

Miller
Maddox
Holveck

Succeeded By
(SF) HF 2320

SSB 3192
Ways + Means

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON MCKIBBEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the assessment of court fees by the clerk of
2 district court.

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

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1 Section 1. Section 602.8105, subsections 1 and 2, Code
2 2001, are amended to read as follows:

3 1. The clerk of the district court shall collect the
4 following fees:

5 a. For filing and docketing a petition, other than a
6 modification of a dissolution decree to which a written
7 stipulation is attached at the time of filing containing the
8 agreement of the parties to the terms of modification, eighty
9 one hundred dollars. In counties having a population of
10 ninety-eight thousand or over, an additional five dollars
11 shall be charged and collected to be known as the journal
12 publication fee and used for the purposes provided for in
13 section 618.13.

14 b. For filing and docketing an application for
15 modification of a dissolution decree to which a written
16 stipulation is attached at the time of filing containing the
17 agreement of the parties to the terms of modification, twenty-
18 five fifty dollars.

19 c. For entering a final decree of dissolution of marriage,
20 thirty fifty dollars. It is the intent of the general
21 assembly that the funds generated from the dissolution fees be
22 appropriated and used for sexual assault and domestic violence
23 centers.

24 d. For filing and docketing a small claims action, the
25 amounts specified in section 631.6.

26 e. For an appeal from a judgment in small claims or for a
27 writ of error, fifty seventy-five dollars.

28 f. For a motion to show cause in a civil case, twenty-five
29 fifty dollars.

30 2. The clerk of the district court shall collect the
31 following fees for miscellaneous services:

32 a. For filing, entering, and endorsing a mechanic's lien,
33 ten twenty dollars, and if a suit is brought, the fee is
34 taxable as other costs in the action.

35 b. For filing and entering an agricultural supply dealer's

1 lien and any other statutory lien, ~~ten~~ twenty dollars.

2 c. For a certificate and seal, ten dollars. However,
3 there shall be no charge for a certificate and seal to an
4 application to procure a pension, bounty, or back pay for a
5 member of the armed services or other person.

6 d. For certifying a change in title of real estate, ~~ten~~
7 twenty dollars.

8 e. Other fees provided by law.

9 Sec. 2. Section 625.8, subsection 1, Code 2001, is amended
10 to read as follows:

11 1. The clerk of the district court shall tax as a court
12 cost a jury fee of ~~ten~~ one hundred dollars in every action
13 tried to a jury.

14 Sec. 3. Section 631.6, subsection 1, paragraph a, Code
15 2001, is amended to read as follows:

16 a. Fees for filing and docketing shall be ~~thirty~~ fifty
17 dollars.

18 EXPLANATION

19 This bill relates to the assessment of court costs by the
20 clerk of court.

21 The bill increases the filing fee for the following types
22 of cases in the following amounts: most civil petitions
23 including filings of foreign judgments, bankruptcy,
24 transcripts, and changes of name, from \$80 to \$100, stipulated
25 modifications of dissolution decrees from \$25 to \$50, final
26 decrees of dissolutions from \$30 to \$50, appeals from a
27 judgment in small claims cases from \$50 to \$75, motions to
28 show cause in civil cases from \$25 to \$50, mechanic's liens
29 from \$10 to \$20, agriculture supply dealer's lien from \$10 to
30 \$20, change of title to real estate from \$10 to \$20, and small
31 claims actions from \$30 to \$50.

32 The bill also increases the jury fees assessed as costs in
33 a jury trial from \$10 to \$100.

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H- 4/10/02 Do Pass

FILED MAR 27 2002

SENATE FILE 2320
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3192)

Passed Senate, ^(P. 1000) Date 4-8-02 Passed House, ^(P. 1319) Date 4/10/02
Vote: Ayes 47 Nays 2 Vote: Ayes 51 Nays 47
Approved 4/23/02

A BILL FOR

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OF 2320

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2 2001, are amended to read as follows:

3 1. The clerk of the district court shall collect the
4 following fees:

5 a. For filing and docketing a petition, other than a
6 modification of a dissolution decree to which a written
7 stipulation is attached at the time of filing containing the
8 agreement of the parties to the terms of modification, **eighty**
9 **one hundred** dollars. In counties having a population of
10 ninety-eight thousand or over, an additional five dollars
11 shall be charged and collected to be known as the journal
12 publication fee and used for the purposes provided for in
13 section 618.13.

14 b. For filing and docketing an application for
15 modification of a dissolution decree to which a written
16 stipulation is attached at the time of filing containing the
17 agreement of the parties to the terms of modification, **twenty-**
18 **five fifty** dollars.

19 c. For entering a final decree of dissolution of marriage,
20 **thirty fifty** dollars. It is the intent of the general
21 assembly that the funds generated from the dissolution fees be
22 appropriated and used for sexual assault and domestic violence
23 centers.

24 d. For filing and docketing a small claims action, the
25 amounts specified in section 631.6.

26 e. For an appeal from a judgment in small claims or for a
27 writ of error, **fifty seventy-five** dollars.

28 f. For a motion to show cause in a civil case, **twenty-five**
29 **fifty** dollars.

30 2. The clerk of the district court shall collect the
31 following fees for miscellaneous services:

32 a. For filing, entering, and endorsing a mechanic's lien,
33 **ten twenty** dollars, and if a suit is brought, the fee is
34 taxable as other costs in the action.

35 b. For filing and entering an agricultural supply dealer's

1 lien and any other statutory lien, ~~ten~~ twenty dollars.

2 c. For a certificate and seal, ten dollars. However,
3 there shall be no charge for a certificate and seal to an
4 application to procure a pension, bounty, or back pay for a
5 member of the armed services or other person.

6 d. For certifying a change in title of real estate, ~~ten~~
7 twenty dollars.

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12 cost a jury fee of ~~ten~~ one hundred dollars in every action
13 tried to a jury.

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15 2001, is amended to read as follows:

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22 of cases in the following amounts: most civil petitions
23 including filings of foreign judgments, bankruptcy,
24 transcripts, and changes of name, from \$80 to \$100, stipulated
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26 decrees of dissolutions from \$30 to \$50, appeals from a
27 judgment in small claims cases from \$50 to \$75, motions to
28 show cause in civil cases from \$25 to \$50, mechanic's liens
29 from \$10 to \$20, agriculture supply dealer's lien from \$10 to
30 \$20, change of title to real estate from \$10 to \$20, and small
31 claims actions from \$30 to \$50.

32 The bill also increases the jury fees assessed as costs in
33 a jury trial from \$10 to \$100.

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SENATE FILE 2320

S-5395

1 Amend Senate File 2320 as follows:

2 1. Page 2, by inserting after line 17 the
3 following:

4 "Sec. ____ . COURT FILING FEES. Notwithstanding any
5 provision of law enacted by the Seventy-ninth General
6 Assembly, 2002 Session, that increases court filing
7 fees, no court filing fees shall be increased for the
8 fiscal year beginning July 1, 2002, and ending June
9 30, 2003, unless the total amount appropriated to the
10 judicial branch for the fiscal year beginning July 1,
11 2002, and ending June 30, 2003, in this division of
12 this Act and in all other laws enacted by the Seventy-
13 ninth General Assembly, 2002 Session equals at least
14 \$114,373,228 for salaries, receipt and disbursement of
15 child support payments, auditor expenses, maintenance,
16 equipment, and miscellaneous purposes, and at least
17 \$3,739,587 for judicial retirement contributions by
18 the state."

By THOMAS FIEGEN
JACK HOLVECK

S-5395 FILED APRIL 4, 2002

Lost 4/8/02 (p. 999)

SENATE FILE 2320**H-8590**

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 602.6105, Code 2001, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 2A. The court shall maintain a
8 magistrate court in a city that is not the county seat
9 if a magistrate court existed in that city as of July
10 1, 2001, and if the city requests a magistrate. Any
11 additional costs to the judicial branch for
12 maintaining a magistrate in a city other than the
13 county seat shall be paid by the city requesting the
14 magistrate.

15 Sec. 2. Section 602.6401, subsection 1, Code 2001,
16 is amended by adding the following new paragraph:

17 NEW PARAGRAPH. f. The existence of a city in the
18 county other than the county seat that maintained a
19 magistrate court as of July 1, 2001."

20 2. Title page, line 1, by inserting after the
21 word "relating to" the following: "courts,
22 including".

23 3. Title page, line 2, by inserting after the
24 word "court" the following: "and the location of
25 magistrate courts".

By EICHHORN of Hamilton
REKOW of Allamakee
BRUNKHORST of Bremer

H-8590 FILED APRIL 11, 2002

M. Hermone
4-10-02

SENATE FILE 2320**H-8611**

1 Amend Senate File 2320, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 17 the
4 following:

5 "Sec. ____ . COURT FILING FEES. Notwithstanding any
6 provision of law enacted by the Seventy-ninth General
7 Assembly, 2002 Session, that increases court filing
8 fees, no court filing fees shall be increased for the
9 fiscal year beginning July 1, 2002, and ending June
10 30, 2003, unless the total amount appropriated to the
11 judicial branch for the fiscal year beginning July 1,
12 2002, and ending June 30, 2003, in this division of
13 this Act and in all other laws enacted by the Seventy-
14 ninth General Assembly, 2002 Session equals at least
15 \$114,373,228 for salaries, receipt and disbursement of
16 child support payments, auditor expenses, maintenance,
17 equipment, and miscellaneous purposes, and at least
18 \$3,739,587 for judicial retirement contributions by
19 the state."

By SHOULTZ of Black Hawk

H-8611 FILED APRIL 11, 2002

Just 4-10-02 (p. 1318)

Legislative Fiscal Bureau

Fiscal Note

SF 2320 - Filing Fees for District Court (LSB 7161 SV)
Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)
Fiscal Note Version - New

Description

The Bill relates to the assessment of court fees by the clerk of district court.

Assumptions

1. The collection rate for a civil filing is approximately 60.0%.
2. The collection rate for a small claims filing is approximately 98.0%.
3. In calendar year 2000, there were approximately 69,000 civil cases filed.
4. The civil filing fee would increase from \$80 to \$100. Exemptions may be granted to indigent persons.
5. Civil filings increased by 2.0% from calendar year 1999 to 2000.
6. In calendar year 2000, there were approximately 1,800 cases of modification with stipulation. Approximately 50.0% of these cases are waived. The fee would increase from \$25 to \$50.
7. In calendar year 2000, there were approximately 21,000 dissolutions and modifications. Approximately two-thirds of the cases were for divorce ending with a decree of dissolution, and one-third of the cases were modifications applying either the \$80 civil filing fee or the \$25 modification with stipulation fee. The Bill would increase the final decree of dissolution fee from \$30 to \$50.
8. In calendar year 2000, there were approximately 700 appeals from judgments in small claims cases. The fee would increase from \$50 to \$75.
9. In calendar year 2000, there were approximately 84,000 small claims cases. The filing fee would increase from \$30 to \$50.
10. In calendar year 2000, there were approximately 7,900 liens filed. The Bill would increase the filing fee from \$10 to \$20.
11. In calendar year 2000, there were approximately 40,000 property actions. Approximately half of those filings included a change of title. The Bill would increase the filing fee from \$10 to \$20.
12. The Bill would increase the filing fee for motion to show cause from \$25 to \$50. The number of cases that this fee would apply to cannot be determined.
13. In calendar year 2000, there were approximately 1,100 jury trials. Approximately 400 were civil jury trials and 700 were criminal jury trials. Of the 700 criminal jury trials, approximately 400 were felonies and the balance being aggravated and serious misdemeanors. The Bill would increase the jury fees assessed as costs in a jury trial from \$10 to \$100. The collection rate on civil jury trials will be 90.0% and the collection rate on criminal jury trials is 60.0%.

Fiscal Impact

Senate File 2320 would result in additional court fee revenues to the General Fund of approximately \$3.1 million annually. The break out per fee increase is as follows:

Civil Filings	\$ 828,000
Modification with Stipulation	23,000
Decree of Dissolution	278,000
Small Claims Appeals	18,000
Small Claims Filings	1,646,000
Liens	79,000
Real Estate Change of Title	200,000
Jury Trials - Civil	32,000
Jury Trials - Criminal	38,000
TOTAL	<u>\$ 3,142,000</u>

Source

Judicial Branch

/s/ Dennis C Prouty

March 28, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

SENATE FILE 2320

AN ACT

RELATING TO THE ASSESSMENT OF COURT FEES BY THE CLERK OF
DISTRICT COURT.

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

Section 1. Section 602.8105, subsections 1 and 2, Code 2001, are amended to read as follows:

1. The clerk of the district court shall collect the following fees:

a. For filing and docketing a petition, other than a modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, eighty one hundred dollars. In counties having a population of ninety-eight 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.

b. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the

agreement of the parties to the terms of modification, twenty-five fifty dollars.

c. For entering a final decree of dissolution of marriage, thirty fifty dollars. It is the intent of the general assembly that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.

d. For filing and docketing a small claims action, the amounts specified in section 631.6.

e. For an appeal from a judgment in small claims or for a writ of error, fifty seventy-five dollars.

f. For a motion to show cause in a civil case, twenty-five fifty dollars.

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing, entering, and endorsing a mechanic's lien, ten twenty dollars, and if a suit is brought, the fee is taxable as other costs in the action.

b. For filing and entering an agricultural supply dealer's lien and any other statutory lien, ten twenty dollars.

c. For a certificate and seal, ten dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

d. For certifying a change in title of real estate, ten twenty dollars.

e. Other fees provided by law.

Sec. 2. Section 625.8, subsection 1, Code 2001, is amended to read as follows:

1. The clerk of the district court shall tax as a court cost a jury fee of ten one hundred dollars in every action tried to a jury.

Sec. 3. Section 631.6, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. Fees for filing and docketing shall be thirty fifty dollars.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2320, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/23, 2002

THOMAS J. VILSACK
Governor