

d. The department shall begin the process of acquiring property or property rights from affected persons within ten days of the department's written notification of intent to the city or county.

Approved May 6, 1991

CHAPTER 115

ADVANCED PLACEMENT SUMMER PROGRAM

H.F. 518

AN ACT to establish an advanced placement summer program.

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

Section 1. NEW SECTION. 263.8C ADVANCED PLACEMENT SUMMER PROGRAM.

An advanced placement summer program is established at the state university of Iowa for purposes of training advanced placement instructors at the secondary level and of providing intensive course work for secondary students. The state university of Iowa shall be responsible for the development of appropriate curricula, course offerings, provision of qualified instructors, and the selection of participants for the program. If funds are appropriated for the program, those funds shall be used to pay for the cost of providing instructors, counselors, room and board for students and teachers attending the program, materials, and for the cost of the development of a summer advanced placement exam. If funds are appropriated and those funds are not sufficient to meet program participation demands, the university shall give priority to the needs of students or teachers from schools which do not have advanced placement programs.

Approved May 6, 1991

CHAPTER 116

COURT ADMINISTRATION AND RELATED PROVISIONS

H.F. 534

AN ACT relating to changes and corrections in the court administration system.

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

Section 1. Section 78.1, subsection 3, Code 1991, is amended to read as follows:

3. Clerks The clerk and deputy clerks of the supreme court and the clerks of the district ~~courts~~ court and their designees.

Sec. 2. Section 144.35, Code 1991, is amended to read as follows:

144.35 EXTENSIONS OF TIME BY RULES.

The department may, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of this chapter, provide for extension of the periods prescribed in sections 144.26, 144.28, 144.29, and 144.31, ~~and 144.32~~ for filing of death certificates, fetal death certificates, and medical certifications of cause of death ~~and for the obtaining of burial-transit permits~~ in cases in which compliance with the applicable prescribed period would result in undue hardship.

Regulation of the department may provide for the issuance of a burial-transit permit under section 144.32 prior to the filing of a complete certificate of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter in cases in which compliance with the requirement that the complete certificate be filed prior to the issuance of the permit would result in undue hardship.

Sec. 3. Section 472.37, Code 1991, is amended to read as follows:
472.37 FORM OF RECORD – CERTIFICATE.

Said papers shall be securely fastened together, arranged in the order named above, and be accompanied by a certificate of the officer filing the same papers that said the papers are true and correct copies of the original files in the proceedings and that the statements accompanying the same papers are true.

Sec. 4. Section 472.38, Code 1991, is amended to read as follows:
472.38 RECORD OF PROCEEDINGS.

The county recorder shall record the papers, statements, and certificate in the record of deeds and properly index them. The recorder may return the original recorded instrument to the sender or dispose of that instrument if the sender does not wish to have the instrument returned. A document filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if the sender does not wish to have the document returned and if there is an official copy of that document in the recorder's office.

Sec. 5. Section 595.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:
After expiration of three days from the date of filing the application by the parties, the clerk shall issue the license if the clerk is satisfied as to the competency of the parties to contract a marriage. If the license has not been issued within one year six months from the date of the application, the application is void.

Sec. 6. Section 602.1401, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 5. The pay plan shall set the compensation of court employees within the funds appropriated by the general assembly.

Sec. 7. Section 602.1502, Code 1991, is amended to read as follows:
602.1502 STATE COURT ADMINISTRATION SALARIES.

1. The supreme court shall set the compensation of the state court administrator, deputy administrator, and research director within the funds appropriated by the general assembly. The salaries of other employees of the judicial department shall be set pursuant to the department's pay plan established under section 602.1401.

2. The state court administrator, with the approval of the supreme court, shall set the salaries of assistants and employees of the office of the state court administrator within the funds appropriated by the general assembly. Court reporters who are employed on an emergency basis in the district court shall be paid not more than their usual and customary fees, while employed by the court. Payments shall be made at least once each month.

3. Court reporters shall be paid compensation for transcribing their notes as provided in section 602.3202, but shall not work on outside depositions during the hours for which they are compensated as a court employee.

Sec. 8. Section 602.8102, subsections 45 and 100, Code 1991, are amended by striking the subsections.

Sec. 9. Section 602.8104, subsection 2, paragraph c, Code 1991, is amended to read as follows:
c. A fee book cash journal in which is listed in detail the costs and fees in each action or proceeding under the title of the action or proceeding. The fee book cash journal shall also have an index containing the information specified in paragraph "a".

Sec. 10. Section 602.8104, subsection 2, paragraph d, Code 1991, is amended by striking the paragraph.

Sec. 11. Section 602.8105, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. For filing and docketing a petition other than 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 the modification, or an appeal or writ of error, forty-five dollars. ~~Four dollars of the~~ The fee shall be deposited in the court revenue distribution account established under section 602.8108, and forty-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. 12. Section 602.8105, subsection 1, paragraph c, Code 1991, is amended by striking the paragraph.

Sec. 13. Section 602.8105, subsection 1, paragraphs m and n, Code 1991, are amended to read as follows:

m. For filing an application for a license to marry, fifteen dollars. ~~The clerk of the district court shall remit to the treasurer of state five dollars for each marriage license application filed. The treasurer of state shall deposit the funds received in the general fund of the state.~~ For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

n. For entering a final decree of dissolution of marriage, fifteen dollars. ~~The fees shall be deposited in the general fund of the state.~~ 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.

Sec. 14. Section 602.8106, subsections 4 and 5, Code 1991, are amended to read as follows:

4. ~~The clerk shall remit deposit all other fines and forfeited bail received from a magistrate to the treasurer of state to be credited to the general fund of the state in the court revenue distribution account established in section 602.8108, except that annually the first two million five hundred thousand dollars in fines which are imposed through vehicle violation citations issued by motor vehicle division personnel at portable and fixed weigh stations in the state which shall be credited to the road use tax fund.~~

5. 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. ~~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. ~~Three tenths shall be deposited in the court revenue distribution account established under section 602.8108.~~

e. ~~Three Of the amount paid to the state treasurer, 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. 15. Section 602.8108, Code 1991, is amended to read as follows:

602.8108 COURT REVENUE DISTRIBUTION ACCOUNT.

1. The clerk of the district court shall establish and maintain a court revenue distribution account. The clerk shall deposit in this account all fees and other receipts that are specifically required by law to be deposited in the court revenue distribution account. ~~The account shall not be used for any other purpose.~~

2. ~~Revenue deposited in the court revenue distribution account shall be distributed as follows:~~

a. ~~Of the revenue received by the clerk during the fiscal year commencing July 1, 1983 and ending June 30, 1984, the clerk shall remit eighty percent to the county treasurer and twenty percent to the treasurer of state.~~

b. Of the revenue received by the clerk during the fiscal year commencing July 1, 1984 and ending June 30, 1985, the clerk shall remit sixty percent to the county treasurer and forty percent to the treasurer of state.

c. Of the revenue received by the clerk during the fiscal year commencing July 1, 1985 and ending June 30, 1986, the clerk shall remit forty percent to the county treasurer and sixty percent to the treasurer of state.

d. Of the revenue received by the clerk during the fiscal year commencing July 1, 1986 and ending June 30, 1987, the clerk shall remit twenty percent to the county treasurer and eighty percent to the treasurer of state.

e. The clerk shall remit all revenue received on or after July 1, 1987, to the treasurer of state.

3 2. The clerk of the district court shall account for and distribute revenue deposited in the court revenue distribution account on a monthly basis. Not later than the fifteenth day of each calendar month, the clerk shall distribute all revenues received during the preceding calendar month according to the applicable formula as stated in subsection 2. Each distribution shall be accompanied by a statement disclosing the total amount of revenue received during the accounting period, and any adjustments of gross revenue figures that are necessary to reflect changes in the balance of the court revenue distribution account, including but not limited to reductions resulting from the dishonor of checks previously accepted by the clerk, and the amount distributed to each recipient under subsection 2.

4 3. Except as otherwise provided, the clerk shall remit all revenue received to the treasurer of state. Revenue distributed to the treasurer of state under this section shall be deposited in the general fund of the state except as otherwise provided by applicable law. Revenue distributed to a county under this section shall be deposited in the county general fund.

Sec. 16. Section 602.9104, subsection 2, Code 1991, is amended to read as follows:

2. The amount designated in subsection 1 as the judge's contribution to the judicial retirement fund shall be paid by the department of revenue and finance from the general fund of the state to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund. Moneys in the fund are appropriated for the payment of annuities, refunds, and allowances provided by this article, except that the amount of the appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court is limited to that part of the fund accumulated for their benefit as provided in this article. The corpus and income of the fund shall be used only for the exclusive benefit of the judges covered under this article, or their survivors, or an alternate payee who is assigned benefits pursuant to a domestic relations order.

Sec. 17. Section 625.21, Code 1991, is amended to read as follows:

625.21 INTEREST.

Except for an action brought pursuant to chapter 668, when the judgment is for the recovery of money, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk and added to the costs of the party entitled thereto to the costs.

Sec. 18. Section 631.6, Code 1991, is amended to read as follows:

631.6 FEES AND COSTS.

All fees and costs required to be paid in small claims actions shall be paid in advance, and shall be assessed as costs in the action.

1. The docket filing fee for a small claims action is fifteen twenty-five dollars. Five dollars of the docket fee shall be deposited in the court revenue distribution account established under section 602.8108 and ten dollars of the fee shall be paid into the state treasury. The fee shall be deposited in the court revenue distribution account as established in section 602.8108. Of the amount of the fee 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.

2. Postage charged for the mailing of original notices shall be the actual cost of the postage.

3. Fees for personal service by peace officers or other officials of the state are the amounts specified by law.

4. Fees for service of notice on nonresidents are as provided in section 617.3.

All fees and costs collected in small claims actions, ~~other than the ten 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 shall be remitted to the secretary of state.

Sec. 19. Section 633.480, Code 1991, is amended to read as follows:

633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITH ADMINISTRATION.

After discharge as provided in section 633.479, the clerk shall ~~issue a certificate~~ certify under chapter 558 relative to each parcel of real estate described in the final report of the personal representative which has not been sold by the personal representative, and deliver the certificate to the county recorder of the county in which the real estate is situated. The county recorder shall deliver the certificate to the county auditor as provided in section 558.58.

Sec. 20. Section 692.17, Code 1991, is amended to read as follows:

692.17 EXCLUSIONS.

Criminal history data in a computer data storage system shall not include arrest or disposition data after the person has been acquitted or the charges dismissed.

For the purposes of this section, "criminal history data" includes information maintained by any criminal justice agency if the information otherwise meets the definition of criminal history data set forth in section 692.1.

Criminal history data may be collected for management or research purposes.

Sec. 21. Section 805.6, subsection 3, Code 1991, is amended to read as follows:

3. Supplies of the uniform citation and complaint for municipal corporations, and county agencies, and all other agencies shall be paid for out of the budget of the municipal corporation, or county, or other agency receiving the fine resulting from use of the citation and complaint. Supplies of the uniform citation and complaint form used by other agencies shall be paid for out of the budget of the agency concerned and not out of the budget of the judicial department.

Sec. 22. Section 910.9, unnumbered paragraph 2, Code 1991, is amended to read as follows:

The clerk of court shall maintain a record of all receipts and disbursements of restitution payments and shall disburse all moneys received to the victims designated in the plan of restitution. If there is more than one victim, disbursements to the victims shall be on the basis of the victim's percentage of the total owed by the offender to all victims, except that the clerk of court may decide the allocation of payments of twenty dollars or less.

Sec. 23. Section 144.32, and sections 602.1503 through 602.1507, Code 1991, are repealed.

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