

Local Government: Black, Chair; Grandia and Poncy.

*Amend (3407) v. D. Pass 3/22*

JAN 30 1985

LOCAL GOVERNMENT

HOUSE FILE 150

BY WOODS

Passed House, Date 3-27-85 (p. 1119) Passed Senate, Date 4-17-85 (p. 1424)

Vote: Ayes 98 Nays 0 Vote: Ayes 31 Nays 10

Approved May 15, 1985

### A BILL FOR

- 1 An Act relating to fees collected by the sheriff.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 150

H-3407

- 1 Amend House File 150 as follows:
- 2 1. Page 1, line 5, by striking the word "fifteen"
- 3 and inserting the word "ten".
- 4 2. Page 1, line 6, by striking the word "fifteen"
- 5 and inserting the word "ten".
- 6 3. Page 1, line 7, by striking the word "eight"
- 7 and inserting the word "five".
- 8 4. Page 1, line 31, by striking the word "twenty"
- 9 and inserting the word "ten".
- 10 5. Page 1, line 35, by striking the words "the
- 11 time-necessarily-employed-in" and inserting the words
- 12 "the time necessarily employed in".
- 13 6. Page 2, line 1, by striking the word "three"
- 14 and inserting the words "three eight".
- 15 7. Page 2, by striking line 2 and inserting the
- 16 following: "dollars per hour."
- 17 8. Page 2, line 4, by striking the words "cents
- 18 one dollar" and inserting the words "fifty cents".

H-3407 FILED MARCH 22, 1985 BY COMMITTEE ON LOCAL GOVERNMENT  
*Adopted 3/27 (p. 1119)* HOUSE FILE 150

H-3456

- 1 Amend amendment H-3407 to House File 150 as follows:
- 2 1. Page 1, line 3, by striking the word "ten" and
- 3 inserting the word "twelve".
- 4 2. Page 1, line 5, by striking the word "ten" and
- 5 inserting the word "twelve".
- 6 3. Page 1, line 7, by striking the word "five" and
- 7 inserting the word "six".
- 8 4. Page 1, line 9, by striking the word "ten" and
- 9 inserting the word "twelve".

H-3456 FILED MARCH 26, 1985 BY SHERZAN of Polk  
*Lost 3/27 (p. 1119)*

HF 150

1 Section 1. Section 331.655, subsection 1, paragraphs a, b,  
2 c, e, f, g, h, i, k, l, and o, Code 1985, are amended to read  
3 as follows:

3407 4 a. For serving a notice and returning it, for the first  
5 person served, ~~six~~ fifteen dollars, and each additional  
6 person, ~~six~~ fifteen dollars except the fee for serving  
7 additional persons in the same household shall be ~~three~~ eight  
8 dollars for each additional service, or if the service of  
9 notice cannot be made or several attempts are necessary, the  
10 repayment of all necessary expenses actually incurred by the  
11 sheriff while attempting in good faith to serve the notice.

12 b. For each warrant served, ~~six~~ fifteen dollars, and the  
13 repayment of necessary expenses incurred in executing the  
14 warrant, as sworn to by the sheriff, or if service of the  
15 warrant cannot be made, the repayment of all necessary  
16 expenses actually incurred by the sheriff while attempting in  
17 good faith to serve the warrant.

18 c. For serving and returning a subpoena, for each person  
19 served, ~~six~~ fifteen dollars, and the necessary expenses  
20 incurred while serving subpoenas in criminal cases or relating  
21 to the mentally ill process.

22 e. For summoning a jury to assess the damages to the  
23 owners of lands taken for works of internal improvement, and  
24 attending them, ~~thirty~~ sixty dollars per day, and necessary  
25 expenses incurred. This subsection does not allow a sheriff  
26 to make separate charges for different assessments which can  
27 be made by the same jury and completed in one day of ten  
28 hours.

29 f. For serving an execution, attachment, order for the  
30 delivery of personal property, injunction, or any order of  
3407 31 court, and returning it, ~~five~~ twenty dollars.

32 g. For making and executing a certificate or deed for  
33 lands sold on execution, or a bill of sale for personal  
34 property sold, ~~five~~ twenty-five dollars.

3407 35 h. For ~~the-time-necessarily-employed-in~~ making an

1 inventory of personal property attached or levied upon, ~~three~~  
2 thirty dollars per ~~hour~~ inventory.

3 i. For a copy of any paper required by law, made by the  
4 sheriff, ~~twenty-five-cents~~ one dollar.

5 k. For ~~each-day~~ attending sale of property, ~~three~~ thirty  
6 dollars.

7 l. For conveying one or more persons to a state, county,  
8 or private institution by order of court or commission,  
9 necessary expenses for the sheriff and the person conveyed and  
10 ~~three~~ ten dollars per hour for the time necessarily employed  
11 in going to and from the institution, the expenses and hourly  
12 rate to be charged and accounted for as fees. If the sheriff  
13 needs assistance in taking a person to an institution, the  
14 assistance shall be furnished at the expense of the county.

15 o. For posting a notice or advertisement, ~~the-fee-provided~~  
16 ~~in-section-618-12~~ one dollar.

17 EXPLANATION

18 This bill increases fees which the sheriff charges for  
19 carrying out various duties. These duties include serving and  
20 returning notices, serving warrants and subpoenas, summoning a  
21 condemnation jury, serving an execution, attachment,  
22 injunction, or other court order, executing a certificate or  
23 deed for land, inventorying personal property, making a copy  
24 of a document, attending a sale of property, conveying persons  
25 to institutions, and posting a notice or advertisement.

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HOUSE FILE 150  
FISCAL NOTE

REQUESTED BY REPRESENTATIVE WOODS

In compliance with a written request received January 22, 1985, a fiscal note for HOUSE FILE 150 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 150 increases fees which the sheriff charges for carrying out various duties, including serving and returning notices, serving warrants, subpoenas, execution, attachment, injunction or other court order, conveying persons to institutions, posting a notice or advertisement.

There are not any statewide statistics pertaining to the number of times sheriffs serve papers or carry out the other activities described in the bill, and there are no statewide statistics on the fees currently being collected. The fiscal effect of this bill cannot be estimated.

Source: State Court Administrator  
FILED MARCH 28, 1985

(LSB 1303H, JMN)

BY DENNIS PROUTY, FISCAL DIRECTOR

Sen. Local Govt 4/1/85 Do Pass 4/9 (p. 1273)

HOUSE FILE 150

BY WOODS

(As Amended and Passed by the House March 27, 1985)

Passed House, Date 3-27-85 (p. 1119) Passed Senate, Date 4-17-85 (p. 1424)  
Vote: Ayes 98 Nays 0 Vote: Ayes 36 Nays 10  
Approved May 15, 1985

### A BILL FOR

1 An Act relating to fees collected by the sheriff.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Section 331.655, subsection 1, paragraphs a, b,  
2 c, e, f, g, h, i, k, l, and o, Code 1985, are amended to read  
3 as follows:

4 a. For serving a notice and returning it, for the first  
5 person served, ~~six~~ ten dollars, and each additional person,  
6 ~~six~~ ten dollars except the fee for serving additional persons  
7 in the same household shall be ~~three~~ five dollars for each  
8 additional service, or if the service of notice cannot be made  
9 or several attempts are necessary, the repayment of all  
10 necessary expenses actually incurred by the sheriff while  
11 attempting in good faith to serve the notice.

12 b. For each warrant served, ~~six~~ fifteen dollars, and the  
13 repayment of necessary expenses incurred in executing the  
14 warrant, as sworn to by the sheriff, or if service of the  
15 warrant cannot be made, the repayment of all necessary  
16 expenses actually incurred by the sheriff while attempting in  
17 good faith to serve the warrant.

18 c. For serving and returning a subpoena, for each person  
19 served, ~~six~~ fifteen dollars, and the necessary expenses  
20 incurred while serving subpoenas in criminal cases or relating  
21 to the mentally ill process.

22 e. For summoning a jury to assess the damages to the  
23 owners of lands taken for works of internal improvement, and  
24 attending them, ~~thirty~~ sixty dollars per day, and necessary  
25 expenses incurred. This subsection does not allow a sheriff  
26 to make separate charges for different assessments which can  
27 be made by the same jury and completed in one day of ten  
28 hours.

29 f. For serving an execution, attachment, order for the  
30 delivery of personal property, injunction, or any order of  
31 court, and returning it, ~~five~~ ten dollars.

32 g. For making and executing a certificate or deed for  
33 lands sold on execution, or a bill of sale for personal  
34 property sold, ~~five~~ twenty-five dollars.

35 h. For the time necessarily employed in making an

1 inventory of personal property attached or levied upon, three  
2 eight dollars per hour.

3 i. For a copy of any paper required by law, made by the  
4 sheriff, twenty-five fifty cents.

5 k. For each-day attending sale of property, three thirty  
6 dollars.

7 l. For conveying one or more persons to a state, county,  
8 or private institution by order of court or commission,  
9 necessary expenses for the sheriff and the person conveyed and  
10 three ten dollars per hour for the time necessarily employed  
11 in going to and from the institution, the expenses and hourly  
12 rate to be charged and accounted for as fees. If the sheriff  
13 needs assistance in taking a person to an institution, the  
14 assistance shall be furnished at the expense of the county.

15 o. For posting a notice or advertisement, the-fee-provided  
16 in-section-618-12 one dollar.

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HOUSE FILE 150

AN ACT  
RELATING TO FEES COLLECTED BY THE SHERIFF.

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

Section 1. Section 331.655, subsection 1, paragraphs a, b, c, e, f, g, h, i, k, l, and o, Code 1985, are amended to read as follows:

a. For serving a notice and returning it, for the first person served, six ten dollars, and each additional person, six ten dollars except the fee for serving additional persons in the same household shall be three five dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

b. For each warrant served, six fifteen dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary

expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, six fifteen dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or relating to the mentally ill process.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, and attending them, thirty sixty dollars per day, and necessary expenses incurred. This subsection does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, five ten dollars.

g. For making and executing a certificate or deed for lands sold on execution, or a bill of sale for personal property sold, five twenty-five dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, three eight dollars per hour.

i. For a copy of any paper required by law, made by the sheriff, twenty-five fifty cents.

k. For each-day attending sale of property, three thirty dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and three ten dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

o. For posting a notice or advertisement, the-fee-provided  
in-section-618-12 one dollar.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 150, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 15, 1985

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TERRY E. BRANSTAD  
Governor