

FILED MAY 6 1983

SENATE FILE 549

BY COMMITTEE ON APPROPRIATIONS
Approved 5/6/83 (p. 1571)

Passed Senate, Date 5-9-83 (p. 1577) Passed House, Date 5-12-83 (p. 2074)
Vote: Ayes 29 Nays 9 Vote: Ayes 75 Nays 23
Approved June 9, 1983

A BILL FOR

1 An Act relating to court structure and procedures by
2 increasing certain filing fees, by adding one member
3 to the court of appeals, by allowing a division of the
4 court of appeals to hear cases and petitions, by
5 imposing an additional two-dollar fee for filing and
6 docketing a simple misdemeanor to go to the judicial
7 retirement fund and by appropriating funds for designated
8 legal assistance services, for dispute resolution centers
9 and for additional judicial salaries and support.

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

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SF 549

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

6
7 1983-1984
Fiscal Year

8 1. COURTS

9 a. For salaries and support for four
10 additional district court judges author-
11 ized in 1983 Iowa Acts, Senate File 495 \$ 285,000

12 b. For salary and support of one ad-
13 ditional judge on the court of appeals
14 authorized in sections 5 and 10 of this
15 Act \$ 95,000

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

19 2. COURT ADMINISTRATOR

20 a. For allocation to the legal ser-
21 vices corporation of Iowa and the legal
22 aid society of Polk county to be used to
23 provide legal aid services to the poor \$ 120,000

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

35 b. For the payment of grants to

1 existing dispute resolution programs
2 and not to exceed four thousand (4,000)
3 dollars for administrative expenses
4 of the court administrator \$ 100,000

5 Except for administrative expenses, the funds appropriated
6 under paragraph b shall be used for grants to continue or
7 improve dispute resolution programs funded pursuant to Acts
8 of the Sixty-ninth General Assembly, 1982 Session, chapter
9 1260, section 84. A program administrator awarded funding
10 for a dispute resolution program by the court administrator
11 of the judicial department for the fiscal year beginning July
12 1, 1982, may submit an application to the court administrator
13 for funding for the fiscal year beginning July 1, 1983, on
14 forms prescribed and furnished by the court administrator.
15 The court administrator with the advice of the judicial
16 coordinating committee established by the supreme court shall
17 allocate the funds to the dispute resolution programs that
18 provide nonjudicial resolution of disputes at the community
19 or county level. At least twenty-five percent of the amount
20 budgeted for the annual operation of an existing dispute
21 resolution program or that portion of a dispute resolution
22 program which is improved or expanded shall be obtained from
23 sources other than the grant provided under this paragraph
24 b.

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

27 a. For filing a petition, appeal, or writ of error and
28 docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars
29 of the fee shall remain in the county treasury for the use
30 of the county and ~~twenty-one~~ thirty-one dollars of the fee
31 shall be paid into the state treasury. One dollar shall be
32 deposited in the judicial retirement fund created in section
33 605A.4 to be used to pay retirement benefits of the judicial
34 retirement system. The remainder of the fee shall be deposited
35 in the general fund of the state. In counties having a

1 population of one hundred thousand or over, an additional
2 one dollar shall be charged and collected, to be known as
3 the journal publication fee and used for the purposes provided
4 for in section 618.13.

5 ~~b---For-an-attachment,-two-dollars-~~

6 ~~c---For-a-cause-tried-by-jury,-five-dollars-~~

7 ~~d---For-a-cause-tried-by-the-court,-two-dollars-and-fifty~~
8 ~~cents-~~

9 ~~e---For-an-equity-case,-three-dollars-~~

10 ~~f---For-an-injunction-or-other-extraordinary-process-or~~
11 ~~order,-five-dollars-~~

12 ~~g---For-a-cause-continued-on-application-of-a-party-by~~
13 ~~affidavit,-two-dollars-~~

14 ~~h---For-a-continuance,-one-dollar-~~

15 ~~i---For-entering-a-final-judgment-or-decree,-one-dollar~~
16 ~~and-fifty-cents-~~

17 ~~j---For-taxing-costs,-one-dollar-~~

18 ~~k---For-issuing-an-execution-or-other-process-after-judgment~~
19 ~~or-decree,-two-dollars-~~

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

23 c. For payment in advance of various services and docket-
24 ing procedures in small claims actions, in addition to the
25 filing fee specified in section 631.6, ten dollars.

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

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

30 ~~n---For-filing-and-docketing-a-transcript-of-judgment-from~~
31 ~~another-county,-one-dollar-~~

32 ~~o---For-entering-a-rule-or-order,-one-dollar-~~

33 ~~p---For-issuing-a-writ-or-order,-not-including-subpoenas,-~~
34 ~~two-dollars-~~

35 ~~q---For-issuing-a-commission-to-take-depositions,-two~~

1 dollars-

2 r---For-entering-a-sheriff's-sale-of-real-estate,-two
3 dollars-

4 s---For-entering-a-judgment-by-confession,-two-dollars-

5 t---For-entering-a-satisfaction-of-a-judgment,-one-dollar-

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

9 v---For-taking-and-approving-a-bond-and-sureties-on-the
10 bond,-two-dollars-

11 Sec. 3. Section 602.55, subsections 1, 2, and 3, Code
12 1983, are amended to read as follows:

13 1. ~~One-half~~ Three-eighths to the treasurer of state to
14 be credited to the general fund of the state.

15 2. ~~One-third~~ Two-eighths to the county treasurer to be
16 credited to the general fund of the county.

17 3. ~~One-sixth~~ Three-eighths to the treasurer of state to
18 be credited to the judicial retirement fund created in section
19 605A.4.

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

22 The clerk of the district court of the county in which
23 a judicial magistrate resides shall furnish the judicial
24 magistrate, district associate judge, or district judge acting
25 as judicial magistrate, a docket in which shall be entered
26 all proceedings except small claims. Such docket shall be
27 indexed and shall contain in each case the title and nature
28 of the action; place of hearing; appearances; and notations
29 of the documents filed with the judicial magistrate, of the
30 proceedings in the case and orders made, of the verdict and
31 judgment including costs, of any satisfaction of the judgment,
32 of whether the judgment was certified to the clerk of the
33 district court, of whether an appeal was taken, and of the
34 amount of the appeal bond. All costs in criminal cases shall
35 be assessed and distributed as in chapter 606, except that

1 the cost of filing and docketing of a complaint or information
2 for a nonindictable misdemeanor shall be ~~six~~ eight dollars
3 which shall be distributed pursuant to section 602.55. The
4 ~~six~~ eight dollar cost for filing and docketing a complaint
5 or information for a nonindictable misdemeanor shall not apply
6 in cases of overtime parking. If the judgment and costs are
7 not fully and immediately satisfied in criminal cases, the
8 judicial magistrate shall promptly certify a copy of the
9 judgment to the clerk of the district court indicating thereon
10 the portion unsatisfied; and the clerk shall index and file
11 the judgment, whereupon it shall be a judgment of the district
12 court without recording.

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

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

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

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

31 Sec. 7. Section 805.6, subsection 1, paragraph a, Code
32 1983, 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. This subsection ~~shall not~~
5 ~~be deemed to~~ does not prevent the charging of any of those
6 violations by information, by private complaint filed under
7 ~~the provisions of~~ chapter 804, or by a simple notice of fine
8 where permitted by section 321.236, subsection 1. Each uniform
9 citation and complaint shall be serially numbered and shall
10 be in quintuplicate, and the officer shall deliver the original
11 and a copy to the court where the defendant is to appear,
12 two copies to the defendant, and a copy to the law enforcement
13 agency of the officer. The court shall forward the copy of
14 the uniform citation and complaint in accordance with section
15 321.207 when applicable. The uniform citation and complaint
16 shall contain spaces for the ~~parties~~ parties' names; the
17 address of the alleged offender; the registration number of
18 the offender's vehicle; the information required by section
19 805.2; a promise to appear as provided in section 805.3 and
20 a place where the cited person may sign the promise to appear;
21 a list of the scheduled fines prescribed by section 805.8,
22 either separately or by group, and a statement that the court
23 costs in scheduled offense cases, whether or not a court
24 appearance is required or is demanded, ~~shall be six~~ are eight
25 dollars; a brief explanation of sections 805.9 and 805.10;
26 and a space where the defendant may sign an admission of the
27 violation when permitted by section 805.9; and the uniform
28 citation and complaint shall require that the defendant appear
29 before a court at a specified time and place. The uniform
30 citation and complaint also may contain a space for the imprint
31 of a credit card, and may contain any other information which
32 the commissioner of public safety and the state conservation
33 director may determine.

34 Sec. 8. Section 805.6, subsection 1, paragraph c, sub-
35 paragraphs (1) and (2), Code 1983, are amended to read as

1 follows:

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

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

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

12 Sec. 9. Section 805.9, Code 1983, is amended to read as
13 follows:

14 805.9 ADMISSION OF SCHEDULED VIOLATIONS.

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

28 2. A defendant charged with a scheduled violation by
29 information may obtain two copies of the information from
30 the court and, before the time ~~he or she~~ the defendant is
31 required to appear before the court, deliver or mail ~~such~~
32 the copies, together with ~~his or her~~ the defendant's admission,
33 fine, and ~~five~~ eight dollars costs, to the scheduled violations
34 office in the county. The procedure, fine, and costs ~~shall~~
35 be are the same as when the charge is by citation and

1 complaint, with the admission and the number of the defendant's
2 operator's or chauffeur's license placed upon the information,
3 when the violation involves the use of a motor vehicle.

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

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

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

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

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

6 4. Any A defendant who admits a scheduled violation may
7 ~~nevertheless~~ appear before court. The procedure, costs, and
8 fine, without suspension of the fine, after the hearing ~~shall~~
9 be are the same as in the traffic violations office.

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

19 6. The ~~five~~ eight dollars in costs imposed by this section
20 are the total costs collectible from ~~any a~~ a defendant upon
21 either an admission of a violation without hearing, or upon
22 a hearing pursuant to subsection 4. Fees shall not be imposed
23 upon or collected from ~~any a~~ a defendant for the purposes
24 specified in section 331.705, subsection 1, paragraph "i",
25 "j", or "t".

26 Sec. 10. 1983 Iowa Acts, Senate File 495, section 6102,
27 subsection 1, if Senate File 495 is enacted into law, is
28 amended to read as follows:

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

31 Sec. 11. 1983 Iowa Acts, Senate File 495, section 6102,
32 if Senate File 495 is enacted into law, is amended by adding
33 the the following new subsection:

34 NEW SUBSECTION. The court of appeals may be divided into
35 divisions of three or more judges in a manner as it may pre-

1 scribe by rule. The divisions may hold open court separately
 2 and cases may be submitted to each division separately in
 3 accordance with rules the court may prescribe. The rules
 4 shall provide for submitting a case or petition for rehearing
 5 or hearing en banc at the direction of the chief judge or
 6 at the request of a specified number of judges designated
 7 in the rules. The court of appeals shall prescribe all rules
 8 necessary to provide for the submission of cases to the whole
 9 court or to a division.

10 Sec. 12. 1983 Iowa Acts, Senate File 495, section 9105,
 11 subsection 1, paragraphs a through v, if Senate File 495
 12 becomes law, are amended to read as follows:

13 a. For filing a petition, appeal, or writ of error and
 14 docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars
 15 of the fee shall be deposited in the court revenue distribution
 16 account established under section 602.9108, and ~~twenty-one~~
 17 thirty-one dollars of the fee shall be paid into the state
 18 treasury. Of the amount paid to the state treasury, one
 19 dollar shall be deposited in the judicial retirement fund
 20 established in section 602.2104 to be used to pay retirement
 21 benefits of the judicial retirement system, and the remainder
 22 shall be deposited in the general fund of the state. In
 23 counties having a population of one hundred thousand or over,
 24 an additional five dollars shall be charged and collected,
 25 to be known as the journal publication fee and used for the
 26 purposes provided for in section 618.13.

27 ~~b---For-an-attachment,-two-dollars-~~

28 ~~e---For-a-cause-tried-by-jury,-five-dollars-~~

29 ~~d---For-a-cause-tried-by-the-court,-two-dollars-and-fifty~~
 30 ~~cents-~~

31 ~~e---For-an-equity-case,-three-dollars-~~

32 ~~f---For-an-injunction-or-other-extraordinary-process-or~~
 33 ~~order,-five-dollars-~~

34 ~~g---For-a-cause-continued-on-application-of-a-party-by~~
 35 ~~affidavit,-two-dollars-~~

- 1 h. -- For a continuance, one dollar.
- 2 i. -- For entering a final judgment or decree, one dollar
- 3 and fifty cents.
- 4 j. -- For taxing costs, one dollar.
- 5 k. -- For issuing an execution or other process after judgment
- 6 or decree, two dollars.
- 7 l. b. For payment in advance of various services and
- 8 docketing procedures, excluding small claims, twenty-five
- 9 dollars.
- 10 c. For payment in advance of various services and docket-
- 11 ing procedures in small claims actions, in addition to the
- 12 filing fee specified in section 631.6, ten dollars.
- 13 d. For filing, entering, and endorsing a mechanic's lien,
- 14 three dollars, and if a suit is brought, the fee is taxable
- 15 as other costs in the action.
- 16 m. e. For a certificate and seal, two dollars.
- 17 n. -- For filing and docketing a transcript of judgment from
- 18 another county, one dollar.
- 19 o. -- For entering a rule or order, one dollar.
- 20 p. -- For issuing a writ or order, not including subpoenas,
- 21 two dollars.
- 22 q. -- For issuing a commission to take depositions, two
- 23 dollars.
- 24 r. -- For entering a sheriff's sale of real estate, two
- 25 dollars.
- 26 s. -- For entering a judgment by confession, two dollars.
- 27 t. -- For entering a satisfaction of a judgment, one dollar.
- 28 u. -- For a copy of records or papers filed in the clerk's
- 29 office, transcripts, and making a complete record, fifty cents
- 30 for each one hundred words.
- 31 v. -- For taking and approving a bond and sureties on the
- 32 bond, two dollars.

33 Sec. 13. 1983 Iowa Acts, Senate File 495, section 9106,
34 subsection 1, if Senate File 495 becomes law, is amended to
35 read as follows:

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

6 Sec. 14. 1983 Iowa Acts, Senate File 495, section 9106,
7 subsection 4, if Senate File 495 becomes law, is amended to
8 read as follows:

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

12 a. ~~One-half~~ Three-eighths shall be remitted monthly by
13 the clerk to the treasurer of state to be credited to the
14 general fund of the state.

15 b. ~~One-third~~ Two-eighths shall be deposited in the court
16 revenue distribution account established under section
17 602.9108.

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

21 EXPLANATION

22 This bill appropriates \$100,000 for the 1984 fiscal year
23 to the court administrator to be allocated to the legal
24 services corporation of Iowa and the legal aid society of
25 Polk county for legal services for the poor. It is intended
26 to be a one-time appropriation with future funding for the
27 programs provided from other sources. It also appropriates
28 \$100,000 for the continuation of dispute resolution centers.
29 Funds granted to a center cannot exceed seventy-five percent
30 of the total budget for a program.

31 The bill also increases the fee for filing a petition,
32 appeal or writ of error to thirty-five dollars, with thirty-
33 one dollars going to the general fund. The county would
34 continue to get four dollars from the fee. It consolidates
35 many of the remaining filing fees and provides a flat rate

1 of twenty-five dollars for services and docketing procedures
2 relating to civil cases except small claims, and ten dollars
3 when the case is a small claims action.

4 It increases the fee for filing and docketing a complaint
5 or information for a simple misdemeanor to eight dollars with
6 the additional two dollars going to the judicial retirement
7 fund. In some places in the text the original fee is listed
8 at five rather than six dollars. These sections were
9 inadvertently not changed last session when the fee rose to
10 six dollars, but the six dollar fee is currently being
11 collected under these sections pursuant to an attorney
12 general's opinion.

13 It also increases the size of the court of appeals from
14 five to six members and appropriates money for salary and
15 support of the new judge. It allows the court to sit in
16 divisions on a case or petition according to rules prescribed
17 by the court.

18 It also appropriates \$285,000 for salaries and support
19 of four additional district court judges authorized in Senate
20 File 495.

21 Because the bill amends sections relating to certain fees
22 and the court of appeals that are repealed and recodified
23 in the court reorganization bill, Senate File 495, which had
24 not been signed by the governor at the time of drafting, both
25 current Code sections and sections of Senate File 495 are
26 amended.

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STATE OF IOWA
F I S C A L N O T E

LSB No. 1/24S
Request No. 83-511
Staff ID KMM

In compliance with a written request received May 6, 1983, there is hereby submitted a Fiscal Note for Senate File 549 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

S. F. 549 increases certain filing fees, adds one member to the Court of Appeals, imposes an additional two-dollar fee for filing and docketing a simple misdemeanor. This bill also appropriates funds for legal assistance services, Dispute Resolution Centers and for additional judicial salaries & support.

Section 1: This section appropriates \$285,000 for salaries of four additional District Court Judges and \$95,000 for the salary of one additional judge on the Court of Appeals. There is also \$120,000 appropriated for Legal Services Corporation of Iowa and the Legal Aid Society of Polk County, and \$100,000 appropriated to fund existing dispute resolution programs.

Section 2. The fee for filing a petition, appeal or writ of error is increased to \$ 35. Raising the fee from \$25 to \$35 would result in \$30 going to the General Fund, \$1 to the judicial retirement fund and \$4 to the county.

In 1982 approximately 45,000 petitions, appeals and writs of error were filed. Raising the fees would result in \$450,000 additional revenue to the General Fund.

This section also provides for payment in advance of \$25 for various services and docketing procedures for civil cases, excluding small claims. The average fee per case is \$21. The remaining \$4 will remain with the counties. If Senate file 495 is passed the \$4 will be deposited in the court revenue distribution account. In 1982 there were 58,000 civil cases. The revenue will be \$232,000.

Payment in advance of \$10 for various services and docketing procedures in small claim actions is also provided for in this section. In 1982 67,967 small claims were filed. Under current law the \$679,700 generated by this fee will go to the counties. If Senate file 495 is passed the \$679,000 will be deposited in the court revenue distribution account.

Section 3. The fee for the filing and docketing of a complaint or information for a simple misdemeanor is raised from \$6 to \$8. Of the additional \$2, the judicial retirement system will receive \$1. The General Fund will receive the other dollar. This will result in \$500,000 revenue to the General Fund.

(Summary)	<u>General Fund</u>	<u>Court Fund</u>	<u>20% to General Fund FY 1984</u>	<u>Judicial Retirement Fund</u>
Section II: Filing Fee Increase Advance Fees	\$450,000	\$911,000	\$180,000	
Section III: Increased Misdemeanor Fees	500,000 <u>950,000</u>	<u>911,000</u>	<u>180,000</u>	\$500,000 <u>500,000</u>
Total Revenue	950,000 180,000 <u>\$1,130,000</u>			

Source: Court Administrator

(1724S, 83-495, KMM)

Henry Prouty

Fiscal Director
Legislative Fiscal Bureau

Date: 5/6/83

SENATE FILE 549
FISCAL NOTE

REQUESTED BY SENATOR SMALL

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 549 pursuant to Joint Rule 17.

S. F. 549, as amended and passed by the Senate, increases certain filing fees, adds one member to the Court of Appeals, imposes an additional two-dollar fee for filing and docketing a simple misdemeanor. This bill also appropriates funds for legal assistance services, Dispute Resolution Centers, and for additional judicial salaries and support. This bill also appropriates approximately \$2.1 million to provide for the implementation of Senate File 495.

Section 1. This section appropriates \$285,000 for salaries and support of four additional District Court Judges and \$95,000 for the salary and support of one additional judge on the Court of Appeals. There is also \$120,000 appropriated for Legal Services Corporation of Iowa and the Legal Aid Society of Polk County, and \$100,000 appropriated to fund existing dispute resolution programs.

This section also appropriates \$214,000 to employ additional staff within the state and district court administrators' offices, \$11,942 for payment of increased salaries of alternate district associate judges, \$11,763 for the payment of expenses of the judges of the Court of Appeals and \$1,900,000 for the payment of jury and witness fees as provided in Senate File 495.

Section 2. The fee for filing a petition, appeal or writ or error is increased to \$35. Raising the fee from \$25 to \$35 would result in \$30 going to the General Fund, \$1 to the judicial retirement fund and \$4 to the county.

In 1982 approximately 45,000 petitions, appeals and writs of error were filed. Raising the fees would result in \$450,000 additional revenue to the General Fund.

This section also provides for payment in advance of \$25 for various services and docketing procedures for civil cases, excluding small claims. The average fee per case is \$21. The remaining \$4 will remain with the counties. If Senate File 495 is passed, the \$4 will be deposited in the court revenue distribution account. In 1982 there were 58,000 civil cases. The revenue will be \$232,000.

Payment in advance of \$10 for various services and docketing procedures in small claim actions is also provided for in this section. In 1982 67,967 small claims were filed. Under current law the \$679,700 generated by this fee will go to the counties. If Senate File 495 is passed, the \$679,000 will be deposited in the court revenue distribution account.

Section 3. The fee for the filing and docketing of a complaint or information for a simple misdemeanor is raised from \$6 to \$8. Of the additional \$2, the judicial retirement system will receive \$1. The General Fund will receive the other dollar. This will result in \$500,000 revenue to the General Fund.

SENATE 10
MAY 13, 1983

SENATE FILE 549 - FISCAL NOTE - PAGE 2

Summary:	<u>General Fund</u>	<u>Court Fund</u>	<u>20% to General Fund FY Fund</u>	<u>Judicial Retirement Fund</u>
Section II: Filing Fee Increase	\$ 450,000	911,000	180,000	
Advance Fees				
Section III: Increased Misdemeanor Fees	<u>500,000</u> \$ 950,000	<u>0</u> 911,000	<u>0</u> 180,000	<u>500,000</u> 500,000
Total Revenue	\$ 950,000 180,000 <u>\$1,130,000</u>			

(1724S, 83,495, KMM)

Source: Court Administrator

RECEIVED BY THE SECRETARY OF THE SENATE, MAY 10, 1983

FILED:
MAY 12, 1983

BY LEGISLATIVE FISCAL BUREAU
DENNIS C. PROUTY, DIRECTOR

SENATE FILE 549

S-3822

- 1 Amend Senate File 549 as follows:
- 2 1. Page 4, line 13, by striking the word "~~One-~~
- 3 ~~half~~ Three-eighths" and inserting in lieu thereof
- 4 the word "One-half".
- 5 2. Page 4, line 15, by striking the word "Two-
- 6 eighths" and inserting in lieu thereof the word "One-
- 7 fourth".
- 8 3. Page 4, line 17, by striking the word "Three-
- 9 eighths" and inserting in lieu thereof the word "One-
- 10 fourth".
- 11 4. Page 12, line 12, by striking the word "~~One-~~
- 12 ~~half~~ Three-eighths" and inserting in lieu thereof the
- 13 word "One-half".
- 14 5. Page 12, line 15, by striking the word "Two-
- 15 eighths" and inserting in lieu thereof the word "One-
- 16 fourth".
- 17 6. Page 12, line 18, by striking the word "Three-
- 18 eighths" and inserting in lieu thereof the word "One-
- 19 fourth".
- 20 7. Amend the title, by striking lines 5 through
- 21 7 and inserting in lieu thereof the words "increasing
- 22 the fee for filing and docketing a simple misdemeanor,
- 23 and by appropriating funds for designated".

S-3822 FILED

BY COMMITTEE ON FINANCE

MAY 6, 1983

NORMAN RODGERS, CHAIR

Adopted 5/9/83 (p. 1597)

SENATE FILE 549

S-3830

- 1 Amend Senate File 549 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "b. To employ additional staff within the state
- 5 and district court administrators' offices and to
- 6 undertake such studies of the judicial system of this
- 7 state necessary to provide for the implementation
- 8 of 1983 Iowa Acts, Senate File 495
- 9 \$ 214,000
- 10 c. For the payment of increased salaries of
- 11 alternate district associate judges as provided in
- 12 1983 Iowa Acts, Senate File 495 ... \$ 11,942
- 13 d. For the payment of expenses of the judges of
- 14 the court of appeals as provided in 1983 Iowa Acts,
- 15 Senate File 495 \$ 11,763
- 16 e. For the payment of jury and witness fees as
- 17 provided in 1983 Iowa Acts, Senate File 495
- 18 \$ 1,900,000".
- 19 2. By renumbering as necessary.

S-3830 FILED & ADOPTED

BY ARTHUR A. SMALL, JR.

MAY 9, 1983 *(p. 1597)*

SENATE FILE 549

S-3833

1 Amend S.F. 549 as follows:

2 1. Page 12, by inserting after line 20 the
3 following:

4 "Sec. _____. During the fiscal year beginning July
5 1, 1983, and ending June 30, 1984, the county board
6 of supervisors may transfer money from the court
7 expense fund to the county general fund in order to
8 replenish the revenue loss from the general fund due
9 to the operation of 1983 Iowa Acts, Senate File 495,
10 section 602.9108, subsection 2, paragraph a. The
11 amount transferred shall not exceed the amount remitted
12 to the treasurer of state pursuant to 1983 Iowa Acts,
13 Senate File 495, section 602.9108, subsection 2,
14 paragraph a."

15 2. Amend the title, line 7, by inserting after
16 the word "fund" the words ", by allowing the transfer
17 of certain county funds during the 1983-1984 fiscal
18 year to replenish revenue lost due to the court
19 reorganization,".

20 3. By renumbering as necessary.

S-3833 FILED
MAY 9, 1983

BY ARTHUR A. SMALL, JR.

DIVISION A - ADOPTED (p. 1597)
DIVISION B - WITHDRAWN (p. 1597)

SENATE FILE 549

S-3835

1 Amend Senate File 549 as follows:

2 1. Title, line 1, by inserting after the word "by"
3 the words "appropriating for certain court costs, by".

S-3835 FILED & ADOPTED
MAY 9, 1983 (p. 1597)

BY ARTHUR A. SMALL, JR.

SENATE FILE 549
FISCAL NOTE

REQUESTED BY SENATOR SMALL

In compliance with a written request received May 6, 1983, there is hereby submitted a Fiscal Note for Senate File 549 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

S. F. 549, as amended and passed by the Senate, increases certain filing fees, adds one member to the Court of Appeals, imposes an additional two-dollar fee for filing and docketing a simple misdemeanor. This bill also appropriates funds for legal assistance services, Dispute Resolution Centers, and for additional judicial salaries and support. This bill also appropriates approximately \$2.1 million to provide for the implementation of Senate File 495.

Section 1. This section appropriates \$285,000 for salaries and support of four additional District Court Judges and \$95,000 for the salary and support of one additional judge on the Court of Appeals. There is also \$120,000 appropriated for Legal Services Corporation of Iowa and the Legal Aid Society of Polk County, and \$100,000 appropriated to fund existing dispute resolution programs.

This section also appropriates \$214,000 to employ additional staff within the state and district court administrators' offices, \$11,942 for payment of increased salaries of alternate district associate judges, \$11,763 for the payment of expenses of the judges of the Court of Appeals and \$1,900,000 for the payment of jury and witness fees as provided in Senate File 495.

Section 2. The fee for filing a petition, appeal or writ or error is increased to \$35. Raising the fee from \$25 to \$35 would result in \$30 going to the General Fund, \$1 to the judicial retirement fund and \$4 to the county.

In 1982 approximately 45,000 petitions, appeals and writs of error were filed. Raising the fees would result in \$450,000 additional revenue to the General Fund.

This section also provides for payment in advance of \$25 for various services and docketing procedures for civil cases, excluding small claims. The average fee per case is \$21. The remaining \$4 will remain with the counties. If Senate File 495 is passed, the \$4 will be deposited in the court revenue distribution account. In 1982 there were 58,000 civil cases. The revenue will be \$232,000.

Payment in advance of \$10 for various services and docketing procedures in small claim actions is also provided for in this section. In 1982 67,967 small claims were filed. Under current law the \$679,700 generated by this fee will go to the counties. If Senate File 495 is passed, the \$679,000 will be deposited in the court revenue distribution account.

Section 3. The fee for the filing and docketing of a complaint or information for a simple misdemeanor is raised from \$6 to \$8. Of the additional \$2, the judicial retirement system will receive \$1. The General Fund will receive the other dollar. This will result in \$500,000 revenue to the General Fund.

FISCAL NOTE, SENATE FILE 549

Summary:

	<u>General Fund</u>	<u>Court Fund</u>	<u>20% to General Fund FY Fund</u>	<u>Judicial Retirement Fund</u>
Section II:				
Filing Fee Increase	\$ 450,000			
Advance Fees		911,000	180,000	
Section III:				
Increased Misdemeanor Fees	<u>500,000</u>	<u>0</u>	<u>0</u>	<u>500,000</u>
	\$ 950,000	911,000	180,000	500,000
Total Revenue	\$ 950,000			
	<u>180,000</u>			
	\$1,130,000			

(1724S, 83,495, KMM)

Source: Court Administrator

FILED MAY 10, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

Use Appropriations 5/9/83 Dr. Pass per 482 5/11

Finance 5/11 Dr. Pass 5/11/83

Senate File 549

Finance: Arnould, Chair; Jochum and Krewson.

SENATE FILE

549

BY COMMITTEE ON APPROPRIATIONS

(AS AMENDED AND PASSED BY THE SENATE MAY 9, 1983)

Be Passed Senate, Date 5-12-83 (p. 1704) Passed House, Date 5-12-83 (p. 2074)

Vote: Ayes 40 Nays 9 Vote: Ayes 75 Nays 23

Approved June 9, 1983

A BILL FOR

1 An Act relating to court structure and procedures by appro-
 2 priating for certain court costs, by increasing certain
 3 filing fees, by adding one member to the court of appeals,
 4 by allowing a division of the court of appeals to hear
 5 cases and petitions, by increasing the fee for filing and
 6 docketing a simple misdemeanor, and by appropriating funds
 7 for designated legal assistance services, for dispute
 8 resolution centers and for additional judicial salaries
 9 and support.

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

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 = New language by the Senate

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

6
7 1983-1984
Fiscal Year

8 1. COURTS

9 a. For salaries and support for four
10 additional district court judges author-
11 ized in 1983 Iowa Acts, Senate File 495 \$ 285,000

12 b. To employ additional staff within
13 the state and district court administra-
14 tors' offices and to undertake such studies
15 of the judicial system of this state neces-
16 sary to provide for the implementation of 1983
17 Iowa Acts, Senate File 495 \$ 214,000

18 c. For the payment of increased salaries
19 of alternate district associate judges as pro-
20 vided in 1983 Iowa Acts, Senate File 495 \$ 11,942

21 d. For the payment of expenses of the
22 judges of the court of appeals as provided
23 in 1983 Iowa Acts, Senate File 495 \$ 11,763

24 e. For the payment of jury and witness
25 fees as provided in 1983 Iowa Acts,
26 Senate File 495 \$ 1,900,000

27 f. For salary and support of one ad-
28 ditional judge on the court of appeals
29 authorized in sections 5 and 10 of this
30 Act \$ 95,000

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

34 2. COURT ADMINISTRATOR

35 a. For allocation to the legal ser-

1 vices corporation of Iowa and the legal
2 aid society of Polk county to be used to
3 provide legal aid services to the poor \$ 120,000

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

15 b. For the payment of grants to
16 existing dispute resolution programs
17 and not to exceed four thousand (4,000)
18 dollars for administrative expenses
19 of the court administrator \$ 100,000

20 Except for administrative expenses, the funds appropriated
21 under paragraph b shall be used for grants to continue or
22 improve dispute resolution programs funded pursuant to Acts
23 of the Sixty-ninth General Assembly, 1982 Session, chapter
24 1260, section 84. A program administrator awarded funding
25 for a dispute resolution program by the court administrator
26 of the judicial department for the fiscal year beginning July
27 1, 1982, may submit an application to the court administrator
28 for funding for the fiscal year beginning July 1, 1983, on
29 forms prescribed and furnished by the court administrator.
30 The court administrator with the advice of the judicial
31 coordinating committee established by the supreme court shall
32 allocate the funds to the dispute resolution programs that
33 provide nonjudicial resolution of disputes at the community
34 or county level. At least twenty-five percent of the amount
35 budgeted for the annual operation of an existing dispute

1 resolution program or that portion of a dispute resolution
2 program which is improved or expanded shall be obtained from
3 sources other than the grant provided under this paragraph
4 b.

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

7 a. For filing a petition, appeal, or writ of error and
8 docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars
9 of the fee shall remain in the county treasury for the use
10 of the county and ~~twenty-one~~ thirty-one dollars of the fee
11 shall be paid into the state treasury. One dollar shall be
12 deposited in the judicial retirement fund created in section
13 605A.4 to be used to pay retirement benefits of the judicial
14 retirement system. The remainder of the fee shall be deposited
15 in the general fund of the state. In counties having a
16 population of one hundred thousand or over, an additional
17 one dollar shall be charged and collected, to be known as
18 the journal publication fee and used for the purposes provided
19 for in section 618.13.

20 ~~b. For an attachment, two dollars.~~

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

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

24 ~~e. For an equity case, three dollars.~~

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

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

29 ~~h. For a continuance, one dollar.~~

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

32 ~~j. For taxing costs, one dollar.~~

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

35 l. b. For payment in advance of various services and

1 docketing procedures for civil cases, excluding small claims,
2 twenty-five dollars.

3 c. For payment in advance of various services and docket-
4 ing procedures in small claims actions, in addition to the
5 filing fee specified in section 631.6, ten dollars.

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

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

10 ~~r. For filing and docketing a transcript of judgment from~~
11 ~~another county, one dollar.~~

12 ~~s. For entering a rule or order, one dollar.~~

13 ~~t. For issuing a writ or order, not including subpoenas,~~
14 ~~two dollars.~~

15 ~~u. For issuing a commission to take depositions, two~~
16 ~~dollars.~~

17 ~~v. For entering a sheriff's sale of real estate, two~~
18 ~~dollars.~~

19 ~~w. For entering a judgment by confession, two dollars.~~

20 ~~x. For entering a satisfaction of a judgment, one dollar.~~

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

24 ~~z. For taking and approving a bond and sureties on the~~
25 ~~bond, two dollars.~~

26 Sec. 3. Section 602.55, subsections 1, 2, and 3, Code
27 1983, are amended to read as follows:

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

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

32 3. ~~One-sixth~~ One-fourth to the treasurer of state to be
33 credited to the judicial retirement fund created in section
34 605A.4.

35 Sec. 4. Section 602.63, unnumbered paragraph 1, Code 1983,

1 unnumbered paragraph 1, Code 1983, is amended to read as follows:

2 The clerk of the district court of the county in which
3 a judicial magistrate resides shall furnish the judicial
4 magistrate, district associate judge, or district judge acting
5 as judicial magistrate, a docket in which shall be entered
6 all proceedings except small claims. Such docket shall be
7 indexed and shall contain in each case the title and nature
8 of the action; place of hearing; appearances; and notations
9 of the documents filed with the judicial magistrate, of the
10 proceedings in the case and orders made, of the verdict and
11 judgment including costs, of any satisfaction of the judgment,
12 of whether the judgment was certified to the clerk of the
13 district court, of whether an appeal was taken, and of the
14 amount of the appeal bond. All costs in criminal cases shall
15 be assessed and distributed as in chapter 606, except that
16 the cost of filing and docketing of a complaint or information
17 for a nonindictable misdemeanor shall be ~~six~~ eight dollars
18 which shall be distributed pursuant to section 602.55. The
19 ~~six~~ eight dollar cost for filing and docketing a complaint
20 or information for a nonindictable misdemeanor shall not apply
21 in cases of overtime parking. If the judgment and costs are
22 not fully and immediately satisfied in criminal cases, the
23 judicial magistrate shall promptly certify a copy of the
24 judgment to the clerk of the district court indicating thereon
25 the portion unsatisfied; and the clerk shall index and file
26 the judgment, whereupon it shall be a judgment of the district
27 court without recording.

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

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

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

35 NEW SUBSECTION. The court of appeals may be divided into

1 divisions of three or more judges in a manner as it may pre-
2 scribe by rule. The divisions may hold open court separately
3 and cases may be submitted to each division separately in
4 accordance with rules the court may prescribe. The rules
5 shall provide for submitting a case or petition for rehearing
6 or hearing en banc at the direction of the chief judge or
7 at the request of a specified number of judges designated
8 in the rules. The court of appeals shall prescribe all rules
9 necessary to provide for the submission of cases to the whole
10 court or to a division.

11 Sec. 7. Section 805.6, subsection 1, paragraph a, Code
12 1983, is amended to read as follows:

13 a. The commissioner of public safety and the state
14 conservation director, acting jointly, shall adopt a uniform,
15 combined citation and complaint which shall be used for
16 charging all traffic violations in Iowa under state law or
17 local regulation or ordinance, and which shall be used for
18 charging all other violations which are designated by section
19 805.8 to be scheduled violations. This subsection ~~shall not~~
20 ~~be deemed to~~ does not prevent the charging of any of those
21 violations by information, by private complaint filed under
22 ~~the provisions of~~ chapter 804, or by a simple notice of fine
23 where permitted by section 321.236, subsection 1. Each uniform
24 citation and complaint shall be serially numbered and shall
25 be in quintuplicate, and the officer shall deliver the original
26 and a copy to the court where the defendant is to appear,
27 two copies to the defendant, and a copy to the law enforcement
28 agency of the officer. The court shall forward the copy of
29 the uniform citation and complaint in accordance with section
30 321.207 when applicable. The uniform citation and complaint
31 shall contain spaces for the ~~parties~~ parties' names; the
32 address of the alleged offender; the registration number of
33 the offender's vehicle; the information required by section
34 805.2; a promise to appear as provided in section 805.3 and
35 a place where the cited person may sign the promise to appear;

1 a list of the scheduled fines prescribed by section 805.8,
2 either separately or by group, and a statement that the court
3 costs in scheduled offense cases, whether or not a court
4 appearance is required or is demanded, ~~shall-be-six~~ are eight
5 dollars; a brief explanation of sections 805.9 and 805.10;
6 and a space where the defendant may sign an admission of the
7 violation when permitted by section 805.9; and the uniform
8 citation and complaint shall require that the defendant appear
9 before a court at a specified time and place. The uniform
10 citation and complaint also may contain a space for the imprint
11 of a credit card, and may contain any other information which
12 the commissioner of public safety and the state conservation
13 director may determine.

14 Sec. 8. Section 805.6, subsection 1, paragraph c, sub-
15 paragraphs (1) and (2), Code 1983, are amended to read as
16 follows:

17 (1) If the offense is one to which a scheduled fine is
18 applicable, an amount equal to one and one-half times the
19 scheduled fine plus ~~five~~ eight dollars costs, ~~or~~.

20 (2) If the violation charged involved or resulted in an
21 accident or injury to property and the total damages are less
22 than two hundred fifty dollars, the amount of fifty dollars
23 and ~~five~~ eight dollars costs.

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

27 Sec. 9. Section 805.9, Code 1983, is amended to read as
28 follows:

29 805.9 ADMISSION OF SCHEDULED VIOLATIONS.

30 1. In cases of scheduled violations, the defendant, before
31 the time specified in the citation and complaint for appearance
32 before the court, may sign the admission of violation on the
33 citation and complaint and deliver or mail the citation and
34 complaint, together with the minimum fine for the violation,
35 plus ~~five~~ eight dollars costs, to a scheduled violations

1 office in the county. The office shall, if the offense is
2 a moving violation under chapter 321, forward a copy of the
3 citation and complaint and admission to the department of
4 transportation as required by section 321.207. ~~Thereupon~~
5 In this case the defendant shall ~~is not be~~ required to appear
6 before the court. The admission ~~shall-constitute~~ constitutes
7 a conviction.

8 2. A defendant charged with a scheduled violation by
9 information may obtain two copies of the information from
10 the court and, before the time ~~he-or-she~~ the defendant is
11 required to appear before the court, deliver or mail ~~such~~
12 the copies, together with ~~his-or-her~~ the defendant's admission,
13 fine, and ~~five~~ eight dollars costs, to the scheduled violations
14 office in the county. The procedure, fine, and costs ~~shall~~
15 be ~~are~~ the same as when the charge is by citation and
16 complaint, with the admission and the number of the defendant's
17 operator's or chauffeur's license placed upon the information,
18 when the violation involves the use of a motor vehicle.

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

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

1 b. If the defendant does not comply with paragraph "a"
2 of this subsection, the officer may release the defendant
3 upon observing ~~him~~ the defendant mail to a court in the county
4 the citation and complaint and one and one-half times the
5 minimum fine together with ~~five~~ eight dollars costs, or in
6 lieu of one and one-half times the fine and the costs, a
7 guaranteed arrest bond certificate as provided in section
8 321.1, subsection 70, as bail together with the following
9 statement signed by the defendant:

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

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

21 4. Any A defendant who admits a scheduled violation may
22 ~~nevertheless~~ appear before court. The procedure, costs, and
23 fine, without suspension of the fine, after the hearing ~~shall~~
24 be are the same as in the traffic violations office.

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

34 6. The ~~five~~ eight dollars in costs imposed by this section
35 are the total costs collectible from ~~any~~ a defendant upon

1 either an admission of a violation without hearing, or upon
2 a hearing pursuant to subsection 4. Fees shall not be imposed
3 upon or collected from ~~any~~ a defendant for the purposes
4 specified in section 331.705, subsection 1, paragraph "i",
5 "j", or "t".

6 Sec. 10. 1983 Iowa Acts, Senate File 495, section 6102,
7 subsection 1, if Senate File 495 is enacted into law, is
8 amended to read as follows:

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

11 Sec. 11. 1983 Iowa Acts, Senate File 495, section 6102,
12 if Senate File 495 is enacted into law, is amended by adding
13 the the following new subsection:

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

25 Sec. 12. 1983 Iowa Acts, Senate File 495, section 9105,
26 subsection 1, paragraphs a through v, if Senate File 495
27 becomes law, are amended to read as follows:

28 a. For filing a petition, appeal, or writ of error and
29 docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars
30 of the fee shall be deposited in the court revenue distribution
31 account established under section 602.9108, and ~~twenty-one~~
32 thirty-one dollars of the fee shall be paid into the state
33 treasury. Of the amount paid to the state treasury, one
34 dollar shall be deposited in the judicial retirement fund
35 established in section 602.2104 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. In
3 counties having a population of one hundred thousand or over,
4 an additional five dollars shall be charged and collected,
5 to be known as the journal publication fee and used for the
6 purposes provided for in section 618.13.

7 br--For-an-attachment, two dollars.

8 er--For-a-cause-tried-by-jury, five dollars.

9 dr--For-a-cause-tried-by-the-court, two-dollars-and-fifty
10 cents.

11 er--For-an-equity-case, three-dollars.

12 fr--For-an-injunction-or-other-extraordinary-process-or
13 order, five-dollars.

14 gr--For-a-cause-continued-on-application-of-a-party-by
15 affidavit, two-dollars.

16 hr--For-a-continuance, one-dollar.

17 ir--For-entering-a-final-judgment-or-decree, one-dollar
18 and-fifty-cents.

19 jr--For-taxing-costs, one-dollar.

20 kr--For-issuing-an-execution-or-other-process-after-judgment
21 or-decree, two-dollars.

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

25 c. For payment in advance of various services and docket-
26 ing procedures in small claims actions, in addition to the
27 filing fee specified in section 631.6, ten dollars.

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

31 mr e. For a certificate and seal, two dollars.

32 nr--For-filing-and-docketing-a-transcript-of-judgment-from
33 another-county, one-dollar.

34 or--For-entering-a-rule-or-order, one-dollar.

35 pr--For-issuing-a-writ-or-order, not-including-subpoenas,

1 two-dollars.
 2 q.--For-issuing-a-commission-to-take-depositions, two
 3 dollars.
 4 r.--For-entering-a-sheriff's-sale-of-real-estate, two
 5 dollars.
 6 s.--For-entering-a-judgment-by-confession, two-dollars.
 7 t.--For-entering-a-satisfaction-of-a-judgment, one-dollar.
 8 u.--For-a-copy-of-records-or-papers-filed-in-the-clerk's
 9 office, transcripts, and-making-a-complete-record, fifty-cents
 10 for-each-one-hundred-words.
 11 v.--For-taking-and-approving-a-bond-and-sureties-on-the
 12 bond, two-dollars.

13 Sec. 13. 1983 Iowa Acts, Senate File 495, section 9106,
 14 subsection 1, if Senate File 495 becomes law, is amended to
 15 read as follows:

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

21 Sec. 14. 1983 Iowa Acts, Senate File 495, section 9106,
 22 subsection 4, if Senate File 495 becomes law, is amended to
 23 read as follows:

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

27 a. One-half shall be remitted monthly by the clerk to
 28 the treasurer of state to be credited to the general fund
 29 of the state.

30 b. ~~One-third~~ One-fourth shall be deposited in the court
 31 revenue distribution account established under section
 32 602.9108.

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

1 Sec. 15. During the fiscal year beginning July 1, 1983,
2 and ending June 30, 1984, the county board of supervisors
3 may transfer money from the court expense fund to the county
4 general fund in order to replenish the revenue loss from the
5 general fund due to the operation of 1983 Iowa Acts, Senate
6 File 495, section 602.9108, subsection 2, paragraph a. The
7 amount transferred shall not exceed the amount remitted to
8 the treasurer of state pursuant to 1983 Iowa Acts, Senate
9 File 495, section 602.9108, subsection 2, paragraph a.

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SENATE FILE 549

H-4217

1 Amend Senate File 549 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by striking lines 3 through 5 and
4 inserting in lieu thereof the following:

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

8 (1) For a cause tried by the court, two dollars
9 and fifty cents.

10 (2) For an equity case, three dollars.

11 (3) For an injunction or other extraordinary process
12 or order, five dollars.

13 (4) For a cause continued on application of a
14 party by affidavit, two dollars.

15 (5) For a continuance, one dollar.

16 (6) For entering a final judgment or decree, one
17 dollar and fifty cents.

18 (7) For taxing costs, one dollar.

19 (8) For issuing an execution or other process
20 after judgment or decree, two dollars.

21 (9) For filing and docketing a transcript of
22 judgment from another county, one dollar.

23 (10) For entering a rule or order, one dollar.

24 (11) For issuing a writ or order, not including
25 subpoenas, two dollars.

26 (12) For entering a judgment by confession, two
27 dollars.

28 (13) For entering a satisfaction of a judgment,
29 one dollar.

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

33 (15) For taking and approving a bond and sureties
34 on the bond, two dollars."

35 2. Page 11, by striking lines 25 through 27 and
36 inserting in lieu thereof the following:

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

40 (1) For a cause tried by the court, two dollars
41 and fifty cents.

42 (2) For an equity case, three dollars.

43 (3) For an injunction or other extraordinary
44 process or order, five dollars.

45 (4) For a cause continued on application of a
46 party by affidavit, two dollars.

47 (5) For a continuance, one dollar.

48 (6) For entering a final judgment or decree, one
49 dollar and fifty cents.

50 (7) For taxing costs, one dollar.

H-4217
Page Two

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

H-4217 FILED MAY 12, 1983
ADOPTED (p. 2074)

BY CHAPMAN of Linn
JAY of Appanoose

SENATE FILE 549

H-4182

- 1 Amend Senate File 549, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by striking the figure and
- 4 word "1. COURTS" and inserting in lieu thereof the
- 5 words "JUDICIAL DEPARTMENT".
- 6 2. Page 1, line 12, by striking the words "To
- 7 employ additional staff" and inserting in lieu thereof
- 8 the words "For salaries and support".
- 9 3. Page 1, line 14, by striking the words "to
- 10 undertake" and inserting in lieu thereof the words
- 11 "for conducting".
- 12 4. Page 1, by striking line 34.
- 13 5. Page 2, line 16, by striking the word
- 14 "existing".
- 15 6. Page 2, line 19, by striking the number
- 16 "100,000" and inserting in lieu thereof the number
- 17 "75,000".
- 18 7. Page 2, lines 21 and 22, by striking the words
- 19 "continue or improve".
- 20 8. By relettering as necessary.

H-4182 FILED MAY 11, 1983

BY COMMITTEE ON APPROPRIATIONS

Adopted 5/12/83 (p. 2072)

SENATE FILE 549

H-4203

- 1 Amend Senate File 549 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 1, line 35 through page 2,
- 4 line 15 and inserting in lieu thereof the following:
- "For the payment of grants to".

H-4203 FILED MAY 12, 1983

BY WELDEN of Hardin

LOST (p. 2072)

SENATE FILE 549

H-4208

- 1 Amend Senate File 549 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 10 the
- 4 following:
- 5 "Sec. ____ . Section 684.51, Code 1983, is amended
- 6 to read as follows:
- 7 684.51 LAW CLERKS. The court of appeals may
- 8 employ not more than ~~five~~ six attorneys or graduates
- 9 of a reputable law school as defined in section 610.2,
- 10 to act as legal assistants to the court. Salaries
- 11 shall be as prescribed by the court administrator."
- 12 2. Page 10, by inserting after line 24 the
- 13 following:
- 14 "Sec. ____ . 1983 Iowa Acts, Senate File 495, section
- 15 6203, if Senate File 495 becomes law, is amended to
- 16 read as follows:
- 17 Sec. 6203. NEW SECTION. 602.6203 LAW CLERKS.
- 18 The court of appeals may employ not more than ~~five~~
- 19 six attorneys or graduates of a reputable law school
- 20 to act as legal assistants to the court."
- 21 3. By renumbering as necessary.

H-4208 FILED MAY 12, 1983

BY CHAPMAN of Linn

ADOPTED (p. 2072)

S-3922

1 Amend Senate File 549, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 8, by striking the figure and
4 word "1. COURTS" and inserting in lieu thereof the
5 words "JUDICIAL DEPARTMENT".

6 2. Page 1, line 12, by striking the words "To
7 employ additional staff" and inserting in lieu thereof
8 the words "For salaries and support".

9 3. Page 1, line 14, by striking the words "to
10 undertake" and inserting in lieu thereof the words
11 "for conducting".

12 4. Page 1, by striking line 34.

13 5. Page 2, line 16, by striking the word
14 "existing".

15 6. Page 2, line 19, by striking the number
16 "100,000" and inserting in lieu thereof the number
17 "75,000".

18 7. Page 2, lines 21 and 22, by striking the words
19 "continue or improve".

20 8. Page 4, by striking lines 3 through 5 and
21 inserting in lieu thereof the following:

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

25 (1) For a cause tried by the court, two dollars
26 and fifty cents.

27 (2) For an equity case, three dollars.

28 (3) For an injunction or other extraordinary process
29 or order, five dollars.

30 (4) For a cause continued on application of a
31 party by affidavit, two dollars.

32 (5) For a continuance, one dollar.

33 (6) For entering a final judgment or decree, one
34 dollar and fifty cents.

35 (7) For taxing costs, one dollar.

36 (8) For issuing an execution or other process
37 after judgment or decree, two dollars.

38 (9) For filing and docketing a transcript of
39 judgment from another county, one dollar.

40 (10) For entering a rule or order, one dollar.

41 (11) For issuing a writ or order, not including
42 subpoenas, two dollars.

43 (12) For entering a judgment by confession, two
44 dollars.

45 (13) For entering a satisfaction of a judgment,
46 one dollar.

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

50 (15) For taking and approving a bond and sureties

1 on the bond, two dollars."

2 9. Page 6, by inserting after line 10 the
3 following:

4 "Sec. ____ . Section 684.51, Code 1983, is amended
5 to read as follows:

6 684.51 LAW CLERKS. The court of appeals may
7 employ not more than ~~five~~ six attorneys or graduates
8 of a reputable law school as defined in section 610.2,
9 to act as legal assistants to the court. Salaries
10 shall be as prescribed by the court administrator."

11 10. Page 10, by inserting after line 24 the
12 following:

13 "Sec. ____ . 1983 Iowa Acts, Senate File 495, section
14 6203, if Senate File 495 becomes law, is amended to
15 read as follows:

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

20 11. Page 11, by striking lines 25 through 27 and
21 inserting in lieu thereof the following:

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

25 (1) For a cause tried by the court, two dollars
26 and fifty cents.

27 (2) For an equity case, three dollars.

28 (3) For an injunction or other extraordinary
29 process or order, five dollars.

30 (4) For a cause continued on application of a
31 party by affidavit, two dollars.

32 (5) For a continuance, one dollar.

33 (6) For entering a final judgment or decree, one
34 dollar and fifty cents.

35 (7) For taxing costs, one dollar.

36 (8) For issuing an execution or other process
37 after judgment or decree, two dollars.

38 (9) For filing and docketing a transcript of
39 judgment from another county, one dollar.

40 (10) For entering a rule or order, one dollar.

41 (11) For issuing a writ or order, not including
42 subpoenas, two dollars.

43 (12) For entering a judgment by confession, two
44 dollars.

45 (13) For entering a satisfaction of a judgment,
46 one dollar.

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

50 (15) For taking and approving a bond and sureties

PAGE 3

1 on the bond, two dollars."

2 12. Renumbering as necessary.

SENATE FILE 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:

	1983-1984 <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. g. 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:

S.F. 549

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-taking-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, 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.

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 549, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved June 9, 1983

TERRY E. BRANSTAD
Governor