the same services as in civil cases, to be paid by the county or city

initiating, which has the duty to prosecute the criminal action, payable as provided in section 602.8109. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city initiating which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and the court costs taxed in connection with the trial of those criminal actions or appeals from the judgments in those criminal actions are waived.

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

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

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

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

Sec. 24. Section 602.8106, subsection 1, Code 1985, is amended to read as follows:

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

Sec. 25. Section 602.8106, subsection 4, Code 1985, is amended to read as follows:

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

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

b. ~~One-fourth~~ Three tenths shall be deposited in the court revenue distribution account established under section 602.8108.

c. ~~One-fourth~~ Three tenths shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.9104.

Sec. 26. Section 602.9103, Code 1985, is amended to read as follows:

602.9103 NOTICE-BY-JUDGE-IN-WRITING APPLICATION.

~~This Except as provided in section 602.11115, this article shall not apply applies to any judge of the municipal, superior or district court, including a district associate judge, or a judge of the court of appeals or of the supreme court, until the judge gives notice in writing, while serving as a judge, to the state comptroller and treasurer of state of the judge's purpose to come within its purview. Judges of the municipal and superior courts shall at the same time give a copy of such notice to the city treasurer and county auditor within the district of such court. Such notice shall be given within one year after the effective date hereof or within one year after any date on which the judge takes oath of office as such judge.~~

Sec. 27. Section 602.9104, subsection 1, Code 1985, is amended to read as follows:

1. Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a

fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, ~~before the date of said notice July 1, 1985, and on and after the date of the notice July 1, 1985~~ there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to ~~four percent~~ the following percentages of such basic salary:--Provided that, to vary according to the years of service as a judge of the municipal, superior, or district court, including a district associate judge, or a judge of the court of appeals or of the supreme court, or as a judge of any combination of the courts: for less than seven years of service, seven percent; for seven through twelve years of service, six percent; for thirteen through eighteen years of service, five percent; and for more than eighteen years of service, four percent.

PARAGRAPH DIVIDED. However, the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

Sec. 28. Section 602.9109, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Annuities granted under this article are exempt from taxation either as income or as personal property.

Sec. 29. Section 602.11101, subsection 4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Until July 1, 1985 the county shall remain responsible for the compensation of juvenile

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court referees. Effective July 1, 1985 the state shall assume the responsibility for the compensation of juvenile court referees.

Sec. 30. Section 602.11101, subsection 5, Code 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial department related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986 the state shall assume the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial department related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities.

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

NEW UNNUMBERED PARAGRAPH. Until July 1, 1986 the county shall remain responsible for necessary fees and costs related to certain court reporters. Effective July 1, 1986 the state shall assume the responsibility for necessary fees and costs related to certain court reporters.

Sec. 31. Section 602.11101, Code 1985, is amended by adding the following new subsection:

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

Sec. 32. Section 602.11102, Code 1985, is amended to read as follows:

602.11102 ACCRUED EMPLOYEE RIGHTS.

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

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

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

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

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

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

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

602.11103 LIFE, AND HEALTH, AND DISABILITY INSURANCE.

Persons who were covered by county employee life insurance and accident and health insurance plans prior to becoming state employees as a result of this Act chapter shall be permitted to apply prior to becoming state employees for life insurance and health and accident insurance plans that are available to state employees so that those persons do not suffer a lapse of insurance coverage as a result of this Act chapter. The supreme court, after consulting with the state comptroller, shall prescribe rules and distribute application forms and take other actions as necessary to enable those persons to elect to have insurance coverage that is in effect on the date of becoming state employees. The actual insurance coverage available to a person shall be determined by the plans that are available to state employees, irrespective of

any greater or lesser benefits as a county or judicial district employee.

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

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

602.11108 COLLECTIVE BARGAINING.

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

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

Sec. 35. Section 602.11110, Code 1985, is amended to read as follows:

602.11110 JUDGESHIPS FOR ELECTION DISTRICTS 5A AND 5C.

As soon as practicable after January 1, 1985, the supreme court administrator shall recompute the number of judgeships to which judicial election districts 5A and 5C are entitled. Notwithstanding section 602.6201, subsection 2, the seventeen incumbent district judges in judicial election district 5A on December 31, 1984 may reside in either judicial election district 5A or 5C beginning January 1, 1985. The supreme court administrator shall apportion to judicial election district 5C those incumbent district judges who were appointed to replace district judges residing in Polk county or who were appointed to fill newly created judgeships while residing in Polk county. The incumbent district judges residing in Polk county on January 1, 1985 who are not so apportioned to judicial election district 5C shall be apportioned to judicial election district 5A but shall be reapportioned to judicial election district 5C, in the order of their seniority as district judges, as soon as the first vacancies occur in judicial election district 5C due to death, resignation, retirement, removal, or failure of retention. Such a reapportionment constitutes a vacancy in judicial election district 5A for purposes of section 602.6201. Notwithstanding section 602.6201, subsection 2, the seventeen incumbent district judges in judicial election district 5A on December 31, 1984 shall stand for retention in the judicial election district to which the district judges are apportioned or reapportioned under this section. Commencing on January 1, 1985, vacancies within judicial election districts 5A and 5C shall be determined and filled under section 602.6201, subsections 4 through 8. For purposes of the recomputations, the supreme court administrator shall determine the average case filings for the latest available three-year period by reallocating the actual case filings during the three-year

period to judicial election districts 5A and 5C as if they existed throughout the three-year period.

Sec. 36. Section 611.21, Code 1985, is amended to read as follows:

611.21 CIVIL REMEDY NOT MERGED IN CRIME.

The right of civil remedy is not merged in a public offense and is not restricted for other violation of law, but may in all cases be enforced independently of and in addition to the punishment of the latter former.

Sec. 37. Section 631.6, subsection 1, Code 1985, is amended to read as follows:

1. The docket fee for a small claims action is ten eleven dollars. Other fees imposed for small claims shall be the same as those required in regular actions in district court, four five dollars of the docket fee shall remain be deposited in the county treasury for the use of the county court revenue distribution account established under section 602.8108 and six dollars of the fee shall be paid into the state treasury. Of the amount paid into the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state.

Sec. 38. Section 631.6, unnumbered paragraph 2, Code 1985, is amended to read as follows:

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

Sec. 39. Section 666.6, Code 1985, is amended to read as follows:

666.6 REPORT OF FORFEITED BONDS.

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

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

Sec. 40. Section 805.6, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The court costs in parking violation cases are eight dollars per court appearance. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or

by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable.

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

Sec. 41. Section 805.6, subsection 1, paragraph c, subparagraphs (1), (2), and (3), Code 1985, are amended to read as follows:

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

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less

than two hundred fifty dollars, the amount of fifty dollars and-eight-dollars plus court costs.

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

Sec. 42. Section 805.9, Code 1985, is amended to read as follows:

805.9 ADMISSION OF SCHEDULED VIOLATIONS.

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

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

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

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

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

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

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

4. A defendant who admits a scheduled violation may appear before court. The procedure, costs, and fine, without

suspension of the fine, after the hearing are the same as in the traffic violations office.

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

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

Sec. 43. Section 815.13, Code 1985, is amended to read as follows:

815.13 PAYMENT OF PROSECUTION COSTS.

The county or city which has the duty to prosecute a criminal action shall pay the costs of depositions taken on behalf of the prosecution, the costs of transcripts requested by the prosecution, and in criminal actions prosecuted by the county or city under county or city ordinance the fees that are payable to the clerk of the district court for services rendered, and the court costs taxed in connection with the trial of the action or appeals from the judgment. The county or city shall pay witness fees and mileage in trials of criminal actions prosecuted by the county or city under county or city ordinance. These fees and costs are recoverable by the county or city from the defendant unless the defendant is found not guilty or the action is dismissed, in which case the state shall pay the witness fees and mileage in cases prosecuted under state law.

Sec. 44. Section 907.4, Code 1985, is amended to read as follows:

907.4 DEFERRED JUDGMENT DOCKET.

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

Sec. 45. NEW SECTION. 909.7 ABILITY TO PAY FINE PRESUMED.

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

Sec. 46. REPEALS.

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

Sec. 47. JUDICIAL RETIREMENT ACTUARIAL VALUATION. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund for the fiscal year beginning July 1, 1984 and for subsequent fiscal years. Following the actuarial valuation, the court administrator shall determine the condition of the

system and shall report the system's condition and the court administrator's recommendations regarding the system to the general assembly by January 15, 1986. The cost of the actuarial valuation shall be paid from the judicial retirement fund.

Sec. 48. The third new unnumbered paragraph of section 30 of this Act applies retroactively to July 1, 1983.

Sec. 49. Sections 8, 9, and 19 of this Act take effect on July 1, 1986. The state court administrator shall prescribe rules to coordinate and consolidate the offset procedures required to forward necessary offset information to the department of revenue.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 570, Seventy-first General Assembly.

Jim Oeto
Approved 5/24, 1985

K. MARIE THAYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor

S.F. 570