

CHAPTER 204
JUDICIAL APPROPRIATIONS, PROCEDURES AND FEES
S.F. 549

AN ACT relating to court structure and procedures by appropriating for certain court costs, by increasing certain filing fees, by adding one member to the court of appeals, by allowing a division of the court of appeals to hear cases and petitions, by increasing the fee for filing and docketing a simple misdemeanor, and by appropriating funds for designated legal assistance services, for dispute resolution centers and for additional judicial salaries and support.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984 to the following named judicial department agencies the following amounts, or so much thereof as necessary, to be used for the purposes designated:

		<u>1983-1984</u> <u>Fiscal Year</u>
JUDICIAL DEPARTMENT		
a. For salaries and support for four additional district court judges authorized in 1983 Iowa Acts, Senate File 495	\$	285,000
b. For salaries and support within the state and district court administrators' offices and for conducting such studies of the judicial system of this state necessary to provide for the implementation of 1983 Iowa Acts, Senate File 495	\$	214,000
c. For the payment of increased salaries of alternate district associate judges as provided in 1983 Iowa Acts, Senate File 495	\$	11,942
d. For the payment of expenses of the judges of the court of appeals as provided in 1983 Iowa Acts, Senate File 495	\$	11,763
e. For the payment of jury and witness fees as provided in 1983 Iowa Acts, Senate File 495	\$	1,900,000
f. For salary and support of one additional judge on the court of appeals authorized in sections 5 and 11 of this Act	\$	95,000

The appropriations made by this subsection are in addition to other appropriations to the named judicial department agencies for the 1983-1984 fiscal year.

g. For allocation to the legal services corporation of Iowa and the legal aid society of Polk county to be used to provide legal aid services to the poor \$ 120,000

The court administrator shall apportion the money appropriated by this paragraph between the legal services corporation of Iowa and the legal aid society of Polk county in the same proportion as the federal legal services corporation apportioned funds between the two organizations for the federal fiscal year beginning October 1, 1982. It is the intent of the general assembly that the appropriation made by this paragraph is a one-time appropriation to alleviate the immediate financial needs of these agencies and the general assembly anticipates that other resources will be available in future years for these services.

h. For the payment of grants to dispute resolution programs and not to exceed four thousand (4,000) dollars for administrative expenses of the court administrator \$ 75,000

Except for administrative expenses, the funds appropriated under paragraph h shall be used for grants to dispute resolution programs funded pursuant to Acts of the Sixty-ninth General Assembly, 1982 Session, chapter 1260, section 84. A program administrator awarded funding for a dispute resolution program by the court administrator of the judicial department for the fiscal year beginning July 1, 1982, may submit an application to the court administrator for funding for the fiscal year beginning July 1, 1983, on forms prescribed and furnished by the court administrator. The court administrator with the advice of the judicial coordinating committee established by the supreme court shall allocate the funds to the dispute resolution programs that provide nonjudicial resolution of disputes at the community or county level. At least twenty-five percent of the amount budgeted for the annual operation of an existing dispute resolution program or that portion of a dispute resolution program which is improved or expanded shall be obtained from sources other than the grant provided under this paragraph h.

Sec. 2. Section 331.705, subsection 1, paragraphs a through v, Code 1983, are amended to read as follows:

a. For filing a petition, appeal, or writ of error and docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars of the fee shall remain in the county treasury for the use of the county and ~~twenty-one~~ thirty-one dollars of the fee shall be paid into the state treasury. One dollar shall be deposited in the judicial retirement fund created in section 605A.4 to be used to pay retirement benefits of the judicial retirement system. The remainder of the fee shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar 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 an attachment, two dollars.
- c. For a cause tried by jury, five dollars.
- d. For a cause tried by the court, two dollars and fifty cents.
- e. For an equity case, three dollars.
- f. For an injunction or other extraordinary process or order, five dollars.
- g. For a cause continued on application of a party by affidavit, two dollars.
- h. For a continuance, one dollar.
- i. For entering a final judgment or decree, one dollar and fifty cents.
- j. For taxing costs, one dollar.
- k. For issuing an execution or other process after judgment or decree, two dollars.

l. b. For payment in advance of various services and docketing procedures for civil cases, excluding small claims, twenty-five dollars.

c. In small claims actions, in addition to the filing fee specified in section 631.6, the following fees shall be charged for the following services:

- (1) For a cause tried by the court, two dollars and fifty cents.
- (2) For an equity case, three dollars.
- (3) For an injunction or other extraordinary process or order, five dollars.
- (4) For a cause continued on application of a party by affidavit, two dollars.
- (5) For a continuance, one dollar.
- (6) For entering a final judgment or decree, one dollar and fifty cents.
- (7) For taxing costs, one dollar.
- (8) For issuing an execution or other process after judgment or decree, two dollars.
- (9) For filing and docketing a transcript of judgment from another county, one dollar.
- (10) For entering a rule or order, one dollar.
- (11) For issuing a writ or order, not including subpoenas, two dollars.
- (12) For entering a judgment by confession, two dollars.
- (13) For entering a satisfaction of a judgment, one dollar.
- (14) For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.
- (15) For taking and approving a bond and sureties on the bond, two dollars.

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

m. e. For a certificate and seal, two dollars.

n. For filing and docketing a transcript of judgment from another county, one dollar.

o. For entering a rule or order, one dollar.

p. For issuing a writ or order, not including subpoenas, two dollars.

q. For issuing a commission to take depositions, two dollars.

r. For entering a sheriff's sale of real estate, two dollars.

s. For entering a judgment by confession, two dollars.

t. For entering a satisfaction of a judgment, one dollar.

u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.

v. For taking and approving a bond and sureties on the bond, two dollars.

Sec. 3. Section 602.55, subsections 1, 2, and 3, Code 1983, are amended to read as follows:

1. One-half to the treasurer of state to be credited to the general fund of the state.

2. ~~One-third~~ One-fourth to the county treasurer to be credited to the general fund of the county.

3. ~~One-sixth~~ One-fourth to the treasurer of state to be credited to the judicial retirement fund created in section 605A.4.

Sec. 4. Section 602.63, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The clerk of the district court of the county in which a judicial magistrate resides shall furnish the judicial magistrate, district associate judge, or district judge acting as judicial magistrate, a docket in which shall be entered all proceedings except small claims. Such docket shall be indexed and shall contain in each case the title and nature of the action; place of hearing; appearances; and notations of the documents filed with the judicial magistrate, of the proceedings in the case and orders made, of the verdict and judgment including costs, of any satisfaction of the judgment, of whether the judgment was certified to the clerk of the district court, of whether an appeal was taken, and of the amount of the appeal bond. All costs in

criminal cases shall be assessed and distributed as in chapter 606, except that the cost of filing and docketing of a complaint or information for a nonindictable misdemeanor shall be ~~six~~ eight dollars which shall be distributed pursuant to section 602.55. The ~~six~~ eight dollar cost for filing and docketing a complaint or information for a nonindictable misdemeanor shall not apply in cases of overtime parking. If the judgment and costs are not fully and immediately satisfied in criminal cases, the judicial magistrate shall promptly certify a copy of the judgment to the clerk of the district court indicating thereon the portion unsatisfied; and the clerk shall index and file the judgment, whereupon it shall be a judgment of the district court without recording.

Sec. 5. Section 684.34, subsection 1, Code 1983, is amended to read as follows:

1. The court of appeals shall consist of a chief judge and ~~four~~ five associate judges, any three of whom shall constitute a quorum.

Sec. 6. Section 684.34, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. The court of appeals may be divided into divisions of three or more judges in a manner as it may prescribe by rule. The divisions may hold open court separately and cases may be submitted to each division separately in accordance with rules the court may prescribe. The rules shall provide for submitting a case or petition for rehearing or hearing en banc at the direction of the chief judge or at the request of a specified number of judges designated in the rules. The court of appeals shall prescribe all rules necessary to provide for the submission of cases to the whole court or to a division.

Sec. 7. Section 684.51, Code 1983, is amended to read as follows:

684.51 **LAW CLERKS.** The court of appeals may employ not more than ~~five~~ six attorneys or graduates of a reputable law school as defined in section 610.2, to act as legal assistants to the court. Salaries shall be as prescribed by the court administrator.

Sec. 8. Section 805.6, subsection 1, paragraph a, Code 1983, 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. This subsection ~~shall not be deemed to~~ does not prevent the charging of any of those violations by information, by private complaint filed under the provisions of 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. The uniform citation and complaint shall contain spaces for the ~~parties~~ 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 the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, ~~shall be six~~ 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. 9. Section 805.6, subsection 1, paragraph c, subparagraphs (1) and (2), Code 1983, 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 five eight dollars costs; ~~or,~~

(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 five eight dollars costs.

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

Sec. 10. Section 805.9, Code 1983, 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 the citation and complaint, together with the minimum fine for the violation, plus five eight dollars 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. ~~Thereupon~~ In this case the defendant shall is not be required to appear before the court. The admission ~~shall constitute~~ 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 ~~he or she~~ the defendant is required to appear before the court, deliver or mail ~~such the~~ copies, together with his or her the defendant's admission, fine, and five eight dollars costs, to the scheduled violations office in the county. The procedure, fine, and costs ~~shall be~~ 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 five eight dollars costs, to a traffic violations office in the county, in an envelope furnished by the officer. The admission ~~shall constitute~~ constitutes a conviction and judgment in the amount of the scheduled fine plus five eight dollars costs. The officer may allow the defendant to use a credit card pursuant to rules adopted ~~pursuant to~~ 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 ~~him~~ the defendant mail to a court in the county the citation and complaint and one and one-half times the minimum fine together with five eight dollars costs, or in lieu of one and one-half times the fine and the 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 five eight dollars costs."

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

4. ~~Any~~ A defendant who admits a scheduled violation may ~~nevertheless~~ appear before court. The procedure, costs, and fine, without suspension of the fine, after the hearing ~~shall be~~ 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 such~~ the defendant admits the violation, the procedure and fine, without suspension, after the hearing ~~shall be~~ are the same before the court as before the traffic violations office with ~~five~~ eight dollars court costs, without prejudice, when applicable, to proceedings under section 321.487.

6. The ~~five~~ eight dollars in costs imposed by this section are the total costs collectible from ~~any~~ 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 ~~any~~ a defendant for the purposes specified in section 331.705, subsection 1, paragraph "i", "j", or "t".

Sec. 11. 1983 Iowa Acts, Senate File 495, section 6102, subsection 1, if Senate File 495 is enacted into law, is amended to read as follows:

1. The court of appeals consists of ~~five~~ six judges, any three of whom constitute a quorum.

Sec. 12. 1983 Iowa Acts, Senate File 495, section 6102, if Senate File 495 is enacted into law, is amended by adding the the following new subsection:

NEW SUBSECTION. The court of appeals may be divided into divisions of three or more judges in a manner as it may prescribe by rule. The divisions may hold open court separately and cases may be submitted to each division separately in accordance with rules the court may prescribe. The rules shall provide for submitting a case or petition for rehearing or hearing en banc at the direction of the chief judge or at the request of a specified number of judges designated in the rules. The court of appeals shall prescribe all rules necessary to provide for the submission of cases to the whole court or to a division.

Sec. 13. 1983 Iowa Acts, Senate File 495, section 6203, if Senate File 495 becomes law, is amended to read as follows:

SEC. 6203. NEW SECTION. 602.6203 LAW CLERKS. The court of appeals may employ not more than ~~five~~ six attorneys or graduates of a reputable law school to act as legal assistants to the court.

Sec. 14. 1983 Iowa Acts, Senate File 495, section 9105, subsection 1, paragraphs a through v, if Senate File 495 becomes law, are amended to read as follows:

a. For filing a petition, appeal, or writ of error and docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars of the fee shall be deposited in the court revenue distribution account established under section 602.9108, and ~~twenty-one~~ 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 602.2104 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.

b. For an attachment, two dollars.

c. For a cause tried by jury, five dollars.

d. For a cause tried by the court, two dollars and fifty cents.

e. For an equity case, three dollars.

f. For an injunction or other extraordinary process or order, five dollars.

g. For a cause continued on application of a party by affidavit, two dollars.

h. For a continuance, one dollar.

i. For entering a final judgment or decree, one dollar and fifty cents.

j. For taxing costs, one dollar.

k. For issuing an execution or other process after judgment or decree, two dollars.

b. For payment in advance of various services and docketing procedures, excluding small claims, twenty-five dollars.

c. In small claims actions, in addition to the filing fee specified in section 631.6, the following fees shall be charged for the following services:

- (1) For a cause tried by the court, two dollars and fifty cents.
- (2) For an equity case, three dollars.
- (3) For an injunction or other extraordinary process or order, five dollars.
- (4) For a cause continued on application of a party by affidavit, two dollars.
- (5) For a continuance, one dollar.
- (6) For entering a final judgment or decree, one dollar and fifty cents.
- (7) For taxing costs, one dollar.
- (8) For issuing an execution or other process after judgment or decree, two dollars.
- (9) For filing and docketing a transcript of judgment from another county, one dollar.
- (10) For entering a rule or order, one dollar.
- (11) For issuing a writ or order, not including subpoenas, two dollars.
- (12) For entering a judgment by confession, two dollars.
- (13) For entering a satisfaction of a judgment, one dollar.
- (14) For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.
- (15) For taking and approving a bond and sureties on the bond, two dollars.

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

- m. e. For a certificate and seal, two dollars.
- n. For filing and docketing a transcript of judgment from another county, one dollar.
- o. For entering a rule or order, one dollar.
- p. For issuing a writ or order, not including subpoenas, two dollars.
- q. For issuing a commission to take depositions, two dollars.
- r. For entering a sheriff's sale of real estate, two dollars.
- s. For entering a judgment by confession, two dollars.
- t. For entering a satisfaction of a judgment, one dollar.
- u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.
- v. For taking and approving a bond and sureties on the bond, two dollars.

Sec. 15. 1983 Iowa Acts, Senate File 495, section 9106, subsection 1, if Senate File 495 becomes law, is amended to read as follows:

1. Notwithstanding section 602.9105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor shall be ~~six~~ eight dollars, provided that a fee for filing and docketing a complaint or information shall not be collected in cases of overtime parking.

Sec. 16. 1983 Iowa Acts, Senate File 495, section 9106, subsection 4, if Senate File 495 becomes law, 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 shall be remitted monthly by the clerk to the treasurer of state to be credited to the general fund of the state.

b. ~~One-third~~ One-fourth shall be deposited in the court revenue distribution account established under section 602.9108.

c. ~~One-sixth~~ One-fourth shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.2104.

Sec. 17. During the fiscal year beginning July 1, 1983, and ending June 30, 1984, the county board of supervisors may transfer money from the court expense fund to the county general fund in order to replenish the revenue loss from the general fund due to the operation of 1983 Iowa Acts, Senate File 495, section 602.9108, subsection 2, paragraph a. The amount transferred shall not exceed the amount remitted to the treasurer of state pursuant to 1983 Iowa Acts, Senate File 495, section 602.9108, subsection 2, paragraph a.

Approved June 9, 1983

CHAPTER 205

SALARY ADJUSTMENTS AND EXPENSES

H.F. 646

AN ACT relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing adjustments for salary, health insurance, and per diem, making coordinating amendments to the Code, and appropriating funds.

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

Section 1.

1. The salary rates specified in the section are effective for the fiscal years indicated and the salary rates for the fiscal year beginning July 1, 1984, are effective for subsequent fiscal years until otherwise provided by the general assembly. The salary rates for the fiscal year beginning July 1, 1983, are the same as for the fiscal year beginning July 1, 1982. The salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section pursuant to any Act of the general assembly or if the appropriation is not sufficient, from the salary adjustment fund.

2. The following annual salary rates shall be paid to the person holding the position indicated:

	<u>1983-1984</u> <u>Fiscal Year</u>	<u>1984-1985</u> <u>Fiscal Year</u>
a. DEPARTMENT OF AGRICULTURE		
Salary for the secretary of agriculture	\$ 38,500	\$ 41,000
b. OFFICE OF THE ATTORNEY GENERAL		
Salary of the attorney general	\$ 50,700	\$ 54,000
c. OFFICE OF THE AUDITOR OF STATE		
Salary of the auditor of state	\$ 38,500	\$ 41,000
d. OFFICE OF THE GOVERNOR		
Salary of the governor	\$ 60,000	\$ 64,000