

Original also

MAR 8 1988

Place On Calendar

HOUSE FILE 2428

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly House Study Bill 717)

Passed House, Date 3/14/88 (p.1414) Passed Senate, Date 4/11/88 (p.1414)
Vote: Ayes 65 Nays 32 Vote: Ayes 40 Nays 7
Approved May 15, 1988

A BILL FOR

1 An Act increasing and establishing certain court filing fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2428

1 Section 1. Section 602.8105, subsection 1, paragraph a,
2 Code Supplement 1987, is amended to read as follows:

3 a. (1) For filing and docketing a petition other than for
4 modification of a dissolution decree filed within one hundred
5 eighty days of the date of the entering of the dissolution
6 decree, or an appeal or writ of error, ~~thirty-five~~ forty-five
7 dollars. Four dollars of the fee shall be deposited in the
8 court revenue distribution account established under section
9 602.8108, and ~~thirty-one~~ forty-one dollars of the fee shall be
10 paid into the state treasury. Of the amount paid to the state
11 treasury, one dollar shall be deposited in the judicial
12 retirement fund established in section 602.9104 to be used to
13 pay retirement benefits of the judicial retirement system, and
14 the remainder shall be deposited in the general fund of the
15 state. In counties having a population of one hundred
16 thousand or over, an additional five dollars shall be charged
17 and collected, to be known as the journal publication fee and
18 used for the purposes provided for in section 618.13.

19 (2) For filing an answer, excluding answers for a small
20 claims action, a small claims action on appeal, a simple
21 misdemeanor action, and a simple misdemeanor action on appeal,
22 twenty-five dollars.

23 EXPLANATION

24 This bill increases the filing fee from \$35 to \$45 for a
25 petition, appeal, or writ of error, other than for certain
26 petitions for modification of a dissolution decree. A \$25 fee
27 is established for the filing of an answer, except for answers
28 in small claims and simple misdemeanor actions and appeals of
29 those actions. The increased revenue from the fees are
30 deposited in the state general fund.

31 SUCCESSOR TO HSB 717 (LSB 4652XG)

32 COMPANION TO LSB 4651XG

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FILED APR 04 1988

STATE OF IOWA

FISCAL NOTE

LSB No. 4652h.4
Staff ID. BAL

SENATE AMENDMENT 5635 TO HOUSE FILE 2428

In compliance with a written request received March 31, 1988, a fiscal note for **SENATE AMENDMENT 5635 TO HOUSE FILE 2428** 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.

House File 2428 raises certain court fees and waives cities' court costs associated with dismissing parking tickets which are more than 14 months old. Total revenue generated is approximately \$1.3 million.

Senate amendment 5635 strikes the provision which waives the cities' court costs. The Senate amendment reduces the present court costs of \$8 to \$5 in cases of parking violations which are more than one year old and are dismissed by the city prior to January 1, 1989.

Assumption

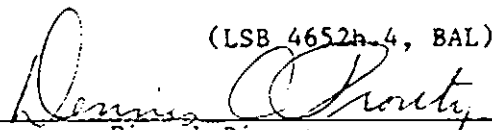
1. Eight hundred cases per month will be dismissed by the cities between July 1, 1988 and January 1, 1989.

Fiscal Impact

Given the above assumption, the State would receive \$24,000 (4,800 cases x \$5) as opposed to \$38,400 under current law (4,800 cases x \$8). The net loss to the State is estimated to be \$14,400.

Source: Judicial Department

(LSB 4652h.4, BAL)



Fiscal Director

Legislative Fiscal Bureau

Date:

4/4/88

HOUSE FILE 2428

FISCAL NOTE

REQUESTED BY REPRESENTATIVE JAY

In compliance with a written request received March 8, 1988, a fiscal note for HOUSE FILE 2428 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.

House File 2428 increases the filing fee from \$35 to \$45 for a petition, appeal, and writ of error, other than for certain petitions for modification of a dissolution decree. A \$25 fee is established for the filing of an answer, except for answers in small claims and simple misdemeanor actions and appeal of those actions.

Fiscal Effect

This proposed legislation will generate approximately \$1,600,000 in new revenue. The \$10 increase in the filing fee will generate approximately \$410,000 to \$510,000. The \$25 answer fee will generate approximately \$1,070,000 to \$1,187,500.

Sources: Judicial Department
Department of Management

(LSB 4652H, BAL)

FILED MARCH 8, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2428

H-5524

1 Amend House File 2428 as follows:

2 1. Page 1, by inserting after line 22, the
3 following:

4 "Sec. 2. Section 805.6, subsection 1, paragraph a,
5 Code 1987, is amended to read as follows:

6 1. a. The director of public safety and the
7 director of natural resources, acting jointly, shall
8 adopt a uniform, combined citation and complaint which
9 shall be used for charging all traffic violations in
10 Iowa under state law or local regulation or ordinance,
11 and which shall be used for charging all other
12 violations which are designated by section 805.8 to be
13 scheduled violations. The court costs in cases of
14 parking violations which are denied, and charged and
15 collected pursuant to section 321.236, subsection 1,
16 are eight dollars per court appearance, regardless of
17 the number of parking violations considered at that
18 court appearance. However, court costs in cases of
19 parking violations which are dismissed by a city more
20 than fourteen months after the violation shall be
21 waived. The court costs in scheduled violation cases
22 where a court appearance is not required are ten
23 dollars. The court costs in scheduled violation cases
24 where a court appearance is required are fifteen
25 dollars. This subsection does not prevent the
26 charging of any of those violations by information, by
27 private complaint filed under chapter 804, or by a
28 simple notice of fine where permitted by section
29 321.236, subsection 1. Each uniform citation and
30 complaint shall be serially numbered and shall be in
31 quintuplicate, and the officer shall deliver the
32 original and a copy to the court where the defendant
33 is to appear, two copies to the defendant, and a copy
34 to the law enforcement agency of the officer. The
35 court shall forward the copy of the uniform citation
36 and complaint in accordance with section 321.207 when
37 applicable."

H-5524 FILED MARCH 11, 1988 BY JAY of Appanoose

(Adopted 3/11/88)

HOUSE FILE 2428

H-5507

1 Amend House File 2428 as follows:

2 1. Page 1, by striking lines 19 through 22 and
3 inserting the following:

4 "Sec. ____ . Section 631.6, subsection 1, Code 1987,
5 is amended to read as follows:

6 1. The docket fee for a small claims action is
7 eleven fifteen dollars. Five dollars of the docket
8 fee shall be deposited in the court revenue
9 distribution account established under section
10 602.8108 and six ten dollars of the fee shall be paid
11 into the state treasury. Of the amount paid into the
12 state treasury, one dollar shall be deposited in the
13 judicial retirement fund established in section
14 602.9104 to be used to pay retirement benefits of the
15 judicial retirement system, and the remainder shall be
16 deposited in the general fund of the state.

17 Sec. ____ . Section 633.31, subsection 2, paragraphs
18 d, e, and f, Code 1987, are amended to read as
19 follows:

- 20 d. For taking and approving a bond,
- 21 or the sureties on a bond 2-00 20.00
- 22 e. For entering a rule or order 1-00 10.00
- 23 f. For certificate and seal 2-00 20.00
- 24 2. Renumber as necessary.

H-5507 FILED MARCH 10, 1988

BY CHAPMAN of Linn

Adopted 3/10/88

STATE OF IOWA

FILED MAR 29 1988

FISCAL NOTE

LSB No. 4652h.3
Staff ID. BAL

HOUSE FILE 2428 AS AMENDED BY THE HOUSE

In compliance with a written request received March 8, 1988, a fiscal note for HOUSE FILE 2428 AS AMENDED BY THE HOUSE 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.

House File 2428, as amended and passed by the House, increases the filing fee from \$35 to \$45 for a petition, appeal, and writ of error, other than for certain petitions for modification of a dissolution decree. The proposed legislation increases the small claims docket fee from \$11 to \$15 and increases the following probate fees:

1. For taking and approving a bond, or the sureties on a bond - from \$2 to \$20.
2. For entering a rule or order - from \$1 to \$10.
3. For certificate and seal - from \$2 to \$20.

House File 2428 as amended and passed by the House also waives certain court costs for cities. Court costs for parking violations which are dismissed by a city more than 14 months after the violation are allowed to be waived.

Assumptions

1. The number of civil filings in FY 1989 will be similar to the number of filings in calendar year 1987.
2. The number of small claims actions in FY 1989 will be similar to the number of cases in calendar year 1986.
3. The number of estates filed in FY 1989 will be similar to the number of estates filed in calendar year 1986.
4. All three probate fee increases will occur with each estate which is filed.
5. Cities will dismiss all parking violations which are more than 14 months old.

Fiscal Effect

This proposed legislation will generate approximately \$1,308,860 in new revenue in FY 1989. Below is a summary table listing the revenue generated by each court fee.

Type of Court Fee	Proposed Increase	Estimated Revenue
41,000 Petitions	\$10	\$ 460,000*
68,465 Small Claims	4	273,860
19,000 Bonds	18	342,000
19,000 Orders	9	171,000
19,000 Certificates and Seals	18	342,000
Potential Court Costs to be Waived		(280,000)**
Total		\$1,308,860

STATE OF IOWA
FISCAL NOTE

LSB No. 4652h.3
Staff ID. BAL

HOUSE FILE 242E AS AMENDED BY THE HOUSE

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*\$460,000 is the midpoint of the range in estimates provided by the Judicial Department and the Department of Management.

**The provision which allows cities to dismiss parking violations which are more than 14 months old without payment of court costs will have a negative impact on the General Fund. Currently, cities must pay \$8 court costs for each dismissal. It is difficult to estimate the total costs of this provision as it is unknown how many cities in the State have a backlog of parking tickets. The Judicial Department estimates that there is \$280,000 in court costs which potentially may be waived.

Sources: Judicial Department
Department of Management

(LSB 4652h.3, BAL)

Dennis Prouty
Fiscal Director
Legislative Fiscal Bureau
Date: 3/29/88

In. Judiciary 3/15 To Pass 3/30 (p. 985)
House Men To Pass 3/30 (p. 1197)

HOUSE FILE 2428
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House March 14, 1988)

Passed House, Date 3/14/88 (p. 988) Passed Senate, Date 4/11/88 (p. 1214)
Vote: Ayes 65 Nays 32 Vote: Ayes 40 Nays 7
Approved May 15, 1988

A BILL FOR

1 An Act increasing and establishing certain court filing fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 602.8105, subsection 1, paragraph a,
2 Code Supplement 1987, is amended to read as follows:

3 a. (1) For filing and docketing a petition other than for
4 modification of a dissolution decree filed within one hundred
5 eighty days of the date of the entering of the dissolution
6 decree, or an appeal or writ of error, ~~thirty-five~~ forty-five
7 dollars. Four dollars of the fee shall be deposited in the
8 court revenue distribution account established under section
9 602.8108, and ~~thirty-one~~ forty-one dollars of the fee shall be
10 paid into the state treasury. Of the amount paid to the state
11 treasury, one dollar shall be deposited in the judicial
12 retirement fund established in section 602.9104 to be used to
13 pay retirement benefits of the judicial retirement system, and
14 the remainder shall be deposited in the general fund of the
15 state. In counties having a population of one hundred
16 thousand or over, an additional five dollars shall be charged
17 and collected, to be known as the journal publication fee and
18 used for the purposes provided for in section 618.13.

19 Sec. 2. Section 631.6, subsection 1, Code 1987, is amended
20 to read as follows:

21 1. The docket fee for a small claims action is ~~eleven~~
22 ~~fifteen~~ dollars. Five dollars of the docket fee shall be
23 deposited in the court revenue distribution account
24 established under section 602.8108 and ~~six ten~~ dollars of the
25 fee shall be paid into the state treasury. Of the amount paid
26 into the state treasury, one dollar shall be deposited in the
27 judicial retirement fund established in section 602.9104 to be
28 used to pay retirement benefits of the judicial retirement
29 system, and the remainder shall be deposited in the general
30 fund of the state.

31 Sec. 3. Section 633.31, subsection 2, paragraphs d, e, and
32 f, Code 1987, are amended to read as follows:

- 33 d. For taking and approving a bond,
- 34 or the sureties on a bond 2-00 20.00
- 35 e. For entering a rule or order 1-00 10.00

1 f. For certificate and seal 2-00 20.00

2 Sec. 4. Section 805.6, subsection 1, paragraph a,
3 Code 1987, is amended to read as follows:

4 1. a. The director of public safety and the director of
5 natural resources, acting jointly, shall adopt a uniform,
6 combined citation and complaint which shall be used for
7 charging all traffic violations in Iowa under state law or
8 local regulation or ordinance, and which shall be used for
9 charging all other violations which are designated by section
10 805.8 to be scheduled violations. The court costs in cases of
11 parking violations which are denied, and charged and collected
12 pursuant to section 321.236, subsection 1, are eight dollars
13 per court appearance, regardless of the number of parking
14 violations considered at that court appearance. However,
15 court costs in cases of parking violations which are dismissed
16 by a city more than fourteen months after the violation shall
17 be waived. The court costs in scheduled violation cases where
18 a court appearance is not required are ten dollars. The court
19 costs in scheduled violation cases where a court appearance is
20 required are fifteen dollars. This subsection does not
21 prevent the charging of any of those violations by
22 information, by private complaint filed under chapter 804, or
23 by a simple notice of fine where permitted by section 321.236,
24 subsection 1. Each uniform citation and complaint shall be
25 serially numbered and shall be in quintuplicate, and the
26 officer shall deliver the original and a copy to the court
27 where the defendant is to appear, two copies to the defendant,
28 and a copy to the law enforcement agency of the officer. The
29 court shall forward the copy of the uniform citation and
30 complaint in accordance with section 321.207 when applicable.

31 SUCCESSOR TO HSB 717 (LSB 4652XG)

32 COMPANION TO LSB 4651XG

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HOUSE FILE 2428
AS AMENDED BY H-5507
FISCAL NOTE

REQUESTED BY REPRESENTATIVE CHAPMAN

In compliance with a written request received March 11, 1988, a fiscal note for HOUSE FILE 2428 AS AMENDED BY H - 5507 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.

House File 2428 increases the filing fee from \$35 to \$45 for a petition, appeal, and writ of error, other than for certain petitions for modification of a dissolution decree. A \$25 fee is established for the filing of an answer, except for answers in small claims and simple misdemeanor actions and appeal of those actions.

House Amendment 5507 strikes the answer fee. The answer fee is estimated to generate between \$1,070,000 and \$1,187,500 in new revenue. Amendment 5507 increases the small claims docket fee from \$11 to \$15 and increases the following probate fees:

1. For taking and approving a bond, or the sureties on a bond - from \$2 to \$20.
2. For entering a rule or order - from \$1 to \$10.
3. For certificate and seal - from \$2 to \$20.

Assumptions

1. The number of small claims actions in FY 1989 will be similar to the number of cases in calendar year 1986.
2. The number of estates filed in FY 1989 will be similar to the number of cases in calendar year 1986.
3. All three probate fee increases will occur with each estate which is filed.

Fiscal Effect

The proposed amendment will generate approximately \$1,128,860 in new revenue. The \$4 increase in the small claims docket fee will generate approximately \$273,860 (\$4 x 68,465 cases). The \$18 increase for taking and approving a bond in probate will generate approximately \$342,000 (\$18 x 19,000 estates). The \$9 increase for entering a rule or order in probate will generate approximately \$171,000 (\$9 x 19,000 estates). The \$18 increase for a certificate and seal in probate will generate approximately \$342,000 (\$18 x 19,000 estates).

Source: Judicial Department

(LSB 4652H.2, BAL)

FILED MARCH 14, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

STATE OF IOWA

FILED APR 19 1988 FISCAL NOTE

LSB No. 4652h 5
Staff ID. 8AL

HOUSE FILE 2428 AS AMENDED BY THE SENATE

A fiscal note for HOUSE FILE 2428 AS AMENDED BY THE SENATE 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.

House File 2428, as amended and passed by the Senate, increases the filing fee from \$35 to \$45 for a petition, appeal, and writ of error, other than for certain petitions for modification of a dissolution decree. The proposed legislation increases the small claims docket fee from \$11 to \$15 and increases the following probate fees:

1. For taking and approving a bond, or the sureties on a bond - from \$2 to \$20.
2. For entering a rule or order - from \$1 to \$10.
3. For certificate and seal - from \$2 to \$20.

House File 2428, as amended and passed by the Senate, also reduces the present court costs of \$8 to \$5 in cases of parking violations which are more than one year old and are dismissed by the city prior to January 1, 1989.

Assumptions

1. The number of civil filings in FY 1989 will be similar to the number of filings in calendar year 1987.
2. The number of small claims actions in FY 1989 will be similar to the number of actions in calendar year 1986.
3. The number of estates filed in FY 1989 will be similar to the number of estates filed in calendar year 1986.
4. All three probate fee increases will occur with each estate which is filed.
5. Eight hundred parking violations will be dismissed each month by the cities between July 1, 1988 and January 1, 1989.

Fiscal Effect

This proposed legislation will generate approximately \$1.57 million in new revenue in FY 1989. Below is a summary table listing the revenue generated by each source.

Type of Court Fee	Proposed Increase (Decrease)	Estimated Revenue
41,000 Petitions	\$10	\$ 460,000
63,465 Small Claims	4	273,660
19,000 Bonds	13	342,000
19,000 Orders	9	171,000
19,000 Certificates and Seals	13	342,000
4,800 Parking Tickets	(3)	(14,400)
Total		\$1,574,460

Sources: Judicial Department

ENATE 48
APRIL 13, 1988

STATE OF IOWA

FISCAL NOTE

LSB No. 4652h5
Staff ID. BAL

HOUSE FILE 2428 AS AMENDED BY THE SENATE

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Department of Management

(LSB 4652h.5, BAL)

Dennis C. Krouty
Fiscal Director
Legislative Fiscal Bureau
Date: 4/12/88

HOUSE FILE 2428

S-5635

1 Amend House File 2428, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, by striking lines 2 through 30 and
4 inserting the following:
5 "Sec. 4. Notwithstanding section 805.6, subsection
6 1, paragraph "a", court costs in cases of parking
7 violations which are more than one year old and which
8 are dismissed by the city prior to January 1, 1989,
9 shall be five dollars."

S-5635

Filed March 29, 1988

Adopted 4/11 (9 1414)

BY DONALD V. DOYLE
TOM MANN, Jr.

SENATE AMENDMENT TO HOUSE FILE 2428

H-6369

1 Amend House File 2428, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, by striking lines 2 through 30 and
4 inserting the following:
5 "Sec. 4. Notwithstanding section 805.6, subsection
6 1, paragraph "a", court costs in cases of parking
7 violations which are more than one year old and which
8 are dismissed by the city prior to January 1, 1989,
9 shall be five dollars."

RECEIVED FROM THE SENATE

H-6369 FILED APRIL 11, 1988

USB 717

House Study Bill 717

Judiciary & Law Enforcement

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson
of Carroll and Siegrist.

HOUSE FILE 2428
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act increasing and establishing certain court filing fees.

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

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1 Section 1. Section 602.8105, subsection 1, paragraph a,
2 Code Supplement 1987, is amended to read as follows:

3 a. (1) For filing and docketing a petition other than for
4 modification of a dissolution decree filed within one hundred
5 eighty days of the date of the entering of the dissolution
6 decree, or an appeal or writ of error, ~~thirty-five~~ forty-five
7 dollars. Four dollars of the fee shall be deposited in the
8 court revenue distribution account established under section
9 602.8108, and ~~thirty-one~~ forty-one dollars of the fee shall be
10 paid into the state treasury. Of the amount paid to the state
11 treasury, one dollar shall be deposited in the judicial
12 retirement fund established in section 602.9104 to be used to
13 pay retirement benefits of the judicial retirement system, and
14 the remainder shall be deposited in the general fund of the
15 state. In counties having a population of one hundred
16 thousand or over, an additional five dollars shall be charged
17 and collected, to be known as the journal publication fee and
18 used for the purposes provided for in section 618.13.

19 (2) For filing an answer, excluding answers for a small
20 claims action, a small claims action on appeal, a simple
21 misdemeanor action, and a simple misdemeanor action on appeal,
22 twenty-five dollars.

23 EXPLANATION

24 This bill increases the filing fee from \$35 to \$45 for a
25 petition, appeal, or writ of error, other than for certain
26 petitions for modification of a dissolution decree. A \$25 fee
27 is established for the filing of an answer, except for answers
28 in small claims and simple misdemeanor actions and appeals of
29 those actions. The increased revenue from the fees are
30 deposited in the state general fund.

31 COMPANION LSB 4651XG

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HOUSE FILE 2428

AN ACT

INCREASING AND ESTABLISHING CERTAIN COURT FILING FEES.

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

Section 1. Section 602.8105, subsection 1, paragraph a, Code Supplement 1987, is amended to read as follows:

a. (1) For filing and docketing a petition other than for modification of a dissolution decree filed within one hundred eighty days of the date of the entering of the dissolution decree, or an appeal or writ of error, ~~thirty-five~~ forty-five dollars. Four dollars of the fee shall be deposited in the court revenue distribution account established under section 602.8108, and ~~thirty-one~~ forty-one dollars of the fee shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional five dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Sec. 2. Section 631.6, subsection 1, Code 1987, is amended to read as follows:

1. The docket fee for a small claims action is ~~eleven~~ fifteen dollars. Five dollars of the docket fee shall be deposited in the court revenue distribution account established under section 602.8108 and ~~six~~ ten dollars of the fee shall be paid into the state treasury. Of the amount paid into the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.9104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state.

Sec. 3. Section 633.31, subsection 2, paragraphs d, e, and f, Code 1987, are amended to read as follows:

- d. For taking and approving a bond.
- or the sureties on a bond 2-00 20.00
- e. For entering a rule or order 1-00 10.00
- f. For certificate and seal 2-00 20.00

Sec. 4. Notwithstanding section 805.6, subsection 1, paragraph "a", court costs in cases of parking violations which are more than one year old and which are dismissed by the city prior to January 1, 1989, shall be five dollars.

DONALD D. AVERSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2428, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 15, 1988

TERRY E. BRANSTAD
Governor

HF 2428